

# **New Hampshire Coronavirus Tracker: Governor's Reopening; Executive Orders; State Legislation; PPP Upcoming Procedures – 6.8.20**

## **Governor Sununu Actions**

Governor Chris Sununu continues to host press conferences at which he makes announcements regarding New Hampshire's response to the COVID-19 crisis. The Governor has provided details for the flex opening of several industries and the potential for an end to the stay at home order as of June 15<sup>th</sup>. Additionally, the Governor issued his fourth extension to his state-of-emergency declaration for an additional 21 days.

Attached is an updated document containing all of Governor Sununu's executive and emergency orders to date.

## **New Hampshire General Court**

On Thursday, June 11, the House of Representatives will return as a whole for the first time since their marathon session on March 13<sup>th</sup>. Negotiations between the body's Republican and Democratic members continue as a stalemate over suspension of the rules to complete 2020 legislative work looms on the horizon. Last Saturday, the Senate released their calendar with 20 pieces of omnibus legislation containing member priorities. In preparation for the potential that legislative business may be delayed, the Senate will work to hold public hearings on nongermane amendments to House bills that will contain important provisions for consideration during their session on June 16<sup>th</sup>. If adopted, the bills will return to the House who will likely meet on June 30<sup>th</sup> to vote whether to concur on the pieces of legislation adopted by the Senate.

Also, below is a list of bills that contain language of interest, as well as a schedule of when Senate Committees are slated to take action.

**Amendment 1234s to HB 1234** – Amends the bill to include the House Passed version of HB 1437, The Banking Department's bill which clarified the qualification of the Commissioner and Deputy Commission. Amendment also allows consumer complaints to be submitted by email. **Public Hearing on Tuesday June 9<sup>th</sup> at 3:10 p.m.**

**Amendment 1363s to HB 1247** – Amendment include language that would create an option for mortgage borrowers to request forbearance from mortgage defaults during the novel coronavirus disease (Covid-19) outbreak state of emergency. **Public Hearing on Tuesday June 9<sup>th</sup> at 9:35 a.m.** Our Retained Lobbyist, Dave Collins, will represent credit unions at the hearing with oral comments and the record will also contain a detailed written statement based upon member input to date.

## **PPP Upcoming Procedures**

The Small Business Administration ("SBA"), in consultation with the Department of Treasury, is expected to promptly issue rules and guidance, **a modified borrower application form, and a modified loan forgiveness application implementing the new legislative amendments to the PPP.** These modifications will implement the following important changes:

- Extend the covered period for loan forgiveness from eight weeks after the date of loan disbursement to 24 weeks after the date of loan disbursement, providing substantially greater flexibility for borrowers to qualify for loan

forgiveness. Borrowers who have already received PPP loans retain the option to use an eight-week covered period.

- Lower the requirements that 75 percent of a borrower's loan proceeds must be used for payroll costs and that 75 percent of the loan forgiveness amount must have been spent on payroll costs during the 24-week loan forgiveness covered period to 60 percent for each of these requirements. If a borrower uses less than 60 percent of the loan amount for payroll costs during the forgiveness covered period, the borrower will continue to be eligible for partial loan forgiveness, subject to at least 60 percent of the loan forgiveness amount having been used for payroll costs.
- Provide a safe harbor from reductions in loan forgiveness based on reductions in full-time equivalent employees for borrowers that are unable to return to the same level of business activity the business was operating at before February 15, 2020, due to compliance with requirements or guidance issued between March 1, 2020 and December 31, 2020 by the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, or the Occupational Safety and Health Administration, related to worker or customer safety requirements related to COVID-19.
- Provide a safe harbor from reductions in loan forgiveness based on reductions in full-time equivalent employees, to provide protections for borrowers that are both unable to rehire individuals who were employees of the borrower on February 15, 2020, and unable to hire similarly qualified employees for unfilled positions by December 31, 2020.
- Increase to five years the maturity of PPP loans that are approved by SBA (based on the date SBA assigns a loan number) on or after June 5, 2020.
- Extend the deferral period for borrower payments of principal, interest, and fees on PPP loans to the date that SBA remits the borrower's loan forgiveness amount to the lender (or, if the borrower does not apply for loan forgiveness, 10 months after the end of the borrower's loan forgiveness covered period).
- In addition, the new rules will confirm that June 30, 2020, remains the last date on which a PPP loan application can be approved.



