



Business Incubator Association
of New York State, Inc.



March 1, 2021

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

Dear Governor Cuomo:

We write to bring to your attention a conflict in the law between the requirements of the START-UP NY program to have company employees report to their START-UP NY location, and your Executive Order 202 last year requiring non-essential employees and businesses to remote work to curb the spread of the COVID-19 virus. This conflict is creating confusion and harm to member companies who are also our clients.

We are the Business Incubator Association of New York State (BIANYS), comprised of over 100 incubators and accelerators across New York, housing over 3,000 startup companies. We are joined in raising this concern by a coalition of over 200 START-UP NY companies.

Companies participating in START-UP NY have been informed that because of their adherence to your Executive Order to allow their employees to work from home, they will be deemed to not have met START-UP NY program requirements, and 1) will be removed or suspended from the program, 2) will owe back taxes from last year, and 3) that their employees will also receive a tax bill that they have not planned for.

This news could not come at a worse time. Startup companies have a difficult time just by their very nature of navigating the obstacles of launching a new company with new products and services, COVID-19 has made the startup climate much worse, and this hiccup in the program can spell disaster for many companies and their employees in the program.

We applaud your introduction of the START-UP NY program and its success in helping to establish over 200 START-UP companies across the State and the over 2,500 technology jobs that these companies helped to create to date. We also applaud the leadership you have demonstrated as Governor of New York in the decisive actions you have taken to stop the spread of the pandemic.

We need your help to eliminate this conflict between a good program and a well-intended Executive Order. We seek legislation to waive the requirement of having START-UP-NY employees report to their START-UP NY location if they do so in order to comply with your Executive Order. The waiver should be retroactive to the beginning of the pandemic and the date of your Executive Order 202 and remain in effect until the pandemic is over.

Sincerely,

(the Undersigned)



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