Standing Strong During the Shutdown: The City's Response to the Legal Issues Raised by the COVID-19 Pandemic

Regulatory and Legislative Response

City of Philadelphia

Exercise of Emergency Authority

Administrative Declarations

– Establishing groundwork to speed City response, including emergency regulations and relaxing contracting requirements

Sources of Authority: City Charter § 8-407; PA Emergency Management Services Code 35 Pa.C.S §7501

Broad Public Facing Orders and Health Department Regulations

– Business Closure and Stay at Home Orders; Reporting Requirements

Sources of Authority: The Philadelphia Code, Chapter 6-200; Disease Prevention and Control Act of 1955, 35 P.S. §521.1, et seq., 1956, April 23, P.L. No.1510

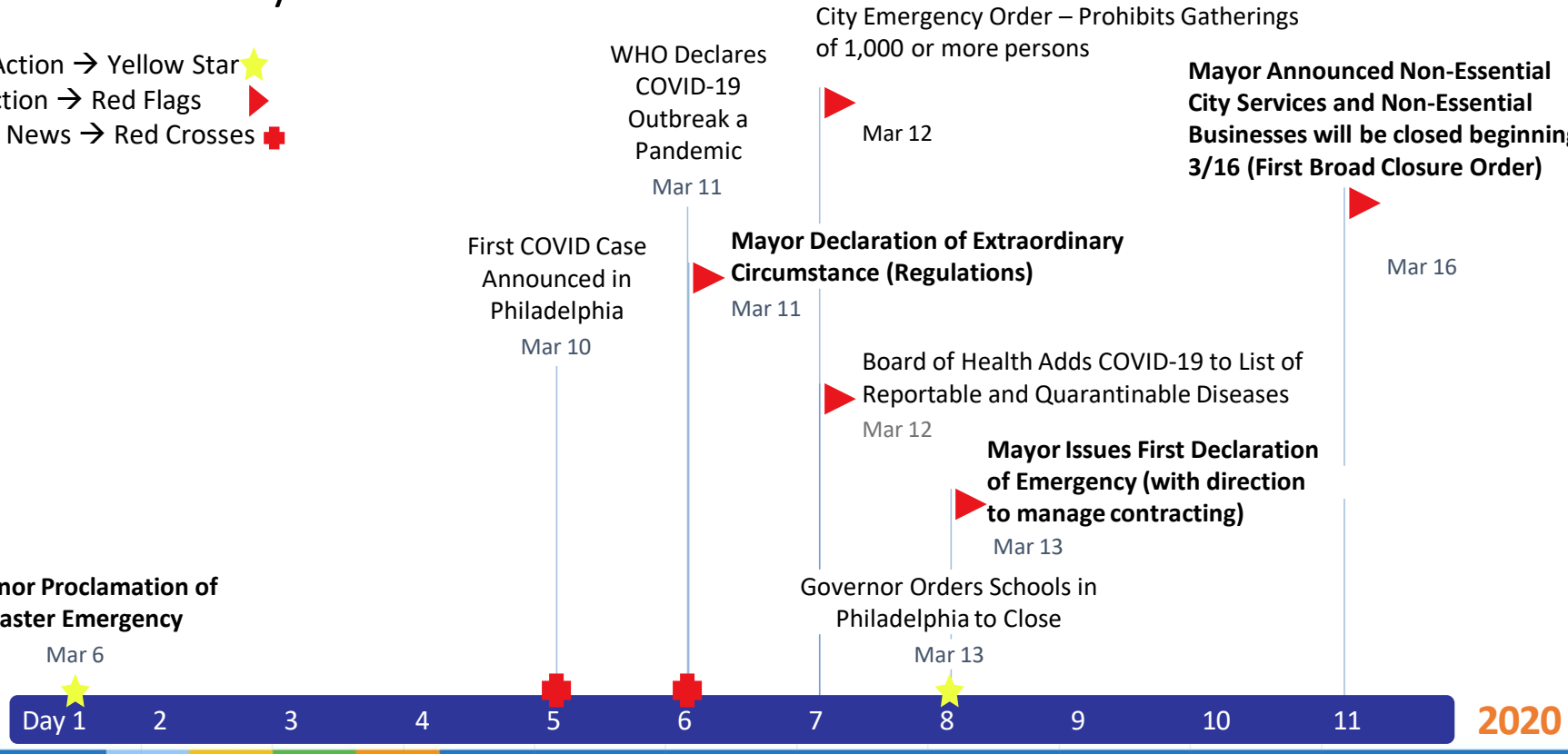
Emergency Regulations for Other City Departments (Approximately 32)

