

**ORDER OF THE BOARD OF HEALTH OF THE CITY OF NEW YORK
TO REOPEN CHILD CARE PROGRAMS**

WHEREAS, on March 7, 2020 New York State Governor Andrew Cuomo issued Executive Order No. 202, declaring a State disaster emergency for the entire State of New York to address the threat that novel coronavirus 2019 (“COVID-19”) poses to the health and welfare of New York residents and visitors, and such State disaster emergency remains in effect; and

WHEREAS, on March 12, 2020, Mayor Bill de Blasio issued Emergency Executive Order No. 98, which declared a state of emergency in the City to address the threat posed by COVID-19 to the health and welfare of City residents, and such state of emergency remains in effect; and

WHEREAS, such Emergency Executive Order directed all agency heads, including the Department of Health and Mental Hygiene (the “Department”) and the Board of Health (the “Board”), to take all appropriate and necessary steps to preserve public safety and to render all required and available assistance to protect the security, well-being and health of the residents of the City, and such direction remains in effect; and

WHEREAS, extraordinary measures were implemented by both the State and the City to limit interactions among people who do not live in the same household, including the mandatory closure of non-essential businesses to slow and control the spread of COVID-19; and

WHEREAS, on April 3, 2020, the Board ordered the closure, subject to specified limitations, of school-based instructional programs for children ages three through five, and center-based child care programs and family shelter-based drop-off child supervision programs for children ages birth to five (the “Child Care Order”), and such order was modified on April 5, 2020 (the “Modification Order”); and

WHEREAS, as the number of new cases of COVID-19 confirmed each day has declined, the Governor and the New York State Department of Health have issued various orders and guidance documents to allow non-essential businesses to reopen in phases on a regional and industry-specific basis; and

WHEREAS, as of July 6, 2020, New York City is in Phase 3 of the reopening;

NOW THEREFORE BE IT RESOLVED, that effective July 13, 2020, in accordance with the State’s New York Forward reopening plan, the Board hereby **RESCINDS** the Child Care Order of April 3, 2020 and the Modification Order of April 5, 2020; and

FURTHER, the Board hereby authorizes child care programs operating pursuant to Health Code Article 43 or Health Code Article 47 to reopen and resume operations effective July 13, 2020, subject to any applicable orders, guidance or other directives of the Governor, the Mayor, the State Department of Health, or the Department.

Nothing in this order is intended to affect any child care program that had prior approval to provide child care services during the COVID-19 pandemic.

Nothing in this order shall prohibit the Department from exercising its authority to order any child care program to close or cease operations. State Department of Health guidance applicable to such programs and issued pursuant to the State disaster emergency for COVID-19 shall supersede any inconsistent provision in Articles 43 or 47 of the Health Code.