

Regulatory Flexibility Analysis for Small Business and Local Governments

1) Effect on Small Businesses and Local Governments:

There are approximately 15,106 licensed/registered child care programs and 276 enrolled legally-exempt group child care programs. As part of ongoing efforts to address the COVID-19 pandemic, regulated parties have been a partner in implementing measures to limit the spread and/or mitigate the impact of COVID-19 within the state since March of 2020

There is no anticipated effect on local governments.

2) Compliance Requirements:

These regulations require face coverings for all children, staff and visitors in child care programs to protect against the highly contagious Delta variant and increasing COVID-19 infections. The requirement will apply to large and small child care centers, home-based group family and family child care programs, after-school child care programs and legally exempt group programs. It will apply only to those who are medically able to tolerate wearing a mask. Above listed child care programs will need to return to face covering compliance as previously in place under New York State executive orders and currently recommended by Federal Centers for Disease Control guidance.

3) Professional Services:

Child care programs and local governments will not be required to use or employ any additional professional services as a result of this rule.

4) Compliance Costs:

As part of ongoing efforts to address the COVID-19 pandemic, regulated parties have been a partner in implementing measures to limit the spread and/or mitigate the impact of COVID-19 within the state since March of 2020. Since 2020, OCFS has made funding available to child care programs to purchase personal protective equipment, including face coverings. Accordingly, this regulation will not have a significant cost impact on programs.

5) Economic and Technological Feasibility:

There are no new requirements that will impact economic and/or technological feasibility.

6) Minimizing Adverse Impact:

As part of ongoing efforts to address the COVID-19 pandemic, regulated parties have been a partner in implementing measures to limit the spread and/or mitigate the impact of COVID-19 within the state since March of 2020. Therefore, OCFS does not anticipate an adverse impact.

7) Small Business and Local Government Participation:

Due to the emergent nature of COVID-19, small business and local governments were not consulted. OCFS will provide guidance, technical assistance, and outreach to child care programs that are impacted by this rule. OCFS will send notice of this rule via email to all

such child care programs and post this information on the OCFS child care website. This will include the contact information of someone in OCFS to answer questions on this emergency rule.