

Regulatory Flexibility Analysis for Small Businesses and Local Governments

1. Effect on Small Businesses and Local Governments:

The proposed regulation would affect all congregate residential programs operated, approved, licensed, or certified by the Office of Children and Family Services (OCFS) in New York State. These programs include approximately 72 voluntary authorized agencies, 73 runaway and homeless youth shelters, 62 residential shelters and domestic violence programs, 30 residential sponsoring agencies with a total of 100 safe dwellings, all 10 OCFS-operated residential facilities, 16 nonsecure detention facilities, and all eight secure and specialized secure detention facilities. The proposed regulation does not affect family-type homes for adults as defined in 18 NYCRR 485.2(f) or nonsecure detention family board care facilities as defined in 9 NYCRR 180-1.3(d)(1).

2. Compliance Requirements:

The proposed regulation would require congregate residential programs operated, approved, licensed, or certified by OCFS to develop policies and procedures that require face coverings to minimize the spread of COVID-19.

3. Professional Services:

The proposed regulation would not require additional professional services to be retained by local governments or small businesses.

4. Compliance Costs:

The proposed regulation would not impose new costs on residential programs operated, approved, licensed, or certified by OCFS.

5. Economic and Technological Feasibility:

It is not anticipated that the proposed regulations would have an adverse economic impact on local governments or small businesses. OCFS has issued guidance throughout the COVID-19 pandemic (based on up-to-date guidance or directives issued by the New York State Department of Health and the Centers for Disease Control and Prevention) related to safety protocols for staff and youth in congregate care settings.

6. Minimizing Adverse Impact:

It is not anticipated that the proposed regulations would result in an adverse impact on local governments or small businesses. Congregate residential programs are already required to have COVID-19 policies and protocols to protect the continued health and safety of youth and staff alike. The proposed regulations would reinforce such policies and procedures.

7. Small Business and Local Government Participation:

The issues addressed in the proposed regulation are not new. Throughout the COVID-19 pandemic, OCFS has been in constant contact with local governments and small businesses regarding best practices to ensure the health and safety of staff and youth in congregate care settings. Local governments and small businesses have been receptive to OCFS guidance and

have had an opportunity to voice any concerns or questions throughout the COVID-19 pandemic. OCFS will continue these relationships as it completes necessary guidance related to the requirements set forth in this regulation.