

COVID-19 Emergency Orders Affecting Real Estate New York

Last updated July 23, 2020

MORTGAGE ENFORCEMENT LIMITATIONS

July 6, 2020 – New York State Executive Order

- Governor Cuomo signs Executive Order 202.48 which among other things, continues the directive contained in Executive Order 202.28, as extended, that prohibited initiation of a proceeding or enforcement of a foreclosure of any residential or commercial mortgage, for nonpayment of such mortgage, only insofar as it applies to a commercial mortgage, as it has been superseded by legislation for a residential mortgage, in Chapters 112 and 126 of the Laws of 2020.

<https://www.governor.ny.gov/news/no-20248-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

June 17, 2020 – New York State Enacted Legislation.

- Governor Cuomo signs into law Senate Bill 8243 (Ch. 112, Laws of New York, 2020) and Senate Bill 8428 (Ch. 126, Laws of New York, 2020, which, among other things, amends Ch. 112 of the Laws of New York, 2020). These laws provide in relevant part that a “regulated institution” is required to (i) make applications for forbearance of any payment due on a residential mortgage of a property located in New York widely available to any “qualified mortgagor” (an individual (1) whose primary residence is located in New York and is encumbered by a home loan and (2) who demonstrates financial hardship as a result of COVID-19 during the “covered period”) who, during the covered period, is in arrears or on a “trial period plan” or who has applied for loss mitigation and (ii) grant such forbearance of all monthly payments due with respect to the mortgage secured by the qualified mortgagor’s primary residence in New York for a period of up to 180 days, with the option to extend such forbearance for up to an additional 180 days provided that the mortgagor demonstrates continued financial hardship. Forbearances may be backdated to March 7, 2020 and existing forbearances pursuant to Executive Order 202.9 are taken into account in measuring the duration of the forbearance. The mortgagor shall have the option to extend the term of the loan by the length of the forbearance and the regulated institution may not charge additional interest, late fees or penalties on the forborne payment. The mortgagor shall have the option to repay the accumulated arrears on a monthly basis for the remaining term of the loan or to request a loan modification for different repayment terms. If the parties cannot reasonably

agree on a loan modification, the regulated institution is required to offer to defer the arrears (without interest) until the maturity date (or earlier refinancing or repayment).

For purposes of this statute, (i) a “regulated institution” is a New York regulated banking organization and any New York regulated mortgage servicer entity subject to supervision of the Department of Financial Services and (ii) the “covered period” is the period from March 7, 2020 until the date that none of the provisions that closed or otherwise restricted public private businesses or places of public accommodation, or required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason in Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14, as extended by Executive Orders 202.28 and 202.31 and as further extended by future Executive Orders, continue to apply in the county of the qualified mortgagor’s residence.

This forbearance requirements does not apply to and does not affect any mortgage loans made, insured, purchased or securitized by any agency or instrumentality of the United States, any government sponsored enterprise, or a federal home loan bank or a corporate governmental agency of the state constituted as a political subdivision and public benefit corporation, or the rights and obligations of any lender, issuer, servicer or trustee of such obligations, including servicers for the Government National Mortgage Association.

The obligation of a regulated institution to grant forbearance relief is subject to the regulated institution having sufficient capital and liquidity to meet its obligations and to operate in a safe and sound manner.

<https://legiscan.com/NY/legislation?status=passed>

May 7, 2020 - New York State Executive Order

- Governor Cuomo signs Executive Order 202.28 which, among other things, prohibits the initiation of a proceeding or enforcement of a foreclosure of any residential or commercial mortgage, for nonpayment of such mortgage, owned or rented by someone that is eligible for unemployment insurance or benefits under state or federal law or otherwise facing financial hardship due to the COVID-19 pandemic for a period of sixty days beginning on June 20, 2020¹. This moratorium is in addition to the 90 day moratorium provided for in Executive Order 202.8 (March 20, 2020) described below. Superseded as to residential mortgages by Ch. 112 and Ch. 126 of the Laws of New York, 2020.

<https://www.governor.ny.gov/news/no-20228-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

¹ This part of the Executive Order covers both lease evictions and mortgage foreclosures so the words “owned or rented by” seem clearly to refer to commercial or residential property owned by a borrower although these words are not in the Order.

March 24, 2020 - New York State Department of Financial Services Emergency Regulation

- The New York Department of Financial Services promulgated Part 119 of Title 3 of the Official Compilation of Codes, Rules and Regulations of the State of New York which (i) mandated a 90 day forbearance period in furtherance of Executive Order 202.9 that declared that the failure to grant such a forbearance to any person or business who has a financial hardship as a result of the COVID-19 pandemic would be an unsafe and unsound business practice, (ii) specified that the forbearance requirement applied to residential mortgages only, (iii) specified that the regulation is not applicable to, and does not affect any mortgage loans made, insured, or securitized by any agency or instrumentality of the United States, any Government Sponsored Enterprise, or a Federal Home Loan Bank, or the rights and obligations of any lender, issuer, servicer or trustee of such obligations, including servicers for the Government National Mortgage Association and (iv) defined the scope of affected regulated institutions as any New York regulated banking organizations as defined under New York Banking Law and any New York regulated mortgage servicer entity subject to the authority of the Department of Financial Services.

https://www.dfs.ny.gov/system/files/documents/2020/03/re_new_pt119_nycrr3_text.pdf

March 21, 2020 – New York State Executive Order

- Governor Cuomo signs Executive Order 202.9 which, among other things, provides (i) that it shall be deemed an unsafe and unsound business practice if, in response to the COVID-19 pandemic, any bank which is subject to the jurisdiction of the Department of Financial Services shall not grant a forbearance to any person or business who has a financial hardship as a result of the COVID-19 pandemic for a period of ninety days and (ii) that the Superintendent of the Department of Financial Services shall ensure under reasonable and prudent circumstances that any licensed or regulated entities provide to any consumer in the State of New York an opportunity for a forbearance of payments for a mortgage for any person or entity facing a financial hardship due to the COVID-19 pandemic. Superseded as to residential mortgages by Ch. 112 and Ch. 126 of the Laws of New York, 2020.

<https://www.governor.ny.gov/news/no-2029-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

March 20, 2020 – New York State Executive Order

- Governor Cuomo signs Executive Order 202.8 which, among other things, prohibits residential and commercial mortgage foreclosures for 90 days. Superseded as to residential mortgages by Ch. 112 and Ch. 126 of the Laws of New York, 2020.

<https://www.governor.ny.gov/news/no-2028-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

LANDLORD/TENANT ENFORCEMENT LIMITATIONS

July 6, 2020 – New York State Executive Order

- Governor Cuomo signs Executive Order 202.48 which among other things, continues the directive contained in Executive Order 202.28, as extended, that prohibited initiation of a proceeding or enforcement of an eviction of any residential or commercial tenant, for nonpayment of rent, only insofar as it applies to a commercial tenant as it has been superseded by legislation for a residential tenant in Chapter 127 of the Laws of 2020.

