

In The News

Akerman Lawyer Joshua Bernstein Quoted in *Bisnow* Article Discussing the Uncertain Future of Outdoor Dining in New York

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Hospitality Sector Team Co-Chair [Joshua Bernstein](#) discussed the uncertain future of outdoor dining in New York with *Bisnow*, given that the emergency order issued by the former state governor is set to expire in July. During the first summer of the pandemic, New York City restaurants were able to adapt to customers' desire to dine al fresco. But as winter approached and temperatures dropped, restaurants increasingly began to erect these shelters on the sidewalks in front of their establishment. However, the Department of Transportation's Open Restaurants Program will no longer apply to these "full houses." Earlier this month, DOT Deputy Chief of Staff Julie Schipper told the council that while umbrellas, barriers and tents would be allowed to remain, the DOT doesn't envision outdoor dining sheds as part of New York City's al fresco dining future. Restaurant sheds have been controversial in many of the neighborhoods throughout which they've proliferated. Community board members complain that they result in high noise levels after hours, more trash on the streets, and less space on the sidewalk for pedestrians. Bernstein told *Bisnow* that litigation from community members over sidewalk café spaces has replaced litigation between landlords and tenants over those same spaces.

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“I think landlords and restaurant tenants are aligned in the fact that these sidewalk cafés have been good for business and have allowed restaurants to operate,” said Bernstein.

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