

Life Sustaining Business Frequently Asked Questions

1. What businesses may maintain in-person operations based on the Red, Yellow and Green Phases of Reopening?

As described further in the Governor's [Process to Reopen Pennsylvania](#) plan, the Commonwealth is employing a regional and industry-specific approach to reopening non-life-sustaining businesses. In counties that have been designated as in the Red Phase, businesses permitted to conduct in-person operations are:

- 1) Those listed as life sustaining according to the Governor's and Secretary's Non-Life Sustaining Business Closure Orders (as amended).
- 2) Those that received an exemption from those Orders from the Department of Community and Economic Development, or
- 3) Those permitted to conduct in-person operations pursuant to a subsequent applicable Order or amendment to those Orders from the Governor and Secretary including:
 1. Construction Industry;
 2. Vehicle Dealerships; and
 3. Real Estate Industry.
 4. Restaurant Industry and Retail Food Service Businesses.

In counties that have been designated as in the Yellow and Green Phases, all businesses, except those categories specifically excluded in the Governor's Process to Reopen Pennsylvania Plan and the Governor's and Secretary of Health's orders, are permitted to conduct in-person operations, so long as they strictly adhere to the requirements of the Guidance for Businesses Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public, available [here](#).

2. How can I determine whether my business is considered a life-sustaining business and can continue in-person operations in Red Phase counties?

Businesses should first refer to the Governor's Order and the list of life-sustaining businesses which is available [here](#). The categories in the list were drawn from the classifications of the North American Industry Classification System (NAICS).

Your industry sector (drawn from the NAICS classifications) appears on the life-sustaining business list. You may have used your business' NAICS code to buy insurance, manage employee benefits, pay taxes or interact with other governmental entities. If you do not know your NAICS classification, you should review documents relating to those activities for help identifying what classification you fall within.

You can also use the search feature available at www.census.gov/naics. In the "2017 NAICS Search" box on the left side of that page, enter a keyword that describes your kind of business. A list of primary business activities containing that keyword and the corresponding NAICS codes will appear. Choose the one that most closely corresponds to your primary business activity or refine your search to obtain other choices.

If your business' NAICS classification falls within a category that is listed as "life-sustaining" on the list of life-sustaining businesses you may maintain in-person operations provided that you adhere to social distancing restrictions and taking other mitigation measures to ensure the health and safety of employees and patrons.

If your business' NAICS classification does not fall within a category listed as "life-sustaining" you may maintain in-person operations in counties designated as within the Red Phase of reopening if you fall within one of the three categories listed in Answer 1.

In making exemption determinations, the Department of Community and Economic Development (DCED) maintained consistency with an advisory issued by the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency ("CISA Advisory") entitled "Identifying Critical Infrastructure During COVID-19." In analyzing requests for exemptions, DCED utilized CISA Advisory Version 1.1, originally issued on March 19, 2020, as amended on March 23, 2020. Version 1.1 of the CISA Advisory is available [here](#). Subsequent changes to the CISA guidance were not adopted by the commonwealth and were not applied when analyzing requests for exemptions.

The CISA Advisory authorizes in-person activity by businesses and workers necessary for production, operation and maintenance of supply chains of the following critical infrastructure categories:

- materials and products needed for medical supply chains,
- essential transportation,
- energy,
- essential communications,
- food and agriculture,
- chemical manufacturing
- nuclear facilities,
- the operation of dams, water and wastewater treatment,
- emergency services, and
- the defense industrial base.

Exemptions for these activities were only granted to the extent that the activity are provides a good or service directly to a critical infrastructure category, as opposed to non-critical operations that may broadly fit within the categories.

3. What categories of businesses are required to continue to suspend in-person operations in counties designated as being in the Yellow Phase of reopening according to the Governor’s Process to Reopen Pennsylvania Plan?

Under the Process to Reopen Pennsylvania, businesses in the following categories are required to continue to suspend in-person operations, or in the case of restaurants and bars continue to operate on a limited basis (curbside pickup, takeout or delivery, outdoor dining) until their county is designated as being in the Green Phase:

- Indoor recreation, health and wellness facilities and personal care services;
- All entertainment;
- Indoor malls; and
- Restaurants and Bars.

