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To: Carl Mills, Counsel to the Senate Minority
From: Robert T. Farley, Senior Counsel
Date: April 22, 2020
Subject: Executive Order – Parts Effecting General Government

Memorandum – Executive Orders

March 2, 2020 - The Legislature enacted Chapter 23 of the Laws of 2020 (S7919) to authorize Governor Cuomo to suspend laws and issue directives which have the force and effect of statute. In accordance with such authority, he has issued 21 Executive Orders, which effect the area of General Government as follows:

March 7, 2020 – Executive Order 202: This, the first of the Governor’s executive orders, declared a state disaster emergency until September 7, 2020, so as to trigger his extraordinary powers authorized under Chapter 23 and Article 2B of the Executive Law (the section of law that allows the governor to address and take actions in state declared emergencies). In this executive order, the governor suspended and modified the following laws:

- The State Finance Law and the Public Building Law to enable him to expedite state contracts;
- The State Finance Law, the Economic Development Law, and the Public Authorities Law, to allow for the state purchase and procurement of goods and services with customary required procedures, and to procure and distribute food, supplies, services and equipment;
- The Vehicle and Traffic Law to provide exceptions for registration, equipment and dimension requirements for motor vehicles assisting in preparedness and response;
- The Education Law and the Public Health Law to permit unlicensed individuals to perform tasks necessary to respond to the virus, allow the distribution of medication and treatment without delay, and to direct the commissioner of health to promulgate emergency regulations;
- The Education Law and the General Municipal Law to advance the cleaning and maintenance of schools;
- The Public Officers Law and the General Construction Law to advance State Health resources and councils to expeditiously address the virus outbreak; and
- The Executive Law, the Highway Law, the Vehicle and Traffic Law and the Transportation Law to authorize the governor to regulate traffic and the movement of vehicles on roads, highways and streets.

March 12, 2020 – Executive Order 202.1: This, the second of the Governor’s executive orders, provided for the suspension and modification of state and local laws and regulations as follows:

- To allow for expansion of services and temporary facilities for health and human service providers;
- Relating to child care to allow flexibility for providers while continuing to protect the health and safety of children;
- 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;
- To allow waiver of requirements necessary for apportionment of school aid;
- Relating to emergency procurement;
- Relating to appearances by defendants;
- Relating to waiting periods for unemployment insurance claimants whose claims arise directly out of COVID-19 outbreak;
- To allow the attendance of public meetings telephonically or by means other similar service;
- To allow residents of nursing homes to vote with modified visitor policies in place;
- To authorize the Department of Health to take action to issue guidance so as to:
 - Cancel any large gathering in excess of 500 persons and all Broadway Shows; and
 - Require any place of business or gathering space with possible attendance of less than 500 people to operate at only 50 percent occupancy, except medical facilities and hospitals.

March 14, 2020 – Executive Order 202.2: This, the third of the Governor’s executive orders, directed the suspension and modification of state and local laws and regulations as follows:

- Section 8-400 of the Election Law to classify potential for contraction of the virus as a temporary illness necessary to qualify for an absentee ballot, and for any election held on or before April 1, 2020, to allow for electronic application, with no requirement for in-person signature or appearance to be able to access an absentee ballot, and to extend deadlines for such ballots;
- Article 6 of the Election Law to reduce required number of signatures on petitions pursuant to Section 6-13 6 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.;
- To prevent delays in providing home delivered meals and in providing services under the Expanded In-Horne Services for the Elderly Program (EISEP) to older adults;
- To provide that 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, and that 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. allow waiver of requirements necessary for apportionment of school aid.

March 16, 2020 – Executive Order 202.3: This, the fourth of the Governor’s executive orders, directed the suspension and modification of state and local laws and regulations as follows, to provide that:

- Any large gathering or event (concert, conference, worship service, performance before a large audience, etc.) shall be cancelled or postponed if more than 50 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 until further notice;
- Any gym, fitness centers or classes, and movie theaters shall also cease operation effective at 8 pm on March 16, 2020 until further notice; and
- 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.

March 16, 2020 – Executive Order 202.4: This, the fifth of the Governor’s executive orders, directed the suspension and modification of state and local laws and regulations as follows, to provide that:

- Any local government or political subdivision shall, effective March 17, 2020, allow non-essential personnel as determined by the local government, to be able to work from home or take leave without charging accruals, except for those personnel essential to the locality's response to the COVID-19 emergency, and that such non-essential personnel shall total no less than fifty-percent (50%) of the total number of employees across the entire workforce of such local government or political subdivision;
- Restrictions on reporting to work for any state worker whose service is non-essential, or not required to support the COVID-19 response, are expanded to all counties in the State of New York;
- Every school in the state of New York must close no later than Wednesday, March 18, 2020, for a period of two weeks, ending April 1, 2020, with the state considering the suspension of the 180 day instructional requirement, and that school districts must develop a plan for alternative instructional options, distribution and availability of meals, and child care, with an emphasis on serving children of parents in the health care profession or first responders who are critical to the response effort; and
- Any village election to be held March 17, 2020 shall be postponed and any elected official holding such position shall remain in office until such time as a new election is held.

