



JEANNINE M. PACIONI
District Attorney

MONTEREY COUNTY DISTRICT ATTORNEY WILL ENFORCE RESTRICTIONS ON CONSTRUCTION ACTIVITIES UNDER THE APRIL 3RD SHELTER-IN-PLACE ORDER

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Contact: Amy Anderson, Deputy District Attorney
Telephone: 831-647-7770

The Monterey County District Attorney's Office has received numerous complaints about ongoing construction activities that may be occurring in violation of Monterey County's revised Shelter-in-Place Order, which was issued by the Monterey County Health Officer on April 3, 2020.

The revised April 3rd Order allows only the types of construction activities that are listed below to continue while the shelter-in-place restrictions are in effect. (Terms that are capitalized below are defined within the Order.)

1. Projects immediately necessary to the maintenance, operation, or repair of Essential Infrastructure;
2. Projects associated with Healthcare Operations, including creating or expanding Healthcare Operations;
3. Affordable housing that is or will be at least partially income-restricted, including multi-unit or mixed-use developments;
4. Public works projects if specifically designated as an Essential Governmental Function by the lead governmental agency;
5. Shelters and temporary housing, but not including hotels or motels;
6. Projects immediately necessary to provide critical non-commercial services to individuals experiencing homelessness, elderly persons, persons who are economically disadvantaged, and persons with special needs;
7. Construction necessary to ensure that existing construction sites that must be shut down under this order are left in a safe and secure manner, ***but only to the extent necessary to do so***; and
8. Construction or repair necessary to ensure that residences and buildings containing Essential Businesses are safe, sanitary, or habitable and operable, ***to the extent such construction or repair cannot reasonably be delayed***.

The April 3rd Order further provides that plumbers, electricians, exterminators, and other service providers may provide services that are necessary to maintaining the habitability, sanitation, and operation of residences and Essential Businesses, but may not perform work for cosmetic purposes. Similarly, arborists, landscapers, gardeners, and similar service professionals may only perform work to the limited extent necessary to maintain the habitability, sanitation, operation of businesses or residences, or the safety of residents, employees or the public (such as fire safety or tree trimming to

prevent a dangerous condition), and may not perform work for cosmetic or other purposes (such as upkeep).

Violations of the April 3rd Order are subject to criminal and/or civil penalties. Each day that a violation continues may be a separate violation. Both the contractor and owner of the building may be liable.

The Consumer Protection Division of the Monterey County District Attorney's Office is currently investigating reports of non-essential construction activity and following up on leads.

District Attorney Jeannine Pacioni says: "It is important that we ensure a level playing field for businesses. We cannot allow some contractors to violate the shelter-in-place order to the disadvantage of other contractors who have done the right thing for public health."

Reports of non-essential construction activity may be sent to the District Attorney's Office at consumercomplaints@co.monterey.ca.us or quejasdelconsumidor@co.monterey.ca.us or by calling (831) 755-5070. Please include the address of the construction activity, the name of the contractor, reasons why you believe the construction is in violation of the order, and any photographs, if available.