

## NEW YORK – Back to Business Orders COVID-19 Executive Orders 202.31, 202.35, 202.41, 202.42, 202.45, 202.48, 202.50, 205 (updated through 7/17/20)

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PHASE ONE OF NEW YORK FORWARD-[Exec. Order No. 202.31](#)

PHASE TWO OF NEW YORK FORWARD-[Exec. Order No. 202.35](#)

PHASE THREE OF NEW YORK FORWARD-[Exec Order No. 202.41](#)

PHASE FOUR OF NEW YORK FORWARD-[Exec Order No. 202.45](#)

Also see EO 202.32, EO 202.33, EO 202.36, EO 202.38, EO 202.39, EO 202.42, EO 202.45,  
EO 202.48, EO 202.50

<https://www.governor.ny.gov/executiveorders>

Also see NY Forward: [A Guide to Reopening New York](#)

Also see NY Forward Website: [NY Forward Website](#)

GENERAL TOPIC	SUMMARY	SECTION #
Phase One, Two and Three, and Four of state's reopening plan started effective	Phase One: As of 12:01 AM on May 15, 2020 for certain regions. Phase Two: As of 1:00 PM on May 28, 2020 for certain regions. Phase Three: As of June 12, 2020 for certain regions. Phase Four: As of July 17, 2020 all regions except New York City are in Phase Four.  As additional regions meet or met the required criteria, they are allowed to move to the next phase. See the <a href="#">NY Forward Website</a> for the status of different regions. As of July 17, 2020, all regions are in Phase 4 other than New York City, which is in Phase 3.	EO 202.31, EO 202.35, EO 202.41
General Overview	These orders and standards implement the Phases of the state's regional reopening plan. Provides authority for phase one, two and three industries to reopen (subject to certain restrictions), in regions which have satisfied the required <a href="#">health metrics</a> .	EO 202.31, EO 202.35, EO 202.41
Shelter in Place - Modifications	The Executive Orders constituting "New York on PAUSE" continue in full effect until amended or modified (except as modified under EO 202.31 for Phase One regions, under EO 202.35 for Phase Two regions, and EO 202.41 and other orders for Phase Three regions).	EO 202.31, EO 202.35, EO 202.41

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Phased Reopening of Businesses	<p>Per the NY Forward Plan, each region will reopen businesses in phases, with at least two weeks in between each phase.</p> <p>The following is a breakdown of the industries permitted to re-open in each phase:</p> <p><u>Phase One:</u></p> <ul style="list-style-type: none"> <li>• Construction</li> <li>• Agriculture, Forestry, Fishing and Hunting</li> <li>• Retail - (Limited to curbside or in-store pickup or drop off)</li> <li>• Manufacturing</li> <li>• Wholesale Trade</li> </ul> <p><u>Phase Two:</u></p> <ul style="list-style-type: none"> <li>• Professional Services</li> <li>• Finance and Insurance</li> <li>• Retail</li> <li>• Administrative Support</li> <li>• Real Estate, Rental and Leasing</li> </ul> <p><u>Phase Three:</u></p> <ul style="list-style-type: none"> <li>• Restaurants and Food Services</li> <li>• Personal Care Services</li> </ul> <p><u>Phase Four:</u></p> <ul style="list-style-type: none"> <li>• Arts, Entertainment, and Recreation</li> <li>• Education</li> </ul> <p>The New York Forward Business reopening Lookup Tool is designed to help you determine whether or not your business is eligible to reopen, and the public health and safety standards with which your business must comply. The Tool is available <a href="#">here</a>.</p>	<p><a href="#">A Guide to Reopening New York</a></p> <p><i>See also</i> <a href="#">Industries Reopening by Phase</a></p>
Statewide Reopenings	<p>Per a press release, as of 12:01 AM on May 15, 2020, certain low-risk business and recreational activities (i.e. Landscaping, Gardening, Tennis &amp; Drive-In-Movie Theaters) are permitted to <b>reopen statewide</b>.</p> <p>Effective June 1, 2020, any licensee or franchisee of a racetrack in the State is permitted to operate such racetrack, provided that only essential personnel are permitted on site (no visitors/fans permitted into the facility), and all essential personnel adhere to all guidance and directives issued by Department of Health and/or by the Gaming</p>	<p><a href="#">Press Release</a></p> <p>EO 202.32 &amp; EO 202.36</p>

