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MEMORANDUM

TO: Clients

FROM: Harter Secrest & Emery LLP

DATE: May 29, 2020

RE: 2020 Governmental and Legislative Update

The Senate and Assembly returned to session this week to address legislation specifically related to the COVID-19 pandemic. Committee meetings were held remotely in both houses on Tuesday, and then session was held on Wednesday and Thursday. In the end, both houses passed 31 bills that covered a broad range of issues from passing an emergency rent relief act to passing a pension benefit for families of public employees who die due to workplace exposure to COVID-19 to allowing businesses, nonprofits and religious institutions to conduct board meetings through electronic means.

These bills will now go to the Governor for his review. It is unclear if the Governor will sign the full package of legislation or the timing on when this legislation will be sent for his consideration.

As you may recall, the regularly scheduled session was set to run through next Tuesday, June 2. The pandemic has prevented the two houses from being in Albany since early April, and both the Senate and Assembly made clear this week that they would return to session as needed to address further COVID-19 issues as well as to address other legislation that has not yet been considered because the regular session was interrupted by the pandemic. There is no word on timing right now, but we are anticipating that the next return will likely be after the June 23 primary elections.

Today marked the two-week mark of when the first five regions of the state began their Phase 1 reopening. During his press briefing today, the Governor announced that after a thorough review of the data, the five regions were authorized to begin Phase 2 reopening this afternoon. In addition, he announced that the New York City region, the only region that has not begun reopening, will enter Phase 1 on June 8.

Overnight, Empire State Development began to release guidelines and guidance for Phase 2 businesses that must be followed as the authorized businesses begin to reopen. Information for Phase 2 businesses can be found [here](#). Phase 2 businesses include offices, real estate, in-store retail, vehicles sales, leases and rentals, retail rental, repair and cleaning, commercial building management and hair salons and barbershops with limited services. If you are uncertain if your business can reopen at this point, you can use this [tool](#) to check the status of your industry.

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As a reminder, regardless of what phase a business can engage in reopening, all businesses must have a Business Safety Plan in place for their business. A template for the Business Safety Plan is attached to this update. It can be found online by clicking this [link](#) and then clicking on the NY Forward Safety Plan template link under the Overview section.

Information and circumstances are changing very rapidly. We will be sending any information as we get it. Please call us with any specific questions, and we will do our best to get clarifying information.