

Starting Your Business



Erie County Clerk's Office

Dear New Business Owner;

As your Erie County Clerk, I am more than happy to guide you through the process of starting your own business in Erie County. I'm proud to say that starting a business begins right here in the Clerk's Office where you will research and register your company name and lay the foundation of your new company.

Starting your own business is a long and detailed process but with the right resources it does not have to be a frustrating or tedious one. That is why I have created this "Business Brochure" to assist you by providing a list of resources that will contribute to making your business endeavor a successful one.

This is a very exciting time for you and I realize that small businesses will energize our economy in Western New York. I hope this information proves to be helpful and if I can ever be of further assistance, please do not hesitate to contact me.

Sincerely,

Kathy

Kathy Hochul
Erie County Clerk

Visit our office on the web: www.erie.gov/clerk



New York State Government:

Governor's Office of Regulatory Reform

NYS Online Permit Assistance & Licensing (OPAL) helps you find the New York State business permits to start a new business.

www.nys-opal.com or call toll free 1-800-342-3464.

STATE LICENSES OR PERMITS

Some businesses require specific New York State permits. The Governor's Office of Regulatory Reform (GORR) defines a permit as any required license, registration or similar form of authorization required by New York State. Examples of businesses requiring a permit are: motor vehicle repair shops, beauty salons, food establishments, real estate sales, and child day care centers. For assistance in identifying New York State permit requirements.

Governor's Office of Regulatory Reform Permit Assistance Unit

P.O. Box 2107
Albany, NY 12220-0107
800-342-3464 or 518-474-8275
www.gorr.state.ny.us
Email: permits@gorr.state.com

Resources from the Division of Equal Opportunity and Erie County Office of Economic Development.

www.erie.gov/depts/eoo/business.asp or call 858-7542
www.erie.gov/environment/planning or call 858-8390

Local Permits

A person contemplating starting a business should be aware of local laws. It is important to contact the village, town or city and county clerk where the business plans to locate. Examples of local considerations are zoning, parking, sign regulations and certain occupational licenses such as auctioneers, electricians, and plumbers. It is advisable to contact your local government first.



Frequently Asked Questions

I want to start a business. What do I do first?

First decide on a name then contact the **Erie County Clerk's Office**

Where can I get the necessary forms?

Go on-line to our web site to get your 'Doing Business As' Form which is needed to start up your business. Cost of \$35.00 covers the filing, and a certified copy for filer's record and a certified copy for a business bank account. Additional certified copies are \$5.00 each. We will research your business name and process your DBA Form. **www.erie.gov/clerk** or call 858-7467

What can I name my company?

Any name is acceptable with the exception of the following suffixes: Inc., LLP, LLC—or anything else that might have a specific legal meaning. Our staff will work with you to ensure your name is not already in use.

Where can I file my DBA?

All sole proprietorship and partnership DBAs for businesses whose transactions are in Erie county should be filed in the Basement Records Office in: **Old Erie County Hall, 92 Franklin St**

Buffalo, New York 14202

Can I mail it in?

Yes, however a search fee of \$5 for every two years we search will be added to the price. The form must be filled out correctly and notarized with self-address stamped envelopes provided for each certified copy needed.

How much does it cost?

It costs \$25 to file and \$5 for each certified copy (if you provide your own forms, we will charge you only \$5 per certified copy.) ****Most people who are interested in starting a business receive two certified copies (one for the bank and one for themselves.)****

What do I need to start a DBA?

In order to file all the paperwork you need, all you need is a valid form of picture ID (such as a NYS Driver's License) and cash, check, or money order.

Can I get my DBA notarized at Erie County Hall?

Yes! There are a number of Notaries and Commissioners of Deeds here that are available to notarize your DBA—in Basement Records, nearly all of our clerks are qualified to notarize your documents as well as make sure they are correctly filled out.

Where can I go to obtain licenses and permits?

The best thing to do is to contact your local city/town hall for specific requirements. If you plan to operate a business in your home, check to make sure you are not in violation of local zoning ordinances. The number for the Buffalo City Hall office is 851-4954.

Can I start a corporation or a d/b/a under a corporation with the county?

No, at this time all corporations and d/b/a's for a corporation owner are done through the Division of Corporations in Albany. Contact (518) 473-2492 or www.dos.state.ny.us.



New York State Government:

Corporations

A New York State corporation is an entity separate and distinct from the individual(s) who own and manage the business. A corporation can sell, buy, and inherit property in its own name and is legally endowed with rights, powers, and duties in the conduct of lawful activities. Business corporations operate for profit and can raise capital by selling shares of interest in the corporation. A corporation's debts and obligations are distinctly its own.

Form: Certificate of Incorporation. Obtain this form from the NYS Department of State, purchase it from a legal stationery store, have it prepared by an attorney, or apply online at www.nys-opal.com.

Fees: \$5 for each name search, \$20 for reservation of name, \$125 for Certificate of Incorporation and a minimum tax of \$10 to cover stock issuance.

Tax Information: Corporations must file a franchise tax report and pay a franchise tax for all or part of each calendar/fiscal year the corporation exists. They must file federal tax returns. Refer to this brochure's "Tax Information" for contact information.

S Corporation: Under Sections 1362 of the Internal Revenue Code, certain small business corporations may report income on personal tax returns. Individual shareholders who wish to obtain this option must file federal Form 2553. Once the Internal Revenue Service grants approval, you must file Election Form CT-6 with the NYS Department of Taxation and Finance.