<https://www.governor.ny.gov/news/no-20248-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

June 30, 2020- New York State Enacted Legislation

- Governor Cuomo signs into law Senate Bill 8192 (Laws of New York, 2020, Ch. 127) which provides that no court shall issue a warrant of eviction or judgment of possession against a residential tenant or other lawful occupant that has suffered financial hardship during the COVID-19 covered period for the non-payment of rent that accrues or becomes due during the COVID-19 covered period. The “COVID-19 covered period” means the period from March 7, 2020 until the date that none of the provisions that closed or otherwise restricted public private businesses or places of public accommodation, or required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason in Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14, as extended by Executive Orders 202.28 and 202.31 and as further extended by future Executive Orders, continue to apply in the county of the tenant’s or lawful occupant’s residence. The act does not prohibit any court from awarding a judgment for the rent due and owing to a successful petitioner in a summary proceeding under Article 7 of the Real Property Actions and Proceedings Law.

<https://bit.ly/3gBDvgD>

<https://legiscan.com/NY/legislation?status=passed>

June 6, 2020- New York State Executive Order

- Governor Cuomo signs Executive Order 202.38 which, among other things, provides that for the period through July 6, 2020 (extended to August 5, 2020 by Executive Order 202.48) and consistent with Center for Disease Controls and Prevention and New York State Department of Health Guidance, commercial building owners, retail store owners and those authorized on their behalf to manage public places within their buildings and businesses (collectively “Operators”) shall have the discretion to require individuals to undergo temperature checks prior to being allowed admittance. Further, Operators shall have the discretion to deny admittance to (i) any individual who refuses to undergo such a temperature check and (ii) any individual whose temperature is above that proscribed by New York State Department of Health Guidelines. No Operator shall be subject to a claim of violation of the covenant of quiet enjoyment, or frustration of purpose, solely due to their enforcement of this directive. This directive shall be applied in a manner consistent with the American with Disabilities Act and any provision of either New York State or New York City Human Rights Law.

<https://www.governor.ny.gov/news/no-20238-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

May 28, 2020 –New York State Executive Order

- Governor Cuomo signs Executive Order 202.34 which, among other things, provides that business operators and building owners, and those authorized on their behalf shall have the discretion to ensure compliance with the directive in Executive Order 202.17 (requiring any individual over age two, and able to medically tolerate a face-covering, be required to cover their nose and mouth with a mask or cloth face-covering when in a public place), including the discretion to deny admittance to individuals who fail to comply with the directive in Executive Order 202.17 or to require or compel their removal if they fail to adhere to such directive, and such owner or operator shall not be subject to a claim of violation of the covenant of quiet enjoyment, or frustration of purpose, solely due to their enforcement of such directive. The directive expressly provides that nothing in it shall prohibit or limit the right of State and local enforcement authorities from imposing fines or other penalties for any violation of the directive in Executive Order 202.17. The directive further expressly provides that it is required to be applied in a manner consistent with the American with Disabilities Act or any provision of either New York State or New York City Human Rights Law, or any other provision of law.

<https://www.governor.ny.gov/news/no-20234-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

May 26, 2020 - New York City Local Law

- Mayor de Blasio signed into local law a City Council bill (Int. No. 1932-A) that amends the New York City Administrative Code to add a new Section 22-1005 that relieves natural person guarantors of certain liabilities under guaranties of certain commercial leases in New York City. The enacted local law (Local Law No. 2020/055) provides that pursuant to Section 22-1005, a provision in a commercial lease providing for one or more natural persons who are not the tenant under the lease to be wholly or partially personally liable for payment of rent, utility expenses, taxes owed by the tenant under the lease, or fees and charges relating to routine building maintenance owed by the tenant under the lease, shall not be enforceable against such natural persons if the following two conditions are satisfied:

(1) The tenant satisfies the conditions of subparagraph (a), (b) or (c):

(a) The tenant was required to cease serving patrons food or beverage for on-premises consumption or to cease operation under executive order number 202.3 issued by the Governor on March 16, 2020; or

(b) The tenant was a non-essential retail establishment subject to in-person limitations under guidance issued by the New York State Department of Economic Development pursuant to executive order number 202.6 issued by the Governor on March 18, 2020; or

(c) The tenant was required to close to members of the public under executive order number 202.7 issued by the Governor on March 19, 2020.

(2) The default or other event causing such natural persons to become wholly or partially personally liable for such obligation occurred between March 7, 2020 and September 30, 2020, inclusive.

- Mayor de Blasio also signed into local law a City Council bill (Int. No. 1914-A/Local Law No. 2020/053) that amends Paragraph 11 of subdivision a of Section 22-902 of the New York City Administrative Code added by Local Law No. 2019/185 to prohibit threatening a commercial tenant based up, among other things, “the commercial tenant’s status as a person or business impacted by COVID-19, or the commercial tenant’s receipt of a rent concession or forbearance for any rent owed during the COVID-19 period”.

“COVID-19 period” is defined as the period from “March 7, 2020 through the later of (i) the end of the first month that commences after the expiration of the moratorium on enforcement of evictions of any tenant, residential or commercial, set forth in executive order number 202.8, as issued by the governor on March 20, 2020 and extended thereafter, (ii) the end of the first month that commences after the expiration of the moratorium on certain residential evictions set forth in section 4024 of the coronavirus aid, relief, and economic security, or CARES, act and any subsequent amendments to such section or (iii) September 30, 2020, inclusive.” .

A business is deemed “impacted by COVID-19” if “(i) it was subject to seating, occupancy or on-premises service limitations pursuant to an executive order issue by the governor or mayor during the COVID-19 period or (ii) its revenues during any three-month period within the COVID-19 period were less than 50 percent of its revenues for the same three-month period in 2019 or less than 50 percent of its aggregate revenues for the months of December 2019, January 2020, and February 2020 and such revenue loss was the direct result of the COVID-

19 state disaster emergency. A revenue loss shall be deemed to be the direct result of the COVID-19 state disaster emergency when such disaster emergency was the proximate cause of such revenue loss.”

The local law additionally contains a definition of “impacted by COVID-19” with respect to natural persons.

