

UPDATED APRIL 21, 2020

SUMMARY OF NEW YORK STATE COVID-RELATED EXECUTIVE ORDERS

On March 7, New York Gov. Andrew M. Cuomo declared a statewide disaster emergency to address the threat proposed by the COVID-19 pandemic outbreak. Upon declaring a state disaster emergency, the governor has the power to direct state agencies to provide assistance to local governments and is authorized to temporarily suspend any statute, local law, ordinance, orders, rules or regulations.

This has resulted in a successive set of Executive Orders, all issued under the authority of the March 7 disaster declaration. Below Harris Beach attorneys have developed a brief summary of each of the executive orders to date, and the matters they cover.

We will be updating this document regularly as the Governor issues new Executive Orders.

NO. 202.22

- Relaxing the requirements of Article 5 of the Real Property Tax Law by allowing:
 - municipalities a thirty (30) day extension to file tentative and final assessment rolls -- which were previously to be filed on or before June 1, 2020;
 - tentative assessment rolls to be published online;
 - suspension of in-person inspection of tentative rolls; and
 - Boards of Assessment Review to hear complaints remotely by conference call or other means so long as complainants and public can participate/view such proceedings.
- Allowing the Westchester County Executive to negotiate with towns and cities to accept a lesser percentage of taxes and special ad valorem levies to be paid on May 25, 2020.
- Suspending Laws of Westchester County to the extent that those laws require town supervisors and city mayors to waive late payment penalties of county taxes.
- Allowing the Nassau County Executive to extend the deadline for payment of the second half of school taxes without interest or penalties until June 1, 2020

APRIL 20

NO. 202.21

- Modifying EO 202.20 to allow any officiant, public or private, to solemnize such marriage ceremony using audio-video technology

APRIL 19

NO. 202.20

- Allowing the granting of marriage licenses remotely and authorizing town and city clerks to conduct marriage ceremonies via video-conferencing

APRIL 18

NO. 202.19

- Establishing a single, statewide coordinated testing prioritization process for COVID-19, and mandating all laboratories in the State conducting COVID-19 diagnostic testing, both public and private, to follow such process
- Providing a \$2,000 per violation per day penalty for non-complying with the EO 202.18 directive that requires any nursing home or adult care facility licensed by the Commissioner of Health to notify a family member or next of kin if any resident tests positive for COVID-19, or suffers a COVID-19 related death, within 24 hours
- Prohibiting local governments and local departments of health from taking any action that could affect public health without first consulting with the Department of Health

APRIL 17

NO. 202.18

- Extending all "NYS on PAUSE" restrictions on public gatherings and non-essential workers, as well as school closures, until May 15, 2020

APRIL 16

NO. 202.17

- Modifying directive issued under EO 202.16, requiring the Attorney General to issue no-action or no-filing letters related to essential projects involving affordable housing and homeless shelters
- Requiring anyone over the age of two-years-old to cover their nose and mouth with a face mask or cloth face covering when in public space and unable to maintain social distancing protocols

APRIL 15

NO. 202.16

- Requiring the New York City Department of Law to issue all no-action or no-filing letters within forty-five (45) days from the submission date; no-action or no-filing letters are submitted for various types of affordable housing projects
- Requiring the New York City Department of Finance to process and record condominium declarations within thirty (30) days from receipt of filing for essential projects involving hospitals or health care facilities, affordable housing, and homeless shelters
- Mandating all essential businesses to provide, at each business's expense, its employees with face coverings when in direct contact with customers or members of the public

APRIL 12

NO. 202.15

- Postponing public hearings scheduled in April or May 2020 to June 1, 2020; however, public hearings may proceed via tele- or video-conferencing if the public body is so capable
- Suspending the public hearing requirement under SEQRA, provided public comment is still accepted
- Suspending 365-day expiration of rulemaking notices and extending such notices for 90 days from date of EO 202.15
- Allowing State voter absentee ballots for any election prior to June 23, 2020

APRIL 9

NO. 202.14

- Authorizing the use of audio-visual technology, subject to certain conditions, for the personal witnessing of wills, health care proxies, disposition of remains, recording instruments effecting real property, statutory gifts rider to a statutory short form power of attorney, and execution, amendment and revocation of trusts
- Extending the cancellation dates of all non-essential gatherings, school closures, in-person business restrictions and workplace restrictions to April 29, 2020
- Authorizing the DOH to move medical equipment and supplies to areas of immediate need across the State
- Increasing fine for social distancing violations

