

Essential Business Guidance: March 25 Update

The Empire State Development Corporation updated its Essential Business Guidance last night. The revised Guidance includes a number of significant changes. This memo identifies the changes. Please note that the revised Guidance includes a number of additions, but also includes the removal or narrowing of certain exceptions. If your for-profit or non-profit business is on this list, you do not need to apply for an exception. For the full list, click [here](#).

The revised guidance does not include the following language, which was included in earlier versions:

Any business that only has a single occupant/employee (e.g. gas station) has been deemed exempt and need not submit a request to be designated as an essential business.

At this point, it appears that any business with a single occupant or employee that does not otherwise meet the definition of an essential business will need to apply for an exemption. We do not know if Empire State Development made a mistake or if this is a purposeful change.

Here are the latest revisions to the ESDC Essential Business Guidance (bold for additions):

1. Essential health care operations including
 - walk-in-care health **clinics and** facilities
 - **senior/elder** care
 - **licensed mental health providers**
 - **licensed substance abuse treatment providers**
 - **medical billing support personnel**
2. Essential infrastructure including:
 - **public and private** utilities including **but not limited to** power generation, fuel supply and transmission
 - **commercial shipping vessels/ports and seaports**
3. Essential manufacturing including:
 - sanitary products **including personal care products regulated by the Food and Drug Administration**
 - **food-producing** agriculture/farms
 - **defense industry and the transportation infrastructure**
4. Essential retail including:
 - hardware, **appliance** and building material stores
 - **pet food**
5. Essential services including:
 - **automotive** repair
 - **maintenance for the infrastructure of the facility or to maintain or safeguard materials or products therein**

11. Essential services necessary to maintain the safety, sanitation and essential operations of residences or other businesses including:

- **residential moving services**

12. Vendors that provide essential services or products, including logistics and technology support, child care and services including but not limited to:

- **any personnel necessary for on-line or distance learning or classes delivered via remote means**

To request designation as an essential business, please click [here](#).

Please remember that businesses or entities providing both essential and non-essential services are exempted only to the extent that those lines and/or business operations are necessary to support the essential services.

The attorneys at Bond, Schoeneck and King can help you determine if you are considered an essential business and apply to the Empire State Development Corporation for such determination. Please contact [Hermes Fernandez](#), [Caitlin Anderson](#) or the attorney at the firm with whom you are regularly in contact.



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