



# Interim Guidance on Executive Orders Issued for Gatherings, Public Spaces, and Public and Private Sector Entities During the COVID-19 Outbreak

Revised March 19, 2020

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**Background:** In December 2019, a new respiratory disease called Coronavirus Disease 2019 (COVID-19) was detected in China. COVID-19 is caused by a virus (SARS-CoV-2) that is part of a large family of viruses called coronaviruses. Recently, community-wide transmission of COVID-19 has occurred in the United States, including New York where the number of both persons under investigation and confirmed cases are rapidly increasing. To reduce the community-wide transmission of COVID-19, Governor Andrew M. Cuomo has issued orders designed to decrease the density of people in the most populous, common areas and locations of the state (e.g. gatherings, public spaces, and businesses).

**Large Gatherings and Public Spaces Restriction:** Effective Monday, March 16, 2020 at 8:00PM, any gathering or event with fifty (50) or more participants at any location in New York was directed to be postponed or cancelled.<sup>1</sup>

**Occupancy Restriction:** For gatherings or events with fewer than fifty (50) participants, the private and public operators of the establishment or the organizers of the event must operate at no more than 50% of their maximum occupancy.<sup>2</sup> For the purposes of this guidance, maximum occupancy is defined as the maximum number of persons permitted in any part of a premise – or entirety of a premise depending upon the physical layout – at any given time.

**Certain Business Restrictions:** Effective Monday, March 16, 2020 at 8:00PM, certain businesses with high traffic from the public were directed to cease or restrict operations.<sup>3</sup> Specifically, all restaurants and bars shall only serve food and beverages for off-premise consumption through take-out, delivery, or drive-through. All casino and video lottery gaming must cease operations. Also, all gyms, fitness centers and classes, and movie theaters must cease operations.

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<sup>1</sup> Governor Andrew M. Cuomo. Executive Order 202.3. March 16, 2020. Accessed at <https://www.governor.ny.gov/news/no-2023-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

<sup>2</sup> Governor Andrew M. Cuomo. Executive Order 202.1. March 12, 2020. Accessed at <https://www.governor.ny.gov/news/no-2021-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

<sup>3</sup> Governor Andrew M. Cuomo. Executive Order 202.3. March 16, 2020. Accessed at <https://www.governor.ny.gov/news/no-2023-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.



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Executive Deputy Commissioner

Effective Thursday, March 19, 2020 at 8:00PM, all large indoor shopping malls must close their interior common areas to the public.<sup>4</sup> Stores with external entrances may remain open, subject to the occupancy restrictions. Further, all places of public amusement must be closed to the public, including but not limited to amusement parks, carnivals, water parks, aquariums, zoos, arcades, fairs, children's play center, funplexes, theme parks, bowling alleys, and family and children's attractions. This provision does not apply to public parks and open recreation areas.

**In-Person Workforce Reductions:** Effective Tuesday, March 17, 2020, all local governments were directed to allow non-essential personnel, as determined by the local government, to be able to work from home or take leave without charging accruals, except for personnel who are essential to the COVID-19 emergency response.<sup>5</sup> Local governments should reduce their entire in-person workforce by no less than 50%. State government is subject to the same reduction.

Effective Friday, March 20, 2020 at 8:00PM, all businesses and not-for-profit organizations must use telecommuting or alternative work-from-home options, to the extent possible.<sup>6</sup> All non-essential businesses and organizations must reduce the in-person workforce at any given work site or location by 50% at any given time. This will increase to 75% as announced by the Governor on Thursday, March 19, 2020.

**Exclusions for Essential Services or Functions:** Public and private sector organizations that provide essential services or functions are exempt from the above restrictions and reductions. However, to the extent practicable, these entities should implement reasonable measures to increase social distancing and reduce the density of people congregated in any given location. For the purposes of this guidance, essential services are considered:

- Health Care
  - Hospitals
  - Clinics
  - Emergency Medical Services
  - Residential Health Care Facilities, such as Nursing Homes
  - Mental Health and Addiction Service Providers
  - Senior and Assisted Care Programs and Services
  - Home Health Care Programs and Services

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<sup>4</sup> Governor Andrew M. Cuomo. Executive Order 202.5. March 18, 2020. Accessed at <https://www.governor.ny.gov/news/no-2025-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

<sup>5</sup> Governor Andrew M. Cuomo. Executive Order 202.4. March 16, 2020. Accessed at <https://www.governor.ny.gov/news/no-2024-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

<sup>6</sup> Governor Andrew M. Cuomo. Executive Order 202.6. March 18, 2020. Accessed at <https://www.governor.ny.gov/news/no-2026-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.



