State of New York

Executive Chamber

No. 202.81

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, or to provide any directive necessary to respond to the disaster, do hereby continue the suspensions and modifications of law, and any directives not superseded by a subsequent directive, contained in Executive Orders 202.22 up to and including 202.26, and 202.32, 202.33, 202.34, 202.35, 202.44, 202.45, 202.53, 202.57,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, and 202.69 as continued and contained in Executive Order 202.75, and Executive Order 202.74, for another thirty days through January 10, 2021 and hereby temporarily suspend or modify the following from the date of this Executive Order through January 10, 2021:

- Section 221-a of the Racing, Pari-mutuel Wagering and Breeding Law to the extent necessary to allow the Gaming Commission to establish by emergency order a reduced the standards for jockeys to qualify for health insurance due to race date cancellations as a result of governmental closure orders;

- Sections 2018-a and 2018-b and paragraph s of subdivision 2 of section 1951 of the Education Law to the extent necessary to include the potential for contraction of the virus that causes COVID-19 as an illness for purposes of request or receipt of an absentee ballot;

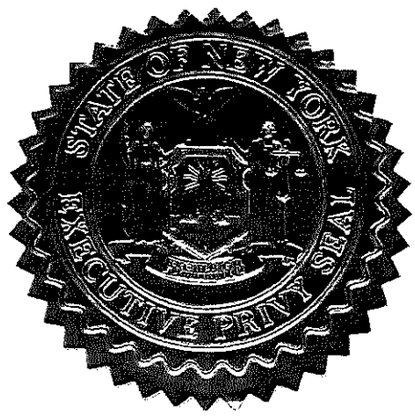
IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby modify and continue the following directives for the period from the date of this Executive Order through January 10, 2021:

- The directive contained in Executive Order 202.48, which modified the directive in Executive Order in 202.28, as continued by Executive Order 202.75 that prohibited the initiation of a proceeding or enforcement of an eviction of any commercial tenant for nonpayment of rent or a foreclosure of any commercial mortgage for nonpayment is hereby continued until January 31, 2021.

- The directive contained in Executive Order 202.30 as continued in Executive Order 202.79 is hereby modified to allow an article 28 general hospital to discharge a patient who has not obtained a negative result to a COVID-19 test, provided that such patient is beyond the infectious period of time as required to be measured by centers for disease control policy, only to a COVID-positive only facility if such facility first certifies that it is able to properly care for such patient.

- The directive contained in Executive Order 202.61 as continued in Executive Order 202.79 is hereby modified to suspend authorization for indoor dining within New York City effective on Monday December 14, 2020.

- The directive contained in Executive Order 202.68 that required the Department of Health to determine areas in the State that require enhanced public health restrictions based on cluster-based cases of COVID-19 is hereby modified to provide that, effective December 14, 2020, gyms and fitness centers or classes located within geographic areas designated by the Department of Health as "orange zones" may continue to operate beginning on December 14, 2020 at 25% capacity subject to strict adherence to Department of Health guidance. Barbers, hair salons, spas, tattoo or piercing parlors, nail technicians and nail salons, cosmetologists, estheticians, the provision of laser hair removal and electrolysis, and all other personal care services located within geographic areas designated by the Department of Health as "orange zones" may operate, effective December 14, 2020, subject to strict adherence to Department of Health guidance, provided that employees performing such services directly on, or to, customers receive diagnostic testing for COVID-19 on a weekly basis for the duration of time that the business remains within an "orange zone," and no employee provides any such services at a re-opened business without first obtaining a negative COVID-19 test result within the preceding 7 days of providing such service.



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

BY THE GOVERNOR

Secretary to the Governor