

## New York Reopening: A Phased Approach

On Monday, May 4, Gov. Andrew Cuomo detailed more information about how New York will reopen. His press conference broadly touched upon two themes of reopening: (1) regional reopening metrics and (2) “Phases” of reopening. With New York “on PAUSE” set to expire on May 15, we have a better indication of how a possible extension of such order may be tailored.

### Regional Reopening Metrics

In a [prior information memo](#), we discussed the factors that are guiding the governor’s analysis behind reopening. The chart below is adapted from one of the governor’s May 4 press conference slides. The chart applies the reopening factors to the ten different economic development regions in the state.

Region	14-day ↓ hospital admissions OR < 15 new hospital admissions (3 day avg.)	14-day ↓ hospital deaths OR < 5 deaths (3 day avg.)	New hospital admissions < 2 per 100K residents (3 day roll. avg.)	Share of total beds available (min.30%)	Share of ICU beds available (min.30%)	30/1k tested monthly: 7-day average of new tests/day	Min. 30 contact tracers/ 100k residents*	Metrics met
Capital Region	N	Y	0.58	41%	44%	N	325	4/7
Central NY	Y	Y	0.47	49%	51%	N	233	5/7
Finger Lakes	Y	Y	1.19	53%	64%	N	361	5/7
Long Island	Y	N	5.76	28%	26%	Y	852	2/7
Mid-Hudson	Y	N	4.74	31%	35%	Y	697	4/7
Mohawk Valley	Y	Y	1.17	58%	64%	N	146	5/7
NYC	Y	Y	5.41	26%	21%	Y	2520	3/7
North Country	Y	Y	0.08	53%	64%	N	126	5/7
Southern Tier	Y	Y	0.11	58%	52%	N	190	5/7
Western NY	N	Y	2.20	46%	40%	N	414	3/7

\*This number appears to represent the number of contact tracers are needed in that region. Contact tracers must be hired and trained at a local level. We do not know at this point how many total contact tracers each region has hired.

Currently, none of the regions have satisfied all of the metrics for reopening. Five, however, are closer than other regions. Central New York, the Finger Lakes (including Rochester), Mohawk Valley, the North Country and the Southern Tier all satisfy five out of seven of the reopening criteria. They all are deficient in the same areas: testing capabilities and contact tracing. To reopen, those regions will need to see an increase in both testing and tracing capabilities.

## Phases of Reopening

Although the governor has discussed “phases” of reopening, we do not know yet know all the details those phases will entail. The governor, though, has identified the broad outlines of the order businesses will reopen as regions reopen. Businesses will reopen in four phases.

### Phase 1:

- Construction
- Manufacturing
- Wholesale supply chain
- Select retail – curbside pickup

### Phase 2:

- Professional services
- Finance and insurance
- Retail
- Administrative support
- Real estate and rental leasing

### Phase 3:

- Restaurants/Food Services
- Hotels/Accommodations

### Phase 4:

- Arts
- Entertainment
- Recreation
- Education

The reopening will be dependent upon public health success. If disease markers increase, the reopening will slow or maybe even be rolled back. If disease markers decrease, the pace of the reopening could increase.

The listed phases also highlight the fluidity of the entire situation. The governor has repeatedly spoken of the linkage between opening schools and businesses. In this new list, education is listed as reopening in the fourth and final phase.

## What Can We All Do Now?

Apart from the phases, individual businesses and entities should start working on a plan now about how to reopen. The governor has made it clear that every business or entity will need to develop a plan for safe reopening. We expect that plans will be submitted to local authorities for approval and/or oversight.

The attorneys at Bond, Schoeneck and King can help you develop such a plan. Our attorneys have already worked with clients on the development and submission of plans to the state and regional Empire State Development directors. We have also formed a new practice, [COVID-19 Recovery for Business](#) to help clients recover and reopen. If your industry needs its voice to be heard, now is the time to act. Please contact [Hermes Fernandez](#) or the attorney at the firm with whom you are regularly in contact.



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