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- Research and Laboratory Services
- Physician Offices
- Dentist Offices
- Veterinary Clinics
- Essential Infrastructure
  - Public and Private Utilities, such as Gas, Electric, Steam, Fuel, Water, and Sewer
  - Telecommunication and Data Centers
  - Transportation, such as Airplanes and Airports, Trains and Railway Stations, Subways and Subway Terminals, Buses and Bus Terminals, For Hire Vehicles, and Garages
  - Defense, including United States Military and National Security Operations
- Essential Manufacturing and Supporting Supply Chain
  - Food Production and Processing, such as Farms and Agricultural Cultivation
  - Pharmaceuticals
  - Chemicals
  - Microelectronics/Semi-Conductors
  - Medical Equipment and Supplies
  - Safety and Sanitary Products
  - Paper Products
- Essential Retail
  - Grocery Stores and Farmers Markets
  - Pharmacies
  - Restaurants Take-Out, Delivery, and Drive-Thru Service, but Not Dine-In Service
  - Gas Stations and Convenience Stores
  - Hardware and Building Stores
- Essential Services
  - Trash Collection and Waste Management
  - Recycling Operations
  - Mail and Shipping Services
  - Warehouse, Fulfillment, and Distribution Centers
  - Laundromats and Dry Cleaning
  - Funeral Homes, Crematoriums, and Cemeteries
  - Storage for Essential Businesses
- News Media
  - Print and Digital
- Financial Institutions
  - Banks
  - Insurance
  - Accounting
  - Payroll



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- Providers of Basic Necessities to Economically Disadvantaged
  - Shelters
  - Food Banks
  - Human Service Providers Who Provide Direct Care for State-Licensed or -Funded Voluntary Programs and State-Licensed Residential Facilities, as well as Community Shelter, Child Care, and Other Critical Service Operations
- Construction
  - Skilled Trades, such as Electricians, Plumbers, Carpenters
  - Firms Supporting Essential Infrastructure, Emergency, or Safety Projects
- Essential Service Providers for Safety, Sanitation, Essential Operations of Residences and Essential Businesses
  - Building Maintenance and Property Management, Both Employed by Building Owner/Operator and Vendor
  - Building Cleaning and Janitorial Services
  - General Maintenance
  - Law Enforcement
  - Fire Prevention and Response
  - Building Code Enforcement
  - Security and Building Access, such as Guards and Door Staff
  - Emergency Management and Response
  - Automotive Repair
  - Animal Maintenance and Management
- Essential Services or Products Necessary to Ensure Continuing Operations of Government Agencies and Provision of Public Health, Safety, and Welfare
  - Logistics
  - Technology Support
  - Child Care Programs and Services
  - Government Owned- or Leased-Buildings

**Note:** Pursuant to prior Governor actions and announcements, educational institutions, including public pre-kindergarten through 12<sup>th</sup> grade schools, colleges, and universities, have ceased in-person instruction, but would otherwise be considered essential.<sup>7</sup> Houses of worship are subject to a maximum of 50 congregants or half of the maximum occupancy of the space, whichever is fewer. Finally, as abovementioned, bars can only continue service for off-premise consumption.<sup>8</sup>

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<sup>7</sup> Governor Andrew M. Cuomo. Executive Order 202.4. March 16, 2020. Accessed at <https://www.governor.ny.gov/news/no-2024-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

<sup>8</sup> Governor Andrew M. Cuomo. Executive Order 202.3. March 16, 2020. Accessed at <https://www.governor.ny.gov/news/no-2023-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.



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**Waivers:** Any other business or not-for-profit organization seeking to be deemed an essential service or function and therefore waived from the restrictions and reductions should consult Empire State Development Corporation guidance at <https://esd.ny.gov/guidance-executive-order-2026> and submit any questions at <https://esd.ny.gov/covid-19-help>.

**For further information, please visit:**

New York State Department of Health's COVID-19 Webpage  
<https://www.health.ny.gov/diseases/communicable/coronavirus/>

Centers for Disease Control and Prevention Webpage:  
<https://www.cdc.gov/coronavirus/2019-ncov/>

The Novel Coronavirus Hotline can be reached 24/7 at 1-888-364-3065.