

PARK STRATEGIES

Action taken as of April 20, 2020

Summary:

Since early March, members of both houses of the New York State Legislature have introduced a myriad of bills aiming to address the issues and concerns created by the COVID-19 pandemic in New York.

Below is a comprehensive list of all relevant legislation introduced and the areas that they impact. We will continue to monitor and update this list as necessary.

Governor Emergency Powers:

- **A.9953 (Ortiz) / S.9953 (Stewart-Cousins) - Relates to issuing by the governor of any directive necessary to respond to a state disaster emergency; appropriation**

This bill was passed and signed into law, giving the Governor broad wide power to suspend via Executive Order any regulation or local law as he deems necessary to deal with a declared State of Emergency.

Banking:

- **S.8109 (Sanders) - Relates to suspending mortgages and loans from state-chartered banks and credit unions for small businesses and restaurants that have closed or reduced services due to the coronavirus**

This bill would suspend mortgages and loans payments from state chartered banks and credit unions for small businesses and restaurants that have closed or reduced services due to the coronavirus.

Consumer Protection:

- **A.10183 (Rozić) / S.8118 (Thomas) - Relates to prohibiting negative credit reporting on persons affected by the coronavirus**

Prohibits negative credit reporting on consumers who have suffered financial harm as a result of the declared state of emergency relating to the coronavirus.

- **A.10261 (Ortiz) - Relates to suspending certain payments for ninety days in response to the outbreak of coronavirus disease 2019 (COVID-19)**

Suspends all student loan, mortgage, auto loan, credit card, and utility payments for ninety days in response to the outbreak of coronavirus disease 2019 (COVID-19).

- **A.10270 (Rozić) / S.8189 (Hoylman) - Relates to price gouging**

Prohibits price gouging for essential medical supplies and services and any other essential goods and services used to promote the health or welfare of the public.

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- **S.8187 (Parker) - Relates to the suspension of a health club contract**

Allows a buyer to suspend payment for services until access to a facility or premises has been restored.

- **S.8191 (Parker) - Prohibits the charging of membership fees during a state disaster emergency**

Prohibits the charging of membership fees during a state disaster emergency including when a consumer can demonstrate a financial hardship.

Economic Development:

- **A.10153 (Nolan) / S.8091 (Ramos) - Relates to the provision of certain employee benefits when such employee is subject to a mandatory or precautionary order of quarantine or isolation**

Provides sick leave as described in the bill above plus job protections for private and public employees who are subject to mandatory or precautionary quarantine due to COVID-19.

- **A.10187 (McDonald) / S.7357 (Kaplan) - Relates to designating a small business liaison**

Provides that the departments of agriculture and markets, environmental conservation, labor, transportation and taxation and finance shall designate an existing employee to serve as its liaison to small businesses regulated by such department; further provides the duties of such small business liaison.

- **A.10208 (Buchwald) / S.8169 (Jackson) - Establishes the coronavirus pandemic small business and not-for-profit organization loan program**

This bill allows small businesses and not-for-profit's to apply for no-interest loans up to \$75,000 if their business or not-for-profit has suffered a loss because of the coronavirus pandemic.

- **A.10212 (Otis) / S.2520C (Harckham) - Establishes the state of emergency small business and not-for-profit organization loan program**

Financial institutions will administer loans up to \$5,000, backed by NYS, to businesses and organizations impacted during a state of emergency.

- **S.8110 (Mayer) - Establishes the small business containment assistance program; and making an appropriation therefor**

To provide small businesses within the novel coronavirus, COVID-19 designated containment area grants up to \$10,000 per business to help offset lost revenue due to the impact of being located within the zone.

- **S.8121 (Sanders) - Establishes the state of emergency minority and women owned business enterprises loan and grant program**

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Minority and women owned business enterprise with fewer than 100 employees who have seen sales decreases of 25% or more will be eligible for zero interest loans of up to \$75,000 to help mitigate losses in profit; or minority and women owned business enterprise with fewer than five employees will be eligible for a grant to cover 40% of payroll costs for two months up to \$10,000 to help retain employees.

Education:

- **A.10189 (Ortiz) / S.7996A (Carlucci) Provides that school districts, including the city school district of the city of New York, are entitled to an apportionment of state aid for the closure of schools due in response to the novel coronavirus**

Provides for an apportionment of state aid where the superintendent or the chancellor of the city school district of the city of New York has determined that it is in the public health or safety of the school district to close the school or schools in response to the novel coronavirus.

- **A.10193 (Abinanti) / S.8014C (Harckham) Provides that certain schools shall experience no financial harm for reduced enrollment or inability to operate for the full 180 session days due to the outbreak of coronavirus disease 2019**

Grants a waiver to schools on the 180 days in session requirement to receive full funding from the state.

