



This Week in New York

Covering New York State and City Government

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May 8, 2020 Edition



**“We believe in the ideas of family, mutuality,
the sharing of benefits and burdens
for the good of all, feeling one another’s pain,
sharing one another’s blessing
recognizing that at the heart of the matter
we are bound to each other.”**

-Mario M. Cuomo-

In the News – State



RE-Opening by the Numbers

Governor Presents Business Re-Opening Timeline Guided by Health Criteria

Regions Must Meet and Maintain Infection Rate, Hospital Capacity, Testing, and Tracing Benchmarks for Businesses to Open

Regions in New York may begin to slowly “unpause” from the State’s COVID-19 restrictions next week if they meet certain specifications and health measures, according to guidelines released this week by Governor Andrew Cuomo. New York’s PAUSE Executive Order for nonessential businesses expires Friday, May 15th.

Governor Cuomo outlined a re-opening plan that included a timeline for four phases of business openings, the regional criteria (e.g. infection rates, hospital capacity) that will allow for implementation of the business openings, and the business operational requirements necessary for re-opening. Each portion of the plan is dependent upon the other. The guiding determinant is the regional criteria. For example, if infection rates or hospitalizations rates in the specific region rise, the opening timeline for the region could be slowed or stopped depending upon the increases.

Timeline for Four Phases of Business Openings

Before the first phase can be implemented, a region must meet all the metrics of the opening criteria (infection rate, health care capacity, diagnostic testing capacity and tracing capacity). The phases will be implemented in two-week increments, depending upon any changes to the regional criteria.

- Phase I:** Construction; Manufacturing and wholesale supply chain; Select Retail – Curbside pick-up (earliest implementation: May 15).
- Phase II:** Professional Services; Finance and Insurance; Retail; Administrative Support; Real Estate/Rental Leasing (earliest implementation: end of May)
- Phase III:** Restaurants/Food Services; Hotel/Accommodations (earliest implementation: mid-June).
- Phase IV:** Arts/Entertainment/Recreation; Education (earliest implementation: end of June).

Four Core Factors Determining Regional Re-open Eligibility

The state will monitor four core factors to determine if a region can re-open:

New Infections: Based on guidelines from the CDC, regions must have at least 14 days of decline in total net hospitalizations and deaths on a 3-day rolling average. In regions with few COVID cases, the region cannot exceed 15 net new total hospitalizations or 5 new deaths on a 3-day rolling average. In order to monitor the potential spread of infection in a region, a region must have fewer than two new COVID patients admitted per 100,000 residents per day.

Health Care Capacity: Every region must have the health care capacity to handle a potential surge in cases. Regions must have at least 30 percent total hospital and ICU beds available. This is coupled with the new requirement that hospitals have at least 90 days of personal protective equipment stockpiled.

Diagnostic Testing Capacity: Each region must have the capacity to conduct 30 diagnostic tests for every 1,000 residents per month. The state is rapidly expanding capacity statewide to help all regions meet this threshold.

Contact Tracing Capacity: Regions must have a baseline of 30 contact tracers for every 100,000 residents, and additional tracers based on the projected number of cases in the region. The state is currently building an army of contact tracers with former New York City Mayor Michael Bloomberg to meet the needs of each region statewide.

As of this week, Central New York, the Finger Lakes, the Mohawk Valley, the North County, and the Southern Tier are the regions closest to re-opening, meeting 5 of the 7 metrics. All 7 must be met before a regional re-opening plan will be approved by the state.

Where do Regions Currently Stand?

