



## A Reopening Guide to Essential Businesses and Phased Openings:

### What You Need to Know as of November 16, 2020

- Effective November 13 at 10 p.m., bars, restaurants and gyms, as well as any State Liquor Authority-licensed establishment, must close in-person service from 10 p.m. to 5 a.m. daily.
- Effective November 13 at 10 p.m., indoor and outdoor gatherings at private residences will be limited to no more than 10 people.
- New [travel guidelines](#) are in effect that allow out-of-state travelers to “test out” of the mandatory 14-day quarantine.
- A new [cluster action initiative](#) is addressing COVID-19 hot spots that have cropped up across the state.
- Go to New York's [COVID Report Card](#) to find COVID-19 positive case data for every school district in the state.
- A new [cluster action initiative](#) will address COVID-19 hot spots that have cropped up in Brooklyn, Queens and Broome, Orange and Rockland Counties.
- Governor Cuomo signs an Executive order stating that businesses violating the reopening guidelines could result in immediate loss of their liquor license and a shut down order; the area immediately outside their locations are also the responsibility of the business.
- Movie theaters outside of New York City can reopen starting October 23 at 25 percent capacity with no more than 50 people allowed in front of each screen.
- Theaters can only open outside of New York City in counties that have COVID-19 positivity rates of less than 2 percent on a 14-day average and do not have any cluster zones.
- Ski resorts can reopen with 50 percent indoor capacity and with strict health and safety protocols under state-issued guidance starting Friday, November 6.
- Beginning September 21, lower-risk school sports may begin statewide; with travel for practice or play prohibited outside of the school's region or contiguous regions until October 19.
- Based on each region's infection rate, schools across New York State are permitted to open this fall but each school district must have a testing and tracing plan and will decide if an in-person v. hybrid model works best for them while following strict Department of Health Guidance.
- The State Police and State Liquor Authority are leading a task force to investigate and shut down establishments not complying with the safety standards of the state.
- Beginning August 24, gyms and fitness centers will be allowed to reopen at limited capacity while following rigorous safety protocols.
- Bowling Alleys and Lanes will be allowed to open on Aug 17 following established guidelines.
- A new COVID Rental Assistance Program will provide aid to low-income families who lost income due to the pandemic
- Governor Cuomo signs legislation prohibiting health care employers from penalizing employees for making complaints of employer violations.

- Governor Cuomo has partnered with New Jersey Governor Murphy and Connecticut Governor Lamont to create a joint travel advisory for individuals traveling from states with significant community spread of COVID-19, requiring a quarantine for 14 days when visiting their states.
- New York State currently has the lowest death toll and hospitalizations due to COVID-19 since the pandemic began.
- Regions in phase four will be permitted to hold social gatherings of up to 50 people; and indoor religious gatherings will be allowed at up to 33 percent of the indoor site's capacity.
- Go to [forward.ny.gov](https://forward.ny.gov) to find out: Which phase of reopening your region is in; the industry guidance for each phase; regional dashboards for monitoring how the virus is being contained; and information on loans for small businesses.
- New Yorkers without health insurance can apply through NY State of Health through July 15, 2020; must apply within 60 days of losing coverage.
- Health care workers can text NYFRONTLINE to 741-741 to access 24/7 emotional support services. Any New Yorker can call the COVID-19 Emotional Support Hotline at 1-844-863-9314 for mental health counseling.
- The deadline for New York State personal income tax and corporation tax returns has been extended from April 15, 2020 to July 15, 2020.
- Hospitals and group homes will be allowed to accept visitors at their discretion, while following state guidelines including time-limited visits and requiring visitors to wear PPE and be subject to symptom and temperature checks.
- Governor Cuomo announced the implementation of a new [early warning dashboard](#) to monitor and review how the virus is being contained on an ongoing basis.
- The \$100M [New York Forward Loan Fund](#) will provide loans to small businesses, focusing on minority and women owned small businesses, that did not receive federal COVID-19 assistance.
- The New York State sales tax filing deadline has been extended to June 22, 2020.
- Governor Cuomo issued executive orders [202.17](#) and [202.18](#) requiring all people in New York to wear masks or [face coverings in public](#), including when taking public or private transportation or riding in for-hire vehicles.
- New Yorkers without health insurance can apply through NY State of Health through July 15, 2020; must apply within 60 days of losing coverage.
- New Yorkers can call the COVID-19 Emotional Support Hotline at 1-844-863-9314 for mental health counseling.
- Testing is free for all eligible New Yorkers as ordered by a health care provider.
- Your [local health department](#) is your community contact for COVID-19 concerns.
- New York State will decide the first week of August whether schools will reopen in the fall. Schools are currently working on reopening plans and will submit them to the state by the end of July.
- Beginning Friday, July 10, malls can open in regions that have entered phase four if they have implemented an enhanced HVAC filtration system and follow proper ventilation protocols. There are still no updates on when Gyms may reopen.
- The New York State Fair has been cancelled, and all county fairs will be cancelled until further notice out of an abundance of caution. Wyoming County Fair organizers cancelled the local fair prior to this announcement.
- Letchworth Arts and Crafts Festival has been cancelled for 2020