- **A.10199 (Epstein) /S.8168 (Jackson) Relates to suspending state assessments during a state disaster emergency**

Relates to suspending state assessments during a state disaster emergency; requires the commissioner of education to suspend state assessments during a state disaster emergency and for thirty days after such emergency has ended.

- **S.8111 (Jackson) Relates to authorizing and directing the commissioner of education to allow students attending a school closed due to a viral outbreak to receive instructional time for work completed outside of the school**

Relates to authorizing and directing the commissioner of education to allow students attending a school closed due to a viral outbreak to receive instructional time for work completed outside of the school. This would be for purposes of counting a student's annual instruction hours required by the State Education Department.

Elections:

- **A.10151 (Lavine) / S.8058 (Myrie) - Relates to petition requirements**

Passed both house and signed into law, this bill lowered the required amount of signatures needed for a candidate to qualify on the ballot to 30% of the previous threshold. It also ended the signature collection period early due to the dangers of the COVID-19 outbreak.

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- **A.10169 (Dinowitz) - Permits absentee voting in the event of an imminent, impending or urgent threat resulting from a disease outbreak**

Authorizes absentee voting where a voter is unable or averse to appear personally at the polling place because of an imminent, impending or urgent threat resulting from a disease outbreak, including but not limited to the coronavirus disease 2019 (COVID-19).

- **A.10173 (Jacobson) - Relates to moving the date of the presidential primary to June 23, 2020**

This bill was the original iteration of the idea to move the date of the presidential primary to June 23, 2020 (originally scheduled for April 28), which was done through Executive Order 202.12.

- **A.10231 (Jacobson) / S.8120 (Metzger) - Directs the state board of elections to create a plan to permit voting by mail in the event of a natural disaster or state of emergency**

Directs the state board of elections to create a plan to permit for primary and general election voting by mail in the event of a natural disaster or state of emergency.

- **S.8197 (Kennedy) - Relates to permitting all qualified voters to vote as absentee voters during a state disaster emergency and providing for the automatic mailing of absentee ballots during a state disaster emergency**

Permits all qualified voters to vote as absentee voters during a state disaster emergency; provides for the automatic mailing of absentee ballots to all qualified voters during a state disaster emergency.

Energy/Utilities:

- **S.8113 (Parker) - Relates to issuing a moratorium on utility termination of services during periods of pandemics and/or state of emergencies**

No utility corporation or municipality can terminate services with any customer who cannot pay an overdue charge because of a financial hardship resulting from an imposed state of emergency.

- **A.10245 (Fernandez) - Relates to suspending the payment of property taxes, rent and utility payments during a state disaster emergency**

Suspends the payment of property taxes during a state disaster emergency for owners of one, two and three family dwellings; suspends rent payments during a state disaster emergency; and suspends power, water and sewer payments during a state disaster emergency.

First Responders:

- **A.4142 (Englebright) / S.8159 (Savino) - Enacts the New York emergency responder act**

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To provide licensed design professionals and other construction service providers in the building industry rights and benefits limiting liability for providing advice, services, labor and materials during times of emergency, crisis or catastrophe, including weather related events.

- **A.10172 (Jean-Pierre) / S.8041A (Brooks) - Relates to COVID-19 exposure during a state of emergency by volunteer firefighters and volunteer ambulance workers**

Provides that if, as a result of services performed in line of duty during a state of emergency, a volunteer firefighter or volunteer ambulance worker is exposed to or comes in contact with COVID-19, the chief engineer or other executive officer of the fire department or fire company or the captain or other executive officer of the ambulance department, volunteer ambulance company or ambulance district of which he or she is a member may authorize such volunteer firefighter or volunteer ambulance worker to obtain such examinations, tests, treatment and care as are immediately necessary to determine whether he or she is injured; further grants a presumption that exposure to COVID-19 caused partial or total disability or death.

General Government:

- **A.10177 (Paulin) / S.8116 (Hoylman) - Relates to compliance with the open meetings law during a state disaster emergency**

Provides that during a state disaster emergency, a public body in the affected area may make a determination that, as a direct result of the state disaster emergency, complying with a particular requirement of the open meetings law would unduly threaten the health or safety of members of the public body or the general public.

- **S.8114 (Gaughran) - Relates to conducting business by electronic means during a state disaster emergency**

This bill would enable public bodies to utilize electronic means to conduct business instead of in-person meetings during a state disaster emergency.

Health:

- **A.10159 (Rozic) / S.7932 (Hoylman) - Prohibits price gouging with respect to medical supplies during a public health emergency.**

Creates a rebuttable presumption that a price is unconscionably excessive if it is more than 10% above the price charged immediately prior to the declared public health emergency.

