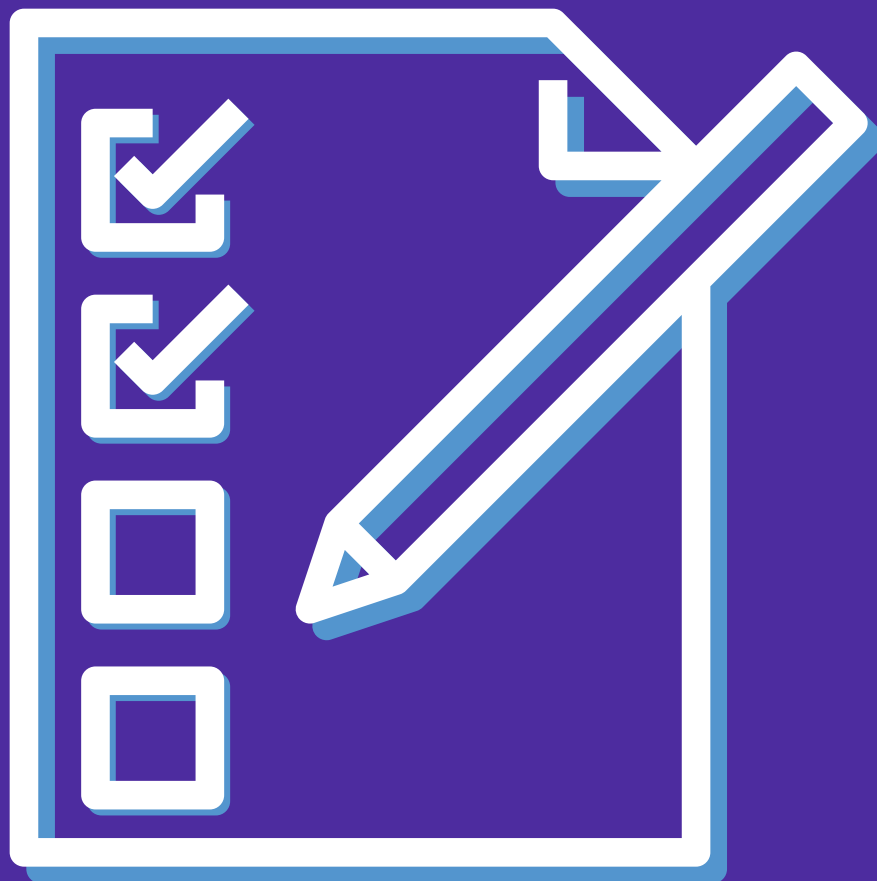


# What to Expect When You're Inspected:

## NYC Indoor and Outdoor Dining Checklist for Participating Establishments



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Health and  
Mental Hygiene

Small Business  
Services

Department of  
Transportation

Mayor's Office of Media  
and Entertainment  
**Office of Nightlife**

# Introduction

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The **NYC Open Restaurants Program** is designed to expand outdoor seating options for food establishments to promote open space, enhance social distancing, and help them rebound in these difficult economic times. As of the end of September, over ten thousand New York City restaurants are participating in the Open Restaurants Program.

On September 25, 2020, Mayor de Blasio announced that the Open Restaurants program will be extended year-round with a newly amended program made permanent. This extension also applies to Open Streets: Restaurants, which currently offers restaurants expanded space on 85 car-free streets citywide on certain days.

Furthermore, starting on February 12, 2021, New York City restaurants and food-serving establishments are again able to provide **indoor dining** at a limited capacity.

**A multi-agency task force**, comprising the NYC Departments of Small Business Services, Transportation, Health, and the Offices of Nightlife and Special Enforcement, has created this checklist for participating establishments to help participants comply with program-specific and Covid-19 health and safety requirements, and prepare for inspections. Please be sure that you have reviewed each requirement and that you have incorporated all of them into your indoor and outdoor setups, as well as your daily operations.

The checklist provided in this document lists the guidelines often found to be non-compliant by inspectors. **Highlighted in blue are the most common items of non-compliance.** Please note that this checklist is not comprehensive, and does not include all of the federal, State, and local laws that apply to food establishments. It **MOSTLY** refers to new requirements related specifically to the **Open Restaurants Program, Indoor Dining, and Covid-19-related measures** from City and State agencies. These requirements include:

- [New York State Department of Health Interim Guidance for New York City Indoor Food Services](#)
- [New York State Interim Guidance for Outdoor and Take-Out/Delivery Food Services](#)
- **New York State Laws and Guidelines, including Executive Orders for Food Service**
- **New York State Personal Protective Equipment (PPE) requirement**
- **NYC Health Department Indoor Dining Requirements**
- **NYC Department of Transportation Open Restaurant Guidelines**
- **Accessibility Guidelines**

All guidance is subject to change, so please make sure to continually review updates from City and State agencies.

We hope that with this Checklist, you will feel more confident in your operations and your ability to assure your workers' and patrons' safety. Following this Checklist is the best way for New York and our beloved hospitality industry to keep moving forward together.

# Important Notes on Inspections

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- **Your establishment may be visited by inspectors from different State and City agencies.**

For example, an inspector from the State's multi-agency task force -- led by the State Police and State Liquor Authority, or any City agency, including the Department of Buildings, the Department of Health and Mental Hygiene, the Office of Special Enforcement, the New York City Sheriff, or others may inspect your establishment for compliance with the State and City requirements listed on page 2. All pre-existing health and safety laws and guidelines still apply and you may also be inspected for compliance with those rules

- **Inspector Identification**

However, no matter which agency inspectors are from, you may ask them to show government employee identification, give you the name of their agency, as well as the purpose of the inspection. In addition, no inspector will request a payment during an inspection.

- **After Your Inspection**

Once your establishment is found to be in full compliance with the Open Restaurants requirements, **please continue to check with City and State agencies for any updates** on requirements to ensure that your establishment continues to be in compliance. You may visit the [NYC Restaurant Reopening Guide](#) web page for updated guidelines and rules.

## Responding to NYC Department of Transportation (DOT) Open Restaurants inspections

Establishments not in compliance with the Open Restaurants requirements will receive both a paper notice and an email with instructions on next steps. If you have been inspected regarding the Open Restaurants requirements and have NOT received follow-up instructions,

Please visit <https://on.nyc.gov/2DIH4sT> and provide:

- **Copy of "24-hour Notice" or "Cease and Desist" order**
- **Name of your establishment**
- **Legal name of business**
- **Business address**
- **Phone number**
- **Email address**
- **Corrected "before and after" photographs**

# Indoor Dining Guidelines

- New York State Department of Health Interim Guidance for New York City Indoor Food Services
  - Physical Distancing
  - Protective Equipment
  - Air Filtration and Ventilation Systems
  - Hygiene and Cleaning
  - Communication
  - Screening
- New York City Health Department Requirements
  - Before Reopening

**As of April 28, NY State Legislature repealed the order requiring food sales with the purchase of alcoholic beverages at restaurants and bars.**

**As of May 3, [patron seating are allowed at bar areas.](#)**

**As of May 17, the midnight curfew on outdoor dining has been lifted.**

- This change applies to private outdoor areas, and closing times are subject to a business' liquor license stipulations. The midnight curfew for Open Restaurants sidewalk and roadway seating are still in effect.

