

A regular meeting of the City Council of the City of Newburgh was held Monday, January 25, 2021 at 6:00 p.m. via a Zoom Digital Platform.

EXECUTIVE SESSION

Councilman Grice moved and Councilman Sklarz seconded to enter Executive Session regarding the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Ayes: Grice, Monteverde, Shakur, Sklarz, Harvey – 5

Absent: Mejia, Sofokles – 2

The Council entered Executive Session at 6:00 p.m.

Councilman Grice moved and Councilman Sklarz seconded to exit Executive Session.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Harvey – 6

Absent: Sofokles – 1

The Council exited Executive Session at 7:10 p.m.

Moment of Silence/ Momento de Silencio

Mayor Harvey asked for a Moment of Silence followed by the Pledge of Allegiance.

Pledge of Allegiance/ Juramento a la Alianza

Roll Call/ Lista de Asistencia

Present: Mayor Harvey; presiding, Councilman Grice, Councilwoman Mejia, Councilwoman Monteverde, Councilman Shakur, Councilman Sklarz, Councilwoman Sofokles - 7

COMMUNICATIONS

Approval of the Minutes of the City Council Meeting on January 11, 2021

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Carried

City Manager Update/ Gerente de la ciudad pone al dia a la audiencia de los planes de cada departamento



City Manager's Update

Newburgh City Council Meeting

Monday, January 25, 2021

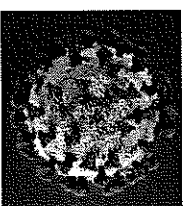


Novel Coronavirus (COVID-19)

For more information

Hotline: 1-888-364-3065

www.health.ny.gov/diseases/communicable/coronavirus



New York State Department of Health COVID-19 Tracker

Testing data as of: 1/20/2021 2 PM
Testing data last updated on: 1/21/2021

Statewide

Total Persons Tested
29,762,950

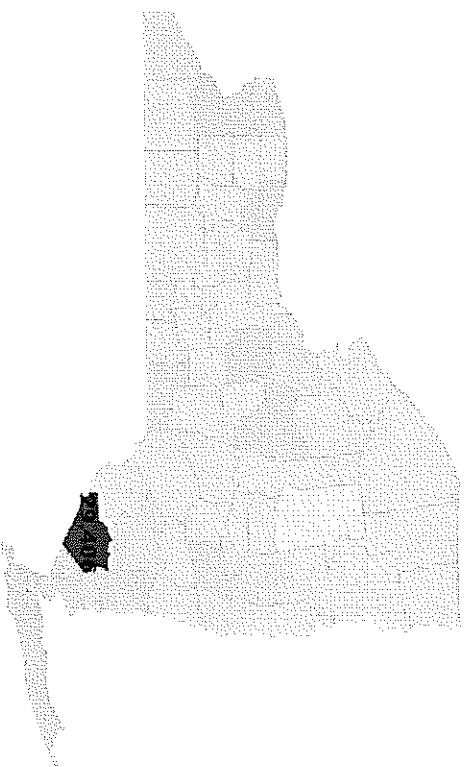
Total Tested 1/20
224,569

Total Tested Positive
1,285,337

Sex Distribution of Positive Cases
Female 50.4% Male 48.4% Unknown 1.2%

New Positives 1/20
13,886

Persons Tested Positive by County



Legend:
100-499
500-999
1,000-4,099
5,000-9,999
10,000-14,999
15,000-19,999
20,000+

1

Click County to See Detail
Click Again for Statewide

Montgomery	2,063
Nassau	47,374
New York	79,880
Niagara	42,419
Oneida	47,487
Orangeta	28,120
Ontario	4,216
Orange	29,406
Orleans	1,868
Oswego	2,101
Otsego	1,778
Putnam	6,490
Queens	159,988
Rensselaer	7,112
Richmond	44,527
Rockland	30,967
Saratoga	6,227
Schenectady	9,386
Schoharie	928

Click for Daily Trends

Click for Table View

Click for Facility Data

FAQs & Helpful Links

County Stats

County Name	Number of Persons Tested	Tested Positive	% Positive Results	Persons Tested Today	New Positives Today
Orange	442,788	29,406	6.6%	3,995	328

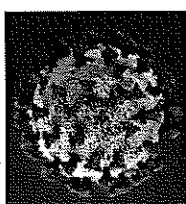


Novel Coronavirus (COVID-19)

Phased Distribution of the Vaccine

Hotline: 1-888-364-3065

<https://covid19vaccine.health.ny.gov/covid-19-vaccine-tracker>



New York State COVID-19 Vaccination Program to Date
(New York State Healthcare Distribution sites include: Hospitals, mass vaccination sites operated by the State or local governments, pharmacies, and other providers registered with the state to serve as points of distribution)

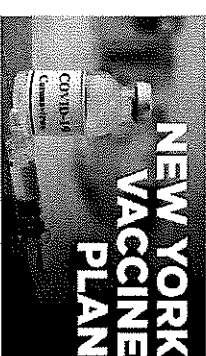
NYS Healthcare Distribution Sites			New York State COVID-19 Vaccination Program to Date		
% of Doses Administered			Total Doses Received	Total Doses Administered	% of Doses Administered / Received
91%					
First Doses Received					
1,053,650					
First Doses Administered					
975,958					
Second Doses Received					
136,500					
Second Doses Administered					
108,573					
Region	Total Doses Received	Total Doses Administered	% of Doses Administered / Received		
Capital Region	78,500	84,396	87%		
Central New York	50,170	50,160	100%		
Finger Lakes	77,450	73,343	95%		
Long Island	14,778	14,702	100%		
Mid-Hudson	111,925	94,191	84%		
Mohawk Valley	77,145	72,967	95%		
New York City	648,775	427,403	66%		
North Country	40,144	39,460	98%		
Southern Tier	20,489	18,334	90%		
Western New York	60,506	50,853	84%		
Statewide	1,100,459	1,004,521	91%		



Novel Coronavirus (COVID-19)

Hotline: 1-888-364-3065

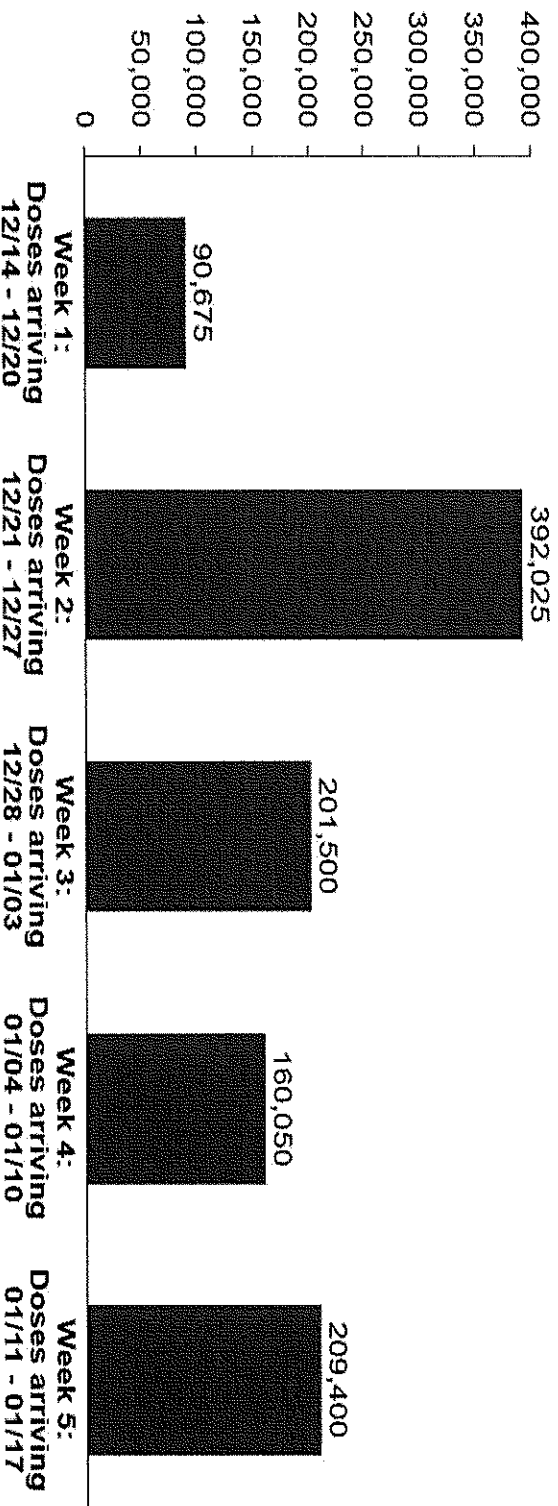
<https://am-i-eligible.covid19vaccine.health.ny.gov/>

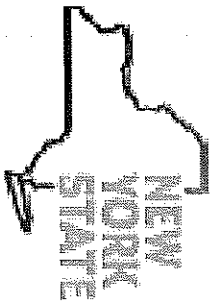


Check Your Eligibility

Weekly total

Weekly allocations of first doses
fully delivered to New York
for Healthcare Distribution Sites





Restaurant Recovery Fund

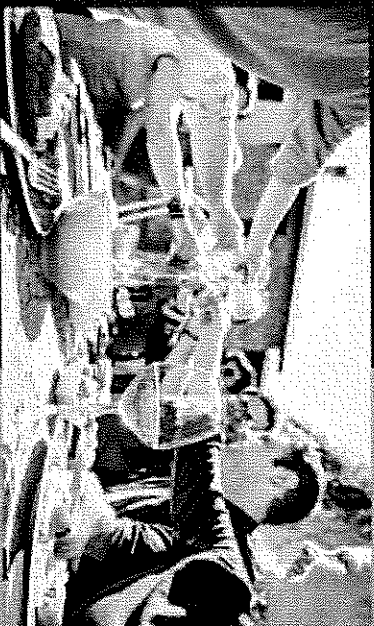
(845) 567-4882

<https://esd.ny.gov/raising-nys-bar-restaurant-recovery-fund>



ORANGE COUNTY
CHAMBER OF COMMERCE

Check Your Eligibility



**ORANGE
COUNTY
RESTAURANTS!**

TAKE OUT ■ CURBSIDE ■ OUTDOOR DINING



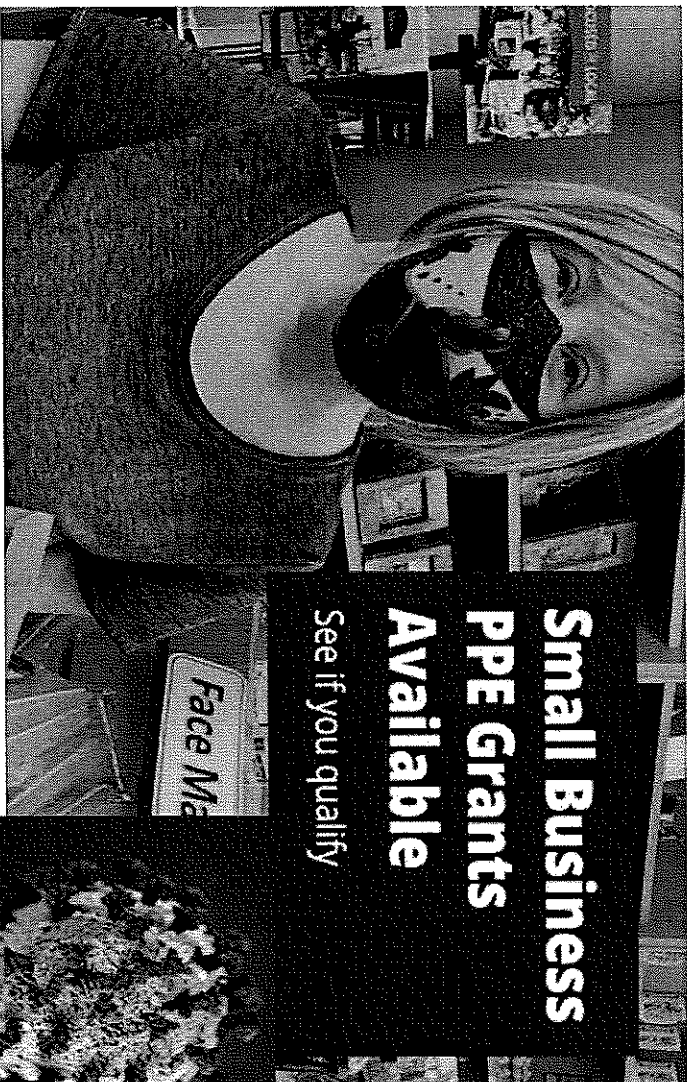
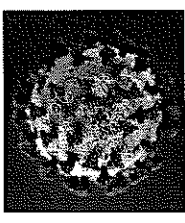
ORANGE COUNTY
CHAMBER OF COMMERCE



PPE Reimbursement Grant

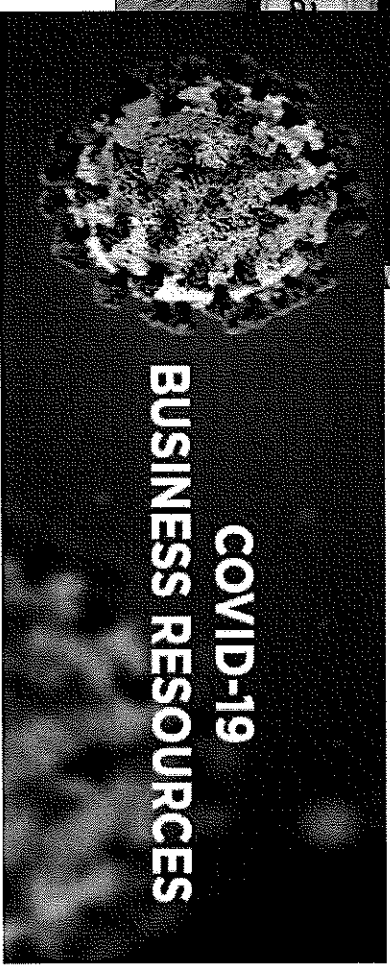
845-569-7369

idadirector@cityofnewburgh-ny.gov



**Small Business
PPE Grants
Available**
See if you qualify

Industrial Development Agency



**COVID-19
BUSINESS RESOURCES**



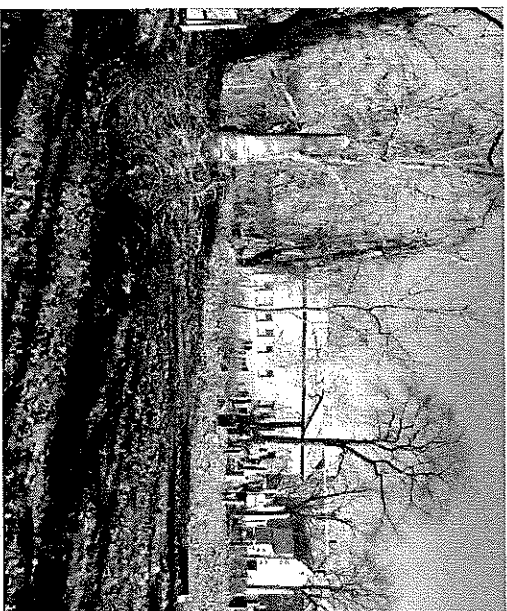
Solo en español COVID-19 Foro Comunitario

