

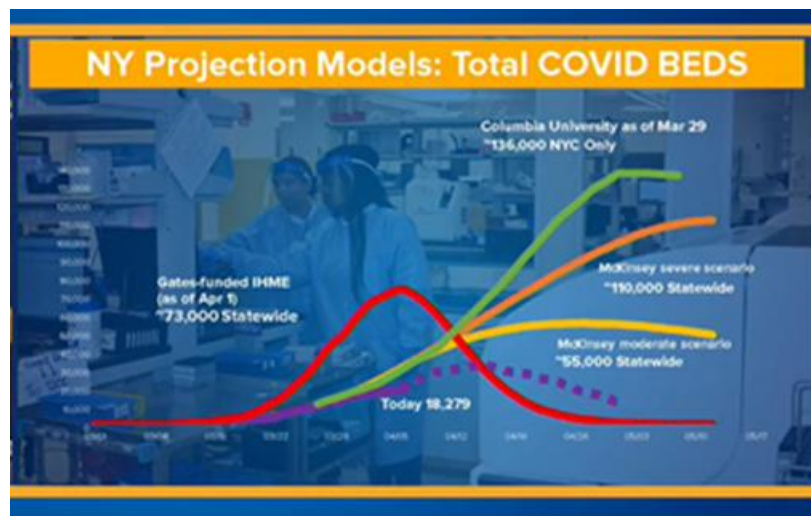
April 9, 2020

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

- New York is currently seeing fewer hospitalizations than any of the models projected. Currently, there are 18,279 people hospitalized in the State. New York currently has 90,000 hospital beds with a plan to increase to 110,000 beds.



- The numbers show that we have so far flattened the curve. It is essential that we continue that trend, so NY PAUSE social distancing protocols will continue. These measures are working better than projected because people are following them. In the past 24 hours, the total change in hospitalizations has only increased by 200.



- Yesterday was again the highest single-day death toll yet – 799 people passed away. The number of deaths may continue to rise as those hospitalized for longest periods pass. In total, 7,067 New Yorkers have passed away from coronavirus.



- Between 5:00 p.m. and 7:00 p.m. today the Department of Labor website will go down and at 7:00 p.m. a new unemployment application form will go live. The State has 1,000 people processing unemployment claims, which have surged due to business closures. The State is also partnering with Google to create tech solutions to help with Department of Labor processes. Applicants will have their claims applied retroactively to their employment termination date regardless of when their claim is processed.

Empire State Development

The following guidance has been significantly updated since our last update. Please see changes below.

[Guidance for Determining Whether a Business Enterprise is Subject to a Workforce Reduction Under Recent Executive Orders](#)

The new guidance added the following:

“State and local governments, including municipalities, authorities, and school districts, are exempt from these essential business reductions, but are subject to other provisions that restrict non-essential, in-person workforce and other operations under Executive Order 202.”

Changes:

1. Essential health care operations including

“medical” was added to emergency veterinary, livestock services

“Emergency chiropractic services” was added

“Physical therapy, prescribed by medical professional” was added

“Occupational therapy, prescribed by medical professional” was added

2. Essential infrastructure including

A technical change was made to make it read airlines/airports

The word “other” was added so the last bullet would read “hotels, and other places of accommodation”

3. Essential manufacturing including

“FDA” was added after Food and Drug Administration

“automobiles” was added

“any parts or components necessary for essential products that referenced within this guidance” was added

4. Essential retail including

“telecommunications to service existing customers and accounts” was added

“delivery for orders placed remotely via phone or online at non-essential retail establishments; provided, however, that only one employee is physically present at the business location to fulfill orders” was added

5. Essential services including

“marine vessel repair and marinas, but only to support government or essential commercial operations and not for recreational purposes” was added

“including dog walking, animal boarding landscaping, but only for maintenance or pest control and not cosmetic purposes designing, printing, publishing and signage companies to the extent that they support essential businesses or services” was added to “animal shelters and animal care”

“remote instruction or streaming of classes from public or private schools or health/fitness centers; provided, however, that no in-person congregate classes are permitted” was added

7. Financial Institutions including

“except debt collection” was added

9. Construction

This section was re-written, and now reads:

“All non-essential construction must safely shut down, except emergency construction, (e.g. a project necessary to protect health and safety of the occupants, or to continue a project if it would be unsafe to allow to remain undone, but only to the point that it is safe to suspend work).

