

Key Regulatory Changes Affecting Small Businesses — July 1, 2014 through June 30, 2015

<u>Agency:</u>	Department of Financial Services
<u>Title/Section(s):</u>	Regulation of Mortgage Loan Originators – 3 NYCRR – Repeal of Part 420 and Supervisory Procedures MB 107, MB 108; and addition of new Part 420 and Supervisory Procedure MB 107
<u>State Register I.D. No:</u>	DFS-26-14-00001-A
<u>Effective Date:</u>	October 1, 2014
<u>Summary:</u>	This regulation revises the rules to implement new Article 12-E of the Banking Law to require that individuals engaging in mortgage loan origination activities must be licensed by the Superintendent of Financial Services. The revised part sets forth the application, exemption and approval procedures for initial and annual licensing as a mortgage loan originator.
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Agency: Department of State

Title/Section(s): Real Estate Broker Record Retention – 19 NYCRR – Amendment of Section 175.23

State Register I.D. No: DOS-10-14-00004-A

Filing Date: July 15, 2014

Effective Date: 90 days after filing

Summary: This regulation requires real estate brokers to retain certain business records. Licensed real estate brokers shall keep and maintain for a period of three years, paper and/or electronic records of each transaction effected through his or her office concerning the sale or (mortgage) of (one- to four-family dwellings) real property used or occupied, or intended to be used or occupied, wholly or partly, as the home or residence of one or more persons improved by a one- to four-family dwelling, or a condominium or cooperative apartments but shall not refer to unimproved real property upon which such dwellings are to be constructed. Records to be kept and maintained shall contain: the names and addresses of the seller and buyer, (mortgagee if any), the broker prepared purchase contract or binder, or if the purchase contract is not prepared by the broker, then the purchase price and (resale price, if any,) the amount of deposit (paid on contract) (if collected by broker), the amount of commission paid to broker, or the gross profit realized by the broker if purchased by him or her for resale, any document required under Article 12-A of the Real Property Law, and the listing agreement or commission agreement or buyer-broker agreement.

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Agency: Department of Health

Title/Section(s): Disclosure of Quality and Surveillance Related Information – 10 NYCRR – Addition of Section 400.25

State Register I.D. No: HLT-01-14-00027-A

Effective Date: January 7, 2015

Summary: This regulation discloses identified nursing quality indicator information upon request to any member of the public. Within 30 days of a written request, general hospitals and nursing homes shall provide to the requester in hard copy or an electronic copy such as a portable document format (pdf) file, the following information for a three to twelve month period of time that is not more than one year prior to the date of the request: nurse staffing indicators and nurse-sensitive patient outcome indicators; the procedures and processes used for determining and adjusting staffing levels based on patient case mix and acuity; final conclusions of any complaint investigations filed with any state or federal regulatory agency or accrediting agency and any citations resulting from surveys; and the sources and dates for data disclosed.

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Agency: Department of Environmental Conservation

Title/Section(s): Prohibited and Regulated Invasive Species – 16 NYCRR – Addition of new Part 575

State Register I.D. No: ENV-43-13-00013-A

Effective Date: March 10, 2015

Summary: This regulation controls invasive species by reducing the introduction of new and the spread of existing populations in the State. The purpose of this regulation is to provide rules and procedures to identify, classify and establish a permit system in an effort to restrict the sale, purchase, possession, propagation, introduction, importation, transport of invasive species in New York, as part of the New York State Department of Environmental Conservation’s (DEC) statewide invasive species management program.

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Agency: Department of Financial Services

Title/Section(s): Credit Exposure Arising from Derivative Transactions – 3 NYCRR – Addition of Part 117

State Register I.D. No: DFS-27-14-00009-A

Effective Date: October 1, 2014

Summary: This regulation provides for the consideration of credit exposure relating to derivative transactions.

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Agency: Office of Children and Family Services

Title/Section(s): Child Day Care and School Age Child Care Regulations – 18 NYCRR – Amendment of Part 413; repeal of Part 414, Subparts 418-1 and 418-2; and addition of new Part 414, Subparts 418-1 and 418-2

State Register I.D. No: CFS-04-14-00003-A

Filing Date: June 1, 2015

Summary: This regulation revises and updates the day care center and school age child care regulations. The main objectives in changing day care center, school age child care, and small day care center regulations was to strengthen health and safety standards, correct conflicting regulatory language discovered in existing citations relative to the administration of medication, update the regulations with recent changes made to Social Services Law and the NYS Building Code, and make the regulations easier to understand.