4. What type of businesses fall under “indoor recreation,” “health and wellness facilities,” and “all entertainment” categories, that are required to continue to suspend in-person operations in the Yellow Phase?

Indoor Recreation, Health and Wellness Facilities and Personal Care Services and Entertainment, each as defined below, must remain closed in counties designated as being in Yellow Phase of reopening.

Indoor recreation includes bowling, arcades, racquetball and other indoor sports or training, go-kart and other racing, laser tag, pool halls, trampoline facilities, indoor mini golf, and other similar facilities.

Health and wellness facilities include gyms, saunas, tattoo and piercing shops, tanning, spas, hair salons, nail salons, entities that provide massage therapy, and other similar facilities.

Entertainment includes casinos, theaters, concerts, museums, zoos and botanical gardens, racetracks, semiprofessional, or amateur/membership sports teams or clubs, amusement and water parks, carnivals, playgrounds, and other similar facilities. Professional sports (defined as any sporting event at which the participants are paid by a league or team, or at which individuals or teams receive prizes or purse) are allowed to practice or play in the yellow and green phases of reopening without on-site or venue spectators if the team (or league on behalf of the team) has developed a COVID-19 safety plan. Such a plan must be approved by DOH and include, among other requirements, testing or screening and monitoring of all on-venue players and personnel. Additionally, no fans or spectators may be permitted on interior or exterior venue property. Professional sports organizations are encouraged to contact the

administration to share their reopening plans and get them approved by the Department of Health.

Indoor malls must remain closed until the county in which the mall is located is designated as being in the Green Phase. Only tenants with external entrances may open (if they follow the business guidance) as well as pharmacy or health care tenants with either interior or external entrances.

5. Is there a deadline to submit exemption requests?

All exemption requests were required to be submitted no later than 5:00 P.M. on Friday, April 3, 2020.

6. My business is in a category allowed to maintain in-person operations, or I was granted an exemption, what should I do to keep employees safe?

All businesses in all industries and sectors of the economy (including non-profit entities) in the Commonwealth, which are permitted to conduct in-person operations, are required to strictly adhere to the requirements of the Guidance for Businesses Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public, available [here](#), unless they are otherwise more stringently regulated under separate industry-specific guidance.

7. If a business is classified as non-life-sustaining, but has the ability to operate remotely, must the business close down?

Non-life-sustaining businesses in counties that have been designated as being in the Red Phase of Reopening may continue to operate remotely virtually or by telework (i.e. working from home) conducted individually, and in doing so must follow the social distancing and other COVID-19 mitigation guidance provided by the Pennsylvania Department of Health and CDC.

All businesses in counties that have been designated as being in the Yellow Phase of Reopening that have been operating remotely through individual telework of their employees must continue to telework to prevent the spreading of COVID-19 until the stay at home and business closure orders are fully lifted.

All businesses in counties that have been designated as being in the Green phase of Reopening that have been operating remotely through individual telework of their employees are strongly encouraged to continue to telework to prevent the spreading of COVID-19 until the stay at home and business closure orders are fully lifted.

8. Local political units were absent from the list. Should municipalities suspend in-person operations?

Local political units are not required to suspend in-person operations but should curtail in-person operations to the extent practicable and follow COVID-19 mitigation guidance provided by the Pennsylvania Department of Health and the CDC. All decisions should appropriately balance public safety while ensuring the continued delivery of critical infrastructure services and functions.

Common Enforcement Questions

9. If a business has been granted an exemption, how can the business demonstrate that fact to an enforcement agency?

Businesses approved for an exemption will receive written confirmation, which they may share with an enforcement agency to confirm authorization to maintain operations.

10. How will this order be enforced? Will there be warnings before fines or other enforcement actions?

The closure of non-life sustaining businesses is a measure that has been taken to control the spread of a communicable disease, COVID-19, and has been ordered by the Governor and the Secretary of Health. The closures are enforceable through criminal penalties, under the Disease Control and Prevention Law of 1955 and the Administrative Code of 1929.