	14-Day Decline in Hospitalizations OR Under 15 new Hospitalizations (3-day avg)	14-Day Decline in Hospital Deaths OR Fewer than 5 deaths (3-day avg)	New Hospitalizations (Under 2 per 100K residents— 3 day rolling avg)	Share of total beds available (threshold of 30%)	Share of ICU beds available (threshold of 30%)	30 per 1k residents tested monthly (7-day average of new tests per day)	At least 30 contact tracers per 100K residents	Metrics Met
Capital Region	N	Y	0.58	41%	44%	N	325	4/7
Central New York	Y	Y	0.47	49%	51%	N	233	5/7
Finger Lakes	Y	Y	1.19	53%	64%	N	361	5/7
Long Island	Y	N	5.76	28%	26%	Y	852	2/7
Mid-Hudson	Y	N	4.74	31%	35%	Y	697	4/7
Mohawk Valley	Y	Y	1.17	58%	64%	N	146	5/7
New York City	Y	Y	5.41	26%	21%	Y	2520	3/7
North Country	Y	Y	0.08	53%	64%	N	126	5/7
Southern Tier	Y	Y	0.11	58%	52%	N	190	5/7
Western New York	N	Y	2.20	46%	40%	N	414	3/7

Requirements for Businesses Necessary for Reopening

As part of the regional re-opening plan, businesses will be required to rework their operations to implement social distancing and employee protection measures including:

- Adjust workplace hours and shift design as necessary to reduce density in the workplace.
- Enact social distancing protocols.
- Restrict non-essential travel for employees.
- Require all employees and customers to wear masks if in frequent contact with others.
- Implement strict cleaning and sanitation standards.
- Enact a continuous health screening process for individuals to enter the workplace.
- Continue tracing, tracking and reporting of cases; and
- Develop liability processes.

Governor Cuomo suggested that businesses begin these preparations now, so when their respective regions meet the opening criteria, they can begin operations.

In preparation for the opening, 19 business groups—including the Partnership for New York City, the Real Estate Board of New York and the New York City Hospitality Alliance—called upon the Governor Cuomo to enact by executive order liability protections for all matters related to COVID-19. Five of the organizations that signed the letter are on the governor’s New York Forward Advisory Board, which is tasked with helping guide reopening policy.

“Regardless of any precautions, when customers and employees begin to move in and out of our businesses again, these risks are unavoidable. New York must recognize this and enact meaningful liability protections to ensure our economy is not further devastated by Covid-related lawsuits during the recovery,” the letter reads.



Executive Orders by the Governor

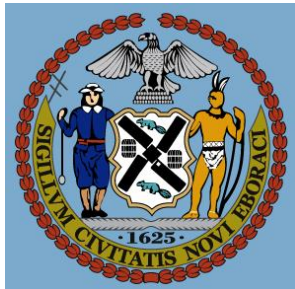
Executive Order 202.28 (May 7th)

Extends the State's moratorium on COVID-related residential or commercial evictions is extended for an additional 60 days until August 20th.

Executive Order 202.27 (May 6th)

Allows medical professionals without a current New York license, including those licensed out of state and in Canada, the ability to continue to provide necessary services related to New York's COVID-19 response through June 4, 2020.

In the News – City



New York City Council Holds Hearing on Essential Worker Legislation

The New York City Council's Committee on Civil Service & Labor this week held a Zoom remote hearing to consider a package of "COVID-19 Relief" initiatives for private sector essential workers and legislation to assist families of municipal employees who die from COVID-19.

On behalf of the de Blasio Administration, Department of Consumer and Worker Protection (DCWP) Commissioner Lorelei Salas testified regarding [Introduction 1918](#) which provides increased wages for essential workers, [Introduction 1923](#) which provides just cause employment protections for essential workers, [Introduction 1926](#) which enacts the Earned Safe and Sick Time Act, and [Resolution 1285](#) which calls upon the State Legislature to enact legislation to clarify the test for classification of workers as independent contractors.

In her remarks, Commissioner Salas expressed support for the intent of the proposals, but had concerns about the proposals as drafted. She suggested that the federal government should bear the cost of any premium pay for essential workers, who have continued to work on the frontlines of the battle against the COVID-19 pandemic. The Commissioner emphasized that the City's essential businesses would not shoulder the cost of this proposal.

