



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

EMERGENCY EXECUTIVE ORDER NO. 128

June 27, 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 and extended most recently by Emergency Executive Order No. 123, issued June 7, 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; and

WHEREAS, this Order is given because of the propensity of the virus to spread person-to-person and also because the actions taken to prevent such spread have led to property loss and damage; and

WHEREAS, measures taken to combat the spread of COVID-19 may prevent individuals, businesses and other entities from meeting legally imposed deadlines for the filing of certain documents or for the completion of other required actions; and

WHEREAS, this Order is given in order to ensure that the Governor's orders are enforced; 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 direct that sections 1, 2, 3, 4, 5, and 6 of Emergency Executive Order No. 127, dated June 22, 2020, are extended for five (5) days, except as described herein.

§ 2. In order to promote the safe and efficient use of privately owned public space, including any publicly accessible open area, pedestrian circulation space, waterfront public

access area or other privately owned space required by law to be open to the public, and to assist eating and drinking establishments, retail establishments, and commercial buildings to rebound and reopen while encouraging social distancing, I hereby suspend the following provisions of the New York City Zoning Resolution (“ZR”), and any additional provisions of the ZR that reference the provisions set forth herein, to the extent necessary to allow the use of any such privately owned public space in accordance with protocols of the Department of City Planning, provided that any such use shall be in compliance with such protocols:

- a) ZR Sections 37-53, 37-623, 37-624, 37-721, 37-726, 37-727, 37-73, 37-741, 37-80, 37-81, 62-513, 62-611, 62-62, 81-45, 81-681, 82-11, 91-82, 91-821, 91-822, 91-834, 93-731, 94-072, 98-53, 117-554, 124-42, 133-32, 136-324, E 27-121, E 27-321, E 27-50, E 37-04(f), E 37-04(g), and E 37-04(i), to the extent such sections restrict or limit obstructions or permitted obstructions, impose requirements for open air or outdoor cafes, restrict closure of a privately owned public space, impose seating requirements, including in indoor public spaces and enclosed publicly accessible spaces, or impose circulation path requirements;
- b) ZR Sections 37-752 and E 37-04(p), relating to signage requirements;
- c) ZR Sections 37-748, E 27-14, E 27-226, and E 27-34, relating to amenities;
- d) ZR Sections 37-746 and E 27-124, relating to drinking fountains;
- e) ZR Sections 37-625 and 62-12, to the extent such sections require a certification from the Chair of the City Planning Commission for design changes;
- f) ZR Section 37-745, relating to bicycle parking;
- g) ZR Section 37-78, relating to compliance, including any requirement for a certification from the Chair of the City Planning Commission for design changes;
- h) ZR Section 62-51, relating to the applicability of visual corridor requirements;
- i) ZR Section 62-52, relating to the applicability of waterfront public access area requirements;
- j) ZR Sections 74-72, 74-74, 74-761, 74-82, 74-87, 74-91, 74-931, and 74-95, to the extent necessary to allow for the modification of any special permit consistent with protocols issued by the Department of City Planning.

§ 3. I further suspend any provision or condition of any authorization or certification issued by the City Planning Commission, or the Chair of the City Planning Commission, that restricts or limits the use of any privately owned public space, to the extent necessary to allow the use of any such privately owned public space in accordance with protocols of the Department of City Planning, provided that any such use shall be in compliance with such protocols.

§ 4. I hereby amend Emergency Executive Order No. 126 as follows:

- a. Section 2(f) of such Order is amended to read as follows: Admin. Code, Title 28, Chapter 7, Section BC 3101.1, relating to special building construction, Section 3111, relating to the construction of sidewalk cafes, and Section 3202.4.1, relating to the construction of enclosures for sidewalk cafes, provided, however that

section BC 3111.4, relating to prohibited obstructions, and Section 3111.6, relating to accessibility, are not suspended;

- b. Section 4(b) of such Order is amended to read as follows: ZR Sections 32-41 and 42-41, to the extent such sections require eating and drinking establishment uses in certain Commercial Districts or Manufacturing Districts to be located within completely enclosed buildings.

§ 5. I hereby suspend 34 RCNY 4-08(a)(1), beginning June 29, 2020, to the extent that street cleaning parking rules (also known as alternate side parking or ASP) in residential areas be limited to one day a week. Until further notice from the Department of Transportation, streets where alternate side parking is restricted on multiple days by a sign with the letter “P” with a broom through it will be cleaned, and such parking restrictions will only be in effect, on the last day of the week posted on such signs. However, parking restrictions for street sweeping on consecutive days (daily street sweepings) in metered parking spots will be enforced in accordance with the restrictions posted on the authorized signs for that street.

§ 6. This Order incorporates any and all relevant provisions of Governor Executive Order No. 202 and subsequent orders issued by the Governor of New York State to address the State of Emergency declared in that Order pursuant to his powers under section 29-a of the Executive Law.

§ 7. I hereby direct the Fire Department of the City of New York, the New York City Police Department, the Department of Buildings, the Sheriff, and other agencies as needed to immediately enforce the directives set forth in this Order in accordance with their lawful enforcement authorities, including but not limited to Administrative Code sections 15-227(a), 28-105.10.1, and 28-201.1, and section 107.6 of the New York City Fire Code. Violations of the directives set forth in this Order may be issued as if they were violations under the New York City Health Code, title 24 Rules of the City of New York sections 3.07 and 3.11, and may be enforced as such by the Department of Health and Mental Hygiene or any other agency named in this section.

§ 8. 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