While other criminal penalties in those laws, as well as under the Crimes Code and the Liquor Code, may apply, the following are the most directly applicable provisions for enforcement of the Orders: 71 P. S. § 1409 and 35 P.S. § 521.20(a).

We strive to ensure enforcement of the orders will be consistent throughout the Commonwealth. We also expect that any discipline for violation of the orders will be progressive discipline that begins with a warning to any suspected violator. Furthermore, enforcement should be prioritized to focus on businesses where people congregate.

11. How should municipalities and local governments exercise their enforcement authority in supporting the Governor's order?

State and local officials should use best judgment in exercising their authorities and issuing implementation directives and guidance. Similarly, critical infrastructure industry partners must use best judgment, informed by the list and CISA Advisory to ensure continued operations of critical infrastructure services and functions. All such decisions should appropriately balance public health and safety while ensuring the continued delivery of critical infrastructure services and functions.

Common Questions About General Business Categories

12. May non-life sustaining business which are required to suspend in-person operations retain essential personnel to process payroll and insurance claims, maintain security, and engage in similar limited measures on an occasional basis?

Yes, but telework (i.e. working from home) should be employed whenever possible, and social distancing must be observed.

13. I requested an exemption, and specifically referenced the portion of my business that supports the health care industry. Does my exemption apply to all my activities?

No. If you received an exemption in response to a request in which you specifically identified a particular element of your business as essential to health care or another life-sustaining operation, that waiver only relates to those activities that you specifically identified.

14. May businesses continue fulfilling mail, phone and online orders?

In-person public facing locations must suspend in-person operations. Mail, phone and online order may continue to be fulfilled by essential staff so long as payment is made by mail, phone or online and the order is delivered to the customer at the customer's home. In fulfilling orders telework should be employed whenever possible, and social distancing must be observed.

15. I am a contractor engaging in emergency repairs who received an exemption or was told that I do not require an exemption. May I perform non-essential work?

In all counties, construction is permitted as authorized by the Governor's and Secretary of Health's April 20, 2020 amendments to their business closure orders and in strict compliance with the Administration's construction guidance, available [here](#).

16. I have a “one person” operation that operates out of my home, with no customer access or physical facility. May I maintain in-person operations?

Yes. You may continue to work as you have no physical location. In-home businesses in counties designated as being in the Red phase of reopening should suspend any in-person elements in which customers must come to the home business, unless engaged in life-sustaining business.

17. If a manufacturing business is in a classification that is not to maintain in-person operations, but is in the process of converting to a manufacturing process that is authorized to maintain in-person operations in order to address COVID-19, what should they do?

In this particular circumstance, please submit your information to the newly developed [Pennsylvania Manufacturing Call to Action Portal](#). Questions about the Portal can be directed to RA-DCEDPAMCTAP@pa.gov.

Common Questions About Specific Business Categories

18. May I complete my customer’s construction project?

In all counties, construction is permitted as authorized by the Governor’s and Secretary of Health’s April 20, 2020 amendments to their business closure orders and in strict compliance with the Administration’s construction guidance, available [here](#).

19. Are childcare programs required to suspend in-person operations?

Childcare programs in Pennsylvania must suspend in-person operations unless they meet one of the following criteria:

- A Family Child Care Home;
- A Group Child Care Home operating in a residence;
- A Child Care Center or Group Child Care Home operating outside a residence that has received a Waiver to provide care for children of employees of life-sustaining businesses from the Department of Human Services, Office of Child Development and Early Learning (OCDEL); or,
- A Part-day school age program that has received an exemption from the Governor’s and Secretary’s orders or a waiver to remain open from OCDEL to provide care for children of employees of life-sustaining businesses. As of April 6, 2020, all Waiver requests should be submitted to OCDEL for review.

A map of childcare programs approved to operate in Pennsylvania is available [here](#).

In counties that have been designated as being in the Yellow or Green Phase of Reopening, childcare programs may conduct in-person operations as long as they strictly adhere to guidance.