**As of May 19, the indoor dining capacity limit has been lifted in New York City.**


- **[In accordance to New York State's summary guidance on mask wearing and social distancing,](#)** businesses may allow fully vaccinated individuals to not wear face coverings or socially distance, with proof of vaccination by paper form, digital application, the State's Excelsior Pass, or self-reporting (e.g. honor system).

**As of May 31, the midnight curfew on indoor dining will be lifted. Closing times are subject to a business's liquor license stipulations. Additionally, all propane containers used for outdoor heating must be disconnected from heaters and removed from the premises.**

**\*Note: These NYS orders are subject to change, so make sure to continually review updates from City and State agencies.**

# NY State Indoor Dining Requirements

These are the mandates from the New York State Department of Health Interim Guidance for New York City Indoor Food Services. Be sure to also review the [detailed guidelines](#), [affirm compliance](#) and [develop a safety plan](#) before you start.


	Mandated items, Physical Distancing	Agency Issuing Guidance
	<b>No more than 10 people may be seated per table</b> <ul style="list-style-type: none"><li>• Individuals must be members of the same party but may be from different households</li><li>• Members may arrive, be seated, and depart at different times, so long as their interactions remain limited to only other party members</li><li>• Communal tables are only permitted if 6 ft. can be maintained between parties.</li></ul>	NY State Department of Health
	<b>Implement measures to reduce bi-directional foot traffic</b>	NY State Department of Health
	<b>Strictly monitor control and flow of traffic into and within the establishment to ensure adherence to capacity and social distancing requirements</b>	NY State Department of Health
	<b>Ensure buffets are not self-serve and are sufficiently staffed to ensure there is no customer touching of common objects (e.g., serving spoons, tongs) and that social distance is maintained</b>	NY State Department of Health
	<b>Develop a plan for people to maintain 6 ft. of social distance while queuing for screening</b>	NY State Department of Health

## NY State Indoor Dining Requirements - Protective Equipment

✓	Mandated items, Protective Equipment	Agency Issuing Guidance
	<p><b>Ensure that all staff wear face coverings at all times and that staff practice hand hygiene and use bare hand barriers consistent with State and Local Sanitary Codes</b></p> <ul style="list-style-type: none"> <li>• If employees wear gloves during non-food preparation activities, ensure they replace gloves frequently, and encourage them to change gloves when switching tasks (e.g., serving customers to pre-rolling silverware).</li> <li>• If employees do not wear gloves, ensure they frequently wash and/or sanitize their hands.</li> </ul>	<p><b>NY State Department of Health</b></p>
	<p><b>Ensure that employees who are bussing tables wash their hands with soap/water and, if they wear gloves, replace the gloves before and after cleaning tables</b></p>	<p><b>NY State Department of Health</b></p>
	<p><b>Provide employees with an acceptable face covering at no-cost to the employee</b></p>	<p><b>NY State Department of Health</b></p>
	<p><b>Only permit customer entry into the establishment if they wear an acceptable face covering; provided that the customer is over age 2 and medically able to tolerate such covering</b></p>	<p><b>NY State Department of Health</b></p>
	<p><b>Require customers to wear face coverings when not seated at a table</b></p> <p>(e.g., when waiting for pickup, placing order at counter/window, walking to/from table, walking to/from restroom)</p> <p>Customers should be encouraged to wear face coverings when they are not eating or drinking</p>	<p><b>NY State Department of Health</b></p>
	<p><b>Clean, replace, and prohibit sharing of face coverings</b></p> <p>Consult <a href="#">CDC guidance</a> for additional information</p>	<p><b>NY State Department of Health</b></p>
	<p><b>Train employees on how to don, doff, clean (as applicable), and discard PPE</b></p>	<p><b>NY State Department of Health</b></p>

## NY State Indoor Dining Requirements - Air Filtration and Ventilation Systems

The requirements for air filtration and ventilations systems differ based on each system's configuration and abilities. Please determine what type of HVAC system your establishment uses (A, B, or C) and review the requirements for your type below.

	Mandated items, Air Filtration and Ventilation Systems	Agency Issuing Guidance
	<p><b>A) For establishments with central air handling systems:</b></p> <p><b>Ensure central HVAC system filtration meets the highest rated filtration compatible with the currently installed filter rack and air handling systems</b></p> <p>Filtration must be at a minimum MERV-13, or equivalent or greater (e.g., HEPA), as applicable, and as documented by a certified HVAC technician, professional, or company, ASHRAE-certified professional, certified retro-commissioning professional, or New York licensed professional building engineer.</p>	<p><b>NY State Department of Health</b></p>



## NY State Indoor Dining Requirements - Air Filtration and Ventilation Systems (Cont.)

✓	Mandated items, Air Filtration and Ventilation Systems	Agency Issuing Guidance
	<p><b>B) For establishments with central air handling systems that cannot handle the above-mentioned minimum level of filtration (i.e., MERV-13 or greater):</b></p> <p><b>Have a certified HVAC technician, professional, or company, ASHRAE-certified professional, certified retro-commissioning professional, or New York licensed professional building engineer certify and document that the currently installed filter rack is incompatible with the above-mentioned minimum level of filtration (i.e., MERV13 or greater) and/or the handling system would be unable to perform the minimum heating and cooling that it was otherwise able to provide prior to the COVID-19 emergency if such a high degree of filtration was installed.</b></p> <p>Retain such documentation for review by state or local health department officials to operate at a lesser filtration rating with additional ventilation and air filtration mitigation protocols.</p> <p>Adopt additional ventilation and/or filtration mitigation protocols per CDC and ASHRAE, including:</p> <ul style="list-style-type: none"> <li>• Perform necessary retro-commissioning of central systems, as well as testing, balancing, and repairs as needed;</li> <li>• Increase ventilation rates and outdoor air ventilation to the extent possible;</li> <li>• Keep systems running for longer hours, especially for several hours daily before and after occupancy;</li> <li>• Disable demand-controlled ventilation, and maintain systems that increase fresh air supply;</li> <li>• Maintain relative humidity between 40-60% where possible;</li> <li>• Open outdoor air dampers to reduce or eliminate recirculation to the extent possible;</li> <li>• Seal edges of the filter to limit bypass;</li> <li>• Regularly inspect systems and filters to ensure they are properly operating, and filters are installed, serviced and within service life;</li> <li>• Open windows to the extent allowable for occupant safety and comfort;</li> <li>• Install appropriately designed and deployed ultraviolet germicidal irradiation (UVGI) to deactivate airborne virus particles; and/or</li> <li>• Using portable air cleaners (e.g., electric HEPA units), considering units that provide highest air change rate at appropriate performance level and do not generate harmful byproducts.</li> </ul>	<p><b>NY State Department of Health</b></p>

