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# NEW YORK STATE **REGISTER**

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State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 60 days following publication in the *Register* of a Notice of Proposed Rule Making, or a Notice of Emergency Adoption and Proposed Rule Making; and for 45 days after publication of a Notice of Revised Rule Making, or a Notice of Emergency Adoption and Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 60 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

***For notices published in this issue:***

- the 60-day period expires on May 15, 2022
- the 45-day period expires on April 30, 2022
- the 30-day period expires on April 15, 2022

**KATHY HOCHUL  
GOVERNOR**

**ROBERT J. RODRIGUEZ  
SECRETARY OF STATE**

**NEW YORK STATE DEPARTMENT OF STATE**

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# NEW YORK STATE REGISTER

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## Be a part of the rule making process!

The public is encouraged to comment on any of the proposed rules appearing in this issue. Comments must be made in writing and must be submitted to the agency that is proposing the rule. Address your comments to the agency representative whose name and address are printed in the notice of rule making. No special form is required; a handwritten letter will do. Individuals who access the online *Register* ([www.dos.ny.gov](http://www.dos.ny.gov)) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

To be considered, comments should reach the agency before expiration of the public comment period. The law provides for a minimum 60-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making, and a 45-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

When a time frame calculation ends on a Saturday or Sunday, the agency accepts public comment through the following Monday; when calculation ends on a holiday, public comment will be accepted through the following workday. Agencies cannot take action to adopt until the day after expiration of the public comment period.

The Administrative Regulations Review Commission (ARRC) reviews newly proposed regulations to examine issues of compliance with legislative intent, impact on the economy, and impact on affected parties. In addition to sending comments or recommendations to the agency, please do not hesitate to transmit your views to ARRC:

Administrative Regulations Review Commission  
State Capitol  
Albany, NY 12247  
Telephone: (518) 455-5091 or 455-2731

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Each paid subscription to the *New York State Register* includes one weekly issue for a full year and four "Quarterly Index" issues. The Quarterly is a cumulative list of actions that shows the status of every rule making action in progress or initiated within a calendar year.

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KEY: (P) Proposal; (RP) Revised Proposal; (E) Emergency; (EP) Emergency and Proposal; (A) Adoption; (AA) Amended Adoption; (W) Withdrawal

Individuals may send public comment via electronic mail to those recipients who provided an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings. Choose pertinent issue of the *Register* and follow the procedures on the website ([www.dos.ny.gov](http://www.dos.ny.gov))

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AAM      -the abbreviation to identify the adopting agency  
01        -the *State Register* issue number  
96        -the year  
00001    -the Department of State number, assigned upon receipt of notice.  
E         -Emergency Rule Making—permanent action not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent and does not expire 90 days after filing.)

Italics contained in text denote new material. Brackets indicate material to be deleted.

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## Office for the Aging

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### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Limits on Administrative Expenses and Executive Compensation

**I.D. No.** AGE-11-22-00002-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** This is a consensus rule making to repeal Part 6656 of Title 9 NYCRR.

**Statutory authority:** Elder Law, section 201(3); Executive Order Number 38

**Subject:** Limits on Administrative Expenses and Executive Compensation.

**Purpose:** To repeal guidelines regarding placing limitations on Administrative Expenses and Executive Compensation.

**Text of proposed rule:** The proposed rule would repeal Part 6656 entitled Limits on Administrative Expenses and Executive Compensation in its entirety.

**Text of proposed rule and any required statements and analyses may be obtained from:** Stephen Syzdek, Office for the Aging, 2 Empire State Plaza, Albany, NY 12223, (518) 474-5041, email: stephen.syzdek@aging.ny.gov

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 60 days after publication of this notice.

#### Consensus Rule Making Determination

The New York State Office for the Aging (NYSOFA) is repealing 9 NYCRR 6656 by consensus rule as NYSOFA has determined that no person is likely to object to the repeal as proposed because with the expira-

tion of Executive Order 38 (9 NYCRR 8.38), NYSOFA has no statutory authority to enforce 9 NYCRR 6656.

#### Job Impact Statement

The New York State Office for the Aging (NYSOFA) has determined that the repeal of this rule will not have a substantial adverse impact on jobs. This proposed rule repeals the rule designed to address executive compensation and administrative costs of those providers of program services that receive State fund or State-authorized payments paid by the New York State Office for the Aging.

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## Office of Alcoholism and Substance Abuse Services

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### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Patient Rights in OASAS Programs

**I.D. No.** ASA-11-22-00003-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Part 815 of Title 14 NYCRR. This rule is proposed pursuant to section 207(3), 5-Year Review of Existing Rules.

**Statutory authority:** Mental Hygiene Law, sections 19.07(c), (e), 19.09(b), 19.20, 19.20-a, 19.21(b), 22.03, 22.07, 32.01, 32.07(a), 32.05; Social Services Law, section 492; Protection of People with Special Needs Act, L. 2012, ch. 501; Executive Law, art. 15

**Subject:** Patient rights in OASAS programs.

**Purpose:** Establish patient rights and provider obligations regarding patient rights in OASAS programs.

**Substance of proposed rule (Full text is posted at the following State website: [oasas.ny.gov](http://oasas.ny.gov)):**

In addition to technical amendments updating this regulation consistent with Title 14, the Proposed Rule amends Part 815 as follows:

§ 815.1 Legal Base. Updates to utilize appropriate language. Addition of reference to NYS Human Rights Law.

§ 815.4 Provider requirements. Updates to utilize appropriate language, include references to person-centered and trauma informed care delivery. Clarification that providers may not base program admission on specific identification requirements. Clarification on the requirement for providers to have policies related to the provision of medication for addiction treatment for substance use disorder.

§ 815.5 Patient rights. Updates to utilize appropriate language, include references to person-centered and trauma informed care delivery. Addition of provisions relating to non-discrimination in program admission. Clarification on a patient's right to access medication for addiction treatment for substance use disorder.

§ 815.6 Patient responsibilities. Updates to utilize appropriate language, include references to person-centered and trauma informed care delivery.

§ 815.7 Procedure at discharge. Updates to utilize appropriate language, include references to person-centered and trauma informed care delivery.

§ 815.8 Toxicology testing. Updates to utilize appropriate language, include references to person-centered and trauma informed care delivery and consistent with OASAS guidance.

§ 815.9 Patient use of prescription medication. Updates to utilize appropriate language, include references to person-centered and trauma informed care delivery.



§ 815.10 Patient screening. Programs are explicitly prohibited from conducting body cavity searches. Alternatives to body cavity searches are provided.

§ 815.12 Research subjects. Updates to appropriate language references.

§ 815.13 Staff and client relationships. Inclusion of reference to regular trainings regarding appropriate boundaries between staff and clients/patients.

**Text of proposed rule and any required statements and analyses may be obtained from:** Carmelita Cruz, Office of Addiction Services and Supports, 1450 Western Avenue, Albany, NY 12203, (518) 485-2312, email: carmelita.cruz@oasas.ny.gov

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 60 days after publication of this notice.

#### **Regulatory Impact Statement**

##### **1. Statutory Authority:**

(a) Section 19.07(c) of the Mental Hygiene Law (“MHL”) charges the Commissioner (“Commissioner”) of the New York State Office of Addiction Services and Supports (“the Office”) with the responsibility of ensuring that the personal and civil rights of persons receiving care, treatment and rehabilitation are adequately protected.

(b) Section 19.07(e) of the MHL authorizes the Commissioner to adopt standards including necessary rules and regulations pertaining to addiction services.

(c) Section 19.09(b) of the MHL authorizes the Commissioner to adopt regulations necessary and proper to implement any matter under their jurisdiction.

(d) Section 19.20 of the MHL authorizes the Office to receive and review criminal history information from the Justice Center related to employees or volunteers of treatment facilities certified, licensed, funded or operated by the Office.

(e) Section 19.20-a of the MHL authorizes the Office to receive and review criminal history information from the Justice Center related to persons seeking to be credentialed by the Office or applicants for an operating certificate issued by the Office.

(f) Section 19.21(b) of the MHL authorizes the Commissioner to adopt regulations concerning the licensing, certification, inspection, and treatment standards of all facilities that provide addiction services.

(g) Section 22.03 of the MHL requires the director of any addiction services program to establish, communicate and post patient rights, to include information about how to communicate with the Office and the Commissioner.

(h) Section 22.07(c) of the MHL authorizes the Commissioner to adopt rules and regulations and take any other necessary action to ensure that the rights of individuals who have received or are receiving addiction services are protected.

(i) Section 32.01 of the MHL authorizes the Commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by article 32 of the MHL.

(j) Section 32.07(a) of the MHL authorizes the Commissioner to adopt regulations to effectuate the provisions and purposes of Article 32 of the MHL.

(k) Section 32.05 of the MHL indicates that no provider of services shall engage in the provision of addiction services without an operating certificate issued by the Commissioner.

(l) Section 492 of the Social Services Law established the Vulnerable Persons’ Central Register.

(m) The Protection of People with Special Needs Act (chapter 501 of the Laws of 2012) established the Justice Center for the Protection of People with Special Needs.

(n) Section 32.06 of the MHL prohibits the offering or acceptance of a payment, benefit or consideration in any form, in exchange for the referral of any person as a potential patient for substance use disorder services.

(o) Article 15 of the Executive Law enacts the Human Rights Law prohibiting discrimination against protected classes of New Yorkers including on the basis of sexual orientation and gender identity or expression.

**2. Legislative Objectives:** The legislature has authorized OASAS to establish standards and regulations governing the provision of addiction services, including the provision of medications for addiction treatment, as well as standards for providers seeking to offer such services. Additionally, OASAS is tasked with the responsibility of ensuring that the personal and civil rights of persons receiving care, treatment and rehabilitation are adequately protected.

**3. Needs and Benefits:** Proposed amendments to Part 815 include updates to definitions and language used by all OASAS programs consistent with continued efforts and agency goals to reduce stigma and use person-first language for the delivery of addiction services. Additionally, provisions for medication for addiction treatment for substance use disorder

are further clarified consistent with guidance issued by the Office and the medical standard of care for the treatment of substance use disorder. These amendments support OASAS overarching goals to ensure programs are responsive to community needs and provide person-centered care.

Furthermore, the ability for OASAS certified programs to conduct body cavity searches are prohibited in all circumstances. OASAS has guidance for providers for recommended alternatives when a body cavity search may have otherwise been considered. OASAS, pursuant to mental hygiene law, is tasked with the responsibility of ensuring that the personal and civil rights of persons receiving care, treatment and rehabilitation are adequately protected. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

**4. Costs:** No additional administrative costs to the State, local government or agency are anticipated. The requirements outlined in the regulation are already required in guidance (both for medication access and naloxone education and access) and in the standard of care for the treatment of substance use disorder. Programs which formerly utilized body cavity searches in their patient search procedures will need to update their policies in accordance with this regulation as body cavity searches are explicitly prohibited.

**5. Paperwork:** There is no additional paperwork beyond what is already required. OASAS programs are required to review and update policies and procedures to ensure compliance with OASAS regulations and guidance and evolving standards of care for the treatment of substance use disorder and problem gambling. Some programs will be expected to enter into agreements with Opioid Treatment Programs, which should not be difficult as many providers currently have agreements to facilitate linkage between different levels of care.

**6. Local Government Mandates:** There are no new local government mandates.

**7. Duplication:** This proposed rule does not duplicate, overlap, or conflict with any State or federal statute or rule.

**8. Alternatives:** The alternative is to leave the regulation as it currently reads, with language inconsistent across Title 14 regulations and providers unsure of their obligation to provide medication for addiction treatment for substance use disorders. Additionally, body cavity searches, which have no therapeutic value, are permissible until such time as the regulation is updated.

