

Empire State Development Corp. Update on Construction

Please see the following update from the Empire State Development Corporation (See links) regarding essential construction and a notice from the AGC. LIBI's CEO Mitch Pally would like to inform all of our members that LIBI is working with NYSBA on a specific response.

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

https://esd.ny.gov/sites/default/files/ESD_EssentialEmployerFAQ_032220.pdf



URGENT/BREAKING: **ESD ISSUES UPDATED GUIDANCE ON ESSENTIAL CONSTRUCTION/NON-ESSENTIAL MUST SHUT DOWN**

At the direction of the Governor, Empire State Development Corporation has issued updated guidance for construction under the Governor's "PAUSE-NY" Executive Orders.

The guidance, which [can be found here](#), reads:

"9. Construction

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. At every site, if essential or emergency non-essential construction, this includes maintaining social distance, including for purposes of

elevators/meals/entry and exit. Sites that cannot maintain distance and safety best practices must close and enforcement will be provided by the state in coordination with the city/local governments. This will include fines of up to \$10,000 per violation.

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

AGC NYS continues to be in communication be in communication with the Administration about these issues and will seek additional clarity where possible.

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