

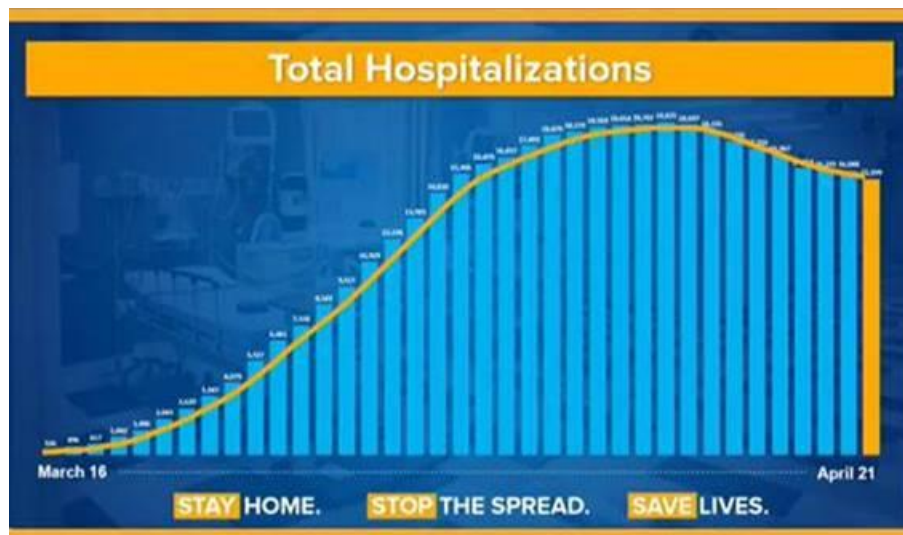
April 22, 2020

As we continue to navigate the COVID-19 crisis together, please continue reaching out to us as issues arise for you and for your businesses. We are and will continue to remain in regular contact with key stakeholders at the State Agencies and with the Administration to advocate on your behalf. Below please find updates and new information since our last update.

WHAT'S NEW TODAY

Governor Cuomo Press Briefing

- The curve continues to flatten and the numbers are down for the ninth straight day. The amount of net hospitalizations and number of intubations continues to decrease, but there are still new COVID hospitalizations every day (1,366 yesterday).



- There were a total of 474 COVID-19-related deaths on April 21st. Of this 446 were hospital deaths, and 28 were in nursing homes. This represents a slight decrease from the previous day – but for the last several days the number was generally flat. A total of 15,302 New Yorkers have passed away from coronavirus.



- The State will be partnering with the Federal Government to increase testing capacity and Governor Cuomo continues to ask that federal funding is approved for state and local governments. The President also agreed to waive the State FEMA match for relief funds.
- The Governor would like to increase New York's testing capabilities to 40,000 tests per day, which is the maximum capacity of the system. As the State increases testing capabilities there is a need for a large workforce to trace the positive cases contacts so they can follow quarantine protocols.



- New York is working with New Jersey and Connecticut to build the “tracing army” that will be needed to find positive cases and trace their contacts. Former NYC Mayor Michael Bloomberg has volunteered to help the State develop the first ever testing/tracing/isolation program. Johns Hopkins and Vital Strategies will also be assisting the State develop the program. Bloomberg will contribute up to \$10 million and will work through Johns Hopkins. The State will also tap SUNY and CUNY to draw from 35,000 students in medical fields who can serve as tracers. The State will coordinate the various tracing efforts to allow for cross-jurisdictional tracing.
- In response to a question from a reporter about new treatments for coronavirus patients, Department of Health Commission Dr. Zucker said Regeneron (a New York based pharmaceutical company) is looking at monoclonal anti-bodies as a possible solution.

New York City Council

The New York City Council plans to introduce a COVID-19 relief package today that includes a NYC Essential Worker's Bill of Rights, tenant protections, public health measures, and help for small businesses. These bills, and perhaps others, will be considered at public hearings over the next few weeks. The Council plans to conduct business remotely to continue to pass legislation during the coronavirus crisis. According to a press release from Council Speaker Corey Johnson the package includes the following:

NYC Essential Workers' Bill of Rights

- Premiums for essential workers (Sponsored by Majority Leader Laurie Cumbo and Speaker Johnson): The Council will consider legislation that would require large employers to pay premiums to certain essential non-salaried workers. The bill requires employers with more than 100 employees to pay hourly workers \$30 for a shift under four hours, \$60 for a shift of four to eight hours and \$75 dollars for any shift over eight hours. The obligation would end when the state of emergency is lifted.
- Just cause rights for essential workers (Sponsored by Council Member Ben Kallos, Speaker Johnson, and Council Member Brad Lander): The Council will consider legislation to prohibit all hiring parties of essential workers from firing those workers without just cause. This bill will help protect essential workers and enable them to openly identify their concerns on the job or organize with other workers without fear of retaliation.
- Paid sick leave for gig workers (Council Member Lander): The Council will consider legislation to extend paid sick leave to independent contractors. Independent contractors were not included in the paid sick leave bill passed by the New York State Legislature for employees, even if their work is controlled or directed by the company that hires them. This bill would close that loophole and help give these front-line gig workers the paid sick leave they need to keep themselves, their families, the New Yorkers they serve safe.
- Resolution on misclassification (Council Member Lander): An estimated 850,000 low-paid independent contractors in New York State may be misclassified and should properly be classified as employees. Some businesses intentionally misclassify these workers to avoid the burden of paying benefits to employees. As a result, many of these misclassified workers are working on the frontlines of this crisis without the safety net that should be available to them. The Council will consider a Resolution urging the State Legislature to put the burden of proof on employers to classify workers as independent contractors.