**9. Federal Standards:** This regulation does not conflict with federal standards.

**10. Compliance Schedule:** This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

#### **Regulatory Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments because the amended regulation does not impose any significant requirements on prevention, treatment or recovery programs providing addiction services. Providers of services are already required to develop policies and procedures to implement addiction services in their programs. These regulatory amendments are consistent with guidance issued by the Office and the medical standard of care for the delivery of substance use disorder services. Any needed changes to existing policies and procedures in accordance with these regulatory amendments should be minimal.

Furthermore, OASAS is tasked with the responsibility of ensuring that the personal and civil rights of persons receiving care, treatment and rehabilitation are adequately protected. This amended regulation explicitly prohibits the use of a body cavity search in any OASAS program. OASAS will issue guidance to the field as to the alternatives which may be used in situations where they may have otherwise sought to use a body cavity search. Programs may choose to develop new policies and procedures in accordance with guidance issued by the Office if they choose to utilize such process. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

#### **Rural Area Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas because the amended regulation does not impose any new requirements on prevention, treatment or recovery programs providing addiction services. Providers of services are already required to develop policies and procedures to implement addiction services in their programs. These regulatory amendments are consistent with guidance issued by the Office and the medical standard of care for the delivery of substance use disorder services. Any needed changes to existing policies and procedures in accordance with these regulatory amendments should be minimal.

Furthermore, OASAS is tasked with the responsibility of ensuring that the personal and civil rights of persons receiving care, treatment and rehabilitation are adequately protected. This amended regulation explicitly



prohibits the use of a body cavity search in any OASAS program. OASAS will issue guidance to the field as to the alternatives which may be used in situations where they may have otherwise sought to use a body cavity search. Programs may choose to develop new policies and procedures in accordance with guidance issued by the Office if they choose to utilize such process. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

#### **Job Impact Statement**

OASAS is not submitting a Job Impact Statement for this rulemaking. OASAS does not anticipate a substantial adverse impact on jobs and employment opportunities because the amended regulation does not impose any new employment or training requirements on prevention, treatment or recovery programs offering OASAS services. Providers of services are already required to develop policies and procedures to implement addiction services in their programs. OASAS is tasked with the responsibility of ensuring that the personal and civil rights of persons receiving care, treatment and rehabilitation are adequately protected. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

### **PROPOSED RULE MAKING NO HEARING(S) SCHEDULED**

#### **Substance Use Disorder Residential Services**

**I.D. No.** ASA-11-22-00004-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Part 819 of Title 14 NYCRR. This rule is proposed pursuant to SAPA § 207(3), 5-Year Review of Existing Rules.

**Statutory authority:** Mental Hygiene Law, sections 19.07(e), 19.09(b), 19.40, 32.01 and 32.07(a)

**Subject:** Substance use disorder residential services.

**Purpose:** Requirements for substance use disorder residential services.

**Substance of proposed rule (Full text is posted at the following State website: [oasas.ny.gov](https://oasas.ny.gov)):** In addition to technical amendments updating this regulation consistent with Title 14, the Proposed Rule amends Part 819 as follows:

§ 819.2 Definitions. A new section addressing definitions applicable to this Part is added.

§ 819.3 Standards applicable to all residential service providers. Adds and updates requirements applicable to residential service providers consistent with other OASAS residential programs including the development of policies and procedures, access to medications for addiction treatment for substance use disorders and service provision.

§ 819.4 Admission procedures. Updates consistent with appropriate use of terminology. Provisions relating to non-discrimination are removed and reference is added to compliance with Part 815.

§ 819.5 Post admission procedures. Updates consistent with appropriate use of terminology related to medical and clinical assessments post-admission. Treatment planning and discharge provisions are updated consistent with OASAS updates to all certified programs.

§ 819.6 Record keeping. Updates consistent with appropriate use of terminology and record keeping requirements around medications for addiction treatment.

§ 819.8 General staffing. Updates consistent with appropriate use of terminology consistent with OASAS regulations. Reference is added to appropriate duties that may fall to residents consistent with OASAS guidance. Staff training requirements are amended to occur every year instead of every three years and the list of appropriate trainings are updated consistent with other certified program requirements.

**Text of proposed rule and any required statements and analyses may be obtained from:** Carmelita Cruz, Office of Addiction Services and Supports, 1450 Western Avenue, Albany, NY 12203, (518) 485-2312, email: [carmelita.cruz@oasas.ny.gov](mailto:carmelita.cruz@oasas.ny.gov)

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 60 days after publication of this notice.

#### **Regulatory Impact Statement**

##### **1. Statutory Authority:**

(a) Section 19.07(e) of the Mental Hygiene Law authorizes the Commissioner of the Office of Addiction Services and Supports to adopt standards including necessary rules and regulations pertaining to substance use disorder services.

(b) Section 19.09(b) of the Mental Hygiene Law authorizes the Com-

missioner of the Office of Addiction Services and Supports to adopt regulations necessary and proper to implement any matter under their jurisdiction.

(c) Section 19.40 of the Mental Hygiene Law authorizes the Commissioner of the Office of Addiction Services and Supports to issue operating certificates for the provision of substance use disorder services.

(d) Section 32.01 of the Mental Hygiene Law authorizes the Commissioner of the Office of Addiction Services and Supports to adopt any regulation reasonably necessary to implement and exercise effectively the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.

(e) Section 32.07(a) of the Mental Hygiene Law authorizes the Commissioner of the Office of Addiction Services and Supports to adopt regulations to effectuate the provisions and purposes of Article 32 of the Mental Hygiene Law.

2. **Legislative Objectives:** The legislature has authorized OASAS to establish standards and regulations governing the provision of addiction services, including the provision of medications for addiction treatment, as well as standards for providers seeking to offer such services.

3. **Needs and Benefits:** Proposed amendments to Part 819 include updates to definitions and language used by all OASAS programs consistent with continued efforts and agency goals to reduce stigma and use person-first language for the delivery of addiction services. Additionally, provisions for medication for addiction treatment for substance use disorder are further clarified consistent with guidance issued by the Office and the medical standard of care for the treatment of substance use disorder. These amendments support OASAS overarching goals to ensure programs are responsive to community needs and provide person-centered care.

This amendment contains substantial revisions for these programs because the regulation has not been otherwise updated since 2002. Provisions are consistent with requirements in other OASAS residential programming. Medical and clinical requirements for providers of substance use disorder residential services are updated consistent with requirements in other residential services programs and guidance issued by the Office. Training requirements are updated consistent with other regulations. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

4. **Costs:** No additional administrative costs to the State, local government or the agency are anticipated. Providers already have access to training, so there are no costs associated with requiring annual training. The requirements outlined in the regulation regarding medication are already required in guidance (both for medication access and naloxone education and access) and in the standard of care for the treatment of substance use disorder.

5. **Paperwork:** There is no additional paperwork beyond what is already required. Providers will need to create updated policies and procedures consistent with this regulation to replace previous policies and procedures. OASAS programs are required to review and update policies and procedures to ensure compliance with OASAS regulations and guidance and evolving standards of care for the treatment of substance use disorder and problem gambling. Some programs will be expected to enter into agreements with Opioid Treatment Programs, which should not be difficult as many providers currently have agreements to facilitate linkage between different levels of care.

6. **Local Government Mandates:** There are no new local government mandates.

7. **Duplication:** This proposed rule does not duplicate, overlap, or conflict with any State or federal statute or rule.

8. **Alternatives:** The alternative is to leave the regulation as it currently reads, with language inconsistent across Title 14 regulations and providers unsure of their obligation to provide medication for addiction treatment for substance use disorders. Additionally, similar residential services programs will have inconsistent regulatory provisions and requirements.

9. **Federal Standards:** This regulation does not conflict with federal standards.

10. **Compliance Schedule:** This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

#### **Regulatory Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments because the amended regulation does not impose any new requirements on treatment programs providing addiction services. Providers of services are already required to develop policies and procedures to implement addiction services in their programs, including for the provision of medication assisted treatment. These regulatory amendments are consistent with guidance issued by the Office and the medical standard of care for the delivery of substance use disorder services. Any needed changes to existing policies and procedures in accordance with these regulatory amendments should be minimal as

program policies and procedures should already cover most of the clinical and medical updates contained in the regulation, terminology needs to be updated. Annual training requirements are consistent with rules in other regulations and as the provider already makes training available to their staff, providing such trainings annually will not be difficult.

#### **Rural Area Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas because the amended regulation does not impose any new requirements on treatment programs providing addiction services. Providers of services are already required to develop policies and procedures to implement addiction services in their programs, including for the provision of medication assisted treatment. These regulatory amendments are consistent with guidance issued by the Office and the medical standard of care for the delivery of substance use disorder services. Any needed changes to existing policies and procedures in accordance with these regulatory amendments should be minimal as program policies and procedures should already cover most of the clinical and medical updates contained in the regulation, terminology needs to be updated. Annual training requirements are consistent with rules in other regulations and as the provider already makes training available to their staff, providing such trainings annually will not be difficult. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

#### **Job Impact Statement**

OASAS is not submitting a Job Impact Statement for this rulemaking. OASAS does not anticipate a substantial adverse impact on jobs and employment opportunities because the amended regulation does not impose any new employment or training requirements on treatment programs offering OASAS services. Providers of services are already required to provide services to individuals admitted to their programs and no new staff will be required for compliance with these amendments. Providers of these services have already developed standard trainings consistent with other OASAS requirements and therefore making such training available to staff annually is not difficult. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

## **PROPOSED RULE MAKING NO HEARING(S) SCHEDULED**

### **Substance Use Disorder Withdrawal and Stabilization Services**

**I.D. No.** ASA-11-22-00005-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Part 816 of Title 14 NYCRR. This rule is proposed pursuant to SAPA § 207(3), 5-Year Review of Existing Rules.

**Statutory authority:** Mental Hygiene Law, sections 19.09, 19.15, 19.40 and 22.09

**Subject:** Substance use disorder withdrawal and stabilization services.

**Purpose:** Requirements for providers of substance use disorder withdrawal and stabilization services.

**Substance of proposed rule (Full text is posted at the following State website: [oasas.ny.gov](https://oasas.ny.gov)):** In addition to technical amendments updating this regulation consistent with Title 14, the Proposed Rule amends Part 816 as follows:

§ 816.1 Background and intent. OASAS is removing the certification for medically monitored withdrawal and stabilization services and clarifying expectations, which are already included in guidance, for linkages to supportive services and other levels of care and the delivery of person centered, trauma informed services.

§ 816.4 Definitions. Updates various definitions. Clarifies that detox services may be under the supervision of a nurse practitioner consistent with federal authority. Eliminates the definition for medically monitored withdrawal and stabilization services.

§ 816.5 Standards applicable to all withdrawal and stabilization services. Various updates consistent with appropriate use of person-first terminology and consistent with other regulations. Clarification on the expectations regarding provision of medication for addiction treatment for substance use disorder. Reference added to current guidance on withdrawal and stabilization protocol guidance issued by the Office. Reference to psychosocial treatment requirements and prenatal care for pregnant persons for providers of these services.

§ 816.7 Additional requirements for medically supervised inpatient withdrawal and stabilization services. Updates the qualifications on who may be a program director for this service.

§ 816.8 Additional requirements for medically supervised outpatient withdrawal and stabilization services. Updates the qualifications on who may be a program director for this service. Removes the counselor ratio and instead references adequacy based on program objectives and outcomes.

§ 816.9 Additional requirements for medically monitored services. This section is deleted.

§ 816.10 Standards pertaining to Medicaid reimbursement. Provisions updated to include mandate that programs deliver services consistent with this Part and Part 841 of this Title.

§ 816.11 Savings and renewal clause. Provision eliminated.

**Text of proposed rule and any required statements and analyses may be obtained from:** Carmelita Cruz, Office of Addiction Services and Supports, 1450 Western Avenue, Albany, NY 12203, (518) 605-8323, email: [carmelita.cruz@oasas.ny.gov](mailto:carmelita.cruz@oasas.ny.gov)

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 60 days after publication of this notice.