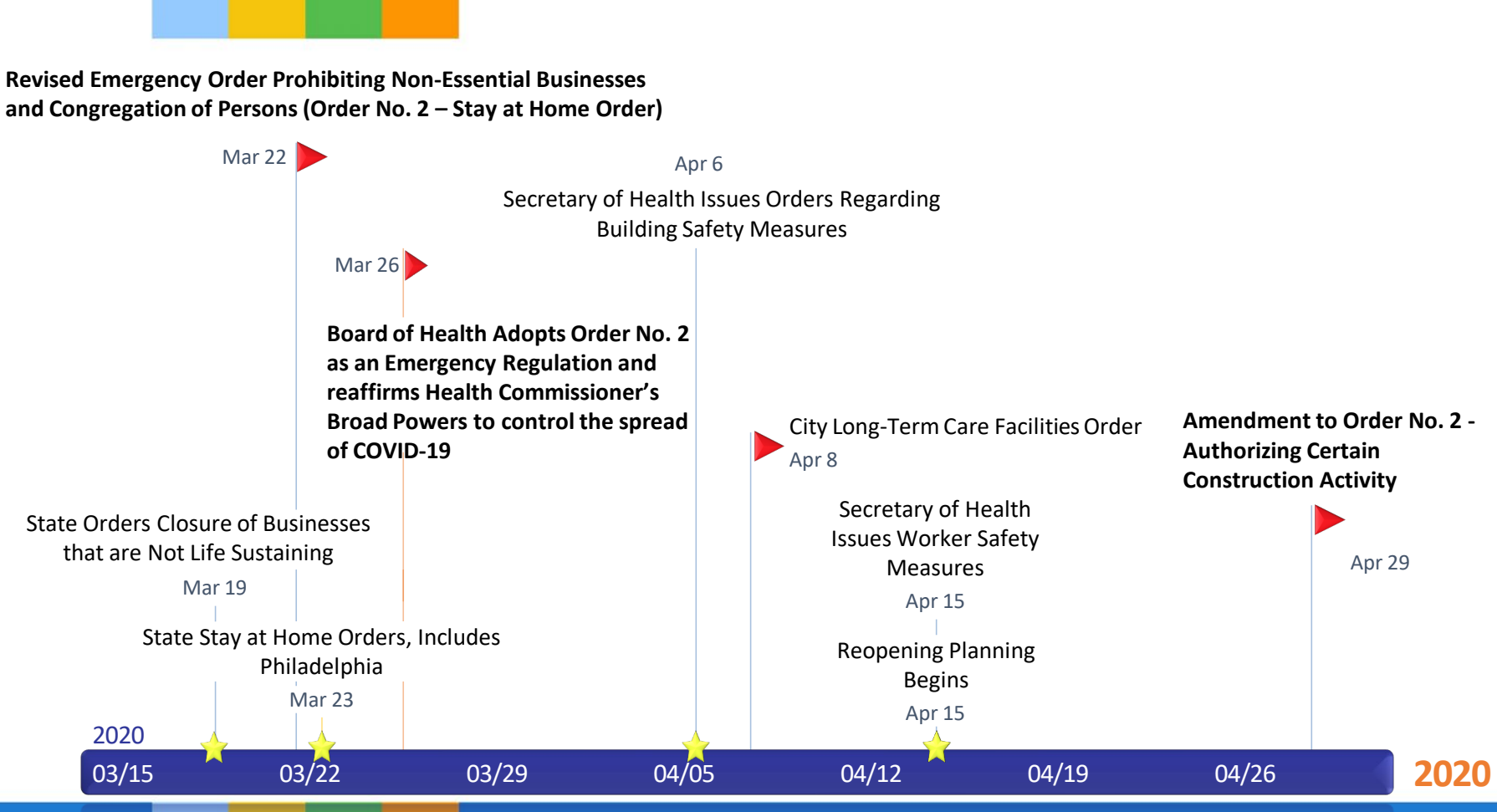
– Modifying department and board procedures; extending timelines for various deadlines (filings, responses, and appeals); pay for essential workers; use of City mandated paid sick leave, etc.

