



Frequently Asked Questions for COVID-19 Reopening in NYC: Group Music Activities

Note: This FAQ is current as of September 14, 2020. This is a rapidly changing situation and the Mayor’s Office of Media and Entertainment (MOME) will be updating this FAQ to reflect the latest information available. Please check MOME’s website (www.nyc.gov/mome) and nyc.gov/health/coronavirus frequently for updates. Where there is a discrepancy between this FAQ and more current guidance, the more current guidance applies.

A. GENERAL GUIDANCE

1. What can I do to help prevent COVID-19 transmission?

Remember the four key actions to prevent COVID-19 transmission:

- Stay home if sick: Stay home if you are sick unless you are leaving for essential medical care (including COVID-19 testing) or other essential errands.
- Physical distancing: Stay at least 6 feet away from others.
- Wear a face covering: Protect those around you. You can be contagious without symptoms and spread the disease when you cough, sneeze or talk. Face coverings help reduce the spread of COVID-19.
- Practice healthy hand hygiene: Wash your hands often with soap and water or use an alcohol-based hand sanitizer if soap and water are not available; clean frequently touched surfaces regularly; avoid touching your face with unwashed hands; and cover your cough or sneeze with your arm, not your hands.

2. Where can I find general health and safety information about COVID-19?

- The NYC Health Department has information available on-line here: <https://www1.nyc.gov/site/doh/covid/covid-19-main.page>.
- More information is available from the NYS Department of Health here: <https://coronavirus.health.ny.gov/home> and the US Centers for Disease Control here: <https://www.cdc.gov/coronavirus/2019-ncov/index.html>.

Please check these websites frequently for updates.

3. Where can I find general guidance about reopening my business?

- The NYC Health Department’s FAQ about reopening businesses safely is on-line here: <https://www1.nyc.gov/assets/doh/downloads/pdf/imm/covid-19-reopening-nyc-faq.pdf>.
- The NYC Health Department’s COVID-19: Restart Guidance for Businesses is on-line here: <https://www1.nyc.gov/site/doh/covid/covid-19-businesses-and-facilities.page>.
- The NYC Department of Small Business Services has additional information on-line here: <https://www1.nyc.gov/site/sbs/businesses/covid19-business-outreach.page>.

4. Where can I find industry specific guidance from the NYS Department of Health covering my activities?

- If you are a restaurant, bar, or other on premises food and beverage establishment that has outdoor dining or provides take-out or delivery services and offers musical entertainment, the [New York State Department of Health’s Interim Guidance for Outdoor and Take-Out/Deliver Food Services During the COVID-19 Public Emergency](#) applies. In addition, if you have a license from the State Liquor Authority (SLA), [SLA guidelines](#) apply.
- If you are engaged in “media production activities,” which encompass all activities undertaken in connection with motion picture, music, television, and streaming productions, including on set, on location, or at any production or recording site, the [NYS Interim Guidance for Media Production during the COVID-19 Public Health Emergency](#) applies.
- If you are a “low-risk outdoor arts and entertainment” business or organization such as an outdoor zoo, botanic garden, nature park, grounds of historic site or cultural institution, outdoor museum, or outdoor agritourism/agricultural demonstration and you feature musical entertainment, the [New York State Department of Health’s Interim Guidance for Low-Risk Outdoor Arts & Entertainment During the COVID-19 Public Health Emergency](#) applies.
- If you are a “low-risk indoor arts and entertainment” business or organization such as an indoor museum, historical site, aquarium, or other related institution or activity, the [New York State Department of Health’s Interim Guidance for Low-Risk Indoor Arts and Entertainment during the COVID-19 Public Health Emergency](#) applies.
- If you are music venue or other business or organization engaged in higher-risk indoor arts and entertainment activities (including concerts, movie theaters, performing arts, other theatrical productions) and your activity does not fall into one of the categories listed above, you may conduct office operations only and must otherwise remain closed at this time according to the guidance on the New York State Business Reopening App (<https://www.businessexpress.ny.gov/app/nyforward>) for North American Industry Classification System (NAICS) Code 711310 and [New York State Department of](#)

[Health Interim Guidance for Low-Risk Indoor Arts & Entertainment During the COVID-19 Public Health Emergency.](#)

- If you are a musician or musical group, there is no specific NYS Department of Health Guidance, but you are allowed to operate consistent with the guidance on the New York State Business Reopening App (<https://www.businessexpress.ny.gov/app/nyforward>) for NAICS Code 711130.