With respect to both Int. 1923 and Int. 1926, Commissioner Salas indicated that the Department does not have the resources currently to take on new regulatory responsibilities, without dedicated funding. According to Commissioner Salas, there has been a significant increase in cases that the DCWP is handling due to the COVID-19 crisis, including in particular complaints of price gouging. Int. 1923 would require significant regulatory resources in order to investigate complaints and participate in the proposed arbitration process. Finally, Commissioner Salas added that the DCWP is interested in working with the Council to develop clearer standards around gig economy workers.

Majority Leader Laurie Cumbo, sponsor of Int. 1918, indicated that her proposal was a starting point and she showed particular interest in what businesses are currently doing in terms of providing premium pay for essential workers. Council Member Rosenthal, acknowledging opposition to Int. 1918 as drafted, suggested that it should exempt non-profits or the City should fund the proposed premiums

Council Member Kalman Yeger repeatedly stated that the City Council does not have the legal authority that is contemplated by Int. 1918. According to the Council Member, Int. 1918 is essentially a minimum wage requirement, and the authority to impose a minimum wage is limited to the New York State legislature. He suggested that if this is a priority for the Council, then it should incentivize employers to provide premium pay by providing the necessary tax credits to allow them to pay for it.

In relation to the just cause proposal, both Council Members Ben Kallos and Brad Lander and Commissioner Salas noted that any legislation would have to accommodate an employer's need to lay off workers for economic reasons. As drafted, Int. 1923 provides for no such ability.

Office of Labor Relations (OLR) First Deputy Commissioner and General Counsel Steve Banks testified regarding the initiatives relating to survivorship medical benefits ([Int. 6139](#)) and line of duty classification of municipal workers who died from COVID-19 ([Int. 6145](#)).

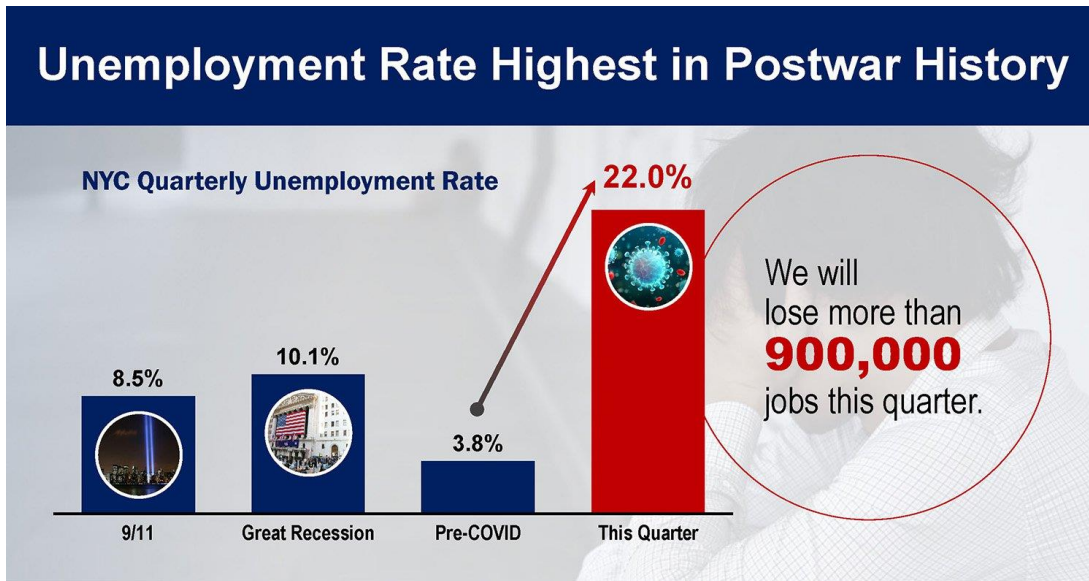
Echoing Commissioner Salas, First Deputy Commissioner Banks expressed the administration's support for the intent of the proposals to provide medical benefits to the survivors of municipal employees but indicated that it was the responsibility of the federal government to provide those benefits. In addition, he explained that as drafted, the bill would impose a burden on OLR to make an independent determination, unrelated to any pension benefit, that the death of municipal worker was due to COVID-19. First Deputy Commissioner Banks said that OLR just doesn't have the staff or resources to make the required individual determinations

With respect to the proposal to classify COVID-19 related deaths of municipal workers as line-of-duty deaths, he also suggested that each of the various pension systems can make a determination that a death of a member was a line-of-duty death.

