



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

EMERGENCY EXECUTIVE ORDER NO. 200

May 12, 2021

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. 198, issued May 2, 2021, 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;

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 and 2 of Emergency Executive Order No. 199, dated May 7, 2021, are extended for five (5) days.

§ 2. I hereby suspend section 1-06 of title 40 of the Rules of the City of New York to the extent that such section prohibits the Department of Correction from implementing measures necessary to prevent the person-to-person transmission of COVID-19.

§ 3. Any valid permit or authorization issued by the Fire Department for the use of a portable heater fueled by propane liquefied petroleum gas in an outdoor dining area pursuant to Emergency Executive Order No. 153 is hereby extended until May 31, 2021, and is hereby revoked effective June 1, 2021.

§ 4. I hereby order that, effective June 1, 2021, permission to utilize propane-fueled heaters in outdoor dining areas is revoked. Notwithstanding any contrary provision of Emergency Executive Order No. 153, I hereby order that, effective June 1, 2021:

a. The use of a temporary outdoor heater, as defined in section 1(a) of Emergency Executive Order No. 153, that is fueled by propane in an outdoor dining area operated by a restaurant, bar or other establishment participating in the Open Restaurants Program, or in a courtyard or other outdoor space on private property used by a food service establishment for outdoor dining, is prohibited.

b. Any such propane-fueled temporary outdoor heater must be removed from the outdoor dining area and disconnected from any propane container, but may be stored on the premises of the restaurant, bar or establishment in accordance with applicable guidance issued by the Fire Department.

c. Any propane container used for outdoor heating must be removed from the premises of the restaurant, bar or establishment at the close of business on May 31, 2021. After such date, propane shall not be used, handled or stored at such premises except as permitted by the Fire Code or title 3 of the Rules of the City of New York.

d. Any guidance issued by the Fire Department or Department of Buildings pursuant to section 1(c) of Emergency Executive Order No. 153 shall be updated and revised as necessary to reflect the provisions of this section.

§ 5. 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.

§ 6. 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.

§ 7. 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