

One Commerce Plaza, Albany, NY 12257; (518) 709-0688; Stephani.Schendlinger@dfs.ny.gov.

23. Summary description of proposal: Amendment to 11 NYCRR 52 (Insurance Regulation 62) (Minimum Standards for the Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure) to require insurers to add additional disclosure information to long term care insurance disclosure statements. Agency contact: Martin Wojcik, Associate Attorney, Health Bureau, New York State Department of Financial Services, One Commerce Plaza, Albany, NY 12257; (518) 474-8975; Martin.Wojcik@dfs.ny.gov.

24. Summary description of proposal: Amendment to 11 NYCRR 52 (Insurance Regulation 62) (Minimum Standards for the Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure) regarding the collection of an insurance applicant's voluntary provision of race, ethnicity, and language spoken and read, and the prohibition of questions on a comprehensive health insurance application about the past or present health of the applicant. Agency contact: Joel Dankwa, Assistant Counsel, Health Bureau, New York State Department of Financial Services, One State Street, New York, NY 10004; (212) 480-7709; Joel.Dankwa@dfs.ny.gov.

25. Summary description of proposal: Amendment to 11 NYCRR Chapter XXII concerning market conduct standards applicable to pharmacy benefit managers. Agency contact: Kristina M. Magne, Assistant Deputy Superintendent for Pharmacy Benefits, Pharmacy Benefits Bureau, New York State Department of Financial Services, One Commerce Plaza, Albany, NY 12257; (518) 486-1809; PBMregs@dfs.ny.gov.

II. Banking Regulations

For inquiries about the Banking Regulations included in this Regulatory Agenda, or to obtain copies of current Banking Regulations, please contact: Christine M. Tomczak, Assistant Counsel, Office of General Counsel, Department of Financial Services, One State St., NY, NY 10004, (212) 709-1642, Christine.Tomczak@dfs.ny.gov

You may also obtain current Banking Regulations directly from Thomson Reuters Westlaw.

1. Summary description of proposal: Amendment to Part 38 of the General Regulations of the Superintendent, 3 NYCRR Part 38 (Definition of Terms; Advertising; Application and Commitment Disclosures and Procedures; Improper Conduct under Article 12-D), to enhance advertising, disclosure and conduct rules for mortgage bankers and brokers and to incorporate applicable changes under federal laws and regulations.

2. Summary description of proposal: Amendment to Part 41 of the General Regulations of the Superintendent, 3 NYCRR Part 41 (Restrictions and Limitations on High Cost Home Loans), to address threshold limits, the impact of lender paid fees, and otherwise to conform to the requirements of Section 6-l of the Banking Law.

3. Summary description of proposal: Amendment to Part 79 of the General Regulations of the Superintendent, 3 NYCRR Part 79 (Reverse Mortgage Loans), to implement the new Banking Law Section 6-o (Reverse cooperative apartment unit loans for persons sixty-two years of age or older) concerning reverse mortgages for cooperative apartments.

4. Summary description of proposal: Promulgate a new regulation to implement the requirements of the recently enacted Banking Law § 28-bb. This section establishes requirements for mortgage bankers comparable to the requirements of the Community Reinvestment Act for banks that seek to eliminate redlining and other forms of housing discrimination caused by illegal credit practices.

5. Summary description of proposal: Amendment to Part 322.7 of the Superintendent's Regulations, 3 NYCRR Part 322.7 (Definition of Well-Rated Foreign Banking Corporations), in connection with the elimination by the Federal Reserve System of the Strength of Support Assessment (SOSA) rating for all foreign banking organizations subject to the interagency program for supervising the U.S. operations of foreign banking organizations.

6. Summary description of proposal: Amendment to Part 400.2 of the Superintendent's Regulations, 3 NYCRR Part 400.2 (Books, Records and Microfilm), to eliminate outdated regulatory requirements

(i.e. maintenance of records on microfilm) in connection with check cashers books and records).