Protecting New York City's Renters

- Extending time for all NYC renters to repay rent, blocking evictions, and collection of debts (Sponsored by Speaker Johnson): The State must act now to provide real relief to vulnerable renters. While Governor Cuomo's statewide 90-day eviction moratorium provided renters with temporary relief, the City must ensure that its impacted tenants are protected from evictions in the long-term as they get back on their feet and recover from the harmful impacts of this crisis. The Council will therefore consider legislation that prevents marshals and the City's sheriffs from the taking and restitution of property or the execution of money judgments. This means that evictions and the collection of debt would be paused for all NYC renters, including residential and commercial tenants. It also means those renters would have additional time to repay their rent. This bar would apply to actions against all New Yorkers through the duration of this crisis.

Further, for New Yorkers impacted by COVID-19, marshals and sheriffs would be barred from collecting debts and performing evictions until April 2021.

- Protecting tenants from COVID-related harassment and discrimination (Sponsored by Council Member Ritchie Torres and Speaker Corey Johnson): We must ensure that bad-actor landlords cannot use this crisis as an excuse to harass vulnerable tenants out of their homes. The Council will consider legislation that would make harassing a tenant based on their status as person impacted by COVID-19, including whether they are an essential worker or because they were laid off, or because they've received a rental concession or forbearance. Violations would be punishable by a civil penalty of \$2,000 to \$10,000.

Prioritizing Public Health

- Providing safe shelter (Sponsored by Council Member Stephen Levin and Speaker Johnson): Sheltering at home isn't possible if you don't have a home. The crowded conditions of our shelter system do not allow residents to take necessary precautions or observe social distancing. This is a danger to all New Yorkers during this public health crisis. The Council will therefore consider legislation that will require the City to provide each single adult homeless individual with a private room through the end of the pandemic and implement protocols to reduce risk of infection. In effect, this would require the City to temporarily close many shelters and move residents to hotels or other facilities with private rooms.
- Mandating open City streets (Sponsored by Council Member Carlina Rivera and Speaker Johnson): The Council will consider legislation to open city streets to pedestrians and cyclists during the coronavirus/COVID-19 pandemic to allow New Yorkers more room for social distancing as essential workers commute and while enjoying the short- and long-term health benefits of being outdoors. The bill will require the city to create more street space for pedestrians and cyclists throughout the five boroughs, with a citywide target of 75 miles of open streets.

Protecting New York City's Small Businesses

- Commercial tenant harassment (Sponsored by Council Member Adrienne Adams and Speaker Johnson): With limited federal relief funds, many businesses affected by this crisis will be unable to pay their rent. We must protect the City's small, independently owned, and immigrant-owned businesses from the threat of harassment, many of which were running on thin margins and struggling to pay rent even before this crisis. The Council will consider legislation to make threatening any commercial tenant based on their status as a COVID-19 impacted business or person a form of harassment punishable by a civil penalty of \$10,000 to \$50,000.
- Suspending personal liability on commercial leases (Sponsored by Council Member Rivera and Speaker Johnson): The Council will consider legislation to temporarily suspend personal liability provisions in leases and other rental agreements of COVID-19 impacted businesses while the state of emergency is in effect, ensuring that City business owners don't face the loss of their businesses and personal financial ruin or bankruptcy.
- Suspending sidewalk cafe fees (Sponsored by Council Member Andrew Cohen): The Council will consider legislation to suspend annual sidewalk café fees. Reducing this fixed cost for the City's cash-strapped restaurants, bars and nightlife is one common-sense step the Council can take to reduce the severe financial burden that has fallen on these impacted businesses.

New York State Comptroller Thomas DiNapoli has [released a report](#) that concludes the following regarding the fiscal impact of the coronavirus on the State's finances:

- The fiscal impacts of the COVID-19 pandemic will be with us for some time.
- More federal assistance is essential.
- The State ended SFY 2019-20 with a higher-than-projected General Fund balance of \$8.9 billion, but could face a cash crunch starting early in the new fiscal year.
- Long-term borrowing should only be used as a last resort, and if so should be limited in scale and duration.
- Planned Medicaid savings remain uncertain.
- Extraordinary flexibility to control spending requires extraordinary transparency and accountability.
- The State must start as soon as possible to prepare for the next fiscal crisis.

UP-TO-DATE GUIDANCE

- Empire State Development: [Guidance for Determining Whether a Business Enterprise is Subject to a Workforce Reduction Under Recent Executive Orders](#)
 - There have been no changes since our last update.
- New York City: [Agency Suspensions and Reductions](#)
 - There have been no changes since our last update.

Attached please find a comprehensive document with guidance from across government agencies. We will be updating this document as information becomes available and including it in our daily updates.

In addition to our regular email updates, Ostroff Associates has established two dedicated webpages that will be updated in real time with any new information from government sources relating to COVID-19. Please use these websites as a resource and share with others who would benefit.

Update Page: <https://www.ostroffassociates.com/covid-19-updates/>

News Page: <https://www.ostroffassociates.com/category/covid-19/>

Please let us know if you have any questions or concerns.