#### **Regulatory Impact Statement**

1. Statutory Authority:

(a) Section 19.09 of the Mental Hygiene Law authorizes the Commissioner to adopt regulations necessary and proper to implement any matter under their jurisdiction.

(b) Section 19.15 of the Mental Hygiene Law bestows upon the Commissioner the responsibility of promoting, establishing, coordinating, and conducting programs for the prevention, diagnosis, treatment, aftercare, rehabilitation, and control in the field of substance use disorder.

(c) Section 19.40 of the Mental Hygiene Law authorizes the Commissioner to issue operating certificates for the provision of substance use disorder services.

(d) Section 22.09 of the Mental Hygiene Law directs the Commissioner to designate hospitals and other appropriate facilities as providers of emergency detoxification and stabilization services for persons needing or seeking emergency treatment.

2. Legislative Objectives: The legislature has authorized OASAS to establish standards and regulations governing the provision of addiction services, including the provision of medications for addiction treatment, as well as standards for providers seeking to offer such services.

3. Needs and Benefits: OASAS is updating the language used in this regulation consistent with amendments made to other OASAS regulations to clarify provider requirements with respect to the provision of medication for addiction treatment for substance use disorder and to update definitions consistent with other OASAS regulations. This level of service is very medically focused and is applicable to both hospital and community-based detox programs. Provisions include reference to all appropriate medical, psychiatric and substance use protocols consistent with the medical standards of care and OASAS guidance and withdrawal protocols.

Proposed amendments to Part 816 include updates to definitions and language used by all OASAS programs consistent with continued efforts and agency goals to reduce stigma and use person-first language for the delivery of addiction services. These amendments support OASAS overarching goals to ensure programs are responsive to community needs and provide person-centered care.

Furthermore, provisions are added consistent with other regulations regarding program responsibilities for the development of policies and procedures and for treatment planning. The amendments do not place new requirements on providers, existing requirements are updated and reference appropriate terminology. Withdrawal and stabilization protocols, which these programs are already required to comply with, are also referenced for provider compliance. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

4. Costs: No additional administrative costs to the State, local governments or the agency are anticipated. The requirements outlined in the regulation are already required in guidance (both for medication access and naloxone education and access) and in the standard of care for the treatment of substance use disorder.

5. Paperwork: There is no additional paperwork beyond what is already required. OASAS programs are required to review and update policies and procedures to ensure compliance with OASAS regulations and guidance and evolving standards of care for the treatment of substance use disorder and problem gambling. Programs certified pursuant to this regulation were already required to have linkage agreements with various levels of care to facilitate patient transition to other services and to consult with other providers regarding patient care.

6. Local Government Mandates: There are no new local government mandates.

7. Duplication: This proposed rule does not duplicate, overlap, or conflict with any State or federal statute or rule.

8. Alternatives: The alternative is to leave the regulation as it currently reads, with language inconsistent across Title 14 regulations and providers unsure of their obligation to provide medication for addiction treatment for substance use disorders. Additionally, while withdrawal protocols are included in guidance issued by the agency, the obvious preference for program operation is to identify such protocols in the regulation.

9. Federal Standards: This regulation does not conflict with federal standards.

10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

#### **Regulatory Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments because the amended regulation does not impose any new requirements on prevention, treatment or recovery programs providing addiction services. Providers of services are already required to develop policies and procedures to implement addiction services in their programs, including for the provision of medication assisted treatment. These regulatory amendments are consistent with guidance issued by the Office and the medical standard of care for the delivery of substance use disorder services. Providers of withdrawal and stabilization services are already required to provide these services consistent with medical protocols issued by the Office. Any needed changes to existing policies and procedures in accordance with these regulatory amendments should be minimal. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

#### **Rural Area Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas because the amended regulation does not impose any new requirements on prevention, treatment or recovery programs providing addiction services. Providers of services are already required to develop policies and procedures to implement addiction services in their programs, including for the provision of medication assisted treatment. These regulatory amendments are consistent with guidance issued by the Office and the medical standard of care for the delivery of substance use disorder services. Any needed changes to existing policies and procedures in accordance with these regulatory amendments should be minimal. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

#### **Job Impact Statement**

OASAS is not submitting a Job Impact Statement for this rulemaking. OASAS does not anticipate a substantial adverse impact on jobs and employment opportunities because the amended regulation does not impose any new employment or training requirements on prevention, treatment or recovery programs offering OASAS services. Providers of withdrawal and stabilization services are already required to provide these services consistent with medical protocols issued by the Office. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

## **PROPOSED RULE MAKING NO HEARING(S) SCHEDULED**

### **Residential Services**

**I.D. No.** ASA-11-22-00006-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Part 820 of Title 14 NYCRR. This rule is proposed pursuant to SAPA § 207(3), 5-Year Review of Existing Rules.

**Statutory authority:** Mental Hygiene Law, sections 19.07(e), 19.09(b), 19.40, 32.01, 32.07(a); Public Health Law, art. 27f

**Subject:** Residential services.

**Purpose:** Requirements for the delivery of residential services.

**Substance of proposed rule (Full text is posted at the following State website: [oasas.ny.gov](https://oasas.ny.gov)):** In addition to technical amendments and updating terminology used across all regulations for consistency in Title 14, the Proposed Rule amends Part 820 as follows:

§ 820.2 Applicability. Adds reference to person centered, trauma informed services.

§ 820.3 Definitions. Adds definition of patient/resident consistent with this Part.

§ 820.5 General program standards. Added references to the provision of person centered, trauma informed care. Updated provisions regarding medication for addiction treatment for substance use disorder and naloxone access consistent with the needs of the program.

§ 820.7 Admission, screening, assessment. Removed list of non-discrimination categories and added reference to Part 815.

§ 820.9 Discharge. Added reference to requirement for post-discharge appointment(s) to continue medication access.

§ 820.12 Additional requirements for community reintegration services in a residential setting. Added requirement for programs obligation to ensure access to medication for addiction treatment.

§ 820.13 Standards pertaining to Medicaid reimbursement. Updated provisions consistent with Part 841.

**Text of proposed rule and any required statements and analyses may be obtained from:** Carmelita Cruz, Office of Addiction Services and Supports, 1450 Western Avenue, Albany, NY 12203, (518) 485-2312, email: [carmelita.cruz@oasas.ny.gov](mailto:carmelita.cruz@oasas.ny.gov)

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 60 days after publication of this notice.

#### **Regulatory Impact Statement**

##### **1. Statutory Authority:**

(a) Section 19.07(e) of the Mental Hygiene Law authorizes the Commissioner to adopt standards including necessary rules and regulations pertaining to addiction services.

(b) Section 19.09(b) of the Mental Hygiene Law authorizes the Commissioner to adopt regulations necessary and proper to implement any matter under his or her jurisdiction.

(c) Section 19.40 of the Mental Hygiene Law authorizes the Commissioner to issue operating certificates for the provision of addiction services.

(d) Section 32.01 of the Mental Hygiene Law authorizes the Commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by article 32 of the Mental Hygiene Law.

(e) Section 32.07(a) of the Mental Hygiene Law authorizes the Commissioner to adopt regulations to effectuate the provisions and purposes of article 32 of the Mental Hygiene Law.

(f) Article 27F of the Public Health Law defines the rules governing HIV testing and treatment in New York.

**2. Legislative Objectives:** The legislature has authorized OASAS to establish standards and regulations governing the provision of addiction services, including the provision of medications for addiction treatment, as well as standards for providers seeking to offer such services.

**3. Needs and Benefits:** OASAS is updating the language used in this regulation consistent with amendments made to other OASAS regulations and OASAS guidance to clarify provider requirements with respect to the provision of medication for addiction treatment for substance use disorder and to update definitions consistent with other OASAS regulations.

Proposed amendments to Part 820 include updates to definitions and language used by all OASAS programs consistent with continued efforts and agency goals to reduce stigma and use person-first language for the delivery of addiction services. Additionally, provisions for medication for addiction treatment for substance use disorder are further clarified consistent with guidance issued by the Office and the medical standard of care for the treatment of substance use disorder. These amendments support OASAS overarching goals to ensure programs are responsive to community needs and provide person-centered care. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

**4. Costs:** No additional administrative costs to the State, local governments, or the agency are anticipated. The requirements outlined in the regulation are already required in guidance (both for medication access and naloxone education and access) and in the standard of care for the treatment of substance use disorder.

**5. Paperwork:** There is no additional paperwork beyond what is already required. OASAS programs are required to review and update policies and procedures to ensure compliance with OASAS regulations and guidance and evolving standards of care for the treatment of substance use disorder and problem gambling. Some programs will be expected to enter into agreements with Opioid Treatment Programs, which should not be difficult as many providers currently have agreements to facilitate linkage between different levels of care.

**6. Local Government Mandates:** There are no new local government mandates.

7. Duplication: This proposed rule does not duplicate, overlap, or conflict with any State or federal statute or rule.

8. Alternatives: The alternative is to leave the regulation as it currently



reads, with language inconsistent across Title 14 regulations and providers unsure of their obligation to provide medication for addiction treatment for substance use disorders.

9. Federal Standards: This regulation does not conflict with federal standards.

10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

#### **Regulatory Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments because the amended regulation does not impose any new requirements on treatment programs providing addiction services. Providers of services are already required to develop policies and procedures to implement addiction services in their programs, including for the provision of medication assisted treatment. These regulatory amendments are consistent with guidance issued by the Office and the medical standard of care for the delivery of substance use disorder services. Any needed changes to existing policies and procedures in accordance with these regulatory amendments should be minimal. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

#### **Rural Area Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas because the amended regulation does not impose any new requirements on treatment programs providing addiction services. Providers of services are already required to develop policies and procedures to implement addiction services in their programs, including for the provision of medication assisted treatment. These regulatory amendments are consistent with guidance issued by the Office and the medical standard of care for the delivery of substance use disorder services. Any needed changes to existing policies and procedures in accordance with these regulatory amendments should be minimal. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

#### **Job Impact Statement**

OASAS is not submitting a Job Impact Statement for this rulemaking. OASAS does not anticipate a substantial adverse impact on jobs and employment opportunities because the amended regulation does not impose any new employment or training requirements on prevention, treatment or recovery programs offering OASAS services. Providers of services are already required to develop policies and procedures to implement addiction services in their programs, including for the provision of medication for addiction treatment. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

## **PROPOSED RULE MAKING NO HEARING(S) SCHEDULED**

### **General Provisions Applicable to All Programs Certified, Funded or Otherwise Authorized by OASAS**

**I.D. No.** ASA-11-22-00007-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Part 800 of Title 14 NYCRR. This rule is proposed pursuant to SAPA § 207(3), 5-Year Review of Existing Rules.

**Statutory authority:** Mental Hygiene Law, sections 19.07(e), 19.09(b), 32.01, 32.07(a); Executive Law, art. 15

**Subject:** General provisions applicable to all programs certified, funded or otherwise authorized by OASAS.

**Purpose:** General provisions applicable to all programs certified, funded or otherwise authorized by OASAS.

**Substance of proposed rule (Full text is posted at the following State website: [oasas.ny.gov](https://oasas.ny.gov)):** In addition to technical amendments updating this regulation consistent with Title 14, the Proposed Rule amends Part 800 as follows:

§ 800.3 Incorporation by Reference. Adds incorporation by reference of Standards related to the Adolescent Endorsement proposed in Part 830 of this Title.

§ 800.4 Definitions. Add and updates various definitions.

§ 800.5 Access to Treatment. Adds individuals recently released from criminal justice settings to the list of individuals for which providers shall have priority admission policies.

§ 800.6 Access to Medication for Addiction Treatment. Updates and clarifies provider expectations regarding the provision of medication for addiction treatment for substance use disorder and overdose prevention education and training.

