



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 succeed<sup>1</sup>. 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

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<sup>1</sup> 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, 108<sup>th</sup> District  
Hon. Aravella Simotas, NYS Assemblywoman, 36<sup>th</sup> District  
Hon. Anna Kaplan, NYS Senator, 7<sup>th</sup> District