

THE SENATE
STATE OF NEW YORK



SUSAN SERINO
41ST District

RANKING MINORITY MEMBER
AGING
CULTURAL AFFAIRS, TOURISM, PARKS AND RECREATION

COMMITTEE MEMBER
FINANCE
INSURANCE
SOCIAL SERVICES
TRANSPORTATION

ALBANY OFFICE
ROOM 613
LEGISLATIVE OFFICE BUILDING
ALBANY, NEW YORK 12247
(518) 455-2945
HYDE PARK OFFICE
4254 ALBANY POST ROAD
HYDE PARK, NEW YORK 12538
(845) 229-0106
PUTNAM OFFICE
117 TOWN PARK LANE
PUTNAM VALLEY, NEW YORK 10579
(845) 528-0417

March 19, 2021

Honorable Andrew M. Cuomo
Governor of New York State
NYS Capitol Building
Albany, NY 12224

Re: Restaurant, Bar and Entertainment Venue Guidance

Dear Governor Cuomo:

During your March 18 coronavirus briefing, you called for New Yorkers to “start to look to the future aggressively.” While we all share this goal, unfortunately the arbitrary and contradictory rules that continue to be established by your Administration make that impossible for businesses and patrons alike. **It is imperative that the State prioritizes providing our small business owners with consistency, certainty and clarity during this time so that they can effectively plan and play an active role in the State’s much anticipated reopening.** Unfortunately, some of your recent announcements with respect to the State’s reopening plans have raised more questions than they answered—particularly with respect to restaurants, bars and small entertainment venues—leading to confusion and an inability to adequately plan for the next steps. When it comes to these businesses, short of a full repeal of the restrictions you alone have placed on them, a one-sized fits all approach to reopening guidance will not work for many of these unique venues. It is time now for the State to issue immediate guidance that actually aligns with the goal of looking toward the future, and that starts by putting a definitive end to arbitrary and contradictory messaging.

I offer the following as a prime example. In a recent press release from your office, it was announced that event, arts and entertainment venues can reopen at 33% capacity beginning April 2. Despite this being announced on March 3—more than two weeks ago—the State to date has failed to release the accompanying guidance needed for the State Liquor Authority and local governments to determine if and how such guidance would be enforced, making it impossible for these venues to plan accordingly. On March 7, you went on to announce that restaurants outside of New York City can operate at 75% indoor capacity as of today, which while welcome news, has been a new source of confusion for businesses that operate as both indoor entertainment and as a bar and restaurant.

For example, one venue in my district that operated primarily as a music and entertainment venue pre-pandemic, shifted its business model throughout the past months to operate primarily as a bar and restaurant

offering only “incidental music,” in order to stay afloat while adhering to New York’s overly restrictive guidelines. As I understand, after the public announcement was made, venues like these have not even been able to get the most basic of questions answered, including:


- 1.) **When exactly can they begin promoting musical entertainment?**
- 2.) **As of April 2, can they promote all music at the venue, or just ticketed events?**
- 3.) **When hosting ticketed events, are they required to abide by the 33% capacity for entertainment venues or the 75% for restaurants?**

Further, you announced that the 11:00 p.m. curfew will be lifted for casinos, movie theaters, bowling alleys, billiard halls, gyms and fitness centers starting April 5. Notably, bars and restaurants were not included in this loosening of restrictions, and the midnight curfew still remains in place for catered events as well, much to their detriment. This industry, like many others, had to dramatically adapt to the realities of the COVID-19 pandemic and economic shutdown and shift their business model and operations to comply with constantly changing restrictions imposed by the State and to protect the safety of their employees and customers. Our businesses went above and beyond to do their part and ensure public health. According to contact tracing data you released in December, about 1% of COVID-19 infections from September through November resulted from New Yorkers patronizing bars and restaurants. Especially as the curfew is lifted for other industries, there is no science-backed reason this industry cannot continue to safely operate past 11:00 p.m., or that catered events cannot operate past midnight. **The State must put an immediate end to its practice of arbitrarily cherry-picking industries and be consistent with its relaxing of restrictions.**

Too many hardworking small business owners and job creators have had to close their doors for good through no fault of their own as a result of New York’s pandemic rules, leaving employees without jobs and communities without the institutions that make them what they are. As we all look toward the future, it is important to remember that ultimately it will not be the State that revitalizes our communities—it will be the small business owners and the employees of our favorite local establishments who bring about our resurgence. It was everyday New Yorkers and the sacrifices they made that flattened the curve, and it will be those very same New Yorkers who will play a direct role in ensuring our State rebuilds back better than before.

The State must not be an impediment to this progress, but must instead serve as a resource. For these reasons, I respectfully ask that you work to address these concerns immediately so New Yorkers can get to work doing what they do best—moving our communities and our State forward.

Sincerely,



Senator Sue Serino
41st District