March 18, 2020 – Executive Order 202.5: This, the sixth of the Governor’s executive orders, directed the suspension and modification of state and local laws and regulations as follows, to provide:

- That various sections of the public health law and the education law would be suspended and/or modified to expand the number and ability of health care practitioners to effectively combat, treat and prevent the virus;
- That the Commissioner of Health or the Commissioner of OPWDD, as applicable, notwithstanding any building code or ordinance, may make temporary changes to physical plant, bed capacities, and services, including but not limited to the construction of temporary hospital locations and extensions, the increase in and/or exceeding of certified capacity limits, and the establishment of temporary hospital locations and extensions;
- For the prevention of transportation to and attendance at adult day care programs, until authorized by the Commissioner of Health;
- That the Office of People with Developmental Disabilities may take emergency action to suspend or limit a provider's operating certificate and to address staff and health care shortages;
- For the suspension and modification of the Social Services Law to exempt school age child care programs operated by a school or entity with experience providing child care and located in a school providing elementary or secondary education from having to comply with the regulations of the office of children and family services;
- For the suspension and modification of the the Labor Law, relating to waiting periods for unemployment insurance claimants whose claims for unemployment insurance arise due to closure of an employer for a reason related to COVID-19 or due to a mandatory order of a government entity duly authorized to issue such order to close such employer, as of March 12, 2020;
- For the suspension and modification of the Business Corporation Law to the extent necessary to permit business corporations to take any action otherwise permitted under that section with the electronic consent of the members of the board or committee, when such consent is submitted via electronic mail along with information from which it can reasonably be determined that the transmission was authorized by such member;
- For the suspension and modification of the Public Service Law to the extent of having in-person public hearings, provided that such hearings are held by conference call or similar electronic means, which are recorded and later transcribed;
- For the suspension and modification of the Public Service Law to the extent of holding public statement hearings, provided that the public may file written comments until issuance of a final order;
- The postponement of any village election set to be held March 18, 2020, with any elected official holding such position remaining in office until such time as a new election is held;
- 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, and with any stores located within shopping malls, which have their own external entrances open to the public, separate from the general mall entrance, be permitted to remain open, but that any interior entrances to common areas of the mall remain closed and locked;
- That 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, but that this directive shall not apply to public parks and open recreation areas;
- That 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.

March 18, 2020 – Executive Order 202.6: This, the seventh of the Governor’s executive orders, directed the suspension and modification of state and local laws and regulations as follows, to provide:

- That the Public Officer's Law shall not prohibit or impede any individual who is deemed necessary to hire or to engage in a volunteer capacity to provide for an effective and efficient emergency response, for the duration of such emergency, or any person who is hired, retained, appointed, or who volunteers in any way to assist New York State in its response to the declared emergency, or any state officer or employee, or any volunteer who is facilitating contributions or donations to assist New York State in its response to the declared emergency, or any volunteers or contractors who assist New York State in its response, provided that any recusals shall be adhered to if determined necessary by the appointing entity;
- That the Legislative Law shall not prohibit or impede any agency from receiving a donation in kind or otherwise, in any amount from any source, provided such donation is made to the State and is administered by a state agency in furtherance of the response effort;
- That the State Finance Law shall not prohibit or impeded any state agency efforts to further the response to the declared emergency;

- That effective on March 20 at 8 p.m., all businesses and not-for-profit entities in the state shall utilize, to the maximum extent possible, any telecommuting or work from home procedures that they can safely utilize, and that each employer shall reduce the in-person workforce at any work locations by 50% no later than March 20 at 8 p.m., and that any essential business or entity providing essential services or functions shall not be subject to the in-person restrictions, with such essential services including:
 - Health care operations including research and laboratory services;
 - Infrastructure including utilities, telecommunication, airports and transportation infrastructure;
 - Manufacturing, including food processing and pharmaceuticals;
 - Retail including grocery stores and pharmacies;
 - Essential services including trash collection, mail, and shipping services;
 - News media;
 - Banks and related financial institutions;
 - Providers of basic necessities to economically disadvantaged populations;
 - Construction;
 - Vendors of essential services necessary to maintain the safety, sanitation and essential operations of residences or other essential businesses, or that provide essential services or products, including logistics and technology support, child care and services needed to ensure the continuing operation of government agencies and provide for the health, safety and welfare of the public; and
 - Any other business deemed essential after requesting an opinion from the Empire State Development Corporation, which shall issue guidance as to which businesses are determined to be essential.

March 19, 2020 – Executive Order 202.7: This, the eighth of the Governor’s executive orders, directed the suspension and modification of state and local laws and regulations as follows, to provide:

- That the Public Officer's Law shall not prohibit or impede any individual who is deemed necessary to hire or to engage in a volunteer capacity, for nominal or no salary, to provide for an effective and efficient emergency response, for the duration of such emergency;
- That notarial acts under New York State Law may be performed utilizing audio-video technology;
- That effective March 21, 2020 at 8 p.m. and until further notice, all barbershops, hair salons, tattoo or piercing parlors and related personal care services will be closed to members of the public, including nail technicians, cosmetologists and estheticians, and the provision of electrolysis, laser hair removal services; and
- That effective March 21, 2020 at 8 p.m. and until further notice all businesses and not-for-profit entities in the state shall utilize, to the maximum extent possible, any telecommuting or work from home procedures that they can safely utilize. Each employer shall reduce the in-person workforce at any work locations by 75% no later than March 21 at 8 p.m., and that any essential business or entity providing essential services or functions shall not be subject to the in-person restrictions.