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4424954&GUID=C2A4AC16-7409-465E-B5A4-A84F6E7989FB&Options=ID|Text|&Search=1932>

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4424937&GUID=EA82E496-2E94-43A6-8C1D-4D279AE425FD&Options=ID%7cText%7c&Search=covid>

May 7, 2020 - New York State Executive Order

- Governor Cuomo signs Executive Order 202.28 which, among other things:
 - Suspends or modifies Sections 7-103, 7-107 and 7-108 of the General Obligations Law to the extent necessary to provide that:
 - Landlords and tenants or licensees of residential properties may, upon the consent of the tenant or licensee, enter into a written agreement by which the security deposit and any interest accrued thereof, shall be used to pay rent that is in arrears or will become due. If the amount of the deposit represents less than a full month rent payment, this consent does not constitute a waiver of the remaining rent due and owing for that month. Execution in counterpart by email will constitute sufficient execution for consent;
 - Landlords shall provide such relief to tenants or licensees who so request it that are eligible for unemployment insurance or benefits under state or federal law or are otherwise facing financial hardship due to the COVID-19 pandemic;
 - It shall be at the tenant or licensee's option to enter into such an agreement and landlords shall not harass, threaten or engage in any harmful act to compel such agreement;
 - Any security deposit used as a payment of rent shall be replenished by the tenant or licensee, to be paid at the rate of 1/12 the amount used as rent per month. The payments to replenish the security deposit shall become due and owing no less than 90 days from the date of the usage of the security deposit as rent. The tenant or licensee may, at their sole option, retain insurance that provides relief for the landlord in lieu of the monthly security deposit replenishment, which the landlord, must accept such insurance as replenishment.
 - Suspends or modifies Subdivision 2 of section 238-a of the Real Property Law [applicable to residential leases] to provide that no landlord, lessor, sub-lessor or grantor shall demand or be entitled to any payment, fee or charge for late payment of rent occurring during the time period from March 20, 2020, through August 20, 2020.

- Issues a directive that there shall be no initiation of a proceeding or enforcement of an eviction of any residential or commercial tenant, for nonpayment of rent rented by someone that is eligible for unemployment insurance or benefits under state or federal law or otherwise facing financial hardship due to the COVID-19 pandemic for a period of sixty days beginning on June 20, 2020. This was superseded by the bill that was signed into law on June 30, 2020 as Chapter 127 of the Laws of New York, 2020.

<https://www.governor.ny.gov/news/no-2028-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

April 12, 2020 – New York State Executive Order

- Governor Cuomo signs Executive Order 202.16 which, among other things, provides that Section 711 of the Real Property and Proceedings Law, Section 232-a of the Real Property Law, and subdivisions 8 and 9 of section 4 of the Multiple Dwelling Law, and any other law or regulation are suspended and modified through May 12, 2020 to the extent that such laws would otherwise create a landlord tenant relationship between any individual assisting with the response to COVID-19 or any individual that has been displaced due to COVID-19, and any individual or entity, including but not limited to any hotel owner, hospital, not-for-profit housing provider, hospital, or any other temporary housing provider who provides temporary housing for a period of thirty days or more solely for purposes of assisting in the response to COVID-19. Executive Order extended until June 7, 2020 pursuant to Executive Order 202.29 and further extended to July 7, 2020 pursuant to Executive Order 202.39. Per Executive Order 202.49, not extended beyond July 7, 2020.

<https://www.governor.ny.gov/news/no-20216-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

March 20, 2020 – New York State Executive Order

- Governor Cuomo signs Executive Order 202.8 which, among other things, prohibits eviction of residential and commercial tenants for 90 days. Superseded as to residential mortgages by Ch. 112 and Ch. 126 of the Laws of New York, 2020.

<https://www.governor.ny.gov/news/no-2028-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

NON-ESSENTIAL BUSINESS RESTRICTIONS

July 21, 2020 – New York Executive Order

- Governor Cuomo signs Executive Order 202.53 which, among other things:
- Continues the suspensions and modifications of law, and any directives, not superseded by a subsequent directive, made by Executive Order 202.22, through 202.26, and including 202.32, except for the provision authorizing the extension of payment of sales and use taxes without penalty by the Commissioner of Tax and Finance, 202.33, 202.34, and 202.35 as contained in Executive Order 202.44 and Executive Order 202.45 until August 20, 2020
- Directs for the period through August 20, 2020 that:
 - The directive contained in Executive Order 202.45, which extended the provisions of Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13, 202.14, 202.28, 202.31, 202.34, 202.35 and 202.41 which each closed or otherwise restricted public or private businesses or places of public accommodation, and allowed regions to enter Phase Four of the State's reopening so long as the prescribed public health and safety metrics set by the Department of Health have been met, is continued until and unless later amended or extended by a future Executive Order, provided that as of July 20, 2020 the New York City region is deemed to have met the prescribed public health and safety metrics required for Phase Four industries to reopen, further provided, however, that indoor common portions of retail shopping malls and places of low-risk indoor arts and entertainment continue to be closed in such region.
 - Provides that the directive contained in Executive Order 202.50, that allowed indoor common portions of retail shopping malls to open in regions that have met the public health and safety metrics to enter Phase Four of the State's reopening, amended to provide that indoor common portions of shopping malls continue to be closed in the New York City region.

<https://www.governor.ny.gov/news/no-20253-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

July 16, 2020 – New York Executive Order

- Governor Cuomo signs Executive Order 202.52 which, among other things, provides that through August 15, 2020 any provision of the Alcoholic Beverage Control Law is modified to the extent necessary to require that all businesses that are licensed by the State Liquor Authority for on premises service of alcoholic beverages, and which are required as a license condition to make food available, shall serve alcoholic beverages for on premises consumption or for off premises consumption only if the service of such alcoholic beverage is accompanied by the purchase of a food item by each individual that is being served an alcoholic beverage, consistent with the food availability requirement of the license under the Alcoholic Beverage Control Law. The Chairman of the State Liquor Authority is authorized to promulgate any reasonable guidance to effectuate this provision.

<https://www.governor.ny.gov/news/no-20252-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

July 9, 2020 – New York State Executive Order

- Governor Cuomo signs Executive Order 202.50 which, among other things, provides that the directive contained in Executive Order 202.5, that required closure to the public of all indoor common portions of retail shopping malls, as extended, and as continued and modified in Executive Order 202.48, is hereby amended to allow such malls to open in regions of the state that are in Phase Four of the state's reopening, so long as such malls adhere to Department of Health issued guidance, effective 12:01am on Friday, July 10, 2020.

<https://www.governor.ny.gov/news/no-20250-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

July 7, 2020 – New York State Executive Order

- Governor Cuomo signs Executive Order 202.49 which, among other things, continues the suspensions and modifications of law, not superseded by a subsequent directive, made by Executive Order 202.15 and each successor Executive Order up to and including Executive Order 202.21, and Executive Order 202.29, as continued and contained in Executive Order 202.39 through August 6, 2020, except as otherwise noted.

July 6, 2020 – New York State Executive Order

- Governor Cuomo signs Executive Order 202.48 which, among other things, provides that:
 - The directives contained in Executive Order 202.3, that closed video lottery gaming or casino gaming, gym, fitness center or classes, and movie theaters, and the directives contained in Executive Order 202.5 that closed the indoor common portions of retail shopping malls, and all places of public amusement, whether indoors or outdoors, as amended, are modified to provide that such directives remain in effect only until such time as a future Executive Order opening them is issued.

- The directive contained in Executive Order 202.41, that discontinued the reductions and restrictions on in-person workforce at non-essential businesses or other entities in Phase Three industries or entities, as determined by the Department of Health, in eligible regions, is modified only to the extent that indoor food services and dining continue to be prohibited in New York City.

