

Pennsylvania Mandates Business Closures: Considerations for Commercial Property Owners

On Thursday evening, March 19, 2020, Governor Tom Wolf ordered all “non-life sustaining businesses” in Pennsylvania to close their physical locations to slow the spread of COVID-19. The prohibition does not apply to virtual or telework operations, such as work from home, so long as mitigation measures, such as social distancing, are followed. The order takes effect immediately and will remain in place “until further notice.” Enforcement actions against businesses that do not close physical locations will begin at **12:01 a.m. on Saturday, March 21**. Enforcement authorization is already in effect for dine-in facilities operating in violation of the order. Businesses classified as “life sustaining businesses” are permitted to remain open, but must follow CDC mitigation measures to protect workers and patrons. [Here is a full list of life sustaining businesses.](#)

Answers to common questions regarding the immediate impact on commercial property owners are below.

Do property managers need to shut down all building operations?

The list appended to the governor’s order classifies several categories of “administrative and support services” under the umbrella of “professional and business services” as life sustaining businesses. These categories include: **facilities support services, investigation and security services, and services to buildings and dwellings**. Property owners and managers can maintain operation of the foregoing categories of services at their buildings, but must ensure compliance with CDC mitigation measures, including social distancing.

Do property owners need to take action to prevent tenants from accessing the building?

Many tenants that operate businesses classified as non-life sustaining businesses will be required to cease operations pursuant to the governor’s order. However, tenants operating valid life-sustaining businesses at the premises will continue to operate. For those businesses ordered to cease operations, the order extends to include all office administrative services performed by the business. The governor’s order authorizes that enforcement actions will be taken directly against the businesses that continue operations in violation of the order. The order does not require landlords to bar building access to tenants.

What are best practices for property owners in light of the governor’s order?

Property owners should ensure at a minimum that the latest CDC guidelines, including social distancing, are followed for all facilities support services, security services, and services performed to their buildings. Notification of the active order prohibiting operations by non-essential businesses should be posted at the property and front desk security staff should be directed to advise any tenants that access the site of the current order.



Erin A. Szulewski

Member

eszulewski@cozen.com
Phone: (215) 864-8050
Fax: (215) 665-2013

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