

Illinois Shelter-in-Place Update and the Restore Illinois Plan

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A FREEBORN & PETERS LLP CLIENT ALERT



ABOUT THIS CLIENT ALERT

Governor J.B. Pritzker has announced the Restore Illinois Plan, a plan for reopening the state. Just as the shelter-in-place orders have had a significant impact on Illinois businesses, the Reopening Plan, which commences on May 29, 2020, will affect Illinois businesses on an ongoing basis. As a result, this Client Alert addresses the fundamental aspects of the Reopening Plan.

On March 20, 2020, in response to the spread of COVID-19, Illinois Governor J.B. Pritzker issued Executive Order 2020-10, which required Illinois residents to close all non-essential businesses and to “shelter in place” in an effort to preserve public health and safety. Shortly following that initial order, we issued a Client Alert summarizing the terms of the order and identifying its impact on Illinois businesses. That Client Alert is available here: [Illinois Shelter-in-Place Order and its Impact on Illinois Business Operations](#).

The initial shelter-in-place order was originally set to expire on April 7, 2020; however, due to the severity of the pandemic, it has since been extended twice: first until April 30, 2020 and then to May 29, 2020. Governor Pritzker’s April 30, 2020 Order extended the shelter-in-place provisions of the March 20, 2020 Order and allowed for the opening of some non-essential businesses with significant restrictions. The April 30, 2020 Order also placed additional requirements and restrictions on residents and essential businesses.

Additionally, on May 19, 2020, Governor Pritzker announced that Class-A misdemeanor charges and financial penalties would be imposed on businesses and business owners who were found in violation of the shelter-in-place orders. Importantly, however, on May 21, 2020, Governor Pritzker rescinded his ruling and announced that no penalties will be imposed on businesses found in violation of the shelter-in-place orders.

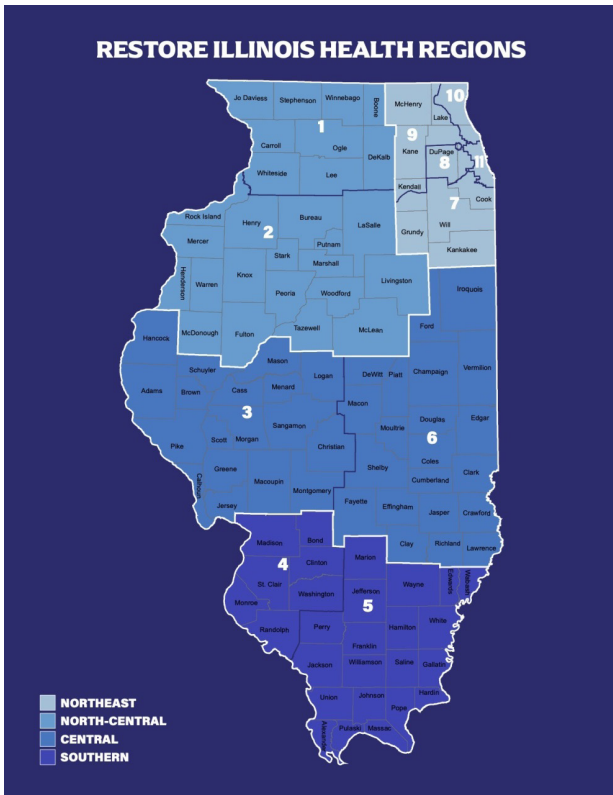
On May 6, 2020, Governor Pritzker announced the Restore Illinois Plan (the Reopening Plan), which replaces the previous shelter-in-place orders and consists of a five-phase plan to reopen Illinois’ economy. The Reopening Plan details both the health requirements that must be reached in order for businesses to reopen and the requirements for business operations under each of the five phases.

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The Restore Illinois Plan and Reopening of the Economy

As states across the United States continue to ease their stay-at-home orders and implement fragmented plans to reopen their economies, Governor Pritzker released the Reopening Plan, which commences on May 29.