July 3, 2020 – New York State Executive Order

- Governor Cuomo signs Executive Order 202.47 which, among other things, provides:
 - The directive contained in Executive Order 202.7, as extended, requiring all barbershops, hair salons, tattoo or piercing parlors and related personal care services to be closed to members of the public is modified to allow for the opening of barbershops and hair salons, and to require opening or operations in compliance Department of Health guidance, and is only permitted in such regions authorized for Phase Two industries reopening.
 - The directive contained in Executive Order 202.32 allowing any licensee or franchisee of a racetrack to operate such racetrack is modified and extended until August 2, 2020, to allow any operator of an auto racetrack to operate beginning June 3, 2020, and to require opening or operations in compliance Department of Health guidance, and provided further such auto racetrack allows only essential personnel or participants to be on site, and does not permit any visitor or spectator into the facility or on premise.
 - Executive Order 202.35, which amended prior Executive Orders with respect to New York on Pause, is modified to permit any region authorized for Phase One reopening to allow outdoor, low-risk recreational activities and businesses providing such activities as determined by the Empire State Development Corporation, to operate if operated in accordance with Department of Health guidance.

June 28, 2020 - Department of Health Interim Guidance

- The New York State Department of Health issues mandatory guidance with respect to, among other things, distancing, density/congregating, screening, cleaning/disinfecting, PPE, tracing and tracking for businesses which are permitted to open in Phase 4 of the 4-phase NY Forward reopening plan. Phase 4 industries include Higher Education, Low-Risk Outdoor Arts & Entertainment, Low-Risk Indoor Arts & Entertainment, Media Production and professional sports without fans.

<https://forward.ny.gov/phase-four-industries>

June 26, 2020- New York State Executive Order

- Governor Cuomo signs Executive Order 202.45 which, among other things:
- Continues Executive Order 202.34 and Executive Order 202.35 to the extent not superseded by a subsequent directive.

- Provides that the directive contained in Executive Order 202.35, as extended and as amended by Executive Order 202.38, which amended the directive in Executive Order 202.10 that limited all non-essential gatherings to ten or fewer individuals, is further modified to allow fifty (50) or fewer individuals, for any lawful purpose or reason, so long as any such gatherings occurring indoors do not exceed 50% of the maximum occupancy for a particular indoor area, and provided that the location of the gathering is in a region that has reached Phase 4 of the State's reopening, and social distancing protocols and cleaning and disinfection protocols required by the Department of Health are adhered to.
- Provides that Executive Order 202.41, which extended the provisions of Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13, 202.14, 202.28, 202.31, 202.34, and 202.35 which each closed or otherwise restricted public or private businesses or places of public accommodation, is continued until and unless later amended or extended by a future Executive Order, provided, however:
- That effective on June 26, 2020, the reductions and restrictions on the in-person workforce at non-essential businesses or other entities shall no longer apply to Phase Four industries, as determined by the Department of Health, in eligible regions, including:
 - Higher Education;
 - Film and Music Production;
 - Low-risk indoor arts and entertainment;
 - Low-risk outdoor arts and entertainment; and
 - Professional Sports without fans.
- Businesses or entities in industries open in Phase Four must be operated in compliance with the guidance promulgated by the Department of Health.
- As of June 26, 2020 the regions meeting the prescribed public health and safety metrics required for Phase Four reopening are: Finger Lakes, Central New York, Mohawk Valley, Southern Tier, and the North Country. Any additional regions which meet the criteria after such date will be deemed to be incorporated into Executive Order 202.45 without further revision and will be permitted to re-open Phase Four industries, subject to the same terms and conditions.
- Any previous directive that restricted operation of any industry, business, or facility that is permitted to open in Phase One, Phase Two, Phase Three, or Phase Four is hereby superseded, only insofar as it is inconsistent with any Executive Order allowing businesses, industries, and facilities to reopen.

<https://www.governor.ny.gov/news/no-20245-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

June 21, 2020- New York State Executive Order

- Governor Cuomo signs Executive Order 202.44 which, among other things, provides that any licensee or franchisee of a racetrack in the State is permitted to operate such racetrack as of June 1, 2020, provided such racetrack does not permit any visitor or fan into the facility, and allows on site only essential personnel; and provided further that such licensee or franchisee

of a racetrack, and all essential personnel adhere to any directive or guidance issued by the Department of Health and/or by the Gaming Commission.

<https://www.governor.ny.gov/news/no-20244-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

June 15, 2020- Department of Health Interim Guidance

- The New York State Department of Health issues mandatory guidance with respect to, among other things, distancing, density/congregating, screening, cleaning/disinfecting, PPE, tracing and tracking for businesses which are permitted to open in Phase 3 of the 4-phase NY Forward reopening plan. Phase 3 industries include the restaurants/food services industry and the personal care industry.

<https://forward.ny.gov/phase-three-industries>

June 15, 2020- New York State Executive Order

- Governor Cuomo signs Executive Order 202.42 which provides through July 15 that the directive contained in Executive Order 202.35, as extended and as amended by Executive Order 202.38, which amended the directive in Executive Order 202.10 that limited all non-essential gatherings to ten or fewer individuals, is further modified to allow twenty-five (25) or fewer individuals, for any lawful purpose or reason, provided that the location of the gathering is in a region that has reached Phase 3 of the State's reopening, and social distancing protocols and cleaning and disinfection protocols required by the Department of Health are adhered to.

<https://www.governor.ny.gov/news/no-20242-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

June 13, 2020- New York State Executive Order

- Governor Cuomo signs Executive Order 202.41 which, among other things:
- Extends the directives contained in Executive Order 202.31 [30 days].
- Provides that the directive contained in Executive Order 202.7, as extended and as amended by Executive Order 202.36, requiring all salons, tattoo parlors, piercing parlors, and related personal care services to be closed to members of the public is modified to the extent necessary to allow for the opening of such personal care services, to the extent and in regions consistent with Department of Health guidance promulgated for Phase Three reopening.
- Provides that Executive Order 202.35, which extended the provisions of Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13, 202.14, 202.28, and 202.31, and 202.34 which each closed or otherwise restricted public or private businesses or places of public accommodation, and Executive Order 202.38 which required postponement, cancellation, or restriction on size of all non-essential gatherings of more than ten individuals, and which together constitute New York On PAUSE, is continued until and unless later amended or extended by a future Executive Order, provided, however:

- That effective on June 12, 2020, the reductions and restrictions on the in-person workforce at non-essential businesses or other entities shall no longer apply to Phase Three industries, as determined by the Department of Health, in eligible regions, including:
- Restaurants / Food Services; and
- Personal Care.
- Businesses or entities in industries open in Phase Three must be operated subject to the guidance promulgated by the Department of Health.
- As of June 12, 2020 the regions meeting the prescribed public health and safety metrics required for Phase Three reopening are: Finger Lakes, Central New York, Mohawk Valley, Southern Tier, and the North Country. Any additional regions which meet the criteria after such date will be deemed to be incorporated into this Executive Order without further revision and will be permitted to re-open Phase Three industries, subject to the same terms and conditions.
- Executive Order 202.41 was modified to prohibit indoor food services and dining in New York City and extended through August 5, 2020 by Executive Order 202.48.

