



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

EMERGENCY EXECUTIVE ORDER NO. 139

August 11, 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. 138, issued August 6, 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;

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 2, 3 and 4 of Emergency Executive Order No. 138, dated August 6, 2020, are extended for five (5) days.

§ 2. a. In order to assist businesses in reopening and recovering from the economic harm resulting from COVID-19 and to promote social distancing in City parks, I hereby authorize the Department of Parks and Recreation ("Department") to establish and administer a program pursuant to which the Department may:

1. Grant concessions to food service establishments for the use of designated areas of City parks for business operations, including outdoor seating or other uses approved by the Department, provided that any such concession shall (i) be for a proper park purpose as determined by the Department, (ii) not unreasonably interfere with the use of all or part of the park by members of the public for recreational purposes, (iii) not be subject to renewal, and (iv) have a term of less than 120 days; and
 2. Allow any existing concession under the jurisdiction of the Commissioner of Parks and Recreation, and any restaurant located within City parks that is the subject of a lease or other agreement between the Department and a not-for-profit corporation relating to the restoration and maintenance of the park in which such restaurant is located, to expand business operations beyond the specific boundaries of such concession or restaurant delineated pursuant to section 18-138 of the Administrative Code, provided any such expansion may not result in the unreasonable interference with the use of all or part of the park by members of the public for recreational purposes.
- b. The Department shall issue protocols governing the administration and operation of the program described in this section within fourteen (14) days from the date of this order. Any concessionaire or restaurant participating in such program shall comply with the provisions of such protocols.
- c. Notwithstanding sections 373, 374 and 375 of the New York City Charter and sections 1-16(d) and 1-17 of Title 12 of the Rules of City of New York (“RCNY”), any concession or amendment to a concession granted pursuant to this section shall not be subject to review by the Franchise and Concession Review Committee (“FCRC”) or to registration with the City Comptroller.
- d. In order to facilitate the administration and operation of the program described in this section, I hereby suspend the following provisions of the Charter, Administrative Code and RCNY, to the extent such provisions are inconsistent with this section or the protocols described in subdivision b of this section:
1. Section 373 of the Charter, relating to the FCRC;
 2. Section 374 of the Charter, relating to concessions;
 3. Section 375 of the Charter, relating to registration with the City Comptroller;
 4. Section 18-138 of the Administrative Code, relating to locations of concessions in parks; and
 5. The following sections of title 12 of the RCNY: section 1-06, relating to responsiveness of bids and proposals; section 1-07, relating to concessionaire responsibility; section 1-09, relating to publication requirements for awards of

concessions; section 1-12, relating to competitive sealed bids; section 1-13, relating to competitive sealed proposals; section 1-14, relating to negotiated concessions; section 1-15, relating to small concessions; section 1-16, relating to FCRC approval of different procedures; and sections 1-17, relating to registration with the City Comptroller.

§ 3. 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.

§ 4. 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.

§ 5. 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