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Effective March, 22, 2020 at 8:00PM, Executive Order 202.8 directed that all businesses and not-for-profit entities in New York State, that are not determined to be essential businesses or providers of essential services, must reduce their in-person workforce by 100%. The Order also established a list of “essential” businesses and services that could continue to operate and would not be subject to the State imposed restrictions.

The essential services list currently includes construction and the skilled trades. Many questions have come up regarding what type of construction activities can and cannot continue. Below are some questions and answers to help determine if your construction project should continue and to what extent it may. This guidance was just updated by New York State on March 27, 2020.

Q: What is considered “essential” construction?

A: The State of New York, under Executive Orders 202.6 and 202.8 identified construction and the skilled trades as essential businesses. The order and accompanying guidance document from Empire State Development (ESD) do not define what specific activities fall into the category. <https://esd.ny.gov/guidance-executive-order-2026>

Q: Do construction companies need to comply with workforce reduction and/or social distancing?

A: Essential businesses or entities must continue to comply with the guidance and directives for maintaining a clean and safe work environment issued by the Department of Health. At every site, if essential or emergency non-essential construction, social distancing must be maintained, including for purposes of elevators/meals/entry and exit. Sites that cannot maintain distance and safety best practices must close. Essential businesses and entities should also make every effort to reduce in-person workforce to just the level necessary to provide any service or function.

Q: What factors should be considered when trying to determine if my project is appropriate to occur right now under the current public health emergency?

A: 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. For purposes of this section construction work does not include a single worker, who is the sole employee/worker on a job site.

Q: Is Landscaping still considered essential?

A: The State of New York has determined that landscaping for maintenance and pest control purposes is an essential service.

The Town of Southampton continues to monitor this evolving situation. We understand the confusion and complications that many of these public safety orders are causing. Your cooperation and patience is greatly appreciated as we collectively try to fight the continued spread of the Coronavirus as a whole community.

Last Updated 4/2/20