COVID-19: Lo que necesita saber

Miércoles, 27 de enero de 2021

4:00 P.M. ET



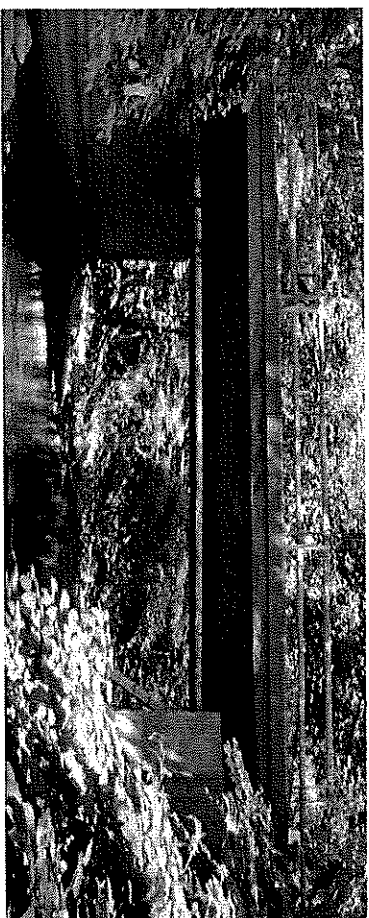
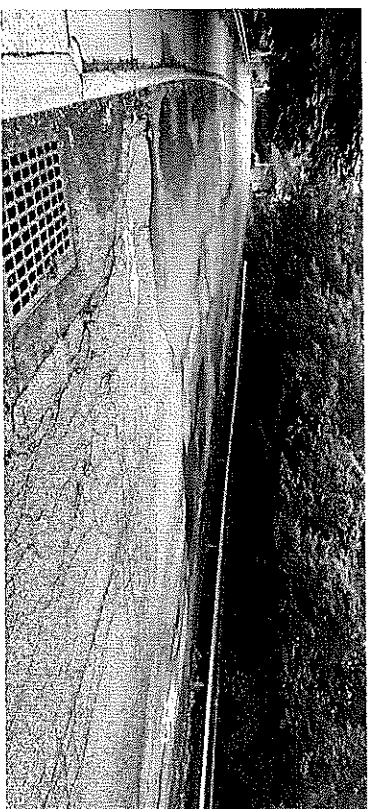
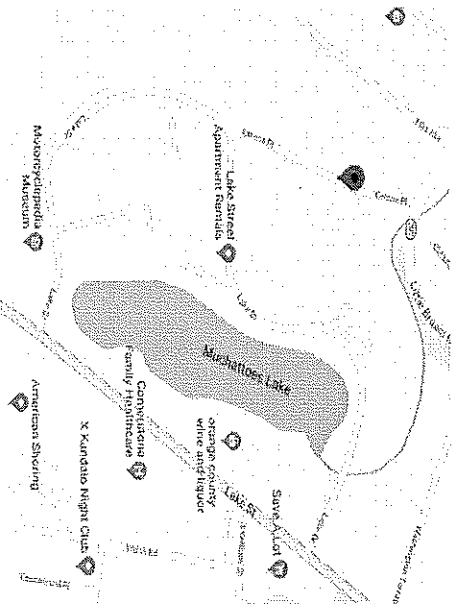
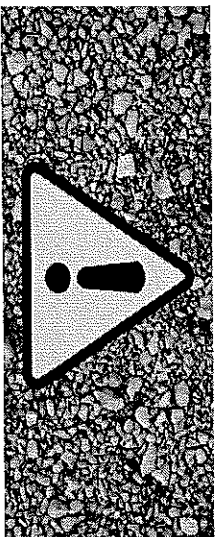




Lake Drive Bridge Replacement



Construction Notification



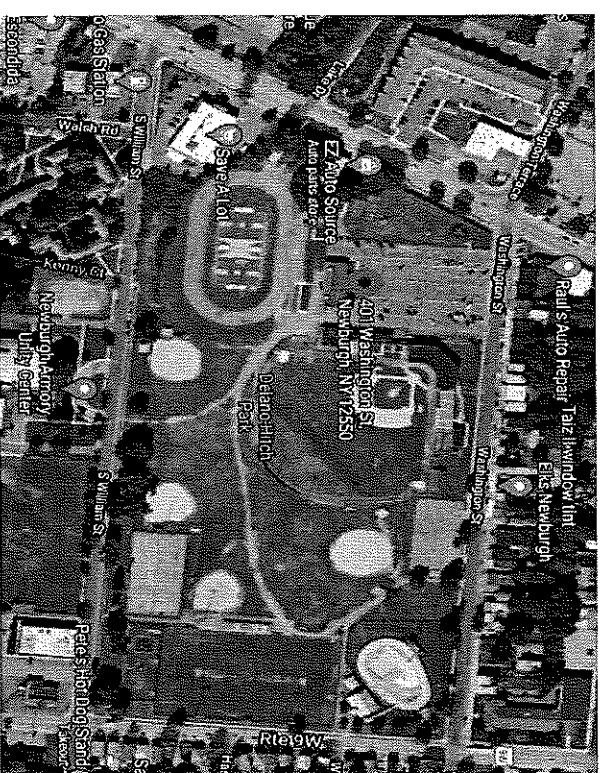


Street Camera Update



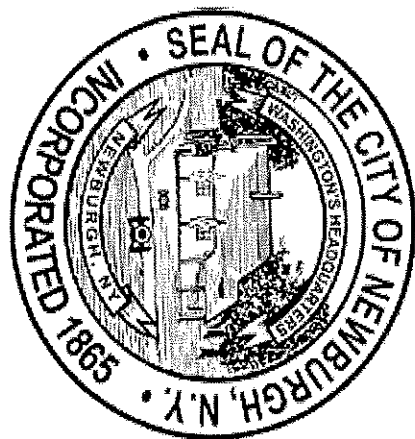
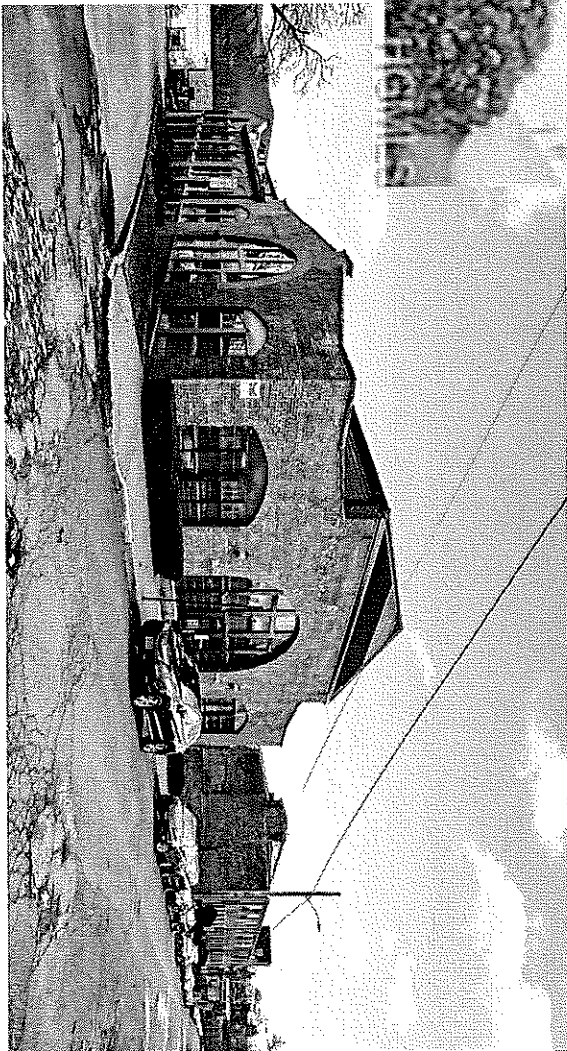
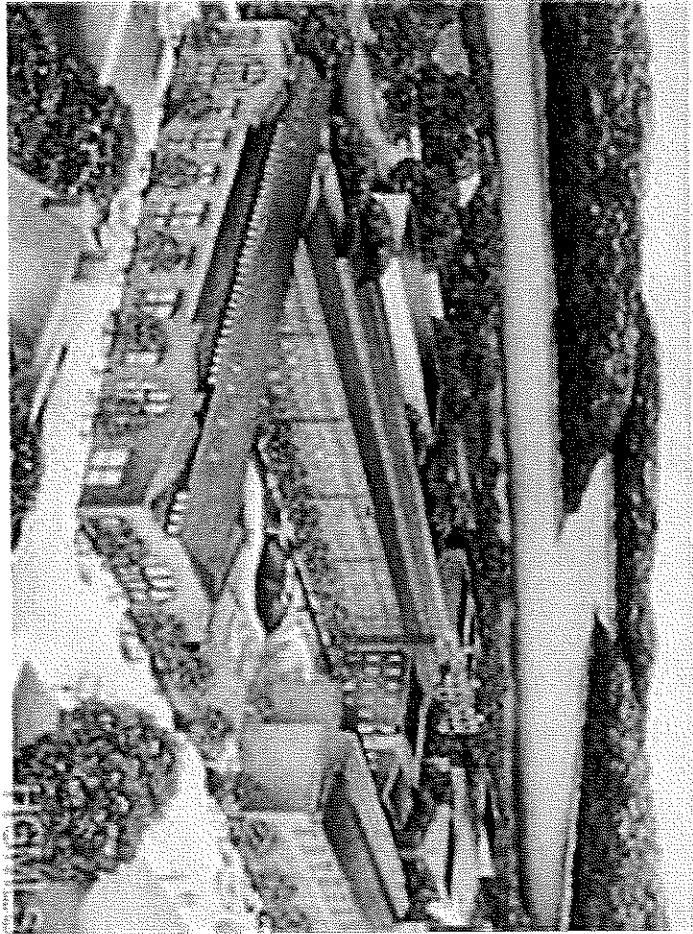
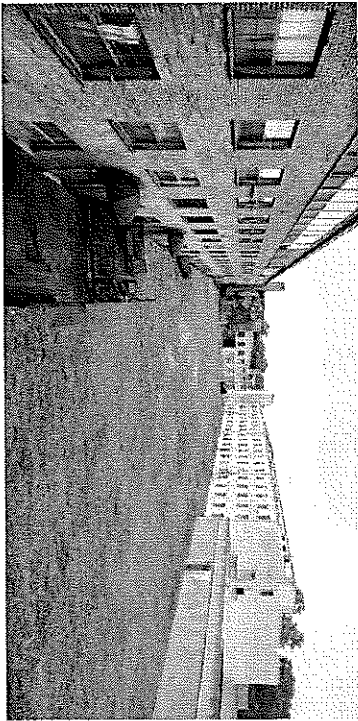
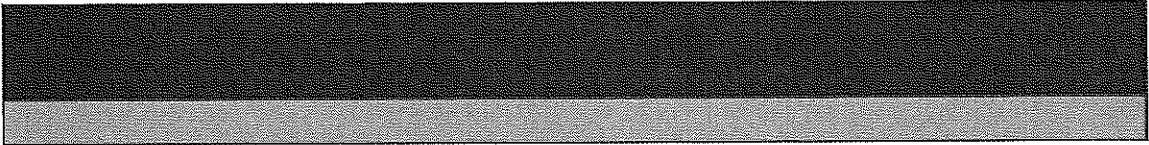
34 Street Cameras Citywide

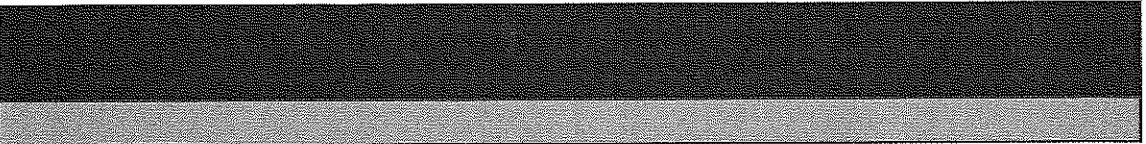
DASNY funds pending to update system
4 Cameras are offline (beyond repair)
10 NEW cameras to be installed



12 cameras installed around 401 Washington
Installation completed on January 7, 2021

BOND used to establish system at Rec Department

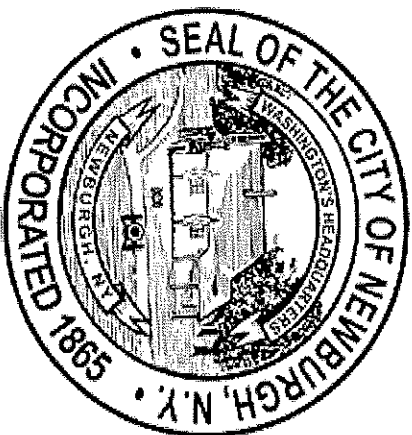




**NEW YORK STATE
POLICE REFORM
AND REINVENTION
COLLABORATIVE**

**RESOURCES & GUIDE FOR
PUBLIC OFFICIALS AND CITIZENS**

AUGUST 2020





RIGHT TO KNOW ACT

GENERAL ORDER NO. 0-40

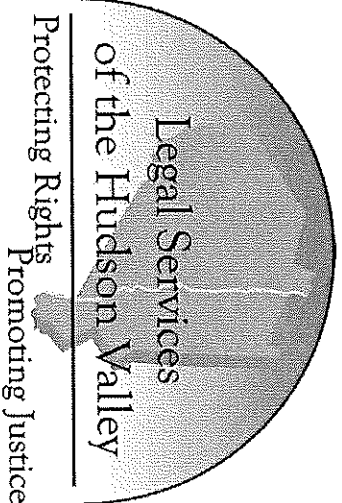
Public Hearing Adoption	Implementation	Committee Meeting	Public Update	
On July 13, 2020, City Council held a Public Hearing and voted to adopt local law enacting Police Identification.	The Local Law was enacted within 90 days from the day of adoption and after filing in the Office of the NYS Sec State.	At EO203 Committee meetings there were discussions on the Right to Know Act – General agreement on process and roll out.	Public was provided with an update on November 9, 2020. PD started issuing ID cards shortly thereafter.	



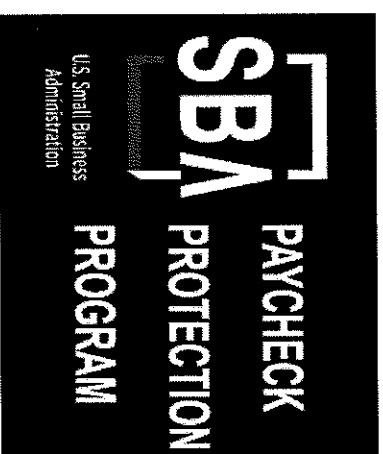
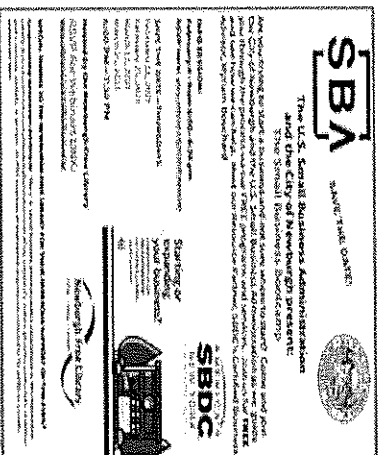
NEXT STEPS

	POLICE DEPARTMENT CITY OF NEWBURGH, NEW YORK	
OFFICER'S NAME _____	ID # _____	
Incident # _____		

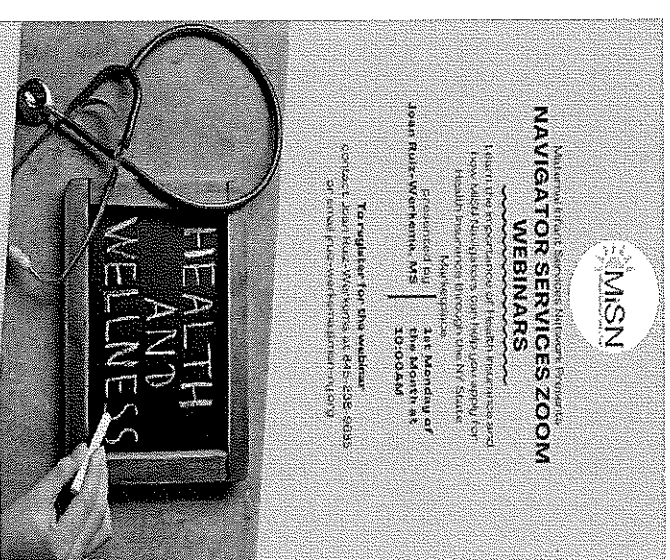
Community Updates



On January 28 the first session of a Know Your Rights series will be held by LSHV. These are provided free of charge to City of Newburgh Residents interested in learning about their rights as tenants.