### **1. Essential health care operations including**

- research and laboratory services
- hospitals
- walk-in-care health clinics and facilities
- veterinary and livestock medical services
- senior/elder care
- medical wholesale and distribution
- home health care workers or aides for the elderly
- doctors and doctors' offices
- dentists and dental practices
- nursing homes, residential health care facilities, or congregate care facilities
- medical supplies and equipment manufacturers and providers
- licensed mental health providers
- licensed substance abuse treatment providers
- medical billing support personnel
- speech pathologists and speech therapy
- chiropractic services
- acupuncture
- physical therapy
- occupational therapy

### **2. Essential infrastructure including**

- public and private utilities including but not limited to power generation, fuel supply, and transmission
- public water and wastewater
- telecommunications and data centers
- airlines/airports
- commercial shipping vessels/ports and seaports
- transportation infrastructure such as bus, rail, for-hire vehicles, garages
- hotels, and other places of accommodation, including campgrounds. Campgrounds must take precautions to ensure campers maintain appropriate social distancing and adhere to proper cleaning and disinfecting protocols, including but not limited to maintaining six feet of distance between campers, unless wearing an acceptable face covering, excluding persons from the same household who are camping together.

### **3. Essential manufacturing including**

- food processing, manufacturing agents including all foods and beverages
- chemicals
- medical equipment/instruments
- pharmaceuticals
- sanitary products including personal care products regulated by the Food and Drug Administration (FDA)
- telecommunications
- microelectronics/semi-conductor

- food-producing agriculture/farms
- household paper products
- defense industry and the transportation infrastructure
- automobiles
- any parts or components necessary for essential products that are referenced within this guidance

#### **4. Essential retail including**

- grocery stores including all food and beverage stores
- pharmacies
- convenience stores
- farmer's markets
- gas stations
- restaurants/bars (but only for take-out/delivery)
- hardware, appliance, and building material stores
- pet food
- telecommunications to service existing customers and accounts
- in regions that are not yet within the first phase of the state's regional reopening plan, delivery for orders placed remotely via phone or online at non-essential retail establishments; provided, however, that only one employee is physically present at the business location to fulfill orders

#### **5. Essential services including**

- trash and recycling collection, processing, and disposal
- mail and shipping services
- laundromats and other clothing/fabric cleaning services
- building cleaning and maintenance
- child care services
- bicycle repair
- auto repair and maintenance
- automotive sales conducted remotely or electronically, with in-person vehicle showing, return, and delivery by appointment only
- warehouse/distribution and fulfillment
- funeral homes, crematoriums and cemeteries
- storage for essential businesses
- maintenance for the infrastructure of the facility or to maintain or safeguard materials or products therein
- animal shelters and animal care including dog walking, animal boarding and pet grooming but only to the extent necessary to ensure animal health
- landscaping, gardening and horticulture
- designing, printing, publishing and signage companies to the extent that they support essential businesses or services
- remote instruction or streaming of classes from public or private schools or health/fitness centers; provided, however, that no in-person congregate classes are permitted

## **6. News media**

### **7. Financial Institutions including**

- banks or lending institution
- insurance
- payroll
- accounting
- services related to financial markets, except debt collection

### **8. Providers of basic necessities to economically disadvantaged populations including**

- homeless shelters and congregate care facilities
- food banks
- human services providers whose function includes the direct care of patients in state-licensed or funded voluntary programs; the care, protection, custody and oversight of individuals both in the community and in state-licensed residential facilities; those operating community shelters and other critical human services agencies providing direct care or support

### **9. Construction**

All non-essential construction is limited to only staging activities in regions that are not yet within the first phase of the state's reopening plan, 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, but only to the point that it is safe to suspend work).