**Text of proposed rule and any required statements and analyses may be obtained from:** Carmelita Cruz, Office of Addiction Services and Supports, 1450 Western Avenue, Albany, NY 12203, (518) 485-2312, email: [carmelita.cruz@oasas.ny.gov](mailto:carmelita.cruz@oasas.ny.gov)

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 60 days after publication of this notice.

#### **Regulatory Impact Statement**

1. Statutory Authority:

(a) Section 19.07(e) of the Mental Hygiene Law authorizes the Commissioner of the Office of Addiction Services and Supports to adopt standards including necessary rules and regulations pertaining to addiction services.

(b) Section 19.09(b) of the Mental Hygiene Law authorizes the Commissioner of the Office of Addiction Services and Supports to adopt regulations necessary and proper to implement any matter under his or her jurisdiction.

(c) Section 32.01 of the Mental Hygiene Law authorizes the Commissioner of the Office of Addiction Services and Supports to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.

(d) Section 32.07(a) of the Mental Hygiene Law authorizes the Commissioner of the Office of Addiction Services and Supports to adopt regulations to effectuate the provisions and purposes of Article 32 of the Mental Hygiene Law.

(e) Article 15 of the Executive Law enacts the Human Rights Law prohibiting discrimination against various protected classes.

2. Legislative Objectives: The legislature has authorized OASAS to establish standards and regulations governing the provision of addiction services, including the provision of medications for addiction treatment, as well as standards for providers seeking to offer such services.

3. Needs and Benefits: OASAS is updating the language used in this regulation consistent with amendments made to other OASAS regulations to clarify provider requirements with respect to the provision of medication for addiction treatment for substance use disorder and to update definitions consistent with other OASAS regulations.

Proposed amendments to Part 800 include updates to definitions and language used by all OASAS programs consistent with continued efforts and agency goals to reduce stigma and use person-first language for the delivery of addiction services. Additionally, provisions for medication for addiction treatment for substance use disorder are further clarified consistent with guidance issued by the Office and the medical standard of care for the treatment of substance use disorder. Finally, the agency has added to the list of high-risk populations for which programs must develop priority admissions policies. These amendments support OASAS overarching goals to ensure programs are responsive to community needs and provide person-centered care. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

4. Costs: No additional administrative costs are anticipated for the State, local governments, or the agency. Costs for regulated providers should be minimal and are mostly related to updating policies and procedures. The requirements outlined in the regulation are already required in guidance (both for medication access and naloxone education and access) and in the standard of care for the treatment of substance use disorder.

5. Paperwork: There is no additional paperwork beyond what is already required. OASAS programs are required to review and update policies and procedures to ensure compliance with OASAS regulations and guidance and evolving standards of care for the treatment of substance use disorder and problem gambling. Programs will be expected to enter into agreements with Opioid Treatment Programs, which should not be difficult as many providers currently have agreements to facilitate linkage between different levels of care.

6. Local Government Mandates: There are no new local government mandates.

7. Duplication: This proposed rule does not duplicate, overlap, or conflict with any State or federal statute or rule.

8. Alternatives: The alternative is to leave the regulation as it currently reads, with language inconsistent across Title 14 regulations and providers unsure of their obligation to provide medication for addiction treatment for substance use disorders.

9. Federal Standards: This regulation does not conflict with federal standards.

10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

**Regulatory Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments because the amended regulation does not impose any new requirements on prevention, treatment or recovery programs providing addiction services. Providers of services are already required to develop policies and procedures to implement addiction services in their programs. These regulatory amendments are consistent with guidance issued by the Office and the medical standard of care for the delivery of substance use disorder services. Any needed changes to existing policies and procedures in accordance with these regulatory amendments should be minimal.

Providers are likewise required to have priority admission policies for specific high-risk populations/individuals. The proposed amendment adds individuals leaving correctional settings to the preexisting list and therefore this change is minimal. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

**Rural Area Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas because the amended regulation does not impose any new requirements on prevention, treatment or recovery programs providing addiction services. Providers of services are already required to develop policies and procedures to implement addiction services in their programs. These regulatory amendments are consistent with guidance issued by the Office and the medical standard of care for the delivery of substance use disorder services. Any needed changes to existing policies and procedures in accordance with these regulatory amendments should be minimal.

Providers are likewise required to have priority admission policies for specific high-risk populations/individuals. The proposed amendment adds individuals leaving correctional settings to the preexisting list and therefore this change is minimal. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

**Job Impact Statement**

OASAS is not submitting a Job Impact Statement for this rulemaking. OASAS does not anticipate a substantial adverse impact on jobs and employment opportunities because the amended regulation does not impose any new employment or training requirements on prevention, treatment or recovery programs offering OASAS services. Providers of services are already required to develop policies and procedures to implement addiction services in their programs. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

**Substance Use Disorder Residential Rehabilitation Services for Youth**

**I.D. No.** ASA-11-22-00008-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Part 817 of Title 14 NYCRR. This rule is proposed pursuant to SAPA § 207(3), 5-Year Review of Existing Rules.

**Statutory authority:** Mental Hygiene Law, sections 19.07(e), 19.09(b), 19.15(e), 19.40, 32.01, 32.07(a), 32.09; Public Health Law, section 33.09, art. 27f

**Subject:** Substance use disorder residential rehabilitation services for youth.

**Purpose:** To establish standards for substance use disorder residential rehabilitation services for youth.

**Substance of proposed rule (Full text is posted at the following State website: [oasas.ny.gov](https://oasas.ny.gov)):** In addition to technical amendments and updating terminology used across all regulations for consistency in Title 14, the Proposed Rule amends Part 817 as follows:

§ 817.2 General program standards. Added references to the provision of person centered, trauma informed care. Updated provisions regarding medication for addiction treatment for substance use disorder and naloxone access consistent with the needs of the program.

§ 817.3 Admission procedures. Removed list of non-discrimination categories and added reference to Part 815.

§ 817.5 Treatment/recovery plan. Added reference to requirement for post-discharge appointment(s) to continue medication access.

**Text of proposed rule and any required statements and analyses may be obtained from:** Carmelita Cruz, Office of Addiction Services and Supports, 1450 Western Avenue, Albany, NY 12203, (518) 485-2312, email: [carmelita.cruz@oasas.ny.gov](mailto:carmelita.cruz@oasas.ny.gov)

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 60 days after publication of this notice.

**Regulatory Impact Statement****1. Statutory Authority:**

(a) Section 19.07(e) of the Mental Hygiene Law authorizes the Commissioner to adopt standards including necessary rules and regulations pertaining to addiction services.

(b) Section 19.09(b) of the Mental Hygiene Law authorizes the Commissioner to adopt regulations necessary and proper to implement any matter under their jurisdiction.

(c) Section 19.15(e) of the Mental Hygiene Law authorizes the Commissioner to implement programs of children and youth.

(d) Section 19.40 of the Mental Hygiene Law authorizes the Commissioner to issue operating certificates for the provision of addiction services.

(e) Section 32.01 of the Mental Hygiene Law authorizes the Commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.

(f) Section 32.07(a) of the Mental Hygiene Law authorizes the Commissioner to adopt regulations to effectuate the provisions and purposes of Article 32 of the Mental Hygiene Law.

(g) Section 32.09 of the Mental Hygiene Law authorizes the Commissioner to issue operating certificates for services that treat individuals with a substance use disorder.

(h) Section 3309 of the Public Health Law authorizes the DOH to establish standards for approval of any opioid overdose prevention program.

(i) Article 27F of the Public Health Law defines the rules governing HIV testing and treatment in New York.

**2. Legislative Objectives:** The legislature has authorized OASAS to establish standards and regulations governing the provision of addiction services, including the provision of medications for addiction treatment, as well as standards for providers seeking to offer such services.

**3. Needs and Benefits:** OASAS is updating the language used in this regulation consistent with amendments made to other OASAS regulations and OASAS guidance to clarify provider requirements with respect to the provision of medication for addiction treatment for substance use disorder and to update definitions consistent with other OASAS regulations.

Proposed amendments to Part 817 include updates to definitions and language used by all OASAS programs consistent with continued efforts and agency goals to reduce stigma and use person-first language for the delivery of addiction services. Additionally, provisions for medication for addiction treatment for substance use disorder are further clarified consistent with guidance issued by the Office and the medical standard of care for the treatment of substance use disorder. These amendments support OASAS overarching goals to ensure programs are responsive to community needs and provide person-centered care. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

**4. Costs:** No additional administrative costs to the State, local governments or the agency are anticipated. The requirements outlined in the regulation are already required in guidance (both for medication access and naloxone education and access) and in the standard of care for the treatment of substance use disorder.

**5. Paperwork:** There is no additional paperwork beyond what is already required. OASAS programs are required to review and update policies and procedures to ensure compliance with OASAS regulations and guidance and evolving standards of care for the treatment of substance use disorder and problem gambling. Some programs will be expected to enter into agreements with Opioid Treatment Programs, which should not be difficult as many providers currently have agreements to facilitate linkage between different levels of care.

**6. Local Government Mandates:** There are no new local government mandates.

**7. Duplication:** This proposed rule does not duplicate, overlap, or conflict with any State or federal statute or rule.

**8. Alternatives:** The alternative is to leave the regulation as it currently reads, with language inconsistent across Title 14 regulations and providers unsure of their obligation to provide medication for addiction treatment for substance use disorders.

**9. Federal Standards:** This regulation does not conflict with federal standards.

**10. Compliance Schedule:** This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

**Regulatory Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance require-



ments on small businesses or local governments because the amended regulation does not impose any new requirements on treatment programs providing addiction services. Providers of services are already required to develop policies and procedures to implement addiction services in their programs, including for the provision of medication assisted treatment. These regulatory amendments are consistent with guidance issued by the Office and the medical standard of care for the delivery of substance use disorder services. Any needed changes to existing policies and procedures in accordance with these regulatory amendments should be minimal. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

#### **Rural Area Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas because the amended regulation does not impose any new requirements on treatment programs providing addiction services. Providers of services are already required to develop policies and procedures to implement addiction services in their programs, including for the provision of medication for addiction treatment. These regulatory amendments are consistent with guidance issued by the Office and the medical standard of care for the delivery of substance use disorder services. Any needed changes to existing policies and procedures in accordance with these regulatory amendments should be minimal.

#### **Job Impact Statement**

OASAS is not submitting a Job Impact Statement for this rulemaking. OASAS does not anticipate a substantial adverse impact on jobs and employment opportunities because the amended regulation does not impose any new employment or training requirements on prevention, treatment or recovery programs offering OASAS services. Providers of services are already required to develop policies and procedures to implement addiction services in their programs, including for the provision of medication for addiction treatment. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

### **PROPOSED RULE MAKING NO HEARING(S) SCHEDULED**

#### **Substance Use Disorder Inpatient Rehabilitation**

**I.D. No.** ASA-11-22-00009-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Part 818 of Title 14 NYCRR. This rule is proposed pursuant to SAPA § 207(3), 5-Year Review of Existing Rules.

**Statutory authority:** Mental Hygiene Law, sections 19.07(e), 19.09(b), 19.40, 32.01, 32.07(a); Public Health Law, section 33.09, art. 27f

**Subject:** Substance use disorder inpatient rehabilitation.

**Purpose:** Requirements for substance use disorder inpatient rehabilitation services.

**Substance of proposed rule (Full text is posted at the following State website: [oasas.ny.gov](https://oasas.ny.gov)):** In addition to technical amendments and updating terminology used across all regulations for consistency in Title 14, the Proposed Rule amends Part 818 as follows:

§ 818.2 General program standards. Added references to the provision of person centered, trauma informed care. Updated provisions regarding medication for addiction treatment for substance use disorder and naloxone access consistent with the needs of the program.

§ 818.3 Admission procedures. Removed list of non-discrimination categories and added reference to Part 815.

§ 818.5 Treatment/recovery plan. Added reference to requirement for post-discharge appointment(s) to continue medication access.

