

STATE OF NEW YORK

4163

2021-2022 Regular Sessions

IN SENATE

February 2, 2021

Introduced by Sens. BORRELLO, GALLIVAN, JORDAN, ORTT -- 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-

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

LBD08708-01-1

1 ers had contracted for on or before March 1, 2020. For purposes of this
2 act, "internet-based food delivery service provider" shall mean any
3 third-party platform which provides online and mobile food ordering and
4 delivery services in conjunction with local restaurants to deliver food
5 from such local restaurants to customers.

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

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

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

33 § 6. Notwithstanding any other provision of law to the contrary, if an
34 on-premises alcohol retailer has experienced a renewal date for their
35 New York state liquor license between the date a state disaster emergen-
36 cy was declared by the governor pursuant to executive order 202 and
37 April 1, 2021, such retailer shall receive an extension of one year from
38 the time such liquor license has expired to renew such license, and no
39 late fees shall be charged for such extension.

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

50 § 8. This act shall take effect immediately.