



August 9, 2019

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

RE: A.7540-B (McDonald)/S.5815-C (Kaplan), A.842 (Simotas)/S.5812 (Kaplan)

Dear Governor Cuomo,

On behalf of our organizations which represent tens of thousands of small businesses throughout New York State, we are writing to respectfully request your support of A.7540-B/S.5815-C and A.842/S.5812. These commonsense regulatory reform measures are important steps necessary to improve the state's business climate, its relationship with small businesses, and will provide support to ensure regulatory compliance.

Small businesses consistently cite the aggressive enforcement of newly enacted regulations as a serious problem. This aggressive approach has a greater impact on the state's small businesses, who often lack the financial and human resources to ensure compliance. Furthermore, state agencies lack employer advocates or resources to aid businesses in understanding regulations, and they rarely provide the needed guidance or educational opportunities – making it extraordinarily difficult for small businesses who are already trying to comply with countless new and existing regulations.

A.7540-B/S.5815-C and A.842/S.5812 help combat a climate of overly aggressive enforcement and lack of regulatory guidance and education by creating a culture where the state and business owners can work together to ensure the state's rules and regulations are followed.

A.7540-B/S.5815-C would provide a cure period for small businesses to correct the first-time violation, rather than be required to pay a substantial fine, while also continuing to protect the public. First-time violations would not be forgiven for regulatory offenses that harm public safety, health, or the environment, violate human or civil rights laws, violate penal law, or result in loss of employee wages or benefits. A.842/S.5812 would require state agencies to consider how proposed rules would affect small businesses, including the minimum time needed to comply with any new regulations. State agencies would need to consider the practical, financial, and legal constraints for small businesses, and describe how they intend to communicate the new requirements.

These efforts are an important step in the right direction to provide the necessary support and guidance for the small businesses that employ half of New York's private sector workforce and drive the economy of every neighborhood and community. New York State continues to be one of the most difficult places to operate a business, and most voters believe it's becoming even harder for businesses to succeed¹. State agencies need to work collaboratively with small businesses to ensure regulatory compliance. It's time to work towards creating a better business and regulatory climate for our small businesses, who are the backbone of local economies and communities across New York State.

On behalf of our organizations and the businesses we represent, we urge you to sign these pieces of legislation into law.

Thank you for your time and consideration.

Sincerely,

Associated Builders and Contractors – Empire State Chapter
Amherst Chamber of Commerce
Big I New York
Buffalo Niagara Partnership
Business Council of Westchester
Capital Region Chamber
Chemung County Chamber of Commerce
Corning Area Chamber of Commerce
Cortland County Chamber of Commerce
Delaware County Chamber of Commerce
Empire State Restaurant & Tavern Association
Food Industry Alliance of New York State

Greater Binghamton Chamber of Commerce
Greece Regional Chamber of Commerce
New York Association of Convenience Stores
New York State Builders Association
New York State Hospitality & Tourism Association
NFIB
Niagara USA Chamber
North Country Chamber of Commerce
Northeastern Retail Lumber Assoc.
The Business Council of New York State
Trucking Association of New York
Unshackle Upstate
Wyoming County Chamber of Commerce

cc: Counsel to the Governor

¹ Siena College Research Institute Poll: <https://scri.siena.edu/2019/04/16/voters-strongly-say-permanent-property-tax-cap-plastic-bag-ban-are-good-for-ny/>

Hon. Carl Heastie, NYS Assembly Speaker
Hon. Andrea Stewart-Cousins, NYS Senate Majority Leader
Hon. Brian Kolb, NYS Assembly Minority Leader
Hon. John Flanagan, NYS Senate Minority Leader
Hon. John McDonald, NYS Assemblyman, 108th District
Hon. Aravella Simotas, NYS Assemblywoman, 36th District
Hon. Anna Kaplan, NYS Senator, 7th District