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	Commission. Effective June 3, 2020, operators of auto racetracks are permitted to allow participants to be on site.  Effective July 10, 2020, indoor common areas of malls in regions in Phase 4 of reopening plan may reopen. See <a href="#">Exec. Order No. 202.50</a> .	EO 202.50
Facemask Requirements	All people in the state required to wear masks or face coverings in public, including when taking public or private transportation or riding in for-hire vehicles. See <a href="#">Exec. Order No. 202.17</a> and <a href="#">202.18</a> , which were extended by <a href="#">Exec. Order No. 202.39</a> through July 7, 2020.	EO 202.17 EO 202.18 & EO 202.39
Gatherings	Effective on May 22, 2020, gatherings of ten or fewer individuals are permitted for any lawful purpose or reason, provided that social distancing and cleaning protocols are adhered to. See <a href="#">Exec. Order No. 202.33</a> . This limit is increased to 25 persons for Phase Three regions, effective 6/15/20. <a href="#">Exec. Order 202.42</a> .  Effective June 8, 2020, non-essential gatherings for houses of worship at no greater than 25% of the indoor capacity of such location are permitted, provided such house of worship is in a geographic area in Phase 2 of re-opening. See <a href="#">Exec. Order No. 202.38</a>  Effective July 26, 2020, non-essential gatherings of up to 50 people are permitted in regions in Phase 4, so long as any gatherings indoors do not exceed 50% capacity. for houses of worship at no greater than 25% of the indoor capacity of such location are permitted, provided such house of worship is in a geographic area in Phase 2 of re-opening. See <a href="#">Exec. Order No. 202.45</a>	EO 202.33, EO 202.42  EO 202.38  EO 202.45
Impact on Other Orders	Each of the reopening orders refers to prior orders that are superseded by the reopening orders, to the extent inconsistent. Please refer to the various reopening orders for details.	EO 202.31, EO 202.35, EO 202.36, EO 202.38, EO 202.39
Travel Restrictions	Effective July 24, 2020, all travelers entering New York from a state with a positive test rate higher than 10 per 100,000 residents, or higher than a 10% positivity rate, over a seven day rolling average, will be required to quarantine for 14 days after arriving in New York. <a href="#">Exec. Order 205</a> . See <a href="#">Travel Advisory</a> , including list of restricted states.	EO 205 <a href="#">Travel Advisory</a>

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Additional Guidance	<p><a href="#">Empire State Development: Reopening Resources for Businesses</a></p> <p>See the <a href="#">FAQs</a>, issued by the NYS Department of Economic Development d/b/a Empire State Development (ESD) on New York Forward and Business Reopening</p> <p>Effective July 6, 2020, New York City is prohibited from allowing indoor food and dining services. <a href="#">Exec. Order 202.48</a></p>	EO 202.48
<b>APPENDIX AND DEFINITIONS (SUMMARY)</b>		
Metrics to Guide Reopening	<p>The four core factors that state and local officials are monitoring to determine if a region can begin to reopen are:</p> <ul style="list-style-type: none"> <li>• The infection rate is sufficiently low;</li> <li>• The health care system has the capacity to absorb a potential resurgence in new cases;</li> <li>• Diagnostic testing capacity is sufficiently high to detect and isolate new cases; and</li> <li>• Robust contact-tracing capacity is in place to help prevent the spread of the virus.</li> </ul>	<a href="#">A Guide to Reopening New York</a>
Standards for Reopened Businesses/Industries	<p>All businesses, <b>including essential businesses</b>, must develop a COVID-19 Health and Safety Plan (a “Business Safety Plan”). Businesses can utilize the NY Forward Business re-Opening Safety Plan Template, a copy of which available <a href="#">here</a>, to satisfy the requirement.</p> <p>The business’s COVID-19 Health and Safety Plan should include the ways in which the business intends to comply with the state issued guidance aimed to prevent the spread of COVID-19. Business owners should also refer to the state’s industry-specific guidelines (see below) for more information on how to safely operate.</p> <p><a href="#">Construction Summary Guidelines</a></p> <p><a href="#">Non-Food Related Agriculture Summary Guidelines</a></p> <p><a href="#">Forestry Summary Guidelines</a></p> <p><a href="#">Fishing Summary Guidelines</a></p> <p><a href="#">Curbside and In Store Pick Up Retail Summary Guidelines</a></p> <p><a href="#">Manufacturing Summary Guidelines</a></p> <p><a href="#">Wholesale Trade Summary Guidelines</a></p> <p>See other guidelines posted on the <a href="#">NY Forward Website</a></p>	<a href="#">A Guide to Reopening New York</a>
Social Distancing Requirements	All business shall, to the extent possible, adhere to social distancing recommendations, enhanced sanitizing practices on common	

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	surfaces, and other appropriate workplace guidance from state and federal authorities while in operation.	

**DISCLAIMER:** *This information is provided for convenience only, and should not be relied upon in making decisions for your business. As this is a rapidly changing area, reference should always be made to the official order and related interpretative guidance. If you have specific questions about how any particular jurisdiction's Order affects your business, or other COVID-19 topics, please contact a member of the Holland & Knight's COVID-19 Response Team – State and Local Orders and Regulations.*

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