

What is Emergency and Essential Construction Under Governor Cuomo's Executive Order?

On March 30, 2020, the New York City Department of Buildings (DOB) issued guidance to clarify Governor Cuomo's Executive Order 202.6 regarding the shutdown of all non-essential construction. According to the DOB, "Emergency Construction" (as referred to on the ESDC website, Item 9, Bullet 1) is now defined as (1) emergency work ordered by the DOB; (2) restoration of essential services — heat, hot water, cold water, gas, electricity, or other utility services; or (3) a project required to continue to the extent it would be unsafe to allow work to remain undone. In the third instance, a project may continue only until it is safe to shut down the construction site. All non-emergency construction must cease unless it relates to essential construction at hospitals or health care facilities, affordable housing, or other essential construction as approved by the DOB. Notwithstanding the above, work that is limited to a single worker, who is the sole employee/worker on a job site, is permitted to continue until further notice. We advise that all owners of buildings, including boards of cooperatives and condominiums, consult with their counsel to determine if work in their building is considered emergency construction, because violations of the executive order will result in hefty fines of up to \$10,000 per violation. We expect stringent enforcement of the executive order.



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