## NY State Indoor Dining Requirements - Air Filtration and Ventilation Systems (Cont.)

✓	Mandated items, Air Filtration and Ventilation Systems	Agency Issuing Guidance
	<p><b>C) For establishments that DO NOT have central air handling systems or without the ability to control them, adopt additional ventilation and air filtration mitigation protocols per CDC and ASHRAE recommendations, including</b></p> <ul style="list-style-type: none"> <li>• Regularly inspect any room ventilation systems (e.g., window units, wall units) to ensure they are properly operating, and filters are appropriately installed, serviced and within service life.</li> <li>• Keep any room ventilation systems running for longer hours, especially for several hours daily before and after occupancy;</li> <li>• Set room ventilation systems to maximize fresh air intake, set blower fans to low speed and point away from occupants to the extent possible;</li> <li>• Maintain relative humidity between 40-60% where possible;</li> <li>• Open windows to the extent allowable for occupant safety and comfort;</li> <li>• Set any ceiling fans to draw air upwards away from occupants, if applicable;</li> <li>• Prioritize window fans to exhaust indoor air;</li> <li>• Avoid using fans that only recirculate air or only blow air into a room without providing for exhaust;</li> <li>• Install appropriately designed and deployed ultraviolet germicidal irradiation (UVGI) to deactivate airborne virus particles; and/or</li> <li>• Use portable air cleaners (e.g., electric HEPA units), considering units that provide highest air change rate at appropriate performance level and do not generate harmful byproducts.</li> </ul>	<p><b>NY State Department of Health</b></p>

## NY State Indoor Dining Requirements - Hygiene and Cleaning

✓	Mandated items, Hygiene and Cleaning	Agency Issuing Guidance
	<b>Adhere to hygiene, cleaning, and disinfection requirements from the <a href="#">Centers for Disease Control and Prevention (CDC)</a> and <a href="#">Department of Health (DOH)</a> and maintain logs that document date, time, and scope of cleaning</b>	<b>NY State Department of Health</b>
	<b>Provide and maintain hand hygiene stations</b> You may include hand-washing with soap, running warm water, and disposable paper towels, as well as an alcohol-based hand sanitizer containing 60% or more alcohol for areas where hand-washing is not available or practical. Make hand sanitizer available throughout high-touch areas.	<b>NY State Department of Health</b>
	<b>Regularly clean and disinfect the establishment and more frequently clean and disinfect high risk areas used by many individuals and for frequently touched surfaces (e.g., restrooms)</b> Cleaning and disinfection must be rigorous and ongoing and should occur at least after each shift, daily, or more frequently if needed.	<b>NY State Department of Health</b>
	<b>Ensure that equipment is regularly cleaned and disinfected using registered disinfectants, including at least as often as employees change workstations</b> Refer to the <a href="#">Department of Environmental Conservation (DEC) list of products</a> registered in New York State and identified by the Environmental Protection Agency (EPA) as effective against COVID-19.	<b>NY State Department of Health</b>
	<b>Complete pre-return checks and assessments of kitchen systems to ensure a healthy and safe environment</b>	<b>NY State Department of Health</b>
	<b>Minimize sharing of kitchen equipment between staff (e.g., knives, pots, rags/towels), where possible</b>	<b>NY State Department of Health</b>
	<b>Do not provide customers with devices (e.g., buzzers), unless they are thoroughly cleaned and disinfected between each use</b>	<b>NY State Department of Health</b>

## NY State Indoor Dining Requirements - Hygiene and Cleaning

✓	Mandated items, Hygiene and Cleaning	Agency Issuing Guidance
	<p><b>Prohibit employees from sharing food and beverages among themselves, encourage them to bring lunch from home, and reserve adequate space for them to observe distancing while eating</b></p> <p>If employees are eating indoors at a table normally reserved for customer use, they may remove facemask while eating or drinking, but must utilize the mask if they stand or move from the table, and will be counted as part of the 25% for such dining area. An employee who is able to eat a meal in nonpublic area of the restaurant may be excluded from such capacity</p>	<p><b>NY State Department of Health</b></p>
	<p><b>For take-out/delivery:</b></p> <ul style="list-style-type: none"> <li>• Provide hand hygiene stations for customers waiting for food and/or drinks;</li> <li>• Ensure staff wash hands with soap/water or use hand sanitizer; if staff use gloves, regularly replace them; and</li> <li>• If pick-up/delivery is indoors, ensure windows/doors are opened to allow for ventilation.</li> </ul>	<p><b>NY State Department of Health</b></p>
	<p><b>Ensure all condiments provided directly to customers are in single-use disposable containers or reusable containers that are regularly cleaned/disinfected</b></p>	<p><b>NY State Department of Health</b></p>
	<p><b>If non-disposable menus are used, clean and disinfect the menus between each party's use</b></p>	<p><b>NY State Department of Health</b></p>
	<p><b>Use pre-packaged silverware or pre-rolled silverware. Silverware must be pre-rolled while wearing masks and gloves. Unwrapped straws/toothpicks are prohibited</b></p>	<p><b>NY State Department of Health</b></p>
	<p><b>If cleaning or disinfecting products causes hazards or degrades materials/machinery, put in place hand hygiene stations for between use and/or supply disposable gloves and/or limitations on the number of employees using such machinery.</b></p>	<p><b>NY State Department of Health</b></p>

## NY State Indoor Dining Requirements - Communication


✓	Mandated items, Communication	Agency Issuing Guidance
	<p><b>Affirm you have reviewed and understand the state issued industry guidelines, and that you will implement them</b></p>	<p><b>NY State Department of Health</b></p>
	<p><b>Conspicuously post for employees and patrons inside and outside the restaurant:</b></p> <ul style="list-style-type: none"> <li>• The number of patrons that constitutes 25% capacity in the establishment; and</li> <li>• The phone and text number to report violations: individuals who observe violations can report issues by calling 833-208-4160 or by texting 'VIOLATION' to 855-904-5036.</li> </ul>	<p><b>NY State Department of Health</b></p>
	<p><b>Develop a communications plan for employees, vendors, and customers with instructions, training, signage and a consistent means to provide information</b></p>	<p><b>NY State Department of Health</b></p>

## NY State Indoor Dining Requirements - Screening

Establishments offering indoor dining are required to maintain employee-vendor and customer contact logs for the purposes of contact tracing. Businesses must maintain each daily log for a minimum of 28 days and make it available to the NYS Department of Health and the NYC Department of Health and Mental Hygiene upon request.

