

June 30, 2020

## Pace-NRDC Food Law Initiative

The following chart summarizes New York State relief efforts that may be helpful to farmers during the COVID-19 pandemic. Each topic has an “Overview” of the legislation or relief effort as well as “Action Steps for Relief” indicating what farmers can do to receive the benefits listed. More information about federal relief efforts, grants, and access to market opportunities can be found at: <https://law.pace.edu/pace-nrdc-food-law-initiative>.

	STATE	TOPIC	SUBTOPIC	SUMMARY
1.	New York	Essential Services	Farmer’s Markets <sup>[1]</sup>	<p><b>Overview:</b></p> <p>New York has deemed farmer’s markets to be essential retail services, which allows them to operate during the outbreak. Farmer’s markets must continue to comply with Department of Health guidelines and are urged to maintain social distancing measures to the extent possible.</p> <p><b>Action Steps for Relief:</b></p> <p>The latest updates on mass gathering and essential services as they relate to agriculture are available at: <a href="https://agriculture.ny.gov/coronavirus">https://agriculture.ny.gov/coronavirus</a>.</p>
			Agricultural Businesses /Farms <sup>[2]</sup>	<p><b>Overview:</b></p> <p>New York has determined that food-producing agricultural businesses and farms are essential manufacturing services,</p>

Pace-NRDC Food Law Initiative COVID-19| June 2020

This publication is provided for informational purposes only. It was prepared as of the date set forth above and is not guaranteed to be correct, complete or remain up-to-date. We have not consulted with local counsel in any state or non-U.S. jurisdiction, and, as members of the Bar of the State of New York, we do not purport to be experts in the law of any other state or jurisdiction involved. This publication should not be construed as legal advice or an invitation for an attorney-client relationship, and if desired, readers should seek independent counsel in their relevant jurisdiction for advice on particular situations.

	STATE	TOPIC	SUBTOPIC	SUMMARY
				<p>which allows them to operate during the outbreak. Farms and agricultural businesses must continue to comply with Department of Health guidelines and are urged to maintain social-distancing measures to the extent possible.</p> <p><b>Action Steps for Relief:</b> See the action steps in the cell above.</p>
2.	New York	Unemployment Insurance	Pandemic Unemployment Assistance Benefits <sup>[3]</sup>	<p><b>Overview:</b> Unemployment insurance is not typically available to farmers, but New York has issued guidance that, under the federal Pandemic Unemployment Assistance program, farmers who are not working due to COVID-19 will be able to apply for up to 39 weeks of federal assistance through the state-run portal.</p> <p><b>Action Steps for Relief:</b> Applications can be submitted online at <a href="https://dol.ny.gov/unemployment/unemployment-insurance-assistance">https://dol.ny.gov/unemployment/unemployment-insurance-assistance</a> and can also be completed over the phone at 1-888-209-8124.</p>

	STATE	TOPIC	SUBTOPIC	SUMMARY
3.	New York	Mortgages	Emergency Relief for Residential Mortgages <sup>[4]</sup>	<p><b>Overview:</b></p> <p>Governor Cuomo has imposed an extension of the ban on foreclosure actions for those facing financial hardship due to COVID-19 for 60 days beginning on June 20, 2020.</p> <p>The New York State Department of Financial Services issued an emergency regulation requiring certain banks (regulated under NY law) to:</p> <ul style="list-style-type: none"> <li>• Provide applications for forbearance on residential mortgage payments to individuals who reside in NY and are able to demonstrate financial hardship due to COVID-19; and</li> <li>• Grant forbearance for a period of ninety (90) days to individuals who successfully complete the application (subject to certain bank regulations).</li> </ul> <p>Note that this emergency regulation is limited and does not apply to any of the following:</p> <ul style="list-style-type: none"> <li>• Commercial mortgage or any other loan not described in the regulation; or</li> </ul>

	STATE	TOPIC	SUBTOPIC	SUMMARY
				<ul style="list-style-type: none"> <li>• Mortgage loans made, insured, or securitized by:               <ul style="list-style-type: none"> <li>○ Any agency or instrumentality of the United States;</li> <li>○ Any Government Sponsored Enterprise;</li> <li>○ Federal Home Loan Banks; or</li> <li>○ Servicers for the Government National Mortgage Association.</li> </ul> </li> </ul> <p><b>Action Steps for Relief:</b> Individuals who need mortgage relief in New York may contact their mortgage servicer to check their eligibility and submit an application.</p>