§ 818.10 Savings and renewal clause. Removed.

**Text of proposed rule and any required statements and analyses may be obtained from:** Carmelita Cruz, Office of Addiction Services and Supports, 1450 Western Ave., Albany, NY 12203, (518) 485-2312, email: [carmelita.cruz@oasas.ny.gov](mailto:carmelita.cruz@oasas.ny.gov)

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 60 days after publication of this notice.

#### **Regulatory Impact Statement**

1. Statutory Authority:

(a) Section 19.07(e) of the Mental Hygiene Law authorizes the Commissioner to adopt standards including necessary rules and regulations pertaining to substance use disorder services.

(b) Section 19.09(b) of the Mental Hygiene Law authorizes the Commissioner to adopt regulations necessary and proper to implement any matter under his or her jurisdiction.

(c) Section 19.40 of the Mental Hygiene Law authorizes the Commissioner to issue operating certificates for the provision of substance use disorder services.

(d) Section 32.01 of the Mental Hygiene Law authorizes the Commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.

(e) Section 32.07(a) of the Mental Hygiene Law authorizes the Commissioner to adopt regulations to effectuate the provisions and purposes of Article 32 of the Mental Hygiene Law.

(f) Section 3309 of the Public Health Law authorizes the DOH to establish standards for approval of any opioid overdose prevention program.

(g) Article 27f of the Public Health Law defines the rules governing HIV testing and treatment in New York.

2. Legislative Objectives: The legislature has authorized OASAS to establish standards and regulations governing the provision of addiction services, including the provision of medications for addiction treatment, as well as standards for providers seeking to offer such services.

3. Needs and Benefits: Proposed amendments to Part 818 include updates to definitions and language used by all OASAS programs consistent with continued efforts and agency goals to reduce stigma and use person-first language for the delivery of addiction services. Additionally, provisions for medication for addiction treatment for substance use disorder are further clarified consistent with guidance issued by the Office and the medical standard of care for the treatment of substance use disorder. These amendments support OASAS overarching goals to ensure programs are responsive to community needs and provide person-centered care. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

4. Costs: No additional administrative costs to the State, local governments or the agency are anticipated. The requirements outlined in the regulation are already required in guidance (both for medication access and naloxone education and access) and in the standard of care for the treatment of substance use disorder.

5. Paperwork: There is no additional paperwork beyond what is already required. OASAS programs are required to review and update policies and procedures to ensure compliance with OASAS regulations and guidance and evolving standards of care for the treatment of substance use disorder and problem gambling. Some programs will be expected to enter into agreements with Opioid Treatment Programs, which should not be difficult as many providers currently have agreements to facilitate linkage between different levels of care.

6. Local Government Mandates: There are no new local government mandates.

7. Duplication: This proposed rule does not duplicate, overlap, or conflict with any State or federal statute or rule.

8. Alternatives: The alternative is to leave the regulation as it currently reads, with language inconsistent across Title 14 regulations and providers unsure of their obligation to provide medication for addiction treatment for substance use disorders.

9. Federal Standards: This regulation does not conflict with federal standards.

10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

#### **Regulatory Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments because the amended regulation does not impose any new requirements on treatment programs providing addiction services. Providers of services are already required to develop policies and procedures to implement addiction services in their programs, including for the provision of medication assisted treatment. These regulatory amendments are consistent with guidance issued by the Office and the medical standard of care for the delivery of substance use disorder services. Any needed changes to existing policies and procedures in accordance with these regulatory amendments should be minimal. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

#### **Rural Area Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas because the amended

regulation does not impose any new requirements on treatment programs providing addiction services. Providers of services are already required to develop policies and procedures to implement addiction services in their programs, including for the provision of medication for addiction treatment. These regulatory amendments are consistent with guidance issued by the Office and the medical standard of care for the delivery of substance use disorder services. Any needed changes to existing policies and procedures in accordance with these regulatory amendments should be minimal. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

#### **Job Impact Statement**

OASAS is not submitting a Job Impact Statement for this rulemaking. OASAS does not anticipate a substantial adverse impact on jobs and employment opportunities because the amended regulation does not impose any new employment or training requirements on prevention, treatment or recovery programs offering OASAS services. Providers of services are already required to develop policies and procedures to implement addiction services in their programs, including for the provision of medication for addiction treatment. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

### **PROPOSED RULE MAKING NO HEARING(S) SCHEDULED**

#### **General Service Standards for Substance Use Disorder Outpatient Programs**

**I.D. No.** ASA-11-22-00010-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Part 822 of Title 14 NYCRR. This rule is proposed pursuant to SAPA § 207(3), 5-Year Review of Existing Rules.

**Statutory authority:** Mental Hygiene Law, sections 19.07(c), (e), 19.09(b), 19.16, 19.21(b), (d), 19.40, 22.07(c), 32.01, 32.05(b), 32.07(a) 32.09(b); Penal Law, section 220.78; Public Health Law, sections 2781, 3309; 42 CFR part 8

**Subject:** General service standards for substance use disorder outpatient programs.

**Purpose:** General service standards for substance use disorder outpatient programs.

**Substance of proposed rule (Full text is posted at the following State website: [oasas.ny.gov](https://oasas.ny.gov)):** In addition to technical amendments and updating terminology used across all regulations for consistency in Title 14, the Proposed Rule amends Part 822 as follows:

§ 822.1 Background. Adds reference to person centered, trauma informed services.

§ 822.7 General program standards. Updated provisions regarding medication for addiction treatment for substance use disorder and overdose prevention education and training and naloxone access.

§ 822.8 Patient records/treatment planning. Removed list of non-discrimination categories and added reference to Part 815. Added reference to requirement for post-discharge appointment(s) to continue medication access.

**Text of proposed rule and any required statements and analyses may be obtained from:** Carmelita Cruz, Office of Addiction Services and Supports, 1450 Western Avenue, Albany, NY 12203, (518) 485-2312, email: [carmelita.cruz@oasas.ny.gov](mailto:carmelita.cruz@oasas.ny.gov)

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 60 days after publication of this notice.

#### **Regulatory Impact Statement**

##### **1. Statutory Authority:**

(a) Section 19.07(c) of the Mental Hygiene Law (MHL) charges the Office with the responsibility to ensure that persons who have a substance use disorder and their families are provided with care and treatment that is effective and of high quality.

(b) Section 19.07(e) of the MHL authorizes the commissioner to adopt standards including necessary rules and regulations pertaining to substance use disorder treatment services.

(c) Section 19.09(b) of the MHL authorizes the commissioner to adopt regulations necessary and proper to implement any matter under their jurisdiction.

(d) Section 19.16 of the MHL requires the commissioner to establish

and maintain, either directly or through contract, a central registry for purposes of preventing multiple enrollments in opioid treatment programs and provides medication dosage information during an emergency, when displaced patients may seek such treatment from an alternate program.

(e) Section 19.21(b) of the MHL requires the commissioner to establish and enforce regulations concerning the licensing, certification, and inspection of substance use disorder treatment services.

(f) Section 19.21(d) of the MHL requires the Office to establish reasonable performance standards for providers of services certified by the Office.

(g) Section 19.40 of the MHL authorizes the commissioner to issue operating certificates for the provision of substance use disorder treatment services.

(h) Section 22.07(c) of the Mental Hygiene Law authorizes the commissioner to promulgate rules and regulations to ensure that the rights of individuals who have received, and are receiving, substance use disorder services are protected.

(i) Section 32.01 of the MHL authorizes the commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the MHL.

(j) Section 32.05(b) of the MHL provides that a controlled substance designated by the commissioner of the New York State Department of Health (DOH) as appropriate for such use may be used by a prescribing professional to treat an individual with a substance use disorder pursuant to section 32.09(b) of the MHL.

(k) Section 32.07(a) of the MHL authorizes the commissioner to adopt regulations to effectuate the provisions and purposes of Article 32 of the MHL.

(l) Section 32.09(b) of the MHL provides that the commissioner may, once a controlled substance is approved by the commissioner of DOH as appropriate for such use, authorize the use of such controlled substance in treating an individual with a substance use disorder.

(m) Section 220.78 of the Penal Law affords limited protections from prosecution for persons seeking medical attention for accidental overdose.

(n) Section 3309 of the Public Health Law authorizes the DOH to establish standards for approval of any opioid overdose prevention program.

(o) Section 2781 of the Public Health Law defines the rules governing HIV testing in New York.

(p) 42 CFR Part 8 relates to the federal oversight and regulation of medication for addiction treatment for opioid use disorders.

2. Legislative Objectives: The legislature has authorized OASAS to establish standards and regulations governing the provision of addiction services, including the provision of medications for addiction treatment, as well as standards for providers seeking to offer such services.

3. Needs and Benefits: OASAS is updating the language used in this regulation consistent with amendments made to other OASAS regulations and OASAS guidance to clarify provider requirements with respect to the provision of medication for addiction treatment for substance use disorder and to update definitions consistent with other OASAS regulations.

Proposed amendments to Part 822 include updates to definitions and language used by all OASAS programs consistent with continued efforts and agency goals to reduce stigma and use person-first language for the delivery of addiction services. Additionally, provisions for medication for addiction treatment for substance use disorder are further clarified consistent with guidance issued by the Office and the medical standard of care for the treatment of substance use disorder. These amendments support OASAS overarching goals to ensure programs are responsive to community needs and provide person-centered care. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

4. Costs: No additional administrative costs to the State, local governments, or the agency are anticipated. The requirements outlined in the regulation are already required in guidance (both for medication access and naloxone education and access) and in the standard of care for the treatment of substance use disorder.

5. Paperwork: There is no additional paperwork beyond what is already required. OASAS programs are required to review and update policies and procedures to ensure compliance with OASAS regulations and guidance and evolving standards of care for the treatment of substance use disorder and problem gambling. Some programs will be expected to enter into agreements with Opioid Treatment Programs, which should not be difficult as many providers currently have agreements to facilitate linkage between different levels of care. OTPs are certified pursuant to Part 822, so some of these programs are already OTPs.

6. Local Government Mandates: There are no new local government mandates.

7. Duplication: This proposed rule does not duplicate, overlap, or conflict with any State or federal statute or rule.

8. Alternatives: The alternative is to leave the regulation as it currently reads, with language inconsistent across Title 14 regulations and providers



unsure of their obligation to provide medication for addiction treatment for substance use disorders.

9. Federal Standards: This regulation does not conflict with federal standards.

10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

#### **Regulatory Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments because the amended regulation does not impose any new requirements on treatment programs providing addiction services. Providers of services are already required to develop policies and procedures to implement addiction services in their programs, including for the provision of medication assisted treatment. These regulatory amendments are consistent with guidance issued by the Office and the medical standard of care for the delivery of substance use disorder services. Any needed changes to existing policies and procedures in accordance with these regulatory amendments should be minimal. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

#### **Rural Area Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas because the amended regulation does not impose any new requirements on treatment programs providing addiction services. Providers of services are already required to develop policies and procedures to implement addiction services in their programs, including for the provision of medication assisted treatment. These regulatory amendments are consistent with guidance issued by the Office and the medical standard of care for the delivery of substance use disorder services. Any needed changes to existing policies and procedures in accordance with these regulatory amendments should be minimal. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

#### **Job Impact Statement**

OASAS is not submitting a Job Impact Statement for this rulemaking. OASAS does not anticipate a substantial adverse impact on jobs and employment opportunities because the amended regulation does not impose any new employment or training requirements on prevention, treatment or recovery programs offering OASAS services. Providers of services are already required to develop policies and procedures to implement addiction services in their programs, including for the provision of medication for addiction treatment. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

## **PROPOSED RULE MAKING NO HEARING(S) SCHEDULED**

### **Incident Reporting in Oasas Certified, Licensed, Funded, or Operated Services**

**I.D. No.** ASA-11-22-00011-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Part 836 of Title 14 NYCRR. This rule is proposed pursuant to SAPA § 207(3), 5-Year Review of Existing Rules.

