State of New York

Executive Chamber

No. 202.89

EXECUTIVE ORDER

Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, do hereby continue the suspensions and modifications of law, and any directives not superseded by a subsequent directive, contained in Executive Orders 202.22 up to and including 202.26, and 202.32, 202.33, 202.34, 202.35, 202.44, 202.45, 202.53, 202.57, 202.64, 202.69, 202.73, 202.74, and 202.75 as continued and contained in Executive Orders 202.80 and 202.81 for another thirty days through February 6, 2021, except as modified below and do hereby temporarily suspend or modify the following from the date of this Executive Order through February 6, 2021:

- Any suspension of law or directives contained in the foregoing Executive Orders 202.23, 202.24, 202.26, relating to the conduct of an election which occurred in the calendar year 2020 is no longer suspended, and such suspensions or modifications are no longer in effect. Provided however, that the suspension of labor law section 522 relative to the collection of unemployment insurance for a worker who is hired for purposes of early voting or voting for a special election to occur in 2021 is continued, and provided further that the suspension contained in Executive Order 202.81 modifying the Education law related to absentee ballots is continued.

- Subdivision (f) of section 405.3 of Title 10 of the NYCRR, to the extent necessary to extend the terms of such subdivision to COVID-positive only facilities, thereby enabling such a facility to engage a facility manager, provided that such facility manager is an established operator of a general hospital, and subject to the approval of the Commissioner of Health;

- Article 6 and 15 of the Election Law in relation to conducting any village election all party nominations made by party caucus may be conducted remotely in whole or in part as set forth by the chair of such party;

- Sections 15-120 and 15-122 of the Election Law, and Section 84-a of the Town Law, as well as any provision of law related to a special district election and not administered by the County Board of Elections to the extent necessary to include the potential for contraction of the COVID-19 virus as an illness for purposes of request or receipt of an absentee ballot;

- Notwithstanding the last day to notice a caucus pursuant to sections 6-202 (3) and 15-108 (2) (c) of the Election Law, the means of electronic participation in such caucus if not included in the caucus notice shall be noticed in a supplemental notice in the same manner as the caucus notice not less than five days before such caucus;

- Election Law § 8-407, to allow that election inspectors shall not attend or visit facilities to provide absentee ballots physically, and will send them by mail or by personal delivery;

- The modification in Executive Orders 202.82 and 202.88 of Section 2168 of the Public Health Law and section 66-1.2 of Title 10 of the NYCRR is continued and modified only insofar as to require all influenza and COVID-19 vaccinations for any individual (child or adult) to be reported to NYSIIS or CIR, as applicable, within 24 hours of administration of such vaccine.

IN ADDITION, by virtue of the authority vested in me by Section 925-a of the Real Property Tax Law to extend during a State disaster emergency the period for paying property taxes without interest or penalties upon request of the chief executive officer of an affected county, city, town, village or school district, I do hereby extend by twenty-one days the period for paying, without interest or penalty, property taxes that are due in the following localities that have requested such an extension: Village of Bayville, and the City of Troy,

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of this Executive Order through February 6, 2021:

- The directive contained in Executive Order 202.88 that required any healthcare facility, provider, or entity who has been allocated and has received COVID-19 vaccine, or who has received redistributed COVID-19 vaccine, to administer all such vaccine within one week of its receipt by such facility is hereby modified only insofar as to apply for any vaccine currently on hand at any healthcare facility, provider or entity as of January 4, 2021, and such remaining doses must be administered no later than January 8, 2021, provided, however, that a facility may request an extension of such deadline which may be granted by the Commissioner for good cause.

- For any election in the City of New York for which petitions are required to be filed before February 6, 2021, and which as of January 7, 2021 have not been so filed, then the number of signatures shall be 315. For a town or village election, occurring before July, 1, 2021 the signature requirements on an independent nominating petition for an independent nomination for the general election for any office that is not determined by a statewide election shall be whichever is less: (i) three and three tenths percentum of the total number of votes cast for governor at the last gubernatorial election in such unit, excluding blank and void votes, or (ii) a number equal to seventy percentum of the statutory minimum number provided for by subdivision 2 of section 6-142 of the election law, or for a village election, seventy percentum of the statutory minimum provided for in subdivision 6 of section 15-108 or subdivision 4 of section 6-206 of the election law.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this seventh day of January in the year two thousand twenty-one.

BY THE GOVERNOR

Secretary to the Governor