

New York LLC Formation Checklist

Step 1: Name Your New York LLC

The name of your New York LLC should be distinguishable from other business names in your state and must meet the New York naming guidelines.

How to Complete This Step:

Review New York's naming guidelines

- Your name must include the phrase "limited liability company" or one of its abbreviations (LLC or L.L.C.).
- Your name cannot include words that could confuse your LLC with a government agency (FBI, Treasury, State Department, etc.).
- You must receive approval and/or meet certain conditions to include certain [restricted or prohibited words](#).
- Your name must be distinguishable from any existing business in the state. This includes New York reserved names.

[Brainstorm business names](#)

Check if the [web domain](#) is available

Make sure the name you want isn't already taken by doing a [name search](#) on the Department of State website.

Your Business Name:

Your Business URL:

Step 2: Choose a Registered Agent

A [registered agent](#) is the person or company you choose to accept official communication on behalf of your LLC.

In New York, the Secretary of State acts as the registered agent for all New York LLCs by default. You can, however, choose to designate someone in addition to the Secretary of State as the registered agent for your New York LLC.

Your registered agent must be:

- 18 years or older
- A resident of New York
- Available at all times during normal business hours (i.e., 9 a.m.–5 p.m. Monday through Friday) at their listed physical address (no P.O. boxes)

Many businesses choose to use a [registered agent service](#) for convenience and privacy.

Registered Agent Name and Address:

Step 3: File Your Articles of Organization

The Articles of Organization is the paperwork required to register your LLC. This document is filed with the Department of State either [online](#), by [mail](#), by fax, or in person. Fax filings must include a [Credit Card/Debit Card Authorization Form](#).

You will need to provide the following information:

- Name of the LLC (Step 1)
- County where LLC is located
- Address of the registered office (Step 2)

This is also a good time to decide if your LLC will be [member-managed or manager-managed](#).

A member-managed LLC structure is when the members of the LLC are involved with the management of the LLC. A manager-managed LLC is when a few assigned individuals are responsible for managing the LLC.

Step 4: Complete Publication Requirement

New York requires that within 120 days of formation all LLCs must publish a copy of the Articles of Organization or a notice related to the formation of the LLC in two newspapers (one weekly and one daily).

You must submit your [Certificate of Publication](#) along with your affidavits of publication to the New York Department of State.

Step 5: Create an Operating Agreement

An [operating agreement](#) lays out the rules and management structure of your LLC.

Your operating agreement doesn't need to be filed with the state. You'll keep it in your LLC records file and return to it as needed to clarify rules and settle disputes.

Step 6: Get an EIN

An Employer Identification Number ([EIN](#)) is like a Social Security number for your business. EINs are free and easy to get from the IRS using [Form SS-4](#) or by filling out the [online application](#).