March 20, 2020 – Executive Order 202.8: This, the ninth of the Governor’s executive orders, directed the suspension and modification of state and local laws and regulations as follows, to provide:

- For the limiting of court operations to essential matters during the pendency of the COVID-19 health crisis, and that any specific time limit for the commencement, filing, or service of any non essential matter, is hereby tolled from the date of this executive order until April 19, 2020;
- For the suspension of the Vehicle and Traffic Law, to the extent that it provides for a period of validity and expiration of a driver's license, in order to extend for the duration of this executive order the validity of driver's licenses, the validity of non-driver identification cards, a registration certificate or number plate for a motor vehicle or trailer, a motorcycle, a snowmobile, a vessel, a limited use vehicle, and an all-terrain vehicle, respectively, that expire on or after March 1, 2020;
- For the suspension of the Vehicle and Traffic Law, to the extent that it provides an expiration for temporary registration documents issued by auto dealers to extend the validity of such during the duration of this executive order;
- For the suspension of the Business Corporation Law, to the extent it requires meetings of shareholders to be noticed and held at a physical location.
- That effective on March 22 at 8 p.m., all businesses and not-for-profit entities in the state shall utilize, to the maximum extent possible, any telecommuting or work from home procedures that they can safely utilize, and that each employer shall reduce the in-person workforce at any work locations by 100% no later than March 22 at 8 p.m., and that any essential business or entity providing essential services or functions shall not be subject-to the in-person

restrictions, and that any business violating the above order shall be subject to enforcement as if this were a violation of an order pursuant to section 12 of the Public Health Law.

- That there shall be no enforcement of either an eviction of any tenant residential or commercial, or a foreclosure of any residential or commercial property for a period of ninety days.
- That effective at 8 p.m. March 20, any appointment that is in-person at any state or county department of motor vehicles is cancelled, and until further notice, only on-line transactions will be permitted; and
- That the Commissioner of Taxation and Finance is granted the authority to abate late filing and payment penalties pursuant to section 1145 of the Tax Law, as well as authorize abatement of interest, for a period of 60 days for a taxpayers who are required to file returns and remit sales and use taxes by March 20, 2020, for the sales tax quarterly period that ended February 29, 2020.

March 21, 2020 – Executive Order 202.9: This, the tenth of the Governor’s executive orders, directed the suspension and modification of state and local laws and regulations as follows, to provide:

- For the modification of the Banking Law, to provide 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, 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 90 days;
- That the Superintendent of the Department of Financial Services must 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;
- That such Superintendent must further promulgate emergency regulations to require that the application for such forbearance be made widely available for consumers, and such application shall be granted in all reasonable and prudent circumstances solely for the period of such emergency; and
- That such Superintendent must also promulgate emergency regulations to direct that, solely for the period of this emergency, fees for the use of automated teller machines (ATMs), overdraft fees and credit card late fees, may be restricted or modified in accordance with the Superintendent's regulation of licensed or regulated entities taking into account the financial impact on the New York consumer, the safety and soundness of the licensed or regulated entity, and any applicable federal requirements.

March 23, 2020 – Executive Order 202.10: This, the eleventh of the Governor’s executive orders, directed the suspension and modification of state and local laws and regulations as follows, to provide:

- For the suspension and modification of the Public Health Law and the Education Law to increase of the capacity of the healthcare system within the State;
- That the Commissioner of Health direct all general hospitals, ambulatory surgery centers, office-based surgery practice and diagnostic and treatment center to increase the number of beds available, including canceling all elective surgeries and procedures;
- To require hospitals to submit COVID-19 Plans to the Department of Health;
- To authorize the Commissioner of Health to suspend or revoke operating certificates of any general hospital unable to meet the requirements of the capacity directive, and to appoint a receiver to continue the operations on 24 hours-notice to the current operator;
- To amend various scopes of practice to allow more flexibility among the healthcare workforce to respond to the outbreak;
- To prohibit pharmacists from dispensing hydroxychloroquine or chloroquine except when written as prescribed for an FDA approved indication, or as part of the state approved clinical trial related to COVID-19 for a patient who has tested positive, and with the test result documented as part of the prescription, and to limit the prescription to one 14-day prescription with no refills;
- To require health insurance companies to deliver to the Superintendent of Financial Services by March 24, 2020, a list of all persons who have medical professional licenses, whether it is currently valid or expired within the past five years, with DFS directed to poll these individuals to determine whether they could serve in the COVID-19 response effort; and
- To cancel and postpone all on-essential gatherings of individuals of any size for any reason (e.g. parties, celebrations or other social events).