Proposal sponsor Chairman Daneek Miller pointed to the obligation the City owes to the families of municipal workers who died because of COVID-19. The families of these workers will be left without benefits because of their City service in responding to the COVID-19 crisis. Chairman Miller's remarks were echoed by various labor union officials who testified including Paul DiGiacomo, President of the Detectives' Endowment Association.

Comptroller Stringer Estimates NYC Will Lose 900,000 Jobs This Quarter

New York City Comptroller Scott Stringer projects that more than 900,000 New Yorkers will lose their jobs by the end of the second quarter in June. This equates to one in five New Yorkers.



According to the Comptroller, the unemployment rate is expected to reach 12 percent this year, higher than the Great Recession. Job losses will be steepest in sectors with the greatest interaction with the public, such as hotels and restaurants, and the workers in those sectors are primarily low-wage earners and already among the most vulnerable and economically insecure New Yorkers.



Comptroller Stringer indicated that the timing of the economic recovery will depend on how and when social distancing guidelines can be relaxed through a comprehensive testing regimen, and how and when people engage in social and business activity as in the past.

Briefs

Moratorium on COVID-Related Evictions Will Be Extended Until August 20th

Governor Andrew Cuomo this week announced the State's moratorium on COVID-related residential or commercial evictions will be extended for an additional 60 days until August 20th ([Executive Order 202.28](#)). The Governor also announced the State is banning late payments or fees for missed rent payments during the eviction moratorium, and allowing renters facing financial hardship due to COVID-19 to use their security deposits as payment and repay their security deposits over time.

In announcing the extension, Governor Cuomo acknowledged that there is a “trade-off” in relation to its impact on landlords across the State. He indicated that the State is working with banks to provide relief to landlords. The banks would, in turn, get relief from the federal government.

NYS to Work With the Gates Foundation to Reimagine Education

New York State is collaborating with the Bill & Melinda Gates Foundation to develop a blueprint to reimagine education in the new normal. As New York begins to develop plans to reopen K-12 schools and colleges, the state and the Gates Foundation will consider what education should look like in the future, including:

- How can we use technology to provide more opportunities to students no matter where they are?
- How can we provide shared education among schools and colleges using technology?
- How can technology reduce educational inequality, including English as a new language Students?
- How can we use technology to meet educational needs of students with disabilities;
- How can we provide educators more tools to use technology?
- How can technology break down barriers to K-12 and Colleges and Universities to provide greater access to high quality education no matter where the student lives?
- Given ongoing socially distancing rules, how can we deploy classroom technology, like immersive cloud virtual classrooms learning, to recreate larger class or lecture hall environments in different locations?

Mayor de Blasio Launches Citywide Antibody Survey

Appointment-only antibody testing will be offered in Morrisania, East New York, Upper Manhattan, Concord, and Long Island City beginning next week

Mayor Bill de Blasio this week announced expanded antibody testing for New Yorkers. Through a partnership with BioReference labs, the City will conduct its own antibody survey at community testing sites in the five boroughs to better understand the spread of COVID-19. The survey will test approximately 70,000 New Yorkers over an initial two-week period, with the capacity to administer up to 5,000 tests per day.

Beginning next week, antibody testing will be offered on an appointment-only basis for approximately two weeks in the Morrisania, East New York, Upper Manhattan, Concord, and Long Island City. Scheduling will open this Friday by dedicated hotline, and individual test results will be available in 24-48 hours, according to the Mayor.

Through a partnership with the US Department of Health and Human Services and CDC, the City will also administer 140,000 antibody tests for healthcare workers and first responders across FDNY, DOC, NYPD, and hospitals citywide. Through a separate initiative, NYC Health+ Hospitals has now tested over 8,000 healthcare workers for antibodies across its 11 hospitals.