B. REOPENING OF MUSIC ACTIVITIES

1. How can I find out if I am allowed to operate during the COVID-19 emergency and what restrictions apply?

Use the New York State Business Reopening App (<https://www.businessexpress.ny.gov/app/nyforward>) to find out if you can operate and to learn about restrictions on operations. To use the Business Reopening App, it helps to know your North American Industry Classification System (NAICS) code. NAICS codes applicable to music production, musical performances, and music venues include:

NAICS Code	NAICS Title	Link to description
711130	Musical Groups and Artists (example: bands, singers, and orchestras)	https://www.naics.com/naics-code-description/?code=711130
711110	Theater Companies and Dinner Theaters (example: musical theater companies)	https://www.naics.com/naics-code-description/?code=711110
711510	Independent Artists, Writers, and Performers (example: independent recording technicians)	https://www.naics.com/naics-code-description/?code=711510
512240	Sound Recording Studios	https://www.naics.com/naics-code-description/?code=512240
512110	Motion Picture and Video Production (example: music video production)	https://www.naics.com/naics-code-description/?code=512110
531120	Lessors of Nonresidential Buildings (example: concert hall rental)	https://www.naics.com/naics-code-description/?code=531120
711310	Promoters of Performing Arts, Sports, and Similar Events with Facilities (example: concert hall operators)	https://www.naics.com/naics-code-description/?code=711310
711320	Promoters of Performing Arts, Sports, and Similar Events without Facilities (example: concert organizers)	https://www.naics.com/naics-code-description/?code=711320
722410	Drinking Places (Alcoholic Beverages)	https://www.naics.com/naics-code-description/?code=722410

722511	Full-Service Restaurants	https://www.naics.com/naics-code-description/?code=722511
611610	Fine Arts Schools	https://www.naics.com/naics-code-description/?code=611610

2. Do I have to tell New York State that I am reopening?

You must submit an [affirmation to the State](#) that affirms that you have read applicable State guidance and understand the obligation to operate in compliance with State requirements, including the requirement that your business develop and conspicuously post a [COVID-19 Safety Plan](#).

C. LIVE-STREAMED OR RECORDED MUSICAL PERFORMANCES IN NEW YORK CITY

1. My performing arts venue would like to livestream or record a live musical performance taking place inside of our facility. There will be no live audience except the film crew and other paid employees. Is that allowed?

Yes. Filming a musical performance is subject to the [NYS Interim Guidance for Media Production during the COVID-19 Public Health Emergency](#). This Guidance expressly covers music and streaming productions on set, on location, or at any production or recording site. Remember to check the NYS Interim Guidance for specific rules that apply to your business, including capacity requirements.

- Live audiences may consist of only paid employees, cast, and crew. Employees, cast, and crew may make up a live audience of no more than 100 individuals, or 25% of the audience capacity, whichever is lower. All individuals in any live audience must maintain a distance of at least six feet in all directions from all other individuals.
- Note that page 11 of the Interim Guidance for Media Production requires a COVID-19 testing protocol to protect the safety of performers and individuals who work in proximity to them. Performers, and employees and crew members whose job functions or roles involve close or proximate contact with performers, must be tested for COVID-19 through a diagnostic test prior to their participation in media production activities, and at least once per week thereafter, when on site or location.
- Check the [Interim Guidance for Media Production](#) for additional requirements.

2. My restaurant, bar, or other on premises food and beverage establishment would like to livestream or record a DJ’s performance or a live musical performance taking place inside my indoor venue. There will be no live audience except the film crew and other paid employees. Is that allowed?

Yes. Filming a DJ’s performance or a live musical performance is subject to the [NYS Interim Guidance for Media Production during the COVID-19 Public Health Emergency](#).

This Guidance expressly covers music and streaming productions on set, on location, or at any production or recording site.

- Live audiences may consist only of paid employees, cast, and crew. Employees, cast, and crew may make up a live audience of no more than 100 individuals, or 25% of the audience capacity, whichever is lower. All individuals in any live audience must maintain a distance of at least six feet in all directions from all other individuals.
- Note that page 11 of this Guidance requires a heightened COVID-19 testing protocol to protect the safety of performers and individuals who work in proximity to them. Performers, and employees and crew members whose job functions or roles involve close or proximate contact with performers, must be tested for COVID-19 through a diagnostic test prior to their participation in media production activities, and at least once per week thereafter, when on site or location.
- Check the [Interim Guidance for Media Production](#) for additional requirements.

3. My restaurant, bar, or other on-premises food and beverage establishment would like to livestream or record a DJ's performance or a live musical performance taking place inside my indoor venue. There will be a live audience of no more than 25 guests. Is that allowed?

