

The Albany Update: A Flurry of Memorial Weekend Activity

While many throughout New York embraced the relaxation of gathering restrictions in the state, the government did not rest. The governor announced that the Mid-Hudson region has entered Phase One today. Long Island is expected to begin Phase One tomorrow. [Based on the regional monitoring dashboard](#), New York City is inching closer. In addition, the governor issued Executive Orders 202.32 and 202.33, Empire State Development updated its essential business guidance, and the state legislature is poised to pass about a dozen COVID-19-related bills this week. We break down each of these developments below.

Executive Orders 202.32 and 202.33

[Executive Order 202.32](#) is expansive. Among other things, it extends Executive Orders 202.23 through 202.27 until June 20. Additionally, it makes numerous changes regarding taxes. It extends the period for paying property taxes without interest or penalties for an additional 21 days in numerous counties and villages throughout New York. It also extends the abatement of interest and penalties for an additional 100 days for sales and use taxes due by March 20, 2020. Further, it allows the tentative or final assessment rolls due before or on June 1, 2020 to be filed up to 30 days after such date.

In addition, the Executive Order provides that gatherings of 10 or fewer individuals are permissible for religious services or ceremonies, so long as social distancing and cleaning protocols are adhered to. Drive-in or remote religious services may continue in excess of the 10-person limit, so long as there is no in-person contact between participants. In conjunction with the Executive Order, [New York issued guidance](#) for religious and funeral ceremonies.

[Executive Order 202.33](#) expands upon the gathering directive of Executive Order 202.32. It allows non-essential gatherings of 10 or fewer individuals for any purpose or reason, provided that social distancing and disinfection protocols are adhered to.

Updated Essential Business Guidance

On Monday, May 25, Empire State Development (ESD) [issued updated essential business guidance](#). The changes to the guidance are below. Strikethroughs are deletions and underlines are additions.

1. Essential health care operations including...

- ~~emergency~~ veterinary and livestock medical services...

2. Essential infrastructure including...

- hotels, and other places of accommodation, including campgrounds. Campgrounds must take precautions to ensure campers maintain appropriate social distancing and adhere to proper cleaning and disinfecting protocols, including but not limited to maintaining six feet of distance between campers, unless wearing an acceptable face covering, excluding persons from the same household who are camping together. ...

13. Recreation...

- Marinas, boatyards, and recreational marine manufacturers, for ongoing marina operations and boat repair/maintenance, where such facilities adhere to strict social distancing and sanitization protocols. In regions that are

not within the first phase of the state's regional reopening plan, use of such sites for the purposes of personal use or operation of boats or other watercraft is permissible, provided that no establishment offer chartered [motorized](#) watercraft services or [motorized](#) boat rentals. Restaurant activity at such sites are limited to take-out or delivery only.

Additionally, the updated guidance addresses the relaxation of restrictions on gatherings set forth in Executive Orders 202.32 and 202.33. It provides that such Executive Orders **do not modify any restrictions on business operations** in the state. The Executive Orders do not allow businesses to conduct any in-person work that is not otherwise authorized as part of reopening or as an essential business.

State Legislature Updates

The New York State Legislature is scheduled to hold committee meetings on Tuesday, May 26, 2020. Both chambers are considering a slew of COVID-19 related bills. A few of the higher-interest bills are summarized below.

- [S.7982/A.9036](#) (Senator Hoylman/Assemblymember Rosenthal): This bill would extend the Child Victims Act by an additional year.
- [S.8113-A/A.10521](#) (Senator Parker/Assemblymember Mosley): This bill would prohibit the termination or disconnection of utility services for a residential customer for the non-payment of an overdue charge during the COVID-19 state of emergency.
- [S.1892-B/A.10290-B](#) (Senator Hoylman/Assemblymember Dinowitz): This bill would prohibit the eviction of residential tenants suffering financial hardship during the "COVID-19 covered period" from March 7 until the restrictions on businesses and gatherings have expired.
- [S.8243-C/A.10351-B](#) (Senator Kavanagh/Assemblymember Rozic): This bill would require New York regulated banking institutions to make applications for the forbearance for residential mortgages available and grant such applications for a period of 180 days.
- [S.8275-A/A.10348-A](#) (Senator Martinez/Assemblymember Rosenthal): This bill would suspend the forfeiture of unemployment benefits during the COVID-19 state of emergency.
- [S.8289-B/A.10394-A](#) (Senator Salazar/Assemblymember Lentol): This bill would require residential health care facilities to submit an annual pandemic emergency plan to the Department of Health.

Remember, if your business is eligible to reopen, you need a plan. The attorneys at Bond, Schoeneck and King can help you develop a reopening 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.



Bond has prepared this communication to present only general information. This is not intended as legal advice, nor should you consider it as such. You should not act, or decline to act, based upon the contents. While we try to make sure that the information is complete and accurate, laws can change quickly. You should always formally engage a lawyer of your choosing before taking actions which have legal consequences. For information about our firm, practice areas and attorneys, visit our website, www.bsk.com. • Attorney Advertising • © 2020 Bond, Schoeneck & King PLLC

CONNECT WITH US ON LINKEDIN: SEARCH FOR BOND, SCHOENECK & KING, PLLC

FOLLOW US ON TWITTER: SEARCH FOR BONDLAWFIRM