

STATE OF NEW YORK

3965

2025-2026 Regular Sessions

IN SENATE

January 31, 2025

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts

AN ACT to amend the executive law, in relation to minority and women-owned business enterprise certification

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (e) of subdivision 7 of section 310 of the executive law, as amended by chapter 96 of the laws of 2019, is amended to read as follows:

2 (e) an enterprise owned by an individual or individuals, whose ownership, control and operation are relied upon for certification, with a personal net worth that does not exceed fifteen million dollars, and such other amount as the director shall set forth in regulations, as adjusted annually on the first of January for inflation according to the consumer price index of the previous year; provided, however, notwithstanding any other provision of law to the contrary, for purposes of certification of a minority-owned business enterprise under section three hundred fourteen of this article, the personal net worth limit of fifteen million dollars or more shall not apply to any small business enterprise that manufactures metal or vinyl windows and doors (NAICS codes 332321 and 326199) that is located in a city with a population of more than one million and where eighty percent or more of its employees that work at such location in such city are minority group members as defined in subdivision eight of this section; and

19 § 2. Subdivision 20 of section 310 of the executive law, as amended by chapter 44 of the laws of 2024, is amended to read as follows:

20 20. "Small business" as used in this section, unless otherwise indicated, shall mean a business which has a significant business presence in the state, is independently owned and operated, not dominant in its field and employs, based on its industry, a certain number of persons as determined by the director, but not to exceed three hundred, except

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD00852-01-5

1 during a declared state disaster emergency as defined pursuant to
2 section twenty-eight of this chapter, not to exceed three hundred
3 employees who work thirty or more hours per week over the period of
4 fifty-two weeks for a total of one thousand five hundred sixty hours
5 worked, taking into consideration factors which include, but are not
6 limited to, federal small business administration standards pursuant to
7 13 CFR part 121 and any amendments thereto; provided, however, notwith-
8 standing any other provision of law to the contrary, for purposes of
9 certification of a minority-owned business enterprise under section
10 three hundred fourteen of this article, the small business employee
11 limit of three hundred persons or more shall not apply to any small
12 business enterprise that manufactures metal or vinyl windows and doors
13 (NAICS codes 332321 and 326199) that is located in a city with a popu-
14 lation of more than one million and where eighty percent or more of its
15 employees that work at such location in such city are minority group
16 members as defined in subdivision eight of this section. The director
17 may issue regulations on the construction of the terms in this defi-
18 nition. For purposes of this subdivision, an employee may break from
19 employment for up to thirteen weeks without the fifty-two week lookback
20 period resetting.

21 § 3. Subdivision 1 of section 314 of the executive law, as amended by
22 chapter 567 of the laws of 2022, is amended to read as follows:

23 1. The director shall promulgate rules and regulations providing for
24 the establishment of a statewide certification program including rules
25 and regulations governing the approval, denial or revocation of any such
26 certification including revocations for convictions for fraudulently
27 misrepresenting the status of minority or women-owned business enter-
28 prises. Such rules shall set forth the maximum personal net worth of a
29 minority group member or woman who may be relied upon to certify a busi-
30 ness as a minority-owned business enterprise or women-owned business
31 enterprise with a minimum personal net worth threshold of fifteen
32 million dollars, and may thereafter establish different maximum levels
33 of personal net worth for minority group members and women on an indus-
34 try-by-industry basis for such industries as the director shall deter-
35 mine. Such regulations relating to the classification of the industry-
36 by-industry personal net worth thresholds above the fifteen million
37 dollar threshold shall consider the personal net worth of the owners of
38 both certified and non-certified businesses, including but not limited
39 to, prime contractors and subcontractors, as well as any such other
40 factors needed to establish such thresholds. Such rules and regulations
41 shall include, but not be limited to, such matters as may be required to
42 ensure that the established procedures thereunder shall at least be in
43 compliance with the code of fair procedure set forth in section seven-
44 ty-three of the civil rights law, and consistent with the provisions of
45 article twenty-three-A of the correction law. Notwithstanding any
46 provision of this subdivision or any other provision of law to the
47 contrary, for purposes of certification of a minority-owned business
48 enterprise, the personal net worth limit of fifteen million dollars or
49 more shall not apply to any small business enterprise that manufactures
50 metal or vinyl windows and doors (NAICS codes 332321 and 326199) that is
51 located in a city with a population of more than one million and where
52 eighty percent or more of its employees that work at such location in
53 such city are minority group members as defined in subdivision eight of
54 section three hundred ten of this article.

1 § 4. Subparagraph (vi) of paragraph (a) of subdivision 2-a of section
2 314 of the executive law, as amended by chapter 96 of the laws of 2019,
3 is amended to read as follows:

4 (vi) be owned by an individual or individuals, whose ownership,
5 control and operation are relied upon for certification, with a personal
6 net worth that does not exceed fifteen million dollars and such other
7 amount as the director shall set forth in regulations, as adjusted annu-
8 ally for inflation according to the consumer price index; provided,
9 however, notwithstanding any other provision of law to the contrary, for
10 purposes of certification of a minority-owned business enterprise, the
11 personal net worth limit of fifteen million dollars or more shall not
12 apply to any small business enterprise that manufactures metal or vinyl
13 windows and doors (NAICS codes 332321 and 326199) that is located in a
14 city with a population of more than one million and where eighty percent
15 or more of its employees that work at such location in such city are
16 minority group members as defined in subdivision eight of section three
17 hundred ten of this article; and

18 § 5. This act shall take effect immediately; provided the amendments
19 to article 15-A of the executive law made by sections one, two, three
20 and four of this act shall not affect the repeal of such article and
21 shall be deemed repealed therewith.