

April 9, 2020

VIA E-MAIL ONLY

CONTRACTOR/SUB-CONTRACTOR/EMPLOYEE NAME

BUSINESS/PERSONAL ADDRESS

E-MAIL ADDRESS

RE: EXEMPTION FROM EXECUTIVE ORDER NO. 122 (“EO 122”)

Dear CONTRACTOR/SUB-CONTRACTOR/EMPLOYEE NAME:

• The purpose of this letter is to advise you that as a member of the construction industry working on one or more “*essential construction projects*,” you are exempt from Governor Murphy’s Executive Order No. 122, which requires all non-essential construction projects to cease physical operations as of 8:00 PM, April 10, 2020.

• Please review the list on the following page that identifies the “*essential construction project*” exemption(s) set forth in EO 122 that apply to your site or project.

• As a member of the construction industry working on one or more “*essential construction projects*,” you are also exempt from Governor Murphy’s Executive Order No. 107 (March 20, 2020), which generally directs most New Jersey residents to stay at home and closes all non-essential retail businesses until further notice.

• You may show this letter to law enforcement if you are stopped commuting to or from a project site and questioned for not remaining at home as otherwise required by Executive Order Nos. 122 & 107.

Please be advised that Executive Order No. 122 orders all non-essential construction projects to cease physical operations by 8:00 PM on April 10, 2020. (EO 122, ¶ 2). However, EO 122 does not apply to certain projects that are defined as “*essential construction projects*.” Because you are working on one or more “*essential construction projects*,” you are permitted to continue physical operations on-site. The order defines fourteen (14) types of “*essential construction projects*,” including projects necessary for the delivery of healthcare services, transportation projects, and utility projects, among others. (See EO 122, ¶ 2a-n).

As a member of the construction industry working on an “*essential construction project*,” please be advised you are also exempt from the “stay at home” directive of Executive Order No. 107. You may continue to leave your home to work in-person or on-site as needed.

For questions or additional information on COVID-19/Novel Coronavirus, please visit the State of New Jersey business portal at <https://covid19.nj.gov/>.

Sincerely,

EMPLOYER NAME

**EXECUTIVE ORDER NO. 122**  
**ESSENTIAL CONSTRUCTION PROJECT EXEMPTION FORM**

NAME: \_\_\_\_\_

PROJECT/SITE: \_\_\_\_\_

WORK DATES: \_\_\_\_\_

*Place a  or X next to the applicable exemption.*

- Project necessary for the delivery of health care services, including but not limited to hospitals, other health care facilities, and pharmaceutical manufacturing facilities.*
- Transportation projects, including roads, bridges, and mass transit facilities or physical infrastructure, including work done at airports or seaports.*
- Utility projects, including those necessary for energy and electricity production and transmission, and any decommissioning of facilities used for electricity generation.*
- Residential projects that are exclusively designated as affordable housing.*
- Projects involving pre-K to 12 schools, including but not limited to projects in School Development Authority districts, and projects involving higher education facilities.*
- Projects already underway involving individual single-family homes or an individual apartment unit where an individual already resides with a construction crew of 5 or fewer individuals, this includes additions to single-family homes such as solar panels.*
- Projects already underway involving a residential unit for which a tenant or buyer has already entered into a legally binding agreement to occupy the unit by a certain date, and construction is necessary to ensure the unit's availability by that date.*
- Projects involving facilities at which any one or more of the following takes place: the manufacture, distribution, storage, or servicing of goods or products that are sold by online retail businesses or essential retail businesses as defined by Executive Order No. 107 and subsequent Administrative Orders adopted pursuant to the order.*
- Projects involving data centers or facilities that are critical to a business's ability to function.*
- Projects necessary for the delivery of essential social services including homeless shelters.*
- Any project necessary to support law enforcement agencies or first responder units in their response to the COVID-19 emergency.*
- Any project that is order or contracted for by Federal, State, county, or municipal government, or any project that must be completed to meet a deadline established by the federal government.*
- Any work on a non-essential construction project that is required to physically secure the site of the project, ensure the structural integrity of any buildings on the site, abate any hazards that would exist on the site if the construction were to remain in its current condition, remediate a site, or otherwise ensure that the site and any buildings therein are appropriately protected and safe during the suspension of the project.*
- Any emergency repairs necessary to ensure the health and safety of residents.*