Essential construction includes:

- construction for, or your business provides necessary support for construction projects involving, roads, bridges, transit facilities, utilities, hospitals or healthcare facilities, homeless shelters, or public or private schools;
- construction for affordable housing, as defined as construction work where either (i) a minimum of 20% of the residential units are or will be deemed affordable and are or will be subject to a regulatory agreement and/or a declaration from a local, state, or federal government agency or (ii) where the project is being undertaken by, or on behalf of, a public housing authority;
- construction necessary to protect the health and safety of occupants of a structure;
- construction necessary to continue a project if allowing the project to remain undone would be unsafe, provided that the construction must be shut down when it is safe to do so;
- construction for existing (i.e. currently underway) projects of an essential business; or
- construction work that is being completed by a single worker who is the sole employee/worker on the job site.

At every site, it is required that the personnel working on the site maintain an appropriate social distance, including for purposes of elevators/meals/entry and exits. Sites that cannot maintain appropriate social distancing, as well as cleaning/disinfecting protocols must close. Enforcement will be conducted by state and local governments, including fines up to \$10,000 per violation.

Construction may continue solely with respect to those employees that must be present at the business location/construction site in support of essential business activities. No other employees/personnel shall be permitted to work in-person at the business location/construction site. For staging activities, an in-person workforce may be present on-site to:

- Clean, sanitize, and/or disinfect common and work areas;
- Test run hoists, elevators, cranes, and other equipment;
- Establish new and multiple entrances/exits to control the movement of personnel and allow for health screening, including temperature taking;
- Install hand hygiene/wash stations or retrofit existing ones with touchless faucets and dispensers;
- Install health screening stations or devices at entrances;
- Affix social distancing, hygiene, and cleaning/disinfection signage, including posters, markers, and directional arrows;
- Deliver and stockpile personal protective equipment (e.g. face coverings, face shields, gloves); and
- Order, unload, and rough set materials that specialty contractors or subcontractors need to perform work (e.g. structural supports, piping, conduits, drywall).

As noted above, local governments, including municipalities and school districts, are allowed to continue construction projects at this time as government entities are exempt from these essential business restrictions. However, to the greatest extent possible, local governments should postpone any non-essential projects and only proceed with essential projects when they can implement appropriate social distancing and cleaning/disinfecting protocols. Essential projects should be considered those that have a nexus to health and safety of the building occupants or to support the broader essential services that are required to fulfill the critical operations of government or the emergency response to the COVID-19 public health crisis.

#### **10. Defense**

- defense and national security-related operations supporting the U.S. Government or a contractor to the US government

#### **11. Essential services necessary to maintain the safety, sanitation and essential operations of residences or other businesses including**

- law enforcement, including corrections and community supervision
- fire prevention and response
- building code enforcement
- security
- emergency management and response, EMS and 911 dispatch
- building cleaners or janitors
- general and specialized maintenance whether employed by the entity directly or a vendor, including but not limited to heating, ventilation, and air conditioning (HVAC) and pool maintenance

- automotive repair
- cleaning, disinfection, and sanitation services
- occupational safety and health professionals
- residential and commercial moving services

**12. Vendors that provide essential services or products, including logistics and technology support, child care and services including but not limited to:**

- logistics
- technology support for online services
- child care programs and services
- government owned or leased buildings
- essential government services
- any personnel necessary for online or distance learning or classes delivered via remote means

