
Corporate Legal Alert: Adopted Regulations for NYS MWBE Certification

In December 2020, the New York State Division of Minority and Women Owned Business Development adopted significant amendments to its regulations. These changes, as discussed in our [previous alert from October 5, 2020](#), affect the MWBE eligibility requirements and certification procedures. Ultimately, the changes to the regulations will make it more difficult for women and minority-owned businesses to obtain the certification necessary to receive the benefits of the State's MWBE program.

Among the amendments, five are particularly noteworthy: (1) more stringent eligibility requirements for MWBE certification; (2) a subjective analysis by the Division of the purpose behind the MWBE's application for certification; (3) additional procedures with respect to the appeal process; (4) increases to the personal net worth requirement, and (5) additional compliance, reporting and utilization requirements for State agencies, authorities and private contractors.

We encourage companies presently certified as MWBEs or those considering applying for MWBE certification to reach out to our attorneys to discuss the best strategy for their application in light of these sweeping changes.

If you or your business have any questions regarding these changes to the regulations, please contact [Briana Wright](#), [Jim Youngs](#) or [Will Hython](#).