



## **New York State PAUSE Enforcement Assistance Task Force**

April 1, 2020

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### **Background**

Governor Andrew M. Cuomo has taken aggressive action to combat the spread of the infectious COVID-19 virus, as suspected and confirmed cases have surged around the world. Specifically, the Governor has imposed sweeping measures to protect public health and safety, including restrictions on businesses and gatherings through Executive Orders designed to reduce public density and slow the rate of transmission. These measures, together known as “New York State on PAUSE,” directed all non-essential businesses to close their in-person operations and banned all non-essential gatherings of individuals of any size for any reason. (See Executive Orders [202.6](#), [202.7](#), [202.8](#), [202.10](#), and [202.11](#).) For information on which businesses are essential, please visit the Empire State Development Corporation’s (ESD) [online guidance](#).

### **Complaint Referral and Enforcement Assistance**

To assist local authorities with enforcement of these orders, the Governor established the [New York State PAUSE Enforcement Assistance Task Force](#) where individuals can file complaints regarding the operation of non-essential businesses or gatherings 24 hours a day, 7 days a week through an [online form](#) or by calling **1-833-789-0470**. These complaints are reviewed for completeness, accuracy, and applicability under the orders, and then referred to local authorities (as designated by the county leadership) by a team of investigators from multiple state agencies. In addition to assessing the credibility of complaints, these skilled investigators can assist local authorities in their front-line role of responding to alleged violations of the orders by providing guidance on available civil and criminal enforcement tools. (Note: Specific complaints from employees against their employers should be directed to the Department of Labor through their [online form](#).)

### **Enforcement Strategy and Options**

The Governor’s Executive Orders are designed to reduce social density by discouraging the unnecessary gathering of people in close contact in businesses and public places. Authorities should use the least invasive enforcement approach necessary to achieve compliance. In other words, unless the circumstances are particularly egregious, authorities should use the first violation as an opportunity to inform New Yorkers of the orders and their responsibility to protect the health and safety of themselves and others.

Subsequent non-compliance by businesses and other venues may be subject to enforcement from primarily local, but in some cases state, authorities, including but not limited to municipal law enforcement agencies (e.g. police departments and sheriffs’ offices), local code enforcement agencies, state law enforcement agencies (e.g. State Police), and state regulatory

agencies (e.g. State Liquor Authority, Department of State, etc.). (Note: Police officers have general authority to enforce any offense under CPL § 140.10.)

Pursuant to existing statutory and regulatory authority and the provisions contained in the Governor's Executive Orders, non-compliance may warrant the following penalties depending on the specific circumstances:

- **Verbal or Written Warning**
- **Violation of Uniform Code/Local Building Code** – violation, penalties vary; may result in loss of occupancy certificate
- **Violation of Health Law (PBH § 12)** – civil violation; up to \$2,000 first time violation, up to \$5,000 repeat violation
- **Willful Violation of Health Law (PBH § 12-B)** – criminal misdemeanor; up to \$10,000 first time violation and/or up to one year imprisonment
- **Violation of State License or Certification** – financial penalty and/or loss of license or certification as governed by respective statutes/regulations
  - For example, State Liquor Authority-licensed entity violation – civil penalty; up to \$10,000 and/or loss of license
- **Disorderly Conduct (PL § 240.20)** – violation; up to \$250 and/or up to 15 days imprisonment
- **Criminal Nuisance in the 2nd Degree (PL § 240.45)** – Class B criminal misdemeanor; up to \$500 and/or up to three months imprisonment
- **Obstructing Governmental Administration in the 2nd Degree (PL § 195.05)** – Class A criminal misdemeanor; up to \$1,000 and/or up to one year imprisonment

#### **For County Leaders**

Please provide your respective Governor's regional representative with two or three contacts within your county who should receive the complaint referral information and are able to coordinate with the appropriate entities for follow up enforcement.

#### **Additional Information**

New York State Coronavirus (COVID-19) Website  
<https://coronavirus.health.ny.gov/>

United States Centers for Disease Control and Prevention Coronavirus (COVID-19) Website  
<https://www.cdc.gov/coronavirus/2019-ncov/index.html>