APRIL 7

NO. 202.13

- Directing non-essential construction businesses to comply with in-person workforce reduction
- Modifying EO No. 202.12, which allows one support person for a patient giving birth, to cover labor, delivery and the immediate postpartum period
- Postponing the collection of petitions, as well as certain elections
- Aligning the expiration dates of previous EOs to expire on April 15, 2020

MARCH 30

NO. 202.12

- Postponing the presidential primary and special elections to June 23, 2020
- Delaying the State's tax filing day to July 15 to match the Federal filing date
- Directing hospitals to allow one (1) person, who does not evidence a fever, to be present as a support person for a patient giving birth

MARCH 28

NO. 202.11

- Modifying the Public Authorities Law to allow the director of the Authorities Budget Office to disregard reporting deadlines
- Extending school closures until April 15, 2020, initially authorized under EO No. 202.4
- Establishing that the operation of any facility or the occupancy of any space that violates the permissible number of gathered individuals is a violation of law

MARCH 27

NO. 202.10

A number of actions related to healthcare professionals, hospitals, healthcare facilities, emergency medical services, and public health law, including:

- Directing insurers to give the State a list of their employees who are licensed health professionals
- Prohibiting any pharmacist in the State from dispensing hydroxychloroquine or chloroquine, except when written as prescribed for an FDA-approved condition
- Canceling or postponing all non-essential gatherings of any size for any reason

MARCH 23

NO. 202.9

- Allowing customers of New York-chartered banks a 90-day mortgage payment forbearance if they are experiencing COVID-19 related hardships
- Restricting or modifying fees for the use of automated teller machines (ATMs), overdraft fees, and credit card late fees

MARCH 21

NO. 202.8

- Mandating the reduction of onsite workforce for non-essential businesses by 100% no later than March 22, 2020
- Placing a 90-day moratorium on any residential or commercial evictions
- Authorizes the abatement of late filing and payment penalties for a period of sixty (60) days for taxpayers who are required to file returns and remit sales and use taxes by March 20, 2020

MARCH 20

NO. 202.7

- Requiring non-essential employers to reduce the in-person workforce by 75% no later than March 21, 2020
- Mandating closure of barbershops, hair salons, tattoo or piercing parlors and related personal care services no later than March 21, 2020
- Authorizing notarial acts through audio-video technology, subject to certain conditions

MARCH 19

NO. 202.6

- Mandating remote working procedures, where possible, and reducing onsite workforce by 50% for nonessential businesses
- Creating exceptions to the in-person work restrictions for essential businesses

MARCH 18

NO. 202.5

- Modifying certain Education Laws to allow physicians, nurses, and physician assistants to practice medicine despite lack of licensure or registration, as applicable
- Postponing March 18, 2020 village elections
- Closing indoor shopping malls and indoor places of public amusement from March 19, 2020 to April 17, 2020

MARCH 18

NO. 202.4

- Allowing non-essential local government personnel to work from home or take leave without charging accruals
- Closing all schools in the State from March 18, 2020 to April 1, 2020
- Postponing March 17, 2020 village elections

MARCH 16

NO. 202.3

- Cancelling or postponing any gathering of fifty (50) or more individuals
- Closing of specifically enumerated businesses, including restaurants (able to provide takeout and delivery food service), movie theaters, bars, gyms and casinos

MARCH 16

NO. 202.2

- Modifying Election Laws to allow for electronic application for an absentee ballot and extending deadlines to apply for such ballot
- Modifying Election Laws to reduce the required number of signatures on petitions to the lesser of (i) 1.5% of the enrolled voters or (ii) 30% of the stated threshold
- Suspending the in-person candidate petitioning process for electoral primaries

MARCH 14

NO. 202.1

- Suspending laws and regulations relating to childcare to allow flexibility for providers while continuing to protect the health and safety of children
- Permitting public bodies to meet and take actions remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding
- Cancelling or postponing any gathering over 500 individuals*
- Reducing any gathering of less than 500 individuals by 50%*
- Suspending the waiting period for unemployment insurance claims relating to COVID-19
- Suspending laws relating to emergency procurement of necessary materials, equipment, supplies and services
- Restricting nursing home visitations
- Waiving requirements necessary for apportionment of school aid

MARCH 12

*Not applicable to schools, hospitals, nursing homes, certain medical facilities, mass transit and certain retail establishments including grocery stores.

NO. 202

- Declaring a disaster emergency in the State until September 7, 2020

MARCH 7