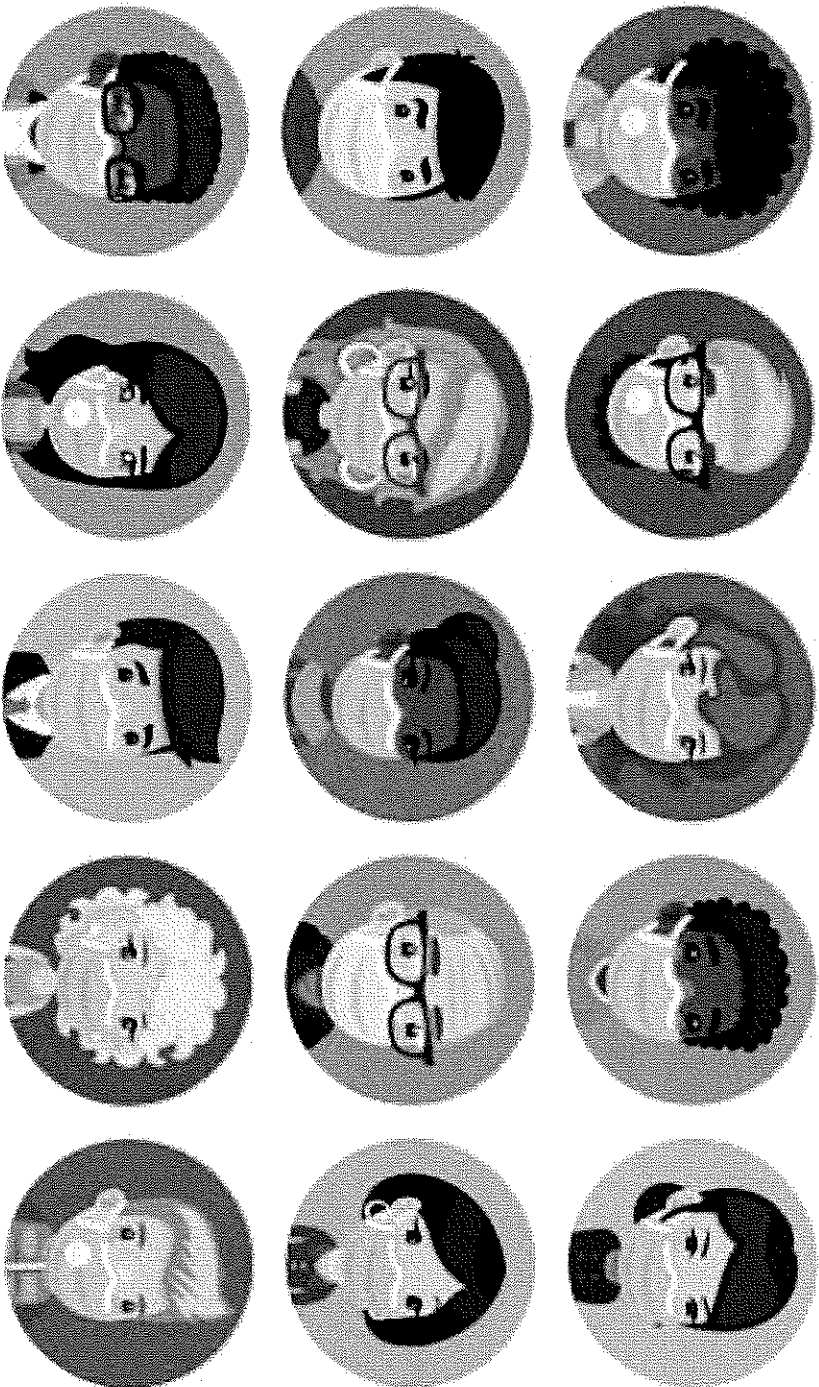


SBA bootcamp informational session registration can be found on the City of Newburgh website.



MISN Navigator will be doing Virtual Webinars the first Monday of each month

Wear a Mask!



PRESENTATIONS

Public Hearing - E.O. 203 Police Reform and Reinvention Collaborative

Mayor Harvey opened a Public Hearing that was advertised for this meeting to receive comments from the public concerning the City of Newburgh Police Reform and Reinvention Collaborative pursuant to Executive Order 203.

Pastor Obed Almeyda and Bishop Woody are both members of this Committee and wanted to provide this information. Some of the items accomplished so far are: #1 – We have determined that we will increase the annual department training to include a minimum of four hours per year for community relations, implicit bias training, cultural awareness or and anti-racism training and de-escalation training. #2 – The data collection management is what the City Manager discussed earlier regarding the Right to Know laws and the purpose here is to include an Annual Report from the Police Department that would be compiled and made public for the community, however, as it was mentioned earlier we are hitting some obstacles that we are working on solutions for. #3 – The Police Department will increase its transparency to the community by placing all of the General Orders and policies and procedures on the City Website making them available to the public. The Website, itself, will be improved and updated to include more information and made more user friendly including crime statistics and police activity reports. A community opinion survey is also going to be created and added to the Website in both English and Spanish as well as a civilian complaint form that will be accessible to the residents of the City of Newburgh. #4 – In regard to equipment the Police Department will be looking at the body worn camera system which is now over five years old so they will be replaced with a newer more improved system. They have taken the time to review a number of the General Orders and decided that some of them need to be updated. For instance, with the Response to Resistance General Order we want to ban the use of choke holds, remove K9 use and add a duty to intervene section. There were some updates made to the General Orders on vehicle and traffic stops and adding a crisis intervention team as well as in service training which was already discussed. They also want to remove any reference to New York State Civil Service Law under the General Order for department discipline and add training for two Supervisors on Internal Affairs investigations. #6 – The Police Department will issue a letter to several outside agencies requesting participation to discuss the utilization of mental health services to assist with Police when responding to handling a person in crisis. The Police Department would join forces with local agencies that are non-governmental organizations in addition to communicating with the County and State for other agencies and resources that are mental health focused to provide a continuum of services that the Police Department will be part of. #7 – The Police Department will be examining its current employment of uniform Police Officers and using a Zone System which will better reflect on the current demographics of the City and reassigning Patrol Officers based on that. They also have to prioritize the re-location of the current Police Headquarters because the building the Police are currently in has been condemned. They are looking for a new Headquarters to remain downtown to be able to service the same area and hope to do that in the next twelve to eighteen months.

Bishop Jeffrey Woody continued with #8 – The Police Department is committed to the hiring of minority Police Officers in 2021 and beyond and members of the community will be encouraged to participate in the hiring process of all new Police Officers. #9 - Community meetings will be held routinely at least one to two times per month. They will be conducted by ward and overseen by the Chief of Police as well as a designated ward contact or Sergeant from within department. Opportunities for all to engage in an honest open and transparent dialogue with Police representatives will take place regularly. Any one of many organizations including but not limited to the NAACP will be encouraged to attend. #10 – The Police Department will organize a diverse group of members of the Clergy equally balanced to reflect the current demographics of the City of Newburgh. This Unit will work with the Police and the community to enhance relationships, respond to critical incidents and serve to support Officers, crime victims and families at times of crisis. This Unit will represent a diverse member of the Clergy so it will include multiple Faiths. #11 - Subpoena power for the Police Community Relations and Review Board (PCRRB). The City commits to a thorough and legal review of increasing the current authority of the PCRRB to have Subpoena power when investigating complaints against members of the Police Department. #12 – The Police Department will introduce the Hope Not Handcuffs Program in an effort to provide alternatives to arrests when dealing with people who suffer from substance abuse addictions. The Newburgh Christian Ministerial Fellowship will also be an active participant in this collaborative. #13 - Enhance the SNUG Program to include the Christian Ministerial Fellowship as a stakeholder. The Police Department and SNUG partners have recently begun and will continue to develop an Action Plan for engaging at risk individuals for gun violence along with the newly joined Christian Ministerial Fellowship. We know there is a lot of work that needs to be done and we are just a small part of individuals trying to help the City move forward.

Shannon Wong, Chapter Director for the New York Civil Liberties Union here in the Hudson Valley said she was here to share concerns about the collecting of personal identifiable data on the Field Activity Sheet but is pleased to hear they are pausing on the collection of this data. In the work they are doing in Executive Order 203, they are referring to this policy as a response to resistance and she looks forward to reviewing the General Orders when they are available to the public on the Website. She also acknowledged her support of Subpoena power for the Police Commission as it's a very important component to have. She listened to the recent Work Session of the Police Reform and Reinvention Collaborative as they discussed plans to respond to the Governor's Executive Order and she understood the Chief said that the community wants to know who's stopped, where they are stopped and why they're stopped. She believes the community is looking for demographic data not information on specific individuals and that is reasonable information to want but the method of achieving that through the Field Activity Sheet is not ok and it seems like they have come to that understanding. It was further noted that this was part of the Police Identification Bill or the Right to Know Act that this is intended to give the community information; not collect information from the community. The use of that Field Activity Sheet undermines the intention of the Right to Know Act. The community doesn't want personal identifying information collected and put into a database so she is pleased to see there will be a pause to that. She reviewed the Local Law and noted that it says nothing about collecting data from residents. She noted that Section F of the Local Law says that business cards will be preprinted. The idea is to clearly have the Officers name and contact information on it so if someone has illegible handwriting it doesn't get in the way of identifying who they were stopped by. She believes there was a mention of a database where this information would be stored which would be

a major concern. The City should not be collecting this information especially if there is no wrong doing so she urged the City Council and community members to ask if this database exists, how it is being used, what data is being stored and for how long. It is her hope that the Police Department and the members of the City Council will take these concerns seriously, discontinue the use of the Field Activity Sheet and implement the Right to Know Act in the spirit that it was intended.

Aura Lopez Zarate, City of Newburgh said she also wanted to speak on the collection of information by the City of Newburgh Police Department and she is glad they have already addressed this concern. It is important that this be stopped as soon as possible and that we have preprinted cards with clear information on the Officers if people cannot read their handwriting. Has the database that was mentioned been used? If it has, how can it be destroyed because it is a concern that information is being collected when residents have not done anything wrong.

Daniel Cronin said a lot of people said things about this Executive Order and he thinks it has a lot to do with comprehension. If it had been read in the beginning, you could have comprehended that it wasn't for the intent of gathering information. He has issues with people going to the City Manager and Mayor Harvey with false information that was spread on Social Media about him personally. He asked to speak to Mr. Amthor but gets no response. He has been harassed by the Police Department with an active Warrant, which they didn't arrest him on so there is a lot that he questions personally. Would the Right to Know Act work with the Cop who drove into cars on Route 300? It is the public's right to know why that Cop wasn't given a breathalyzer and he had drugs on him. He added that he watched the Tyrell Fincher video and asked if they saw the Cop that was trying to get out of that car. Did you see his hand? He couldn't even get out of the car at first. He thinks everyone should be re-evaluated in that Department and drug tested randomly. The bodycams should also be monitored so they can't manipulate them. This is the responsibility of the Cops and the City Manager. It shouldn't be put on the backs of the people. There are a lot of family issues in that department and he has multiple videos that will be seen shortly so he would like for the Police to be trained on family issues.

Ertha Raymond-Augustin, 10 City Terrace North said that she was assaulted at her home and called the Police but they accused her of lying and said that she was never assaulted. She went to Urgent Care where they sent her to the Emergency Room by Ambulance because she had a concussion. The Lieutenant in charge spoke to her neighbors and said that the person she accused of assaulting her never entered her home. When she spoke to her neighbor she told her that she was asked if she heard an argument which she did not. Less than a month later this same person killed someone and that person's life could have been saved if they had only listened to her. Maybe because she is a person of color or has an accent she doesn't deserve to be listened to? She waited for the new Police Chief to start in August and Omari went to him and then the Chief contacted her. He asked her for the information and she has the names of the Officers who came but until this day she still hasn't heard anything. She used to have faith in the Police but now she questions why she is paying taxes for them.

Tionna Lawrence said she is seventeen years old and she is speaking on behalf of Omari Shakur and others. It is unfair that the Cops are discriminating against people and we need more activities for the kids. She worked with Omari this past summer and he did a lot for them. She went to meetings with him, did housing issue things and went to talk to people.

Omari is a good person and he can work with the kids to make this a better place.

Eleanor Sciannella, City of Newburgh said she is glad to hear that the collection of demographic information from residents stopped by Police Officers has ended. When the Police were asked for more transparency it was met with further surveillance of community members and the collection of information that could be used for further profiling. In the correction of this error they want Police Officers to give residents not just their badge number but instead their name and identification number. The spirit of these laws is transparency, accountability and community involvement. In the creation of the laws that govern ourselves and in the implementation of those laws this exemplifies the need for a powerful community review board and any effort to take what we say and try to implement it in a way that furthers the criminalization or the surveillance of the people who live here is not going to fly. In light of what happened at the Capital she would personally love to see a social media review of all of the Officers who work in the City of Newburgh to check for involvement in White Supremacist Organizations or involvement in what happened at the Capital.

Gabrielle Hill said that a lot of her questions were answered but asked if 203 has been restructured? Is Ray Harvey still the Chairperson? How can the community virtually attend these meetings? There was an incident a few weeks ago between a couple of community members where one person was approached by the Police and searched because another person had accused him of stealing. How does that happen? If someone sees me walking down the street and accuses me of doing something then the Police have the right to detain me? We need to get better information out to the community on what they should and should not expect when they have a Police encounter.

Maria Ramirez echoed earlier comments made concerning what seemed like an invasion of privacy and way to collect data to potentially profile people in the future. That would not foster any further trust with the Police. She would love for us to start looking at more conversations and action items for long term systemic transformation on issue we are facing in the community like in our infrastructure and programs for our youth. She agrees it would be great to get a review and public report to see if any City of Newburgh Police Officers were involved in the riot on January 6th. If so, what are the City's next steps because that should be very concerning to everyone.

Shakira Williams said she agrees with the Right to Know Act and feels it's just common sense. If you pull someone over or frisk them for whatever reason it is a good thing to ask for their information. We shouldn't have to ask it should just be given to us. If the Officer has an issue with me knowing who they are then something is wrong because they are here to protect and serve so giving out cards makes it better and easier. When people in the community have a situation with the Police they tell Omari so she thinks it's funny that they have a better relationship with Omari Shakur than the Police. If the Police would interact with the community the way he does then things would be a lot different because he interacts with the whole community. One of the Detectives told her that when he goes home and takes his uniform off, he is a regular person. They are regular people so they should act that way when interacting with the community.

Carla Johnson, City of Newburgh believes we need these ID Cards because she has seen Police Officers rough up people asking them for their names and ID so we should be able

to ask the Officer for their information too. She thanked Omari Shakur for teaching her and showing her the streets in the City of Newburgh as well as how to become a good resident and help our community. We need change in our City and we can't change unless we can change our Police Department.