March 27, 2020 – Executive Order 202.11: This, the twelfth of the Governor’s executive orders, directed the suspension and modification of state and local laws and regulations as follows, to provide:

- For the suspension and modification of the Education Law, the Social Services Law, the Public Officers Law and the Mental Hygiene Law to address several health related needs of the state regarding the treatment and prevention of transmission of the Corona Virus;
- That pharmacists shall only dispense hydroxychloroquine or chloroquine except as written, for FDA approved indication, for patients in inpatient settings and acute settings, or as part of a study approved by an Institutional Review Board;
- That any guidance issued by the Department of Health related to prevention and infection control of COVID-19 shall be effective immediately and shall supersede any prior conflicting guidance issued by the Department;
- For the suspension of the 30 day requirement for submission of certificates of residence to community colleges in New York State, and to allow for electronic mail and mail by post applications for certificates of residence in every county for the duration of the COVID-19 emergency;
- For the authorization of the the director of the Authorities Budget Office to disregard such deadlines due to a failure by a state or local authority to meet the requirements proscribed within the reporting sections of the Public Authorities Law;
- For the authorization of the non-public opening of bids, but also providing that, where practical, public entities shall record or live stream bid openings so that the public has the opportunity to view such bid openings;
- For the authorization of individuals and businesses licensed by the Department of State to have the expiration date of their license extended;
- For the authorization of the cancellation or postponement of courses for required continuing education during this COVID-19 emergency, so as to allow manufacturers, retailers, installers, and mechanics currently certified by the Department of State to continue to renew their existing certifications;
- For the authorization of the Urban Development Corporation, upon the cancellation of a public hearing to provide an alternative opportunity for the public to comment on proposed project and publish notice of that opportunity;
- For the waiver of deadlines for certain trainings are required by Section 94 of the Executive Law;
- For the waiver of deadlines under the General Business Law to the extent that it requires response to co-op/condominium offering plans in 30 days;
- For a Tolling of a 30-day period corresponding to the duration of this Executive Order, of the requirement of a vehicle inspection, under the Vehicle and Traffic Law, within a period of six months last preceding, only for those vehicles voluntarily placed out of service due to the COVID-19 outbreak, and to the extent that it require annual safety inspections and at least biennial emissions inspections, so that vehicles may continue to be lawfully operated after the expiration of inspection certificates that were valid as of the date of this order but that expire hereafter;
- That in accordance with section 212 of the Retirement and Social Security Law, for the purpose of disregarding any income earned during the period of the emergency from the earnings limitation calculated under such section;
- For the authorization of an electronic signature to be used by a person in lieu of a signature affixed by hand in executing documents and forms authorizing or accepting funeral services;
- That schools will remain closed for an additional two-week period until April 15, 2020;
- That consumers experiencing financial hardship due to COVID-19 may defer paying life insurance or property and casualty insurance premiums, and that no late fees and no negative data would be reported for their failure to promptly pay;
- That the NYS Health Marketplace has reopened enrollment or health insurance, and if an employee lost coverage as a result of a layoff, they must apply within 60 days of loss of coverage.

March 28, 2020 – Executive Order 202.12: This, the thirteenth of the Governor’s executive orders, directed the suspension and modification of state and local laws and regulations as follows, to provide:

- That provisions of the Election law shall be modified and suspended to:
 - Authorize the State Board of Elections to direct the time to mail the annual check of registrants and notice by mail;
 - Provide for the postponement of any presidential primary to be held on April 28, 2020, until June 23, 2020; and
 - Provide that any special election to be held on April 28, 2020, including for the 27th Congressional District, the 12th Assembly District, the 31st Assembly District, the 136th Assembly District, and the 50th Senate District shall be postponed and rescheduled for June 23, 2020, and the ballots shall remain the same;
- For the authorization of the Tax Commissioner to disregard a period or more than 90 days, but not more than 100 days; and
- That any article twenty-eight facility (health care facility) licensed by the state, shall, as a condition of licensure permit the attendance of one support person who does not have a fever at the time of labor/delivery to be present as a support person for a patient who is giving birth.

March 29, 2020 – Executive Order 202.13: This, the Fourteenth of the Governor’s executive orders, directed the suspension and modification of state and local laws and regulations as follows, to provide:

- For workers supervised under the Mental Hygiene Law to temporarily forgo background checks and to allow the provision of certain health services at OPWDD facilities;
- For the extension of the grace period under the Insurance Law for the payment of premiums and fees to 90 days for any life insurance policyholder or fraternal benefit society certificate holder, as those terms are used in such sections, facing a financial hardship as a result of the COVID-19 pandemic, and to allow a policy holder to exercise their rights and benefits during that time;
- For the imposition of a moratorium on an insurer cancelling, nonrenewing, or conditionally renewing any insurance policy issued to an individual or small business, or, in the case of a group insurance policy, insuring certificate holders that are individuals or small businesses, for a period of 60 days, for any policyholder, or in the case of a group insurance policy, group policyholder or certificate holder, facing financial hardship as a result of the COVID-19 pandemic;
- That the Superintendent of Financial Services shall promulgate an emergency regulation to concerning policy cancellations, to premium finance agencies, subject to the safety and soundness considerations of the premium finance agencies;
- For the waiver of the requirement under the Public Officers Law that a proclamation be separately issued by the Governor for an election to fill a vacancy;
- For the authorization of school districts to pay for the cost of such child care services;
- That all instruments that are signed and delivered to the superintendent under the New York Banking Law, and are required to be verified or acknowledged, may be verified or acknowledged by including standard verification or acknowledgement language in the instrument, and transmitting a legible copy of the signed instrument by fax or electronic means;
- That the special election in the City of New York to fill the vacancy in the Office of Borough President of Queens is rescheduled for June 23, 2020, and that only candidates who were eligible to appear on the ballot for the March 24, 2020 special election shall appear on the ballot;
- That any special election which was previously scheduled to occur on April 28, 2020 and rescheduled for June 23, 2020, shall only contain the names of those individuals who had previously been qualified to appear on the ballot on April 28, 2020.
- That the circulation, filing, and collection of any designating petitions, or independent nominating petitions for any office that would otherwise be circulated or filed pursuant to the Election Law, Education Law or any other consolidated law for any office commencing March 31, 2020, are postponed;
- That any school board, library board, or village election scheduled to take place in April or May of 2020, is hereby postponed until at least June 1, 2020, and shall be subject to further directive as to the timing, location or manner of voting for such elections;
- That any worker who is employed by the state of New York, shall, if deemed non-essential by their agency shall work from home or shall be able to stay home without charging their accruals until April 16, 2020;
- That only certain construction is considered exempt from the in-person restrictions of March 28, 2020, and the Empire State Development Corporation is authorized to determine which construction projects shall be essential and thereby exempt from the in-person workforce prohibition, and all continuing construction projects shall utilize best practices to avoid transmission of COVID-19;
- That Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11 which closed or otherwise restricted public or private businesses or places of public accommodation, shall be continued, provided that the expiration dates of such Executive Orders shall be aligned, until 11:59 p.m. on April 15, 2020, unless later extended by future Executive Orders; and
- That the directive of Executive Order 202.12 requiring a support person for a patient giving birth is modified insofar as to cover labor, delivery as well as the immediate postpartum period.