<https://www.governor.ny.gov/news/no-20241-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

June 7, 2020- New York State Executive Order

- Governor Cuomo signs Executive Order 202.39 which, among other things, provides that the directive contained in Executive Order 202.38, that allowed a restaurant or bar to serve patrons food or beverage on-premises only in outdoor space, provided such restaurant or bar is in compliance with Department of Health guidance promulgated for such activity, is modified to explicitly limit such activity to those regions that are in Phase 2 of the re-opening.

<https://www.governor.ny.gov/news/no-20239-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

June 6, 2020- New York State Executive Order

- Governor Cuomo signs Executive Order 202.38 which, among other things, issued the following directives for the period through July 6, 2020:
- Provides that consistent with Center for Disease Controls and Prevention and New York State Department of Health Guidance, commercial building owners, retail store owners and those authorized on their behalf to manage public places within their buildings and businesses (collectively "Operators") shall have the discretion to require individuals to undergo temperature checks prior to being allowed admittance. Further, Operators shall have the discretion to deny admittance to (i) any individual who refuses to undergo such a temperature check and (ii) any individual whose temperature is above that proscribed by New York State Department of Health Guidelines. No Operator shall be subject to a claim of violation of the covenant of quiet enjoyment, or frustration of purpose, solely due to their enforcement of this directive. This directive shall be applied in a manner consistent with the American with

Disabilities Act and any provision of either New York State or New York City Human Rights Law.

- Modifies the directive contained in Executive Order 202.3, as extended, that required any restaurant or bar to cease serving patrons food or beverage on-premises, to the extent necessary to allow a restaurant or bar to serve patrons food or beverage on-premises only in outdoor space, provided such restaurant or bar is in compliance with Department of Health guidance promulgated for such activity. *Further clarified by Executive Order 202.39.*
- Modifies Executive Order 202.35 which continued the directive of Executive Order 202.33 to permit any non-essential gatherings for houses of worship at no greater than 25% of the indoor capacity of such location, provided it is in a geographic area in Phase 2 of re-opening, and further provided that social distancing protocols and cleaning and disinfection protocols required by the Department of Health are adhered to.
- Provides that upon the resumption of on-premises outdoor service of food and beverages at the licensed premises of restaurants and bars, to facilitate compliance with social distancing requirements in connection with such service, notwithstanding any provision of the Alcoholic Beverage Control law, restaurants or bars in the state of New York shall be permitted to expand the premises licensed by the State Liquor Authority to use (a) contiguous public space (for example, sidewalks or closed streets) and/or (b) otherwise unlicensed contiguous private space under the control of such restaurant or bar, subject to reasonable limitations and procedures set by the Chairman of the State Liquor Authority and, with respect to (a) the use of public space, subject to the reasonable approval of the local municipality, and all subject to the guidance promulgated by the Department of Health.

<https://www.governor.ny.gov/news/no-20238-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

June 2, 2020- New York State Executive Order

- Governor Cuomo signs Executive Order 202.36 which, among other things, issued the following directives for the period through July 2, 2020:
- Modifies the directive contained in Executive Order 202.7, as extended, requiring all barbershops, hair salons, tattoo or piercing parlors and related personal care services to be closed to members of the public to allow for the opening of barbershops and hair salons, only to the extent and in regions consistent with Department of Health guidance promulgated for Phase Two industries reopening.
- Modifies the directive contained in Executive Order 202.32 allowing any licensee or franchisee of a racetrack to operate such racetrack and extends it until July 2, 2020, to allow any operator of an auto racetrack to operate beginning June 3, 2020, pursuant to Department of Health guidance for such operation, and provided such auto racetrack allows only essential personnel or participants to be on site, and does not permit any visitor or spectator into the facility or on premise.
- Modifies Executive Order 202.35, which amended prior Executive Orders with respect to New York on Pause, as follows:

- Any region that meets the prescribed public health and safety metrics as determined by the Department of Health for Phase One reopening may allow outdoor, low-risk recreational activities and businesses providing such activities, as determined by Empire State Development Corporation, to be permitted to operate, in accordance with Department of Health guidance.

<https://www.governor.ny.gov/news/no-20236-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

May 29, 2020 –New York Governor’s Announcement

- Governor Cuomo announced that New York City will begin Phase 1 reopening (part of the 4-Phase NY Forward reopening plan) on June 8, 2020.

<https://www.governor.ny.gov/news/video-audio-photos-rush-transcript-governor-cuomo-announces-new-york-city-enter-phase-1>

May 29, 2020 –New York State Executive Order

- Governor Cuomo signs Executive Order 202.35 which, among other things:
- Continues through June 28, 2020 and unless later amended or extended by a future Executive Order, Executive Order 202.34, which extended the provisions of Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13, 202.14, 202.28, and 202.31 which each closed or otherwise restricted public or private businesses or places of public accommodation, and Executive Order 202.32 as modified by Executive Order 202.33 which required postponement, cancellation, or restriction on size of all non-essential gatherings of more than ten individuals, and which together constitute New York On PAUSE, , provided, however:
- That effective at 1:00 p.m. on May 29, 2020 that the reductions and restrictions on the in-person workforce at non-essential businesses or other entities shall no longer apply to Phase Two industries:

Professional Services, Administrative Support, Information Technology, Real estate services, Building and Property Management, Leasing, Rental, and Sales Services, Retail In-store Shopping, Rental, Repair, and Cleaning, Barbershops and Hair Salon (limited services), and Motor Vehicle Leasing, Rental, and Sales.

- Businesses or entities in industries open in Phase Two must be operated subject to the guidance promulgated by the Department of Health.

- Confirms that as of May 29, 2020 the regions meeting the prescribed public health and safety metrics required for Phase Two reopening are: Finger Lakes, Central New York, Mohawk Valley, Southern Tier, and the North Country. Any additional regions which meet the criteria after such date will be deemed to be incorporated into this Executive Order without further revision and will be permitted to re-open Phase two industries, subject to the same terms and conditions.

<https://www.governor.ny.gov/news/no-20235-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

May 28, 2020 – Department of Health Interim Guidance

- The New York State Department of Health issues mandatory guidance with respect to, among other things, distancing, density/congregating, screening, cleaning/disinfecting, PPE, tracing and tracking for businesses which are permitted to open in Phase 2 of the 4 phase NY Forward reopening plan. Phase 2 businesses include commercial building management, office-based work (tenants) and residential property managers. The mandatory guidance includes a requirement to affirm (through a provided hyperlink) having read and understood the obligation to operate in accordance with the applicable guidance. Each business permitted to reopen must develop a written Safety Plan outlining how its workplace will prevent the spread of COVID-19. The business may use the Safety Plan template provided by the Department of Health, or may develop its own Safety Plan. The Safety Plan does not need to be submitted to a state agency for approval but must be retained on the premises of the business and must be made available to the New York State Department of Health or local health or safety authorities for inspection

<https://forward.ny.gov/phase-two-industries>

May 28, 2020 –New York State Executive Order

- Governor Cuomo signs Executive Order 202.34 which, among other things:
 - Continues until June 27, 2020 unless later amended or extended by a future Executive Order, Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13, 202.14, 202.28 which each closed or otherwise restricted public or private businesses or places of public accommodation, and Executive Order 202.32 as modified by Executive Order 202.33 which required postponement, cancellation, or restriction on size of all non-essential gatherings of more than ten individuals, and which together constitute New York On PAUSE, provided, however:
 - As soon as a region meets the prescribed public health and safety metrics, as determined by the Department of Health, they will be eligible for Phase One reopening; and
 - Businesses or entities open pursuant to Department of Health guidance must be operated subject to the guidance promulgated by the Department of Health.