Holly Moyseenko thanked everyone for pausing on the collection of community data because this is about community involvement, transparency and accountability. She sees Catholic Charities at community gatherings but not the Police. If there is to be true trust in this community, then the Police need to show up as real people and show their human side. Many of her clients have gone to the Police Station and dealt with racism but it's very different when she, a white woman, shows up with a client. If we are going to collect this data, which she is completely against, it needs to be clearly defined how it will be stored and who will be able to access it. There needs to be more transparency as well as follow up with the Police. When they hand out Cards they need to be in both English and Spanish as well as French Creole and other languages spoken in the community. It doesn't help anyone if they don't understand it. It is also important to talk about fairness and equal treatment which is not happening. If she sends two clients to the City of Newburgh Police Department, they are treated two entirely different ways. There needs to be a public review of the City of Newburgh Police Officers as well as Government Officials as related to the attack and White Supremacy. It is so important to find out who these people are. How are we supposed to trust a Police Officer if they are involved with White Supremacy.

Jennifer Morris said she is thinking a lot about goals and values and why this is happening. Who are the Police Officers being held accountable to? She hopes not just their superiors but also all members of the community so she wonders what that accountability structure looks like and how do we ensure they are held accountable by the community. Will these community meetings be made accessible to the public and will the Police take them seriously? She wonders about the Subpoena process for the PCRRB and what that will look like. If a Police Officer is subpoenaed, what happens next? What does this all look like in real life? She is thinking about the Hope Not Handcuffs Program, which sounds really promising but is also concerned that it will be left up to Police Officers to make their own judgment in making that call but it should be decided that Hope Not Handcuffs will be called anytime it is a drug related concern so there is no bias. Four hours of training a year is not going to be enough to make up for all of the many, many years of bias. She admires that they have these training classes but wonders if they could encourage not just individual personal training to meet a certain mark but real deep soul searching within the Officers and within the culture because it needs to change. They have to remember that they are people and the people they are serving are people. It is their job to serve and they should have more empathy.

Cherilyn Browne said she lived in Middletown for twenty years but since moving to the Newburgh, New Windsor area she has been pulled over by the Police more than ever in her entire life. She feels this is bogus and racist.

Sertaira Boyd, Prospect Street said that throughout the night there has been a lot of conversation on the data collection which is very important to the community. This topic came up at the meeting last week and she was very passionate about it so she understands why they feel the way they do. This is a topic that needs to be discussed so the 203 Board is picking away at every police policy and procedure one by one. She understands the community and she observes to make sure that children are coming home at night. When

there is interaction with the Police she tells that person that she is glad they complied and if they are put in the Police Car she explains to them what will happen next when they get to the Station. We are living in a critical time right now that is very sensitive to reform and changing things. She sits on the 203 Board and they have some uncomfortable conversations sometimes but they have talked about this data and the Right to Know and they are not done. She is glad they put a pause on this and she agrees with Ms. Morris that we need to know who our Police Officers are. When she was hired for her job she was told they could not have any Social Media pages whatsoever so if these Officers have accounts we need to know what is on them and what they are saying. Police Officers should protect and serve with courtesy. She is glad the community is speaking on this because these are the things we need to hear. She added that the 203 Board needs to be long term not short term because things change every day so it needs to stay beyond April.

There being no further comments this public hearing was closed.

COUNCIL COMMENTS

Councilman Grice thanked the Committee because they are doing a lot of hard work and he commends them. Someone in the community brought something to his attention last Saturday and he investigated so he wanted to thank our Chief of Police, City Manager and other elected official who helped with that. He supports the Right to Know Act but it should be separate from the data. It's just a simple card that should be given out. He agrees it should also be in Spanish and Haitian Creole and it should be legible. He and some elected officials had asked for that data but they never asked for personal identification of name, date of birth and address. We do need that data so his suggestion is to bring that form back to PCRRB to look at it so we can give the community more informed information and not rely on rumors or misinformation. He has been traveling throughout the County and when it comes to our 203 Zoom Meetings, we are far ahead of other places. In regard to what Council members do in public, he strongly disagrees. He is active in the public so he would be cautious about saying who is and who is not doing what. He added that the training will come at a cost so we have to keep that in mind. He will never recommend using K9's or any type of force and he supports the Hope Not Handcuffs Program. He also supports the Subpoena power but needs more details about it.

Councilwoman Mejia also wanted to thank the Executive Order 203 Committee and everyone involved. A lot of the feedback has been on the Right to Know which was simply supposed to be the handing out of a business card. How it got co-mingled with a request for data is a mystery to her and she is happy that people now understand that is not the best route to go. The intent of the law was supposed to be just notifying who they are and where comments or complaints can be made. It's supposed to be geared toward improving police and community relations and all of this feels like it is happening because of lack of communication. She understands that we are all short staffed, limited and running a mile a minute and people get asked to do different things at different times so we don't connect enough with each other. She hopes that the Executive Order 203 Committee continues to do the work they set out to do and that they partner with PCRRB, the Council members who are the liaisons and the Police Department who do what they can with what they have. She has seen the Police at public events and participated with them so we are all trying to create something that improves and strengthens our entire City. The Right to Know is something that was passed during a Pandemic and it was supposed to be a very

simple legislation. This delay is unacceptable as those business cards should have been printed last year so it needs to be done.

Councilwoman Monteverde said that with the Right to Know she was also under the impression that after it was approved business cards were going to be printed. This got so messed up because of miscommunication and we are trying to do so much. She was happy to hear tonight from the public and wants to make sure that they are clear we are not going to collect that data and it never should have happened that way. We have to slow down and get better with our messaging and how we engage the community for input otherwise it's going to be a moot point. At the end of the day we all want the same thing and the 203 Committee has been working hard to meet that deadline but it is a difficult and challenging process. The Police reform and the reimagining of public safety she hopes will look different and that it's something the community approves so they can get behind it. It's not a done deal yet. It was great to hear from the community and their concerns about this so we will get those cards out there to our Police Officers.

Councilman Shakur said that back in March he approached Ms. Wong and got the Right to Know Act information from her and presented it to the Council. Since the Police Chief is the one that did this he cannot trust his judgement on the 203 Committee. The Chief has been doing everything to undermine the Right to Know Act and a relationship with this community which is why we have this response from the community tonight. He lied at two meetings and said he did not receive information from Ms. Augustin regarding a person who later killed someone. Since he has been here he has destroyed any relationship with this community. He said that the Police Chief was texting him about his son during a meeting so was he taunting me or threatening me? Until these issues are addressed nothing is moving forward with the Police Chief. Ms. Kelson and the Council were basically disregarded and ignored with this Right to Know Act so who put this together and why? Right now we need to see about getting a new Police Chief. Listen to our community.

Councilman Sklarz thanked the Pastors for their presentation tonight and said that the gathering of this data was not nefarious and there was no hidden agenda. Throughout this process we may disagree on policies and procedures but 2020 is finally over and in 2021 we need to keep our discussions civil and professional. There is no place for vulgar name calling of City staff on social media so we need to put that juvenile behavior behind us.

Councilwoman Sofokles said that she agrees with Councilman Sklarz. There were a few people from the community who spoke tonight but she doesn't think that there was anything intentional. She has known Chief Amthor a long time and believes his intent is to please everyone and he thinks he is doing the right thing. The business cards should have been printed a long time ago but she doesn't like the attacks. A little bit of negativity can be destructive so when you are a City official you have to talk to your people and support your staff and that's not happening right now in some cases.

Mayor Harvey thinks that the Police Chief has done some great work since he's been here and we all can disagree without being disagreeable. He understands some of Councilman Shakur's sentiment and point of view and agrees with Councilmembers Sklarz and Sofokles that there is no room for vulgar language or personal attacks. He thanked everyone involved in the Executive Order 203 thus far as well as Bishop Woody and Pastor Obed Almeyda for their presentation. He agrees with and supports the thirteen items discussed especially the Subpoena power which we have to work with the legal department

on to see how to facilitate because it's an important recommendation. We will be looking at SNUG and moving forward with Ruff Ryders 2 the Rescue Program which should be considered as part of this Executive Order 203. We want to do what we need to do to have increased transparency so he loves the idea of increased annual training for Police Officers and the data collection management process is super important. He does not know where that Field Activity Sheet came from but was told it was recommended by one of our Council members to look at demographics and not necessarily those specifics.

There being no further comments this portion of the meeting was closed.

COMMENTS FROM THE PUBLIC REGARDING AGENDA AND GENERAL MATTERS OF CITY BUSINESS

Ertha Raymond-Augustin, 10 City Terrace North spoke about being assaulted and said that the Police didn't do anything about it and that person ended up killing someone. She doesn't understand why the Police Chief would say he didn't know anything about it because he took all of her information but never got back to her.

Sertaira Boyd, Prospect Street, said that she sent an email to the City Manager, Mayor and Council members regarding safety issues on Prospect Street. She knows that their hands are tied with implementing a traffic light there but the two way stop signs are not cutting it. People are coming off of Robinson to avoid the traffic light and speed down the road where we just had an accident on January 12th with a tragedy. Two days after January 12th another car was speeding and hit three other cars so that's two accidents in one week. The City of Newburgh needs to take it up with the State to get a traffic light there because people are tired of using their home insurance to fix repairs from speeding cars.

There being no further comments this portion of the meeting was closed.

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA AND GENERAL MATTERS OF CITY BUSINESS

There were no comments.

CITY MANAGER'S REPORT

Resolution No. 11 - 2021 - Proposal with ARCADIS for Final Design of Browns Pond Pump Station Permanent Generator

Councilwoman Sofokles moved and seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Resolution No. 12 - 2021 - Application to the Green Innovation Grant Program for the Broadway Reconstruction Project

Councilman Grice moved and Councilwoman Monteverde seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Resolution No. 13 - 2021 - Amendment to 2021 Personnel Book to Add Temporary Detective

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Resolution No. 14 - 2021 - Amendment to 2021 Personnel Book to Add Temporary Police Officer

Mayor Harvey said that this was discussed at the Worked Session this past Thursday but for transparency and the fact that we have heard so much regarding the Police Department and the lack of trust from the community can we get a rationale for this motion.

City Manager, Joseph Donat explained that the two items before the Council this evening regarding temporary positions in the Police Department are related to upcoming retirements. Item number nine for an amendment to the Personnel Book to add a temporary Detective position is because a Detective retired within the first two weeks in January. The Council moved forward with creating a temporary position last year in the Budget to see a Detective position through to the end of 2020 but needed two additional weeks for this current year. Item number ten for an amendment to the Personnel Book to add a Temporary Police Officer is because there is an upcoming retirement later in the month of February. At the same time, the Police Academy in Orange County is starting on February 1st so to get an additional person into the Police Academy we need to create this position that will then be funded permanently upon the retirement of an additional member of the Force later in the month. We need about a two week buffer time for a temporary position to be created in order for us to get an additional member into the Police Academy that starts prior to a more senior member of the Police Department retiring which would then create a permanent vacancy at that point in time.

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Resolution No. 15 - 2021 - To Grant Limited Income Exemptions Pursuant to New York State

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

NEW BUSINESS

Councilman Grice noted that next month is Black History Month and he thanked Councilman Shakur for getting a flag up. Another item we passed in our Budget was for our African American Day Parade so he would like for them to sit down and consider who is going to take the lead on that. Even though it's February and it won't happen until June it takes a lot of planning to be done properly.

Councilman Shakur said he had an interview with Spectrum News today and the flag will be raised on February 1st at 3:00 p.m. but only twenty-five people will be allowed due to COVID. He will be reaching out to some of the Pastors and people in the community to see who would like to attend. The City Manager reported earlier that Lake Street will be closed so he asked if the residents will receive flyers or something to notify them.

City Manager, Joseph Donat noted that No Parking signs will be put up on the entire road well before the restrictions.

Mayor Harvey said it was brought to his attention that back in 2006 or 2007 he hosted an Event on February 2nd that was approved by the City Council declaring James Brown Day in Newburgh. The daughters of James Brown, the Godfather of Soul, were here after his passing and it was held at 90 Broadway. We may want to think about that during Black History Month.

City Manager, Joseph Donat said that through a Mayoral Proclamation you can most certainly do so. Otherwise the Council would need to vote and we will not be meeting again prior to that time.

There being no further new business this portion of the meeting was closed.

OLD BUSINESS

Councilman Grice said that our communication has gotten better from the City government but he still believes we need a Committee for communication. There are still some areas that we are missing and some populations that we are not getting to. With a Committee of community members it will help find out what is going on and how to better communicate. He requested that we start doing our Zoom meetings live on Facebook because there is an audience there that he feels we are not reaching. He would like to add to the Gross Misconduct Legislation if anyone is supporting or involved in White Supremacy or inciting or participating in a riot. He added that we need to increase the fines for illegal dumping. Some great organizations are doing great a job on cleanups and he commended DPW for their cleanups and bulk pickup but he feels that if we increase the fines it will discourage dumping.

Councilwoman Mejia said that the Rental and Vacant Registries should be put up for revision and she would like to get the data attached to them.

Councilwoman Monteverde said that it was mentioned a few meetings ago that FYI is down so she would like to get an update on that.

City Manager, Joseph Donat noted that it is still down but they are working on the issues with it.

Corporation Counsel, Michelle Kelson said that we have to get a new User Agreement with Apple and their License Agreement is eighty pages long so it's under review.

Councilwoman Monteverde continued that she would like to revisit the Food Truck Ordinance that was passed. We need to get that under control because she is concerned they are taking advantage and are not in compliance.

Councilman Shakur said that Code Compliance has been without a Building Inspector since December 16th of last year and no Supervisor since 2018. The Department has hosted over one hundred and eighty building permit applications that are sitting dormant in the Office. They have continued to taking applications and fees that range from \$50.00 to \$3,000.00 without providing services so this needs to be looked into. The front end staff is taking the blunt of unpleasantness from the community because of this and just because an application has been accepted doesn't mean a permit will be issued. This should be looked into and he heard that Central Hudson is not conducting street openings so everyone is affected by this especially our taxpayers. He feels that the City Manager and the Council should be honest and transparent to the community about what is going on there. The Department Heads in Code Compliance and Recreation are both open right now and Lisa Ross and Maritza Wilson have been handling them so he thinks that they should be the Department Heads because they have been doing the job for a long time. They are both women who reside in the City of Newburgh so we need to move forward and look into that. We need to put someone in charge of these departments especially as we come out of this COVID Pandemic.

Mayor Harvey said that in the 2021 Fiscal Budget for the Newburgh Street Sweepers Program there is \$50,000.00 allotted so he would like to hear from the Council on how to get this jump started. As Councilman Grice mentioned there are a lot of community groups doing volunteer cleaning and they are great but we need to be consistent with a Street Sweeping Program. There is a possibility and interest from RECAP to possibly partner with the City on this as well as the Boys & Girls Club and getting monies to hire more part-time workers to help with this.

There being no further old business this portion of the meeting was closed.

FURTHER COMMENTS FROM THE COUNCIL

Councilman Grice said he made a lot of comments tonight so he has nothing further to add.

Councilwoman Mejia spoke in Spanish about the Right to Know Act and the implementation of the business cards.

Councilwoman Montervede said it's important that we remember that it's critical we understand there is no middle ground between lies and facts. Some people call us "*Newsburgh*" so if you want the truth we need to speak truth and let us not be divided because we have been so divided. People tell themselves a story without the facts and are misinformed and then put it out to the public. Let's be kind and open to different opinions and be civil to one another. There is need to call names or be disrespectful on Social Media in this day and age. When this happens we are not getting anywhere.

Councilman Shakur said that we had a lot of comments tonight and to reiterate about the Codes and Recreation Departments, these ladies are from our community and they have been working here forever. These are two important departments so we need to make sure they are staffed right. He encouraged everyone to come out February 1st at 3:00 p.m. because we are flying the flag again. It will be up all month and it will be on Facebook Live because only twenty-five people will be allowed with social distancing. We were proud and mighty people before we were slaves so this is a recognition of our history before slavery. Slavery was an interruption of our history.

Councilman Sklarz said it is wonderful news about the Lake Street Bridge finally getting replaced as it has been a long haul so he wanted to thank all of the staff involved. The residents have been cut off from the City for quite some time so this is wonderful news. He wished everyone a great night.