	STATE	TOPIC	SUBTOPIC	SUMMARY
4.	New York	Rent/Evictions	Rent/Evictions <sup>[5]</sup>	<p><b>Overview:</b></p> <p>Governor Cuomo has imposed a ban on all eviction actions against those facing financial hardship due to COVID-19 for 60 days beginning on June 20, 2020.</p> <p>Starting June 20, 2020, only tenants who are eligible for unemployment insurance/benefits or are financially affected due to the COVID-19 pandemic are explicitly protected from evictions in non-payment eviction cases.</p> <p><b>Action Steps for Relief:</b></p> <p>If an individual thinks they are the subject of a wrongful eviction, they may wish to consult the following page with relevant contact numbers: <a href="https://ag.ny.gov/press-release/2020/attorney-general-james-issues-tenant-guidance-new-yorkers-during-coronavirus">https://ag.ny.gov/press-release/2020/attorney-general-james-issues-tenant-guidance-new-yorkers-during-coronavirus</a>.</p>
			Ongoing Housing Court Proceedings <sup>[6]</sup>	<p><b>Overview:</b></p> <p>The Attorney General clarified that:</p> <ul style="list-style-type: none"> <li>• NYC Housing Courts will still process emergency applications including those related</li> </ul>

	STATE	TOPIC	SUBTOPIC	SUMMARY
				<p>to illegal lockouts or serious emergency housing code violations; and</p> <ul style="list-style-type: none"> <li>• Outside of New York City, many courts are beginning to resume in-person proceedings for certain types of cases through a phased approach. As of June 30, 2020, eviction matters in which all parties are represented by counsel are still being held virtually across the state.<sup>[7]</sup></li> </ul> <p><b>Action Steps for Relief:</b> Information on New York court closures and re-openings is available at: <a href="https://www.nycourts.gov/">https://www.nycourts.gov/</a>.</p>
5.	New York	Debt Collection	Medical, Student, and Other Debt <sup>[8]</sup>	<p><b>Overview:</b> The Attorney General has:</p> <ul style="list-style-type: none"> <li>• Suspended collection of certain medical and student debt owed to the State of New York between March 16, 2020, until July 16, 2020 (at which point the need for further suspension will be assessed);</li> </ul>

	STATE	TOPIC	SUBTOPIC	SUMMARY
				<ul style="list-style-type: none"> <li>• Halted the accrual of interest and collection fees on medical and student debt owed to New York;</li> <li>• Ensured that eligible debt holders are not penalized for taking advantage of the program; and</li> <li>• Started accepting applications for discretionary suspension on other types of debt owed to the State of New York.</li> </ul> <p><b>Action Steps for Relief:</b></p> <p>An application for discretionary suspension of New York debts can be completed at: <a href="https://ag.ny.gov/covid-19-debt-suspension-application">https://ag.ny.gov/covid-19-debt-suspension-application</a> or by phone at 1-800-771-7755. For updates on student or medical debt owed to New York, individuals may consider checking for updates at: <a href="https://ag.ny.gov/coronavirus">https://ag.ny.gov/coronavirus</a></p>
6.	New York	NY Taxes	Individuals, Fiduciaries, and Corporations <sup>[9]</sup>	<b>Overview:</b>

	STATE	TOPIC	SUBTOPIC	SUMMARY
				<p>New York State has moved the due date for personal income tax and corporation tax returns from April 15, 2020, to July 15, 2020.</p> <p><b>Action Steps for Relief:</b> More information is available at: <a href="https://www.tax.ny.gov/pdf/notices/n20-2.pdf">https://www.tax.ny.gov/pdf/notices/n20-2.pdf</a>.</p>
			Sales and Use Taxes <sup>[10]</sup>	<p><b>Overview:</b> New York has granted an extension for individuals who were required to file or pay quarterly or annual sales or use taxes on March 20, 2020, and were unable to do so due to COVID-19, and the individual may be eligible to have the penalty and interest waived.</p> <p>Note that eligible individuals must still file and pay the amount within 60 days of the original due date.</p> <p><b>Action Steps for Relief:</b> Taxpayers that receive a penalty notice from the Tax Department for failure to file returns or make payments due March 20, 2020, should follow the instructions on the notice to</p>



	STATE	TOPIC	SUBTOPIC	SUMMARY
				request abatement of interest and late filing or late payment penalties that would otherwise apply. For more information, visit <a href="https://www.tax.ny.gov/press/alerts/nys-tax-response-to-covid-19.htm">https://www.tax.ny.gov/press/alerts/nys-tax-response-to-covid-19.htm</a> .
7.	New York	Financial Institution Relief	Financial Institution Relief <sup>[1]</sup>	<p><b>Overview:</b></p> <p>The New York State Department of Financial Services issued an emergency regulation requiring certain banks (regulated by NY law) to eliminate:</p> <ul style="list-style-type: none"> <li>• ATM fees;</li> <li>• Overdraft fees; and</li> <li>• Credit card late payment fees for any individual who demonstrates financial hardship as a result of the COVID-19 pandemic.</li> </ul> <p><b>Action Steps for Relief:</b></p> <p>If an individual that uses a New York bank and has not been granted the relief above, that person may consider contacting their local branch.</p>

[1] See “Guidance for Determining Whether a Business Enterprise is Subject to a Workforce Reduction Under Recent Executive Orders” available at: <https://esd.ny.gov/guidance-executive-order-2026>.

