

## Regulatory Flexibility Analysis for Small Business and Local Governments

### **1) Effect on Small Businesses and Local Governments**

There are 16,200 small day care businesses in New York State that are comprised of day care centers, school age child care programs, family and group family day care homes, and one small day care center. In addition, there are nearly 21,000 legally exempt providers providing care to at least one subsidy eligible child. All of these programs will be affected by the regulatory changes proposed. Local government agencies will not be affected by the changes in these proposed regulations.

### **2) Compliance Requirements**

This rule is in response to the COVID-19 public health emergency in the State of New York. This rule amends Title 18 of the New York State Codes, Rules and Regulations (NYCRR) Parts 413, 414, 415, 416, and 417 and Subparts 418-1 and 418-2 to require programs to comply with any public health guidance promulgated by the Department of Health or the Executive Chamber during a declared public health emergency.

### **3) Professional Services**

Day care centers, school aged child care centers, legally exempt providers, family-based child care programs and small day care centers will not be required to use or employ any additional professional services as a result of these proposed changes.

### **4) Compliance Costs**

No additional costs will be assessed on providers with this regulation. Any costs will be incurred by the issuance of the emergency health guidance promulgated by the Department of Health or Executive Chamber in the interest of public health during a designated public health emergency.

### **5) Economic and Technological Feasibility**

There are no technological impacts on child care programs.

## **6) Minimizing Adverse Impact**

The Office believes the impact on child care programs will be balanced by the overall increase in health and safety by complying with the most up-to-date public health guidance.

## **7) Small Business and Local Government Participation**

The Office has held weekly stakeholder calls since mid-March to go over the response to the COVID-19 crisis. Small businesses are represented on the calls, through the union and Child Care Resource and Referral Agencies. Stakeholders have been nearly unanimous in asking for clear guidance from the Office.