Councilwoman Sofokles said she concurs with the Lake Street Bridge as people have wanted that for a long time. She told the Mayor that she remembers the James Brown thing and he is right that his daughters were here at 90 Broadway. She wanted to touch base about the dumping on Carpenter Avenue because she went up there one day and it was covered but the next day it was gone so she thanked George and his crew for cleaning it up. She is putting a camera on the back of her Carriage House which will hopefully stop some of it. She told Ms. Boyd that on Prospect and South Street about forty five to fifty years ago her father would never go that way so it has been dangerous for that long. It is hard to get a traffic light put up there but it is a dangerous corner so she agrees that if we can do something then let's do it.

Mayor Harvey thanked everyone who came out and participated tonight. He appreciates all of the input from the public tonight especially on Executive Order 203. They are doing some great work on that Board with some challenges and tense opinions but overall the work they have done has been wonderful. He can't sit on that Board but he has been getting moment to moment updates along the way. He is excited about all of the items and recommendations that have been put together and knows that there will be some tweaking and additional items added but this work is significant and a priority for all of us. He is confident that the Executive Order 203 recommendations will go to Albany with a really well thought out plan. We all want to be happy without with all of our departments in public safety.

ADJOURNMENT

There being no further business to come before the Council the meeting adjourned at 9:43 p.m.

**LORENE VITEK
CITY CLERK**

RESOLUTION NO.: 11 - 2021

OF

JANUARY 25, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL
AND EXECUTE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT
WITH ARCADIS OF NEW YORK, INC.
FOR BID DOCUMENT PREPARATION AND MANAGEMENT SERVICES
IN THE BROWN'S POND PUMP STATION PERMANENT GENERATOR PROJECT
AT A COST NOT TO EXCEED \$71,000.00**

WHEREAS, the City of Newburgh owns and operates the Brown's Pond Pump Station that transfers raw water to the City's Water Filtration Plant for treatment and proposed to replace the portable generator with a permanent standby generator, installed at the pump station site, to provide service in case of primary power failure, and

WHEREAS, by Resolution No. 139-2019 of June 10, 2019, the City Council approved a proposal and professional engineering services agreement with Arcadis of New York, Inc. for a basis of design report for the Brown's Pond Pump Station Permanent Generator Project (the "Project") at a cost not to exceed \$7,500.00; and

WHEREAS, Arcadis of New York, Inc. has submitted a proposal for professional engineering services for the preparation of bid documents and management of the bid process to finalize the design and continue with the installation of the Project; and

WHEREAS, the cost for such professional engineering services will not exceed \$71,000.00 and funding shall be derived from F.8310.0455 Consultant Services; and

WHEREAS, the City Council has reviewed the annexed proposal and has determined that such work would be in the best interests of the City of Newburgh and its residents;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a proposal and execute a professional engineering services agreement with Arcadis of New York, Inc. for bid document preparation and management services at a cost not to exceed \$71,000.00 in the Brown's Pond Pump Station Permanent Generator Project.

RESOLUTION NO.: 12 - 2021

OF

JANUARY 25, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT
IF AWARDED A NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION
GREEN INNOVATION PROGRAM GRANT
FOR THE LONG TERM CONTROL PLAN BROADWAY RECONSTRUCTION PROJECT
IN THE AMOUNT OF \$1,500,000.00**

WHEREAS, by Resolution No. 219-2011 of October 24, 2011, the City Council of the City of Newburgh, New York authorized the City Manager to execute an Order on Consent with the New York State Department of Environmental Conservation ("NYS DEC") to resolve violations at the Wastewater Treatment Plant and for the development of the CSO Long Term Control Plan ("LTCP"); and

WHEREAS, the City has submitted its Phase 1 LTCP, the requirements for which will be deemed satisfied upon the approval of the NYS DEC and by Resolution No. 303-2015 of November 23, 2015, the City Council of the City of Newburgh authorized the City Manager to execute a Modification Order on Consent approving a Schedule of Compliance for Phase I through V of the LTCP; and

WHEREAS, the Reconstruction of Broadway between Grand and Dubois Street Project included as part of Phase II of the CSO LTCP; and

WHEREAS, the Environmental Facilities Corporation's Green Innovation Grant Program offers funding for projects, such as the Reconstruction of Broadway between Grand and Dubois Street Project, that improve water quality and mitigate effects of climate change through the implementation of green stormwater infrastructure; and

WHEREAS, the City proposes to apply for funding in the amount of \$1,500,000.00, with the grant match in the amount of 10% shall be derived from an existing grant and loan from the New York State Environmental Facilities Corporation under project CWSRF#C3-7332-11-00 and/or a future bond authorization; and

WHEREAS, this Council has determined that applying for and accepting the grant and loan funding if awarded is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a New York State Environmental Facilities Corporation Green Innovation Program Grant in the amount of \$1,500,000.00 for the Reconstruction of Broadway between Grand and Dubois Street Project; and upon the award of such funding to enter into and execute a documents and contracts with the New York State Environmental Facilities Corporation for said purposes and further, to carry out and comply with the terms of such project agreement(s).



DECEMBER 23, 2020 Albany, NY

Governor Cuomo Announces \$19 Million in Water Quality Grant Funding Available for Infrastructure Improvements

\$17 Million is Available to Support Green Stormwater Infrastructure, Water Efficiency, and Energy Efficiency Projects across the State

\$2 Million is Also Available to Help Municipalities Pay for Initial Planning for Wastewater Infrastructure Projects

Governor Andrew M. Cuomo today announced that \$19 million in federal grant funding is available to municipalities through the Consolidated Funding Application for infrastructure projects that protect or improve water quality. This funding is made available through two programs -- the Green Innovation Grant Program and Engineering Planning Grant Program. Funding through the Green Innovation Grant Program will support projects aimed at improving water quality and mitigating the effects of climate change through the implementation of green stormwater infrastructure, as well as energy and water efficiency efforts. The Engineering Planning Grant Program funding will help municipalities pay for the initial planning of water quality projects.

"Clean water and strong infrastructure are important backbones of any thriving community and New York has worked hard to ensure localities have the resources they need to strengthen and prepare their water systems for the future," **Governor Cuomo said.** "With this funding in hand, our local partners will be able to pursue projects which not only ensure

communities have access to clean water, but utilize cutting-edge green technologies to complete them and improve water management overall."

The Environmental Facilities Corporation and New York State Department of Environmental Conservation will evaluate and score all projects for which applications are received based on several factors, including level of water quality protection or enhancement, financial need, and readiness of the community to proceed expeditiously with the project. Applications for both the Green Innovation Grant Program (GIGP) and the Engineering Planning Grant Program (EPG) funding must be submitted through the Consolidated Funding Application [website](#) by **4 p.m., February 12, 2021**.

EFC will host a webinar to present the GIGP and EPG programs on January 13, 2021, at 11 a.m. A recording of the webinar will be available on EFC's website www.efc.ny.gov. The webinar will provide an overview of the GIGP and EPG programs, as well as guidance on how to apply for grant funds. There will also be an opportunity to ask questions. You may register for the webinar on EFC's website www.efc.ny.gov.

To date, more than \$200 million in GIGP and EPG grant funding has been made available to address clean water challenges in New York communities. The grant funding made available today builds upon the more than \$3.5 billion in funding Governor Cuomo has dedicated to clean water initiatives.

Maureen Coleman, Acting President and CEO of the Environmental Facilities Corporation, said, "Under Governor Cuomo's leadership, the state continues to provide unprecedented support to communities to address clean water challenges. EFC is excited to be able to provide this funding to support innovative green projects across New York. These projects will protect water quality, while also mitigating impacts of climate change, the effects of which are often disproportionately borne by disadvantaged communities."

Basil Seggos, Commissioner of the Department of Environmental Conservation and Chair of the Environmental Facilities Corporation, said, "Access to clean water is critical to the health, safety, and economic well-being of communities across the state. Under Governor Cuomo's leadership, New York continues to invest millions of dollars to protect and restore water

resources statewide while DEC and our state agency partners continue our work to identify and address threats both new and known before they enter our waters."

Senator Todd Kaminsky said, "Few things are more important than access to pristine water which is why this crucial investment is necessary to address aging infrastructure and emerging contaminants. This funding will bolster public health and quality-of-life, while protecting such a vital natural resource. I applaud Governor Cuomo for this initiative, building off of our State's historic investments in clean water, and I look forward to working with localities to ensure they can tap into this funding."

Assembly Member Steve Englebright said, "This funding will help our local governments improve water quality. Correctly handling stormwater may not be glamorous, but it's an essential component in protecting our water and the land."

The Governor's commitment to water quality includes \$3.5 billion for water quality protection across New York through the Clean Water Infrastructure Act and subsequent budgets, \$350 million awarded through the Water Infrastructure Improvement Act, and \$60 million in the Intermunicipal Water Infrastructure Grants Program, among other investments for projects across the state. In addition, this year New York adopted a first-in-the-nation drinking water standard for emerging contaminant 1,4-Dioxane that set the maximum contaminant level of 1 part per billion for 1,4-Dioxane. The Governor also announced maximum contaminant levels for emerging contaminants PFOA and PFOS in New York's drinking water, which are among the lowest in the U.S. for PFOA and PFOS at 10 parts per trillion.

Contact the Governor's Press Office



**Contact us
by phone:**

Albany: (518) 474 - 8418

New York City: (212) 681 - 4640



**Contact us
by email:**

Press.Office@exec.ny.gov

RESOLUTION NO.: 13-2021

OF

JANUARY 25, 2021

A RESOLUTION AMENDING THE 2021 PERSONNEL ANALYSIS BOOK
TO ADD ONE (1) DETECTIVE POSITION ON A TEMPORARY BASIS
IN THE CITY OF NEWBURGH POLICE DEPARTMENT
FOR THE PERIOD JANUARY 1, 2021 THROUGH JANUARY 13, 2021

WHEREAS, the Police Department previously advised the City Manager that due to an expected retirement, the department is in need of an additional individual to perform the duties of "Detective" in the Crime Scene Unit; and

WHEREAS, by Resolution No. 311-2020 of December 14, 2020, Council of the City of Newburgh authorized an amendment to the 2020 Personnel Analysis Book to create one (1) additional position on a temporary basis in the position of "Detective" in the Police Department; and

WHEREAS, the Police Department has advised the City Manager that the temporary Detective position was needed from January 1, 2021 through January 13, 2021; and

WHEREAS, the City Council has determined that adding one temporary Detective position in the Police Department for the period January 1, 2021 through January 13, 2021 will promote economy and efficiency within the Department; the same being in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Personnel Analysis Book for the fiscal year 2021 be amended, and that there be and hereby is created one (1) additional position on a temporary basis in the job title "Detective" in the Police Department for the period January 1, 2021 through January 13, 2021.

RESOLUTION NO.: _____14____-2021

OF

JANUARY 25, 2021

**A RESOLUTION AMENDING THE 2021 PERSONNEL ANALYSIS BOOK
TO ADD ONE (1) POLICE OFFICER POSITION ON A TEMPORARY BASIS
IN THE CITY OF NEWBURGH POLICE DEPARTMENT
THROUGH FEBRUARY 28, 2021**

WHEREAS, the Police Department has advised the City Manager that due to an expected retirement, the department is in need of an additional individual to perform the duties of "Police Officer"; and

WHEREAS, the creation of the additional Police Department Police Officer position will be on a temporary basis; and

WHEREAS, the City Council has determined that adding one Police Officer position in the Police Department will promote economy and efficiency within the Department; the same being in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Personnel Analysis Book for the fiscal year 2021 be amended, and that there be and hereby is created one (1) additional position on a temporary basis in the position of "Police Officer" in the Police Department through February 28, 2021.

RESOLUTION NO.: 15 -2021

OF

JANUARY 25, 2021

**A RESOLUTION AUTHORIZING THE ASSESSOR TO GRANT
LIMITED INCOME EXEMPTIONS PURSUANT TO
NEW YORK STATE REAL PROPERTY TAX LAW SECTION 459-C AND SECTION 467
TO SENIORS AND INDIVIDUALS WITH DISABILITIES
ON THE 2021 ASSESSMENT ROLL PURSUANT TO THE
COVID-19 EMERGENCY EVICTION AND FORECLOSURE PREVENTION ACT OF 2020**

WHEREAS, on March 7, 2020, Governor Andrew M. Cuomo issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York, and

WHEREAS, the State disaster emergency has resulted in limited hours in municipal offices and rendered many seniors and individuals with disabilities homebound; and

WHEREAS, many seniors and individuals with disabilities are unable to file their real property tax exemption applications in person due to health and safety restrictions and lack the ability to file said exemption application on-line; and

WHEREAS, on December 18, 2020, Governor Cuomo issued Executive Order 202.83 to include the suspension and modification of Subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law, and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law, authorizing the governing body of an assessing unit to adopt a resolution directing the assessor to grant exemptions pursuant to such sections on the 2021 assessment roll to all property owners who received that exemption on the 2020 assessment roll, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons; and

WHEREAS, on December 24, 2020, Executive Order 202.83 was codified in the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020, and further provides that local assessors make renewal applications for property tax exemptions available to eligible recipients through postal mail or electronic means if such recipients determine their income has changed in a manner that would grant them a greater exemption than that was present on the 2020 assessment roll and that any eligible recipient need not appear in person should they choose to file a renewal application; and

WHEREAS, the City Council of the City of Newburgh finds that adopting a Resolution consistent with the provisions the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 is in the best interests of the City of Newburgh and its residents;

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that pursuant to the authority granted by the "COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020" and by Executive Order No. 202.83, issued by the Governor of the State of New York, that the Assessor be and hereby is directed as follows:

1. Grant exemptions on the 2021 assessment roll to all individuals who received the senior exemption on the 2020 assessment roll and all individuals who received an exemption on the 2020 assessment roll because they were recognized as a person with disabilities and limited income, at the same amount received on the 2020 assessment roll and dispense with the need for any such individuals to file renewal applications for such exemptions, except that
2. Any such individual may file a renewal application, which the Assessor must make available by postal mail or electronic means, if they determine their income has changed in a manner that would grant them a greater exemption than what was present on the 2020 assessment roll; and
3. The Assessor may, in her sole discretion, require a renewal application to be timely filed if she has reason to believe that any such individual, who qualified for the aforementioned exemption on the 2020 assessment roll, may have since changed their primary residence, added another owner to the deed for the relevant property, transferred such property to a new owner, or died; and
4. If the Assessor requires such renewal application be filed or if any eligible individual wishes to file a renewal application, the Assessor shall provide a copy of the application, with written instructions on how to file same, by regular mail without requiring anyone to file in person, which shall include instructions for contacting the Assessor's office to accomplish filing by alternate means, which may be by mail or by making an appointment to drop same off at City Hall, located at 83 Broadway, Newburgh, New York 12550.

STATE OF NEW YORK

9114

IN SENATE

December 24, 2020

Introduced by Sens. KAVANAGH, MYRIE -- read twice and ordered printed,
and when printed to be committed to the Committee on Housing,
Construction and Community Development

AN ACT establishing the "COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020"; in relation to eviction proceedings; and to provide for the expiration of certain provisions upon the expiration thereof (Part A); in relation to foreclosure proceedings; and providing for the expiration of certain provisions upon the expiration thereof (Subpart A); in relation to tax sales; and providing for the expiration of certain provisions upon the expiration thereof (Subpart B); to establish hardship declarations for owners of residential real property; and providing for the expiration of such provisions upon the expiration thereof (Subpart C); and to authorize every governing body of an assessing unit and local assessor to extend to the 2021 assessment roll, the renewal of the exemptions received on the 2020 assessment roll; and to provide for the expiration of such provisions upon the expiration thereof (Subpart D) (Part B)

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

1 Section 1. This act enacts into law components of legislation relating
2 to eviction and foreclosure protections. Each component is wholly
3 contained within a Part identified as Parts A through B. The effective
4 date for each particular provision contained within such Part is set
5 forth in the last section of such Part. Any provision in any section
6 contained within a Part, including the effective date of the Part, which
7 makes reference to a section "of this act", when used in connection with
8 that particular component, shall be deemed to mean and refer to the
9 corresponding section of the Part in which it is found. Section four of
10 this act sets forth the general effective date of this act.

