



NYC INDOOR DINING FAQ

Kapil Longani
Counsel to the Mayor

Alexis Blane
Principal Deputy Counsel

Bess Chiu
Chief of Staff

Katherine Cocklin
Deputy Counsel

When did indoor dining resume in New York City?

Indoor dining resumed in New York City for restaurants, food service establishments, and other food vendors and concessions, except those located in Orange and Red cluster zones,¹ on **September 30, 2020**.

What food and beverage services may an establishment offer?

Restaurants and other food service establishments may open indoor spaces with seating for customers. However, indoor bar service must remain closed.

- Employees may prepare beverages at a bar, but no seating or service at the bar is allowed.
- All alcoholic beverages must be served to the table.

During what hours may an establishment operate indoor dining?

Establishments may operate daily from **5:00 a.m. to midnight**. Customers may remain seated until 12:30 a.m. but only to finish their meal.

Are there any capacity limits on indoor dining?

Yes. Indoor capacity, not including employees, must be limited to **no more than 25% of the maximum occupancy for a particular area** (as set by the certificate of occupancy). Establishments without a certificate of occupancy should refer to the NYC Department of Buildings (DOB) [Bulletin #2020-017](#) to determine maximum occupancy.

This capacity limit must be posted in a conspicuous location inside and outside the restaurant.

Are events at indoor dining establishment allowed?

Yes, events at indoor dining establishments, such as large event spaces and catering halls, are allowed. However, indoor capacity, not including employees, must be limited to **no more than 25% of the maximum occupancy for a particular area** (as set by the certificate of occupancy) **or 50 customers, whichever is less**.

Can you give me an example of how the capacity limits for events apply?

Yes! See below.

<u>Max occupancy</u>	<u>25% of Max. Occupancy</u>	<u>Occupancy Limit for Events</u>
1000	250	50
500	125	50
200	50	50
100	25	25

¹ For additional information about cluster zones see the Governor's Executive Order 202.68 and the Cluster Zones Essential Business Charts, located in the Additional Resources section of this FAQ.

When must employees and customers wear face coverings?

- All employees must wear face coverings at all times except while eating or drinking (e.g., during breaks).
- All customers (age 2+) must wear face coverings at all times (unless unable to medically tolerate them) except while seated. Once seated, establishments should encourage, but not require, customers to wear face coverings when interacting with staff or otherwise not eating/drinking.

Are indoor establishments required to conduct temperature checks?

Yes. Employees and customers are required to submit to a temperature check either before or immediately upon arriving at the establishment.

- Any individual with a temperature greater than 100° Fahrenheit must not be allowed to enter.
- Establishments must maintain a record of all checks conducted. Details [here](#).

Is there any additional information that indoor establishments must collect from customers?

Yes. One person from each party must sign in and provide their full name, address, and phone number for use in New York State's contact tracing efforts. Details [here](#).

What are the social distancing requirements for customers waiting in any lines?

All customers must maintain 6 feet of distance while lining up for any reason **and** establishments must clearly mark six-foot spacing where lines form.

Are indoor establishments required to conduct COVID-19 health screenings of employees?

Yes. Establishments must implement a daily health screening for all employees. If any customers or employees test positive, establishments should follow the steps outlined [here](#).

DINNER AND SERVICE GUIDANCE

What are the social distancing requirements for indoor dining?

- Indoor tables must be separated by a minimum of 6 feet in all directions. Wherever distancing is not feasible, tables must be separated by physical barriers at least 5 feet in height and must not block emergency and/or fire exits.
- Customers in the same party may sit next to each other at communal tables, provided that the party consists of 10 or fewer people, **unless the restaurant is located in a cluster zone**.
 - Customers of the same party may be from different households.
 - Customers of the same party may arrive, be seated, and depart at different times, so long as their interactions remain limited to party members.
- Communal tables w/multiple parties are only permitted if 6 feet of distance can be maintained between parties.
- Customers must maintain social distancing while waiting for and using restrooms.