- Confirms that as of May 28, 2020 the regions meeting the prescribed public health and safety metrics required for Phase One reopening are: Finger Lakes, Central New York, Mohawk Valley, Southern Tier, North Country, Western New York, Capital Region, Mid-Hudson, and Long Island. Such regions include the counties of Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates, Cayuga, Cortland, Madison, Onondaga, Oswego, Fulton, Herkimer, Montgomery, Oneida, Otsego, Schoharie, Broome, Chemung, Chenango, Delaware, Schuyler, Steuben, Tioga, Tompkins, Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis, St. Lawrence, Allegany, Cattaraugus, Chautauqua, Erie, Niagara, Albany, Columbia, Greene, Saratoga, Schenectady, Rensselaer, Warren, Washington, Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester, Nassau, and Suffolk.
- Provides that any additional regions which meet the criteria after such date will be deemed to be incorporated into this Executive Order without further revision and will be permitted to re-open Phase One industries, subject to the same terms and conditions.

<https://www.governor.ny.gov/news/no-20234-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

May 22, 2020 –New York State Executive Order

- Governor Cuomo signs Executive Order 202.33 which, among other things provides:

Executive Order 202.10, as later extended by Executive Order 202.18, Executive Order 202.29 and as extended and amended by Executive Order 202.32, which prohibited all non-essential gatherings of any size for any reason, except for any religious service or ceremony, or for the purposes of any Memorial Day service or commemoration, which allowed ten or fewer individuals to gather, provided that social distancing protocols and cleaning and disinfection protocols required by the Department of Health are adhered to is hereby modified to permit any non-essential gathering of ten or fewer individuals, for any lawful purpose or reason, provided that social distancing protocols and cleaning and disinfection protocols required by the Department of Health are adhered to.

<https://www.governor.ny.gov/news/no-20233-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

May 21, 2020 –New York State Executive Order

- Governor Cuomo signs Executive Order 202.32 which, among other things provides:

Executive Order 202.10 (as later extended by Executive Order 202.18 and Executive Order 202.29) which prohibited all non-essential gatherings of any size for any reason, is hereby modified to permit a gathering of ten or fewer individuals for any religious service or ceremony, or for the purposes of any Memorial Day service or commemoration, provided that social distancing protocols and cleaning and disinfection protocols required by the Department of Health are adhered to, and provided further, that any drive-in or remote religious service may continue in excess of the ten person limit so long as there is no in-person contact between participants. Vehicle caravans are permitted. *Exception subsequently expanded by Executive Order 202.33.*

<https://www.governor.ny.gov/news/no-20232-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

May 14, 2020 –New York State Executive Order

- Governor Cuomo signs Executive Order 202.31 which, among other things:
 - Continues the provisions of Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13, and 202.14 which each closed or otherwise restricted public or private businesses or places of public accommodation, and which required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason (e.g. parties, celebrations, games, meetings or other social events), which together constitute New York On PAUSE, until 11:59 p.m. on May 28, 2020, unless later amended or extended by a future Executive Order; provided, however, that effective at 12:01 a.m. on May 15, 2020 the reductions and restrictions on the in-person workforce at non-essential businesses or other entities shall no longer apply to Phase One industries outline in the New York Forward reopening plan noted below (Construction, Agriculture, Forestry, Fishing and Hunting, Retail - (Limited to curbside or in-store pickup or drop off), Manufacturing and Wholesale Trade) in a region that meets the prescribed public health and safety metrics described in the New York Forward reopening plan, as determined by the Department of Health but such businesses or entities must be operated subject to the guidance promulgated by the Department of Health;
 - Confirms that as of May 14, 2020 the five of the ten regions satisfied the criteria for reopening Phase 1 Industries: Finger Lakes, Central New York, Mohawk Valley, Southern Tier and the North Country regions comprising the counties of: Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates Cayuga, Cortland, Madison, Onondaga, Oswego, Fulton, Herkimer, Montgomery, Oneida, Otsego, Schoharie, Broome, Chemung, Chenango, Delaware, Schuyler, Steuben, Tioga, Tompkins Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis, and St. Lawrence;

- Provides that any additional regions that meet the criteria after the date of this Executive Order will be deemed to be incorporated into this Executive Order without further revision and will be permitted to re-open Phase One industries, subject to the same terms and conditions;
- Provides that all enforcement mechanisms by state or local governments shall continue to be in full force and effect until June 13, 2020 unless later extended or amended by a future Executive Order; and
- Modifies the directive contained in Executive Order 202.3 which closed movie theaters until further notice and was later extended by Executive Order 202.14 and Executive Order 202.28, to provide that a drive-in movie theater, shall not be required to close, but shall be treated as any other business per Executive Order 202.6, which designated certain businesses as essential or non-essential and subjected such businesses to in-person presence restrictions in the workplace.

<https://www.governor.ny.gov/news/no-20231-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

May 13, 2020 – Department of Health Interim Guidance

- The New York State Department of Health issues mandatory guidance with respect to, among other things, distancing, density/congregating, screening, cleaning/disinfecting, PPE, tracing and tracking for businesses which are permitted to open in Phase 1 of the 4-Phase NY Forward reopening plan. Phase 1 businesses include construction. The mandatory guidance includes a requirement to affirm (through a provided hyperlink) having read and understood the obligation to operate in accordance with the applicable guidance. Each business permitted to reopen must develop a written Safety Plan outlining how its workplace will prevent the spread of COVID-19. The business may use the Safety Plan template provided by the Department of Health, or may develop its own Safety Plan. The Safety Plan does not need to be submitted to a state agency for approval but must be retained on the premises of the business and must be made available to the New York State Department of Health or local health or safety authorities for inspection

<https://forward.ny.gov/phase-one-industries>

May 11, 2020 – New York Forward

- Governor Cuomo releases the New York Forward phased reopening plan for the reopening of non-essential businesses on a regional and industry basis. Each region that satisfies the seven metrics for reopening non-essential businesses will reopen businesses in phases, with at least two weeks in between each phase to allow state and local leaders to monitor the effects of the reopening and ensure hospitalization and infection rates are not increasing. The phase-in plan prioritizes businesses that the state has determined have a greater economic impact and inherently low risks of infection for the workers and customers, followed by other businesses the state considers to have less economic impact, and those that present a higher risk of infection spread. The phased-in reopening of non-essential businesses will not permit the regions to authorize the opening of attractions or businesses that would draw a large number of visitors from outside the local area.