## New Hampshire's COVID-19 Response

### **New Hampshire declared a State of Emergency on March 13<sup>th</sup>**

- On March 13<sup>th</sup>, Governor Chris Sununu issued [Executive Order 2020-004](#) which declared a State of Emergency in New Hampshire. Declaring a state of emergency allows the Governor access to additional powers and resources to protect New Hampshire.
- Governor Sununu issued four additional [Executive Orders](#) that will now extend the State of Emergency through June 26<sup>th</sup>
- A declared state of Emergency may only continue for 21 days unless the Governor extends it through another Executive Order.
- On April 3<sup>rd</sup>, New Hampshire's request was approved for federal disaster declaration. The declaration makes the state and municipalities eligible for 75% federal reimbursement for approved costs associated with the Covid-19 response.
- More information of the duties and powers authorized under a State of Emergency can be found here: <http://www.gencourt.state.nh.us/rsa/html/l/4/4-45.htm>

### **What steps has the government taken in New Hampshire?**

- In the days following the declaration of a state of emergency, Governor Sununu has announced thirty-eight emergency orders. *Click the order to be directed to the official language.*
- Orders include:

#### **[Emergency Order #1](#)** (Issued on 03/15/2020)

- Closes all public K-12 school districts through April 3<sup>rd</sup> and lays the groundwork for remote instruction programs

#### **[Emergency Order #2](#)** (Issued on 03/16/2020)

- Prohibits any event or gathering of more than 50 people.
- Requires all restaurants to transition to take-out only and prohibits on site consumption of food and beverages

#### **[Emergency Order #3](#)** (Issued on 03/17/2020)

- Prohibits utilities from ordering any disconnects of service during the state of emergency.
- Requires that utilities provide repayment opportunities following the end of the state of emergency that are free from any additional fees or penalties.

#### **[Emergency Order #4](#)** (Issued on 03/17/2020)

- Prohibits landlords from initiating any eviction proceedings during the state of emergency.
- Prohibits any judicial or non-judicial foreclosure actions during the state of emergency.

#### **[Emergency Order #5](#)** (Issued on 03/17/2020)

- Temporarily removes the waiting period for access to unemployment benefits.

As of: 06/08/2020

- Expands access to unemployment benefits for employees and self-employed individuals who are out of work due to COVID-19.

[Emergency Order #6](#) (Issued on 03/18/2020)

- Allows all restaurants, diners, bars, etc. that hold both a restaurant license and an on-premise liquor license will be allowed to offer delivery of beer and wine with a food order.

[Emergency Order #7](#) (Issued on 03/18/2020)

- Relaxes some rules surrounding educational facility data governance plans for implementation of remote learning tools. Make other necessary changes to allow quick build up of remote education tools.

[Emergency Order #8](#) (Issued on 03/18/2020)

- Allows healthcare providers to offer any service necessary by means of telehealth.
- Sets requirements for carrier coverage and reimbursement rates for providers.

[Emergency Order #9](#) (Issued on 03/19/2020)

- Establishes a \$50 Million fund to ensure hospitals and other healthcare facilities remain able to operate during the crisis.

[Emergency Order #10](#) (Issued on 03/21/2020)

- Requiring all sellers of groceries to temporarily transition to use of single use paper or plastic bags.

[Emergency Order #11](#) (Issued on 03/23/2020)

- Temporarily grants authority and sets guidelines for remote notarization.

[Emergency Order #12](#) (Issued on 03/23/2020)

- Increases the flexibility of local and state boards to hold meetings by electronic means. Waives certain “public access” requirements under RSA 91A.

[Emergency Order #13](#) (Issued on 03/23/2020)

- Temporarily authorizes pharmacies and pharmacists to compound and sell hand sanitizer over the counter and allows pharmacy technicians to perform non-dispensing tasks remotely.

[Emergency Order #14](#) (Issued on 03/23/2020)

- Temporarily authorizes out of state pharmacies to act as licensed mail-order facilities within the State of New Hampshire.

