



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

EMERGENCY EXECUTIVE ORDER NO. 100

March 16, 2020

EMERGENCY EXECUTIVE ORDER

WHEREAS, on March 7, 2020, New York State Governor Andrew Cuomo declared a State disaster emergency for the entire State of New York to address the threat that COVID-19 poses to the health and welfare of New York residents and visitors; and

WHEREAS, Emergency Executive Order No. 98, issued March 12, 2020, contains a declaration of a state of emergency in the City of New York due to the threat posed by COVID-19 to the health and welfare of City residents, and such declaration remains in effect for a period not to exceed thirty (30) days or until rescinded, whichever occurs first; and

WHEREAS, on March 6, 2020, the New York State Commission of Correction issued a Chairman's Memorandum directing local correctional facilities to coordinate disease control and prevention efforts with their county and city health departments; and

WHEREAS, on March 14, 2020, the New York State Department of Correction and Community Supervision suspended visitation at all correctional facilities statewide until April 11, 2020; and

WHEREAS, when members of the public seek to visit individuals in custody, public health is imperiled by the person-to-person spread of COVID-19, which would be devastating to the health, safety and security of the individuals who live in, work in, and visit Department of Correction facilities; and

WHEREAS, the risk of community spread throughout New York City impacts the life and health of the public and public health is imperiled by the person-to-person spread of COVID-19; and

WHEREAS, the reduction of opportunities for the person-to-person transmission of COVID-19 in meetings and other gatherings is necessary to combat the spread of this disease; and;

WHEREAS, this order is given because of the propensity of the virus to spread person to person and also because the virus physically is causing property loss and damage; and

NOW, THEREFORE, pursuant to the powers vested in me by the laws of the State of New York and the City of New York, including but not limited to the New York Executive Law, the New York City Charter and the Administrative Code of the City of New York, and the common law authority to protect the public in the event of an emergency:

Section 1. I hereby suspend:

a. Section 42 of the Charter, to the extent such section requires that all meetings of the City Council be held as provided in its rules, and that the City Council hold no less than two (2) stated meetings each month; and

b. Section 247 of the Charter, to the extent such section requires the City Council to hold hearings and submit and publish recommendations and findings regarding the preliminary budget no later than March 25, 2020.

§ 2. I hereby direct that the following laws and rules related to the Uniform Land Use Review Procedure, the landmarks designation processes and other procedures applicable to the City planning and land use review processes, to the extent they impose limitations on the amount of time permitted for the holding of public hearings, the certification of applications, the submission of recommendations, any required or necessary voting, the taking of final actions, and the issuance of determinations, are suspended, and that any such time limitations are tolled for the duration of the State of Emergency: sections 195, 197-d, and 3020 and subdivisions (b) through (h) of section 197-c of the Charter, sections 25-303, 25-306, 25-308, 25-309, 25-310 and 25-313 of the Administrative Code, and sections 1-05.5 and 1-07.5 of Title 2 and sections 2-02 through 2-07 of Title 62 of the Rules of the City of New York.

§ 3. I hereby direct, to the extent such laws and rules may be suspended consistent with State law, that the following laws and rules related to procurement are suspended to the extent necessary for the City to procure necessary goods, services and construction in response to the emergency: Chapter 13 of the New York City Charter; Chapter 9 of the Procurement Policy Review Board Rules; and Sections 6-101 through 6-107.1, 6-108.1 through 6-121, and 6-124 through 6-129 of the New York City Administrative Code.

§ 4. I hereby cancel the special election to be held on March 24, 2020 to fill the vacancy in the Office of Borough President of Queens and elect a Borough President to serve until December 31, 2020. This order shall not affect the primary and general elections scheduled pursuant to my January 2, 2020 proclamation of election.

§ 5. I hereby direct New York City Health and Hospitals Corporation (“NYC Health + Hospitals”) to immediately move to cancel or postpone elective procedures system-wide and to cease performing such procedures within 96 hours of the issuance of this Order. NYC Health + Hospitals is directed to identify procedures that are deemed “elective” by assessing which

procedures can be postponed or cancelled based on patient risk considering the emergency need for redirection of resources to COVID-19 response.

