State of New York

Executive Chamber

No. 202.47

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;

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

WHEREAS, despite community transmission, the State of New York has gone from having the highest infection rate to one of the lowest in the country and is one of only a few states reported to be on track to contain COVID-19;

WHEREAS, the Governor has undertaken a cautious, incremental, and evidence-based approach to reopening the State of New York;

WHEREAS, it is incumbent upon individuals and localities to respect and enforce the health protocols that that have allowed New York to move Forward in a phased reopening;

WHEREAS, local governments need additional tools at their disposal to ensure they can deter damaging and detrimental behavior, such as not wearing a face covering, not maintaining social distance, or gathering in large groups, all behaviors that increase transmission of the deadly COVID-19 virus;

WHEREAS, in the preceding weeks, investigators from various agencies have been observing and reporting to the State Liquor Authority on violations of the Executive Orders, relevant guidance, and the Alcoholic Beverage Control Law at State Liquor Authority licensed establishments;

WHEREAS, such investigators should have at their disposal all available tools for investigation and enforcement at such licensed establishments;

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in coping with such disaster, I do hereby continue the suspensions and modifications of law, and any directives, not superseded by a subsequent directive, made by Executive Order 202.37; and I hereby temporarily suspend or modify the following from the date of this Executive Order through August 2, 2020:

- Section 2.20 of the Criminal Procedure Law, to the extent that it restricts, limits, or otherwise impedes the ability of a peace officer, as defined in Section 2.10 of the Criminal Procedure Law, to enforce provisions of the Alcoholic Beverage Control Law and the Public Health Law, or judgments or orders obtained for violation thereof, or to enforce the provisions of Executive Order 202 and any amendment or addition to such order.

- Sections 105 and 106 of the Alcoholic Beverage Control law to the extent they restrict, limit or otherwise impede the ability of a peace officer, as defined in Section 2.10 of the Criminal Procedure Law, to enforce provisions of the Alcoholic Beverage Control Law, or judgments or orders obtained for violation thereof, or to enforce the provisions of Executive Order 202 and any amendment or addition to such order;

- 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 was not approved by the voters at an election held on June 9, 2020, pursuant to Executive Order 202.26, any revote on resubmission to the voters of the original or revised budget shall occur on July 28, 2020 and shall be conducted in accordance with guidelines issued by the Department of Health pursuant to the authority granted by this executive order, and provided further that a school district proposing such revote shall operate upon a contingency budget pursuant to subdivision 5 of section 2022 of the education law section from July 1 to July 28;

- Paragraph a of subdivision 3 of section 2007 of the education law to the extent necessary to provide that, in lieu of the requirement that a school district publish two notices of a budget revote, each district shall send postcard notice to all residents of the district which details the date and location of the budget revote, date of the budget hearing, the definition of qualified voter, and instructions for applying for an absentee ballot. Such postcard notice shall be mailed no later than 21 days preceding such vote. If a school district possesses a resident's valid email address, the postcard notice may be sent via email to that resident instead of by mail;

- Subdivision 2-a of section 2022 of the education law to the extent necessary to authorize a school district possessing a qualified voter's valid email address to send a school budget notice via email to that voter instead of by mail;

- Sections 1608 and 1716 of the Education Law to the extent necessary to allow property tax report cards to be submitted to the State Education Department no later than 14 days prior to the date of the school budget revote, and the department shall make its compilation available electronically at the latest on July 21, 2020, seven days prior to the revote date;

- Sections 2018-a and 2018-b of the Education Law to the extent necessary to provide that, due to the prevalence and community spread of COVID-19, the potential for contraction of the COVID-19 virus shall be deemed a temporary illness for the purpose of eligibility to vote as an absentee voter in a school budget revote held July 28, 2020;

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 Executive Order through August 2, 2020:

- The use of fireworks or dangerous fireworks, during the state disaster emergency declared by Executive Order 202, shall also be punishable as a violation of section 12(b) 2 of the public health law, and the Commissioner of Health is directed and authorized to issue emergency regulations, if such use meets the facts and circumstances established in subdivision 2 of section 270 of the penal law. In addition, use of fireworks by a licensee of any state entity inconsistent with any applicable guidance issued by the Department of Health shall be a basis for suspension or revocation of such license.

- Notwithstanding any provision of law or a party's rules to the contrary, any party caucus, party meeting or party convention held pursuant to the Election Law in the year two thousand twenty may be held by telephonic or video conferencing means in whole or in part at the discretion of the chairperson calling such meeting; provided, however, that any required notice shall include instructions to participants as to how to access such video teleconference.

- Notwithstanding any provisions of law or a party's rules to the contrary, proxy voting at any party caucus, party meeting or party convention held pursuant to the Election Law held in the year two thousand twenty shall be permitted. Any person eligible to attend and vote at such a meeting may hold up to ten proxies. A proxy statement may be in the form prescribed by the party's rule or as accepted in the past by the party entity or may be substantially as follows: "I, a member or eligible voter of [state party caucus, party meeting or party convention, do hereby give my proxy authorization to [state name of proxy holder] who shall be authorized to vote in my stead at the meeting to be held on [date] and any adjourned date thereof." Any proxy granted hereunder shall be revocable in a writing provided to the secretary or chair of the party entity or by the attendance of the proxy grantor at the meeting stated.

IN ADDITION, I hereby extend the following suspensions and directives contained in Executive Order 202.36 through August 2, 2020:

- Section 6530 of the Education Law, or any section of the Public Health Law, to the extent necessary to allow a questionnaire administered through an asynchronous electronic interface or electronic mail that is approved by a physician licensed in the State of New York to be sufficient to establish a practitioner-patient relationship for purposes of ordering a clinical laboratory test.
- The directive contained in Executive Order 202.44 which authorized any party caucus to be held remotely for an office to be filled at a town or village election to be held on September 15, 2020 is modified insofar as to authorize a remote caucus or convention for a town or village office, which is required by law to be filled at the general election in November, and is not to be filled at the September 15, 2020 town or village election.
- The directive contained in Executive Order 202.7, as extended, requiring all barbershops, hair salons, tattoo or piercing parlors and related personal care services to be closed to members of the public is hereby modified to allow for the opening of barbershops and hair salons, and to require opening or operations in compliance Department of Health guidance, and is only permitted in such regions authorized for Phase Two industries reopening.
- The directive contained in Executive Order 202.32 allowing any licensee or franchisee of a racetrack to operate such racetrack is hereby modified and extended until August 2, 2020, to allow any operator of an auto racetrack to operate beginning June 3, 2020, and to require opening or operations in compliance Department of Health guidance, and provided further such auto racetrack allows only essential personnel or participants to be on site, and does not permit any visitor or spectator into the facility or on premise.
- Executive Order 202.35, which amended prior Executive Orders with respect to New York on Pause, is here by modified as follows:
    - Any region authorized for Phase One reopening may allow outdoor, low-risk recreational activities and businesses providing such activities as determined by the Empire State Development Corporation, are permitted to operate if operated in accordance with Department of Health guidance.

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

BY THE GOVERNOR

Secretary to the Governor