



Business Incubator Association
of New York State, Inc.



March 1, 2021

The Hon. Andrea Stewart-Cousins
188 State Street
Legislative Office Building, Room 907
Albany, NY 12247

Dear Majority Leader Stewart-Cousins:

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 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 (BIANYYS), 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 the 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 the Legislature's creation of the START-UP NY program and its success in helping to establish over 200 START-UP companies across the State and the thousands of technology jobs that these companies helped to create. We also applaud the leadership our State Legislators have demonstrated in the difficult and 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 the Executive Order. The waiver should be retroactive to the beginning of the pandemic and the date of Executive Order 202 and remain in effect until the pandemic is over.

Sincerely,

Marc Alessi
Executive Director-BIANYYS