April 7, 2020 – Executive Order 202.14: This, the Fifteenth of the Governor’s executive orders, directed the suspension and modification of state and local laws and regulations as follows, to provide:

- That any medical equipment (personal protective equipment (PPE), ventilators, respirators, bi-pap, anesthesia, or other necessary equipment or supplies as determined by the Commissioner of Health) that is held in inventory by any entity in the state, or otherwise located in the state shall be reported to DOH;
- That DOH may shift any, such items not currently needed, or needed in the short term future by a health care facility, to be transferred to a facility in urgent need of such inventory, for purposes of ensuring New York hospitals, facilities and health care workers have the resources necessary to respond to the COVID-19 pandemic, and distribute them where there is an immediate need;

- That DOH shall either return the inventory as soon as no longer urgently needed and/or, in consultation with the Division of the Budget, ensure compensation is paid for any goods or materials acquired at the rates prevailing in the market at the time of acquisition, and shall promulgate guidance for businesses and individuals seeking payment;
- That by virtue of Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, and 202.13, which 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, all such Executive Orders shall be continued, provided that the expiration dates of such Executive Orders shall be aligned, such that all in-person business restrictions and workplace restrictions will be effective until 11:59 p.m. on April 29, 2020, unless later extended by a future Executive Order;
- That the enforcement of any violation of the foregoing directives on and after April 7, 2020, in addition to any other enforcement mechanism stated in any prior executive orders, shall be a violation punishable as a violation of public health law section 12-b(2) and the Commissioner of Health is directed and authorized to issue emergency regulations, and that the fine for any such violation by an individual who is participating in any gathering which violates the terms of the orders or is failing to abide by social distancing restrictions in effect in any place which is not their home shall not exceed \$1,000;
- That all schools shall remain closed through April 29, 2020, at which time the continued closure shall be re-evaluated; and school districts must continue plans for alternative instructional options, distribution and availability of meals, and child care, with an emphasis on serving children of essential workers, and continue to first use any vacation or snow days remaining;
- That the Superintendent of Financial Services shall have the authority to promulgate an emergency regulation, subject to consideration of the liquidity and solvency of the applicable insurer, to extend the period for the payment of premiums to the later of the expiration of the applicable contractual grace period and 11:59 p.m. on June 1, 2020 for any small group or student blanket comprehensive health insurance policy or contract, or any child health insurance plan policy or contract, for any policyholder or contract holder who is facing financial hardship as a result of the COVID-19 pandemic, and such insurer shall be responsible for the payment of claims during such period and shall not retroactively terminate the insurance policy or contract for non-payment of premium during such period;
- That the Superintendent of Financial Services shall have the authority to promulgate emergency regulations necessary to implement this executive order, the waiver of late fees and the prohibition on reporting negative data to credit bureaus; and
- That the act of witnessing that is required under the Estate Powers and Trust Law, the Public Health Law, the Real Property Law and the General Obligations Law is authorized to be performed utilizing audio-video technology.

April 9, 2020 – Executive Order 202.15: This, the Sixteenth of the Governor’s executive orders, directed the suspension and modification of state and local laws and regulations as follows, to provide:

- For the waiver of an assigned New York State Department of Health certificate number shown on certain bottled and bulk water products;
- For the authorization of a manufacturer, repacker, or wholesaler of prescription drugs or devices, physically located outside of New York and not registered in New York, but licensed and/or registered in any other state, to deliver into New York, prescription drugs or devices;
- For the authorization of a New York-licensed pharmacy to receive drugs and medical supplies or devices from an unlicensed pharmacy, wholesaler, or third-party logistics provider located in another state to alleviate a temporary shortage of a drug or device that could result in the denial of health care under certain conditions;
- For the authorization of individuals, who graduated from registered or accredited medical programs located in New York State in 2020, to practice medicine in New York State, without the need to obtain a license and without civil or criminal penalty related to Jack of licensure, provided that the practice of medicine by such graduates shall in all cases be supervised by a physician licensed and registered to practice medicine in the State of New York;
- For the limitation of the Department of Health’s review functions to essential matters during the pendency of the COVID-19 health crisis, and to toll any statutory time limits for transfer notices pertaining to operators of Article 28 and Article 36 licensed entities for the duration of this declaration of disaster emergency, and any subsequent continuation thereof;
- For the authorization of Protestant Episcopal parishes to postpone any annual election and notice to the parish of such election during the state disaster emergency absent formal resolution and ratification by meeting;
- For the suspension of the requirement that public hearings are required, provided that public comments shall still be accepted either electronically or by mail, to satisfy public participation requirements;
- For the extension of the expiration date of notices of proposed rulemakings until 90 calendar days after this Executive Order, as it may be continued, terminates;