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Agency: Department of Environmental Conservation

Title/Section(s): Sanitary Condition of Shellfish Lands – 6 NYCRR – Amendment of Part 41

State Register I.D. No: ENV-12-14-00006-A

Effective Date: September 24, 2014

Summary: This regulation adopts regulations classifying underwater lands to allow the harvest of shellfish. The objectives are to ensure that shellfish lands are appropriately classified as either certified or uncertified and to protect public health by preventing the harvest and consumption of shellfish from lands that do not meet the standards for a certified shellfish land.

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Agency: Department of Agriculture and Markets

Title/Section(s): Firewood (All Hardwood Species), Nursery Stock, Logs, Green Lumber, Stumps, Roots, Branches and Debris of Half an Inch or More – 1 NYCRR – Amendment of Section 139.2

State Register I.D. No: AAM-10-14-00001-A

Effective Date: August 13, 2014

Summary: This regulation modifies the Asian Long Horned Beetle quarantine to prevent the further spread of the beetle to other areas. The rule extends the Asian Long Horned Beetle quarantine to North Lindenhurst, Farmingdale, East Farmingdale, Bethpage, Old Bethpage, Melville, Wyandanch, Wheatley Heights and the Town of Huntington.

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Agency: Department of Health

Title/Section(s): Statewide Planning and Research Cooperative System (SPARCS) –
10 NYCRR – Amendment of Section 400.18

State Register I.D. No: HLT-35-13-00004-A

Effective Date: September 3, 2014

Summary: This regulation deletes obsolete language, realigns to current practice, and adds new provisions, including mandated outpatient clinic data collection.

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Agency: Office for People with Developmental Disabilities

Title/Section(s): Amendments to Rate Setting for Non-State Providers:
Individualized Residential Alternative (IRA)/Community
Residences (CR) Residential Habilitation and Day Habilitation – 14
NYCRR – Amendment of Subpart 641-1

State Register I.D. No: PDD-28-14-00017-A

Effective Date: September 24, 2014

Summary: This regulation amends the new rate methodology and is effective July 2014. The amendments are necessary to properly implement a new rate methodology for residential habilitation provided in IRAs and CRs and day habilitation services.

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Agency: Office for People with Developmental Disabilities

Title/Section(s): Amendments to Rate Setting for Non-State Providers: Rates for Intermediate Care Facilities (ICF)/Developmental Disabilities (DD) Services – 14 NYCRR – Amendment of Subpart 641.2

State Register I.D. No: PDD-28-14-00018-A

Effective Date: September 24, 2014

Summary: This regulation amends the new rate methodology and is effective July 2014. The amendments are necessary to properly implement a new rate methodology for ICFs/DD.

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Agency: Department of Financial Services

Title/Section(s): Mandatory Rule of ATM Safety Act Compliance by Banking Institutions – 3 NYCRR – Amendment of Section 301.6

State Register I.D. No: DFS-27-14-00010-A

Effective Date: October 1, 2014

Summary: This regulation changes reporting requirements in this section of the Superintendent’s Regulations to be consistent with changes in the ATM Safety Act. The changes made herein are intended to make the reporting process for banking institutions more efficient and less expensive. Changes are also made to make the regulation consistent with the newly amended law.

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Agency: Department of State

Title/Section(s): State Energy Conservation Construction Code (Energy Code) – 19 NYCRR – Repeal of Part 1240; and addition of new Part 1240

State Register I.D. No: DOS-24-14-00002-A

Effective Date: January 1, 2015

Summary: This regulation repeals existing provisions of the Energy Code and adopts new provisions so as to reduce energy use in commercial buildings. Such codes shall protect the health, safety and security of the people of the State of New York, assure a continuing supply of energy for future generations, and mandate that economically reasonable energy conservation techniques be used in the design and construction of all public and private buildings in New York.

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Agency: Workers' Compensation Board

Title/Section(s): Medical Treatment Guidelines – 12 NYCRR – Amendment of Section 324.2

State Register I.D. No: WCB-22-14-00009-A

Effective Date: December 15, 2014

Summary: This regulation adds non-acute Medical Treatment Guidelines.