20. May hotels and motels maintain in-person operations?

Hotels and motels are not required to suspend in-person operations. Hotels may not operate any dine-in food services; all food services must be a takeout or delivery only option.

21. May restaurants, bars, breweries, distillers and wineries continue to provide to-go sales of alcohol?

Restaurants and retail food service businesses located in counties designated as being in the Red phase are permitted to provide take-out and delivery sales only and may not allow the service or consumption of food or beverages on the premises.

Beginning June 5, 2020, restaurants and retail food service businesses located in counties designated as being in the Yellow phase are permitted to provide take-out and delivery sales, as well as dine-in service in outdoor seating areas so long as they strictly adhere to the requirements of the Guidance for Businesses in the Restaurant Industry Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of the Employees and the Public.

All retail food service businesses, including restaurants, and bars located in counties designated as being in the Green phase are permitted to provide take-out and delivery sales, as well as dine-in service in both indoor and outdoor seating areas, so long as they strictly adhere to the requirements of the Guidance for Businesses in the Restaurant Industry Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of the Employees and the Public.

22. May notary and title services maintain in-person operations?

In counties designated as being in the Red or Yellow Phase of Reopening, notary and title offices may maintain in-person operations as required to allow notaries and title service providers to participate in court functions deemed essential by a president judge per the Pennsylvania Supreme Court's order of March 18, 2020, or similar federal court

directive. Notaries and title service providers may access their offices to effectuate such functions and directives; or for healthcare-related matters.

In addition, notaries who prior to the Governor's and Secretary's orders offered services in a business location that is authorized to maintain in-person operations under the orders (such as banks and other depository financial institutions) may continue to offer in-person services at those locations.

Notaries may also provide services utilizing audio-visual technology as an alternative to in-person notarization as authorized by Senate Bill 841, signed by the Governor on April 20, 2020. Guidance on remote notarization is available [here](#).

In counties that have been designated as being in the Yellow or Green Phase of Reopening, notary and title offices may conduct in-person operations as long as they strictly adhere to the requirements of the Guidance for Businesses Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public (including the requirement [in Yellow Phase counties](#) to telework where possible), available [here](#).

23. May law offices maintain in-person operations?

In counties designated as being in the Red Phase of Reopening, law offices remain generally closed and lawyers and staff should continue to perform all work remotely to the extent possible, however lawyers and staff may access physical offices on a limited basis as necessary to render legal services that cannot practically be completed through the use of advanced communication technology, and which are being rendered to comply with a court directive or deadline, or to meet client needs that are critical to the client's health or safety, including, but not limited to, matters of healthcare, incompetence, incapacitation, end-of-life decision making, government benefits necessary to sustain life and access healthcare and income, or legal functions necessary for the operation of government at all levels. In addition, attorneys involved in real estate closings are authorized to carry out such in-person activity as is permitted under the Pennsylvania Department of State Limited Guidance for Real Estate Professionals, Appraisers, Notaries, Title Companies, and Home Inspectors. Any in-person activity shall be subject to the Orders of Secretary of Health providing for building safety measures (issued April 5, 2020) and business safety measures (issued April 15, 2020), including any amendments, and related Department of Health guidance.

In counties that have been designated as being in the Yellow or Green Phase of Reopening, law offices may conduct in-person operations as long as they strictly adhere to the requirements of the Guidance for Businesses Permitted to Operate During the

COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public (including the requirement [in Yellow Phase counties](#) to telework where possible), available [here](#).

24. May bail bondsmen maintain in-person operations?

In counties designated as being in the Red Phase of Reopening, bail bond offices may maintain in-person operations only as required to allow bail bondsman to participate in court functions deemed essential by a president judge per the Pennsylvania Supreme Court's order of March 18, 2020, or similar federal court directive, and bail bondsmen may access their offices to effectuate such functions and directives.

In counties that have been designated as being in the Yellow or Green Phase of Reopening, bail bond offices may conduct in-person operations as long as they strictly adhere to the requirements of the Guidance for Businesses Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public (including the requirement [in Yellow Phase counties](#) to telework where possible), available [here](#).