**Covid-19 Customer Log Template:** [www1.nyc.gov/assets/doh/downloads/pdf/covid/businesses/covid-19-reopening-food-services-indoor-dining-employee-customer-contact-log.pdf](http://www1.nyc.gov/assets/doh/downloads/pdf/covid/businesses/covid-19-reopening-food-services-indoor-dining-employee-customer-contact-log.pdf)

**Covid-19 Employee-Vendor Log Template:** [www1.nyc.gov/assets/doh/downloads/pdf/covid/businesses/covid-19-reopening-food-services-indoor-dining-employee-vendor-contact-log.pdf](http://www1.nyc.gov/assets/doh/downloads/pdf/covid/businesses/covid-19-reopening-food-services-indoor-dining-employee-vendor-contact-log.pdf)


	Mandated items, Screening	Agency Issuing Guidance
	<p><b>Require staff and customers to complete a temperature check before or immediately upon arriving at the establishment.</b></p> <p>Any individual with a temperature greater than 100.0°F must not be permitted to enter, whether they are an employee or patron. Temperature checks must be conducted in accordance with U.S. Equal Opportunity Employment Commission or DOH guidelines.</p>	<b>NY State Department of Health</b>
	<p><b>Require at least 1 person from each customer party to sign-in upon entering the establishment (or prior via remote sign-in), providing the full name, address, and phone number for use in contact tracing efforts.</b></p> <p>A Covid-19 Customer Log <a href="#">template can be found here</a>.</p>	<b>NY State Department of Health</b>
	<p><b>Do not keep records of employee or customer health data (e.g., the specific temperature data of an individual), but records to confirm individuals were screened (e.g., pass/fail, cleared/not cleared) may be maintained</b></p>	<b>NY State Department of Health</b>
	<p><b>In addition to the required temperature checks mentioned above, implement mandatory daily health screening practices of employees and, where practicable, vendors, but such screening shall not be mandated for customers and delivery personnel</b></p> <p><b>Screening must ask about, at minimum:</b></p> <ul style="list-style-type: none"><li>• (1) COVID-19 symptoms in past 14 days,</li><li>• (2) positive COVID-19 diagnostic test in past 14 days,</li><li>• (3) close contact with confirmed or suspected COVID-19 case in past 14 days; and/or</li><li>• (4) travel within a state with significant community spread of COVID-19 for longer than 24 hours within the past 14 days.</li></ul>	<b>NY State Department of Health</b>

## NY State Indoor Dining Requirements - Screening (Cont.)

✓	Mandated items, Screening	Agency Issuing Guidance
	Any employee, vendor, or patron who screens positive for COVID-19 symptoms must not be allowed to enter the premises	NY State Department of Health
	Designate a central point of contact to attest to having reviewed all questionnaires and for individuals to inform if they are later experiencing symptoms	NY State Department of Health
	Refer to DOH travel advisory for the most up to date information on states with significant spread of COVID19 and quarantine requirements.	NY State Department of Health

# NYC Health Dept. Indoor Dining Requirements

**This section outlines requirements of the NYC Department of Health and Mental Hygiene for Indoor Dining.** Restaurants and other food service establishments can reopen for indoor dining in NYC beginning September 30, 2020. Before reading this section, please refer to the NYC Department of Health and Mental Hygiene's (NYC Health Department) [Reopening New York City: What Food Service Establishments Need to Know About Indoor Dining](#) for more information regarding New York State (NYS) guidelines, how to prevent COVID-19 transmission, how to reopen your business and other topics. For additional up-to-date guidance, please visit the Department's [COVID-19: Guidance for Businesses and Schools web page](#).

	Item for Compliance, Before Reopening	Agency Issuing Guidance
	Make sure utilities are working properly, including electrical, plumbing, heating, ventilation, air conditioning, lighting, gas, exhaust hood and fire suppression systems	NYC Dept. Health and Mental Hygiene
	Maximize outdoor air flow through the ventilation system	NYC Dept. Health and Mental Hygiene
	Make sure all equipment, including cooking, hot and cold holding, and refrigeration units are working properly and are able to maintain appropriate temperatures	NYC Dept. Health and Mental Hygiene
	Flush cold water from all outlets, such as faucets and spray nozzles. Then do the same for hot water outlets	NYC Dept. Health and Mental Hygiene
	Flush water line, and clean and sanitize all food equipment that uses plumbing, according to manufacturer instructions	NYC Dept. Health and Mental Hygiene
	Make sure hand-washing facilities are functioning and properly stocked with soap and paper towels	NYC Dept. Health and Mental Hygiene
	Thoroughly clean and disinfect all non-food contact areas of the restaurant, including restrooms and waiting areas (see <a href="#">General Guidance for Cleaning and Disinfecting for Non- Health Care Settings</a> )	NYC Dept. Health and Mental Hygiene



## NYC Dept. of Health, Indoor Dining Requirements - Before Reopening

✓	Item for Compliance, Before Reopening	Agency Issuing Guidance
	<b>Clean and sanitize all food contact surfaces</b> Check the product label to make sure the sanitizer is safe to use on surfaces and equipment that touch food. Remember that products for cleaning and sanitizing food contact surfaces differ from those for non-food contact surfaces.	<b>NYC Dept. Health and Mental Hygiene</b>
	<b>Use <a href="#">EPA-registered sanitizers and disinfectants</a> effective against COVID-19</b>	<b>NYC Dept. Health and Mental Hygiene</b>
	<b>Empty ice bins, and wash, rinse and sanitize them</b>	<b>NYC Dept. Health and Mental Hygiene</b>
	<b>Check all stored foods and appropriately discard anything that is no longer safe</b>	<b>NYC Dept. Health and Mental Hygiene</b>
	<b>Look for signs of pests and address any issues observed</b> (see <a href="#">Best Practices for Pest Proofing Food Service Establishments</a> )	<b>NYC Dept. Health and Mental Hygiene</b>
	<b>Resume needed services that may have been discontinued, such as pest control, trash and recycling services</b>	<b>NYC Dept. Health and Mental Hygiene</b>
	<b>Make needed repairs to physical facilities, including floors, walls and ceilings</b>	<b>NYC Dept. Health and Mental Hygiene</b>
	<b>Check all supplies and restock as needed</b>	<b>NYC Dept. Health and Mental Hygiene</b>

# Outdoor Dining Guidelines

- New York State Laws and Guidelines
- New York State Personal Protective Equipment (PPE) requirement
- NYC Department of Transportation Open Restaurant Guidelines
  - Outdoor Seating, Sidewalks
  - Outdoor Seating, Roadways
  - Winterization Mandates
- Accessibility Guidelines

# Governor's Executive Orders for Outdoor Dining

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**Under Governor's Executive Order 202.43**, in addition to such businesses' supervisory obligations under existing laws, ordinances, rules, and regulations, all businesses shall be further required to **inspect, monitor, and otherwise supervise the area within 100 feet of the licensed premises to ensure that any consumption of food or beverage comports with the applicable open container ordinances, and the social distancing and face covering requirements set forth** for such business or service in any applicable Executive Order, regulation, ordinance, law, New York State Department of Health guidance, and/or State Liquor Authority guidance.

