

New York and New Jersey Legislative Updates – COVID-19

Below, we briefly describe legislative action pending in New York and New Jersey designed to blunt the impact of COVID-19 on state residents:

New York

- 1) March 19, 2020 – Guidance to New York State Regulated and Exempt Mortgage Servicers Regarding Support for Borrowers Impacted by the Novel Coronavirus (COVID-19)
 - a) *Issued by Shirin Emami, Executive Deputy Superintendent – Banking*
 - b) <https://www.dfs.ny.gov/industry/coronavirus>
 - i) Directed to CEOs of state-regulated mortgage servicers.
 - ii) Urges all regulated and exempt mortgage servicers “to do their part during this outbreak to alleviate the adverse impact caused by COVID-19 on those mortgage borrowers.”
 - iii) Focused on borrowers “who demonstrate they are not able to make timely payments.”
 - iv) Enumerates “reasonable and prudent actions”, including, but not limited to:
 - (1) Forbearing mortgage payments for 90 days from their due dates;
 - (2) Refraining from reporting late payments to credit rating agencies; and
 - (3) Postponing foreclosures and evictions for 90 days.
- 2) March 18, 2020 – Assembly Passes Legislation Providing Sick Leave for All New Yorkers During the Coronavirus Outbreak
 - a) Bill Number: [A. 10153, Nolan](#)
 - b) Current Status: Awaiting Governor Cuomo’s Signature
 - i) Makes all private and public sector employees eligible for sick leave and wage replacement during a mandatory or precautionary order of quarantine or isolation due to COVID-19.
 - (1) Employees that work for small sized employers, which includes employers with 10 or fewer employees and that have a net income of less than \$1 million, would receive unpaid sick leave and immediately become eligible for Paid Family Leave and Temporary Disability Insurance (TDI) benefits.
 - (2) Those working for medium sized employers, which includes employers with 10 or fewer employees that have a net income of greater than \$1 million and employers with between 11 and 99 employees, would receive at least five days of paid sick leave, followed by eligibility for Paid Family Leave and TDI benefits.
 - (3) Those working for employers with 100 or more employees, as well as all public employees, would receive a minimum of 14 days of paid sick leave.
 - ii) The bill will allow these employees to collect Paid Family Leave benefits, supplemented by increased TDI benefits to make their weekly wages whole, for those who earn up to a maximum of \$150,000 annually.

- iii) Additionally, it eliminates the waiting period for these benefits, as well as for unemployment insurance for claims related to the coronavirus. It also expands Paid Family Leave benefits to cover an employee or their dependent child if they are under a mandatory or precautionary order of quarantine or isolation due to coronavirus.

New Jersey

- 1) On Thursday, March 19, 2020, the Senate voted 34-0 on each of the following bills, all of which either have been or are expected to be signed by Governor Murphy:
 - a) A-3095/S-1982: would give county clerks an extra week to prepare and send mail-in ballots to voters expected to be used during the 2020 primary election;
 - b) A-3813/S-2292: would allow remote learning to apply to the 180-day instruction requirement for school districts during extended emergency school closures;
 - c) A-3840/S-2281: would require school districts to provide meals to students enrolled in the free or reduced-price meal program during COVID-19 school closings;
 - d) A-3841/S-2300: would automatically extend the deadline to file a gross income tax or corporation business tax return if the federal government extends the filing or payment due date for federal returns.
 - e) A-3842/S-2282: would address the digital divide and allocate funds to expand access to laptops, tablets, hot spot devices and other technology for students to use at home or school.
 - f) A-3843/S-2283: would require health insurance and Medicaid to cover testing for COVID-19, telehealth and telemedicine services, without cost-sharing requirements.
 - g) A-3845/S-2284: would authorize the New Jersey Economic Development Authority to provide grants during periods of emergency declared by the governor;
 - h) A-3846/S-2293: would create and allocate \$20 million for the “Temporary Lost Wage Unemployment Program” to allow those affected by the coronavirus to recoup wages lost and assist employers to pay workers who are under quarantine;
 - i) A-3848/S-2301: would prohibit an employer from terminating, or refusing to reinstate, an employee who takes time off from work at the recommendation of a medical professional due to an infectious disease;
 - j) A-3849/S-2302: would allow a flexible deadline—up to seven days—to respond to requests under the Open Public Records Act;
 - k) A-3850/S-2294: would allow a public body to conduct meetings electronically during a statewide or local emergency for the continuing operation of government;

- l) A-3851/S-2295: would permit the extension of deadlines for adopting county and municipal budgets when the governor has declared a public health emergency;
- m) A-3852/S-2296: allows the conduct of state business and legislative sessions at locations other than Trenton during periods of emergency, as determined by the governor or the Legislature;
- n) A-3854/S-2286: would authorize all licensed health care facilities and clinical laboratories to collect specimens to test for COVID-19 during the public health emergency;
- o) A-3855/S-2287: would require the statewide 2-1-1 system and all executive branch departments to prominently display information on food access programs and resources on their websites and social media during a declared public health emergency;
- p) A-3856/S-2297: would appropriate \$10 million for health care and residential facility sanitation due to the COVID-19 outbreak;
- q) A-3857/S-2275: would appropriate \$15 million for grants to food banks to help families in need;
- r) A-3858/S-2288: would direct the Commissioner of Human Services to issue supplemental cash assistance payments to eligible recipients of the Work First New Jersey Program during a public health emergency;
- s) A-3860/S-2289: authorizes any health care practitioner to provide and bill for services using telemedicine and telehealth during the COVID-19 public health emergency;
- t) A-3861/S-2290: would permit corporations to hold shareholder meetings in part or solely by means of remote communications during a state of emergency;
- u) A-3862/S-2298: allows professional or occupational licensing boards to grant licenses, certificates of registration and certifications on an expedited basis to individuals who hold a corresponding credential, during a state of emergency or a public health emergency;
- v) A-3864/S-2299: would allow notaries public to perform certain notarial acts remotely, using communication technology;
- w) A-3865/S-2291: would prohibit retail food stores from accepting the return of any groceries and other food products purchased during, and for 30 days following, a state of emergency in response to COVID-19;
- x) Two resolutions urge or ask assistance from the state and federal government. They are not binding like the other bills: ACR-165/SCR-109 would urge the Department of Human Services to apply for any federal waivers available to facilitate and increase access to SNAP benefits during the COVID-19 outbreak; while AJR-158/SJR-77 urges the Federal Communications Commission to take temporary measures to secure broadband access for those affected by the COVID-19 public health emergency.