- For the suspension of public hearings provided that public comments may be accepted as written submissions, either electronically or by mail, or that any required appearances may be done so by teleconferencing or other electronic means;
- For the delay of the April 1 requirement that parents must file transportation requests with their school district in order to obtain transportation for their children for the following school year;
- For the authorization of respiratory therapy technicians licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure;
- For the authorization of mental health counselors, marriage and family therapists, creative arts therapists and psychoanalysts licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure;
- For the authorization of funeral directors licensed and in good standing in any state or territory of the United States to practice as a funeral director in New York State upon the approval of, and pursuant to such conditions as may be imposed by, the Commissioner of Health, without civil or criminal penalty related to lack of licensure in New York State, provided that such funeral director shall practice under the supervision of a funeral director licensed and registered in New York State, and to permit a funeral director licensed in New York State, but not registered in New York State, to practice in New York State upon the approval of, and pursuant to such conditions as may be imposed by, the Commissioner of Health, without civil or criminal penalty related to lack of registration in New York State, provided that such funeral director shall practice under the supervision of a funeral director licensed and registered in New York State;
- For the authorization of persons deputized by the Commissioner of Health to be agents authorized by a funeral director or undertaker to be present and personally supervise and arrange for removal or transfer of each dead human body, and to be agents authorized by a funeral director or undertaker, or a county coroner, coroner physician and/or medical director for those deceased human bodies within their supervision, to personally supervise and arrange the delivery of a deceased person to the cemetery, crematory or a co=on carrier, with a copy of the filed death certificate;
- For the authorization of the State Registrar to register death certificates and issue burial and removal permits, upon the request of a local registrar and upon approval of the Commissioner of Health;
- That any local official, state official or local government or school, which, by virtue of any law has a public hearing scheduled or otherwise required to take place in April or May of 2020 shall be postponed, until June 1, 2020, without prejudice, however such hearing may continue if the convening public body or official is able to hold the public hearing remotely, through use of telephone conference, video conference, and/or other similar service;
- That through May 9, 2020, the Department of Taxation and Finance is authorized to accept digital signatures in lieu of handwritten signatures on documents related to the determination or collection of tax liability, and that the Commissioner of Taxation and Finance shall determine which documents this directive shall apply to and shall further define the requirements for accepted digital signatures;
- That Section 8-400 of the Election Law (the provision governing the application for an absentee ballot) is temporarily suspended and is modified to provide that an absentee ballot can be granted based on temporary illness and shall include the potential for contraction of the COVID-19 virus for any election held on or before June 23, 2020; an
- That solely for any election held on or before June 23, 2020, Section 8-400 of the Election Law is modified to allow for electronic application, with no requirement for in-person signature or appearance to be able to access an absentee ballot.

April 12, 2020 – Executive Order 202.16: This, the Seventeenth of the Governor’s executive orders, directed the suspension and modification of state and local laws and regulations as follows, to provide:

- For the authorization of individuals under the Education Law to perform testing for the detection of SARS-Co V-2, or its antibodies, in specimens collected from individuals suspected of suffering from a COVID-19 infection, with individuals performing testing being required to meet the federal requirements for testing personnel appropriate to the assay or device authorized by the FDA or the New York State Department of Health;
- For the suspension and modification of the Real Property and Proceedings Law, the Real Property Law, the Multiple Dwelling Law, and any other law or regulation 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;
- That 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, and 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;

- That any political party, political party authority or political party official, which, by virtue of any law has a caucus scheduled or otherwise required to take place in April or May of 2020, shall be postponed until June 1, 2020, without prejudice, however such caucus may continue if the caucus is able to be held remotely, through use of telephone conference, video conference, and/or other similar service, and provided that notice for any party caucus to be held remotely shall be deemed satisfied if such notice includes specific information on remote participation and has been filed with the clerk and board of elections at least five days preceding the day of the caucus and published either by newspaper publication thereof once within the village, or on the party 's website, or through electronic mail to any previous caucus participant for which the party has an electronic mail address; and
- 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, and such businesses must provide, at their expense, such face coverings for their employees, with this provision being 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, and this requirement shall be effective Wednesday, April 15 at 8 p.m.

April 15, 2020 – Executive Order 202.17: This, the Eighteenth of the Governor’s executive orders, directed the suspension and modification of state and local laws and regulations as follows, to provide:

- That the directive contained in Executive Order 202.16 related to issuance of no-action or no-filing letters is modified to require such letters be issued by the Attorney General; and
- That effective at 8 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.