- **Read the full text of EO 202.43 here** (Available in English, Bengali, Chinese, Haitian-Creole, Korean, Russian, and Spanish)
  - [www.governor.ny.gov/news/no-20243-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency](http://www.governor.ny.gov/news/no-20243-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency)


**Under the Governor's Executive Order 202.52**, all businesses that are licensed by the State Liquor Authority for on premises service of alcoholic beverages, and which are required as a license condition to make food available, shall **serve alcoholic beverages for on premises consumption or for off premises consumption only if the service of such alcoholic beverage is accompanied by the purchase of a food item by each individual that is being served an alcoholic beverage**, consistent with the food availability requirement of the license under the Alcoholic Beverage Control Law.

- **Read the full text of EO 202.52 here** (Available in English)
  - [www.governor.ny.gov/news/no-20252-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency](http://www.governor.ny.gov/news/no-20252-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency)
- **Additional guidance from the NY State Liquor Authority**
  - [sla.ny.gov/guidance-requirement-licensees-premises-service-privileges-serve-food-alcoholic-beverages](http://sla.ny.gov/guidance-requirement-licensees-premises-service-privileges-serve-food-alcoholic-beverages)

# NY State Safety Outdoor Dining Guidelines


This section outlines items that are required by the [NYS Department of Health Interim Guidance for Outdoor and Take-out/Delivery Food Service](#). Please continue to regularly check the [New York Forward](#) site for guidance that is applicable to your business or certain parts of your business functions, and consult the city, state, and federal resources listed at the end of this document.

Your establishment may be visited by inspectors from different state and city agencies. An inspector from the State's multi-agency task force – led by the State Police and State Liquor Authority, or any City agency, including the Department of Buildings, the Department of Health and Mental Hygiene, the Office of Special Enforcement, the New York City Sheriff, or others may inspect your establishment for compliance with the State and City requirements listed on page 2. All pre-existing health and safety laws and guidelines still apply and you may also be inspected for compliance with those rules.

	Item for Compliance	Agency Issuing Guidance
	<p><b>Develop and conspicuously post a copy of your business's <a href="#">Covid-19 Reopening Safety Plan</a> on premise</b></p> <p>Under the <a href="#">NYS Department of Health Interim Guidance for Outdoor and Take-Out/Delivery Food Service</a>, restaurants and bars must develop a written Safety Plan outlining how its workplace will prevent the spread of Covid-19. A business may fill out <a href="#">this template</a> to fulfill the requirement, or may develop its own Safety Plan.</p> <p>This plan does not need to be submitted to a state agency for approval but <b>must be conspicuously posted on site and made available</b> to the New York State Department of Health (DOH) or New York City health or safety authorities upon request</p>	<b>NY State Department of Health</b>
	<p><b>Maintain a record indicating a health screening process in place for employees</b> (See <a href="#">NYS Safety Plan Template</a> for example)</p>	<b>NY State Department of Health</b>
	<p><b>Implement markings 6 feet apart where people would be forming lines or gathering</b></p>	<b>NY State Department of Health</b>
	<p><b>Create designated area for vendor pickups and deliveries</b></p>	<b>NY State Department of Health</b>
	<p><b>Maintain a log stating the date, time, and scope of cleaning and disinfection</b></p>	<b>NY State Department of Health</b>

## NY State Safety Guidelines (Continued)

Your establishment may be visited by inspectors from different state and city agencies. An inspector from the State's multi-agency task force – led by the State Police and State Liquor Authority, or any City agency, including the Department of Buildings, the Department of Health and Mental Hygiene, the Office of Special Enforcement, the New York City Sheriff, or others may inspect your establishment for compliance with the State and City requirements listed on page 2. All pre-existing health and safety laws and guidelines still apply and you may also be inspected for compliance with those rules.

	Item for Compliance	Agency Issuing Guidance
	<b>Signage at the site to remind personnel to adhere to proper hygiene, social distancing rules, appropriate use of PPE, and cleaning and disinfecting protocols</b>	<b>NY State Department of Health</b>
	<b>Hand-washing facility provided near food preparation area and toilet room</b>  Hot and cold running water must be at an adequate pressure to enable cleanliness of employees. Soap and an acceptable hand-drying device must also be provided.  Additionally, businesses should make hand sanitizer available throughout high touch areas (e.g. outside restrooms) and in convenient locations, such as at entrances, exits, cashiers. Touch-free hand sanitizer dispensers should be installed where possible.	<b>NY State Department of Health</b>

# Personal Protective Equipment

This section outlines New York State's Personal Protective Equipment (PPE) requirement.

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✓	Item for Compliance	Agency Issuing Guidance
	Provide employees with acceptable face coverings at no-cost to employees; ensure that employees wear face coverings; and have an adequate supply of coverings.	NY State Department of Health



Example of face covering for employees  
(Photo: Ketut Subiyanto)

## Free face coverings for your employees

The Departments of Small Business Services and Consumer and Worker Protection, and our partners are distributing over 2 million face coverings at no cost to small business owners and their employees.

Visit [www1.nyc.gov/nycbusiness/article/free-face-coverings](https://www1.nyc.gov/nycbusiness/article/free-face-coverings) to learn more.

# NYC Open Restaurants Program Requirements

**This section outlines requirements of the NYC Department of Transportation’s NYC Open Restaurants Program.** Food service establishments wishing to place outdoor seating in front of their establishment on the sidewalk and/or roadway must apply for permission from the NYC Department of Transportation.

Note that all businesses wishing to offer outdoor seating, even those with pre-existing sidewalk cafe permits, must self-certify with DOT for the Open Restaurant program. You do not need to apply to place outdoor seating on private property, but you must apply to SLA if your license does not allow you to use this additional space.

Your establishment may be visited by inspectors from different state and city agencies. An inspector from the State’s multi-agency task force -- led by the State Police and State Liquor Authority, or any City agency, including the Department of Buildings, the Department of Health and Mental Hygiene, the Office of Special Enforcement, the New York City Sheriff, or others may inspect your establishment for compliance with the State and City requirements listed on page 2. All pre-existing health and safety laws and guidelines still apply and you may also be inspected for compliance with those rules.

