

April 8, 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

- NY PAUSE and social distancing protocols are working and the curve has flattened. The total number of patients hospitalized is down for the previous three-day-average. Stay at home orders will remain in effect and NY PAUSE is still in place to keep the numbers down.



- Yesterday saw the highest single-day death toll yet – 779 people passed away. The number of deaths may continue to rise as those hospitalized for longest periods pass. In total, 6,268 New Yorkers have passed away from coronavirus.
- The State will be making an additional \$600 payment to those who have applied for Unemployment benefits. The State will be reimbursed by the Federal Government. The State is also extending the period covered by unemployment benefits for another thirteen weeks (a total of 39 weeks). We will provide more details as they become available.
- All voters will be able, if they choose, to vote by absentee ballot for the upcoming June 23<sup>rd</sup> Primary Elections as directed by a forthcoming Executive Order. The State is not making a determination at this time whether polling places will be open or closed.

## [Executive Order 202.14](#)

- Extends all previous executive orders under Executive Order 202 until May 7, 2020, except as limited below.
- Extends the cancellation of all non-essential public and private gatherings, school closures, and all in-person business restrictions and workplace restrictions which will be effective until 11:59 p.m. on April 29, 2020, unless later extended by a future Executive Order.
- Gives the Department of Health the power to move medical equipment and supplies from entities under Department of Health regulation to areas of immediate need; such equipment and supplies will either be returned or the entities will be monetarily compensated.
- Increases the fine of any violation of by an individual who is participating in any gathering which violates the terms of the orders or is failing to abide by social distancing restrictions in effect in any place which is not their home.
- Establishes practices relating to real estate transactions to be performed utilizing audio-video technology.
- Expands the powers of the Superintendent of Financial Services in relation to the following areas;
  - Superintendent of Financial Services shall have the authority to promulgate an emergency regulation, subject to consideration by the Superintendent of Financial Services of the liquidity and solvency of the applicable insurer, corporation subject to Article 43 of the Insurance Law, health maintenance organization certified pursuant to Article 44 of the Public Health Law, or student health plan certified pursuant to Insurance Law § 1124
  - Regulations regarding: (1) the waiver of late fees; and (2) the prohibition on reporting negative data to credit bureaus
  - For the purposes of Estates Powers and Trusts Law (EPTL) 3-2.1(a)(2), EPTL 3-2.1(a)(4), Public Health Law 2981(2)(a), Public Health Law 4201(3), Article 9 of the Real Property Law, General Obligations Law 5-1514(9)(b), and EPTL 7-1.17, the act of witnessing that is required under the aforementioned New York State laws is authorized to be performed utilizing audio-video technology.
- The Executive Order suspends or modifies a number of statutes including:
  - Section 6524 of the Education Law, section 60.7 of title 8 of NYRR and section paragraph (1) of subdivision (g) 405.4 of title 10 of the NYCRR
  - Subdivisions one, two, four, five, eight and nine of Section 1726 of the Surrogate's Court Procedure Act
  - Sections 3216(d)(1)(C) and 4306(g) of the Insurance Law, subject to consideration by the Superintendent of Financial Services of the liquidity and solvency of the applicable insurer, corporation subject to Article 43 of the Insurance Law, or health maintenance organization certified pursuant to Article 44 of the Public Health Law, to:

- Extend the period for the payment of premiums to the later of the expiration of the applicable contractual grace period and 11:59 p.m. on June 1, 2020, for any comprehensive health insurance policyholder or contract holder under an individual policy or contract, as those terms are used in such sections, who is facing a financial hardship as a result of the COVID-19 pandemic
- Require that the applicable insurer, corporation subject to Article 43 of the Insurance Law, or health maintenance organization certified pursuant to Article 44 of the Public Health Law shall be responsible for the payment of claims during such period and shall not retroactively terminate the insurance policy or contract for non-payment of premium during such period

### **Former Assemblyman Richard Brodsky**

- Former Assemblyman Richard Brodsky has [passed away](#). According to reports, his former colleagues and family believed he had contracted coronavirus recently.

## **UP-TO-DATE GUIDANCE**

- New York State Department of Financial Services:
  - [Guidance to New York State-Regulated Student Loan Servicers Regarding Support for Borrowers Impacted by the Novel Coronavirus \(COVID-19\)](#)
  - [Guidance to Insurance Companies and Fraternal Benefit Societies Regarding Delivery of Notices Pursuant to New 11 NYCRR §229.5\(a\) and 3 NYCRR §405.6\(b\)\(3\)](#)
- New York State Department of Health:
  - [COVID-19 Guidance for Managed Care Organization Contracting and Surveillance Relief](#)
  - [Guidance for 1915\(c\) Children’s Waiver Home and Community Based Services Regarding Respite Services](#)
  - [Guidance on Providing Adult Social Day Care \(SDC\) Services Telephonically](#)
  - [Guidance on Frequently Asked Questions \(FAQ\) from Non-Emergency Medical Transportation \(NEMT\) Providers](#)
  - [Health Advisory: Options when Personal Protective Equipment \(PPE\) is in Short Supply or Not Available](#)
- New York State Regents:
  - [Cancellation of the June 2020 Administration of the New York State \(NYS\) High School Regents Examination Program in Response to COVID-19 Related School and District Closures](#)
  - [Regents Examination and Graduation Requirements Question Related to COVID-19 Closure](#)

- New York State Energy Research and Development Authority: [Resources Available for the Clean Energy Industry](#)
- Empire State Development:
  - [GUIDANCE FOR DETERMINING WHETHER A BUSINESS ENTERPRISE IS SUBJECT TO A WORKFORCE REDUCTION UNDER RECENT EXECUTIVE ORDERS](#)
    - Since our last update the following language was removed from the guidance: “Houses of worship are not ordered closed however it is strongly recommended not to hold congregate services. If held, social distance must be maintained and compliance with DOH guidance, which can be found at <https://coronavirus.health.ny.gov/information-providers>.”
- 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.

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