April 16, 2020 – Executive Order 202.18: This, the Nineteenth of the Governor’s executive orders, directed the suspension and modification of state and local laws and regulations as follows, to provide:

- For the suspension and modification of the Education Law, and its ancillary regulations, to allow Canadian Health Care Workers (physicians, nurses, social workers and other licensed health care workers) to practice in New York during the Corona outbreak;
- For the suspension and modification of the Education Law, and its ancillary regulations, to allow certain unregistered Health Care Workers in good standing to practice in New York during the Corona outbreak without criminal penalty;
- For the suspension and modification of the Education Law, and its ancillary regulations, to permit graduates of State Education Department registered, licensure qualifying nurse practitioner education programs, and clinical laboratory technology and clinical laboratory technician education programs, to be employed to practice for 180 days immediately following successful completion of a New York State Registered licensure qualifying education program, provided that the graduate files with the State Education Department an application for certification;
- For the suspension and modification of the Education Law, and its ancillary regulations, to extend the triennial registrations of pharmacy establishments who are currently registered and whose registration is set to expire on or after March 31, 2020 and that an application for re-registration of such registrations shall be submitted no later than 30 days after expiration of Executive Order 202;
- For the suspension and modification of the Business Corporation Law, and the Partnership Law, to extend the statements of domestic or foreign professional service corporations, design professional service corporations, registered professional limited liability partnerships, New York registered foreign professional limited liability partnerships whose statements are set to expire on or after March 31, 2020 and to provide that such statements must be filed no later than 30 days after the expiration of Executive Order 202;
- For the suspension and modification of the Education Law, and its ancillary regulations, to extend the triennial renewal of certificates of authorizations of domestic or foreign professional service corporations, design professional service corporations, professional service limited liability companies, foreign professional service limited liability companies, registered professional limited liability partnerships, New York registered professional foreign limited liability partnerships, partnerships and joint enterprises which provide professional engineering, land surveying or professional geology services and whose certificates of authorizations are set to expire on or after March 31, 2020, with the application for the renewal of such certificates of authorization required to be submitted no later than 30 days after the expiration of Executive Order 202;
- For the suspension and modification of the Education Law, and its ancillary regulations, to extend the waivers for certain special education schools and early intervention programs providing certain professional services whose waivers are set to expire on or after March 31, 2020, with an application for renewal of such waivers to be submitted no later than 30 days after expiration of Executive Order 202;

- For the suspension and modification of the Education Law, and its ancillary regulations, to permit pharmacy technicians and pharmacists to practice at an alternative location, including their home, as long as there is adequate security to prevent any Personal Health Information from being compromised;
- For the suspension and modification of the Not-for-Profit Corporations Law to the extent necessary to permit annual meetings of members to be held remotely or by electronic means;
- For the suspension of State Regulations, to the extent necessary to make home-delivered meals available to persons age 60 or older who do not meet these listed eligibility requirements, and to the extent they require:
 - Meals served to provide minimum percentages of the dietary reference intake,
 - Menus to be reviewed and approved by a registered dietitian,
 - Menus to follow a minimum of a four-week cycle,
 - Home-delivered meals be provided 5 or more days per week; and
 - An in-home supervisory visit within 5 days of the first time services are provided to a client.
- For the suspension of State Regulations, to make home-delivered meals available to persons age 60 or older who do not meet these listed eligibility requirements, and to the extent they require to allow for all new clients to be provided services under the Expanded In-Home Services for the Elderly Program without the requirement that any such clients pay cost-sharing until such time as an assessment is conducted and a cost share amount can be determined;
- For the suspension of State Regulations, to the extent that it requires client contacts be conducted in-home or in-person and to allow for all required client contacts to be conducted by telephone or otherwise remotely;
- For the suspension of the General Business Law, and its ancillary regulations, to require that an offering statement or prospectus become effective within 15 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 15 month period, shall be tolled during the duration of this executive order, 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 this executive order, it being understood that such filing fees shall be remitted in full to the department of law within 90 days from the expiration of this executive order;
- For the suspension of State Regulations, to the extent that 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 hereby tolled for the duration of this executive order, and that the sponsor must update the first year of operation, as necessary, within 30 days from the expiration of this executive order and shall not be 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, and 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 and that the sponsor must further update the first year of operation, as necessary, within 30 days from the expiration of this executive order;
- For the suspension of the Education Law, and ancillary state regulations to allow clinical laboratory practitioners to perform testing in a clinical laboratory under remote supervision, provided a supervisor is on-site at least eight hours per week;
- For the suspension of the Retirement and Social Security Law, to the extent necessary to waive the 15 day waiting period in which a service retirement application must be on file before it becomes effective, which suspension shall be deemed to have been in effect on and after the issuance of executive order 202, and shall enable any member who has died due to COVID-19 after March 7, 2020 while an application was on file, but not yet effective, shall be entitled to retirement benefits due to them pursuant to this suspension;
- That any skilled nursing facility, nursing home, or adult care facility licensed and regulated by the Commissioner of Health shall notify family members or next of kin if any resident tests positive for COVID-19, or if any resident suffers a COVID-19 related death, within 24 hours of such positive test result or death;
- That any person utilizing public or private transportation carriers or other for-hire vehicles, who is over age two and able to medically tolerate a face covering, shall wear a mask or face covering over the nose and mouth during any such trip, and that any person who is operating such public or private transport, shall likewise wear a face covering or mask which covers the nose and mouth while there are any passengers in such vehicle, and that this directive shall take effect in the same manner as Executive Order 202.17, at 8 p.m. on Friday, April 17, 2020;
- That Executive Order 202.14, and 202.13 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), shall be continued, provided that the expiration date of such provisions of such Executive Orders shall be aligned, such that all in-person business restrictions and workplace restrictions will be effective until 11 :59 p.m. on May 15, 2020, unless later extended by a future Executive Order, and that all enforcement mechanisms by state or local governments shall continue to be in full force an effect until May 15, 2020 unless later extended by a future Executive Order; and

