

(3.30.20) The following update is sent on behalf of Brown & Weinraub:

Legislative Action

The Senate Majority passed a resolution allowing remote voting by Senators and the Assembly is expected to pass a similar resolution today. Both houses and the Governor are positioning for budget action as required by April 1. Given the continuing uncertainty, an agreement may give the Governor power to alter the budget without express consent by the Legislature.

Daily Briefing

Following a meeting with health care leaders, Governor Cuomo presented new grim statistics and cited two essential missions: public responsibility and don't let health care system get overwhelmed. He announced that downstate New York's health care system is working as a coordinated unit to balance patient loads and share resources, including staff.

New Executive Order

Governor Cuomo issued an Executive Order earlier today. We wanted to call your attention to the following insurance provisions:

- Sections 3203, 3219, and 3220 of the Insurance Law are modified to provide a life insurance policyholder or annuity contract holder or a certificate holder, as those terms are used in such sections, under a group policy or contract with 90 days to exercise rights or benefits under the applicable life insurance policy or annuity contract for any policyholder or contract holder or certificate holder under the group policy or contract who is unable timely to exercise rights or benefits as a result of the COVID-19 pandemic;
- Section 1116 and Articles 34, 53, 54, and 55 of the Insurance Law and Sections 54 and 226 of the Workers' Compensation Law are modified to impose a moratorium on an insurer cancelling, non-renewing, 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. The foregoing relief shall also apply to the kinds of insurance set forth in paragraphs (16), (17), (20), (21), (24), (26), and (30) of Section 1113(a) of the Insurance Law. For purposes of this Executive Order, a small business shall mean any business that is resident in this State, is independently owned and operated, and employs one hundred or fewer individuals;
- Section 576 of the Banking Law is modified to grant the Superintendent of Financial Services the authority to promulgate an emergency regulation to apply the provisions of the Executive Order relevant to policy cancellations, to premium finance agencies (as defined in Article XII-B of the Banking Law), subject to the safety and soundness considerations of the premium finance agencies;

Read the full Executive Order here:

<https://www.governor.ny.gov/news/no-20213-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

Additional EO Directives

Governor Cuomo described some additional actions taken yesterday, including the two-week extension of NYS PAUSE, in a press release this way:

- Directs State Nonessential Workforce to Work from Home for Additional Two Weeks Through April 15th
- Executive Order Also Allows Schools to Host Day Care Free of Charge
- Following Governor's Call, Pharmacies Have Agreed to Offer Free Home Delivery

<https://www.governor.ny.gov/news/amid-ongoing-covid-19-pandemic-governor-cuomo-announces-nys-pause-functions-extended-next-two>

CDC Directive to New York Area Residents

On March 28 the CDC issued a directive urging residents of New York, New Jersey, and Connecticut to refrain from non-essential domestic travel for 14 days.

https://www.cdc.gov/media/releases/2020/s038-travel-advisory.html?utm_source=Affairs%2BAppointments&utm_campaign=10827ffbf9-EMAIL_CAMPAIGN_2018_04_12_COPY_01&utm_medium=email&utm_term=0_4060651f00-10827ffbf9-130952793&mc_cid=10827ffbf9&mc_eid=f2a39deef

Both NYC and the SBA are offering guidance regarding loans.

- NYC Small Business Services: <https://www1.nyc.gov/site/sbs/index.page>
- U.S. Small Business Association: <https://covid19relief.sba.gov/#/>