11 § 2. Short title. This act shall be known and may be cited as the
12 "COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020".

13 § 3. Legislative intent. The Legislature finds and declares all of the
14 following:

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

LBD17721-01-0

1 On March 7, 2020, Governor Andrew Cuomo proclaimed a state of emergen-
2 cy in response to the Coronavirus disease (COVID-19) pandemic. Measures
3 necessary to contain the spread of COVID-19 have brought about wide-
4 spread economic and societal disruption, placing the state of New York
5 in unprecedented circumstances.

6 COVID-19 presents a historic threat to public health. Hundreds of
7 thousands of residents are facing eviction or foreclosure due to neces-
8 sary disease control measures that closed businesses and schools, and
9 triggered mass-unemployment across the state. The pandemic has further
10 interrupted court operations, the availability of counsel, the ability
11 for parties to pay for counsel, and the ability to safely commute and
12 enter a courtroom, settlement conference and the like.

13 Stabilizing the housing situation for tenants, landlords, and homeown-
14 ers is to the mutual benefit of all New Yorkers and will help the state
15 address the pandemic, protect public health, and set the stage for
16 recovery. It is, therefore, the intent of this legislation to avoid as
17 many evictions and foreclosures as possible for people experiencing a
18 financial hardship during the COVID-19 pandemic or who cannot move due
19 to an increased risk of severe illness or death from COVID-19.

20 As such, it is necessary to temporarily allow people impacted by
21 COVID-19 to remain in their homes. A limited, temporary stay is neces-
22 sary to protect the public health, safety and morals of the people the
23 Legislature represents from the dangers of the COVID-19 emergency
24 pandemic.

25

PART A

26 Section 1. Definitions. For the purposes of this act: 1. "Eviction
27 proceeding" means a summary proceeding to recover possession of real
28 property under article seven of the real property actions and
29 proceedings law relating to a residential dwelling unit or any other
30 judicial or administrative proceeding to recover possession of real
31 property relating to a residential dwelling unit.

32 2. "Landlord" includes a landlord, owner of a residential property and
33 any other person with a legal right to pursue eviction, possessory
34 action or a money judgment for rent, including arrears, owed or that
35 becomes due during the COVID-19 covered period, as defined in section 1
36 of chapter 127 of the laws of 2020.

37 3. "Tenant" includes a residential tenant, lawful occupant of a dwell-
38 ing unit, or any other person responsible for paying rent, use and occu-
39 pancy, or any other financial obligation under a residential lease or
40 tenancy agreement, but does not include a residential tenant or lawful
41 occupant with a seasonal use lease where such tenant has a primary resi-
42 dence to which to return to.

43 4. "Hardship declaration" means the following statement, or a substan-
44 tially equivalent statement in the tenant's primary language, in
45 14-point type, published by the office of court administration, whether
46 in physical or electronic written form:

47 "NOTICE TO TENANT: If you have lost income or had increased costs
48 during the COVID-19 pandemic, or moving would pose a significant health
49 risk for you or a member of your household due to an increased risk for
50 severe illness or death from COVID-19 due to an underlying medical
51 condition, and you sign and deliver this hardship declaration form to
52 your landlord, you cannot be evicted until at least May 1, 2021 for
53 nonpayment of rent or for holding over after the expiration of your
54 lease. You may still be evicted for violating your lease by persistently

1 and unreasonably engaging in behavior that substantially infringes on
2 the use and enjoyment of other tenants or occupants or causes a substan-
3 tial safety hazard to others.

4 If your landlord has provided you with this form, your landlord must
5 also provide you with a mailing address and e-mail address to which you
6 can return this form. If your landlord has already started an eviction
7 proceeding against you, you can return this form to either your land-
8 lord, the court, or both at any time. You should keep a copy or picture
9 of the signed form for your records. You will still owe any unpaid rent
10 to your landlord. You should also keep careful track of what you have
11 paid and any amount you still owe.

12 For more information about legal resources that may be available to
13 you, go to www.nycourts.gov/evictions/nyc/ or call 718-557-1379 if you
14 live in New York City or go to www.nycourts.gov/evictions/outside-nyc/
15 or call a local bar association or legal services provider if you live
16 outside of New York City. Rent relief may be available to you, and you
17 should contact your local housing assistance office.

18 TENANT'S DECLARATION OF HARDSHIP DURING THE COVID-19 PANDEMIC

19 I am a tenant, lawful occupant, or other person responsible for paying
20 rent, use and occupancy, or any other financial obligation under a lease
21 or tenancy agreement at (address of dwelling unit).
22 YOU MUST INDICATE BELOW YOUR QUALIFICATION FOR EVICTION PROTECTION BY
23 SELECTING OPTION "A" OR "B", OR BOTH.

24 A. () I am experiencing financial hardship, and I am unable to pay my
25 rent or other financial obligations under the lease in full or obtain
26 alternative suitable permanent housing because of one or more of the
27 following:

28 1. Significant loss of household income during the COVID-19 pandemic.
29 2. Increase in necessary out-of-pocket expenses related to performing
30 essential work or related to health impacts during the COVID-19 pandem-
31 ic.

32 3. Childcare responsibilities or responsibilities to care for an
33 elderly, disabled, or sick family member during the COVID-19 pandemic
34 have negatively affected my ability or the ability of someone in my
35 household to obtain meaningful employment or earn income or increased my
36 necessary out-of-pocket expenses.

37 4. Moving expenses and difficulty I have securing alternative housing
38 make it a hardship for me to relocate to another residence during the
39 COVID-19 pandemic.

40 5. Other circumstances related to the COVID-19 pandemic have negative-
41 ly affected my ability to obtain meaningful employment or earn income or
42 have significantly reduced my household income or significantly
43 increased my expenses.

44 To the extent that I have lost household income or had increased
45 expenses, any public assistance, including unemployment insurance,
46 pandemic unemployment assistance, disability insurance, or paid family
47 leave, that I have received since the start of the COVID-19 pandemic
48 does not fully make up for my loss of household income or increased
49 expenses.

50 B. () Vacating the premises and moving into new permanent housing would
51 pose a significant health risk because I or one or more members of my
52 household have an increased risk for severe illness or death from

1 COVID-19 due to being over the age of sixty-five, having a disability or
2 having an underlying medical condition, which may include but is not
3 limited to being immunocompromised.

4 I understand that I must comply with all other lawful terms under my
5 tenancy, lease agreement or similar contract. I further understand that
6 lawful fees, penalties or interest for not having paid rent in full or
7 met other financial obligations as required by my tenancy, lease agree-
8 ment or similar contract may still be charged or collected and may
9 result in a monetary judgment against me. I further understand that my
10 landlord may be able to seek eviction after May 1, 2021, and that the
11 law may provide certain protections at that time that are separate from
12 those available through this declaration.

13 Signed:

14 Printed name:

15 Date signed:

16 NOTICE: You are signing and submitting this form under penalty of law.
17 That means it is against the law to make a statement on this form that
18 you know is false."

19 § 2. Pending eviction proceedings. Any eviction proceeding pending on
20 the effective date of this act, including eviction proceedings filed on
21 or before March 7, 2020, or commenced within thirty days of the effec-
22 tive date of this act shall be stayed for at least sixty days, or to
23 such later date that the chief administrative judge shall determine is
24 necessary to ensure that courts are prepared to conduct proceedings in
25 compliance with this act and to give tenants an opportunity to submit
26 the hardship declaration pursuant to this act. The court in each case
27 shall promptly issue an order directing such stay and promptly mail the
28 respondent a copy of the hardship declaration in English, and, to the
29 extent practicable, the tenant's primary language, if other than
30 English.

31 § 3. Pre-eviction notices. A landlord shall include a "Hardship Decla-
32 ration" in 14-point type, with every written demand for rent made pursu-
33 ant to subdivision 2 of section 711 of the real property actions and
34 proceedings law, with any other written notice required by the lease or
35 tenancy agreement, law or rule to be provided prior to the commencement
36 of an eviction proceeding, and with every notice of petition served on a
37 tenant. If the translation of the hardship declaration in the tenant's
38 primary language is not available on the office of court adminis-
39 tration's public website, as provided by section ten of this act, it
40 shall be the landlord's responsibility to obtain a suitable translation
41 of the hardship declaration in the tenant's primary language. Such
42 notice shall also include:

43 1. a mailing address, telephone number and active email address the
44 tenant can use to contact the landlord and return the hardship declara-
45 tion; and

46 2. a list of all not-for-profit legal service providers actively
47 handling housing matters in the county where the subject premises are
48 located. Such lists shall be prepared and regularly updated, to the
49 extent practicable, for such purpose and published on the website of the
50 office of court administration.

51 § 4. Prohibition on initiation of eviction proceeding. If there is no
52 pending eviction proceeding and a tenant provides a hardship declaration
53 to the landlord or an agent of the landlord, there shall be no initi-

1 ation of an eviction proceeding against the tenant until at least May 1,
2 2021, and in such event any specific time limit for the commencement of
3 an eviction proceeding shall be tolled until May 1, 2021.

4 § 5. Required affidavit. 1. No court shall accept for filing any peti-
5 tion or other filing to commence an eviction proceeding unless the peti-
6 tioner or an agent of the petitioner files an affidavit of service,
7 under penalty of perjury, demonstrating the manner in which the peti-
8 tioner or the petitioner's agent served a copy of the hardship declara-
9 tion in English and the tenant's primary language, if other than
10 English, with any rent demand and with any other written notice required
11 by the lease or tenancy agreement, law or rule to be provided prior to
12 the commencement of an eviction proceeding, and an affidavit under
13 penalty of perjury:

14 a. attesting that at the time of filing, neither the petitioner nor
15 any agent of the petitioner has received a hardship declaration from the
16 respondent or any other tenant or occupant of the dwelling unit that is
17 the subject of the proceeding, or

18 b. attesting that the respondent or another tenant or occupant of the
19 dwelling unit that is the subject of the proceeding has returned a hard-
20 ship declaration, but the respondent is persistently and unreasonably
21 engaging in behavior that substantially infringes on the use and enjoy-
22 ment of other tenants or occupants or causes a substantial safety hazard
23 to others, with a specific description of the behavior alleged.

24 2. Upon accepting a petition pursuant to article 7 of the real proper-
25 ty actions and proceedings law, the attorney, judge or clerk of the
26 court, as the case may be, shall determine whether a copy of the hard-
27 ship declaration in English and the tenant's primary language, if other
28 than English, is annexed to the served notice of petition and, if not,
29 shall ensure that the hardship declaration is attached to such notice.
30 Service of the notice of petition with the attached hardship declaration
31 shall be made by personal delivery to the respondent, unless such
32 service cannot be made with due diligence, in which case service may be
33 made under section 735 of the real property actions and proceedings law.
34 At the earliest possible opportunity, the court shall seek confirmation
35 on the record or in writing from the respondent that the respondent has
36 received the hardship declaration and that the respondent has not
37 submitted a hardship declaration to the petitioner, an agent of the
38 petitioner, or the court. If the court determines a respondent has not
39 received a hardship declaration, then the court shall stay the proceed-
40 ing for a reasonable period of time, which shall be no less than ten
41 business days or any longer period provided by law, and provide the
42 respondent with a copy of the hardship declaration in English and the
43 respondent's primary language, if other than English, to ensure the
44 respondent received and fully considered whether to submit the hardship
45 declaration.

46 § 6. Pending proceedings. In any eviction proceeding in which an
47 eviction warrant has not been issued, including eviction proceedings
48 filed on or before March 7, 2020, if the tenant provides a hardship
49 declaration to the petitioner, the court, or an agent of the petitioner
50 or the court, the eviction proceeding shall be stayed until at least May
51 1, 2021. If such hardship declaration is provided to the petitioner or
52 agent, such petitioner or agent shall promptly file it with the court,
53 advising the court in writing the index number of all relevant cases.

54 § 7. Default judgments. No court shall issue a judgment in any
55 proceeding authorizing a warrant of eviction against a respondent who
56 has defaulted, or authorize the enforcement of an eviction pursuant to a

1 default judgment, prior to May 1, 2021, without first holding a hearing
2 after the effective date of this act upon motion of the petitioner. The
3 petitioner or an agent of the petitioner shall file an affidavit attest-
4 ing that the petitioner or the petitioner's agent has served notice of
5 the date, time, and place of such hearing on the respondent, including a
6 copy of such notice. If a default judgment has been awarded prior to the
7 effective date of this act, the default judgment shall be removed and
8 the matter restored to the court calendar upon the respondent's written
9 or oral request to the court either before or during such hearing and an
10 order to show cause to vacate the default judgment shall not be
11 required.

12 § 8. Post warrant of eviction. a. (i) In any eviction proceeding in
13 which an eviction warrant has been issued prior to the effective date of
14 this act, but has not yet been executed as of the effective date of this
15 act, including eviction proceedings filed on or before March 7, 2020,
16 the court shall stay the execution of the warrant at least until the
17 court has held a status conference with the parties. (ii) In any
18 eviction proceeding, if the tenant provides a hardship declaration to
19 the petitioner, the court, or an agent of the petitioner or the court,
20 prior to the execution of the warrant, the execution shall be stayed
21 until at least May 1, 2021. If such hardship declaration is provided to
22 the petitioner or agent of the petitioner, such petitioner or agent
23 shall promptly file it with the court, advising the court in writing the
24 index number of all relevant cases.

25 b. In any eviction proceeding in which a warrant has been issued,
26 including eviction proceedings filed on or before March 7, 2020, any
27 warrant issued shall not be effective as against the occupants, unless,
28 in addition to the requirements under section 749 of the real property
29 actions and proceedings law for warrants, such warrant states:

30 (i) The tenant has not submitted the hardship declaration and the
31 tenant was properly served with a copy of the hardship declaration
32 pursuant to this section, listing dates the tenant was served with the
33 hardship declaration by the petitioner and the court; or

34 (ii) The tenant is ineligible for a stay under this act because the
35 court has found that the tenant is persistently and unreasonably engag-
36 ing in behavior that substantially infringes on the use and enjoyment of
37 other tenants or occupants or causes a substantial safety hazard to
38 others, with a specific description of the behavior.

39 c. No court shall issue a warrant directed to the sheriff of the coun-
40 ty or to any constable or marshal of the city in which the property, or
41 a portion thereof, is situated, or, if it is not situated in a city, to
42 any constable of any town in the county, that does not comply with the
43 requirements of this section.

44 d. No officer to whom the warrant is directed shall execute a warrant
45 for eviction issued that does not comply with the requirements of this
46 section.

47 e. Unless the warrant contains the information contained in paragraph
48 (ii) of subdivision b of this section, if any tenant delivers the
49 hardship declaration to the officer to whom the warrant is directed, the
50 officer shall not execute the warrant and shall return the hardship form
51 to the court indicating the appropriate index/case number the form is
52 associated with.

53 § 9. Sections two, four, six and paragraph (ii) of subdivision a of
54 section eight of this act shall not apply if the tenant is persistently
55 and unreasonably engaging in behavior that substantially infringes on

1 the use and enjoyment of other tenants or occupants or causes a substan-
2 tial safety hazard to others, provided:

3 1. If an eviction proceeding is pending on the effective date of this
4 act, but the petitioner has not previously alleged that the tenant
5 persistently and unreasonably engaged in such behavior, the petitioner
6 shall be required to submit a new petition with such allegations and
7 comply with all notice and service requirements under article 7 of the
8 real property actions and proceedings law and this act.

