State of New York

Executive Chamber

No. 202.40

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aid in coping with such disaster, do hereby continue the suspensions and modifications of law, and any directives, not superseded by a subsequent directive, made by Executive Order 202.30 until July 9, 2020, subject to the modification below:

- The modifications of clause (b) of subparagraph (v) of paragraph (1) of subdivision (c) of section 415.26, paragraph (8) of subdivision (a) of section 487.9, paragraph (5) of subdivision (a) of section 488.9 of Title 18 of the NYCRR, and subdivision (7) of section 4656 of the Public Health Law contained in Executive Order 202.30 are continued, provided that such modification is amended only to the extent that the operator and administrator of all nursing homes and all adult care facilities, which are located in regions that have reached Phase Two of reopening, must test or make arrangements for the testing of all personnel, including all employees, contract staff, medical staff, operators and administrators, for COVID-19, once per week.

IN ADDITION, 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 suspend or modify the following:

- Subdivision 4 of section 2022 of the education law and subdivision 3 of section 2007 of the education law to the extent necessary to provide that, in the event that the original budget proposed by a school district is not approved by the voters at an election held on June 9, 2020, pursuant to Executive Order 202.26, any resubmission to the voters of the original or revised budget shall be conducted at a date and by a process determined by and subject to a future Executive Order, provided, however, such revote shall not occur prior to July 9, 2020.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this ninth day of June in the year two thousand twenty.

BY THE GOVERNOR

Secretary to the Governor