25. May pet stores offer in-person ancillary services, such as grooming or training?

In counties designated as being in the Red Phase of Reopening, pet stores may remain open solely to sell pet supplies or provide veterinary services. Pet stores with kennels and pet boarding operations may maintain in-person operations related to these services.

In counties that have been designated as being in the Yellow or Green Phase of Reopening, pet stores may conduct in-person operations as long as they strictly adhere to the requirements of the Guidance for Businesses Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public (including the requirement [in Yellow Phase counties](#) to telework where possible), available [here](#).

26. May appliance stores maintain in-person operations?

In counties designated as being in the Red Phase of Reopening, appliance stores may not maintain in-person sales operations either at their physical locations or off-site, but in-home emergency repairs may continue. See also the notes as to cell phone sale and repair stores below.

In counties that have been designated as being in the Yellow or Green Phase of Reopening, appliance stores may conduct in-person operations as long as they strictly adhere to the requirements of the Guidance for Businesses Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public (including the requirement in Yellow Phase counties to telework where possible), available [here](#).

27. May golf courses maintain in-person operations?

In counties designated as being in the Red Phase of Reopening, golf course operators may permit individuals access to the property so long as there are no gatherings of any kind and appropriate social distancing of six feet between individuals is strictly abided.

Golf carts may be utilized, but must be single occupant only, unless the occupants share a residence. No employees are allowed for purposes of facilitating play; however, operations such as landscape maintenance and other “services to building and dwellings” may continue as necessary to prevent deterioration of property condition. Restaurant activity is limited to take-out or delivery only and use of facilities for banquets or similar gatherings remains prohibited.

In counties that have been designated as being in the Yellow Phase of Reopening, golf courses may conduct in-person operations as long as they strictly adhere to the requirements of the Guidance for Businesses Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public (including the requirement [in Yellow Phase counties](#) to telework where possible), available [here](#).

28. May marinas maintain in-person operations?

In counties designated as being in the Red Phase of Reopening, marinas, boatyards, and recreational marine manufacturers may provide services where such facilities adhere to strict social distancing and sanitization protocols. Operation of such facilities for the purposes of personal or commercial use or operation of boats or other watercraft is permissible, including rental of boats and houseboats; however, chartered watercraft services (including fishing charters with more than two clients, unless the clients share a residence) remains prohibited. Restaurant activity is limited to take-out or delivery only, and use of facilities for banquets, regattas, or similar gatherings remains prohibited.

In counties that have been designated as being in the Yellow Phase of Reopening, marinas may conduct in-person operations as long as they strictly adhere to the requirements of the Guidance for Businesses Permitted to Operate During the COVID-19

Disaster Emergency to Ensure the Safety and Health of Employees and the Public (including the requirement [in Yellow Phase counties](#) to telework where possible), available [here](#).

29. I operate as a fishing guide, what in-person operations may continue?

In counties designated as being in the Red Phase of Reopening, walk-in fishing guiding is permitted as long as you are able to minimize personal contact and abide by social distancing and masking guidelines, including maintaining six feet between individuals. Guiding from a boat may be done if you limit clients to two or less and are able to abide by social distancing and masking guidelines, including maintaining six feet between individuals at all times. Charter boat guiding for more than two clients remains prohibited, unless the clients share a residence..

In counties that have been designated as being in the Yellow Phase of Reopening, fishing guides may conduct in-person operations as long as they strictly adhere to the requirements of the Guidance for Businesses Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public (including the requirement [in Yellow Phase counties](#) to telework where possible), available [here](#).

30. May sporting goods, hunting, fishing and tackle stores maintain in-person operations?

In counties designated as being in the Red Phase of Reopening, sporting goods stores, hunting fishing and tackle stores may not maintain in-person operations but may maintain self-service operations.

In counties that have been designated as being in the Yellow and Green Phase of Reopening, sporting goods, hunting, fishing and tackle stores may conduct in-person operations as long as they strictly adhere to the requirements of the Guidance for Businesses Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public (including the requirement [in Yellow Phase counties](#) to telework where possible), available [here](#).

