

CALIFORNIA AND NEW YORK ROLL BACK CERTAIN COVID-19 RESTRICTIONS

Jan 28, 2021

In late 2020, many states enacted stay-at-home orders or issued new lockdowns in an effort to curb a perceived risk of elevated infection rates during the holiday season. With the holidays behind us, and as hospitalizations rates begin to decline, and ICU capacity increases, some states have begun the process of rolling back their more stringent holiday restrictions.

The following is a summary of the steps that California and New York are taking to ease their restrictions.

California

The Governor announced on Monday, January 25th, that the Regional Stay at Home Order, which went into effect in early December, was being lifted. The state now goes back to the [Blueprint for a Safer Economy Plan](#) that was in place before the Regional Stay at Home Order went into effect.

With the exception of four counties, the entire state is in the Widespread Tier under the plan, which is the most restrictive. This means that although the shift away from the Regional Stay at Home Order means that certain business functions can reopen, there are still significant restrictions in place.

It is also important to note that even though a business activity may be allowed in a county under the state plan, the counties can, and often do, have their own Stay at Home orders which can impose more stringent restrictions, so businesses should check for local orders in addition to reviewing the state plan.

Here are the details regarding some of the business activities that are allowed to open under the Widespread tier:

- Restaurants are allowed to reopen outdoor dining;
- Family entertainment venues such as mini golf facilities, go-karting tracks, and batting cages subject to modifications that would include limited capacity;

- Certain zoos, museums, movie theaters, and aquariums (the outdoor areas only) subject to modifications that would include limited capacity;
- Personal care services (barbershops, hair salons, tattoo parlors, and nail salons) subject to modifications such as operating at 25% capacity;
- Hotels, lodging, and short term rentals with modifications;
- Shopping centers subject to modifications that would include operating at 25% capacity; and
- Retail businesses usually operating at 25% capacity.

New York

The Governor announced on Wednesday, January 27th, that “New York State has finally reached a point where we are comfortable saying the holiday surge we experienced from November to January has subsided,” and 22 of the 26 “micro-cluster zones” have improved to a point where the additional restrictions could be lifted. Most of the counties in upstate New York now have limited restrictions, some of which were initially issued in October 2020. Importantly, certain micro-clusters in Queens, the Bronx, and Washington Heights in New York City are still subject to heightened restrictions.

The following is a general summary of the new restrictions that are in place, but it is important to understand that restrictions vary depending upon specific locations, and whether an area is in an orange or yellow zone.

- Fitness centers and gymnasiums can operate at 33% capacity (or additional capacity in certain locations);
- Personal care services (barbershops and hair salons) can operate at 50% capacity;
- Retail businesses can operate at 50% capacity; and
- Other than in New York City, restaurants are allowed to operate indoor and outdoor dining at 50% capacity with additional restrictions.

Governor Cuomo also indicated that he will release a plan, perhaps as early as the end of this week, to allow New York City restaurants to re-open indoor dining at 25% occupancy.

Conclusion

Depending on each state’s circumstances, we may see additional restrictions lifted over the next few weeks as we move out of the wake of the holiday season. While the path to reopening is not certain, the current trends suggest that businesses should consider planning for a gradual return to

normal operations over the next several months. Our [COVID-19 Reopening Team](#) is tracking those changes, and would be happy to discuss any questions regarding your particular business.

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