At this time, you may not have a musical performance with a live audience inside any building in New York City, unless the audience consists of only paid employees, cast, and crew. Restaurants, bars, and other on-premises food and beverage establishments may provide only outdoor dining and take-out or delivery services; indoor dining service is prohibited. Please check for updates when indoor dining is allowed.

D. MUSICAL PERFORMANCES WITH A LIVE AUDIENCE IN NEW YORK CITY

1. My performing arts venue would like to have a performance inside its facility with a small live audience in New York City. Is that allowed?

No, at this time, New York State does not allow a performance with a live audience inside a building in New York City, unless you are recording the performance and the audience consists only of paid employees, cast, and crew. Filming before an audience of paid employees, cast, and crew is allowed under the [NYS Interim Guidance for Media Production during the COVID-19 Public Health Emergency](#).

2. My music venue (that is not a restaurant, bar, or other on premises food and beverage establishment) in New York City would like to have a live music performance with a small live audience outside in a garden on the venue's property. Is that allowed?

No, at this time, a music venue that is not a restaurant, bar, or other on premises food and beverage establishment is not permitted to have a live music performance with a live audience on its property, whether indoors or outside. Music is allowed when it is

incidental to dining at a restaurant, bar, or other on premises food and beverage establishment.

3. My establishment is a participant in the NYC Open Restaurants Program. I would like to have live music or a live DJ for patrons who are seated outside on the sidewalk and in the roadway. Is that allowed?

Restaurants, bars, and other on premises food and beverage establishment participating in the NYC Open Restaurants Program are subject to the [New York State Department of Health's Interim Guidance for Outdoor and Take-Out/Deliver Food Services During the COVID-19 Public Emergency](#) and the [NYC Department of Transportation requirements for Open Restaurants](#).

A participating establishment in the NYC Open Restaurants Program may have incidental live music or a live DJ if certain conditions are met:

- **Sound Level:** An establishment may play music on an existing sound system with windows open for its customers without a sound permit; a sound permit is required if there are speakers in windows and/or outside of the establishment. The sound must be reasonable; please be considerate of neighbors.
 - Establishments may be subject to enforcement activity if (i) sound is above 42 decibels between 10:00 p.m. and 7:00 a.m., (ii) there are speakers in the establishment's windows or outside the establishment, or (iii) the speakers or sound system create unreasonable noise as defined in Administrative Code § 24-203(62) (e.g., excessive or unusually loud sound).
- **Liquor Licenses:** If the establishment has a State Liquor Authority (SLA) license, the establishment must have a license that allows for on-premises live music or a DJ. Additional restrictions (including restrictions on advertising and ticket sales) apply to SLA licensees; see the SLA's guidance here: <https://sla.ny.gov/phase3-guidelines-for-on-premises-licenses>.
- **Performers:** Performers (including DJs) must remain at least 12 feet from the audience and the general public.
- **Audiences:** Individuals dining outdoors must be seated at least 12 feet from performers. Seating arrangements must comply with the [New York State Department of Health's Interim Guidance for Outdoor and Take-Out/Deliver Food Services During the COVID-19 Public Emergency](#) and the [NYC Department of Transportation requirements for Open Restaurants](#).

4. My establishment is a participant in the NYC Open Restaurants Program. I would like to play recorded music for patrons who are seated at tables on the sidewalk and in the roadway. Do I need a sound permit?

- An establishment may play music on the establishment's existing sound system with windows open for its seated customers without a sound permit; a sound permit is required if there are speakers in windows and/or outside of the establishment. The sound must be reasonable; please be considerate of neighbors. Establishments may be subject to enforcement activity if (i) sound is above 42 decibels between 10:00 p.m. and 7:00 a.m., (ii) there are speakers in

the establishment's windows or outside the establishment, or (iii) the speakers or sound system create unreasonable noise as defined in Administrative Code § 24-203(62) (e.g., excessive or unusually loud sound). The DJ must be at least 12 feet away from the audience.

- In addition, if the establishment has a State Liquor Authority (SLA) license, the establishment must have a license that allows for on-premises recorded music. Additional restrictions apply to SLA licensees; see the SLA's guidance here: <https://sla.ny.gov/phase3-guidelines-for-on-premises-licenses>.

5. I would like to have a live musical performance in my establishment's private outdoor patio, with a seated audience who are served food and drinks. Is that allowed?

Please see the guidance in question D3, above.

6. I would like to have a live musical performance in my restaurant's private outdoor patio, with a standing audience. Is that allowed?

No. At this time, patrons at restaurants, bars, and other on premises food and beverage establishments must be seated. A patron may stand only when necessary (e.g., entering and exiting, walking to and from a restroom), according to the [New York State Department of Health's Interim Guidance for Outdoor and Take-Out/Deliver Food Services During the COVID-19 Public Emergency](#).