31. May bicycle sale and repair shops maintain in-person operations?

In counties designated as being in the Red Phase of Reopening, bike shops may not maintain in-person sales, but repair work may continue.

In counties that have been designated as being in the Yellow and Green Phase of Reopening, bike sale and repair shops may conduct in-person operations as long as they

strictly adhere to the requirements of the Guidance for Businesses Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public (including the [in Yellow Phase counties](#) requirement to telework where possible), available [here](#).

32. May firearm dealers maintain in-person operations?

In counties designated as being in the Red Phase of Reopening, firearms dealers may operate physical businesses on a limited basis to complete only the portions of a sale/transfer that must be conducted in-person under the law, subject to the following restrictions: 1) all such sale/transfers will be conducted by individual appointment during limited hours only so as to minimize social interactions and congregating of persons; 2) the dealer will comply with social distancing, sanitization of applicable area between appointments, and other mitigation measures to protect its employees and the public.

In counties that have been designated as being in the Yellow and Green Phase of Reopening, firearms dealers may conduct in-person operations as long as they strictly adhere to the requirements of the Guidance for Businesses Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public, (including the requirement [in Yellow Phase counties](#) to telework where possible) available [here](#).

33. May cell phone sale and repair stores maintain in-person operations?

In counties designated as being in the Red Phase of Reopening, cell phone repair stores may continue to repair cell phones and similar household goods. Electronics and appliance stores and sales kiosks must suspend in-person operations per the Governor's and Secretary's orders.

In counties that have been designated as being in the Yellow and Green Phase of Reopening, cell phone sale and repair stores may conduct in-person operations as long as they strictly adhere to the requirements of the Guidance for Businesses Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public (including the requirement [in Yellow Phase counties](#) to telework where possible), available [here](#).

34. May long-term care providers continue in-person operations?

Yes, all long-term care entities are life-sustaining and are permitted to maintain in-person operations as an individual and family service.

35. May car dealerships maintain in-person operations?

In counties designated as being in the Red Phase of Reopening, motor vehicle dealers with a valid, current license from the Pennsylvania Department of State's Board of Vehicle Manufacturers, Dealers, and Salespersons who participate in the Pennsylvania Department of Transportation's Online Registration Program (OLRP) may resume limited online sales operations, so long as they strictly adhere to guidance issued by the Pennsylvania Department of Transportation, and social distancing guidance provided by the Department of Health.

Other previously authorized activities at automobile dealerships, such as repairs to passenger and commercial vehicles, may continue.

In counties that have been designated as being in the Yellow and Green Phase of Reopening, vehicle dealerships may conduct in-person operations as long as they strictly adhere to the requirements of the Guidance for Businesses Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public (including the requirement [in Yellow Phase counties](#) to telework where possible), available [here](#).

36. May garden centers maintain in-person operations?

In counties designated as being in the Red Phase of Reopening, garden centers are not authorized to maintain in-person operations, and this applies to both independent garden centers, as well as those attached to large retail chain or grocery stores. This prohibition does not apply to establishments primarily engaged in retailing farm supplies, such as animal (except pet) feed.

In counties that have been designated as being in the Yellow and Green Phase of Reopening, garden centers may conduct in-person operations as long as they strictly adhere to the requirements of the Guidance for Businesses Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public (including the requirement [in Yellow Phase counties](#) to telework where possible), available [here](#).

37. May real estate businesses conduct in-person operations including showings, appraisals, inspections, final walk throughs and closings?

All businesses in the real estate industry, which includes real estate professionals, appraisers, notaries, title companies, settlement service providers, escrow officers, home inspectors, mortgage loan originators, processors, and underwriters, and other necessary office personnel including IT professionals, and back office staff necessary to maintain office operations, are permitted to conduct in-person operations so long as they strictly adhere to the requirements of the Guidance for Businesses in the Real Estate Industry Permitted to operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public, available [here](#).

38. May apartment leasing offices maintain in-person operations?

Only emergency housing and emergency maintenance qualify as life-sustaining services in this sector. Virtual and telework operations (e.g. work from home) must be the primary option when available. In counties designated as being in the Red Phase of Reopening, in-person work at a business site is only to be performed on the most limited basis possible to deliver the services or goods of a life-sustaining business.