**13. Recreation**

- Parks and other open public spaces, including playgrounds and other areas of congregation within the discretion of the state or local government so long as appropriate social distancing of at least six feet among individuals can be abided, acceptable face coverings are worn by individuals who are over the age of two and able to medically tolerate such coverings, and frequent cleaning/disinfection measures are in place for hard surfaces and objects frequently touched by multiple people (e.g., handrails, benches)
- Outdoor, low-risk recreational activities are permitted so long as social distancing and cleaning/disinfecting measures are in place:
  - tennis;
  - non-motorized boat use and rentals, such as row boats, kayaks, canoes;
  - golf and driving ranges, except miniature (mini) golf, with food and retail services subject to the restrictions that are currently in effect within the region;
  - racket games, such as badminton, pickleball, racquetball;
  - toss/bowl games, such as horseshoes, bocce, bean bag toss, croquet;
  - flying disc games, such as disc golf and frisbee;
  - shuffleboard;
  - aerial rope courses or zip lining;
  - rope courses including aerial rope courses;
  - batting cages;
  - shooting ranges; and
  - swim classes and swim instruction.
- Drive-in movie theaters so long as social distancing and cleaning/disinfecting measures are in place
- Marinas, boatyards, and recreational marine manufacturers, for ongoing marina operations and boat repair/maintenance, where such facilities adhere to strict social distancing and sanitization protocols. In regions that are not within the first phase of the state's regional reopening plan, use of such sites for the purposes of personal use or operation of boats or other watercraft is permissible, provided that no establishment offer chartered motorized watercraft services or motorized boat rentals. Restaurant activity at such sites are limited to take-out or delivery only.

#### **14. Professional services with extensive restrictions**

- Lawyers may continue to perform all work necessary for any service so long as it is performed remotely. Any in-person work presence shall be limited to work only in support of essential businesses or services; however, even work in support of an essential business or service should be conducted as remotely as possible.
- Real estate services shall be conducted remotely for all transactions, including but not limited to title searches, appraisals, permitting, inspections, and the recordation, legal, financial and other services necessary to complete a transfer of real property; provided, however, that any services and parts therein may be conducted in-person only to the extent legally necessary and in accordance with appropriate social distancing and cleaning/disinfecting protocols; and nothing within this provision should be construed to allow brokerage and branch offices to remain open to the general public (i.e. not clients).

Pursuant to Executive Order [202.42](#) and [202.45](#), all non-essential gatherings of individuals of any size for any reasons (e.g., parties, celebrations, or other social events) are limited to no more than twenty-five (25) or fewer people in regions that have reached Phase Three of reopening, and no more than fifty (50) people in regions that have reached Phase Four of reopening, so long as appropriate social distancing and face covering requirements are followed. Under Executive Order 202.41, any region that has not yet entered Phase Three of reopening, non-essential gatherings cannot exceed ten (10) people, and social distancing and face covering requirements must be adhered to.

If the function of your business is listed above, you do not need to request any special designation or approval to operate.

If you have reviewed this guidance and require additional assistance in determining whether or not your business is permitted to operate on-site, you may consult the New York Forward Business Reopening Lookup Tool [here](#).

#### **Restrictions on requesting designation as an essential business:**

Pursuant to the Governor's Executive Orders, the following businesses are specifically enumerated as non-essential and are, therefore, unable to request a designation, but should continue to monitor the New York Forward [website](#) for additional developments:

- Any large gathering or event venues, including but not limited to establishments that host concerts, conferences, or other in-person performances or presentations in front of an in-person audience;
- Any facility authorized to conduct video lottery gaming or casino gaming;
- Any gym, fitness centers, or exercise classes, except the remote or streaming service noted above;
- Any movie theater, except drive-ins;
- Any indoor common portions of retail shopping malls with 100,000 or more square feet of retail space available for lease; and

- All places of public amusement, whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, arcades, fairs, children’s play centers, funplexes, theme parks, bowling alleys, family and children’s attractions;

## **What is included in the Phased Reopening?**

### **Phase One: (May 15)**

#### **Construction**

- Building Equipment Contractors
- Building Finishing Contractors
- Foundation, Structure, and Building Exterior Contractors
- Highway, Street and Bridge Construction
- Land Subdivision
- Nonresidential Building Construction
- Residential Building Construction
- Utility System Construction

