

(5.4.20) The following information is sent on behalf of the Brown & Weinraub team:

During his daily briefing Governor Cuomo outlined the four criteria to be used as NYS phases-in reopening:

- **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 Mayor Bloomberg to meet the needs of each region statewide.

In order to reopen, businesses will have to:

- 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.

Within a region, businesses will reopen based on level of necessity – most essential and lowest risk first

Phase 1: construction, manufacturing and wholesale feeders of supply chain, retail establishments offering curbside pickup

Phase 2: professional services, finance and insurance, retail, administrative support, real estate/rental leasing

Phase 3: restaurants/food service, hotels/accommodations

Phase 4: arts/entertainment/recreation, education

View the Governor's press release, which includes links to video and audio, here:

<https://www.governor.ny.gov/news/amid-ongoing-covid-19-pandemic-governor-cuomo-outlines-additional-guidelines-when-regions-can>