



Empire State Forest Products Association

The people behind New York's healthy forests and quality wood products
www.esfpa.org

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Albany Update - Essential Businesses March 22, 2020

As we approach the deadline for Non-Essential Businesses to comply with Executive Order 202, as amended, and the requirement that such businesses shall reduce the in-person workforce at any work locations by 100% no later than March 22 at 8 p.m., we want to summarize what our member companies are facing. Effective at 8 p.m. this evening:

- 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 100% no later than March 22 at 8 p.m.
- Any essential business or entity providing essential services or functions shall not be subject to the in-person restrictions.
- An entity providing essential services or functions whether to an essential business or a non-essential business shall not be subjected to the in-person work restriction but may operate at the level necessary to provide such service or function.
- 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 (\$2,000).
- We have been advised that travel is in no way restricted under any of these Executive Orders. So, if you are traveling in support of an Essential Business (e.g. loggers or transport of goods to and from such business) you are not restricted.

As we have mentioned in previous Alerts, each business will need to interpret these requirements and exceptions as they apply to their own circumstances. We have provided some links and guidance that could be helpful. **If you have any doubt about your business being an Essential or Non-Essential Business, our recommendation is that you file a Request to be Designated an Essential Business ASAP or any time after today's 8 p.m. deadline.**

We also would ask that if any business seeks a Request to be Designated as an Essential Business that you send a copy of that request to us. We are tracking those and working at trying to ensure there are consistent decisions being made that affect our business sector.

We believe that as the Executive Order provisions are implemented there will be changes. The Governor has indicated that this is a very fluid process and changes will occur. Hopefully some of those changes are beneficial to businesses being impacted.

We are getting a lot of questions regarding "how long will these restrictions be in place?" As the Governor has noted in his press briefings "we are not certain how long these actions will be necessary." That said the Executive Orders are issued with 30-day timeframes, yet these can always be

extended as the Governor has already done in some cases. In today's briefing the Governor stated that timing is uncertain, but that 4-9 months would not be unheard of in looking at how this is playing out around the globe. As we hear more, we will try to keep you posted.

As always, please do not hesitate to contact us at any time via email or phone. Please note that we are all working from home but fully connected. Best phone number for John is 518-573-1441 or email at jbartow@esfpa.org

Be well, be healthy and stay safe.

PA Adds Sawmills to Life Sustaining Businesses

Late Saturday evening Governor Tom Wolf amended PA's list of Life-Sustaining Businesses adding Forestry & Logging and Sawmills & Wood Preservation to the list, please follow this [link](#).

We have reached out to the Governor Cuomo's office and suggested that NY should reciprocate in the effort to maintain regional cooperation. We continue to wait on any NY action on the Essential Businesses list.

Executive Order 202 (as revised) and Certain Laws

Executive Order 202 has been revised and amended 9 times since its issuance on March 7th. It's challenging to keep up with all the changes and we will continue to keep you abreast of these changes. Most recently in EO's 202.8 and 202.9 there have been suspensions or relief ordered under several laws that affect businesses. Here are a few provisions that may affect your business:

- abatement of interest, for a period of 60 days for 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.
- The Department of Financial Services shall 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.
- The Banking Law is hereby modified 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 ninety days.
- Registration certificate or number plate that expires on or after March 1, 2020.
- Temporary registration documents issued by auto dealers to remain in effect.
- Validity and expiration of a driver's license will remain in effect.
- 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.