

Hearing NYC - Department of Small Business Services  
September 1, 2021

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NEW YORK CITY  
DEPARTMENT OF SMALL BUSINESS SERVICES  
PUBLIC HEARING  
SBS COVID 19 GRANT PROGRAM  
FOR SMALL BUSINESSES  
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WEBEX VIRTUAL HEARING  
WEDNESDAY, SEPTEMBER 1, 2021  
11:05 a.m.

REPORTED BY:  
Beneida Smith

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A P P E A R A N C E S:

Leemor Rozen  
Assistant General Counsel  
Department of Small Business Services

Ahyoung Kim  
Associate Director of Small Business Programs  
Asian American Federation

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MS. ROZEN: The time is now 11:05 and, we will begin. All right. Good morning, everybody. Welcome to the New York City Department of Small Business Service virtual hearing. The time, as I mentioned, is 11:05. This is a public hearing being held pursuant to the New York City Administrative Procedure Act, also known as CAPA. My name is Leemor Rozen. I know it is confusing, because it says Andy Schwartz, but my name is Leemor Rozen, and Andy Schwartz is the general counsel here at SBS. Present today -- sorry, my title is -- I am Assistant General Counsel.

Present today is a number of SBS staff members and members of the public. Today's hearing concerns proposed rules concerning SBS COVID-19 grant program for small businesses. The full text of the rule proposal and a statement of the basis and purpose was published in the City Record on July 30, 2021 and on the New York City Rules website. The

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proposed rules were certified by the New York City Law Department and New York City's Mayor's Office of Operations.

By way of background, the COVID-19 pandemic has a negative impact on New York City's economy. The federal American Rescue Plan Act of 2021 makes funds available to state and local governments to address the continued impact of the COVID-19 pandemic. The American Rescue Plan Act Interim Final Rule specifically cites tourism, travel, and hospitality as sectors that would be appropriate targets for loans and grants. Additionally, small businesses in low to moderate income.(or LMI) areas have also been disproportionately impacted by the pandemic, and have received a significantly lower proportion of the federal pandemic emergency release funds.

These proposed rules would implement SBS COVID-19 grant program. The grant program is designed to reach businesses

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2           disproportionately affected by the  
3           COVID-19 pandemic, namely those in the  
4           Leisure and Hospitality sectors, and  
5           those located in LMI areas. The grants  
6           will be available to the New York City  
7           small businesses that can also  
8           demonstrate at least 25 percent decrease  
9           in revenue or gross receipts due to the  
10          pandemic. At this time, we will open  
11          the floor to give an opportunity to  
12          members of the public to testify. We  
13          will begin by unmuting those who have  
14          requested to testify, one at a time.  
15          For those who wish to testify and did  
16          not sign up to do so prior to this  
17          hearing, please use the raised hand  
18          feature of Webex, and we will add you to  
19          the list. If you dialed in, you can  
20          raise your hand by pressing \*3. Okay,  
21          we will now begin. I will call Ah-Young  
22          Kim to testify.

23                 MS. KIM: Can you hear me?

24                 MS. ROZEN: Yes, we can hear you.

25                         MS. KIM: Thank you. Thank you

1  
2 Chair, and thank you to the community  
3 for this chance to testify. My name is  
4 Ah-Young Kim. I am the Small Business  
5 Associate Director of Small Business  
6 Programs at Asian and American  
7 Federation. We are very heartened to  
8 see the efforts to collect public  
9 comments on this upcoming program,  
10 especially seeing that the career  
11 efforts stemming off of the COVID-19  
12 pandemic in the past have been  
13 challenged by a discrepancy between the  
14 rules, based on the administrative  
15 concerns and disbursing the funds as  
16 opposed to how small businesses actually  
17 operate on the ground.

18 Let's take this opportunity to show  
19 my gratitude for especially making sure  
20 that, that documentation requirements  
21 for this grant proposing those rules are  
22 actually very helpful for small  
23 businesses that have been experiencing  
24 difficulty in creating and producing  
25 documents they need for other programs.

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However, we do have a few issues that I want to raise about the efficacy of this program, as well as the fairness and how we can bring both economic recovery for the small business communities.

My biggest concern for this issue is the eligibility and definition for small businesses. In terms of the past efforts of states and city agencies giving us small business assistance, the biggest criticism has been that the smallest and the hardest-hit, hardest-to-reach institutions were largely left out of those relief efforts. Part of that was because of the eligibility concerns, part of that was because of documentation.

Basically, we are most concerned about the size of small businesses that are being defined in the proposed rules. We believe that calling small businesses with up to 500 employees does not pay attention to the fact that businesses that are very small; the mom and pop

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stores that we really want to prioritize from the full-size business are not able to compete efficiently with other big corporations or big institutions.

