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Effective: Upon the City of New York Entering Phase 1 Reopening

To: Owners and Contractors

Purpose: Guidance to owners and contractors on enforcement of New York State (NYS) Department of Health Interim Guidance For Construction Activities During the COVID-19 Public Health Emergency issued on May 13, 2020; NYC Mayoral Executive Order No. 120 issued on June 3, 2020; pursuant to NYS Governor's Executive Order 202.34 and subsequent orders

Related Code/Zoning Section(s) and Operating Information:

- AC 28-103.8
- AC 28-201.1
- New York State Gubernatorial Emergency Order 202.34 and subsequent orders and related New York State Department of Health guidelines
- New York City Mayoral Emergency Orders
- NYC Health Department "Reopening New York City: Frequently Asked Questions What the Constructions Businesses Need to Know"

In accordance with [NYS Governor's Executive Order 202.34](#) and subsequent orders, construction projects subject to permits issued by the NYC Department of Buildings, or otherwise regulated by the NYC Construction Codes and the NYC Electrical Code are permitted to proceed provided they comply with the [Interim Guidance For Construction Activities During The COVID-19 Public Health Emergency](#) published by New York State (NYS Interim Guidance).

The standards contained within the NYS Interim Guidance apply to all construction activities in operation during the COVID-19 public health emergency until rescinded or amended by the State. Employers are required to develop a plan for each construction site and submit an affirmation to the State as required in the NYS Interim Guidelines. The NYS Interim Guidelines are minimum requirements only; employers can require additional precautions.

In accordance with Section IV of the NYS Interim Guidance, completed safety plans must be conspicuously posted on the construction site. The State has made available a [business reopening safety plan template](#) to guide business owners and operators in developing plans to protect against the spread of COVID-19.

In accordance with the [Mayor's Emergency Executive Order No. 120](#), the Department of Buildings will periodically be checking construction sites for compliance with employer safety plans required by the NYS Interim Guidance, including, but not limited to, the following requirements:

- Ensure 6 feet of distance between personnel, unless safety or core function of the work activity requires a shorter distance.
- Any time personnel are less than 6 feet apart from anyone (including other personnel, approved visitors, regulatory entities), they must wear face coverings.
- Tightly confined spaces (e.g., elevators, hoists) occupied by only one individual at a time OR under 50% maximum allowed number of people if all occupants wear a face covering.
 - 50% capacity must be posted within the cab AND at each landing
- A site safety monitor must be designated whose responsibilities include continuous compliance with all aspects of the site safety plan.
- Appropriate signage is posted throughout the site to remind personnel to adhere to proper hand hygiene, physical distancing rules, appropriate use of personal protective equipment, and cleaning and disinfecting protocols.
- Safety plan(s) are conspicuously posted on site and include a copy of the submitted State affirmation.
- A communication plan for employees, visitors, and clients is available at the site.
- A continuous log of every person who may have had close contact with other individuals at the work site or area is kept at the site.
- There are hand hygiene stations available on site and readily accessible to workers.
- A cleaning and disinfection log is present at the site with minimum daily entries.

For additional information we also recommend that Owners and Contractors review The NYC Health Department FAQ “Reopening New York City: Frequently Asked Questions What the Constructions Businesses Need to Know.” In addition to general business compliance it also provides information on best practices that can be implemented by employers at their construction sites.

During the first 30 days of construction resuming, the Department will focus on education to help the industry learn how to implement the new standards and procedures. Initial DOB violations issued during these first 30 days carry no financial penalty. Following this period, violations will result in financial penalties and further noncompliance may result in Stop Work Orders and summonses with accompanying civil penalties of up to \$5,000 for each offense.

Any violation of these requirements, or other New York State or New York City mandates, is subject to enforcement including issuance of violations and associated penalties.

References

[NYS Governor’s Executive Order 202.34](#)

[Mayor’s Emergency Executive Order No. 120](#)

[Interim Guidance For Construction Activities During The Covid-19 Public Health Emergency](#)

NYC Health Department [“Reopening New York City: Frequently Asked Questions What the Constructions Businesses Need to Know.”](#) published by NYC DOH (UPDATED: June 4, 2020)