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GOVERNOR ANDREW M. CUOMO

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May 6, 2021

No. 202.106: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster

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No. 202.106: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency Share

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No. 202.106

E X E C U T I V E O R D E R

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to assist or aid in coping with such disaster, do hereby continue the suspensions and modifications of law, unless superseded, modified or otherwise expired, made by Executive Order 202 and each successor Executive Order to 202, for thirty days through June 5, 2021 except:

- Any and all suspensions and modifications of the Criminal Procedure Law presently in effect are hereby rescinded, except as follows:
 - Any and all current suspensions and modification of Criminal Procedure Law Article 182 allowing for the expanded use of electronic appearances remain in effect.
 - The current suspensions and modifications of Criminal Procedure Law sections 30.30 and 190.80 remain in effect through and including May 23, 2021 and are thereafter rescinded.
 - The current modification of Criminal Procedure Law Section 150.40 extending the return date for an appearance ticket is hereby further modified reducing the timeframe from ninety to sixty days.

IN ADDITION, by virtue of the authority vested in me by Section 925-a of the Real Property Tax Law to extend during a State disaster emergency the period for paying property taxes without interest or penalties upon request of the chief executive officer of an affected county, city, town, village or school district, I do hereby extend by twenty-one days the period for paying, without interest or penalty, property taxes that are due in the following localities that have requested such an extension: Village of Bellport, Suffolk County; Village of Chester, Orange County;

IN ADDITION, by virtue of the authority vested in me by Chapter 71 of the Laws of 2021 to modify or extend any directive issued during this disaster emergency necessary to cope with such disaster, I hereby extend any directives unless superseded, modified, or otherwise expired made by Executive Order 202 and each successor Executive Order to 202, for thirty days until June 5, 2021, and I do hereby modify and extend the following directives consistent with Chapter 71 of the Laws of 2021 for the period from the date of this Executive Order through June 5, 2021:

- The directive contained in Executive Order 202.97 that allowed indoor food services and dining at 50% capacity in New York City, is hereby extended and modified to allow indoor food services and dining at 75% capacity in New York City beginning May 7, 2021, provided that Department of Health guidance and any other applicable State-issued guidance is strictly adhered to.
- The directive contained in Executive Order 202.60, as extended, that required in certain circumstances a coroner or medical examiner to administer a COVID-19 and influenza test within 48 hours after deaths, is hereby extended and modified only insofar as to no longer require in such circumstances the administration of an influenza test.

IN ADDITION, the following directives shall no longer be in effect:

- The directive contained in Executive Order 202.68, as extended and modified, that directed the Department of Health to determine areas in the State that require enhanced public health restrictions based upon cluster-based cases of COVID-19.

G I V E N under my hand and the Privy Seal of the State in the City of Albany this sixth day of May the year two thousand twenty-one.

BY THE GOVERNOR

Secretary to the Governor

Governor Andrew M. Cuomo

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