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Agency: Department of Agriculture and Markets

Title/Section(s): Specie of Ash Trees, Parts Thereof and Products and Debris Therefrom Which Are at Risk for Infestation by the Emerald Ash Borer – 1 NYCRR – Amendment of Part 141.2

State Register I.D. No: AAM-23-14-00001-A

Effective Date: September 3, 2014

Summary: This regulation extends the emerald ash borer quarantine to prevent the further spread of the bettle to others areas. The rule extends the quarantine north of the New York State Thruway to encompass all of Onondaga County and Madison County.

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Agency: Department of Financial Services

Title/Section(s): Arbitration – 11 NYCRR – Amendment of Subpart 65-4 (Regulation 68-D)

State Register I.D. No: DFS-29-14-00003-A

Effective Date: February 4, 2015

Summary: This regulation revises the fee structure awarded to attorneys who prevail in no-fault disputes on behalf of applicants.

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Agency: Department of State

Title/Section(s): Supervisory Appraiser/Trainee Appraiser Course Outline Requirements – 19 NYCRR – Amendment of Section 1103.3(e)(4) and (5); and addition of Section 1103.12

State Register I.D. No: DOS-25-14-00016-A

Effective Date: September 1, 2014

Summary: This regulation establishes the required course curriculum for the Supervisory Appraiser/Trainee Appraiser Course.

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Agency: Public Service Commission

Title/Section(s): Approval of Amendments and Repeal of Certain Sections of Gas Safety Regulations – 16 NYCRR – Amendment of Part 255

State Register I.D. No: PSC-38-14-00021-A

Effective Date: April 22, 2015

Summary: This regulation approves amendments and repeals certain sections of gas safety regulations. The purpose of this rule is to make State gas safety regulations as stringent as the corollary federal regulations.

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Agency: Department of Financial Services

Title/Section(s): Regulation of Force-Placed Insurance – 11 NYCRR – Addition of Part 227 (Regulation 202)

State Register I.D. No: DFS-39-13-00022-A

Filing Date: December 19, 2014

Effective Date: 30 days after filing

Summary: This regulation sets forth rules regarding, among other things, the rating and placement of, and practices related to, force-placed insurance. The rule sets forth the rates for and placement of force-placed insurance and prohibits certain practices related to force-placed insurance in order to protect homeowners and investors from harm caused by excessive force-placed insurance rates, questionable business practices and relationships in the force-placed insurance industry, and inadequate notice of force-placed insurance.

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Agency: Workers' Compensation Board

Title/Section(s): Annual Assessments on Employers – 12 NYCRR – Addition of Part 318

State Register I.D. No: WCB-41-14-00004-A

Effective Date: January 7, 2015

Summary: This regulation establishes the process for determining, publishing and collecting assessments. The rule adds this new part to comply with Chapter 57 of the Laws of 2013 which requires the Board to streamline the manner in which it collects its administrative and special fund assessments to one that will be consistent among the various categories of payers and will be based upon active coverage.

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Agency: Department of Environmental Conservation

Title/Section(s): Liquefied Natural Gas (LNG) – 6 NYCRR – Addition of Part 570

State Register I.D. No: ENV-37-13-00005-A

Filing Date: January 27, 2015

Effective Date: 30 days after filing

Summary: This regulation establishes the criteria for the siting of and to require Department of Environmental Conservation permits for LNG facilities per Environmental Conservation Law (ECL) Article 23, Title 17. The rule adds this part to implement safe siting, operating, and transportation requirements in New York State for LNG facilities, in accordance with Article 23, Title 17 of the ECL.

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Agency: Department of State

Title/Section(s): Addition of Provisions Relating to “Sparkling Devices” to the State Uniform Fire Prevention and Building Code – 19 NYCRR – Addition of Section 1228.3

State Register I.D. No: DOS-05-15-00007-A

Effective Date: June 3, 2015

Summary: This regulation amends the State Uniform Fire Prevention and Building Code to provide additional requirements applicable to buildings and structures where “sparkling devices” are manufactured, stored, sold or used and add other restrictions on the use of “sparkling devices.”

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Agency: Office for People with Developmental Disabilities

Title/Section(s): Consolidated Fiscal Report Penalty Amendments – 14 NYCRR – Amendment of Section 635-4.4

State Register I.D. No: PDD-10-15-00005-A

Effective Date: June 1, 2015

Summary: This regulation changes the requirements for imposing a penalty on providers that fail to meet filing deadlines for cost reports.

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