[Emergency Order #15](#) (Issued on 03/23/2020)

- Temporarily authorizes out of state medical providers to provide medically necessary services through telehealth.

[Emergency Order #16](#) (Issued on 03/23/2020)

- Amends Emergency order #2 by prohibiting any event or gathering of more than 10 people.

[Emergency Order #17](#) (Issued on 03/26/2020)

- “Stay at Home Order”
- Require all non-essential businesses to close and directs the public to stay home as much as possible.
- Information on businesses considered essential can be found [HERE](#)

[Emergency Order #18](#) (Issued on 03/27/2020)

- Makes multiple changes to the healthcare licensing laws.
- Authorizes the Executive Director of the DMV to take all steps necessary to limit in person services at DMV location.
- Authorizes and sets guidelines for online driver’s education courses.
- Suspends any part of the NH Administrative Rules regarding that the Federal Motor Carrier Safety Act that has been waived or suspended by the federal government.

[Emergency Order #19](#) (Issued on 03/27/2020)

- Extends the closure of K-12 schools and remote learning through May 4<sup>th</sup>.

As of: 06/08/2020

**Emergency Order #20** (Issued on 03/30/2020)

- Provides a temporary wage increase of 10% for state employees working in liquor stores for the duration of the State of Emergency

**Emergency Order #21** (Issued on 04/01/2020)

- Appropriates \$600,000 in funding for an increase in services for victims of domestic and sexual violence. The funds will be used to build up services including the victim call center as well as building a hotel voucher program for victims that cannot find vacancy in any of the shelters.

**Emergency Order #22** (Issued on 04/01/2020)

- Authorizes up to \$2 million dollars for additional services at DCYF including
  - o Moving all Family Violence Prevention Specialists from part time employees to full time employees.
  - o Hiring three additional license drug and alcohol counselors.
  - o Increasing the age cap for the Strength to Succeed Program from ages 0-6 to 0-10.
  - o Establishing a Family Support Resiliency Hotline
  - o Provide technology support for families involved with DCYF to Facilitate electronic visits as a result of social distancing.

**Emergency Order #23** (Issued on 04/01/2020)

- Provides continued guidance for municipal and local government bodies on how to continue to operate under the current situation.

**Emergency Order #24** (Issued on 04/03/2020)

- Makes modification to Emergency Order #4 by exempting:
  - o Eviction proceedings initiated against an individual for violations of a lease or violations of law which result in either
    - substantial damage to the premises by the individual or members of the individual's household, or
    - a substantial adverse impact on the health or safety of the other persons residing on the premises.
  - o Eviction proceedings initiated against an individual in cases of the individual's abandonment of their rental unit or space
- Clarifies that nothing in Emergency Order #4 relieves renters from having to pay rent.
- Clarifies that any foreclosure process begun prior to March 16<sup>th</sup>, 2020 is exempt from this order.

**Emergency Order #25** (Issued on 04/03/2020)

- Offers cities and towns the option of waiving any interest and penalties for the late payment of property taxes. This is not a mandate but allows cities and towns more flexibility if they choose to offer it.

**Emergency Order #26** (Issued on 04/04/2020)

- Extends Emergency Orders 2 (No groups more than 50 People), 6 (Alcohol Delivery) and 16 (No Groups more than 10 people) through Monday, May 4, 2020.

**Emergency Order #27** (Issued on 04/06/2020)

- Requires that all Hotels and Short-term rental operators stop accepting new bookings through May 4<sup>th</sup>.
- Online bookings must shut down and a prominent notice must be placed on their websites stating the status of bookings in NH.
- Lodging partners can continue to provide lodging to essential business workers and to vulnerable populations by phone reservations.
- The Division of Public Health and State/Local Police are authorized to enforce the order.

**Emergency Order 28** (Issued on 04/07/2020)

- Directs State, local, and private sector partners to work together to do the following:

As of: 06/08/2020

- Identify an isolation site(s) for COVID-19 positive individuals or those who have symptoms and who are experiencing homelessness.
- Create a plan and partner with local communities to assist shelters to reduce the numbers of individuals in shelters to provide adequate social distancing in an effort to stop the spread of COVID-19.
- Provide non-congregate temporary housing for first responders and health care workers who are at reasonable risk of having been exposed to COVID-19 and cannot return to their residence because of the risk of infecting other household members and other high-risk individuals.