7. Summary description of proposal: Amendment to Part 401 (Licensed Lenders), Part 403 (Sales Finance Companies) and Part 405 (Premium Finance Agencies) of the Superintendent's Regulations, 3 NYCRR, to include a reporting requirement for each licensee to submit to the Superintendent an independent audited annual financial statement after the licensee's fiscal year end. Part 403 will be amended to include a requirement for the submission of annual reports by sales finance companies and to harmonize the filing of annual and audit reports.

8. Summary description of proposal: Amendment to Part 420 of the Superintendent's Regulations, 3 NYCRR Part 420 (Mortgage Loan Originators: Education Requirements), to conform to amendments made to the federal SAFE Mortgage Licensing Act, which gives qualifying out-of-state mortgage loan originators the temporary authority to operate as a mortgage loan originator in New York prior to completing all licensing requirements.

III. Financial Services Regulations

For specific inquiries about the Financial Services Regulations included in this section of the Regulatory Agenda, or to obtain copies of the current Financial Services Regulations for which proposals are described below, please contact the person identified for that item. You may also obtain current Financial Services Regulations directly from Thomson Reuters Westlaw.

1. Summary description of proposal: Amendment to 23 NYCRR 1 (Debt Collection by Third-Party Debt Collectors and Debt Buyers) to (1) update the regulation in relation to revised federal rules promulgated pursuant to the Fair Debt Collection Practices Act and recently enacted state legislation relating to debt collection and causes of action arising from consumer credit transactions, (2) respond to changes in communication technology used by the debt collection industry to reach consumers, and (3) enhance the Department's ability to protect consumers from abusive debt collection practices. Agency contact: Meredith Weill, Deputy General Counsel, Office of General Counsel, New York State Department of Financial Services, One State Street, New York, NY 10004; (212) 480-5279; Meredith.Weill@dfs.ny.gov.

New York State Gaming Commission

Pursuant to subdivision 1 of section 202-d of the State Administrative Procedure Act (SAPA), the Gaming Commission presents its regulatory agenda for calendar year 2024. All section and part references are to Title 9 of the New York Code of Rules and Regulations. As indicated in SAPA section 202-d(2), the Gaming Commission is not required to propose or adopt a rule listed on the regulatory agenda and may propose or adopt a rule that is not on the agenda. The Gaming Commission may add, delete or modify without further notice, except as required by the State Administrative Procedure Act, any item or information presented in this 2024 Regulatory Agenda.

Publication of this notice is intended to further assure that small businesses, local governments and public and private interests in rural areas are given opportunity to participate in the rule making process, as provided by sections 202-b and 202-bb of SAPA. Each rule listed below may require a regulatory flexibility analysis or a rural area flexibility analysis, pursuant to SAPA sections 202-b and 202-bb, respectively.

The public may submit written comments in regard to this regulatory agenda to the agency representative indicated at the end of this agenda.

Administration

Considering the adoption of hearing rules and procedures to standardize the governance of all Gaming Commission administrative hearings.

Commercial Casinos

Considering rules concerning the term of gaming facility licenses that may be awarded pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Article 13, Title 2-A.

Considering rules to govern the conduct of community advisory

committees established by statute to receive public comment and approve or disapprove of commercial casino applications.

Considering the addition of a new rule requiring gaming facility licensees to notify the Commission in the event the licensee is penalized for casino-related infractions in another jurisdiction.

Horse Racing

Considering the amendment of rules concerning show wagering in Thoroughbred racing.

Considering amendments to the pick-five wagering in Thoroughbred racing.

Considering amendments to the pick-four wagering in Thoroughbred and harness racing.

Considering amendments concerning attending veterinarian examinations in Thoroughbred racing.

Considering amendments to the Thoroughbred racing claiming rules suggested by the New York Racing Association, Inc.

Considering amendments to harness racing rules concerning duties of racing officials.

Considering amendments to harness racing rules concerning the appealability of disqualification judgments by track judges.

Considering rules to establish deadlines to request a split or residual sample after notification of a positive test result.

Lottery

Considering amendments to regulations concerning lottery prize payments and subscriptions.

