

# STATE OF NEW YORK

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8179

## IN SENATE

April 13, 2020

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Introduced by Sen. BORRELLO -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT in relation to providing relief for business owners and employers affected by COVID-19

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Notwithstanding any provision of law or regulation to the  
2 contrary, if as a result of a mandatory or precautionary order of quar-  
3 antine or isolation issued through an executive order from the governor  
4 or by the state of New York, the department of health, local board of  
5 health, or any governmental entity duly authorized to issue such order  
6 due to COVID-19, businesses are forced to terminate employees which  
7 leads to increased unemployment rates for businesses in conjunction with  
8 increased unemployment claims, any small business who is forced to  
9 terminate an employee or employees shall be exempt from any unemployment  
10 insurance rate increases. Such exemption from unemployment insurance  
11 rate increases shall be for a period of one year from the date that an  
12 executive order or law is issued or passed allowing for businesses to  
13 return to full staff and full hours of operation. For purposes of this  
14 act, "small business" shall mean a business which is resident in this  
15 state, independently owned and operated and who employs one hundred  
16 full-time equivalent employees or less.

17 § 2. For the duration of any mandatory or precautionary order of quar-  
18 antine or isolation issued through an executive order from the governor  
19 or by the state of New York, the department of health, local board of  
20 health, or any governmental entity duly authorized to issue such order  
21 due to COVID-19 and for no less than one year after such order of quar-  
22 antine or isolation has been lifted, internet-based food delivery  
23 service providers shall be prohibited from increasing service and deliv-  
24 ery fees charged to customers at any level higher than what such provid-  
25 ers had contracted for on or before March 1, 2020. For purposes of this  
26 act, "internet-based food delivery service provider" shall mean any  
27 third-party platform which provides online and mobile food ordering and

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD16055-03-0

1 delivery services in conjunction with local restaurants to deliver food  
2 from such local restaurants to customers.

3 § 3. For the duration of any mandatory or precautionary order of quar-  
4 antine or isolation issued through an executive order from the governor  
5 or by the state of New York, the department of health, local board of  
6 health, or any governmental entity duly authorized to issue such order  
7 due to COVID-19, small businesses shall have an additional 90 days to  
8 pay any monthly sales and payroll taxes which become due during such  
9 time.

10 § 4. For the duration of any mandatory or precautionary order of quar-  
11 antine or isolation issued through an executive order from the governor  
12 or by the state of New York, the department of health, local board of  
13 health, or any governmental entity duly authorized to issue such order  
14 due to COVID-19, small businesses shall have an additional 60 days to  
15 pay any business or property taxes which become due during such time.

16 § 5. The state of New York mortgage agency shall have the authority to  
17 originate and offer interest-free loans or lines of credit to any busi-  
18 ness who has been in operation as of March 1, 2020 and who has been  
19 negatively affected by any mandatory or precautionary order of quaran-  
20 tine or isolation issued through an executive order from the governor or  
21 by the state of New York, the department of health, local board of  
22 health, or any governmental entity duly authorized to issue such order  
23 due to COVID-19. Such loans or lines of credit shall be made available  
24 to such businesses for a period to be determined by the governor, but  
25 for not less than one year from the effective date of this act. The  
26 amount of such loans or lines of credit authorized to be issued shall be  
27 limited to an amount to cover such business' net payroll payables, owed  
28 rent or mortgage payments, and any taxes such business is responsible  
29 for.

30 § 6. Hospitality business operators who have purchased alcohol inven-  
31 tory from distributors prior to March 1, 2020 and who are now unable to  
32 sell such alcohol inventory as a direct result of COVID-19 shall be  
33 permitted to return such inventory directly to the distributor it was  
34 purchased from and receive a refund for the full amount of the total  
35 price paid, less a restocking fee which shall not exceed 10 percent of  
36 the total price paid. Any alcohol inventory being returned to a distrib-  
37 utor shall be sealed in its original packaging and shall be able to be  
38 resold by such distributor. Hospitality business operators shall be  
39 eligible to return such alcohol inventory for a period of up to 60 days  
40 from the effective date of this act.

41 § 7. Businesses negatively affected by COVID-19 shall have an addi-  
42 tional 90 days to pay any fees or penalties due to state and local agen-  
43 cies that become due and payable during the duration of any mandatory or  
44 precautionary order of quarantine or isolation issued through an execu-  
45 tive order from the governor or by the state of New York, the department  
46 of health, local board of health, or any governmental entity duly  
47 authorized to issue such order due to COVID-19. Such fees and penalties  
48 due to state and local agencies shall include, but not be limited to,  
49 late filing fees, penalties for late payment of sales tax owed and  
50 penalties for failure to renew liquor licenses.

51 § 8. This act shall take effect immediately.