

2020 Legislation – COVID-19

A.9953(Assemblyman Ortiz/S.7919 Senator Stewart-Cousins) (Emergency Appropriation Bill) Relates to issuing by the governor of any directive necessary to respond to a state disaster emergency. This law clarifies that a disaster declaration can be issued for an urgent or impending threat of wide spread injury or loss of life resulting from disease outbreak and allows the Governor to issue directives when such emergency is declared. The bill appropriates \$40 Million for personnel, equipment and supplies in response to the COVID-19 outbreak. The legislation takes effect immediately and sunsets on April 30, 2021.

S.7996 (Senator Carlucci/ No Same As) This legislation provides that school districts are entitled to an apportionment of state aid for the closure of schools due in response to the novel coronavirus, even when no state of emergency has been declared. Education Law S 3604 requires that school districts be in session for 180 days or be at risk of losing State aid. Chapter 605 of the laws of 2019 amended the education law to exempt schools from a reduction in foundation aid when the superintendent was required to close the school or schools due to a declaration of a state or local state of emergency. With the recent rise of the novel coronavirus, COVID-19, superintendents may choose to close a school or schools to reduce the spread of this disease. These closures may be ordered out of an abundance of caution, absent a formal declaration of a state or, local state of emergency. This legislation will ensure the schools that close in response to the novel coronavirus, COVID-19, will not be penalized in the apportionment of state aid.

S.8014B (Senator Harckham/ No Same As) This bill provides that certain schools receive tuition payments from the state for any period of time such schools are required to close in response to the outbreak of coronavirus disease. With the possibility of school closures in response to the coronavirus, providing tuition to 8041, non-traditional public schools throughout their closure will help ensure that they may continue their highly valuable services to meet the educational needs of students upon reopening. During this current state of emergency, schools that deem it necessary to close in order to protect their students, faculty, and staff from exposure should not be hindered by losing tuition funding. Through continued provision of funding for non-traditional public schools in these circumstances, this bill can ensure that the state supports these schools to take appropriate action in response to the coronavirus outbreak.

S.7932 (Senator Hoylman/ No Same As) – This legislation prohibits price gouging with respect to medical supplies during a public health emergency. Under New York's current price gouging statute (Section 396-r of the General Business Law), the determination whether a price charged for a good or service is "unconscionably excessive" during an "abnormal disruption of the market" is a matter for courts to determine. Such a determination is often time and fact-intensive, and reliant on an extensive body of case law. Any entity charged with price gouging during a public health emergency would be entitled to rebut an alleged violation of this new law with evidence that the additional costs not within the control of the defendant were imposed on the defendant for the consumer medical supplies.

S.8041A (Senator Brooks/ No Same As) This purpose of this bill is to extend existing benefits for volunteer firefighters and ambulance workers to include exposure to COVID-19 during a state of emergency. The legislation provides that during a declared state of emergency if a volunteer firefighter or volunteer ambulance worker, during the course of their duties, is exposed to COVID-19, the chief engineer or other executive officer of the fire department may authorize immediate testing and treatment. Additionally, this section provides that any condition, impairment of health, or death resulting from COVID-19 would be covered by the volunteer firefighters benefit law.

A.10151 (Lavine)/ S.8058 (Myrie) Adjusts the law regarding petitions for the June 2020 primary election. The state emergency caused by the coronavirus pandemic necessitates a truncated political calendar for petitions related to the June 2020 primary election.

Executive Orders

No. 202 – Declaring a Disaster Emergency in the State of New York

No. 202.1: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency

- Suspension of laws and regulations to allow for expansion of services and temporary facilities for health and human service providers:
- Suspension of laws and regulations relating to child care to allow flexibility for providers while continuing to protect the health and safety of children:
- Suspension of regulations to prevent delays in providing home delivered meals and in providing services under the Expanded In-Home Services for the Elderly Program (EISEP) to older adults:
- Suspension of law to allow waiver of requirements necessary for apportionment of school aid:
- Suspension of laws and regulations relating to emergency procurement:
- Suspensions of law relating to appearances by defendants:
- Suspension of law relating to waiting periods for unemployment insurance claimants whose claims arise directly out of COVID-19 outbreak:
- Suspension of law allowing the attendance of meetings telephonically or other similar service:
- Suspension of law allowing residents of nursing homes to vote with modified visitor policies in place:
- Any guidance issued by the New York State Department of Health related to prevention and infection control of COVID-19 at nursing homes and adult care facilities, including but not limited to guidance on visitation, shall be effective immediately and shall supersede any prior conflicting guidance issued by the New York State Department of Health and any guidance issued by any local board of health, any local department of health, or any other political subdivision of the State related to the same subject.
- Any large gathering or event for which attendance is anticipated to be in excess of five hundred people shall be cancelled or postponed for a minimum of thirty days.
- Any place of business or public accommodation, and any gathering or event for which attendance is anticipated to be fewer than five hundred people, shall operate at no greater than fifty percent occupancy, and no greater than fifty percent of seating capacity, for thirty days effective on Friday, March 13, 2020, except that any theater seating five hundred or more attendees for a live performance located in a city of one million or more shall not hold any further performances after 5pm on March 12, 2020.
- The two preceding directives shall not apply to a school, hospital, nursing home, other medical office or facility as determined by the Commissioner of Health, mass transit or mass transit facility, governmental facility, law enforcement facility, or retail establishments including grocery stores. The Commissioner of Health may allow for businesses that are not public gathering spaces to exceed five hundred persons if the occupancy is less than fifty percent capacity subject to public health review.

No. 202.2: Continuing Temporary Suspension and Modification of laws Relating to the Disaster Emergency

Suspension of laws and regulations:

- Section 8-400 of the Election Law is temporarily suspended and otherwise altered to provide that due to the prevalence and community spread of COVID-19, temporary illness for the purpose of this section shall include the potential for contraction of the COVID-19 virus for any election held on or before April 1, 2020;
- Solely for any election held on or before April 1, 2020, Section 8-400 of the Election Law is hereby further modified to allow for electronic application, with no requirement for in-person signature or appearance to be able to access an absentee ballot; and deadlines to apply for such ballot are hereby modified to no later than March 23, 2020 and such ballots once voted shall be postmarked no later than March 24, 2020 or may be delivered in person to any board of elections; and
- Article 6 of the Election Law is modified to the extent necessary to reduce required number of signatures on petitions pursuant to Section 6-136 of such law to 1.5% of the enrolled voters required, or 30% of the stated threshold, whichever is less. Further such provisions are modified to require that gathering of signatures shall be suspended effective Tuesday, March 17, 2020 at 5 p.m.
- Any school district which is closing pursuant to a local state of emergency declared as a result of the COVID-19 virus shall be required to first consult with local department of health and also exhaust any available time including snow days and vacation days. Additionally, the State Education Department shall promulgate guidance for districts to ensure access to meals for students in need, critical educational supports for students and distance learning options.