

Executive Order 202.18: Changes to Schools, Businesses, Cooperatives and Condominiums; Retirement and Social Security Benefits; and Home Delivery of Meals to the Elderly

Gov. Cuomo issued Executive Order 202.18 on April 16, with several important actions of note. Most significantly, the Order continues New York on PAUSE until May 15.

Schools

All schools shall remain closed through May 15, 2020. All previous terms remain in place.

Businesses

Not-for-profit corporations can now hold annual meetings remotely and by electronic means.

Further, the Order extends the filing deadline for statements which are set to expire on or after March 31, 2020 for the following entities:

- Domestic or foreign professional service corporations;
- Design professional service corporations;
- Registered professional limited liability partnerships; and
- New York registered foreign professional limited liability partnerships.

These statements will need to be filed no later than 30 days after the expiration of this Order.

The Order also extends the triennial renewal of certificates of authorizations which are set to expire on or after March 31, 2020 for the following entities:

- Domestic or foreign professional service corporations;
- Design professional service corporations;
- Professional service limited liability companies;
- Foreign professional service limited liability companies;
- Registered professional limited liability partnerships; and
- New York registered professional foreign limited liability partnerships, partnerships and joint enterprises specified in Education Law §7209(4) authorized to provide professional engineering, land surveying or professional geology services.

The application for the renewal of these certificates of authorization must be submitted no later than 30 days after the expiration of this Order.

Additionally, filing of waivers for certain special education schools and early intervention programs providing certain

professional services which are set to expire on or after March 31, 2020, may be extended. An application for renewal of such waivers must be submitted no later than 30 days after expiration of Executive Order 202.

Cooperatives and Condominiums

This Order makes several changes to the operations of residential cooperative apartments and/or condominium units.

Normally, an offering statement or prospectus related to the sale of residential cooperative apartments or condominium units is required to become effective 15-months after filing, or from the date of issue of the letter of the attorney general stating that the offering statement or prospectus has been accepted. The Executive Order tolls this 15-month period through the duration of the Order. In addition, the time for paying certain filing fees required to be made at the time of submission and filing of each offering statement or prospectus are extended to 90-days from the expiration of this Order.

With respect to the requirement of a sponsor to set forth a budget for the first year of condominium operation, the requirement is tolled for the duration of this Order. The sponsor must update the first year of operation budget, as necessary, within 30 days from the expiration of this Order. As long as the budget for the first year of operation does not increase by 25 percent or more during this state of disaster emergency, the sponsor will be not required to offer rescission. Additionally, a sponsor will not have to offer rescission if the first closing of a unit does not occur within the first year of operation as projected, as this requirement has also been tolled. However, the sponsor must update the first year of operation, as necessary, within 30 days from the expiration of this Order.

Expanded In-Home Services for the Elderly Program

The Order has increased the availability of home-delivered meals to the elderly. Notably, to allow new clients to be provided services under the Expanded In-Home Services for the Elderly Program, there will be no requirement for client to pay cost-sharing until such time as an assessment is conducted and a cost share amount can be determined. An in-home supervisory visit within five days of the first time that meal services are provided will not be required. Also, client contacts can be conducted by telephone or otherwise remotely, in-home or in-person contacts will not be required.

Changes to the requirements of the meals delivered under this program have also been affected. Notably, meals served are not required to provide minimum percentages of the dietary reference intake, menus are not required to be reviewed and approved by a registered dietitian, menus are not required to follow a minimum of a four-week cycle, and meals are not required to be provided five or more days per week.

The attorneys at Bond, Schoeneck & King are here for you during these unprecedented times. If you have questions, please contact [Hermes Fernandez](#), [Delaney Knapp](#) or the attorney in the firm with whom you are regularly in contact.



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