✓	Item for Compliance	Agency Issuing Guidance
	Apply and obtain certificate authorizing approval for the NYC Open Restaurants Program	NYC Dept. of Transportation



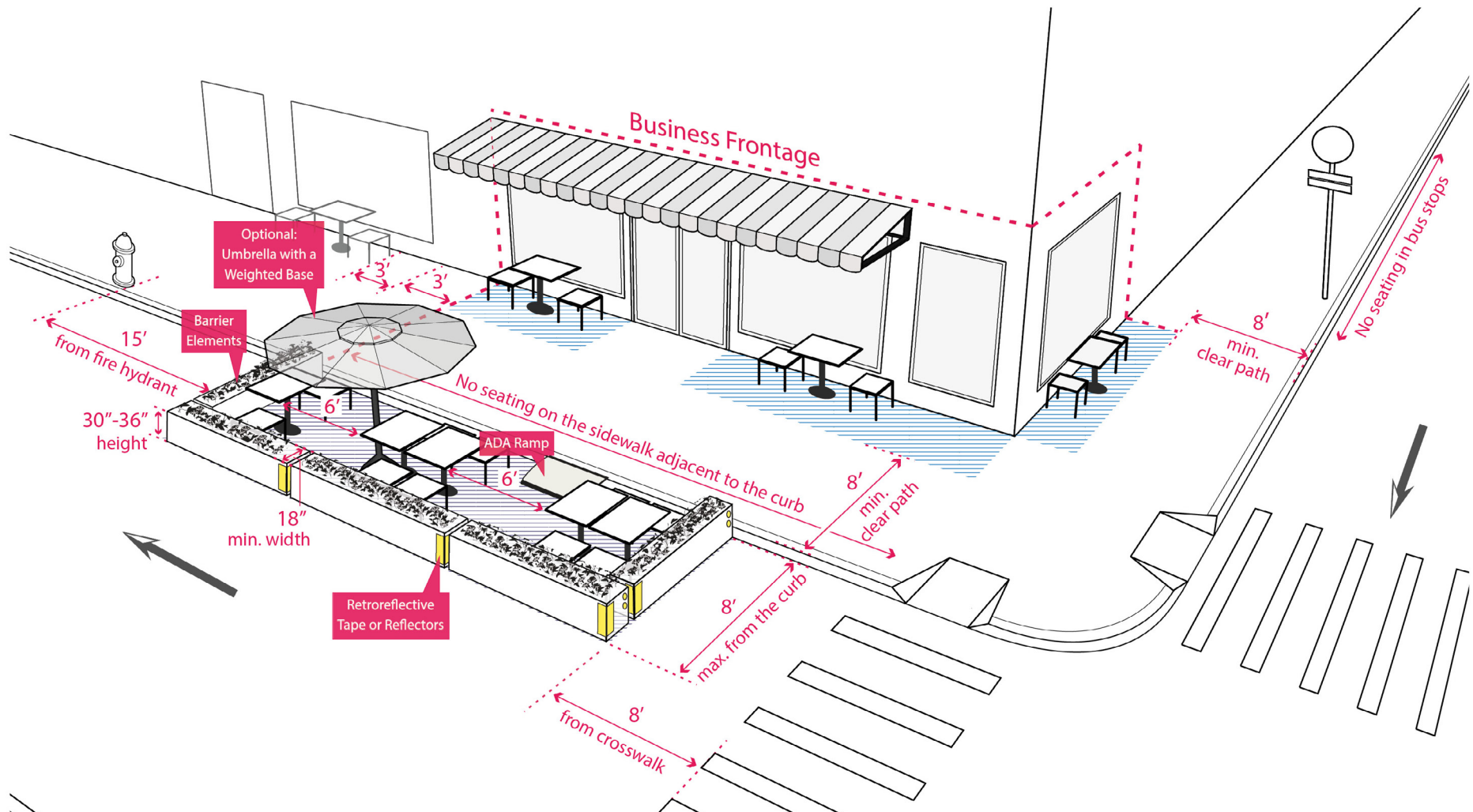
Restaurant participating in NYC Open Restaurants Program (Photo: NYC and Company)

For more information, visit

- [nyc.gov/openrestaurants](https://nyc.gov/openrestaurants)



# NYC Open Restaurants Program Siting Criteria



## \*PLEASE NOTE:

Failure to comply with NYC Open Restaurants requirements may result in suspension or revocation of permission to participation in the Open Restaurants Program.




## NYC Open Restaurant Program Requirements - All Outdoor Seating

Your establishment may be visited by inspectors from different state and city agencies. An inspector from the State's multi-agency task force -- led by the State Police and State Liquor Authority, or any City agency, including the Department of Buildings, the Department of Health and Mental Hygiene, the Office of Special Enforcement, the New York City Sheriff, or others may inspect your establishment for compliance with the State and City requirements listed on page 2. All pre-existing health and safety laws and guidelines still apply and you may also be inspected for compliance with those rules.

✓	Item for Compliance, All Seating	Agency Issuing Guidance
	<b>Tables and chairs must be provided by the operating business</b> Wherever social distancing is not feasible between tables, place physical barriers between such tables. Address the <a href="#">NYS Outdoor Takeout Delivery and Food Services Summary Guidance</a> document for further information.	<b>NYC Dept. of Transportation</b>
	<b>Outdoor seating areas may not exceed business frontage</b>	<b>NYC Dept. of Transportation</b>
	<b>Provide a ramp for ADA compliance, which can be made of non-permanent materials</b>	<b>NYC Dept. of Transportation</b>
	<b>Only utilize umbrellas with a weighted base or properly secured tents</b> Umbrellas may not extend past the barrier or obstruct access to ventilation of utility covers. Tents or other shelters must be less than 400 SF each in area. Please consult <a href="#">DOB Bulletin 2020-013</a> for further information.	<b>NYC Dept. of Transportation</b>
	<b>Temporary lighting, such as festoon lighting, is allowed.</b> Use only outdoor-use extension cords, with accessible, protective covers when placed across the sidewalks, and install properly to prevent tripping hazards. Follow manufacturers safety instructions. Please consult <a href="#">DOB Bulletin 2020-013</a> for further information.	<b>NYC Dept. of Transportation</b>
	<b>Remove tables and chairs or secure them in place when not in operation</b> As a reminder, outdoor dining hours of operation are Monday–Saturday: 8am to 12am, Sunday: 10am to 12am	<b>NYC Dept. of Transportation</b>
	<b>Comply with NYC Fire Department Open Flame and other applicable Fire Code requirements</b>	<b>NYC Dept. of Transportation</b>

## NYC Open Restaurant Program Requirements - Outdoor Seating, Sidewalk

Your establishment may be visited by inspectors from different state and city agencies. An inspector from the State's multi-agency task force -- led by the State Police and State Liquor Authority, or any City agency, including the Department of Buildings, the Department of Health and Mental Hygiene, the Office of Special Enforcement, the New York City Sheriff, or others may inspect your establishment for compliance with the State and City requirements listed on page 2. All pre-existing health and safety laws and guidelines still apply and you may also be inspected for compliance with those rules.