The Plan divides the State of Illinois into four regions: Northeastern (containing Chicago), North-Central, Central, and Southern. The division of each region is set forth in the below graphic. The five phases consist of the following:



(Photo Credit: @GovPritzker/State of Illinois)



Phase 1 is the “Rapid Spread” phase, which strictly requires Illinois residents to stay at home and follow social distancing guidelines. During Phase 1, only essential businesses may remain open. Each region has already experienced this phase during the previous stay-at-home orders.

Phase 2 is the “Flattening” phase, during which non-essential retail stores may reopen for curbside pickup and delivery. In addition, bars and restaurants may continue to offer carry-out and delivery options, but dine-in service is still prohibited. Residents are required to wear a face covering in public, and more outdoor activities such as golf, boating, and fishing are allowed (with social distancing restrictions). As of the date of this Client Alert, all Illinois regions are in Phase 2.

Phase 3 is the “Recover” phase. During Phase 3, manufacturing, offices, retail, barbershops, and salons may reopen to the public with capacity limits and safety precautions. In addition, Governor Pritzker has announced that restaurants may reopen for patio and outdoor dining, provided that they follow certain social distancing guidelines. However, as of the date of this Client Alert, Chicago Mayor Lori Lightfoot has expressed doubt that Chicago will be ready to permit patio and outdoor dining along with the rest of Illinois, despite the movement of other restaurants throughout Illinois into Phase 3. During Phase 3, Illinois residents must continue to wear a face covering when outside their homes, and some social distancing restrictions have been relaxed for outdoor activities like golf, boating, and fishing (Mayor Lightfoot has maintained some restrictions on these activities in Chicago). Gatherings of 10 or fewer people are also permitted in Phase 3. While additional activities are permitted, Illinois residents are still expected to wear face coverings and practice social distancing.

Phase 4 is the “Revitalization” phase, during which, under the guidance of the Illinois Department of Public Health, gatherings of 50 or fewer people are permitted, restaurants and bars may reopen, travel resumes, and child care and schools may reopen. Illinois residents are still expected to wear face coverings and practice social distancing.

Phase 5 is the “Illinois Restored” phase, and indicates a full reopening of the economy with ongoing safety precautions.

The progression of the phases is dependent on a revolving set of benchmarks determined by the Illinois Department of Public Health, and generally includes testing capacity, contact tracing infrastructure, rates of infection, and hospital capacity, among other things.

According to Governor Pritzker, as of the date of this Alert, Illinois is currently in Phase 2. In order to transition into Phase 3, regions will need to remain at or under a 20% positivity rate, which may not increase more than 10% over a 14-day period. There may also not be an increase in hospital admissions for COVID-19 cases. Further, COVID-19 testing must be available to all at-risk residents in the region and contact tracing must be able to begin within 24 hours of a diagnosis.

With that said, Governor Pritzker expects that all of the regions in Illinois will move into Phase 3 on May 29. Notwithstanding that expectation, according to Mayor Lightfoot, Chicago will likely not progress into Phase 3 until mid-June, as COVID-19 cases continue to rise in Chicago.

In order to reach Phase 4, the regions will have to continue to see the same stability in COVID-19 rates, while also being able to offer testing to any Illinois resident (regardless of symptoms or risk) and being able to begin contact tracing within 24 hours for 90 percent of all COVID-19 cases. This type of testing and contact tracing infrastructure does not currently exist in Illinois, meaning that it may be months before any region reaches Phase 4.

Finally, Governor Pritzker has made it clear that Illinois will only reach Phase 5 when there is a vaccine or widely available and highly effective treatment for COVID-19.

As noted above, the progression by each region through the phases of the Reopening Plan is dependent on the rate of COVID-19 cases. Moreover, each Illinois business will be subject to different reopening requirements depending on the industry and location of the business. As such, if you are unsure how your business will be impacted by the Reopening Plan, the attorneys at Freeborn can help you determine the best path forward.

Visit [Freeborn's COVID-19 webpage](#) for more information as this situation develops.

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