**Emergency Order 29** (Issued on 04/09/2020)

- Affects requirements for both the regulated community and NHDES programs to comply with deadlines associated with in the likelihood of increased adverse public health impacts as a result of encouraging otherwise unnecessary in-person contact, travel, or similar activities.
- Makes Changes inside the Charitable Trusts Unit Including:
  - All acquisition transactions involving health care charitable trusts are stayed through the end of the state of emergency.
  - Extends the reporting requirements of Paid solicitors and fundraising campaigns by 30 days.

**Emergency Order 30** (Issued on 04/09/2020)

- Provides clarity for healthcare facilities and the use of Alternative Care Sites during the public health emergency
- Ensures that insurance carriers are providing adequate reimbursement for services provided in Alternative Care Sites.
- Authorizes the Department of Health and Human Services as well as the Insurance Department to make changes to their regulations in order to comply with this order

**Emergency Order #31** (Issued on 04/14/2020)

- Creates a program offering a \$300 per week stipend to healthcare workers at Medicaid funded Long Term Care Facilities.
- Facilities will be able to apply for the stipend on behalf of their employees.
- Full stipend must be passed along to healthcare workers.
- Program is initially funded through the end of June 2020.
- New Hampshire has applied to CMS for a waiver and additional funding to back fill these expenses.

**Emergency Order #32** (Issued 04/16/2020)

- Extends remote learning for public K-12 Schools through the end of the school year.

**Emergency Order #33** (Issued 04/17/2020)

- Activates the New Hampshire Crisis Standards of Care Plan.
- Creates resources and guidelines for healthcare facilities to manage the possibility of an overwhelming number of COVID-19 Hospitalizations.

**Emergency Order #34** (Issued 04/24/2020)

- Prohibits Pharmacy Benefit Managers from requiring signatures outside of what is required by federal law.
- Allows employers to keep furloughed employees on group health insurance plan.
- Requires carriers to take all reasonable steps to inform members and plan sponsors who may be having difficulty paying premiums of any assistance that may be available to them under the CARES Act, the Families First Coronavirus Response Act, or the carrier's own policies.

**Emergency Order #35** (Issued on 04/24/2020)

As of: 06/08/2020

- Temporarily waives the 28-day separation period before a retired public employee can return to work on a part-time basis

[Emergency Order #36](#) (Issued on 04/24/2020)

- Creates a prima facie presumption and workers compensation eligibility for First Responders that contract COVID-19.
- First Responder must have a positive test result and that test must be reported to DHHS in order for the individual to be eligible.

[Emergency Order #37](#) (Issued on 04/28/2020)

- Freezes all hiring for state employees that are not directly related to the COVID-19 Pandemic response.
- The Order also excludes child protection workers and essential employees at the liquor and lottery commission.
- Allows agencies to apply for special exemptions.

[Emergency Order #38](#) (Issued on 04/28/2020)

- Makes multiple changes to the NH School Board Statutes in order to allow for virtual and remote meetings.
- Eases some restrictions on school boards for approving their budgets without a public hearing.

[Emergency Order #39](#) (Issued on 04/30/2020)

- Allows medical professionals to authorize the use of experimental treatments for patients with severe COVID-19 symptoms or complications.
- Requires medical professionals to abide by patient advance directives if applicable.
- All decisions must be made in the best interest of the patient.

[Emergency Order #40](#) (Issued on 05/01/2020)

- Modification to the Stay at Home Order.
- [See Specific Industry Guidelines for Re-Opening.](#)

[Emergency Order #41](#) (Issued on 05/05/2020)

- Expanded Medicaid coverage to COVID-19 testing for uninsured individuals.

[Emergency Order #42](#) (Issued on 05/11/2020)

- Relaxes some guidelines for healthcare licensing for workers in skilled nursing facilities.
- Any healthcare worker licensed under this order must be directly supervised by another licensed healthcare worker.

[Emergency Order #43](#) (Issued on 05/13/2020)

- Temporarily suspends the requirement for an in-person appearance to change political party affiliation.