**Statutory authority:** Mental Hygiene Law, sections 19.07(c), (e), 19.09(b), 19.20, 19.20-a, 19.21(b), 19.40, 22.07(c), 32.01, 32.02, 32.07(a), 33.16, 33.23, 33.25; Executive Law, sections 296, 491, 495; Civil Service Law, section 50; Corrections Law, art. 23-A; Protection of People with Special Needs Act, (L. 2012, ch. 501)

**Subject:** Incident Reporting in Oasas Certified, Licensed, Funded, or Operated Services.

**Purpose:** Incident Reporting in Oasas Certified, Licensed, Funded, or Operated Services.

**Text of proposed rule:** Section 836.4(d)(3)(ii) is amended as follows:

(ii) Body cavity search; *which is explicitly prohibited pursuant to Part 815 of this Title*[must be with client consent];

Section 836.8(c) is amended as follows:

(c) In the event of a client's death in an inpatient or residential program under any circumstances or within 30 days of such client's discharge, immediate notification must be made to both the VPCR and the Justice Center's Mortality Review Unit (subject to the provisions of 42 CFR Part

2), the process for which can be found *on the Justice Center's website* [here: <https://www.justicecenter.ny.gov/mortality-review/>], the local coroner or medical examiner, or any other state or local agency identified under state laws requiring the collection of health or other vital statistics.

**Text of proposed rule and any required statements and analyses may be obtained from:** Carmelita Cruz, Office of Addiction Services and Supports, 1450 Western Avenue, Albany, NY 12203, (518) 485-2312, email: [carmelita.cruz@oasas.ny.gov](mailto:carmelita.cruz@oasas.ny.gov)

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 60 days after publication of this notice.

#### **Regulatory Impact Statement**

1. Statutory Authority:

(a) Section 19.07(c) of the Mental Hygiene Law charges the Office with the responsibility for seeing that persons in need of treatment for addiction services receive high quality care and treatment, and that the personal and civil rights of persons receiving care, treatment and rehabilitation are adequately protected.

(b) Section 19.07(e) of the Mental Hygiene Law authorizes the Commissioner ("Commissioner") of the Office to adopt standards including necessary rules and regulations pertaining to addiction services.

(c) Section 19.09(b) of the Mental Hygiene Law authorizes the Commissioner to adopt regulations necessary and proper to implement any matter under their jurisdiction.

(d) Section 19.20 of the Mental Hygiene Law (Protection of People with Special Needs Act, added by Chapter 501 of the Laws of 2012) authorizes the Office to receive and review criminal history information related to certain prospective employees and volunteers.

(e) Section 19.20-a of the Mental Hygiene Law (Protection of People with Special Needs Act, added by Chapter 501 of the Laws of 2012) authorizes the Office to receive and review criminal history information related to persons seeking to be credentialed or applicants for an operating certificate issued by the Office.

(f) Section 19.21(b) of the Mental Hygiene Law requires the Commissioner to establish and enforce certification, inspection, licensing and treatment standards for addiction services facilities and staff.

(g) Section 19.40 of the Mental Hygiene Law authorizes the Commissioner to issue operating certificates for the provision of addiction services.

(h) Section 22.07(c) of the Mental Hygiene Law authorizes the Commissioner to promulgate rules and regulations to ensure that the rights of individuals who have received, and are receiving, addiction services are protected.

(i) Section 32.01 of the Mental Hygiene Law authorizes the Commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.

(j) Section 32.02 of the Mental Hygiene Law authorizes the Commissioner to adopt regulations necessary to ensure quality services to those suffering from compulsive gambling.

(k) Section 32.07(a) of the Mental Hygiene Law authorizes the Commissioner to adopt regulations to effectuate the provisions and purposes of Article 32 of the Mental Hygiene Law.

(l) Sections 33.16(a)(6) and 33.16(b)(4) of the Mental Hygiene Law define a "qualified person" as an individual receiving services, their legal guardian, or a parent, spouse or adult child who has authority to provide consent for care and treatment.

(m) Section 33.23 of the Mental Hygiene Law requires directors of facilities certified by OASAS to provide telephone notification to a "qualified person" of an incident involving a client within twenty-four (24) hours of the initial report.

(n) Section 33.25 of the Mental Hygiene Law requires facilities to release records to "qualified persons", upon request, relating to allegations and investigations of client abuse or mistreatment.

(o) Section 491 of the Executive Law requires mandated reporters to immediately report allegations of reportable incidents to the Vulnerable Persons' Register upon discovery.

(p) Section 492 of the Social Services Law establishes the Vulnerable Persons' Register to which reports of allegations of reportable incidents must be submitted in a manner and on forms approved by the executive director of the Justice Center.

(q) Article 6, Title 6 of the Social Services Law requires the reporting of suspected abuse or maltreatment of persons under 18 years of age to the New York Statewide Central Register of Child Abuse and Maltreatment (hereinafter, "Statewide Central Register").

(r) Section 413 of the Social Services Law identifies persons required to report cases of suspected child abuse or maltreatment to the Statewide Central Register.

2. Legislative Objectives: The legislature has authorized OASAS to establish standards and regulations governing incident management and

oversight of addiction services in certified, funded or otherwise authorized programs, consistent with various NYS laws, regulations and rules for the protection of individuals seeking and receiving services in the OASAS system.

3. Needs and Benefits: OASAS is explicitly prohibiting any certified, funded or otherwise authorized program from conducting a body cavity search of a patient for any reason. There is no therapeutic value in conducting a body cavity search and could potentially cause harm to individuals that have a history of trauma. Many individuals that seek addiction treatment services in OASAS programs have a history of trauma and a body cavity search could potentially cause additional harm. OASAS will issue guidance on appropriate alternatives where a program may have otherwise conducted a body cavity search. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

4. Costs: No additional administrative costs to the State, local governments, or the agency are anticipated.

5. Paperwork: There is no additional paperwork beyond what is already required.

6. Local Government Mandates: There are no new local government mandates.

7. Duplication: This proposed rule does not duplicate, overlap, or conflict with any State or federal statute or rule.

8. Alternatives: The alternative is to leave the regulation as it currently reads, with language permitting body cavity searches, however there is no therapeutic value in conducting a body cavity search.

9. Federal Standards: This regulation does not conflict with federal standards.

10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

#### **Regulatory Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments because the amended regulation does not impose any new requirements on treatment programs providing addiction services. This rule prohibits a programs ability to conduct a body cavity search. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

#### **Rural Area Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas because the amended regulation does not impose any new requirements on treatment programs providing addiction services. This rule prohibits a programs ability to conduct a body cavity search. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

#### **Job Impact Statement**

OASAS is not submitting a Job Impact Statement for this rulemaking. OASAS does not anticipate a substantial adverse impact on jobs and employment opportunities because the amended regulation does not impose any new employment or training requirements on prevention, treatment or recovery programs offering OASAS services. Providers of services are already required to develop policies and procedures to implement addiction services in their programs. These amendments only require removal of the ability to conduct a body cavity search. This regulation was approved at the February 16, 2022 meeting of the Behavioral Health Services Advisory Council.

## Department of Audit and Control

### NOTICE OF ADOPTION

#### **Regular Interest and Rate of Estimated Future Investment Earnings Mortality and Service Tables for Valuation**

**I.D. No.** AAC-51-21-00005-A

**Filing No.** 117

**Filing Date:** 2022-02-23

**Effective Date:** 2022-03-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Amendment of sections 300.1 and 310.1; repeal of Appendix 10; addition of new Appendix 10 to Title 2 NYCRR.

**Statutory authority:** Retirement and Social Security Law, sections 11 and 311

**Subject:** Regular Interest and Rate of Estimated Future Investment Earnings Mortality and Service Tables for Valuation.

**Purpose:** To update the rate of estimated future investment earnings and the mortality and service tables used for valuation purposes.

**Text of final rule:** 300.1(b) is amended to read as follows:

(b) Effective April 1, 20[19]21 the rate of estimated earnings for the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System shall be 5.9 [6.8] per centum per annum.

310.1 is amended to read as follows:

In accordance with the provisions of subdivision b(1) of section 11 and subdivision b(1) of section 311 of the Retirement and Social Security Law and upon the recommendation of the actuary of the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System, the State Comptroller does hereby adopt for valuation purposes new service, *disability*, *withdrawal* [tables] and mortality tables which are filed in the office of the New York State and Local Employees' Retirement System at 110 State Street, Albany, New York, and in the Office of the Secretary of State in Albany, copies of which are hereinafter set forth (see Appendix 10, *infra*). These tables shall be used for the actuarial valuation of all the liabilities of the New York State Employees' Retirement System and the New York State Police and Fire Retirement System on or after April 1, 20[15]20.

The current Appendix 10 is repealed, and is replaced with a new Appendix 10. Please see the Appendix at the end of this issue for the full text of the new Appendix 10.

**Final rule as compared with last published rule:** Nonsubstantial changes were made in sections 300.1, 310.1 and Appendix 10.

**Text of rule and any required statements and analyses may be obtained from:** Marcella Buell, Office of the State Comptroller, 110 State Street, Albany, NY 12236, (518) 473-4138, email: mbuell@osc.ny.gov

#### **Assessment of Public Comment**

The agency received no public comment.

## Department of Financial Services

### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### **Separate Accounts and Separate Account Contracts**

**I.D. No.** DFS-11-22-00001-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Part 50 (Regulation 47) of Title 11 NYCRR.

**Statutory authority:** Financial Services Law, sections 202, 302; Insurance Law, sections 301, 1106, 3201, 3222, 4240 and 4525

**Subject:** Separate Accounts and Separate Account Contracts.

**Purpose:** To establish standards for separate accounts and separate account contracts.

**Substance of proposed rule (Full text is posted at the following State website:** [https://www.dfs.ny.gov/industry\\_guidance/regulations/proposed\\_insurance](https://www.dfs.ny.gov/industry_guidance/regulations/proposed_insurance)): The title of Part 50 is amended to read "Separate Accounts and Separate Account Contracts."

A new Subpart 50-1 is added to Part 50 and is entitled "Separate Accounts and Separate Account Contracts Prior to September 1, 2022."

Sections 50.1 through 50.11 of Part 50 are added to new Subpart 50-1 and are renumbered as sections 50-1.1 through 50-1.11.

Non-substantive amendments are made to Subpart 50-1, such as adding gender neutral references to the Superintendent and allowing for electronic delivery of reports required to be sent to separate account annuity contract holders in Section 50-1.9.

A new Section 50-1.0 is added to address the scope of Subpart 50-1, which applies to contracts issued prior to the effective date of the amendment and to separate accounts used solely in connection with those in-force contracts.

Section 50-2.1 sets forth the purpose of the regulation, which is to pre-

scribe the terms and conditions under which authorized insurers may deliver or issue for delivery separate account annuity contracts and separate account funding agreements in New York and the procedures for establishing and maintaining such separate accounts.

Section 50-2.2 addresses the scope of Subpart 50-2, which applies to contracts issued on or after the effective date of the amendment and separate accounts used in connection with contracts issued on or after the effective date of the amendment. Subpart 50-2 is a restatement of current Regulation 47 with amendments incorporated therein.

Section 50-2.3 defines terms used in Subpart 50-2.

Section 50-2.4 identifies information that an insurer must submit to the Superintendent regarding the insurer's separate account(s) when seeking to qualify to deliver/issue separate account contracts in New York.

Section 50-2.5 sets standards for the establishment and maintenance of separate accounts. The section includes clarification of amounts that may be insulated in a separate account and provides greater flexibility for insurers to meet asset maintenance requirements.

Section 50-2.6 sets standards for insurer contributions to separate accounts.

Section 50-2.7 sets standards for the filing and approval of separate account contracts and certificates.

Section 50-2.8 sets standards for variable income payments.