9 2. If the court has awarded a judgment against a respondent prior to
10 the effective date of this act on the basis of objectionable or nuisance
11 behavior, the court shall hold a hearing to determine whether the tenant
12 is continuing to persist in engaging in unreasonable behavior that
13 substantially infringes on the use and enjoyment of other tenants or
14 occupants or causes a substantial safety hazard to others.

15 3. For the purposes of this act, a mere allegation of the behavior by
16 the petitioner or an agent of the petitioner alleging such behavior
17 shall not be sufficient evidence to establish that the tenant has
18 engaged in such behavior.

19 4. If the petitioner fails to establish that the tenant persistently
20 and unreasonably engaged in such behavior and the tenant provides or has
21 provided a hardship declaration to the petitioner, petitioner's agent or
22 the court, the court shall stay or continue to stay any further
23 proceedings until at least May 1, 2021.

24 5. If the petitioner establishes that the tenant persistently and
25 unreasonably engaged in such behavior or the tenant fails to provide a
26 hardship declaration to the petitioner, petitioner's agent or the court,
27 the proceeding may continue pursuant to article 7 of the real property
28 actions and proceedings law and this act.

29 § 10. Translation of hardship declaration. The office of court admin-
30 istration shall translate the hardship declaration, as defined in
31 section one of this act, into Spanish and the six most common languages
32 in the city of New York, after Spanish, and shall post and maintain such
33 translations and an English language copy of the hardship declaration on
34 the website of such office beginning within fifteen days of the effec-
35 tive date of this act. To the extent practicable, the office of court
36 administration shall post and maintain on its website translations into
37 such additional languages as the chief administrative judge shall deem
38 appropriate to ensure that tenants have an opportunity to understand and
39 submit hardship declarations pursuant to this act.

40 § 11. Rebuttable presumption. A hardship declaration in which the
41 tenant has selected the option indicating a financial hardship shall
42 create a rebuttable presumption that the tenant is experiencing finan-
43 cial hardship, in any judicial or administrative proceeding that may be
44 brought, for the purposes of establishing a defense under chapter 127 of
45 the laws of 2020, an executive order of the governor or any other local
46 or state law, order or regulation restricting the eviction of a tenant
47 suffering from a financial hardship during or due to COVID-19 provided
48 that the absence of a hardship declaration shall not create a presump-
49 tion that a financial hardship is not present.

50 § 12. If any clause, sentence, paragraph, section or part of this act
51 shall be adjudged by any court of competent jurisdiction to be invalid
52 and after exhaustion of all further judicial review, the judgment shall
53 not affect, impair or invalidate the remainder thereof, but shall be
54 confined in its operation to the clause, sentence, paragraph, section or
55 part of this act directly involved in the controversy in which the judg-
56 ment shall have been rendered.

1 § 13. This act shall take effect immediately and sections one, two,
2 three, four, five, six, seven, eight, nine, ten and twelve of this act
3 shall expire May 1, 2021.

4

PART B

5 Section 1. This Part enacts into law components of legislation relat-
6 ing to mortgage foreclosure, tax foreclosure, credit discrimination and
7 tax renewal exemption protections. Each component is wholly contained
8 within a Subpart identified as Subparts A through D. The effective date
9 for each particular provision contained within such Subpart is set forth
10 in the last section of such Subpart. Any provision in any section
11 contained within a Subpart, including the effective date of the Subpart,
12 which makes reference to a section "of this act", when used in
13 connection with that particular component, shall be deemed to mean and
14 refer to the corresponding section of the Subpart in which it is found.
15 Section three of this Part sets forth the general effective date of this
16 Part.

17

SUBPART A

18 Section 1. Application. This section shall apply to any action to
19 foreclose a mortgage relating to residential real property, provided the
20 owner or mortgagor of such property is a natural person, regardless of
21 how title is held, and owns ten or fewer dwelling units whether directly
22 or indirectly. The ten or fewer dwelling units may be in more than one
23 property or building as long as the total aggregate number of ten units
24 includes the primary residence of the natural person requesting such
25 relief and the remaining units are currently occupied by a tenant or are
26 available for rent.

27 (a) For purposes of this act, real property shall include shares
28 assigned to a unit in a residential cooperative.

29 (b) For purposes of this act, real property shall not include property
30 that is vacant and abandoned, as defined in subdivision 2 of section
31 1309 of the real property actions and proceedings law, which was listed
32 on the statewide vacant and abandoned property electronic registry, as
33 defined in section 1310 of the real property actions and proceedings
34 law, prior to March 7, 2020 and that remains on such registry.

35 Notwithstanding anything to the contrary, this act shall not apply to,
36 and does not affect any mortgage loans made, insured, purchased or secu-
37 ritized by a corporate governmental agency of the state constituted as a
38 political subdivision and public benefit corporation, or the rights and
39 obligations of any lender, issuer, servicer or trustee of such obli-
40 gations.

41 § 2. Definitions. For the purposes of this act, "Hardship Declaration"
42 means the following statement, or a substantially equivalent statement
43 in the mortgagor's primary language, in 14-point type, published by the
44 office of court administration, whether in physical or electronic writ-
45 ten form:

46 "NOTICE TO MORTGAGOR: If you have lost income or had increased costs
47 during the COVID-19 pandemic, and you sign and deliver this hardship
48 declaration form to your mortgage lender or other foreclosing party, you
49 cannot be foreclosed on until at least May 1, 2021.

50 If your mortgage lender or other foreclosing party provided you with
51 this form, the mortgage lender or other foreclosing party must also
52 provide you with a mailing address and e-mail address to which you can

1 return this form. If you are already in foreclosure proceedings, you may
2 return this form to the court. You should keep a copy or picture of the
3 signed form for your records. You will still owe any unpaid mortgage
4 payments and lawful fees to your lender. You should also keep careful
5 track of what you have paid and any amount you still owe.

6 MORTGAGOR'S DECLARATION OF COVID-19-RELATED HARDSHIP

7 I am the mortgagor of the property at (address of dwelling unit).
8 Including my primary residence, I own, whether directly or indirectly,
9 ten or fewer residential dwelling units. I am experiencing financial
10 hardship, and I am unable to pay my mortgage in full because of one or
11 more of the following:

12 1. Significant loss of household income during the COVID-19 pandemic.
13 2. Increase in necessary out-of-pocket expenses related to performing
14 essential work or related to health impacts during the COVID-19 pandem-
15 ic.

16 3. Childcare responsibilities or responsibilities to care for an
17 elderly, disabled, or sick family member during the COVID-19 pandemic
18 have negatively affected my ability or the ability of someone in my
19 household to obtain meaningful employment or earn income or increased my
20 necessary out-of-pocket expenses.

21 4. Moving expenses and difficulty I have securing alternative housing
22 make it a hardship for me to relocate to another residence during the
23 COVID-19 pandemic.

24 5. Other circumstances related to the COVID-19 pandemic have negative-
25 ly affected my ability to obtain meaningful employment or earn income or
26 have significantly reduced my household income or significantly
27 increased my expenses.

28 6. One or more of my tenants has defaulted on a significant amount of
29 their rent payments since March 1, 2020.

30 To the extent I have lost household income or had increased expenses,
31 any public assistance, including unemployment insurance, pandemic unem-
32 ployment assistance, disability insurance, or paid family leave, that I
33 have received since the start of the COVID-19 pandemic does not fully
34 make up for my loss of household income or increased expenses.

35 I understand that I must comply with all other lawful terms under my
36 mortgage agreement. I further understand that lawful fees, penalties or
37 interest for not having paid my mortgage in full as required by my mort-
38 gage agreement may still be charged or collected and may result in a
39 monetary judgment against me. I also understand that my mortgage lender
40 or other foreclosing party may pursue a foreclosure action against me on
41 or after May 1, 2021, if I do not fully repay any missed or partial
42 payments and lawful fees.

43 Signed:

44 Printed Name:

45 Date Signed:

46 NOTICE: You are signing and submitting this form under penalty of law.
47 That means it is against the law to make a statement on this form that
48 you know is false."

49 § 3. Any action to foreclose a mortgage pending on the effective date
50 of this act, including actions filed on or before March 7, 2020, or
51 commenced within thirty days of the effective date of this act shall be
52 stayed for at least sixty days, or to such later date that the chief
53 administrative judge shall determine is necessary to ensure that courts
54 are prepared to conduct proceedings in compliance with this act and to
55 give mortgagors an opportunity to submit the hardship declaration pursu-
56 ant to this act. The court in each case shall promptly issue an order

1 directing such stay and promptly mail the mortgagor a copy of the hard-
2 ship declaration in English, and, to the extent practicable, the
3 mortgagor's primary language, if other than English.

4 § 4. The foreclosing party shall include a "Hardship Declaration" in
5 14-point type, with every notice provided to a mortgagor pursuant to
6 sections 1303 and 1304 of the real property actions and proceedings law.
7 If the translation of the hardship declaration in the mortgagor's prima-
8 ry language is not available on the office of court administration's
9 public website, as provided by section nine of this act, it shall be the
10 foreclosing party's responsibility to obtain a suitable translation of
11 the hardship declaration in the mortgagor's primary language. Such
12 notice shall also include a mailing address, telephone number and active
13 email address the mortgagor can use to contact the foreclosing party and
14 return the hardship declaration.

15 § 5. If a mortgagor provides a hardship declaration to the foreclosing
16 party or an agent of the foreclosing party, there shall be no initiation
17 of an action to foreclose a mortgage against the mortgagor until at
18 least May 1, 2021, and in such event any specific time limit for the
19 commencement of an action to foreclose a mortgage shall be tolled until
20 May 1, 2021.

21 § 6. No court shall accept for filing any action to foreclose a mort-
22 gage unless the foreclosing party or an agent of the foreclosing party
23 files an affidavit, under penalty of perjury:

24 (i) of service demonstrating the manner in which the foreclosing
25 party's agent served a copy of the hardship declaration in English and
26 the mortgagor's primary language, if other than English, with the
27 notice, if any, provided to the mortgagor pursuant to sections 1303 and
28 1304 of the real property actions and proceedings law, and

29 (ii) attesting that at the time of filing, neither the foreclosing
30 party nor any agent of the foreclosing party has received a hardship
31 declaration from the mortgagor.

32 At the earliest possible opportunity, the court shall seek confirma-
33 tion on the record or in writing that the mortgagor has received a copy
34 of the hardship declaration and that the mortgagor has not returned the
35 hardship declaration to the foreclosing party or an agent of the fore-
36 closing party. If the court determines a mortgagor has not received a
37 hardship declaration, then the court shall stay the proceeding for a
38 reasonable period of time, which shall be no less than ten business days
39 or any longer period provided by law, to ensure the mortgagor received
40 and fully considered whether to submit the hardship declaration.

41 § 7. In any action to foreclose a mortgage in which a judgment of sale
42 has not been issued, including actions filed on or before March 7, 2020,
43 if the mortgagor provides a hardship declaration to the foreclosing
44 party, the court, or an agent of the foreclosing party or the court, the
45 proceeding shall be stayed until at least May 1, 2021. If such hardship
46 declaration is provided to the foreclosing party or agent of the fore-
47 closing party, such foreclosing party or agent shall promptly file it
48 with the court, advising the court in writing the index number of all
49 relevant cases.

50 § 8. In any action to foreclose a mortgage in which a judgment of sale
51 has been issued prior to the effective date of this act but has not yet
52 been executed as of the effective date of this act, including actions
53 filed on or before March 7, 2020, the court shall stay the execution of
54 the judgment at least until the court has held a status conference with
55 the parties. In any action to foreclose a mortgage, if the mortgagor
56 provides a hardship declaration to the foreclosing party, the court, or

1 an agent of the foreclosing party or the court, prior to the execution
2 of the judgment, the execution shall be stayed until at least May 1,
3 2021. If such hardship declaration is provided to the foreclosing party
4 or agent of the foreclosing party, such foreclosing party or agent shall
5 promptly file it with the court, advising the court in writing the index
6 number of all relevant cases.

7 § 9. The office of court administration shall translate the hardship
8 declaration, as defined in section one of this act, into Spanish and the
9 six most common languages in the city of New York, after Spanish, and
10 shall post and maintain such translations and an English language copy
11 of the hardship declaration on the website of such office beginning
12 within fifteen days of the effective date of this act.

13 § 10. A hardship declaration shall create a rebuttable presumption
14 that the mortgagor is suffering financial hardship, in any judicial or
15 administrative proceeding that may be brought, for the purposes of
16 establishing a defense under an executive order of the governor or any
17 other local or state law, order or regulation restricting actions to
18 foreclose a mortgage against a mortgagor suffering from a financial
19 hardship during or due to the COVID-19 pandemic provided that the
20 absence of a hardship declaration shall not create a presumption that a
21 financial hardship is not present.

22 § 11. If any clause, sentence, paragraph, section or part of this act
23 shall be adjudged by any court of competent jurisdiction to be invalid
24 and after exhaustion of all further judicial review, the judgment shall
25 not affect, impair or invalidate the remainder thereof, but shall be
26 confined in its operation to the clause, sentence, paragraph, section or
27 part of this act directly involved in the controversy in which the judg-
28 ment shall have been rendered.

29 § 12. This act shall take effect immediately and sections one, two,
30 three, four, five, six, seven, eight, nine and eleven of this act shall
31 expire May 1, 2021.

32 SUBPART B

33 Section 1. Application. This act shall apply to any action to fore-
34 close on delinquent taxes or sell a tax lien relating to residential
35 real property, provided the owner or mortgagor of such property is a
36 natural person, regardless of how title is held, and owns ten or fewer
37 dwelling units whether directly or indirectly. The ten or fewer dwelling
38 units may be in more than one property or building as long as the total
39 aggregate number of ten units includes the primary residence of the
40 natural person requesting such relief and the remaining units are
41 currently occupied by a tenant or are available for rent.

42 (a) For purposes of this act, real property shall include shares in a
43 residential cooperative.

44 (b) For purposes of this act, real property shall not include property
45 that is vacant and abandoned, as defined in subdivision 2 of section
46 1309 of the real property actions and proceedings law, which was listed
47 on the statewide vacant and abandoned property electronic registry, as
48 defined in section 1310 of the real property actions and proceedings
49 law, prior to March 7, 2020 and that remains on such registry.

50 § 2. Definitions. For purposes of this act: 1. "Tax lien" means an
51 unpaid tax, special ad valorem levy, special assessment or other charge
52 imposed upon real property by or on behalf of a municipal corporation or
53 special district or other public or private entity which is an encum-

1 brance on real property, whether or not evidenced by a written instru-
2 ment.

3 2. "Tax foreclosure and tax lien sale" shall mean any such tax lien
4 sale or tax foreclosure pursuant to article 11 of the real property tax
5 law, or any general, special or local law related to real property tax
6 lien sales or real property tax foreclosures.

7 3. "Hardship Declaration" means the following statement, or a substan-
8 tially equivalent statement in the owner's primary language, in 14-point
9 type, whether in physical or electronic written form:

10 "OWNER DECLARATION OF COVID-19-RELATED HARDSHIP

11 I am the owner of the property at (address). Including my primary
12 residence, I own, whether directly or indirectly, ten or fewer residen-
13 tial dwelling units. I am experiencing financial hardship, and I am
14 unable to pay my full tax bill because of one or more of the following:

15 1. Significant loss of household income during the COVID-19 pandemic.

16 2. Increase in necessary out-of-pocket expenses related to performing
17 essential work or related to health impacts during the COVID-19 pandem-
18 ic.

