



August 25, 2021

The Honorable Kathy Hochul  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

Dear Governor Hochul,

Since the start of the pandemic, New York's employers have made extraordinary efforts to keep their employees and customers safe while keeping their doors open. Despite those efforts, tens of thousands of businesses closed for good and many more have had to lay off workers, take on massive debt, absorb additional costs, and struggle with lost revenue amid mandated restrictions and closures. Even as the state's economy continues to recover, small businesses are still struggling and are presented with new challenges of finding workers to fill available jobs and navigating supply chain issues.

There's no doubt that small businesses - which make up 99% of New York's private sector - are still suffering. A report from Comptroller DiNapoli found that 78% of small businesses were still experiencing negative impacts from the pandemic just a few months ago and according to a recent survey by NFIB, 73% of small businesses have not seen their sales volume return to pre-COVID levels and 52% anticipate that their local community will not return to pre-crisis level of economic activity until sometime in 2022 or later.<sup>1</sup>

Triggering the Hero Act through an emergency declaration at this time would pose yet another burden on New York's struggling small businesses. It's likely that New York's small

<sup>1</sup> "Covid-19 Small Business Survey (18)." NFIB Research Center, 26-30 June 2021.  
<https://assets.nfib.com/nfibcom/Covid-19-18-Questionnaire.pdf>.

businesses are completely unaware of this new law and its requirements as new laws are poorly and inadequately communicated by state agencies. Small businesses do not have human resource personnel or labor law attorneys to help them navigate complex rules and requirements or inform them of new regulations. Implementing these enforceable standards that just went into effect would put a target on the backs of small businesses for predatory lawsuits.

Additionally, there is scant evidence that businesses are a source of exposure. To our collective knowledge, there is no current and verifiable data that demonstrates New Yorkers are being exposed to COVID-19 and its variants in places of business. While we are not disputing that COVID cases are trending in the wrong direction, initiating the requirements of the Hero Act without clear evidence that businesses are contributing to community spread is wrong. There is also a safe, effective, and now FDA fully approved vaccine widely available to all New Yorkers at no cost, which will ultimately ensure the health and safety of everyone.

We look forward to communicating and collaborating with your administration on key issues including the Hero Act. Let's work together to find a balance between public health and the health of the state's economy.

Sincerely,

Associated Builders and Contractors – Empire State  
Big I NY  
Buffalo Niagara Partnership  
Business Council of Westchester  
Delaware County Chamber of Commerce  
Dutchess County Regional Chamber of Commerce  
Empire State Forest Products Association  
Food Industry Alliance of New York State  
Fulton Montgomery Regional Chamber of Commerce  
Greater Binghamton Chamber of Commerce  
Lawsuit Reform Alliance of New York  
Long Island Association  
National Federation of Independent Business in New York  
New York Association of Convenience Stores  
New York Construction Materials Association  
New York State Builders Association  
New York State Hospitality & Tourism Association  
New York State Restaurant Association  
Niagara USA Chamber  
North Country Chamber of Commerce  
Northeastern Retail Lumber Association  
Trucking Association of New York  
Upstate United  
Wyoming County Chamber of Commerce