- **A.10186 (Arroyo) - Relates to requiring the department of health to prepare a biennial report on the number of available ventilators at each hospital located within the state**

Requires the department of health to prepare a biennial report on the number of available ventilators at each hospital located within the state and to make recommendations on the number of ventilators to meet the needs of a pandemic or regional disease outbreak.

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- **S.8126 (Harckham) - Relates to the retiree earnings cap for health care officials and workers during a declared public health related state of emergency declared by the governor**

State and local governments are allowed to hire healthcare professionals at reasonable rates, waiving the typical earning cap on retirees.

- **S.8171 (Sanders) - Extends certain provisions relating to emergency medical treatment to individuals and non-profit organizations**

Extends the provisions found in Section 3000-a of the Public Health Law (Good Samaritan Law) to any individual or non-profit organization who voluntarily and without expectation of monetary compensation renders first aid or emergency treatment to an individual who is suffering and/or has been infected with coronavirus disease 2019 (COVID-19).

- **S.8182 (Hoylman) - Relates to authorizing licensed pharmacists to administer an approved vaccine for COVID-19**

Authorizes licensed pharmacists to administer a vaccine for COVID-19 approved by the United States Food and Drug Administration Center for Biologics Evaluation and Research vaccine product approval process.

- **S.8186 (Hoylman) - Relates to establishing a COVID-19 convalescent plasma donation tax credit**

Establishes a one thousand dollar COVID-19 convalescent plasma donation tax credit for taxpayers who donate COVID-19 convalescent plasma to a clinical laboratory or blood bank.

Health Insurance:

- **A.10165 (Ortiz) / S.7989 (Carlucci) - Relates to prescription drugs**

Requires policies and contracts that provide coverage for prescription drugs to include coverage of an immediate additional thirty-day supply of a prescription drug during a state disaster emergency

- **A.10282 (Epstein) / S.8174 (Jackson) - Relates to providing for coverage of a one hundred twenty-day supply of a prescription without prior authorization during a state disaster emergency**

Provides for coverage of a one hundred twenty-day supply of a prescription without prior authorization during a state disaster emergency and requires pharmacies to dispense such one hundred twenty-day supplies of prescriptions at no cost to a patient in the event such patient's insurance denies coverage due to lack of prior authorization.

Higher Education:

- **A.10285 (Hyndman) / S.8107 (Comrie) Requires SUNY and CUNY schools**

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Requires SUNY and CUNY schools to refund students for housing credits and boarding charges used or charged for the period of time when such schools are closed or shut down due to the coronavirus pandemic

Housing:

- **A.10167 (Epstein) / S.8115 (Hoylman) - Relates to evictions and foreclosures during a state disaster emergency**

Prohibits foreclosures and evictions during a state disaster emergency. This has been done already by Executive Order, but this would extend to future state of emergency situations as well.

- **A.10224A (Niou) / S.8125A (Gianaris) - Relates to suspending rent payments for certain residential tenants and small business commercial tenants and certain mortgage payments for ninety days in response to the outbreak of Covid-19**

Suspends all rent payments for certain residential tenants and small business commercial tenants if such tenant has lost employment or was forced to close their place of business and certain mortgage payments for landlords of such tenants in the state for ninety days following the effective date of this act in response to the outbreak of coronavirus disease. Outside of mortgage relief, this legislation provides no other financial relief for landlords.

- **A.10245 (Fernandez) - Relates to suspending the payment of property taxes, rent and utility payments during a state disaster emergency**

Suspends the payment of property taxes during a state disaster emergency for owners of one, two and three family dwellings; suspends rent payments during a state disaster emergency; and suspends power, water and sewer payments during a state disaster emergency.

- **A.10247 / S.8139 (Gianaris) - Relates to suspending rent payments for certain tenants in response to the outbreak of Covid-19**

Caps rent payments for those effected by COVID-19 at 30% for the tenant, the landlord will get a voucher for the portion they are owed.

- **A.10248 (Cymbrowitz) / S.8140A (Kavanaugh) - Establishes a COVID-19 emergency rental assistance program**

Establishes a COVID-19 emergency rental assistance program; implements a program of rental assistance in the form of emergency vouchers for eligible individuals or families.

- **A.10252 (Stern) / S.8138 (Martinez) - Relates to deferring certain taxes during a declared state disaster emergency and providing for installment payments thereafter**

Protects the general public-and real property tax abatement filers-by extending, at local option, the deadline by three months due to the effects of the coronavirus disease (COVID-19).

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- **A.10255 (Nio) - Establishes a COVID-19 emergency small landlord assistance fund**

Creates an emergency small landlord assistance fund for small landlords, whose tenants have had their rent payments suspended pursuant to state law related to COVID-19 outbreak responses, for the costs associated with the operation and maintenance of such properties.

