



# Construction Law Zone

Current developments and recent trends in all areas of Construction Law

Robinson+Cole's Construction Group is pleased to bring you a recap of posts from our [Construction Law Zone](#) blog. As we continue to follow developments and trends in all areas of construction law and share our insights on issues important to the industry, including those related to the COVID-19 pandemic, we encourage you to check out the blog and [subscribe](#) to receive e-mails when new content is posted. We welcome your feedback and input on topics you'd like us to cover.

## NEW YORK

### [Repurposing Real Estate Development to Counter Weakened Demand: Know the Risks Before Terminating Contracts](#)

*Pacta sunt servanda*, i.e., agreements must be kept. This applies in both good economies and bad.

Companies considering a modification of their business operations to offset lower revenue must be mindful of existing commercial contracts. Implicit in almost every New York agreement is a covenant of good faith and fair dealing in the course of performance. Output and requirements contracts are an exception, however. With an output contract, the parties agree that the seller will sell all the goods or services it may produce to a buyer in exchange for the buyer's agreement to purchase them. A requirements contract obligates the buyer to purchase what it needs or requires from a seller in exchange for the seller's promise to supply the buyer. [Read more](#)

---

### [Finding Synchronicity Between Governor Cuomo's New Cluster Action Initiative and the NYC DOB's Corresponding Requirements](#)

In response to the emergence of COVID-19 hot spots in downstate New York, Governor Cuomo instituted a new "[cluster action initiative](#)" to "crush" the clusters and contain the spread. New rules and restrictions, to be "in effect for a minimum of 14 days," are designed to directly target "areas with the highest concentration of COVID cases and the surrounding communities." [Read more](#)

---

## DRONES

### [Guidance on Using Drones for Real Estate and Construction in Dense Cities: How Much Does the Public Value Privacy? \(Part II\)](#)

As our [previous post](#) stated, the commercial use of drones, or small unmanned aerial systems (sUAS), for urban real estate and construction has gained some traction with the passage of the New York City Council's bill requiring the Department of Buildings (DOB) to study the feasibility of using sUAS to inspect building facades. With this new bill, as well as other metropolitan cities surely following suit, one of the biggest issues at the forefront for the public at large is privacy. [Read more](#)

November 2020

## FEATURED AUTHORS:

[Lisa B. Andrzejewski](#)  
[Choity R. Khan](#)  
[Kenneth A. Sherman](#)  
[Virginia K. Trunkes](#)

## FEATURED TOPICS:

[Construction Industry](#)  
[Coronavirus](#)  
[Drones](#)  
[New York](#)

## VISIT + SHARE:

[Construction Law Zone](#)  
[R+C Website](#)  
[Twitter](#)  
[Facebook](#)  
[LinkedIn](#)

---

### [Singapore Company Introduces Drones to Urban Building Inspection](#)

Singapore analytics and acoustic solutions company H3 Zoom.AI's founder, Shaun Koo, began using drones for building inspection and facilities management after realizing that the city's highly urban landscape was "overdue for digital technology disruption." For example, traditional building facade inspection involves workers tethered to ropes or on gondola lifts, scaling high and/or remote areas to inspect or take photographs. This manual process is risky and allows room for human error. [Read more](#)

---

### [Guidance on Using Drones for Real Estate and Construction in Dense Cities: Getting Close – But Not Too Close \(Part I\)](#)

The commercial use of drones, or small unmanned aerial systems (sUAS), for urban real estate and construction may finally be gaining traction. In September, the New York City Council passed a bill requiring the Department of Buildings (DOB) to study the feasibility of using sUAS to inspect building facades. [Read more](#)

---

## **CONSTRUCTION INDUSTRY**

### [Robinson+Cole Hosts Roundtable on Diversity & Inclusion](#)

Robinson+Cole's Construction Law Group hosted its first industry-wide, virtual roundtable on the topic of diversity and inclusion (D&I) on September 17, 2020. The program grew out of an earlier Roundtable conversation and focused specifically on strategies and techniques to promote diversity and inclusion in the construction industry. Recognized diversity and inclusion program leaders across the northeast area from government agencies, construction industry organizations, contractor and sub-contractor firms, suppliers, and architectural and engineering firms joined the closed-panel, working-group discussion. [Read more](#)

---

### [Note to "Additional Insureds" Relying on Builders' Risk Insurance: Federal Court Decision Evaluates Extent of Coverage](#)

The United States District Court for the District of Massachusetts has provided construction project owners, developers, general contractors, sub-contractors, suppliers, and vendors with a helpful reminder about obtaining effective additional insurance coverage on construction projects. [Read more](#)

---

### [Robinson+Cole Hosts Fourth Construction Industry Roundtable](#)

Robinson+Cole's Construction Group hosted its fourth—but first ever virtual — Construction Industry Roundtable on July 14, 2020. Representatives of major design and construction industry organizations and stakeholders in the Northeast were in attendance to discuss the state of the regional market and to look ahead for trends to watch for 2021. [Read more](#)

---

## **CORONAVIRUS**

### [AIHA Releases COVID-19 Guidelines for Construction Industry](#)

Since the COVID-19 pandemic began affecting jobsites in the U.S., the Occupational Safety and Health Administration (OSHA) has released, and revised, COVID-19-related workplace guidance several times (see [Additional OSHA Guidance on COVID-19](#)). To date, OSHA has not put in place COVID-19 specific regulations. Instead, OSHA has warned employers that they may be subject to citations under potentially applicable existing regulations or for violation of the General Duty Clause (see OSHA's COVID-19 Standards [webpage](#)). OSHA's General Duty Clause requires employers to provide their employees with a workplace (or jobsite) free from recognized hazards likely to cause death or serious physical harm. [Read more](#)

### [Governor Lamont Issues Executive Order Allowing Pandemic Workers Easier Access to Workers' Compensation Benefits](#)

On July 24th, Connecticut Governor Ned Lamont signed Executive Order No. 7JJJ, which creates a rebuttable presumption that all employees who worked on site and tested positive for COVID-19 during the first three months of the pandemic contracted the disease while on the job, giving employees a presumptive claim to workers' compensation coverage. Connecticut follows suit with states such as Arkansas and California in taking executive order action to make it easier for pandemic workers to access workers' compensation benefits. [Read more](#)

If you have any questions, please contact a member of Robinson+Cole's [Construction Law Group](#)

[Virginia K. Trunkes \(Editor\)](#) | [Gregory R. Faulkner \(Chair\)](#) | [Frederick E. Hedberg](#) | [Lisa B. Andrzejewski](#)

[Joseph A. Barra](#) | [Dennis C. Cavanaugh](#) | [Niel P. Franzese](#) | [Choity R. Khan](#)

[Paul S. Lopez](#) | [Martin A. Onorato](#) | [Kenneth A. Sherman](#)

For more updates on news, developments and trends in all areas of construction law, we invite you to [subscribe](#) to Robinson+Cole's *Construction Law Zone* blog.



Boston | Hartford | New York | Providence | Miami | Stamford | Los Angeles | Wilmington | Philadelphia | Albany | New London



© 2020 Robinson & Cole LLP. All rights reserved. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without prior written permission. This document should not be considered legal advice and does not create an attorney-client relationship between Robinson+Cole and you. Consult your attorney before acting on anything contained herein. The views expressed herein are those of the authors and not necessarily those of Robinson+Cole or any other individual attorney of Robinson+Cole. The contents of this communication may contain attorney advertising under the laws of various states. Prior results do not guarantee a similar outcome.