
Empire State Restaurant & Tavern Association

Report From The Executive Director...Scott Wexler

May 2021

Reopening Updates - The State continues to relax restrictions on the operations of restaurants and taverns. In a series of announcements over the past few weeks culminating with adoption of the CDC's new mask policy, the Department of Health has removed most of the COVID-19 public health restrictions on your business. Here's a recap on recently announced changes:

- Seating at bars in NYC – resumed as of May 3rd
- Outdoor Dining Curfew – removed as of May 17th
- Capacity Restrictions – removed as of May 19th
- Indoor Dining Curfew – removed as of May 31st

The announcement that the State will adopt the CDC's guidance on masks effective May 19th is welcome news. The State has published some guidance on mask and face coverings. Here's a recap of what we know:

- Consistent with the CDC, fully vaccinated individuals are not be required to wear masks
- Businesses are able to require mask wearing for all individuals if they choose
- Businesses are not required to verify vaccination status
- Unvaccinated individuals must continue to wear masks (you can ask, but you can also go by the honor system)
- For indoor settings and settings where the vaccination status of attendees is unknown, the Department of Health recommends individuals continue to wear masks (recommends, does not mandate)

The guidance appears to eliminate the 6-foot physical distancing requirement for vaccinated people, but unvaccinated people still need to be separated by 6-feet or by a physical barrier. Discussions with the State Liquor Authority indicate they should have additional information for us later today. This is not sufficient guidance for your operation so we'll continue to seek additional information for you. Check our website or Facebook page for updates so you can remain in compliance.

Small Business Relief Coming Soon - The \$800 million COVID-19 Pandemic Small Business Recovery Grant Program included as part of the state budget this year, provides grant funding to small businesses and for-profit independent arts and cultural organizations impacted by the pandemic. The grants will be flexible and can be used for a number of different business needs, including payroll, rent or mortgage payments, taxes, utilities, PPE or other business expenses incurred between March 1, 2020 and April 1, 2021. While the program details are still being finalized, it will be open to New York State small businesses and for-profit independent arts and cultural organizations with 100 or fewer employees that can demonstrate COVID-related revenue losses.

The grants may be used for COVID-19 related expenses incurred between March 1st, 2020 and April 1st, 2021, including:

- Payroll costs
- Commercial rent or mortgage payments
- Payment of certain taxes
- General operating expenses, including insurance costs; utility costs; costs of personal protection equipment (PPE) heating, ventilation, and air conditioning (HVAC) costs, other machinery or equipment costs, or supplies and materials necessary for compliance with COVID-19 health and safety protocols.

While program details are still being finalized, this list of documentation requirements will help prepare you to apply for the COVID-19 Pandemic Small Business Recovery Grant Program:

- For proof of revenue loss or other economic hardship: 2019 and 2020 Business Income Tax returns
 - For partnerships – include IRS Form 1065 and Schedule K-1
 - For sole proprietors – include IRS Form 1040 Schedule C
- Completed IRS Form 4506-T
- Proof of business location and current operation (two of the following: current lease, utility bill, current business bank statement, current business mortgage statement, business credit card statement, professional insurance bill, payment processing statement, NYS ST-809 or ST-100 sales tax collection documentation).
- Schedule of ownership (listing of names, addresses, Social Security numbers, phone numbers, e-mails, percentage ownership, and photo ID for any owners with more than 20% ownership of business).
- Proof of number of employees: Most recently submitted NYS-45 document for employer firms.
- For funds distribution: IRS Form W-9 and bank account information

Fight Over Alcohol to Go Shaping Up - With key state legislators expressing interest in extending the privilege of selling alcohol to go, the associations representing liquor stores have started an aggressive campaign to try to block this measure. Alcohol to go served as an important lifeline for many on-premises operators over the past year. Even with the relaxation of restrictions it's going to take time to recover - economists are expecting it to take up to two years. Extending your ability to sell alcohol to go will help establishments get back on their feet as patrons slowly get comfortable returning to indoor dining.

We need your help making the case to keep alcohol to go and we have two ways you can pitch in. First and foremost, contact your legislators and tell them you want them to keep alcohol to go. Next, ask your customers – especially those who come in for pick up or receive deliveries – to contact their legislators. For the computer savvy, we have online sites set up for you and your customers so all you have to do is click on the link to send letters to your representatives.

Liquor stores have had record sales over the past year while you struggled to keep your business afloat. Now, while you're trying how to figure out how to return your business to profitability, they unapologetically declare your need for help is over. Please join in this fight to keep alcohol to go and make sure you have this option available to you!