

May 11, 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

- Today's press briefing took place in Irondequoit, outside Rochester. The Governor and his team were joined by Congressman Joe Morelle, Monroe County Executive Adam Bello, and Greater Rochester Chamber of Commerce CEO Bob Duffy. The Governor invited Mayors and County Executives from across the State to view today's presentation.
- The total number of hospitalizations and intubations is down again. The number of new cases is also down with 498 cases on May 10<sup>th</sup>. The number of cases is now at the level that was seen when the close down order was initiated.



- There were a total of 161 COVID-19-related deaths on May 10<sup>th</sup>. This is the first day with fewer than 200 deaths since March 26<sup>th</sup>. Of these, 112 were hospital deaths and 49 were in nursing homes. A total of 21,640 New Yorkers have passed away from coronavirus (NYSDOH).



- **REOPENING:** Sectors of the economy in select regions of the State will begin to open this Friday, May 15<sup>th</sup>. Regions must meet the below seven metrics to reopen. The regions that meet the metrics will be allowed to reopen in phases that will continue based on the data collected at each region's "control room," which will be run by local officials. The control rooms will be in charge of gauging public health threat levels as people begin to go back to work. Further reopening or reclosing will be determined by these public health metrics.

**Regions must meet 7 metrics in order to reopen:**

1. 14-day decline in hospitalizations OR under 15 new hospitalizations (3-day avg)
2. 14-day decline in hospitalized deaths OR under 5 new (3-day avg)
3. New hospitalizations — under 2 per 100k residents (3-day rolling avg)
4. Share of total beds available (threshold of 30%)
5. Share of ICU beds available (threshold of 30%)
6. 30 per 1k residents tested monthly (7-day average of new tests per day)
7. 30 contact tracers per 100K residents or to meet current infection rate.

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- **The Finger Lakes, Southern Tier, and Mohawk Valley regions have met the seven metrics needed to begin reopening.** These three regions will begin phase 1 of the reopening schedule this Friday, May 15<sup>th</sup>. The construction, manufacturing, wholesale supply chain, retail (curbside pickup), agriculture, forestry, and fishing industries will be allowed to reopen.

**Phased Reopening of Businesses**

**Phase 1**

- Construction
- Manufacturing and wholesale supply chain
- Retail – curbside pickup
- Agriculture, Forestry, and Fishing

**Phase 2**

- Professional Services
- Finance and Insurance
- Retail
- Administrative Support
- Real Estate/Rental Leasing

**Phase 3**

- Restaurants/Food Services
- Hotels/Accommodations

**Phase 4**

- Arts/Entertainment/Recreation
- Education

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- The Central New York and North Country regions have met six of the seven metrics. If these regions are able to meet the seventh metric by the 15<sup>th</sup> they will also be authorized to start phase 1. New York City has only met four of the seven metrics. All of the other regions of the State have met five out of the seven metrics.
- Starting May 15<sup>th</sup>, all retail stores will be authorized to do curbside pickup.



- As of May 15<sup>th</sup>, the following sectors will open **statewide**:
  - Landscaping and gardening
  - Outdoor, low-risk recreational activities such as tennis
  - Drive-in movie theaters



- The Governor's Office has published "NY Forward: A Guide to Reopening New York & Building Back Better." The guide details the State's plans to reopen the economy and can be found [here](#).
- The State will direct the reopening of businesses based on a matrix of greatest need and safety. Businesses are also expected to demonstrate to the State that they have a plan to reopen safely that addresses employees, physical settings, and processes.

Phased Reopening of Businesses		
Risk v. Reward Analysis		
	Greater Economic Impact	Lower Economic Impact
Low Infection Risk	Industry greater economic impact, low risk of workplace or customer infection spread	Industry less economic impact, low risk of workplace or customer infection spread
Higher Infection Risk	Industry greater economic impact, higher risk of workplace or customer infection spread	Industry less economic impact, higher risk of workplace or customer infection spread

### [Executive Order 202.30](#)

The Executive Order issues the following directives through June 9<sup>th</sup> regarding nursing homes/adult care facilities:

- **Testing:** All nursing home personnel must be tested twice a week for COVID-19. Plans to accomplish this must be submitted to the NYS Department of Health (DOH) no later than 5 PM, Wednesday May 13<sup>th</sup>. Any positive test must be reported to DOH no later than 5 PM the day following the receipt of such test. Personnel who refuse to be tested shall be prohibited from working until a test is performed.
- **Compliance:** Operators and the administrators of nursing home facilities must provide DOH a certification of compliance with all applicable Executive Orders and directives of the Commissioner of Health by Friday May 15<sup>th</sup>.
- **Suspension/Loss of Operating Certificate:** The Commissioner of Health is authorized to suspend or revoke an operating certificate if it is determined that a nursing home has not complied with this Executive Order, or regulations or directives of the Commissioner of Health.
- **Financial Penalty:** Any nursing home that does not comply with this Executive Order shall be subject to a financial penalty for non-compliance, ranging from \$2,000 to \$10,000 per day.
- **Hospital Discharges:** Hospitals cannot discharge a patient to a nursing home unless that patient tests negative for COVID-19.

### [New York City Executive Order No. 112](#)

- Suspends the requirements of Borough Presidents to adjust and renumber streets, as well as provide assistance with completing the city map.
- Extends the Campaign Finance Board's deadline for making public fund payments to candidates from four business days to eight business days.
- Extends the requirement for the Mayor to submit to the City Council a proposed Executive Budget to no later than April 26, 2020.



- 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](#)
  - [Updated: Administration for Children's Services \(ACS\)](#)
  - [Updated: Department of Design and Construction \(DDC\)](#)

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.