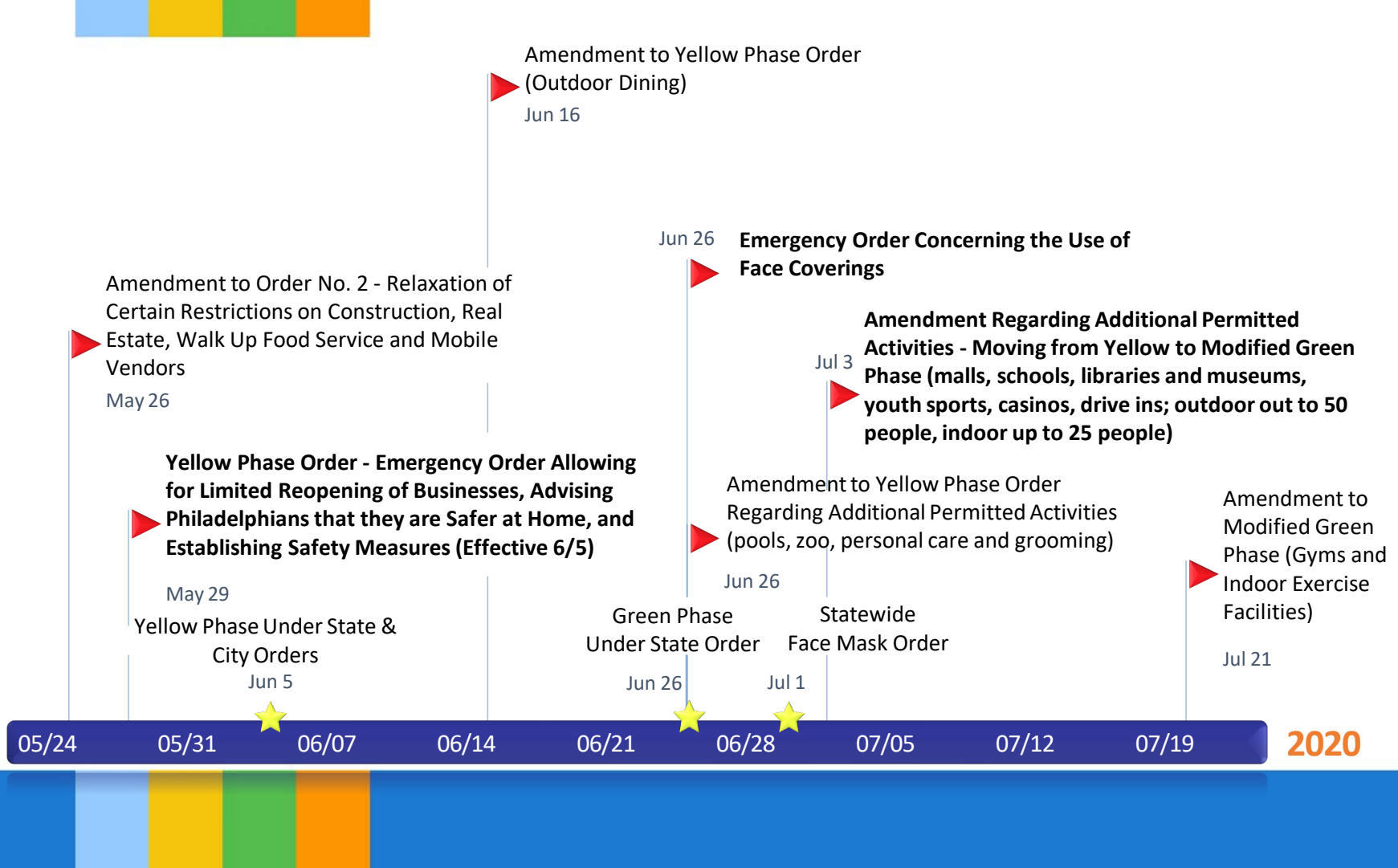
Sources of Authority: City Charter §8-407

Timeline - First Days

-State Action → Yellow Star
-City Action → Red Flags
-Health News → Red Crosses




Revised Emergency Order Prohibiting Non-Essential Businesses and Congregation of Persons (Order No. 2 – Stay at Home Order)
Mar 22
Apr 6
Secretary of Health Issues Orders Regarding Building Safety Measures
Mar 26
Board of Health Adopts Order No. 2 as an Emergency Regulation and reaffirms Health Commissioner's Broad Powers to control the spread of COVID-19
City Long-Term Care Facilities Order
Apr 8
Amendment to Order No. 2 - Authorizing Certain Construction Activity
Secretary of Health Issues Worker Safety Measures
Apr 15
Apr 29
State Orders Closure of Businesses that are Not Life Sustaining
Mar 19
State Stay at Home Orders, Includes Philadelphia
Mar 23
Reopening Planning Begins
Apr 15
2020
03/15
03/22
03/29
04/05
04/12
04/19
04/26
2020


Amendment to Yellow Phase Order (Outdoor Dining)
Jun 16
Jun 26
Emergency Order Concerning the Use of Face Coverings
Amendment to Order No. 2 - Relaxation of Certain Restrictions on Construction, Real Estate, Walk Up Food Service and Mobile Vendors
May 26
Jul 3
Amendment Regarding Additional Permitted Activities - Moving from Yellow to Modified Green Phase (malls, schools, libraries and museums, youth sports, casinos, drive ins; outdoor out to 50 people, indoor up to 25 people)
Yellow Phase Order - Emergency Order Allowing for Limited Reopening of Businesses, Advising Philadelphians that they are Safer at Home, and Establishing Safety Measures (Effective 6/5)
May 29
Amendment to Yellow Phase Order Regarding Additional Permitted Activities (pools, zoo, personal care and grooming)
Jun 26
Amendment to Modified Green Phase (Gyms and Indoor Exercise Facilities)
Jul 21
Yellow Phase Under State & City Orders
Jun 5
Green Phase Under State Order
Jun 26
Statewide Face Mask Order
Jul 1
05/24
05/31
06/07
06/14
06/21
06/28
07/05
07/12
07/19
2020

Legislative Interventions

- **Residential Housing Relief**

-New Section 9-809, COVID-19 Emergency Housing Protections (eviction relief and diversion, waiver of late fees, repayment agreements)

- **Whistle Blower Protections**

-Proposed Chapter 9-5000, Bill No. 200328, Employee protections for reporting employer's failure to follow safety requirements related to COVID-19

- **Business Relief**

- Short-term eviction relief for certain small businesses with COVID-19 hardship

- Limitations on third party delivery service charges to restaurants

- Expanding permitted areas of operation for restaurants and other businesses to facilitate outdoor operations