19 3. Childcare responsibilities or responsibilities to care for an
20 elderly, disabled, or sick family member during the COVID-19 pandemic
21 have negatively affected my ability or the ability of someone in my
22 household to obtain meaningful employment or earn income or increased my
23 necessary out-of-pocket expenses.

24 4. Moving expenses and difficulty I have securing alternative housing
25 make it a hardship for me to relocate to another residence during the
26 COVID-19 pandemic.

27 5. Other circumstances related to the COVID-19 pandemic have negative-
28 ly affected my ability to obtain meaningful employment or earn income or
29 have significantly reduced my household income or significantly
30 increased my expenses.

31 6. One or more of my tenants has defaulted on a significant amount of
32 their rent payments since March 1, 2020.

33 To the extent that I have lost household income or had increased
34 expenses, any public assistance, including unemployment insurance,
35 pandemic unemployment assistance, disability insurance, or paid family
36 leave, that I have received since the start of the COVID-19 pandemic
37 does not fully make up for my loss of household income or increased
38 expenses.

39 I understand that lawful fees, penalties or interest for not having
40 paid my taxes in full may still be charged or collected and may result
41 in a foreclosure action against me on or after May 1, 2021, if I do not
42 fully repay any missed or partial payments and fees.

43 Signed:

44 Printed Name:

45 Date Signed:

46 NOTICE: You are signing and submitting this form under penalty of law.
47 That means it is against the law to make a statement on this form that
48 you know is false."

49 § 3. 1. A real property owner may submit a "Hardship Declaration" to
50 any village, town, city, school district, county, or other entity or
51 person which conducts tax foreclosures or tax lien sales.

52 2. At least thirty days prior to the date on which a sale of a tax
53 lien is scheduled to occur, or upon the filing of a petition of foreclo-
54 sure of a tax lien, the enforcing officer or other person or entity
55 conducting such tax lien sale or tax foreclosure shall notify the owner
56 of the affected property of such owner's rights under this act and shall

1 notify the owner that a copy of the hardship declaration can be accessed
2 on the New York State Department of Tax and Finance's website and also
3 provide a link to such declaration form. For the purposes of this act,
4 "enforcing officer" shall have the same meaning as defined in subdivi-
5 sion 3 of section 1102 of the real property tax law. The New York State
6 Department of Tax and Finance shall publish a copy of the hardship
7 declaration on its website.

8 3. The submission of such a declaration, unless withdrawn by the
9 owner, shall act as a temporary stay applicable to all entities and
10 persons of all such tax lien sales and tax foreclosure actions and
11 proceedings against such owner for such property that have been
12 commenced or could have been commenced before May 1, 2021.

13 4. While such stay is in effect, no other action or proceeding shall
14 be commenced to recover any part of such delinquent taxes.

15 5. Any applicable statutes of limitation for the commencement of any
16 action or proceeding to sell a tax lien or foreclose a tax lien is
17 tolled until such stay has expired. The obligation to pay the balance of
18 such delinquent taxes is not rendered invalid, released or extinguished
19 by such stay.

20 6. A hardship declaration shall create a rebuttable presumption that
21 the owner is experiencing financial hardship, in any judicial or admin-
22 istrative proceeding that may be brought, for the purposes of establish-
23 ing a defense under an executive order of the governor or any other
24 local or state law, order or regulation restricting actions to sell a
25 tax lien or foreclose a tax lien against an owner suffering from a
26 financial hardship during or due to the COVID-19 pandemic, provided
27 that the absence of a hardship declaration shall not create a presump-
28 tion that a financial hardship is not present.

29 § 4. This act shall take effect immediately and sections one and two
30 and subdivisions one, two, three, four and five of section three shall
31 expire May 1, 2021.

32 SUBPART C

33 Section 1. Application. 1. This act shall apply to an owner of resi-
34 dential real property, provided the owner or mortgagor of such property
35 is a natural person, regardless of how title is held, and owns ten or
36 fewer dwelling units whether directly or indirectly. The ten or fewer
37 dwelling units may be in more than one property or building as long as
38 the total aggregate number of ten units includes the primary residence
39 of the natural person requesting such relief and the remaining units are
40 currently occupied by a tenant or are available for rent.

41 (a) For purposes of this act, real property shall include shares in a
42 residential cooperative.

43 (b) For purposes of this act, real property shall not include property
44 that is vacant and abandoned, as defined in subdivision 2 of section
45 1309 of the real property actions and proceedings law, which was listed
46 on the statewide vacant and abandoned property electronic registry, as
47 defined in section 1310 of the real property actions and proceedings
48 law, prior to March 7, 2020 and that remains on such registry.

49 2. Hardship declaration. For purposes of this act, "hardship declara-
50 tion" shall mean the following statement, or a substantially equivalent
51 statement in the owner or mortgagor's primary language, in 14-point
52 type, whether in physical or electronic written form, and the department
53 of financial services shall publish a copy of the hardship declaration
54 on its website:

1 "NOTICE TO OWNER/MORTGAGOR: If you have lost income or had increased
2 costs due to the COVID-19 pandemic, and you sign and deliver this hard-
3 ship declaration form to your lending institution, you cannot be
4 discriminated against in the determination of whether credit should be
5 extended or reported negatively to a credit reporting agency until at
6 least May 1, 2021.

7 If a lending institution provided you with this form, the lending
8 institution must also provide you with a mailing address and e-mail
9 address to which you can return this form. You should keep a copy or
10 picture of the signed form for your records.

11 OWNER/MORTGAGOR DECLARATION OF COVID-19-RELATED HARDSHIP

12 I am the OWNER/MORTGAGOR of the property at (address of dwelling
13 unit). Including my primary residence, I own, whether directly or indi-
14 rectly, ten or fewer residential dwelling units. I am experiencing
15 financial hardship, and I am unable to pay my mortgage in full because
16 of one or more of the following:

17 1. Significant loss of household income during the COVID-19 pandemic.
18 2. Increase in necessary out-of-pocket expenses related to performing
19 essential work or related to health impacts during the COVID-19 pandem-
20 ic.

21 3. Childcare responsibilities or responsibilities to care for an
22 elderly, disabled, or sick family member during the COVID-19 pandemic
23 have negatively affected my ability or the ability of someone in my
24 household to obtain meaningful employment or earn income or increased my
25 necessary out-of-pocket expenses.

26 4. Moving expenses and difficulty I have securing alternative housing
27 make it a hardship for me to relocate to another residence during the
28 COVID-19 pandemic.

29 5. Other circumstances related to the COVID-19 pandemic have negative-
30 ly affected my ability to obtain meaningful employment or earn income or
31 have significantly reduced my household income or significantly
32 increased my expenses.

33 6. One or more of my tenants has defaulted on a significant amount of
34 their rent payments since March 1, 2020.

35 To the extent that I have lost household income or had increased
36 expenses, any public assistance, including unemployment insurance,
37 pandemic unemployment assistance, disability insurance, or paid family
38 leave, that I have received since the start of the COVID-19 pandemic
39 does not fully make up for my loss of household income or increased
40 expenses.

41 Signed:

42 Printed Name:

43 Date Signed:

44 NOTICE: You are signing and submitting this form under penalty of law.
45 That means it is against the law to make a statement on this form that
46 you know is false."

47 3. Discrimination in credit decisions. Notwithstanding any law to the
48 contrary, lending institutions shall not discriminate in the determi-
49 nation of whether credit should be extended to any owner of residential
50 real property as defined in subdivision one of this section because, as
51 provided for in this act, such owner has been granted a stay of mortgage
52 foreclosure proceedings, tax foreclosure proceedings or of tax lien
53 sales, or that an owner of residential real property as defined in
54 subdivision one of this section is currently in arrears and has filed a
55 hardship declaration with such lender.

1 4. Prohibition on negative credit reporting. Notwithstanding any law
2 to the contrary, as provided for in this act, the granting of a stay of
3 mortgage foreclosure proceedings, tax foreclosure proceedings or tax
4 lien sales, or that an owner of residential real property as defined in
5 subdivision one of this section is currently in arrears and has filed a
6 hardship declaration with their lender shall not be negatively reported
7 to any credit reporting agency.

8 § 2. This act take effect immediately and shall expire May 1, 2021.

9

SUBPART D

10 Section 1. Notwithstanding any other provision of law, in the interest
11 of the health and safety of the public due to the novel coronavirus,
12 COVID-19 pandemic, every governing body of an assessing unit and local
13 assessor shall extend to the 2021 assessment roll, the renewal of the
14 exemptions received on the 2020 assessment roll pursuant to sections 467
15 and 459-c of the real property tax law, relating to persons age sixty-
16 five and older and for certain persons with disabilities and limited
17 income, and no renewal application shall be required of any eligible
18 recipient who received either exemption on the 2020 assessment roll in
19 order for such eligible recipient to continue receiving such exemption
20 at the same amount received on the 2020 assessment roll, except as here-
21 in provided. Provided however, that the local assessor shall make avail-
22 able renewal applications through postal mail or electronic means in
23 order for eligible recipients to file renewal applications in the event
24 that such eligible recipient determines his or her income has changed in
25 a manner that would grant him or her a greater exemption than what was
26 present on the 2020 assessment roll; and provided further that such
27 governing body may adopt a local law or resolution which includes proce-
28 dures by which the assessor may require a renewal application to be
29 filed when he or she has reason to believe that an owner who qualified
30 for the exemption on the 2020 assessment roll may have since changed his
31 or her primary residence, added another owner to the deed, transferred
32 the property to a new owner, or died; and provided further that no
33 governing body of an assessing unit or local assessor may require eligi-
34 ble recipients to appear in person to file a renewal application for any
35 reason.

36 § 2. This act shall take effect immediately and shall expire May 1,
37 2021. This act shall be deemed to have been in full force and effect on
38 and after March 7, 2020.

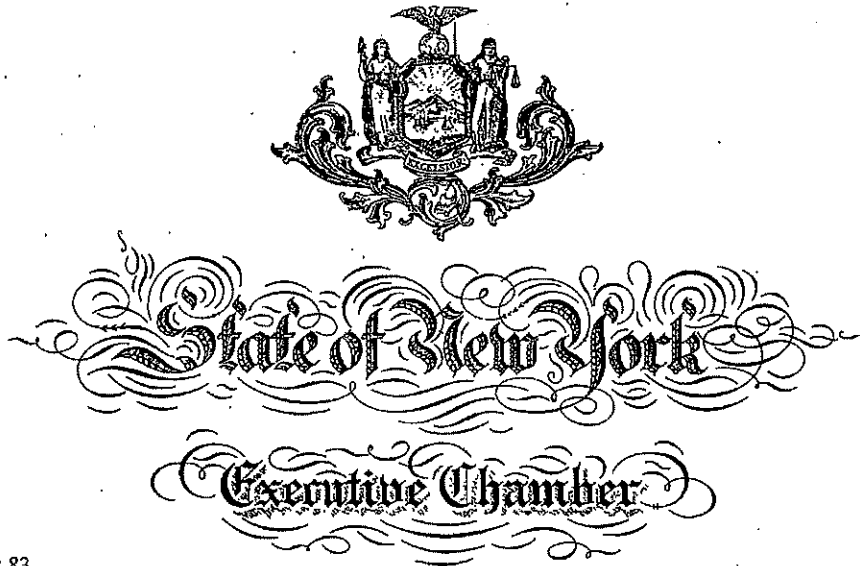
39 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
40 sion, section, item, subpart or part of this act shall be adjudged by
41 any court of competent jurisdiction to be invalid, such judgment shall
42 not affect, impair, or invalidate the remainder thereof, but shall be
43 confined in its operation to the clause, sentence, paragraph, subdivi-
44 sion, section, item, subpart or part thereof directly involved in the
45 controversy in which such judgment shall have been rendered. It is here-
46 by declared to be the intent of the legislature that this act would have
47 been enacted even if such invalid provisions had not been included here-
48 in.

49 § 3. This act shall take effect immediately provided, however, that
50 the applicable effective date of Subparts A through D of this act shall
51 be as specifically set forth in the last section of such Subparts.

52 § 4. Severability clause. If any clause, sentence, paragraph, subdivi-
53 sion, section or part of this act shall be adjudged by any court of
54 competent jurisdiction to be invalid, such judgment shall not affect,

1 impair, or invalidate the remainder thereof, but shall be confined in
2 its operation to the clause, sentence, paragraph, subdivision, section
3 or part thereof directly involved in the controversy in which such judg-
4 ment shall have been rendered. It is hereby declared to be the intent of
5 the legislature that this act would have been enacted even if such
6 invalid provisions had not been included herein.

7 § 5. This act shall take effect immediately provided, however, that
8 the applicable effective date of Parts A through B of this act shall be
9 as specifically set forth in the last section of such Parts.



No. 202.83

EXECUTIVE ORDER

**Continuing Temporary Suspension and Modification of Laws
Relating to the Disaster Emergency**

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, or to provide any directive necessary to respond to the disaster, do hereby continue the suspensions and modifications of law, and any directives not superseded by a subsequent directive, contained in Executive Orders 202.36, 202.37, 202.46, 202.47, 202.54, 202.58, 202.59, 202.65, and 202.70, as continued and contained in Executive Order 202.76, for another thirty days through January 17, 2021, and hereby temporarily suspend or modify the following from the date of this Executive Order through January 17, 2021:

- Subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law, and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law, to the extent necessary to permit the governing body of an assessing unit to adopt a resolution directing the assessor to grant exemptions pursuant to such section on the 2021 assessment roll to all property owners who received that exemption on the 2020 assessment roll, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons. Provided however, that the governing body may, at its option, include in such resolution procedures by which the assessor may require a renewal application to be filed when he or she has reason to believe that an owner who qualified for the exemption on the 2020 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or died;
- Notwithstanding any law or regulation to the contrary, health care providers are relieved of recordkeeping requirements to the extent necessary for health care providers to perform tasks as may be necessary to respond to the COVID-19 outbreak, including, but not limited to requirements to maintain medical records that accurately reflect the evaluation and treatment of patients, or requirement to assign diagnostic codes or to create or maintain other records for billing purposes. Any person acting reasonably and in good faith under this provision shall be afforded absolute immunity from liability for any failure to comply with any recordkeeping requirement. In order to protect from liability any person acting reasonably and in good faith under this provision, requirements to maintain medical records;
- Executive Order 202.76, which provided that all suspensions of the Family Court Act shall remain in effect until December 18, 2020, is hereby modified to provide that all suspensions of the Family Court Act shall remain in effect until the expiration of this Executive Order, as extended or modified by future Executive Order.

- Chapter 125 of 2020 enacting the COVID-19 Rent Relief Act to the extent necessary to authorize the payment of rent relief as otherwise provided in such Act, without requiring that a tenant provide proof that they were paying more than 30 percent of gross monthly income towards rent prior to March, 2020.

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directive for the period from the date of this Executive Order through January 17, 2021:

- The authority of the Commissioner of Taxation and Finance to abate late filing and payment penalties pursuant to section 1145 of the Tax Law is hereby modified as necessary to expand the Commissioner's authority to also authorize the abatement of interest by the Commissioner, for a period of 91 days, for restaurants and other food service establishments that are required to file returns and remit sales and use taxes by December 21, 2020, for the sales tax quarterly period that ended November 30, 2020, and that were required to cease indoor dining by Executive Order 202.81 or by Executive Order 202.68 because they are located in an area that was designated an "orange zone" on December 18, 2020.



GIVEN under my hand and the Privy Seal of the State

in the City of Albany this eighteenth day
of December in the year two thousand
twenty.

BY THE GOVERNOR

A handwritten signature in dark ink, appearing to be "Andrew Cuomo", written over a horizontal line.

A handwritten signature in dark ink, appearing to be "Mr. C.", written over a horizontal line.

Secretary to the Governor