[Emergency Order #44](#) (Issued on 05/18/2020)

- Creates the Emergency Healthcare Relief fund and appropriate \$130 Million of CARES Act funds into the account. \$30 Million is specifically earmarked for Long Term Care Facilities.

[Emergency Order #45](#) (Issued on 05/18/2020)

- Modifies the Healthcare worker stipend by allowing the use of CARES Act dollars to fund the stipend.

[Emergency Order #46](#) (Issued on 05/21/2020)

- Expands the ability of OPLC to issue emergency licensure to recently retired healthcare providers as well as recent graduates.

[Emergency Order #47](#) (Issued on 05/21/2020)

- Allows licensed pharmacists to offer and administer COVID-19 Tests.

[Emergency Order #48](#) (Issued on 05/26/2020)

- Ensures that school districts meet and monitor students with special educational needs.
- Allows schools to provide extended services to students with Individual Educational Plans.

[Emergency Order #49](#) (Issued on 05/29/2020)

- Extends the Stay at Home Order through June 15<sup>th</sup>.

## **Governor's Office for Emergency Relief and Recovery Established on April 14<sup>th</sup>**

### **Executive Order 2020-06** (Issued on 04/14/2020)

- Establishes the legal framework for the Governor's Office for Emergency Relief and Recovery (GOFERR). This office will help New Hampshire with Identifying areas where distribution of funds received un the CARES act is needed.
- Authorizes the Director of GOFERR to add a deputy director and other staff as needed to fulfill the mission of the office. When at all possible staffing at GOFERR should be made up of temporary assignments from other state agencies.
- Sets up two boards to provide insight and recommendations on how the funds should be disbursed. One board will be made up of legislators and one board will be made up of impacted stakeholders.
  - o Advisory boards do not limit the Governor from immediately expending funds as needed.
- Established Legislative Advisory Board Made up of:
  - o Senate President Donna Soucy
  - o Senate Minority Leader Chuck Morse
  - o Senate Finance Chair Lou D'Allesandro
  - o Senator John Reagan
  - o Speaker of the House Steve Shurtleff
  - o House Minority Leader Dick Hinch
  - o House Finance Chair Mary Jane Wallner
  - o Representative Erin Hennessey
- Established a Stakeholder Advisory Board Made up of:
  - o William Ardinger of the Rath Young and Pignatelli law firm
  - o Dean Christon, executive director of the Housing Finance Authority
  - o Jim Jalbert of C & J Trailways
  - o Al Letizio of the Wholesale Food Industry
  - o Donnalee Lozeau, CEO of the Southern NH Community Action Program and former Nashua mayor
  - o Scott Mason, owner of Northwind Farms
  - o Michelle McEwen, President and CEO of Speare Memorial Hospital
  - o Nancy Merrill, Director of Planning and Development, City of Claremont
  - o Ben Wilcox, President and General Manager of Cranmore Mountain Resort
- More information on the GOFERR Office and the various funds they have set up can be found here:  
<https://www.goferr.nh.gov/>

### **What is happening at the State Legislature?**

- Out of an abundance of caution, the General Court suspended all legislative activities on March 13th, the New Hampshire House will return for a session day next Thursday, June 11<sup>th</sup> with all 400 members socially distanced in UNH's hockey arena. Meanwhile, the Senate announced they will return for a session on Tuesday, June 16<sup>th</sup>. Their committees have been working on attaching priority amendments to House bills for that session. The goal would be to pass the House bills and send them to the House who will meet at least one more time on June 30<sup>th</sup>. At that time, the House could take a simple majority vote on whether or not to concur with the Senate changes and would not need to suspend the rules.
- Legislative Commissions and Committees are holding virtual meetings and conference calls.
- The State House Complex is closed to all legislators, legislative staff and visitors.

As of: 06/08/2020

### **Where can I find additional resource provided by the State?**

- The State has created an online portal for access to all the most up to date resources and information regarding COVID-19 in New Hampshire.
- The Department of Business and Economic Affairs has also created a portal to connect affected businesses with available resources.

New Hampshire COVID-19 Response Website: <https://www.nh.gov/covid19/>

Resources for Businesses: <https://www.nheconomy.com/covid19>

For more questions please contact a member of the RYP Granite Strategies Team.