
Empire State Restaurant & Tavern Association

Report From The Executive Director...Scott Wexler

February 2021

Federal Grants Included in New COVID Relief Bill - Our long battle to get federal grants for restaurants, taverns, and bars is close at hand. The House of Representatives passed the COVID Relief Bill last week which included a \$25 billion program to provide grants to independent hospitality industry businesses.

If passed by the Senate, the Small Business Administration will administer a program to give grants to businesses for the difference between their income in 2020 and 2019. As written, it's envisioned as compensation for 100% of lost revenue although in practice the reimbursement may be less than that unless supplemental funding is approved.

The Senate hopes to pass the bill by March 14th and President Biden will sign it shortly thereafter. It will likely take some time for the SBA to prepare to accept grant applications, but with a little luck money could be flowing this Spring.

We're working on a plan to help you access this grant program once it's approved. The grant program is of no value if you can't take advantage of it – and you need the opportunity to take advantage of it. Stay tuned for more details.

State Allows Catering and Some Recreational Activities - New York State's efforts reopening businesses has continued over the past few weeks with announcements that catering events exceeding the 50 person gathering limit and recreational activities, including axe throwing, darts, and pool, will be permitted provided certain protocols are observed. Effective March 5, 2021, establishments that provide food and beverage service for patrons may allow both recreational activities such as darts, toss/bowl/shuffle games, racket games, axe throwing, and similar activities. The operators of these establishments must follow these additional public health and safety measures:

- Restrict facility capacity to no more than 50% of the maximum occupancy for a particular area as set by the certificate of occupancy, inclusive of employees and patrons/players. Establishments in New York City are restricted to a lower capacity based on indoor dining guidance, which is currently limited to 35%;
- Require face coverings at all times for patrons/players, unless they are seated and actively consuming food or beverage;

- Strictly enforce social distancing of at least six feet between parties of patrons/players, including during play by closing adjacent pool/billiard tables and boards/games, or enacting appropriate physical barriers between tables and boards/games;
- Ensure patrons/players interact only with their party at their assigned table or board/game (i.e., no comingling of parties);
- Rigorously clean and disinfect any rented or shared equipment (e.g., pool/billiard cues, pool/billiard racks, or throwing, tossing, or other game objects) between each patron's/player's or party's use;
- Limit the number of patrons/players to any event at the facility to no more than the current social gathering restrictions that are in effect for the region as a part of the State's phased reopening (i.e., currently 50 or fewer people); and
- Adhere to DOH's "Interim Guidance for Food Services during the COVID-19 Public Health Emergency" and any guidance issued by the State Liquor Authority for food and beverage service on the premises of the facility.

The State has also released guidance for in-person and catered events larger than 50 persons, such as wedding receptions, celebrations, and similar private venue events, such as meetings and conferences, which are permitted as of March 15, 2021. Some of the key provisions are:

- Occupancy must be limited to the lesser of 50% for a particular area as set by the certificate of occupancy, or 150 people, exclusive of employees and event staff.
- Events between 12:00AM (midnight) and 5:00AM local time are prohibited until further notice.
- The operator must require and ensure all attendees have received a negative diagnostic test result for COVID-19 or have evidence of completing the COVID-19 vaccination series at least 14 days prior to the event. A PCR test taken within 72 hours or an antigen test within 6 hours of the event is acceptable.
- Businesses must provide notice to their local health department of each event they plan to host.
- Attendees must be required to sign-in and provide information for contact tracing purposes.
- Employees and event staff must be tested for COVID-19 through a diagnostic test prior to events and must be tested biweekly thereafter.
- Social distancing must be maintained at all times
- Face coverings required except when seated at assigned table to eat or drink
- Movement of attendees must be controlled
- Music is permitted subject to distancing and face covering requirements
- Limited dancing is permitted – ceremonial dances allowed with distancing, general dancing permitted within personal "dancing areas or zones."