

Regulatory Flexibility Analysis for Small Businesses and Local Governments (SAPA §202-b)

INSTRUCTIONS: Please read before submitting an analysis.

An acceptable “Regulatory Flexibility Analysis for Small Businesses and Local Governments” (RFA) consists of the following item headings and the explanatory information provided by the agency. The full text, including item headings must be typed in scannable format as described in the Department of State’s *Register* procedures manual, *Rule Making in New York*. The *italicized* text shown in parentheses following each item heading is instructional only, and should not appear in the final analysis. If the submission is a revised or consolidated regulatory flexibility analysis for small businesses and local governments, be sure to add the word “Revised” or “Consolidated” to the title. If the analysis exceeds 2,000 words, submit a summary, so titled, **and post the full text on your agency’s website no later than date of publication of the notice in the Register.**

Regulatory Flexibility Analysis for Small Businesses and Local Governments

1. **Effect of rule:** *(Describe the types of small businesses and local governments and provide an estimate of the number of each such small business or local government that will be affected by the rule.)*
2. **Compliance requirements:** *(Describe the reporting, recordkeeping or other affirmative acts that a small business or local government will have to undertake to comply with the rule.)*
3. **Professional services:** *(Describe the types of professional services that a small business or local government is likely to need to comply with the rule.)*
4. **Compliance costs:** *(Estimate the initial capital costs that will be incurred by a regulated business or industry or local government to comply with the rule; estimate the annual cost for continuing compliance with the rule; and indicate whether or not the initial or continuing compliance costs will vary for small businesses or local governments depending on the type and/or size of such business or local government.)*
5. **Economic and technological feasibility:** *(Provide an assessment of the economic and technological feasibility of compliance with such rule by small businesses and local governments.)*
6. **Minimizing adverse impact:** *(Explain how the rule is designed to minimize any adverse economic impact the rule may have on small businesses or local governments. In this respect, an agency should consider the approaches suggested by the Legislature in SAPA §202-b(1). If the rule could not be designed to minimize the adverse economic impact on small businesses or local governments, explain why. If the rule will have no adverse economic impact on small businesses or local governments, explain the reasons for that finding. In addition, this section must contain a statement indicating whether the approaches for minimizing adverse economic impact suggested in SAPA §202-b(1) or other similar approaches were considered.)*
7. **Small business and local government participation:** *(Explain how your agency complied with SAPA §202-b(6), which requires that agencies ensure that small businesses and local governments have an opportunity to participate in the rule making process.)*
8. **(IF APPLICABLE) For rules that either establish or modify a violation or penalties associated with a violation:** *(If the rule text does not include a cure period or other opportunity for ameliorative action, the successful completion of which will prevent the imposition of penalties on the party or parties subject to enforcement, explain why no such cure period was included in the rule.)*
9. **(IF APPLICABLE) Initial review of the rule, pursuant to SAPA §207 as amended by L. 2012, ch. 462:** *(When proposing that the initial review of this rule shall occur later than in the third year after the year in which the rule is adopted: specify the proposed initial review period, which shall be no later than in the fifth calendar year after the year in which the rule is adopted; provide justification for such proposed initial review period; and invite public comment thereon.)*