- **A.10258 (Epstein) / S.8188 (Hoylman) - Relates to permitting the early termination of a lease by a tenant during a state of emergency**

Permits the early termination of a lease by a tenant during a state of emergency where the tenant is required to vacate an area containing such property; the tenant loses his or her employment; or the tenant can no longer attend school, college, or university due to a sudden closure of such educational institution.

- **A.10265 (Epstein) / S.8175 (Salazar) - Relates to prohibiting the rent guidelines board from increasing rents on certain leases during a state disaster emergency**

Creates new sections of law prohibiting a rent guidelines board from increasing rent for any one-year leases during a declared state of emergency.

- **A.10281 (O'Donnell) - Relates to enacting the "New York city small business rent stabilization act"**

Enacts the "New York city small business rent stabilization act" instituting a commercial rent control system in the city of New York and creates the commercial rent guidelines board.

- **A.10290 (Dinowitz) - Relates to the default of rent payments and judgments of possession**

Provides that no default in the payment of rent due or judgment of possession shall be entered between March seventh, two thousand twenty and a date six months after the expiration of the state disaster emergency, as such term is defined in section twenty of the executive law, declared pursuant to executive order two hundred two of two thousand twenty, as amended.

- **S.8190 (Salazar) - Establishes the Emergency Coronavirus Affordable Housing Preservation Act of 2020**

Establishes a fund to help landlords and tenants effected by COVID-19, however, the source of funding for this project remains unclear making the program harder to implement should it become law.

Insurance:

- **A.9781 (Hunter) / S.8207 (Benjamin) - Relates to prohibiting certain requirements in insurance contracts**

Places numerous restrictions on health plans, prohibiting health plans from entering into agreements or contracts with providers that require the health plan to include all members of a

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provider group in its network and require the health plan to place all members of a provider group in the same network tier.

- **A.10226A (Carroll) / S.8211 (Gounardes) - Relates to requiring certain perils be covered under business interruption insurance during the coronavirus disease 2019 (COVID-19) pandemic**

This bill is intended to hold harmless businesses who currently hold business interruption insurance, for losses sustained as a result of the current COVID-19 health emergency, but for which no such coverage is currently offered.

- **A.10239 (Abbate) - Relates to establishing a coronavirus disease 2019 (COVID-19) presumption for accidental disability retirement and accidental death benefits**

The purpose of this bill is to establish a COVID-19 presumption for three-quarters accidental disability retirement benefits, and accidental death benefits for public employees.

Labor:

- **A.10152 (Nolan) / S.8090 (Ramos) - Relates to requirements for sick leave and the provision of certain employee benefits when such employee is subject to a mandatory or precautionary order of quarantine or isolation**

Provides requirements for sick leave and the provision of certain employee benefits when such employee is subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19; provides for sick leave. This was the initial iteration of the sick leave program that ended up being passed in the NYS budget. More detail can be provided upon request.

- **A.10204 (Buchwald) - Relates to the retiree earnings cap for health care officials and workers during a declared public health related state of emergency declared by the governor**

Removes the earning cap on health care retirees that are hired to work on combating the COVID-19 crisis.

- **S.8117A (Martinez) - Relates to a presumption regarding impairment of health caused by COVID-19 and to use of sick leave**

Creates a presumption that impairment of health caused by COVID-19 was incurred in the performance and discharge of duty of certain police, parole and probation officers and other emergency responders; relates to use of sick leave due to COVID-19.

- **S.8184 (Ramos) - Establishes tiers of essential employees during a state of emergency**

Establishes a hierarchy of professions as it relates to their designation as essential or not during a state of emergency.

Local Government:

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- **A.10241 (Hyndman) / S.8122A (Comrie) - Extends the deadline for the filing of applications and renewal applications for real property tax abatement programs**

Provides a 90 day extension of any tax abatement programs filed with a municipality.

- **A.10245 (Fernandez) - Relates to suspending the payment of property taxes, rent and utility payments during a state disaster emergency**

Suspends the payment of property taxes during a state disaster emergency for owners of one, two and three family dwellings; suspends rent payments during a state disaster emergency; and suspends power, water and sewer payments during a state disaster emergency.

Taxes:

- **S.8195 (Hoylman) - Relates to a tax deduction for certain expenses of health care professionals and emergency medical technicians relating to the COVID-19 declared emergency**

Creates a tax deduction up to five thousand dollars for transportation and personal protective equipment expenses of health care professionals and emergency medical technicians relating to the COVID-19 declared emergency.

Transportation:

- **S.8119 (Comrie) - Relates to paratransit services within the state and city of New York during the coronavirus disease 2019 (COVID-19) pandemic**

Puts in place vary safety protocols for paratransit services as it relates to worker safety and ensuring the transit systems are able to continue to operate in times of crisis.

- **S.8124 (Sanders) Relates to airlines**

Requires airlines and travel insurance companies to provide refunds for travel cancelled due to coronavirus disease 2019 (COVID-19)