



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

EMERGENCY EXECUTIVE ORDER NO. 171

December 29, 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. 165, issued December 3, 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 have created a particular need to enliven the City's commercial corridors and provide businesses with an opportunity to generate revenue while allowing customers and employees to practice social distancing in order to protect public health and safety; and

WHEREAS, covered businesses in the City have seen a significant decrease in business traffic and revenue during the pandemic, due to indoor capacity limits and other measures implemented to combat the spread of COVID-19; and

WHEREAS, allowing covered businesses to conduct certain business operations in space directly in front of their establishments on the sidewalk, and on roadways opened pursuant to the Open Streets: Restaurants initiative, will enable such businesses to increase their customer base while maintaining social distancing, and will protect public health by allowing customers to shop outside;

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 amend Emergency Executive Order No. 157, issued October 28, 2020, which established the Open Storefronts Program, as follows:

a. The definition of “covered business” in section 1(a)(1) is amended to include a food service establishment that has not registered for the Open Streets: Restaurants Program set forth in Emergency Executive Order No. 126 and as amended by subsequent Emergency Executive Orders, to the extent such food service establishment limits the business that it conducts in its outdoor commercial premises to pick-up of pre-ordered food and the offer and sale of prepared prepackaged food or whole, uncut fruit or vegetables. Any pre-ordered food for pick-up or prepackaged food offered for sale outdoors must comply with Articles 71 and 81 of the New York City Health Code, Chapter 23 of Title 24 of the Rules of the City of New York, the New York State Sanitary Code, and any other relevant State or Federal food safety regulation or law. A food service establishment operating pursuant to the Open Storefronts Program is not authorized to provide seating for customers.

b. Section 1(g) is amended to provide that the Open Storefronts Program shall remain in effect through September 30, 2021, unless later extended by subsequent Emergency Executive Order.

c. Section 7 is amended to read as follows:

§ 7. In order to further encourage the use of outdoor space by retail businesses and customers, I hereby authorize the Department of Transportation to grant concessions for the use of pedestrian plazas for outdoor retail markets, provided any such concession shall not be subject to renewal and shall have a term of less than 120 days

d. Section 8 is amended to provide that notwithstanding such section’s suspension of the Open Storefronts Program in any location identified by the New York State Cluster Action Initiative as a “Red Zone” where outdoor dining is prohibited pursuant to Governor Executive Order No. 202.68, a food service establishment may continue to operate outdoors under the Open Storefronts program for the purpose of pick-up of pre-ordered food only.

§ 2. 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.

§ 3. I hereby direct the Fire Department, the Police Department, the Department of Buildings, the Sheriff, the Department of Sanitation 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), 16-118, 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.

§ 4. 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