Section 50-2.9 sets nonforfeiture and other product standards for separate account contracts, most notably authorizing and setting standards for buffer and floor annuities, including point-of-sale disclosure requirements. This section extends existing product and disclosure requirements for fixed annuities and funding agreements to fixed annuities and funding agreements issued out of a separate account, and also extends certificate requirements to allocated group funding agreements. The section provides for nonforfeiture of the account value if the contract holder dies, expands the permissible types of incidental death benefits, sets maximums for surrender charges, sets minimum standards for certain guaranteed withdrawal benefits, and extends betterment of rates requirements to certain separate account products.

Section 50-2.10 sets standards for illustrations of certain benefits payable under separate account contracts.

Section 50-2.11 sets standards for required reports.

Section 50-2.12 sets standards for separate accounts of foreign and alien insurance companies conducting business in New York.

Section 50-2.13 is a separability clause.

Section 50-2.14 addresses violations of the regulation.

Appendix 28 is a general disclosure document aimed at helping consumers understand how buffer and floor annuities operate.

**Text of proposed rule and any required statements and analyses may be obtained from:** Peter Dumar, Chief Attorney, Life Bureau, New York State Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 474-4552, email: peter.dumar@dfs.ny.gov

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 60 days after publication of this notice.

**This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.**

#### Regulatory Impact Statement

1. Statutory authority: The authority of the Superintendent of Financial Services ("Superintendent") to promulgate this rule derives from Financial Services Law ("FSL") §§ 202 and 302 and Insurance Law ("IL") §§ 301, 1106, 3201, 3222, 4240, and 4525.

FSL § 202 establishes the office of the Superintendent and designates the Superintendent as the head of the Department of Financial Services ("DFS").

FSL § 302 and IL § 301 authorize the Superintendent to effectuate any power accorded to the Superintendent by the IL, Banking Law, FSL, or any other New York law, and to prescribe regulations interpreting the IL, among other things.

IL § 1106 (e) requires foreign and alien insurers to comply substantially with any requirement or limitation of the IL that is applicable to similar domestic insurers and that in the judgment of the Superintendent is reasonably necessary to protect the interests of the people of New York.

IL § 3201 requires the Superintendent's prior approval of any life insurance, accident and health, and credit unemployment policy form and any annuity contract delivered or issued for delivery in New York.

IL § 3222 authorizes the Superintendent to promulgate reasonable regulations relating to the approval standards, reserve requirements, accounting and reporting requirements, and disclosure requirements for funding agreements, as well as the qualification and compensation of persons selling such funding agreements.

IL § 4240 authorizes a domestic life insurer to establish a separate account ("SA") subject to the Superintendent's approval of the insurer's method of operation of such SA and authorizes the Superintendent to

promulgate regulations setting forth the standards for policy forms used in connection with an SA.

IL § 4240(a)(14)(D) authorizes the Superintendent to promulgate regulations with respect to variable life insurance and variable annuities issue by an authorized fraternal benefit society.

IL § 4525 applies certain IL sections to fraternal benefit societies, including IL § 3201 and IL § 1106.

2. Legislative objectives: For the Superintendent to approve an SA subject to certain standards.

3. Needs and benefits: DFS has not substantively amended 11 NYCRR 50 (Insurance Regulation 47) since 1970. Since 1970, the Legislature has amended IL § 4240 several times and life insurers and fraternal benefit societies (collectively, "insurers") have developed numerous products. DFS regulated these new products by developing standards for their approval under IL § 3201. This amendment implements IL § 4240, as amended since 1970, and codifies the standards DFS developed during the policy form approval process, which will ensure a level playing field and a consistent system of consumer protections.

This amendment also establishes nonforfeiture and other product standards for SA contracts. Most notably, the amendment authorizes and sets standards for buffer and floor annuities, including point-of-sale disclosure requirements to ensure that consumers understand the product before they buy it. It also extends existing product and disclosure requirements for fixed annuities and funding agreements to fixed annuities and funding agreements issued out of an SA. DFS has determined that nonforfeiture standards for fixed products should be the same whether issued out of the general account or an SA. With this extension of existing requirements, DFS seeks to prevent the use of an SA to circumvent the nonforfeiture requirements applicable to fixed general account products. The amendment also extends certificate requirements to allocated group funding agreements.

The amendment further provides for nonforfeiture of the account value if the contract holder dies, expands the permissible types of incidental death benefits, or sets maximums for surrender charges. It also provides for a betterment of rates provision for variable annuities with a fixed annuity payout.

The amendment clarifies amounts that may be insulated in an SA and provides greater flexibility for insurers to meet asset maintenance requirements. Insulation will be limited to contract holder contributions to the SA contract and any gains or losses attributable thereto. DFS has objected to insulation of amount transfers from the general account to the SA to support IL § 4240(a)(8) asset maintenance requirements because it would be inequitable and violate IL § 4240(a)(9) since it unfairly favors SA contract holders to the detriment and prejudice of general account contract holders in the event of insolvency.

In addition, the amendment establishes certain minimum standards and consumer protections for guaranteed lifetime withdrawal benefits, and the regulation is restructured to clarify that it applies uniformly, with limited exception, to all domestic, foreign, and alien insurers and fraternal benefit societies delivering SA contracts in New York.

The amendment also codifies existing procedures for foreign and alien insurers to submit SA plans of operation for the Superintendent's determination of whether the method of operation substantially complies with the regulation.

4. Costs: The cost of filing and approval of policy forms derives primarily from IL § 3201. This amendment sets standards for the form and content of policy forms submitted pursuant to IL § 3201. Numerous product innovations have occurred since 1970 and DFS developed standards during the IL § 3201 product approval process. This amendment codifies those standards. Accordingly, the standards in this amendment, while new to the regulation, are generally not new to insurers and, for the most part, reflect approved products in the current marketplace. For insurers that choose to develop or continue to issue SA products, there would be minimal, if any, costs beyond the existing costs resulting from the product approval requirements of IL § 3201.

However, insurers may need to update existing policy forms and systems for two new items, namely the maximum surrender charge for variable annuities and minimum standards for guaranteed lifetime withdrawal benefits if existing policy forms do not already comply with these standards. The costs for these updates are difficult to estimate and will vary by insurer depending on product design.

These two requirements will not affect every insurer selling variable annuities or providing guaranteed lifetime withdrawal benefits. In an effort to assess the cost of these requirements, DFS requested information from industry regarding the extent to which insurers' current products would not comply with the proposed standards. Unfortunately, industry did not provide sufficient detail to be of assistance in this assessment. For example, DFS requested information about the level of surrender charges currently being charged by insurers on variable annuities but industry did not provide that information. Instead, industry simply suggested a higher



maximum surrender charge and an extended period to comply with the requirement. In response, DFS raised the proposed maximum surrender charge, albeit not as high as suggested by industry. DFS believes that this will reduce the population of insurers affected by this particular amendment, eliminating the cost for those insurers. DFS also adopted the suggested extension of the compliance period for these items. The extended compliance period will allow insurers already planning policy form and system updates to address these items at the same time. This will help insurers to minimize or even eliminate the additional costs associated with these requirements.

There also will be a cost to insurers for providing disclosure for buffer and floor index annuities. This cost should be minimal because the amendment permits insurers to combine the new disclosure with the existing disclosure required by IL § 3209(b)(2). This will allow insurers to leverage existing systems and reduce or eliminate additional costs associated with this disclosure. Further, advances in technology in recent years has greatly reduced the time and cost of disseminating information.

DFS may incur costs for the implementation and continuation of this amendment, because DFS staff may need to review revised policy forms. However, DFS expects that the codification of these standards will result in better quality policy form submissions from insurers, reducing the time and resources needed for DFS to review and approve SA policy forms. Any additional costs incurred should be minimal and DFS should be able to absorb such costs in its ordinary budget.

This amendment does not impose compliance costs on local governments.

5. Local government mandates: The amendment does not impose any program, service, duty, or responsibility upon a county, city, town, village, school district, fire district or other special district.

6. Paperwork: Insurers must provide a disclosure document if they choose to offer buffer or floor annuities.

7. Duplication: This amendment does not conflict with any existing state or federal rules or other legal requirements.

8. Alternatives: DFS considered not amending the regulation but this was determined to be an unacceptable alternative because not amending the regulation would mean the regulation would continue to be outdated and there would not be a level playing field for insurers. DFS worked with the life insurance industry on many of the technical product related aspects of the amendments. DFS considered suggestions from industry and made changes to the proposed standards, where appropriate.

9. Federal standards: The amendment does not exceed any minimum standards of the federal government for the same or similar subject areas.

10. Compliance schedule: The amendment will take effect upon publication of the notice of adoption in the State Register and generally, except as otherwise indicated, will apply to all SA contracts delivered or issued for delivery in New York or replaced on or after September 1, 2022.

#### **Regulatory Flexibility Analysis**

The amendment to Insurance Regulation 47 should have no impact on small businesses and local governments. This amendment sets forth standards for separate accounts and separate account products delivered or issued for delivery in New York. None of the life insurers authorized to issue separate account products in New York State come within the definition of “small business” as defined in State Administrative Procedure Act (“SAPA”) § 102(8) because they generally are not both independently owned and have fewer than 100 employees. Potentially only two fraternal benefit societies resident in this state would come within that definition. However, those two fraternal benefit societies do not sell separate account products in New York and accordingly would not be affected by this amendment. This amendment does not apply to local governments.

#### **Rural Area Flexibility Analysis**

1. Types and estimated numbers of rural areas: Life insurance companies and fraternal benefit societies (collectively, “insurers”) covered by this amendment do business in every county in this state, including rural areas as defined in State Administrative Procedure Act § 102(10).

2. Reporting, recordkeeping and other compliance requirements, and professional services: Requirements related to filing and approval of policy forms derives primarily from Insurance Law (“IL”) § 3201. This amendment sets standards for the form and content of policy forms submitted pursuant to IL § 3201. Numerous product innovations have occurred over the last 50 years and the New York State Department of Financial Services (“DFS”) developed standards on a case-by-case basis during the IL § 3201 product approval process. This amendment codifies those standards. Products not currently in compliance with minimum standards would need to be refiled in accordance with IL § 3201. However, the standards in this amendment, while new to the regulation, are not new to industry and, for the most part, reflect approved products in the current marketplace. For insurers, including those in rural areas, that choose to develop or continue to issue separate account (“SA”) products, there would be minimal, if any, additional reporting, recordkeeping or other compliance requirements or

professional services that this amendment would add to those currently being performed by or on behalf of insurers selling SA products in NY.

3. Costs: Insurers, including insurers located in rural areas, likely will incur minimal, if any, costs because of this amendment. The cost of filing and approval of policy forms derives primarily from IL § 3201. This amendment sets standards for the form and content of policy forms submitted pursuant to IL § 3201. Numerous product innovations have occurred since 1970 and DFS had developed standards during the IL § 3201 product approval process. This amendment codifies those standards. Accordingly, the standards in this amendment, while new to the regulation, are generally not new to insurers and, for the most part, reflect approved products in the current marketplace. For insurers that choose to develop or continue to issue SA products, there would be minimal, if any, costs beyond the existing costs resulting from the product approval requirements of IL § 3201.

However, insurers, including insurers in rural areas, may need to update existing policy forms and systems for two new items, namely the maximum surrender charge for variable annuities and minimum standards for guaranteed lifetime withdrawal benefits if existing policy forms do not already comply with these standards. The costs for these updates are difficult to estimate and will vary by insurer depending on product design.