[2] *Id.*

- [3] See “Pandemic Unemployment Assistance,” available at: <https://www.labor.ny.gov/pressreleases/2020/april-20-2020-1.shtm>.
- [4] See “DFS Issues New Emergency Regulation Requiring New York Regulated Financial Institutions to Provide Financial Relief to New Yorkers Demonstrating Financial Hardship from COVID-19 Pandemic” (March 24, 2020) available at: [https://www.dfs.ny.gov/reports\\_and\\_publications/press\\_releases/pr202003241](https://www.dfs.ny.gov/reports_and_publications/press_releases/pr202003241); “Tenants rights during the COVID-19 Crisis in New York State” available at: <https://ag.ny.gov/coronavirus#tenantrights>; see also “No. 202.28: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency” available at: <https://www.governor.ny.gov/news/no-20228-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.
- [5] See “Tenants rights during the COVID-19 Crisis in New York State” available at: <https://ag.ny.gov/coronavirus#tenantrights>.
- [6] See “Guidance on Coronavirus Resources and Warnings about Consumer Scams” available at: <https://ag.ny.gov/coronavirus#housingrights>.
- [7] See “Courts in Fifth, Sixth and Seventh Judicial Districts to Begin Phase Four of Return to In-Person Operations” (June 30, 2020) available at: [https://www.nycourts.gov/LegacyPDFS/press/pdfs/PR20\\_32.pdf](https://www.nycourts.gov/LegacyPDFS/press/pdfs/PR20_32.pdf).
- [8] See “Guidance on Coronavirus Resources and Warnings about Consumer Scams” available at: <https://ag.ny.gov/coronavirus#housingrights>.
- [9] See “Announcement Regarding Relief from Certain Filing and Payment Deadlines due to the Novel Coronavirus, COVID-19 N-20-2” available at: <https://www.tax.ny.gov/pdf/notices/n20-2.pdf>.
- [10] See “Announcement Regarding the Abatement of Penalties and Interest for Sales and Use Tax due to the Novel Coronavirus, COVID-19 N-20-1” available at: <https://www.tax.ny.gov/pdf/notices/n20-1.pdf>.
- [11] See “Emergency Relief for New Yorkers Who Can Demonstrate Financial Hardship as a Result of Covid-19” available at: [https://www.dfs.ny.gov/system/files/documents/2020/03/re\\_new\\_pt119\\_nycrr3\\_text.pdf](https://www.dfs.ny.gov/system/files/documents/2020/03/re_new_pt119_nycrr3_text.pdf); “Governor Cuomo Signs Executive Order Mandating Businesses that Require In-Office Personnel to Decrease In-Office Workforce by 75%” available at: <https://www.governor.ny.gov/news/governor-cuomo-signs-executive-order-mandating-businesses-require-office-personnel-decrease>.

---

## Authors & Contributors

Jennifer D. Morton

Taylor Pugliese

Andrew Lewis

ABU DHABI • AUSTIN • BEIJING • BRUSSELS • DALLAS • DUBAI • FRANKFURT • HONG KONG • HOUSTON • LONDON • MENLO PARK • MILAN  
NEW YORK • PARIS • RIYADH • ROME • SAN FRANCISCO • SÃO PAULO • SEOUL • SHANGHAI • SINGAPORE • TOKYO • TORONTO • WASHINGTON, DC

---

Pace-NRDC Food Law Initiative COVID-19| June 2020

This publication is provided for informational purposes only. It was prepared as of the date set forth above and is not guaranteed to be correct, complete or remain up-to-date. We have not consulted with local counsel in any state or non-U.S. jurisdiction, and, as members of the Bar of the State of New York, we do not purport to be experts in the law of any other state or jurisdiction involved. This publication should not be construed as legal advice or an invitation for an attorney-client relationship, and if desired, readers should seek independent counsel in their relevant jurisdiction for advice on particular situations.

Attorney Advertising. This memorandum is intended only as a general discussion of these issues. It should not be regarded as legal advice. We would be pleased to provide additional details or advice about specific situations if desired.

Copyright © 2020 Shearman & Sterling LLP. Shearman & Sterling LLP is a limited liability partnership organized under the laws of the State of Delaware, with an affiliated limited liability partnership organized for the practice of law in the United Kingdom and Italy and an affiliated partnership organized for the practice of law in Hong Kong. Our firm operates in association with Dr. Sultan Almasoud & Partners for the practice of law in Saudi Arabia.

---

Pace-NRDC Food Law Initiative COVID-19| June 2020

This publication is provided for informational purposes only. It was prepared as of the date set forth above and is not guaranteed to be correct, complete or remain up-to-date. We have not consulted with local counsel in any state or non-U.S. jurisdiction, and, as members of the Bar of the State of New York, we do not purport to be experts in the law of any other state or jurisdiction involved. This publication should not be construed as legal advice or an invitation for an attorney-client relationship, and if desired, readers should seek independent counsel in their relevant jurisdiction for advice on particular situations.