

NEW YORK STATE RESTRICTIONS ON “BUILDING CONSTRUCTION”

(AS A RESULT OF THE COVID-19 OUTBREAK)

On March 27, 2020, by Executive Order 202.13, New York Governor Cuomo amended his earlier Executive Order relating to the COVID-19 outbreak, including Order # 202.6 which had classified “construction projects” as essential and exempt from the in-person workforce restrictions of his earlier orders.

Under Order 202.13, effective 8 p.m. March 28, 2020, except as determined by the New York Empire Development Corp. (“ESD”), building construction projects are no longer exempt and must shut down except in emergency circumstances.

The ESD has provided **the following guidance** (esd.ny.gov/guidance-executive-order-2026) with respect to what constitutes “emergency construction”, or otherwise qualifies as an exception to the in-person restrictions of the Governor’s Executive Orders:

9. Construction

- All non-essential construction must shut down except emergency construction, (e.g. a project necessary to protect health and safety of the occupants, or to continue a project if it would be unsafe to allow to remain undone until it is safe to shut the site).
- Essential construction may continue and includes roads, bridges, transit facilities, utilities, hospitals or health care facilities, affordable housing, and homeless shelters. At every site, if essential or emergency non-essential construction, this includes maintaining social distance, including for purposes of elevators/meals/entry and exit. Sites that cannot maintain distance and safety best practices must close and enforcement will be provided by the state in coordination with the city/local governments. **This will include fines of up to \$10,000 per violation.**
- For purposes of this section construction work does **not** include a single worker, who is the sole employee/worker on a job site.

Dated: March 28, 2020

THE VILLAGE OF
WEST HAVERSTRAW

Fred Viohl
Building Inspector