#### **Agriculture, Forestry, Fishing & Hunting**

- Other Animal Production
- Other Crop Production
- Support Activities for Animal Production
- Support Activities for Crop Production
- Support Activities for Forestry

#### **Retail Trade**

- Phase One includes delivery, curbside, and in-store pickup service only for the following businesses:
- Clothing Stores
- Direct Selling Establishments
- Electronics and Appliance Stores
- Electronic Shopping and Mail-Order Houses
- Furniture and Home Furnishing Stores
- Florists
- General Merchandise Stores
- Health and Personal Care Stores
- Jewelry, Luggage, and Leather Goods Stores
- Lawn and Garden Equipment and Supplies Stores
- Office Supplies, Stationery, and Gift Stores
- Used Merchandise Stores

- Shoe Stores
- Sporting Goods, Hobby, Musical Instrument and Book Stores
- Other Miscellaneous Store Retailers

### **Manufacturing**

- Apparel Manufacturing
- Computer and Electronic Product Manufacturing
- Electric Lighting Equipment Manufacturing
- Fabricated Metal Product Manufacturing
- Furniture and Related Product Manufacturing
- Leather and Allied Product Manufacturing
- Machinery Manufacturing
- Nonmetallic Mineral Product Manufacturing
- Paper Manufacturing
- Petroleum and Coal Products Manufacturing
- Plastics and Rubber Products Manufacturing
- Printing and Related Support Activities
- Textile Mills
- Textile Product Mills
- Wood Product Manufacturing
- Other Miscellaneous Manufacturing

### **Wholesale Trade**

- Apparel, Piece Goods, and Notions Merchant Wholesalers
- Chemical and Allied Products Merchant Wholesalers
- Furniture and Home Furnishing Merchant Wholesalers
- Household Appliances and Electrical and Electronic Goods Merchant Wholesalers
- Machinery, Equipment, and Supplies Merchant Wholesalers
- Metal and Mineral (except Petroleum) Merchant Wholesalers
- Paper and Paper Product Merchant Wholesalers
- Professional and Commercial Equipment and Supplies Merchant Wholesalers
- Wholesale Electronic Markets and Agents and Brokers
- Miscellaneous Durable Goods Merchant Wholesalers

### **Higher Education Research**

#### **Phase 2: (May 29)**

- Offices
- Real Estate
- Essential and Phase II In-Store Retail
- Vehicle Sales, Leases, and Rentals
- Retail Rental, Repair, and Cleaning

- Commercial Building Management
- Hair Salons and Barbershops
- Outdoor and Take-Out/Delivery Food Services

**Phase 3: (June 12)**

- Restaurants and food services establishments, including food trucks and other food concessions. Establishments may open indoor spaces with seating for customers, in accordance with the guidelines. *(Limit indoor capacity to no more than 50% of maximum occupancy, exclusive of employees. Limit outdoor capacity to the number of tables that can be safely and appropriately arranged, such that each table is a minimum of 6 ft. away from another.)*
- Personal Care including non-hair-related personal care businesses and services, including tattoo and piercing facilities, appearance enhancement practitioners, massage therapy, spas, cosmetology, nail specialty, UV and non-UV tanning, or waxing.

**Additionally, these may open/occur with limitations:**

- Garage sales
- Public and private owners and operators of pools and recreational aquatic spray grounds, including but not limited to cities, villages, towns, campgrounds, children’s camps, day cares, hotels, assisted living facilities, schools, colleges, universities, mobile home parks, homeowners’ associations, and apartment complexes. This guidance does not apply to private homeowner’s pools.

**Phase 4: (June 26)**

- Higher Education
- Low-Risk Outdoor Arts & Entertainment
- Low-Risk Indoor Arts & Entertainment
- Media Production
- Professional Sports Competitions With No Fans
- Malls
- Gyms and Fitness Centers
- Gaming facilities
- Movie theaters

Modifications continue to be made to the above information. Please visit <https://forward.ny.gov/> for the latest updates and/or detailed guidance.

Information has been sourced from:

[www.NY.Gov](http://www.NY.Gov)

[www.Forward.NY.Gov](http://www.Forward.NY.Gov)

[www.wycochamber.org](http://www.wycochamber.org)