I do realize there is a priority set, but within even the first priority, for example, the small businesses; mom and pop stores, have to compete against another company that has had a smaller revenue, but has that kind of personnel or the expertise in terms of like, the financial understanding or the business operations that does lead directly to the efficacy of applying for these grant opportunities. We'd like to ask that the SBS consider reducing the size of these business limitations, but also make sure that there is enough, and there is ample support and outreach efforts, prior to launching this program, to make sure the smallest businesses and especially the ethnic-bound business that also deal with language-access issues are better



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prepared to apply for this program,  
which should help in terms of levelling  
the playground when it comes to the  
capacity for application and followup.

Also, we'd like to ask SBS to ensure  
all marketing materials and guidelines  
concerning this opportunity is  
translated, and this in-language  
material is available at the time of the  
grant program rollout. This is an issue  
that happened last year when we saw that  
employee retainment (sic) grants will  
allow from SBS. As much as we  
appreciate the fast action to bring  
funds to businesses, the lack of  
language access that led to the lack of  
our community being able to have even  
the chance to apply. By the time that  
we had some in-language material about  
that program, the grant was already  
pretty much disbursed, and we honestly  
were not able to bring anybody along or  
our clients under the small Asian  
American businesses across the City to

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even apply through our help.

In addition, we would like to ask that the SBS ensure the traditional Asian-American commercial quarters, such as Manhattan Chinatown are included in the eligible areas in the poll. We find a lot of issues with using LMI tract, to begin with, in determining the eligibility for this grants program. And more details will be in our written testimony that we submitted. But, in general, we want to point out the fact that, for example, the other programs like the LMI storefront loans or LMI storefront grants that the City and State agencies rolled out were not reflecting the very fact that some of these commercial quarters are a unit that serves in the same community, and that caters to the similar income level, and, because of the fact that LMI is based on residential income. But this criteria does not appropriately reflect the need of the business community in

1  
2 the area. We understand that there are  
3 other considerations, like legalities  
4 for using these funds from the federal  
5 requirement. However, we want to ask  
6 that to please make sure that these  
7 areas like Chinatown or like Jackson  
8 Heights, for example, like East  
9 Flushing, these are areas sometimes  
10 still form into LMI, depending on which  
11 standards you are looking at, and which  
12 definitions you are looking at. We want  
13 to make sure these owners do have an  
14 ample chance, and a fair chance to the  
15 assistance they deserve.

16 Lastly, we would like to ask SBS to  
17 work in corroboration with CBOs that  
18 cater to the small business communities  
19 for effective outreach. And, as I  
20 mentioned earlier, small businesses'  
21 owners that have limited English  
22 proficiency; they also suffer from not  
23 being able to produce these documents  
24 that are necessary or understanding or  
25 the language barrier implication they

1  
2 have to show before they can show  
3 eligibility. And a lot of these cases,  
4 we found CBOs that work directly with  
5 these businesses are more able and apt  
6 to help the business out in terms of  
7 administrative concerns as well as  
8 technical assistance for those who are  
9 having a difficult time because of tech  
10 divide. So, because for these reasons,  
11 we are really happy to say that, well,  
12 we are happy to see this program  
13 rollout. We are happy to see the  
14 improvement on the eligibility document  
15 requirements. However, we see areas of  
16 improvement in terms of like specific  
17 application of the program, and we look  
18 forward to future collaboration with  
19 you. Thank you for this chance to  
20 testify.

21 MS. ROZEN: Thank you so much. We  
22 look forward to seeing your written  
23 documents as well. You mentioned that  
24 you are going to be providing that, I  
25 assume by the end of today?

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MS. KIM: Yes.

THE COURT: Great. Thank you.

MS. ROZEN: I don't see any additional hands raised at this time. Anybody else looking to speak? I'm just going to go through the list again to make sure. I don't see any hands raised. The time is 11:16. I will leave this meeting open until 11:30 to give an opportunity for people who weren't able to log on or running late to join us. So, I will check back in at 11:30 to see if there is anybody else who joined, who would like to speak.

(A brief recess was taken from 11:16 a.m. to 11:30 a.m.)

(Continued on the next page.)

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MS. ROZEN: Time is now is 11:30,  
and, I still see no hands raised, and no  
new parties have joined. So, we will  
now conclude the hearing. However,  
members of the public are welcome to  
submit a comment in writing by 5:00 p.m.  
today, if they would still like to do  
so. Thank you for joining.

(TIME ADJOURNED: 11:31 a.m.)

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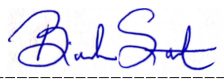
C E R T I F I C A T E

STATE OF NEW YORK     )  
  SS:  
COUNTY OF NEW YORK    )

I, Beneida Smith, a shorthand reporter within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the statement taken on 09/01/2021.

I further certify that I am not related to any of the parties to this action by blood or by marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of September 2021.

  
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Beneida Smith

<b>09012021</b> 15:11	<b>already</b> 9:21	<b>asianamerican</b> 10:5	<b>big</b> 8:4,5	<b>chair</b> 6:2
<b>15th</b> 15:17	<b>also</b> 3:10 4:18 5:7 8:18,24 9:6 11:22 (7)	<b>ask</b> 8:16 9:6 10:3 11:5,16 (5)	<b>biggest</b> 7:7,12	<b>challenged</b> 6:13
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