

Executive Order 202.28: Extending Other Orders, Extending Moratorium on Evictions

Late on May 7, Gov. Cuomo issued [Executive Order 202.28](#). Among other things, this Executive Order extends Executive Orders 202 through 202.14 to June 6. In plain English, this means that, unless otherwise extended, all orders issued before April 7 are now extended to June 6. **Importantly, New York on PAUSE, which includes the restrictions on gatherings and workplace capacity, has not yet been extended beyond May 15.** New York on PAUSE was extended in [Executive Order 202.18](#). The effective dates of the other Executive Orders (202.15 - 202.27) have not yet been addressed.

In addition, Executive Order 202.28 contains significant changes for landlords and tenants. The moratorium on evictions is extended to August 20. Landlords and residential tenants may agree to use the security deposit to pay rent. Landlords are to provide such relief to requesting tenants who are either (1) eligible for unemployment insurance or benefits under state or federal law or (2) otherwise facing financial hardship due to the COVID-19 pandemic. If a security deposit is used to pay rent, the tenant must pay it back at the rate of 1/12th the amount used as rent per month. Those payments are to begin no less than 90 days from the date the security deposit is used as rent.

Finally, Executive Order 202.28 officially provides that all schools must remain closed through the remainder of the school year. School districts are required to continue plans for alternative instruction, childcare and the distribution and availability of meals.

As we turn to the expiration of New York on PAUSE slated for May 15, we expect a regional and gradual reopening of businesses and other entities in phases. [This information memo](#) details the latest information on how reopening may occur in New York. Individual businesses and entities should start working on a plan now on 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](#), [Caitlin Anderson](#) or the attorney at the firm with whom you are regularly in contact.



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