Essential construction may proceed, to the extent that:

- the construction is for, or your business supports, roads, bridges, transit facilities, utilities, hospitals or healthcare facilities, homeless shelters, or public or private schools;
- the construction is for affordable housing, as defined as construction work where either (i) a minimum of 20% of the residential units are or will be deemed affordable and are or will be subject to a regulatory agreement and/or a declaration from a local, state, or federal government agency or (ii) where the project is being undertaken by, or on behalf of, a public housing authority;
- the construction is necessary to protect the health and safety of occupants of a structure;
- the construction is necessary to continue a project if allowing the project to remain undone would be unsafe, provided that the construction must be shut down when it is safe to do so;
- the construction is for projects in the energy industry in accordance with Question No. 14 in the FAQ at: https://esd.ny.gov/sites/default/files/ESD_EssentialEmployerFAQ_033120.pdf;
- the construction is for existing (i.e. currently underway) projects of an essential business; or
- the construction work is being completed by a single worker who is the sole employee/worker on the job site.

At every site, it is required that the personnel working on the site maintain an appropriate social distance, including for purposes of elevators/meals/entry and exits. Sites that cannot maintain appropriate social distancing, as well as cleaning/disinfecting protocols must close. Enforcement will be conducted by state and local governments, including fines up to \$10,000 per violation.

Construction may continue solely with respect to those employees that must be present at the business location/construction site in support of essential business activities. No other employees/personnel shall be permitted to work in-person at the business location/construction site. Any other business activities being completed that are not essential are still subject to the restrictions provided by Executive Order 202.

As noted above, local governments, including municipalities and school districts, are allowed to continue construction projects at this time as government entities are exempt from these essential business restrictions. However, to the greatest extent possible, local governments should postpone any non-essential projects and only proceed with essential projects when they can implement appropriate social distancing and cleaning/disinfecting protocols. Essential projects should be considered those that have a nexus to health and safety of the building occupants or to support the broader essential services that are required to fulfill the critical operations of government or the emergency response to the COVID-19 public health crisis.”

12. Vendors that provide essential services or products, including logistics and technology support, child care and services including but not limited to:

On-line was changed to “online”

13. Recreation (New Section)

Parks and other open public spaces, except playgrounds and other areas of congregation where social distancing cannot be abided

However, golf courses are not essential

However, use of boat launches and marinas for recreational vessels is not considered essential

14. Professional Services with extensive restrictions (New Section)

Lawyers may continue to perform all work necessary for any service so long as it is performed remotely. Any in-person work presence shall be limited to work only in support of essential businesses or services; however, even work in support of an essential business or service should be conducted as remotely as possible.

Real estate services shall be conducted remotely for all transactions, including but not limited to title searches, appraisals, permitting, inspections, and the recordation, legal, financial and other services necessary to complete a transfer of real property; provided, however, that any services and parts therein may be conducted in-person only to the extent legally necessary and in accordance with appropriate social distancing and cleaning/disinfecting protocols; and nothing within this provision should be construed to allow brokerage and branch offices to remain open to the general public (i.e. not clients).

The section on non-essential gatherings was re-written and now reads:

“Pursuant to Executive Order 202.10, all non-essential gatherings of individuals of any size for any reasons (e.g. worship services, parties, celebrations, or other social events) are canceled or postponed. Congregate services within houses of worship are prohibited. Houses of worship may only be used by individuals and only where appropriate social distancing of, at least, six feet between people can be maintained. Further, individuals should not gather in houses of worship, homes, or other locations for religious services until the end of this public health emergency. If possible, religious leaders should consider alternative forms of worship, replacing in-person gatherings with virtual services, such as phone or conference calls, videoconference calls, or online streaming.”

The section on restrictions for requesting designation as an essential business was re-written and now reads:

“Pursuant to the Governor’s Executive Orders, the following businesses are specifically enumerated as non-essential and are, therefore, unable to request a designation:

Any large gathering or event venues, including but not limited to establishments that host concerts, conferences, or other in-person performances or presentations in front of an in-person audience;

Any dine-in or on-premise restaurant or bar service, excluding take-out or delivery for off-premise consumption;

Any facility authorized to conduct video lottery gaming or casino gaming;

Any gym, fitness centers, or exercise classes, except the remote or streaming service noted above;

Any movie theater;

Any indoor common portions of retail shopping malls with 100,000 or more square feet of retail space available for lease;

All places of public amusement, whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, arcades, fairs, children's play centers, funplexes, theme parks, bowling alleys, family and children's attractions; and

Any barbershops, hair salons, tattoo or piercing parlors and related personal care services, including nail technicians, cosmetologists and estheticians, and the provision of electrolysis, laser hair removal services."

UP-TO-DATE GUIDANCE

- New York State Department of Health: [Updated COVID-19 Guidance for the Authorization of Community Based Long Term Services and Supports Covered by Medicaid](#)
- New York State Department of Financial Services: [New Emergency Regulation Requiring Commercial Health Insurers to Defer Payment of Premiums Through June 1st for Consumers & Businesses Experiencing Financial Hardship During COVID-19 Pandemic](#)
- 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.