

## **MELICK & PORTER, LLP COVID-19 MEMO:**

Melick & Porter, LLP provides you with the below update regarding the impact of COVID-19 on issues relating to insurance in the United States. The below is not meant to be all-inclusive, but provides an overview as to the trends in the United States. If you have any questions regarding any of the updates below, please do not hesitate to contact us.

### **SUMMARY OF IMPORTANT LEGISLATION AND EMERGENCY ORDERS AND DIRECTIVES:**

Below we provide an overview as to the types of legislative actions that have been occurring, both on a federal and state level.

- Congress has introduced two “emergency” bills addressing privacy issues arising out of the COVID-19 crisis. Both bills aim to protect personal data collections pertaining to the tracing and containing the spread of the illness.
- House passed HR 6800, the HEROES Act, on May 15, 2020. The bill contains numerous Democratic priorities for Congress’ Phase 4 coronavirus responses. However, further negotiations will be required before a Phase 4 deal can be signed into law. In addition to HEROES, the House also voted to allow remote voting.
- For the State of Massachusetts, the Baker-Polito Administration released a comprehensive plan to safely reopen the state’s economy, get people back to work, and ease social restrictions while minimizing the health impacts of COVID-19. The Four-Phase Approach is accessible [here](#).
- Governor Cuomo released a [guide](#) to the state of New York’s Forward Reopening Plan. NYS on PAUSE will continue through May 28, 2020 for regions that have not started reopening; a region can enter Phase One of reopening as soon as it meets the required metrics.
  - Governor Cuomo has a regional and industry approach for how the state will reopen following the March Executive Order restricting non-essential businesses.

### **INSURANCE AND COVERAGE RELATED NEWS AND ORDERS/LEGISLATION:**

Below we provide an update as to regulations, news, and litigation specifically related to insurance and potential coverage

- The Massachusetts Division of Insurance issued Bulletin 2020-17 on May 18, 2020 providing information to carriers issuing commercial property and casualty coverage in Massachusetts. The bulletin advises carriers to provide businesses with reasonable flexibility during the period of COVID-19 and outlined their expectations in administration of vacancy clauses.

- The insurance sector is changing as the risks are changing, carriers must adapt to achieve strategic goals; multiple states are providing insurance guidance on coverage and COVID-19.

### **BUSINESS AND COMMERCE NEWS AND LEGISLATION RELATED TO COVID-19:**

Below we discuss news regarding the economic impact of COVID-19 and measures being taken to address that.

- IRS fact sheet FS-2020-06, explains that the Families First Coronavirus Response Act provides tax credits to reimburse employers for the costs of providing paid sick leave and paid family and medical leave to employees unable to work because of COVID-19.
- The United States Treasury in connection with the SBA issued the [PPP loan forgiveness application and instructions](#). The PPP loan forgiveness form provides guidance for borrowers on how to apply for forgiveness of their PPP loans. It was also reported that the SBA will soon issue regulations and guidance to further assist borrowers as they complete their applications, and to provide lenders with guidance on their responsibilities.
- On May 12, 2020, the Board of Governors of the Federal Reserve System announced additional information on its Term Asset-Backed Securities Loan Facility (TALF). The goal of the TALF is to help consumers and businesses access affordable credit during and in the aftermath of the COVID-19 pandemic. The Federal Reserve will make up to \$100 billion in loans available under the TALF.
- The Occupational Safety and Health Administration “OSHA” continues to publish alerts offering industry-specific safety guidance designed to help employers protect their employees and their workplaces.

### **LITIGATION/CIVIL JUSTICE SYSTEM UPDATES AND ORDERS:**

Below we highlight additional judicial orders related to the COVID-19 pandemic.

- On May 13, 2020, Massachusetts Trial Courts announced the formation of two new Trial Court committees aimed at addressing the court system issues created by the COVID-19 pandemic.
- New York State Courts Remain open for essential business.
- Following New Hampshire’s Amended Emergency Orders from the Supreme Court, from now until May 25, 2020, anyone entering a New Hampshire courthouse or Judicial Branch building must wear a face cover over the mouth and nose. Also, public access to the courthouses and clerk’s offices has been restricted until at least May 25, 2020.

- The State of Rhode Island issued Executive Order No. 2020-13 pertaining to electronic filing of documents and Order No. 2020-12 governing the continuation of court business and capacity limitations.
- Out of concern for the health and safety of the public and Supreme Court employees, the Supreme Court Building will be closed to the public until further notice. The Building will remain open for official business.