

Countdown to indoor dining: A ton of regulations -- but it'll feel so good!

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STATEN ISLAND, N.Y. -- Restaurant owners prep for the return of indoor dining on Sept. 30. [While 25% is not the ideal capacity at which to start](#), in restaurant owners' eyes, the state's published [guidelines](#) offer a formal launch point after six months of closure. The Staten Island Chamber of Commerce offered a webinar on Monday to suss out the implications of a [16-page schematic](#) that runs the gamut of rules from air filtration to "movement and commerce."

"No other industry has had to contend with more requirements and regulations than the restaurant and hospitality industry," said Linda Baran, the Chamber's president. For answers and navigation of what the Chamber called a "laundry list" of rules, the business advocacy group called upon NYC Hospitality Alliance head Andrew Rigie and Richard Frazer, partner and co-head of the Restaurant, Food & Beverage Group at Pryor Cashman.

Rigie called the state's guidelines "common sense" and detailed pressing issues for restaurant owners, such as ventilation requirements. He encouraged owners to follow the blueprint set forth by the governor's office so that the infection rate stays down and the city can get to a higher capacity percentage, possibly by Nov. 1 -- or even sooner. Masks are mandatory for guests when moving about the restaurant and "best practice," said Rigie, is that patrons wear them while sitting, except while eating and drinking.

Based on the [NYC.gov](http://nyc.gov), the city says that [rules are subject to change](#). But for now, according to the law as of Sept. 30, the 25% capacity rule means that a food operator must cap parties and gatherings at 50 people or 25% of the full capacity, whichever number is lower. That figure does not include staff. Closing time will be midnight with a 30 minute grace period. After 12:30 a.m. the establishment must close, Rigie pointed out. It can reopen at 5 a.m.

"Why must there be a curfew?" asked a Chamber restaurant member.

Frazer surmised that because of past non-compliance and potential for density, primarily prompted by a younger population, the curfew anticipates non-compliance. The attorney also answered a common question of catering halls as to whether or not dancing was permitted. Frazer's interpretation of the law is that activities such as that did not follow the spirit of social distancing. But it can be gleaned from the information available to the public that members of the same family can congregate within reason and respect to the rules.

Can the SLA pull a license without warning? Yes, said Frazer, and he's not aware of any requirements for warning. Rigie said if there are gross violations of the liquor laws officials have the authority to close the restaurant.

"You can't serve people at a bar. You can't serve people standing at a bar. The bar should now just be a prep area or for serving drinks at the table," said Frazer.

Two areas of great concern among restaurant owners, said Rigie, are that of temperature-taking and air filtration systems.

Rigie said that temperatures must be taken and no one with 100 degrees or higher should be admitted to the restaurant. There is confusion on this matter because CDC regulations say 100.4 but the Hospitality Alliance is getting clarification on the discrepancy.

[There are a few categories of air filtration that are addressed by the state with specific details regarding the proper systems to protect the public from COVID-19.](#) Whatever HEPA system (high-efficiency particulate air) is used, it should not be pointed at the customer, said Frazer.

He said, "If you don't have access to the filtration system then you have to meet CDC requirements and self-certify or use a professional to certify."

USEFUL INFO FOR THE INDUSTRY

Frazer reminded viewers that there was extension of the law that suspends [personal liability of leases](#). He also underscored other legislation that would be helpful to proprietors such as the city's approval of [third-party fee caps](#). That means providers such as GrubHub, Seamless and DoorDash can't charge more than 5% for the actual transmission of the order (i.e. putting the eatery on its website and facilitating the order.) And that the third-party operator cannot charge the restaurant more than 15% for doing the actual delivery.

[Rigie highlighted the RESTAURANTS Act, a \\$120 billion grant program to cover expenses racking up including rent relief.](#) It is a piece of legislation being watched carefully by [IROAR](#) -- the Independent Restaurant Organization Association Rescue formed in May to hasten the return of NYC indoor dining.

Outdoor dining will end on Oct. 31, reminded Rigie. The Hospitality Alliance is advocating for an extension, he said.

Other pressing issues for proprietors: What's legal for heating [a tent](#)? Gas lines and some electric contraptions, said Rigie. Another option for a large scale source of warmth is propane, currently illegal. But there is discussion for legalizing it or allowing to happen in some manner, Rigie said. He hopes for answers in a week or two on that matter. Frazer encouraged clients to make [business interruption claims, even if they've been denied or discouraged by the insurance agent.](#)

As touched upon by the Chamber meeting, contact tracing is a part of the rules that patrons can expect when partial capacity indoor dining returns. A rep from a group of guests must sign in with his or her full name, address, and phone number. This can be done digitally, on paper or through the restaurant's reservation system. The data must be available to inspectors on request and stay on record for at least 28 days.

SPACING AND PARTIES OF 10

In the new COVID-19 indoor dining world, workers and staff must stay six-feet apart although some activities -- cooking, cleaning, clearing tables, maintenance as examples -- are permissible at closer distances. Six feet also is the acceptable measurement between tables in all directions. And if that is not possible then proprietors must use minimum five feet high physical barriers like plexiglass between the tables.

On events like parties in a restaurant, patrons may have a maximum party of 10 at each table. Guests can be from different households but must not interact with other tables. Communal tables can include multiple parties but the six-foot rule is in effect between patrons of other parties.

Restaurants must be frequently and visibly cleaned and sanitized. Signage must reflect state and local guidelines plus include arrows directing foot traffic. Hand sanitizing stations must be placed around the venue and in bathrooms or wherever high-contact surfaces exist. Single-use containers, paper or electronic menus, prepackaged silverware, wrapped straws and toothpicks plus logs for employees and patrons will be the norm. Masks and gloves, if required for the job, must be provided by the employer.

Frazer reminded that the city and state have a battery of inspectors to check up on the enforcement of social distancing rules.

Baran, the Chamber president, said she stands behind the restaurants of Staten Island and the Chamber will continue to advocate for them.

She said, "Anything we can do to get these owners and operators the right answers, help them deal with agency inspections, and navigate through all of this, is key to their sustainability. Leveraging our connections and resources to give these businesses the best chance to survive is critical."

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