What are the social distancing requirements in cluster zones?

- In orange and red zones, no indoor or outdoor restaurant dining is permitted.
- In yellow zones, up to 4 people may dine at one table. Whether at bar stools or communal tables, patrons of different parties must be separated by at least 6 feet or physical barriers.

Can customers eat and drink while standing?

No. Only seated dining is allowed.

My dining establishment has traditionally provided counter service dining. Can I serve people at the counter?

Yes. Restaurants may allow guests to dine at dining counters where there is no bar (like at a sushi restaurant) as long as there are barriers between any staff behind the counter and those who are dining.

- However, any “bar” area that is primarily used to prepare and serve drinks must be closed to seating and customers may not walk up to or stand at the bar to order, pay, or be served. The restaurant can use that space to prepare drinks and serve to tables.

Can I put out a buffet?

Yes, but the buffet **cannot** be self-serve and must be sufficiently staffed to ensure no customer touching of common objects. Appropriate social distancing must be maintained.

Can I provide guests with straws and/or toothpicks?

Establishments may only provide customers with individual, prewrapped straws or toothpicks.

May employees eat inside of the indoor dining establishment?

Employees may remove their face coverings and dine inside of the establishment as long as they maintain social distancing and comply with Health Code requirements. If employees are eating indoors at a table normally for customer use, it will be counted against the 25% maximum occupancy restriction.

Is my establishment required to sell food to people in order to serve them alcohol?

Only if your liquor license requires that you must only serve alcohol to people who also order food.

If I am required to serve food as a condition of my on-premise liquor license, what types of food are sufficient?

The State Liquor Authority (SLA) outlines the type and quantity of food items needed to meet the “food requirement” [here](#). For a party with multiple customers, one shareable food item may be purchased as long as it would sufficiently serve the number of people in the party.

Must a customer order food with each alcoholic beverage ordered?

No, as long as the food ordered when placing the original drink order is sufficient in substance and quantity based on the number of people in the party.

May I have live entertainment or a DJ in my indoor dining area?

It depends on your license. Establishments that have a license through the SLA are only allowed to offer on-premises music if their license certificate specifically allows for such activity. The music, however, must only be incidental, i.e. it cannot be an advertised or ticketed music event to which dining is incidental. All other forms of live entertainment (such as exotic dancing, comedy shows, etc.) are impermissible.

My license allows for dancing and/or other on-premises services. Are they allowed?

No. Dancing and bar games (such as darts, pool, cornhole, etc.) are not allowed.

WORKPLACE REQUIREMENTS

Am I required to post any signage at my establishment?

Yes. Establishments are required to post signage consistent with DOH and social distancing requirements. More information [here](#).

Does my establishment need to comply with any air filtration requirements?

Yes, establishments must implement ventilation and/or air filtration protocols. More information [here](#).

Are any pre-return checks for kitchen systems required?

Yes. Prior to reopening, establishments must complete pre-return checks/assessments of kitchen systems. More information [here](#).

How should establishments handle pickups and deliveries?

Dining establishments must designate specific areas for vendor pickups/deliveries.

Are there any social distancing requirements for kitchen and storage areas?

Yes. If more than one employee is present in a small space, such as kitchen and storage areas, all employees must wear acceptable face coverings. Employee presence must not exceed 25% of the maximum occupancy in these areas.

ADDITIONAL RESOURCES

What additional resources may I consult?

- [NYS DOH Interim Guidance for NYC Indoor Food Services](#)
- [SLA Phase 3/4 Guidelines for On-Premises Establishments](#)
- [SLA Guidance on Requirement that Licenses w/On Premises Privileges Serve Food w/Beverages](#)
- [NYC Counsel to the Mayor NYC Outdoor Dining FAQ](#)
- [NYC DOH Guidance for Business and Facilities](#)
- [NYC Restaurant Reopening Guide](#)
- [Governor's Executive Order 202.68](#)
- [Cluster Zone Essential Business Charts](#)