§ 6. I hereby direct other hospitals and ambulatory surgery centers in New York City to immediately move to cancel or postpone elective procedures and to cease performing such procedures within 96 hours of the issuance of this Order. Hospitals and ambulatory surgery centers are directed to identify procedures that are deemed “elective” by assessing which procedures can be postponed or cancelled based on patient risk considering the emergency need for redirection of resources to COVID-19 response.

§ 7. I hereby direct all establishments – including restaurants, bars, cafes - that offer food or drink shall close until further notice, effective Monday, March 16, 2020 at 8:00 PM. To ensure sufficient access to food and/or drink, establishments serving food and/or drink (including restaurants, bars, and cafes) may remain open for the sole purpose of providing take-out or delivery service, provided the establishments do not exceed fifty percent of their occupancy or seating capacity while persons are waiting for take-out and that such persons follow social distancing protocols.

§ 8. Additionally, all entertainment venues, including those with seating capacity below 500, are hereby closed effective Monday, March 16, 2020 at 8:00 PM. Entertainment venues shall include, but not be limited to movie theaters, clubs, cinemas, theatres and concert venues.

§ 9. Additionally, all commercial gyms are closed effective Monday, March 16, 2020 at 8:00PM.

§ 10. I hereby authorize all agencies to continue enforcing Emergency Executive Order 99 and any additional limitations on large gatherings that may be imposed by the Governor of New York State pursuant to his powers under §29-a of the Executive Law.

§ 11. I hereby suspend Section 1-09 of Title 40 of the Rules of the City of New York to the extent that such section prevents the Department of Correction from engaging in emergency response measures in relation to the person-to-person transmission of COVID-19 in the City of New York.

§ 12. I hereby suspend Section 1-07 of Title 40 of the Rules of the City of New York to the extent that such section prevents the Department of Correction from engaging in emergency response measures in relation to the person-to-person transmission of COVID-19 in the City of New York.

§ 13. I hereby suspend Section 1-08 of Title 40 of the Rules of the City of New York to the extent that such section prevents the Department of Correction from engaging in emergency response measures in relation to the person-to-person transmission of COVID-19 in the City of New York.

§ 14. I hereby suspend Section 9-110 of the Administrative Code to the extent that such section prevents the Department of Correction from engaging in emergency response measures in relation to the person-to-person transmission of COVID-19 in the City of New York.

§ 15. I hereby suspend Section 1-15 of Title 40 of the Rules of the City of New York to the extent that such section applies to the aforementioned suspensions of sections 1-07, 1-08, and 1-09, in order to allow the Department of Correction to engage in emergency response measures in relation to the person-to-person transmission of COVID-19 in the City of New York.

§ 16. I hereby direct the Commissioner of the Department of Correction to take all appropriate steps to facilitate alternative methods for detainees to maintain contact with friends and family, communicate with media representatives, access the law library and legal counsel, and engage in congregate religious activities, including but not limited to providing, where possible, video and teleconference services, unlimited, free phone calls, and free stamps and letter-writing materials.

§ 17. I hereby direct that all older adult congregate centers operating within the City, whether publicly or privately owned or funded, shall be closed and all programs suspended for the duration of the state of emergency now in effect. In order to provide access to food for older adults, any such center may continue to operate to the extent necessary to prepare and distribute meals.

§ 18. I hereby direct all agency heads, including Emergency Management, the Department of Health and Mental Hygiene, Community Affairs, Fire, Police, Sanitation, Buildings and Transportation to take all appropriate and necessary steps to preserve public safety and the health of their employees, and to render all required and available assistance to protect the security, well-being and health of the residents of the City.

§ 19. In accordance with Executive Law § 24 and New York City Administrative Code 3-108, any person who knowingly violates the provisions in Sections 5 through 13 of this order shall be guilty of a class B misdemeanor.

§ 20. This Emergency Executive Order shall take effect immediately, and shall remain in effect for five (5) days unless it is terminated or modified at an earlier date.



Bill de Blasio,
MAYOR