April 15, 2020

COVID-19 Response: NY Executive Order Requires Some Employers to Provide Masks to Employees, and Temporary Changes to Real Estate Law

In his continuing effort to mitigate community spread of COVID-19, New York Governor Andrew Cuomo issued Executive Order 202.16 (order) on April 12. Starting on April 15 at 8:00 p.m. and lasting until May 12, the order mandates that all essential businesses or entities provide face masks to those employees who come into direct contact with customers or members of the public. Under the order, employers are required to provide masks at their own expense. The order directs local governments and law enforcement agencies to treat and enforce this portion of the order as if it was issued pursuant to sections 12 or 12-b of the Public Health Law. Notably, this executive order is not as broad as Executive Order 122 that went into effect in neighboring New Jersey at 8:00 p.m. on April 10. Unlike the New Jersey order, New York employers do not need to provide face masks if their employees do not come into contact with customers and the general public and do not need to provide their employees with gloves.

In addition, the order amends section 711 of the Real Property and Proceedings Law, section 232-a of the Real Property Law, and subdivisions 8 and 9 of section 4 of the Multiple Dwelling Law. Under the order, if a person or entity, including but not limited to hospitals and hotels, provides temporary housing for a period of 30 days or more to persons responding to the COVID-19 outbreak or persons displaced by the outbreak, a landlord-tenant relationship will not be created.

The order also directs the New York City Department of Law (Department of Law) to issue no-action or no-filing letters received during the pendency of the order within 45 days from submission of such no-action or no-filing application made to the Department of Law for essential projects involving affordable housing and homeless shelters. Further, the order directs the New York City Department of Finance to process and record condominium declarations for essential projects involving hospitals or health care facilities, affordable housing and homeless shelters within 30 days of receipt of such filing. This change went into effect on April 12 and is effective until May 12.

For more Day Pitney alerts and articles related to the impact of COVID-19, as well as information from other reliable sources, please visit our COVID-19 Resource Center.

COVID-19 DISCLAIMER: As you are aware, as a result of the COVID-19 pandemic, things are changing quickly and the effect, enforceability and interpretation of laws may be affected by future events. The material set forth in this document is not an unequivocal statement of law, but instead represents our best interpretation of where things stand as of the date of first publication. We have not attempted to address the potential impacts of all local, state and federal orders that may have been issued in response to the COVID-19 pandemic.

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