<https://forward.ny.gov/industries-reopening-phase>

May 8, 2020 – Clarification of New York State Executive Order

- The following clarification was issued by the Governor's office on May 9, 2020:

"NY ON PAUSE was not extended to June 6.

"Yesterday's Executive Order extended the underlying legal authority for the Emergency Order, but did not change the text of any of the directives in NY ON PAUSE and so the expiration date of May 15 still stands until further notice. At that time, new guidance will be issued for regions based on the metrics outlined by Governor Cuomo earlier this week."

May 7, 2020 - New York State Executive Order

- Governor Cuomo signs Executive Order 202.28 which, among other things, extended the authority for restrictions on non-essential businesses, public accommodations and public gatherings in prior Executive Orders. Further extended pursuant to Executive Orders 202.38 and 202.48).

<https://www.governor.ny.gov/news/no-20228-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

April 16, 2020 – New York State Executive Order

- Governor Cuomo signs Executive Order 202.18 which, among other things, extended and modified the restrictions on non-essential businesses, public accommodations and public gatherings in prior Executive Orders.

<https://www.governor.ny.gov/news/no-20218-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

April 15, 2020– New York State Executive Order

- Governor Cuomo signs Executive Order 202.17 which, among other things, provides that effective at 8:00 p.m. on Friday, April 17, 2020 any individual who is over age two and able to medically tolerate a face-covering shall be required to cover their nose and mouth with a mask or cloth face-covering when in a public place and unable to maintain, or when not maintaining, social distance. Extended pursuant to Executive Orders 202.29, 202.39 and 202.49.

<https://www.governor.ny.gov/news/no-20217-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

April 12, 2020 – New York State Executive Order

- Governor Cuomo signs Executive Order 202.16 which, among other things, provides that for all essential businesses or entities, any employees who are present in the workplace shall be provided and shall wear face coverings when in direct contact with customers or members of the public. Businesses must provide, at their expense, such face coverings for their employees. This provision may be enforced by local governments or local law enforcement as if it were an order pursuant to section 12 or 12-b of the Public Health Law. This requirement shall be effective commencing Wednesday, April 15 at 8 p.m. Extended by Executive Orders 202.18, 202.28, 202.31, 202.34, 202.35, 202.41, 202.45 and 202.53.

<https://www.governor.ny.gov/news/no-20216-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

April 7, 2020 – New York State Executive Order

- Governor Cuomo signs Executive Order 202.14 which, among other things, extended the restrictions on non-essential businesses, public accommodations and public gatherings in prior Executive Orders (202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11 and 202.13) until April 29, 2020. Further extended and modified by Executive orders (202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11 and 202.13).

<https://www.governor.ny.gov/news/no-20214-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

March 30, 2020 – New York State Executive Order

- Governor Cuomo signs Executive Order 202.13 which, among other things, confirmed that only certain construction specified by the Empire State Development Corporation shall qualify as an essential service.

<https://www.governor.ny.gov/news/no-20213-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

March 23, 2020 – New York Executive Order

- Governor Cuomo signs Executive Order 202.10 which, among other things, provides that non-essential gatherings of individuals of any size for any reason (e.g. parties, celebrations or other social events) are canceled or postponed. Extended and modified by Executive Orders 202.18, 202.28, 202.29, 202.31, 202.32, 202.33, 202.35, 202.41, 202.45 and 202.53.

March 20, 2020 – New York State Executive Order

- Governor Cuomo signs Executive Order 202.8 that, among other things, requires that all businesses and not-for-profit entities in the state (other than essential businesses and entities) utilize, to the maximum extent possible, any telecommuting or work from home procedures that they can safely utilize and that each employer reduce the in-person workforce at any work locations by 100% no later than March 22 at 8 p.m. through the date specified in the Order. Extended and modified by Executive Orders 202.18, 202.28, 202.31, 202.34, 202.35 202.41, 202.45 and 202.53.

<https://www.governor.ny.gov/news/no-2028-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

March 19, 2020 – (and thereafter updated) – New York State Empire State Development Corporation

- Pursuant to Executive Order 202.6, the Empire State Development Corporation published the list of essential businesses and essential services which, among other things, significantly limited the scope of construction work that may be continued during the period of the Executive Order.

<https://esd.ny.gov/guidance-executive-order-2026>

March 18, 2020 – New York State Executive Order

Governor Cuomo signs Executive Order 202.6 that, among other things, provides that:

- Effective on March 20 at 8 p.m. all businesses and not-for-profit entities in the state (other than essential businesses and entities) must utilize, to the maximum extent possible, any telecommuting or work from home procedures that they can safely utilize and each employer must reduce the in-person workforce at any work locations by 50%. Extended and modified by Executive Orders 202. 18, 202.28, 202.31, 202.34, 202.35, 202.41, 202.45 and 202.53.

- Any other business may be deemed essential after requesting an opinion from the Empire State Development Corporation, which shall review and grant such request, should it determine that it is in the best interest of the state to have the workforce continue at full capacity in order to properly respond to this disaster. No later than 5 p.m. on March 19, 2020, Empire State Development Corporation shall issue guidance as to which businesses are determined to be essential.

<https://www.governor.ny.gov/news/no-2026-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

March 18, 2020 – New York State Executive Order

Governor Cuomo signs Executive Order 202.5 that, among other things, provides that:

- Effective at 8 p.m. March 19, 2020, all indoor common portions of retail shopping malls with in excess of 100,000 square feet of retail space available for lease shall close and cease access to the public. Any stores located within shopping malls, which have their own external entrances open to the public, separate from the general mall entrance, may remain open, subject to the requirements of Executive Order 202.3 that any restaurant shall limit itself to take out or delivery food services, and that any interior entrances to common areas of the mall remain closed and locked.
- 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 shall likewise be closed to the public at 8 p.m. on March 19. This directive does not apply to public parks and open recreation areas.
- Notwithstanding section 24 of the Executive Law, no locality or political subdivision shall issue any local emergency order or executive order with respect to response of COVID-19 without the approval of the State Department of Health.

Extended and modified by Executive Orders 202.18, 202.28, 202.31, 202.35, 202.41, 202.45, 202.48, 202.50 and 202.53.