	Item for Compliance, Sidewalk Seating	Agency Issuing Guidance
	Seating and tables must be up against the wall of the business or as close as possible	NYC Dept. of Transportation
	Leave a clear path for pedestrians that is 8 feet wide. For clear path purposes, parking meters, traffic signs and tree pits with flush gratings (without tree guards) are exempt.	NYC Dept. of Transportation
	Seating must be at least 3 feet from the adjacent business	NYC Dept. of Transportation
	Operations are not blocking subway grate, utility hardware or Siamese water connection	NYC Dept. of Transportation
	Operations are not blocking bus stop waiting area	NYC Dept. of Transportation
	There are no other above-grade structures that could be considered obstructions	NYC Dept. of Transportation

### \*PLEASE NOTE:

Failure to comply with NYC Open Restaurants requirements may result in suspension or revocation of permission to participation in the Open Restaurants Program.

## NYC Open Restaurant Program Requirements - Outdoor Seating, Roadway

Your establishment may be visited by inspectors from different state and city agencies. An inspector from the State's multi-agency task force -- led by the State Police and State Liquor Authority, or any City agency, including the Department of Buildings, the Department of Health and Mental Hygiene, the Office of Special Enforcement, the New York City Sheriff, or others may inspect your establishment for compliance with the State and City requirements listed on page 2. All pre-existing health and safety laws and guidelines still apply and you may also be inspected for compliance with those rules.

✓	Item for Compliance, Roadway Seating	Agency Issuing Guidance
	<p><b>Create a protective barrier, on all three sides of the seating perimeter that are in the roadway, to separate seating from the travel lane.</b></p> <p>Such barriers must be at least 18 inches in width and 30 to 36 inches in height (excluding plantings) on all three sides that are in the roadway, to preserve visibility for motorists and provide protection for patrons</p>	<p><b>NYC Dept. of Transportation</b></p>
	<p><b>Place such barriers directly adjacent to each other (i.e. with no gaps) and no more than 8 feet from the curb</b></p>	<p><b>NYC Dept. of Transportation</b></p>
	<p><b>Clearly marking all barriers with yellow high intensity retro-reflective tape or reflectors to ensure visibility of patrons and barriers at night</b></p>	<p><b>NYC Dept. of Transportation</b></p>
	<p><b>Ensure that seating or barriers are NOT within 15 feet of a fire hydrant</b></p>	<p><b>NYC Dept. of Transportation</b></p>
	<p><b>Ensure seating or barriers are NOT within 8 feet of a crosswalk, to provide for safe vehicle turns and avoid crowding</b></p>	<p><b>NYC Dept. of Transportation</b></p>
	<p><b>Ensure that any lighting that is NOT blinding to passing traffic</b></p>	<p><b>NYC Dept. of Transportation</b></p>
	<p><b>Do NOT place seating within a No Stopping Anytime or No Standing Anytime zone, bike lane, bus lane/stop, taxi stand, or Car Share space</b></p> <p>Exception: For part-time No Stopping or No Standing zones, seating may be placed when those rules are not in effect. Barriers and seating must be removed from the roadway when No Stopping or No Standing is in effect.</p>	<p><b>NYC Dept. of Transportation</b></p>

# DOT Winterization Mandates for Outdoor Dining

This section outlines items for your outdoor dining set up that are mandated by the NYC Department of Transportation. [Additional guidance regarding siting criteria can be downloaded here.](#)

✓	Roadway Barriers & Enclosures	Agency Issuing Guidance
	Barriers must have a fully built interior wall and bottom to hold filler material and must be completely filled with soil or sand	NYC Dept. of Transportation
	Continuous reflector tape must be added along the top outside edges, and snow sticks must be added to the corners of the two barriers facing traffic	NYC Dept. of Transportation
	<p>A plastic water-filled barrier in front of the roadway barrier facing oncoming traffic is required for a majority of restaurants (High-priority restaurants have been contacted separately to confirm this requirement applies to them.)</p> <ul style="list-style-type: none"> <li>Plastic Water-Filled Barriers: How-To's (pdf)</li> </ul>	NYC Dept. of Transportation
	Enclosures with temporary or fixed cover (i.e. awning, roof or tent) must have at least two open sides for airflow	NYC Dept. of Transportation
	Enclosed structures, such as plastic domes, must have adequate ventilation to allow for air circulation	NYC Dept. of Transportation
	Only electrical heaters are allowed within the roadway setups	NYC Dept. of Transportation

# DOT Winterization Mandates during Snow Alerts

This section outlines items for your outdoor dining set up that are mandated by the NYC Department of Transportation during active City-issued snow alerts. [Additional guidance from the NYC Department of Sanitation can be viewed here.](#)

✓	During an active snow alert	Agency Issuing Guidance
	Diners may not sit in roadway setups. Tables and chairs in roadway must be removed or secured.	NYC Dept. of Transportation
	All electrical heaters in roadway setups must be removed	NYC Dept. of Transportation
	At minimum, regularly remove snow from overhead coverings until the snow alert ends.	NYC Dept. of Transportation

# Accessibility Requirements

This section outlines accessibility items that are required by the Americans with Disabilities Accessibility Act (ADA).

Your establishment may be visited by inspectors from different state and city agencies. An inspector from the State's multi-agency task force -- led by the State Police and State Liquor Authority, or any City agency, including the Department of Buildings, the Department of Health and Mental Hygiene, the Office of Special Enforcement, the New York City Sheriff, or others may inspect your establishment for compliance with the State and City requirements listed on page 2. All pre-existing health and safety laws and guidelines still apply and you may also be inspected for compliance with those rules.

