

STATEMENT IN LIEU OF A REGULATORY  
FLEXIBILITY ANALYSIS FOR SMALL BUSINESSES  
AND LOCAL GOVERNMENTS

A Regulatory Flexibility Analysis for Small Businesses and Local Governments is not being submitted with this rule because this rule will not impose any adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses or local governments. The rule does not distinguish between different types and sizes of regulated parties.

The purpose of these amendments is to implement the estimated tax on the sale or transfer of real property by nonresident taxpayers, contained in section 663 of the Tax Law. Section 663 was added by part V3 of Chapter 62 of the Laws of 2003. These regulatory amendments contain guidance about the new requirement for nonresident taxpayers to estimate the tax due on the sale or transfer of real property within New York State. There are also certain new requirements imposed on local recording officers concerning the recording of deeds described in the regulation amendments. However, neither the requirements for the local recording officers nor the requirement for nonresident taxpayers are imposed by this rule, but are imposed by new section 663 of the Tax Law.

The following organizations were notified that the Department was in the process of developing this rule and were given an opportunity to participate in its development: the Small Business Council of the New York State Business Council, the Division of Small Business of Empire State Development, the National Federation of Independent Businesses, the Retail Council of New York State, the New York State Association of Counties, the Association of Towns of New York State, the New York Conference of Mayors, and the Office of Local Government and Community Services of the New York State Department of State. Also, industry comment was requested from the following organizations: the Real Estate Section of the New York State Bar Association, the New York State Association of Counties on behalf of the County Clerks' Association, the New York State Land Title Association, and the Real Estate Board of New York.

