

STATE OF NEW YORK

8179

IN SENATE

April 13, 2020

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.

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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.