	Item for Compliance	Agency Issuing Guidance
	<p><b>Toilet facility provided for employees and/or patrons when required</b></p> <p>Restrooms must comply with ADA regulations when applicable. If your business had to provide restroom access to customers pre-Covid then you must continue to provide access when seating outdoors.</p>	
	<p><b>Businesses must have in place an ADA ramp in the curb lane seating area AND a minimum of 5 percent ADA-compliant tables in both sidewalk and curb lane seating areas</b></p> <p>Establishments that have both roadway and sidewalk seating must provide accessible tables in both seating areas; failing to do so may be discriminatory because the experience of dining in a roadway is different than dining on a sidewalk.</p>	<b>NYC Dept. of Buildings</b>

# More detailed information

- Important Links and Resources
- Routine Inspections
- Connect with us

# Important Links and Resources

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- **NYC Business Restaurant Reopening Guide:** [nyc.gov/restauranthereopening](https://nyc.gov/restauranthereopening)
- **NY Forward Summary Guidelines for Indoor Food Services:** [www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/NYC Indoor Food Services Summary Guidelines.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/NYC%20Indoor%20Food%20Services%20Summary%20Guidelines.pdf)
- **NY Forward Summary Guidelines for Outdoor and Take-Out/Delivery Food Services:** [www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/OutdoorTakeoutDeliveryFoodServicesSummaryGuidance.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/OutdoorTakeoutDeliveryFoodServicesSummaryGuidance.pdf)
- **NYC Open Restaurants**
  - **Virtual Compliance Consultation:** [sbsconnect.nyc.gov/services/select-business/?action=vcc](https://sbsconnect.nyc.gov/services/select-business/?action=vcc)
  - **Brochure:** [www1.nyc.gov/html/dot/html/pedestrians/openrestaurants.shtml#resources](https://www1.nyc.gov/html/dot/html/pedestrians/openrestaurants.shtml#resources)
    - Available in English, Arabic, Bengali, Chinese, French, Haitian Creole, Korean, Polish, Russian, Spanish or Urdu
  - **FAQ with Translations:** [www1.nyc.gov/html/dot/html/pedestrians/openrestaurants-faq.shtml](https://www1.nyc.gov/html/dot/html/pedestrians/openrestaurants-faq.shtml)
  - **Supplemental FAQ:** [www1.nyc.gov/assets/sbs/downloads/pdf/businesses/NYC%20Open%20Restaurants%20-%20Supplemental%20FAQ.pdf](https://www1.nyc.gov/assets/sbs/downloads/pdf/businesses/NYC%20Open%20Restaurants%20-%20Supplemental%20FAQ.pdf)
  - **Department of Buildings Bulletin:** [www1.nyc.gov/assets/buildings/bldgs\\_bulletins/bb\\_2020-013.pdf](https://www1.nyc.gov/assets/buildings/bldgs_bulletins/bb_2020-013.pdf)
    - [Describes when a DOB permit application is not required for the reopening of restaurants and bars](#)
- **NYC Open Streets**
  - **Restaurant Guidelines:** [www1.nyc.gov/html/dot/downloads/pdf/open-streets-restaurants-guidelines.pdf](https://www1.nyc.gov/html/dot/downloads/pdf/open-streets-restaurants-guidelines.pdf)
- **Directory of Equipment Rentals for Safe Outdoor Dining:** [www1.nyc.gov/assets/sbs/downloads/pdf/businesses/Directory%20-%20Outdoor%20Dining%20Equipment.pdf](https://www1.nyc.gov/assets/sbs/downloads/pdf/businesses/Directory%20-%20Outdoor%20Dining%20Equipment.pdf)
- **PPE + Reopening Supplies Marketplace:** [maiic.nyc/reopening-supplies/](https://maiic.nyc/reopening-supplies/)
- **NYC Office of Nightlife “It’s Up to You, New York” Socialize Responsibly Campaign Poster:** [on.nyc.gov/3eo0ECA](https://on.nyc.gov/3eo0ECA)



# Routine Inspections

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Establishments must still meet previously existing health and safety laws and requirements to operate. Below are links to guidance on what to expect from agencies on their routine inspections as provided by the City and State Agencies.

- **Common Fines and Violations**

- **For Restaurants** [www1.nyc.gov/nycbusiness/commonviolations/restaurant](http://www1.nyc.gov/nycbusiness/commonviolations/restaurant)
- **For Bars** [www1.nyc.gov/nycbusiness/commonviolations/bar](http://www1.nyc.gov/nycbusiness/commonviolations/bar)
- **Learn more at** [www1.nyc.gov/nycbusiness/commonviolations/default](http://www1.nyc.gov/nycbusiness/commonviolations/default)

- **NYC Department of Health and Mental Hygiene**

- **Inspections:** [www1.nyc.gov/site/doh/business/food-operators/the-inspection-process.page](http://www1.nyc.gov/site/doh/business/food-operators/the-inspection-process.page)
- **Food Preparation and Food Establishments:** [www1.nyc.gov/assets/doh/downloads/pdf/rri/article81-book.pdf](http://www1.nyc.gov/assets/doh/downloads/pdf/rri/article81-book.pdf)

- **NYC Department of Buildings**

- **Inspections** [www1.nyc.gov/site/buildings/business/inspections.page](http://www1.nyc.gov/site/buildings/business/inspections.page)

- **NYC Fire Department**

- **Inspections** [www1.nyc.gov/site/fdny/business/inspections/inspections.page](http://www1.nyc.gov/site/fdny/business/inspections/inspections.page)

- **NYC Department of Environmental Protection**

- **Noise Code** [www1.nyc.gov/site/dep/environment/noise-code.page](http://www1.nyc.gov/site/dep/environment/noise-code.page)

- **Mayor's Office for People with Disabilities**

The NYC Department of Buildings inspects establishments for compliance with the Americans with Disabilities Act. The Mayor's Office for People with Disabilities provides resources for small businesses to help their establishment meet compliance.

- **ADA Resources** [www1.nyc.gov/site/mopd/resources/small-business-resources.page](http://www1.nyc.gov/site/mopd/resources/small-business-resources.page)

- **NYS Liquor Authority**

- **What to Know if You're a Liquor-Licensed Retailer** [www.sla.ny.gov/what-you-need-know-if-youre-licensed-retailer](http://www.sla.ny.gov/what-you-need-know-if-youre-licensed-retailer)
- **Guidance for On-Premise Licensed Establishments** [sla.ny.gov/phase3-guidelines-for-on-premises-licenses](http://sla.ny.gov/phase3-guidelines-for-on-premises-licenses)

# Connect with us

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- **NYC Department of Health and Mental Hygiene**
  - **Website:** [nyc.gov/health](https://nyc.gov/health)
- **NYC Department of Small Business Services**
  - **Website:** [nyc.gov/business](https://nyc.gov/business)
  - **Restaurant Reopening Hotline: 888-SBS-4NYC** (888-727-4692)
- **NYC Department of Transportation**
  - **Website:** [nyc.gov/dot](https://nyc.gov/dot)
- **NYC Office of Nightlife at the Mayor's Office of Media and Entertainment**
  - **Website:** [nyc.gov/nightlife](https://nyc.gov/nightlife)
  - **Email:** [nightlife@media.nyc.gov](mailto:nightlife@media.nyc.gov)
  - **FB:** [facebook.com/nycnightlifegov](https://facebook.com/nycnightlifegov)
  - **IG:** [instagram.com/nycnightlifegov](https://instagram.com/nycnightlifegov)



Health and  
Mental Hygiene

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Services

Department of  
Transportation

Mayor's Office of Media  
and Entertainment  
**Office of Nightlife**