Other City initiatives include:

Phone-a-Clinician Hotline at 844-NYC-4NYC

NYC Health + Hospitals will continue to grow the capacity of its free Phone-a-Clinician Hotline at 844-NYC-4NYC to be able to handle 120,000 calls a month. With this expansion, Health + Hospitals will aim to provide 16,000 tele-visits to New Yorkers a week via the hotline.

Support for Survivors of Domestic and Gender-Based Violence

The Mayor's Office to End Domestic and Gender-Based Violence (ENDGBV) will convene a COVID-19 response work group to prevent acts of domestic violence.

Open Streets: Mayor de Blasio Names Next Streets to be Used for Social Distancing Among Pedestrians & Cyclists

Mayor Bill de Blasio this week announced that two more miles of streets will be opened to pedestrians and cyclists, adding to the seven miles of car-free streets opened last weekend.

Beginning this week, over 1.5 miles of streets in three boroughs will be managed by Business Improvement Districts (BIDs) as part of the Open Streets initiative designed to provide greater social distancing among New Yorkers. Open Streets will also return to 34th Avenue in Jackson Heights, Queens, which had been part of a pilot last month.

Last week, the Mayor and the Council announced that 40 miles of streets citywide would be opened during May to allow greater social distancing, with a plan to expand to a total of 100 miles to be identified in the weeks and months ahead. The hours of operation for these streets vary.

Partner	Boro	Street	From	To	Mileage	Hours
Flatiron Partnership	MN	Broadway	21st St	23rd St	0.14	10a-6p 7 days
		Broadway	24th St	28th St	0.20	
Garment District	MN	Broadway	36th St	41st St	0.20	8a-4p weekdays 9a-5p weekend
LES BID	MN	Orchard St	Delancey St	Houston St	0.26	8a-12p 7 days
		Ludlow St	Delancey St	Houston St	0.26	
		Stanton St	Allen St	Essex St	0.12	
		Rivington St	Allen St	Essex St	0.12	
Downtown BK Partnership	BK	Willoughby St	Pearl St	Lawrence St	0.10	10a-6p 7days
		Lawrence St	Fulton St	Willoughby St	0.07	
3rd Ave BID	BX	Willis Ave	147th St	148th St	0.05	10a-6p weekdays
		148th St	Willis Ave	Bergen Ave	0.03	

Total mileage **1.55**

The Mayor also announced the return of Open Streets to 34th Avenue in Jackson Heights, Queens. The street had been part of an initial open streets pilot program last month. Open Streets will be in operation there from 8am through 8pm.

Neighborhood	Boro	Street	From	To	Mileage
Jackson Heights/Corona	QN	34th Ave	69th Street	77th Street	0.40

Total mileage **.40**

Coming Up

New York State

Wednesday, May 13th

The Federal Response to the Economic Impact of the COVID-19 Pandemic on Small Businesses in New York State. Joint NYS Senate & NYS Senate Hearing, [Remote Hearing](#), 10 a.m.

New York City

Tuesday, May 12th

Committee on Education & Committee on Finance, Remote Hearing. 10 a.m.

NYC Council Fiscal Year 2021 Executive Budget Hearings
10:00 - 12:00 Education

Committee on Transportation & Committee on Finance, Remote Hearing, 1 p.m.
NYC Council Fiscal Year 2021 Executive Budget Hearings
1:00 - 2:30 Transportation
3:00 - 4:00 MTA NYC Transit

Wednesday, May 13th
City Council Stated Meeting

Thursday, May 14th
Committee on Public Safety, Committee on Aging, Committee on Sanitation and Solid Waste Management, & Committee on Finance. Remote Hearing, 10 a.m.
NYC Council Fiscal Year 2021 Executive Budget Hearings
10:00 - 12:00 Police
1:30 - 2:30 Aging
3:00 - 4:00 Sanitation



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