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# Empire State Restaurant & Tavern Association

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*Report From The Executive Director...Scott Wexler*

## June 2021

State Hits 70% Vaccination Rate, Restrictions Lifted - Governor Cuomo announced that the State hit the 70% vaccination rate threshold this week and most of the public health restrictions are now lifted, including all of the restrictions on restaurants and taverns. While the Department of Health continues to recommend social distancing and mask wearing in certain indoor situations, you no longer have to enforce any special rules on your customers. In addition, all of the restrictions on your operation are now lifted.

Although the restrictions have been lifted, the special privileges you've been granted during the State of Emergency – alcohol to go and extended outdoor privileges – remain in place until July 5<sup>th</sup>. It's unclear if the Governor will extend these privileges when the current Executive Order expires next month. The legislature passed a bill to allow for extended outdoor areas but, as you'll read below, they failed to extend alcohol to go. We'll post updates on our website as we receive more information.

Alcohol to Go Fails to Advance In Legislature, For Now - The Assembly and Senate completed their planned work for the year this week without passing legislation to extend or make permanent your privilege to sell alcohol to go. While the Governor has extended it by Executive Order until July 5<sup>th</sup> it's unclear how much longer he can do this.

The Legislature bought into the disinformation pushed by the liquor stores' lobby claiming you've gotten lots of government aid and don't need more help, that alcohol to go has led to massive drunk driving, and that alcohol to go turned restaurants into liquor stores threatening the liquor stores' survival. In reality, there is nothing about alcohol to go that puts any liquor store at risk.

Their opposition is based on a Prohibition-era mindsight that protects them from competition – a good deal if you can get it but their protectionist view of the world is in conflict with your ability to grow your business. Allowing wine sales in grocery stores might be a threat to the liquor stores business model but alcohol to go is not. The liquor stores' opposition to wine in groceries is understandable – their position on alcohol to go is absurd and based purely on greed.

We're going to continue to fight to extend this privilege by Executive Order while we continue to pursue legislative approval. We're far from done with this fight!

NYS COVID-19 Pandemic Small Business Recovery Grant Program Opens - Empire State Development has announced that the New York State COVID-19 Pandemic Small Business Recovery Grant Program, which was created to provide flexible grant assistance to currently viable small businesses, micro-businesses and for-profit independent arts and cultural organizations in New York that have experienced economic hardship due to the COVID-19 pandemic, is now open. The program is administered by ESD and powered by Lendistry.

Grant awards will be calculated based on a business' annual gross receipts for 2019:

- Annual gross receipts = \$25,000-\$49,999: \$5,000/business;
- Annual gross receipts = \$50,000-\$99,999: \$10,000/business; and
- Annual gross receipts = \$100,000-\$500,000: 10% of gross receipts (max grant is \$50,000).

Eligible Use of Grant Funds - The grants must be used for COVID-19 related losses or expenses incurred between March 1, 2020 and April 1, 2021. These include:

- Payroll costs
- Commercial rent or mortgage payments for NYS-based property (but not any rent or mortgage prepayments)
- Payment of local property or school taxes associated with a small business location in NYS
- Insurance costs
- Utility costs
- Costs of personal protection equipment (PPE) necessary to protect worker and consumer health and safety
- Heating, ventilation, and air conditioning (HVAC) costs
- Other machinery or equipment costs
- Supplies and materials necessary for compliance with COVID-19 health and safety protocols
- Other documented COVID-19 costs as approved by Empire State Development

Ineligible Uses of Funds - Grants awarded under the program may not be used to re-pay or pay down any portion of a loan obtained through a federal COVID-19 relief package for business assistance or any New York State business assistance programs.

For eligibility requirements and more information regarding the New York State COVID-19 Pandemic Small Business Recovery Program, and to begin your application, please visit [www.nysmallbusinessrecovery.com](http://www.nysmallbusinessrecovery.com)

\$60 Billion Restaurant Revitalization Fund Replenishment Act Introduced – Creation of the Restaurant Revitalization Fund (RRF) was great news, but for too many owners the \$28.6 billion in funding ran out before they could receive any disaster funding. The SBA estimates that they need at least an additional \$50 billion just to fund the applications submitted before the application portal was closed. The RRF Replenishment Act will direct \$60 billion in funding to the SBA, allowing them to complete the mission and provide sorely needed recovery dollars for the restaurant industry.