Non-for-Profit Corporation: Not-for-Profit corporations cannot distribute assets, income and profits to the benefits of the members, directors, or officers except to the extent permitted by statute. The filing fee is \$75 with the NYS Department of State. You must obtain approval from the Internal Revenue Service before requesting approval from the NYS Department of Taxation and Finance

Foreign Corporation: The NYS Department of State authorizes an out-of-State Corporation to conduct business in New York. The basic filing fee is \$225 and a certificate of existence or good standing is always required from the jurisdiction that originally organized the corporation.

www.dos.state.ny.us individual(s) who own and manage the business. A corporation can sell, buy, and inherit property in its own name and is legally endowed with rights, powers, and duties in the conduct of lawful activities. Business corporations operate for profit and can raise capital by selling shares of interest in the corporation. A corporation's debts and obligations are distinctly its own. Form: Certificate of Incorporation. Obtain this form from the NYS Department of State,



Additional Business Resources

=Buffalo and Erie County Library

The business section of the Erie County Library has numerous references about planning, starting and running a small business. www.buffalolib.org or call 858-8900

=Buffalo Economic Renaissance Corporation (BERC)

An agency whose mission is to help, stimulate, assist and develop businesses in the City of Buffalo. BERC offers training, loan dollars, incentive programs, technical assistance and many other resources needed for the entrepreneur to turn an innovative idea into a successful business. www.berc.gov or call 854-5906

=Buffalo Niagara Enterprise (BNE)

Is a nonprofit, private business development and regional marketing organization dedicated to the Niagara Region businesses to assist them to locate, grow, and start up. www.buffaloniagara.org or call 842-1330

=Buffalo Niagara Partnership

Works for growth in our region and offers assistance to its members to help them save money and increase revenue. It advocates everyday for an improved business climate in the region. www.thepartnership.org or call 852-7100

=Buffalo's Mayor Office of Contract Compliance

Provides technical assistance to contractors in developing policies and plans that recognize and utilize the laws and regulations of the federal and Section – 3 policies, in addition to the City's Minority & Women Business Enterprise. www.ci.buffalo.ny.us or call 851-5531

=Buffalo State College Business Development Center

Specializes in free one-on-one counseling for small business owners as well as training and instructional programs targeting the individual needs and interests of entrepreneurs. Special programs are also offered for children and veterans. www.smallbus@buffalostate.edu or call 878-4030.

=Canisius College Women's Business Center

To provide entrepreneurs and small business owners with a focus on women, the critical skills, knowledge, tools and support network to increase their successes and positively impact the economic development in their communities. www.canisius.edu/wbc/ or call 888-8280

=Clarence Industrial Development Agency

To assist private sector industrial and business development in the Town of Clarence. www.erie.gov/clarence/depts or call 741-8930

=Empire State Development

Works to make a positive impact on business locations and expansions. www.empire.state.ny.us or call 856-8111 or 1-800-782-8369.

=Erie County Industrial Development Agency

Promotes & assists private sector industrial/business development in an effort to advance job opportunities and economic growth. <http://www.ecidny.com> or call 856-6525

=Hamburg Development Corporation

Assists business creation in the Town of Hamburg contact www.townofhamburg.com or call 648-4145.

=Greater Lockport Development Center

Provides numerous programs to assist new and existing business development in Lockport. or call 439-6688

=Lackawanna Community Development

Offers tax incentives, low cost financing and technical assistance to existing business within the City and to new companies interested in locating in the City of Lackawanna. www.lhdcorp@aol.com or call 823-5124

=Lackawanna Empire Zone

They offer tax incentives, abatements, credits & benefits for businesses that expand into or start up in a designated area in the First Ward of the City of Lackawanna in order to create jobs and spur community growth and investment. www.lackawannany.com or call 827-6421

=Minority and Women Business Enterprise

Their mission is to better prepare Minority and Women Business Enterprises to seek and win public and private sector business opportunities. www.mwbe.com

=NYS Banking Department

Offers technical and financial assistance to small businesses. www.banking.state.ny.us

=NYS Business Development Corp

Their mission is to promote activity within New York State by providing innovative loans to small and medium businesses. They provide credit opportunities to women-owned businesses. www.nybdc.com or call 626-3423

=NYS Energy & Development Authority

Provide numerous assistance programs for businesses relating to energy efficiency. www.nyserda.org or 1-866-NYSERDA

=NYS Small Business Center Provides numerous and new resources for small businesses, www.nylovessmallbiz.com

=Orchard Park Economic Development Committee

They assist businesses to locate and expand in Orchard Park. Promotes commercial and industrial properties with innovative programs. <http://www.orchardparkny.org> or call 662-0236

=University of Buffalo School of Management

A vital resource for businesses in Western New York. Offers the 10 month CORE Program to enhance the management abilities of business leaders and the profitability of their firms. <http://www.mgt.buffalo.edu> or call 885-5715

=Upstate Regional Minority Purchasing Council, Inc

Their mission is to encourage and facilitate procurement and business opportunities between Corporations and MBEs in order to fulfill their respective/mutual business objectives. They promote education and growth of Minority Business Enterprises, thereby enhancing the economic viability of our communities www.unyrmpci.org or call 871-4120

=United States Census Bureau

It is a leading source of quality data about the nation's people & economy. www.census.gov or call 1-800-562-5721

=United States Department of Labor

The Bureau of Labor Statistics is the principal fact-finding agency for the Federal Government in the broad field of labor economic and statistics. www.bls.gov or call 202-691-5200

=United States Small Business Administration – SCORE

Buffalo & Niagara SCORE can help you successfully start a business, guide you in securing financing for your business and assist you in developing an effective business plan. www.scorebuffalo.org or call 551-4301

=United States Small Business Association

Their mission is to advance knowledge and foster business development through entrepreneurship education and research. www.usasbe.org or call 551-4416

Contact your Local Chamber of Commerce

allwny.com/chamber.html

Your local chamber offers resources and promotional programs for businesses.