

Impact of Recent Orders on WNY Hospitality & Travel Industry

The Western New York hospitality and travel industry has been hit particularly hard during the COVID-19 pandemic, and we highlight particular concerns and paths forward below.

On June 24, 2020, Gov. Andrew Cuomo issued [Executive Order 205 \(EO 205\)](#), which sets forth restricted travel areas within the U.S. for New Yorkers and those traveling to New York. If an individual arrives in New York after having spent more than 24 hours in a restricted area, the individual is subject to a 14-day quarantine, unless certain exceptions apply. The quarantine is to be carried out in accordance with New York Department of Health (DOH) regulations, and violators are subject to penalties of up to \$10,000. The DOH has updated the [list](#) of restricted states regularly, and as of July 15 they include: Alabama, Arkansas, Arizona, California, Florida, Georgia, Iowa, Idaho, Kansas, Louisiana, Minnesota, Mississippi, New Mexico, North Carolina, Nevada, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah and Wisconsin.

For more information on EO 205 and the [DOH guidance](#), please see our [earlier client alert](#).

Additionally, Bond highlighted concerns for employers under EO 205, its extensions and an associated DOH FAQ [here](#), including that employers must determine which personnel may be subject to mandatory quarantine when returning from a restricted travel, and the distinction between non-essential and essential workers (both those traveling to New York for work and New York residents returning to the State).

Interstate Travel

NY's EO 205 is part of the joint travel advisory announced by the Governors of New York, Connecticut and New Jersey, and remains in place for travelers to and from those states. The current list of restricted states has continued to grow and remains subject to change.

The actions of various states have resulted in a growing discrepancy of restrictions based on where travelers are coming from (certain states or counties within them) and what mode of transportation they're taking (airplane or car). It should be noted that the NY DOH has mandated that out of state travelers from restricted states must provide local authorities with contact information at the airport upon entry to help enforce quarantining. Every airport in New York will enforce this, and failing to fill out the information at the airport could leave individuals subject to a \$2,000 fine and require them to attend a hearing in order to complete the mandatory quarantining.

Canada

The U.S.-Canada border, including the ports-of-entry in Western New York, have been shut to non-essential travel since March 21, and are currently on track to remain closed until at least August 21 (pending no further extensions). Both countries retain the right to refuse entry to travelers displaying coronavirus symptoms. Prime Minister Trudeau's comments at a press conference on June 22, where he announced a previous extension, were in response to an [open letter](#) from the Canadian Travel & Tourism Roundtable, whose constituents echoed finding responsible ways to co-exist with COVID-19.

In connection with Canada's global [travel ban](#), there are mandatory quarantine measures that require most incoming travelers, including those returning home, to self-isolate for 14 days upon arrival to Canada by providing a quarantine plan showing how the entrant will go about quarantining.

Looking Ahead for WNY – Phase 4

Announced by the governor on June 29, and effective as of June 30, Western New York has officially entered [Phase 4](#) of reopening. With that, nearly all industries are back up and running, with significant restrictions. It should be noted that hotel fitness centers and other non-essential common areas will likely remain off limits for patrons.

In response to COVID-19, and as reopening continues, many hospitality brands have issued some form of a “commitment to cleanliness.” [Subsequent measures](#) have included additional training for on-site staff, face covering requirements, social distancing reminders and demarcation, prominent hand sanitizing stations, and frequent cleaning of high-touch surfaces. Some locations have embraced technology as an aid for a contactless guest experience, implementing voice-based solutions in rooms, using QR code technology for menus, and embracing digital payment options.

Operators can only do so much without guest cooperation, and additional protective measures could include questionnaires upon entry for guests regarding recent travel and formal reminders of quarantine requirements such as EO 205. However, consideration should also be given to establishing and following formal policies to avoid any inconsistent application and/or potential guest discrimination.

These recent travel restrictions and reopening guidance certainly impact the hospitality industry well beyond New York's baseline criteria as it continues to evolve. We will continue to monitor and provide updates regarding the status of all applicable restrictions.

If you have questions or want to inquire about standards applicable to your business, please contact [Michael Hickey](#), [Zachary Dewey](#), or the attorney at the firm with whom you are regularly in contact.



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