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting: Kristen Buckley, Gaming Commission, One Broadway Plaza, P.O. Box 7500, Schenectady, NY 12301-7500, (518) 388-3332, gamingrules@gaming.ny.gov

This agenda is posted on the Commission’s website at <https://www.gaming.ny.gov/proposedrules.php>

Department of State

Notice is hereby provided, pursuant to section 202-d(1) of the State Administrative Procedure Act (SAPA), that the Department of State is considering proposing rules regarding subject matters listed below. The publication of this list is intended to help assure that small businesses, local governments, and public and private interests in rural areas are given advance notice and opportunity to participate in the rule making process.

Please note that an agency is not required to adopt a rule concerning a subject matter that has been listed on a regulatory agenda. Also, an agency may adopt a rule regarding a subject matter that has not been listed on a regulatory agenda or a rule that is different than one that has been listed on a regulatory agenda (SAPA, section 202-d(2)).

The preparation and publication of a regulatory flexibility analysis for small businesses and local governments and/or a rural area flexibility analysis may be required for any listed item that becomes the subject of a Notice of Proposed Rule Making (SAPA, sections 202-b, 202-bb). The sections, parts and chapters referenced in the list are located in Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

DIVISION OF BUILDING STANDARDS AND CODES

Part 1204

Considering amending this Part to make provisions relating to the administration of the Uniform Fire Prevention and Building Code by state agencies substantially similar to corresponding provisions in revised Parts 1202 and 1203, which became effective on December 30, 2022.

Part 1209

Considering amending this Part pertaining to factory manufactured housing to: update the Part, increase fees for plan review and Insignias of Approval; and add provisions relating to non-residential modular buildings.

Part 1210

Considering amending this Part pertaining to manufactured homes to: update the Part and comply with legislative amendments to Article 21-B of the Executive Law (Chapter 601 of the Laws of 2023) relating to civil penalties.

Parts 1219-1228

Considering amending the State Uniform Fire Prevention and Building Code (Uniform Code) and/or adding new provisions to the Uniform Code to comply with legislative amendments to section 378 of the Executive Law (Chapter 745 of the Laws of 2023) and to update the Uniform Code based on the latest versions of the national model codes.

Part 1240

Considering amending the State Energy Conservation Construction Code (Energy Code) and/or adding new provisions to the Energy Code to make updates based on the latest versions of the national model code and ASHRAE 90.1.

Part 1263

Considering amending provisions relating to the State Environmental Quality Review Act specific to the State Fire Prevention and Building Code.

DIVISION OF CEMETERIES

Section 200.2

Considering revising the list of applications the Cemetery Board has delegated to the Division for initial determinations, and the applications the Board decides.

Sections 200.3, 200.4

Considering exempting certain “non-traditional” cemeteries from the requirement of filing a CPA review or report, and subjecting them to the same CPA rules that apply to other cemeteries.

Section 200.3

Considering revising requirements to the annual submission of IRS Form 990 by cemeteries.

Section 200.4

Considering amending regulations to clarify requirements for an annual report regarding cemetery indebtedness.

Section 200.4(c)(3)

Considering updating the representations a CPA must make to address the current standard for “related party” transactions.

Section 200.7

Considering changing the Division of Cemeteries principal office to Albany.

Sections 200.11

Considering amending regulations to address when a cemetery or municipality providing management for an abandoned cemetery may apply for abandonment funds, including amendments to conform with Chapter 752 of the Laws of 2023.

Section 200.11

Considering regulations to require that cemeteries applying for funds from the State cemetery vandalism restoration, monument repair or removal and administration fund must obtain a warranty and address the depth of foundations poured in connection with such applications. Also considering language addressing situations where cemeteries can obtain only one outside bid for restoration of vandalism damage or repair of hazardous monuments.

Section 201.1

Considering repealing section 201.1, as the Cemetery Board no longer reviews routine applications for approval of sale or conveyance of cemetery lots.

Sections 201.3, 201.9

Considering revising regulations concerning the modification of cemetery maps, development of former paths as burial space and signage requirements.

Section 201.11(a)(8)(B)

Considering changing the requirement that cemeteries post a sign before seeking Cemetery Board approval of mausoleum and columbarium projects to ensure an adequate time for comment before submission of the application to the Cemetery Board.