<https://www.governor.ny.gov/news/no-2026-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

March 16, 2020 – New York State Executive Order

Governor Cuomo signs Executive Order 202.3 that, among other things, provides the following directives and suspensions and modifications for the period from the date of this Executive Order through April 15, 2020 (extended and modified by Executive Orders 202.18, 202.28, 202.31, 202.35, 202.41, 202.45):

- The directive requiring large gatherings and events to be cancelled or postponed if they had anticipated attendance in excess of 500 people by virtue of Executive Order 202.1 dated March 12, 2020, is hereby amended and modified to require that any large gathering or event (concert, conference, worship service, performance before a large audience, etc.) shall be cancelled or postponed if more than fifty persons are expected in attendance, at any location in New York State until further notice.
- Any restaurant or bar in the state of New York shall cease serving patrons food or beverage on-premises effective at 8 pm on March 16, 2020, and until further notice shall only serve food or beverage for off-premises consumption. Notwithstanding any provision of the alcohol and beverage control law, a retail on-premises licensee shall be authorized for the duration of this Executive Order to sell alcohol for off-premises consumption, which shall include either take-out or delivery, subject to reasonable limitations set by the State Liquor Authority.
- Any facility authorized to conduct video lottery gaming, or casino gaming shall cease operation effective at 8 pm on March 16, 2020, and until further notice. For a Class III Tribal Gaming enterprise or Class II Tribal Gaming enterprise, any facility should also close to the public until further notice.
- Any gym, fitness centers or classes, and movie theaters (exception for drive-in theaters pursuant to Executive Order 202.31) shall also cease operation effective at 8 pm on March 16, 2020 until further notice.
- No local government or political subdivision shall issue any local emergency order or declaration of emergency or disaster inconsistent with, conflicting with or superseding the foregoing directives, or any other executive order issued under Section 24 of the Executive Law and any local emergency order or any local administrative codes, charters, laws, rules or regulations, are hereby suspended with respect to any such order issued under such authority different or in conflict with Executive directives.
- <https://www.governor.ny.gov/news/no-2023-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

New York City Office of the Mayor Emergency Executive Orders

<https://www1.nyc.gov/office-of-the-mayor/news.page#page-1>

CONDOMINIUM/COOPERATIVE

April 16, 2020- New York State Executive Order

Governor Cuomo signs Executive Order 202.18 which, among other things, temporarily suspends or modifies, for the period from the date of the Executive Order through May 16, 2020 (extended until June 7, 2020 by Executive Order 202.29, further extended to July 7, 2020 by Executive Order 202.39 and further extended to August 6, 2020 by Executive Order 202.49):

- Section 352-eeee(2)(a) of the General Business Law [Conversions to cooperative or condominium ownership in the city of New York], and any order, rule, or regulation in furtherance of the requirements thereof, to the extent it requires that an offering statement or prospectus become effective within fifteen months from filing or from the date of issue of the letter of the attorney general stating that the offering statement or prospectus has been accepted for filing, and any such fifteen month period, shall be tolled during the duration of the Executive Order.
- Section 352-e(7)(a) of the General Business Law [Real estate syndication offerings], and any order, rule, or regulation in furtherance of the requirements thereof, to the extent it requires certain filing fees be made at the time of submission and filing of each offering statement or prospectus, shall be exempted during the duration of the Executive Order. Such filing fees are required to be remitted in full to the Department of Law within 90 days from the expiration of the Executive Order.
- 13 NYCRR §§ 18.3(g)(1) [occupied cooperatives], 20.3(h)(1) [newly constructed, vacant or non-residential condominiums], 23.3(h)(1) [occupied condominiums], and any order, rule, or regulation in furtherance of the requirements thereof, to the extent it requires sponsor to set forth a budget for the first year of condominium operation, the requirements with respect to any such projected first year of condominium operation are tolled for the duration of the Executive Order. Sponsor must update the first year of operation, as necessary, within 30 days from the expiration of the Executive Order and is not required to offer rescission, to the extent such budget for the first year of operation does not increase by 25 percent or more during the pendency of the state of disaster emergency.
- 13 NYCRR § 20.3(o)(12) [condominium offering plan], and any order, rule, or regulation in furtherance of the requirements thereof, to the extent it requires sponsor to offer rescission if the first closing of a unit does not occur within the first year of operation projected in schedule B, is hereby tolled for the duration of the executive order. Sponsor must update the first year of operation, as necessary, within 30 days from the expiration of the Executive Order.

<https://www.governor.ny.gov/news/no-20218-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

April 12, 2020- New York State Executive Order

Governor Cuomo signs Executive Order 202.16 which, among other things, issues the following directive for the period from the date of this Executive Order through May 12, 2020 (extended until June 7, 2020 by Executive Order 202.29, further extended to July 7, 2020 by Executive Order 202.39 and further extended to August 6, 2020 by Executive Order 202.49):

- The New York City Department of Law shall issue no-action or no-filing letters received during the duration of this executive order within 45 days from submission of such no-action or no-filing application made to the department of law for essential projects involving affordable housing and homeless shelters. For each application granted by the department of law which permits the applicant to solicit public interest or public funds preliminary to the filing of an offering statement or for the issuance of a "no-filing required" letter. The New York City Department of Finance shall process and record condominium declarations for essential projects involving hospitals or health care facilities, affordable housing, and homeless shelters within 30 days of receipt of such filing.

<https://www.governor.ny.gov/news/no-20216-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

COURT ACCESS /JUDICIAL PROCESS LIMITATIONS

State

- See following links for information about COVID-19 related orders applicable to proceedings in state courts:

COVID-19 website: <https://www.nycourts.gov/whatsnew/covid.shtml>

<http://www.nycourts.gov/whatsnew/pdf/AO-78-2020.pdf>

Federal

- See following links for information about COVID-19 related orders applicable to proceedings in Federal courts:

<https://www.uscourts.gov/news/2020/03/12/judiciary-preparedness-coronavirus-covid-19>

<https://www.uscourts.gov/about-federal-courts/court-website-links/court-orders-and-updates-during-covid19-pandemic>

RECORDING/FILING OFFICE LIMITATIONS

- Below is a link to relevant information about recording offices prepared by the American Land Title Association.

<https://www.alta.org/business-tools/county-status.cfm?state=NY>

- Below are links to relevant information about filing offices prepared by CT Corporation System and Corporation Service Company

<https://ct.wolterskluwer.com/covid-19-status?v=794331>

<https://www.cscglobal.com/blog/covid-19-state-closings/>

REMOTE NOTARIZATION

April 7, 2020- New York State Executive Order

- Governor Cuomo signs Executive Order 202.14 which, among other things, authorized the act of witnessing that is required under 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, to be performed utilizing audio-video technology and specified the requirements for witnessing by such means. Extended until June 6, 2020 by Executive Order 202.28 issued on May 7, 2020, further extended to July 6, 2020 by Executive Order 202.38 and further extended to August 5, 2020 by Executive Order 202.48.

<https://www.governor.ny.gov/news/no-20214-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

March 19, 2020- New York State Executive Order

- Governor Cuomo signs Executive Order 202.7 which, among other things, authorizes any notarial act that is required under New York State law to be performed utilizing audio-video technology and specifying the requirements for notarization by this means. Extended until June 6, 2020 by Executive Order 202.28 issued on May 7, 2020, further extended to July 6, 2020 by Executive Order 202.38 and further extended to August 5, 2020 by Executive Order 202.48.

<https://www.governor.ny.gov/news/no-2027-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>