- That Executive Order 202.14, related to the closure of schools statewide is hereby continued to provide that all schools shall remain closed through May 15, 2020, at which time the continued closure shall be re-evaluated, and that no school shall be subject to a diminution in school aid due to failure to meet the 180 day in session requirement as a result of the COVID-19 outbreak, provided their closure does not extend beyond the term set forth herein, and that school districts must continue plans for alternative instructional options, distribution and availability of meals, and child care, with an emphasis on serving children of essential workers, and continue to first use any vacation or snow days remaining.

April 17, 2020 – Executive Order 202.19: This, the Twentieth of the Governor’s executive orders, directed the suspension and modification of state and local laws and regulations as follows, to provide:

- For the suspension and modification of the Labor Law to allow a business that receives federal Paycheck Protection Program funding and subsequently rehires employees, to provide the notice required as soon as practicable but not necessarily within 90 days, provided that a business that receives federal Paycheck Protection Program funding provided the notice required when it initially laid off employees;
- That the Department of Health shall hereby establish a single, statewide coordinated testing prioritization process that shall require all laboratories in the state, both public and private, that conduct COVID-19 diagnostic testing, to complete such COVID-19 diagnostic testing only in accordance with such process, and any such laboratories shall prioritize testing of entities or individuals as directed by this coordinated statewide process, and that any such laboratories may not, without an exemption from the Department of Health, enter into an agreement that would reserve testing capabilities for any private or public entity and therefore impede the Departments' ability to prioritize and coordinate COVID-19 testing in New York State, and that any violation of this directive may result in a civil penalty not to exceed \$10,000 or three times the value of such testing provided in violation of this section, and provided :further that the Commissioner is hereby empowered and may revoke any operating certificate or license of such laboratory;
- That the directive contained in Executive Order 202.18 requiring any skilled nursing facility, nursing home, or adult care facility licensed and regulated by the Commissioner of Health to notify a family member or next of kin if any resident tests positive for COVID-19, or suffers a COVID-19 related death, within 24 hours is hereby modified solely to provide a penalty for non-compliance of \$2,000 per violation per day, as if it were a violation of section 12 of the public health law, and any subsequent violation shall be punishable as if it is a violation of section 12-b of the public health Law; and
- That no local government or local department of health shall take any actions that could affect public health without consulting with the state department of health. No local government official shall take any action that could impede or conflict with any other local government actions, or state actions, with respect to managing the COVID-19 public health emergency.

April 18, 2020 – Executive Order 202.20: This, the Twentieth of the Governor’s executive orders, directed the suspension and modification of state and local laws and regulations as follows, to provide:

- For the suspension and modification of the Domestic Relations Law, to permit those persons to whom marriage licenses were issued but shall expire within the period of time that New York State residents are to maintain distance between each other, to waive the 60 days required to obtain a marriage license during the period of time that there exists a declared emergency in New York State, and to permit those persons who were unable to marry within the time frame issued on the marriage license, waive the fees necessary to obtain a second marriage license, if necessary, mirroring the original marriage license that was obtained during the period of time a declared emergency existed in New York State; and
- That any issuance of a marriage license application, marriage license, or witnessing or solemnizing of the marriage ceremony, that is required under New York State law is authorized to be performed utilizing audio-video technology provided that the following conditions are met:
 - The couple seeking the marriage services, must present valid photo ID to verify identity whenever required by law the during the video conference, not merely transmit it prior to or after;
 - The video conference must allow for direct interaction between the couple and the town or city clerk, the witness or the person to solemnize the marriage (e.g. no pre-recorded Videos of the person signing or engaged in the marriage ceremony);

- The couple must affirmatively represent that he or she is physically situated in the jurisdiction where the marriage is legally allowed to occur, within the State of New York;
- The couple must transmit by fax or electronic means a legible copy of the signed document directly to the town or city clerk, the witnesses, the person to solemnize the marriage on the same date it was signed;
- The town or city clerk, witness or person who solemnizes the marriage may sign the transmitted copy of the document and transmit the same back to the person responsible for the document by law;
- To the extent practicable, all parties will use their best efforts to ensure the document is transmitted in the most confidential manner and information will not be released to any third party not associated with the marriage license and marriage ceremony; and
- The electronic signed copy of the marriage license application or marriage license will become the official document for purposes of Domestic Relations Law, and

That local town and city clerks may provide guidance related to how marriage licensure applications and issuance will be implemented in their jurisdictions.

April 19, 2020 – Executive Order 202.21: This, the Twenty-first of the Governor’s executive orders, directed the suspension and modification of state and local laws and regulations as follows, to provide:

- That the directive regarding solemnization of a marriage ceremony contained in Executive Order 202.20 shall be modified to expressly include any officiant, public or private, as able to perform or solemnize such marriage ceremony utilizing audio-video technology, as delineated in such directive.