In counties that have been designated as being in the Yellow or Green Phase of Reopening, apartment leasing offices may conduct in-person operations for properties within the Yellow Phase county, as long as they strictly adhere to the requirements of the Guidance for Businesses Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public (including the requirement [in Yellow Phase counties](#) to telework where possible), available [here](#).

39. May I offer my residential property for short term rental?

In counties designated as being in the Red Phase of Reopening, short term rentals of any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is advertised or held out to the public as a place regularly rented to guests, or which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or rented through a home-share website are not authorized. This prohibition does not apply to the following:

- Hotels, motels, inns, resorts, non-transient public lodging establishments, or time share projects; or
- Rental stays where guests are currently staying in a vacation rental or have previously booked a stay and are scheduled to check-in no later than April 1, 2020; or

- Rentals to persons performing military, emergency, governmental, health or infrastructure response, or travelers engaged in non-vacation commercial activities.

In counties that have been designated as being in the Yellow or Green Phase of Reopening, residential properties may be offered for short term rental as long as in doing so the owners strictly adhere to the requirements of the Guidance for Businesses Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public (including the requirement [in Yellow Phase counties](#) to telework where possible), available [here](#).

40. May I operate a Game of Skill in my business?

The commonwealth's consistent position is that so-called Games of Skill are illegal gambling devices and not authorized anywhere in the commonwealth. Operation of these machines during the current health emergency encourages people to congregate unnecessarily and is prohibited under the Governor's Order of March 19, 2020. Any business operating, servicing or otherwise maintaining a Game of Skill, is subject to enforcement which may include an order to suspend otherwise authorized in-person operations.

41. May commercial bus lines serving scheduled routes within the commonwealth continue operations?

Intrastate bus operators offering scheduled route service and regulated by the Public Utility Commission as a common carrier must suspend intrastate operations. This requirement does not apply to public transit bus operations.

42. Are there locations currently maintaining in-person operations for the purpose of processing of fingerprints for background checks?

Yes. A list of Identogo locations that are maintaining in person operations is available [here](#) More information regarding FBI fingerprint checks is available [here](#).

43. Are lactation consultants considered life sustaining workers?

Yes, Lactation Consultants certified through an accredited board, such as Internationally Board Certified Lactation Consultants (IBCLCs) or Certified Lactation Counselors (CLCs) are life sustaining providers that assess and care for breastfeeding families. Lactation Consultants are life-sustaining workers and may continue practicing during the COVID-19 Stay-at-Home order. Telehealth should still be prioritized when possible, but in

person services may continue if social distancing and proper infection control protocols are followed. For more information on [social distancing](#) and [breastfeeding resources](#) during COVID-19, visit the [Department of Health website](#).

44. May workforce development training programs maintain in-person operations?

The following workforce development training programs may resume statewide: nurse aid and direct care training programs; police academy, and other law enforcement training; emergency medical services (EMS) training; emergency medical technician (EMT) training; and fire training programs. Each program must be structured around ongoing social distancing, universal masking, and/or other public health guidance so as not to result in a spike of cases and new stay-at-home and closure orders.

45. Are religious institutions required to suspend to suspend in-person gatherings?

The Governor's and Secretary of Health's Non-Life Sustaining Business Closure Orders (as amended), the Governor's [Process to Reopen Pennsylvania](#) plan, and the Governor's Stay at Home Order are not applicable to religious institutions. However, religious leaders are encouraged to find alternatives to in-person gatherings and to avoid endangering their congregants. While not required for religious gatherings, religious institutions are encouraged to [follow CDC guidelines available here](#).

46. Are public bathing places regulated by the Pennsylvania Department of Health and other community pools permitted to operate during the Governor's phased reopening plan?

Public bathing places and other community pools are permitted to operate in counties in the Yellow and Green phases of the Governor's phased-in reopening plan, provided they follow [CDC guidance for aquatic venues](#) and the Governor's [Guidance for Businesses Permitted to Operate During the COVID-19 Disaster Emergency](#).