7. Can I advertise and sell tickets to a musical performance at my restaurant?

If you are licensed by the State Liquor Authority (SLA), you may not advertise the performance or sell tickets to the performance, according to the SLA's guidance here: <https://sla.ny.gov/phase3-guidelines-for-on-premises-licenses>.

E. MUSICAL PERFORMANCES IN STREETS AND PARKS

1. My block party would like to have a live musical performance or a DJ. Can we do that?

- To have a block party, you must obtain a permit from the [NYC Street Activity Permit Office](#) and, if you have amplified sound, a [sound permit from the NYPD](#). Subject to the permit's requirements, you may have a live musical performance or a DJ. If your musical performance is amplified, you may not use a stage or video screens.
- During the COVID-19 emergency, you must file an affirmation that your event will adhere to safety requirements, including physical distancing, face coverings, limits on audience size, and other measures. The affirmation is on-line here: <https://nyceventpermits.nyc.gov/cems/documents/Safety%20Plan%20Affirmation%20SAPO.pdf>.

2. I would like to have a public musical performance in a NYC DOT Open Street. May I do that?

At this time, no. Please check for updates.

3. I would like to have a musical performance in a NYC park or a beach. Can I do that?

You must secure a [Special Event permit](#) from NYC Parks to hold any gathering or event with more than 20 people in a NYC park or beach. Applications should be submitted no less than 21 days prior to the day of your requested date. NYC Parks will advise you if you need any additional permits for your event after they receive your application. [Special safety limitations and requirements](#) including physical distancing requirements apply during the COVID-19 emergency.

F. SOUND RECORDING AND MUSIC REHEARSALS IN NEW YORK CITY

1. I operate a sound recording studio in New York City. May I record a musical performance in my recording studio?

Yes. Recording a musical performance is subject to the [NYS Interim Guidance for Media Production during the COVID-19 Public Health Emergency](#).

2. Can a musical group rehearse for a live or recorded performance in my rehearsal studio?

Yes, rehearsals are subject to the [NYS Interim Guidance for Media Production during the COVID-19 Public Health Emergency](#).

G. HEALTH AND SAFETY FOR MUSICIANS

1. I employ musicians or otherwise engage musicians as independent contractors or volunteers. Am I required to provide them with face coverings?

Yes, you must provide free face coverings to musicians that you employ or engage.

2. Do musicians have to wear face coverings?

Yes, but there are some exceptions.

- If the musician is unable to tolerate a face covering due to a medical condition, the musician is not required to wear a mask.
- Musicians may temporarily remove their face covering during performances or rehearsals or when it interferes with a core activity such as hair, makeup, or wardrobe. Performers must don face coverings as soon as practicable after such activities. Singers and anyone else using their voices with a microphone (such as a DJ), must maintain a distance of 12 feet from their audience during any performance. At establishments with a State Liquor Authority license, all performers must be at least 12 feet from the audience.

3. Are musicians required to be tested for COVID-19 prior to performing?

Musicians that are participating in media production activities are required to be tested for COVID-19 prior to participation in the activity and at least once per week thereafter, when on site or location, in accordance with the [NYS Interim Guidance for Media Production during the COVID-19 Public Health Emergency](#).

- Under the NYS Interim Guidance, “media production activities” include all activities undertaken in motion picture, music, television, and streaming productions on set, on location, or at any production or recording site.

4. Where can a musician go to get information about COVID-19 Testing?

There are over 100 sites across New York City, with more added every week. Find information for how to access this service and locate a testing site near you by calling 311 or going online to <https://www1.nyc.gov/site/coronavirus/get-tested/covid-19-testing.page>. Testing is provided at no cost and regardless of immigration status.

5. What is the requirement if I am informed that a musician that I employ or engage tests positive for COVID-19?

- Notify the state and local health authorities immediately at CovidEmployerReport@nychhc.org or 866-692-3641.
- Cooperate with the State and City Health Departments to trace all contacts at your location.

6. What information must I provide to musicians who are playing in my venue about COVID-19?

- You must conspicuously post your business’ [COVID-19 Safety Plan](#) so that musicians can read it and government inspectors can check it.
- You must post safety signage. Examples of signs are available here on the NYC Health Department’s webpage here <https://www1.nyc.gov/site/doh/covid/covid-19-posters-and-flyers.page>.

7. To whom should musicians direct concerns about COVID-19 safety violations?

Call the NYC Worker Protection Hotline at 311 or 1-212-436-0381. Please see the City’s workers’ rights page here: <https://www1.nyc.gov/site/dca/workers/worker-rights.page>