



Bulletin #4 Covid-19 Ramping Up Construction Restart in Boston April 22, 2020

Late last week the City of Boston, Massachusetts issued an official directive laying down groundwork for restarting construction projects that have been shuttered since mid-March 2020 due to the spread of Covid-19.

The directive imposes two new protocols to be fulfilled by all construction sites before they can be approved to resume work. Taken together, the protocols require all construction sites to file a **Covid-19 Safety Plan** with the City's Inspectional Services Department (the "ISD") accompanied by a **Covid-19 Safety Affidavit** to ensure compliance with the safety plan.

The directive asserts that the City expects to approve construction restarts gradually, beginning on April 27, 2020 with job sites that are deemed to be "essential." Thereafter, construction restart approvals are expected to ramp up to include all banned construction sites over the course of the next several months. The new protocols are described, in turn, below.

The COVID-19 Safety Plan.

The Covid-19 Safety Plan must describe in detail the Covid-19 related health and safety practices and procedures that the job site will implement in order to protect its workers and site visitors from the spread of Covid-19 at all times that they are present on the site. All contractors desiring to restart their closed sites on April 27, 2020 must file the required Covid-19 Safety Plan and Covid-19 Safety Affidavit with the ISD before April 25, 2020. Contractors who are seeking to resume work after April 27, 2020 or to commence work under a previously issued permit after April 27, 2020 must file a Covid-19 Safety Plan and Covid-19 Safety Affidavit with the ISD before they will be allowed to either resume or commence work. Thereafter, all building permit applications must be accompanied by a Covid-19 Safety Plan and Covid-19 Safety Affidavit before the ISD will issue the requested building permit. According to the

directive, in order to be approved a Covid-19 Safety Plan must incorporate each of the following six elements:

- steps taken before shifts start to ensure workers are healthy;
- practices to ensure social distancing that can be achieved on the job site;
- materials provided to ensure job site hygiene;
- protocols for the use of personal protective equipment;
- communications and training practices to ensure everyone is informed;
- procedures in case there is COVID-19 exposure on the job site.

The directive provides a link to a draft Safety Plan Work Sheet: [http://pix.upaknee.com/editor_images/image_4e84c8ce/files/Boston's%20Covid-19%20Construction%20Site%20Best%20Practices%20Worksheet\(2\).pdf](http://pix.upaknee.com/editor_images/image_4e84c8ce/files/Boston's%20Covid-19%20Construction%20Site%20Best%20Practices%20Worksheet(2).pdf), as an assist to applicants in preparing Covid-19 Safety Plans.

Please note however, that the work sheet displayed on the web page is marked "Draft-For Policy Making Purposes Only." Hence, it may be subject to change without notice.

The Covid-19 Safety Affidavit.

The Covid-19 Safety Affidavit requires a contractor seeking to resume work to attest to the City that the contractor has produced, filed and will implement a COVID-19 Safety Plan as required by the protocol on a form affidavit provided by the City. The form affidavit is titled: "Covid-19 Safety Plan- Compliance Affidavit and can be found at the following link: [http://pix.upaknee.com/editor_images/image_4e84c8ce/files/Boston's%20COVID-19%20Affidavit%20for%20Construction%20Work\(1\).pdf](http://pix.upaknee.com/editor_images/image_4e84c8ce/files/Boston's%20COVID-19%20Affidavit%20for%20Construction%20Work(1).pdf).

Please note however, that the form affidavit, like work sheet, is marked "Draft-For Policy Making Purposes Only." Hence, it too may be subject to change without notice.

In addition, the directive also invites public comment regarding the new protocols by today, April 22, 2020 by email to: construction@boston.gov. Moreover, a link to a city produced video detailing certain aspects of the protocols, an anticipated timeline for the implementation and further insights into the public policy behind the protocols can be found either at construction@boston.gov, or directly on You Tube at: <https://www.youtube.com/watch?v=43tFMb62xOA>.

I hope that this advisory finds you and your families healthy and safe. I will continue to monitor changes to public policies, procedures and processes related to the spread of Covid-19 in Massachusetts and endeavor to report them to you promptly.

In the meantime, please do not hesitate to contact me at kjj@dohertylawoffices.net or kevin@joycestrategies.com or my colleague, Dot Joyce at: dot@joycestrategies.com, if we may be of any service to you during these unsettling times.

Sincerely,

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