These two requirements will not impact every insurer, including insurers in rural areas, selling variable annuities or providing guaranteed lifetime withdrawal benefits. In an effort to assess the cost of these requirements, DFS requested information from industry regarding the extent to which insurers’ current products would not comply with the proposed standards. Unfortunately, industry did not provide sufficient detail to be of assistance in this assessment. For example, DFS requested information about the level of surrender charges currently being charged by insurers on variable annuities but industry did not provide that information. Instead, industry simply suggested a higher maximum surrender charge and an extended period to comply with the requirement. In response, DFS raised the proposed maximum surrender charge, albeit not as high as suggested by industry. DFS believes that this will reduce the population of insurers, including insurers in rural areas, impacted by this particular amendment, eliminating the cost for those insurers. DFS also adopted the suggested extension of the compliance period for these items. The extended compliance period will allow insurers already planning policy form and system updates to address these items at the same time. This will help insurers to minimize or even eliminate the additional costs associated with these requirements.

There also will be a cost to insurers, including insurers in rural areas, for providing disclosure for buffer and floor index annuities. This cost should be minimal because the amendment permits insurers to combine the new disclosure with existing disclosure required by IL § 3209(b)(2). This will allow insurers to leverage existing systems and reduce or eliminate additional costs associated with this disclosure. Further, advances in technology in recent years has greatly reduced the time and cost of disseminating information.

4. Minimizing adverse impact: This amendment applies to insurers that do business in New York State, including those located in a rural area. This amendment applies uniformly to insurers that do business in both rural and non-rural areas of New York State. DFS finds that this amendment does not impose any additional burden on insurers located in rural areas. This amendment codifies standards developed during the product approval process. Accordingly, the standards in this amendment, while new to the regulation, are not new to industry and, for the most part, reflect approved products in the current marketplace.

5. Rural area participation: DFS conducted outreach to insurers, including those in rural areas, through a life insurance trade organization during the drafting of this amendment. Insurers in rural areas will have an opportunity to further participate in the rulemaking process once the proposed amendment is published in the State Register and posted on DFS’s website.

#### **Job Impact Statement**

The New York State Department of Financial Services finds that this rule will not adversely impact jobs or employment opportunities in New York. This amendment establishes standards for separate accounts and separate account products issued by life insurers and fraternal benefit societies (collectively, “insurers”) in this state. Since this amendment, in part, expands the product offerings of insurers, it may increase employment opportunities in New York.

## New York State Gaming Commission

### NOTICE OF ADOPTION

#### Discretion to Require a Thoroughbred Jockey to Serve a Suspension for a Riding Violation at Track Where the Violation Occurred

**I.D. No.** SGC-37-21-00017-A

**Filing No.** 123

**Filing Date:** 2022-02-28

**Effective Date:** 2022-03-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Addition of section 4035.7 to Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

**Subject:** Discretion to require a Thoroughbred jockey to serve a suspension for a riding violation at track where the violation occurred.

**Purpose:** To enhance the integrity and safety of Thoroughbred horse racing.

**Text or summary was published** in the September 15, 2021 issue of the Register, I.D. No. SGC-37-21-00017-P.

**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301-7500, (518) 388-3332, email: gamingrules@gaming.ny.gov

#### Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2027, which is no later than the 5th year after the year in which this rule is being adopted.

#### Assessment of Public Comment

The Jockeys' Guild, an organization that represents professional jockeys in American Thoroughbred and Quarter Horse racing, noted that it "fully supports the Commission's objectives in proposing this rulemaking – to enhance the integrity and safety of Thoroughbred horse racing." The Jockeys' Guild expressed concerns that the rule could impair due process protections because it encourages jockeys not to engage in "appeals due to the timing associated with when a corresponding suspension would be served."

The Jockeys' Guild instead suggested "[s]anctions for frivolous conduct" or permitting jockeys who are suspended for 10 or fewer days to fulfill riding engagements in designated races. The Commission considered and rejected the inclusion of these suggestions in the current rule making. The proposed rule will adequately address the issue of gamesmanship in the Commission's hearing process without impairing due process protections of jockeys.

The Jockeys' Guild implored the Commission to "continue with the language retaining discretion in requiring a Thoroughbred jockey to serve a suspension for a riding violation at the same track at which the violation occurred." The rule in its current form allows for such discretion.

## Department of Health

### EMERGENCY RULE MAKING

#### COVID-19 Reporting and Testing

**I.D. No.** HLT-11-22-00014-E

**Filing No.** 127

**Filing Date:** 2022-03-01

**Effective Date:** 2022-03-01

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Addition of sections 2.9 and 2.62 to Title 10 NYCRR.

**Statutory authority:** Public Health Law, sections 201, 206 and 225

**Finding of necessity for emergency rule:** Preservation of public health and general welfare.

**Specific reasons underlying the finding of necessity:** The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are substantially similar to a common cold to severe pneumonia requiring medical care in a general hospital and can be fatal, with a disproportionate risk of severe illness for older adults and/or those who have serious underlying medical health conditions.

In response to this significant public health threat, the Department of Health seeks to empower the Commissioner through this emergency regulation to issue determinations requiring the immediate implementation of heightened COVID-19 testing protocols for population segments that may be at increased risk of transmission due, in part, to their employment or residential circumstances. Regular COVID-19 testing enables the immediate identification of COVID-19-positive individuals, even if they are not symptomatic, so that they can isolate and prevent further transmission. Additionally, the reporting of positive COVID-19 test results to public health authorities facilitates the rapid initiation of contact tracing to ensure close contacts are quarantined, tested, and isolated as needed.

These regulations also permit the Department to require reporting of testing and diagnoses among school students, teaching staff, and any other employees or volunteers. It is important for the Department to monitor COVID-19 testing and diagnoses in schools, given the number of students that are currently unvaccinated. Children ages 5 through 11 years old only recently were authorized by the FDA to receive COVID-19 vaccinations. For those in the 12-17 age group, the CDC data estimates that 70.2% of this population has been vaccinated in New York State, with 61.6% in this age group completing a COVID-19 vaccine series. By carrying forward the reporting requirements that were in place for the 2020-2021 school year, the Department will be able to track COVID-19 incidence and prevalence in school settings for the upcoming school year. This will allow the Department to work with school districts and local health departments to implement targeted prevention strategies, where needed to limit the spread of the virus.

Based on the foregoing, the Department has determined that these emergency regulations are necessary to control the spread of COVID-19, necessitating immediate action. Accordingly, pursuant to the State Administrative Procedure Act Section 202(6), a delay in the issuance of these emergency regulations would be contrary to public interest.

**Subject:** COVID-19 Reporting and Testing.

**Purpose:** To require COVID reporting in schools and to permit the commissioner to issue testing determinations in certain settings.

**Text of emergency rule:** Section 2.9 is added to read as follows:

2.9. COVID-19 Reporting in Schools. In addition to all other reporting requirements in this Part, every kindergarten, elementary, intermediate, or secondary school as well as any pre-kindergarten programs and school districts, as identified by the Department, shall report to the Department of Health, on a daily basis, in a form and manner to be determined by the Commissioner, all COVID-19 testing, positive test results reported in any manner to the school, and related information among students, teaching staff, and any other employees or volunteers. Such daily report shall include any other data elements as the Commissioner determines to be appropriate to track outbreaks of COVID-19 within such schools and school districts.

Section 2.62 is added to read as follows:

2.62. COVID-19 Testing Requirements.

(a) As determined by the Commissioner based on COVID-19 incidence and prevalence, as well as any other public health and/or clinical risk factors related to COVID-19 disease spread, the Commissioner may require routine COVID-19 testing in certain settings, which may include schools, homeless shelters, correctional facilities, nursing homes, and health care settings, and which may distinguish between individuals who have received full vaccination against COVID-19 and those who have not. Such testing determination may also include alternatives to testing as well as prevention protocols pending test results based on symptoms and/or exposure in certain settings.

(1) Entities subject to routine COVID-19 testing pursuant to a Commissioner's determination may accept documentation demonstrating full vaccination in lieu of imposing such testing requirements, if permitted in a Commissioner's determination. "Full vaccination", for the purposes of this section, shall be determined by the Department in accordance with applicable federal guidelines and recommendations. Unless otherwise specified by the Department, documentation of full vaccination must include the manufacturer, lot number(s), date(s) of vaccination; and vaccinator or vaccine clinic site, in one of the following formats:



(i) record prepared and signed by the licensed health practitioner who administered the vaccine, which may include a CDC COVID-19 vaccine card;

(ii) an official record from one of the following, which may be accepted as documentation of immunization without a health practitioner's signature: a foreign nation, NYS Countermeasure Data Management System (CDMS), the NYS Immunization Information System (NYSIIS), City Immunization Registry (CIR), a Department-recognized immunization registry of another state, or an electronic health record system;

(iii) Excelsior Pass; or

(iv) any other documentation determined acceptable by the Department.

(2) Entities subject to a Commissioner's determination pursuant to this section shall document testing or vaccination in appropriate records in accordance with applicable privacy laws and submit data and information related thereto to the Department in a manner and format set forth in such determination.

(3) The Commissioner shall issue findings regarding the necessity of testing requirements at the time such requirements are announced.

**(b) Enforcement and Penalties**

(1) All local health officers shall take such steps as may be necessary to assist with the enforcement of the provisions of this section in accordance with the Public Health Law and this Title.

(2) A violation of any provision of this section is subject to all civil and criminal penalties as provided for by law. Entities that violate this section are subject to a maximum fine of \$1,000 for each violation. For purposes of civil penalties, each day that an entity operates in a manner inconsistent with the section shall constitute a separate violation under this section.

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire May 29, 2022.

**Text of rule and any required statements and analyses may be obtained from:** Katherine Ceraolo, DOH, Bureau of Program Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqna@health.ny.gov

**Regulatory Impact Statement**

**Statutory Authority:**

The statutory authority for adding a new section 2.9 and 2.60 is sections 201, 206, and 225 of the Public Health Law (PHL). Subdivision (c) of section 201 of the PHL requires the Department to supervise the reporting and control of disease. Subdivision (d) of section 206 of the PHL requires the Commissioner to investigate the causes of diseases and epidemics. Section 225 of the Public Health Law (PHL) authorizes the Public Health and Health Planning Council (PHHPC), subject to the approval of the Commissioner of Health (Commissioner), to establish and amend the State Sanitary Code (SSC) provisions related to any matters affecting the security of life or health or the preservation and improvement of public health in the State of New York.

**Legislative Objectives:**

The legislative objective of PHL § 201 includes authorizing the New York State Department of Health ("Department") to control and promote the control of communicable diseases to reduce their spread. Likewise, the legislative objective of PHL § 206 includes authorizing the Commissioner of Health to take cognizance of the interests of health and life of the people of the state, and of all matters pertaining thereto and exercise the functions, powers and duties of the department prescribed by law, including control of communicable diseases. The legislative objective of Public Health Law § 225 is, in part, to protect the public health by authorizing PHHPC, with the approval of the Commissioner, to amend the State Sanitary Code to address public health issues related to communicable disease.

**Needs and Benefits:**

The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are substantially similar to a common cold to severe pneumonia requiring medical care in a general hospital and can be fatal, with a disproportionate risk of severe illness for older adults, those who have serious underlying medical conditions and those who are unvaccinated.

In response to this significant public health threat, the Department of Health seeks to empower the Commissioner through this emergency regulation to issue determinations requiring the immediate implementation of heightened COVID-19 testing protocols for population segments that may be at increased risk of transmission due, in part, to their employment or residential circumstances. Regular COVID-19 testing enables the immediate identification of COVID-19-positive individuals, even if they are not symptomatic, so that they can isolate and prevent further

transmission. Additionally, the reporting of positive COVID-19 test results to public health authorities facilitates the rapid initiation of contact tracing to ensure close contacts are quarantined, tested, and isolated as needed.

These regulations also permit the Department to require reporting of testing and positive reports among school students, teaching staff, and any other employees or volunteers. It is important for the Department to monitor COVID-19 testing and positive reports in schools, given the number of students that are currently unvaccinated. Children ages 5 through 11 years old were only recently authorized by the U.S. Food and Drug Administration (FDA) to receive COVID-19 vaccinations. For those in the 12-17 age group, the CDC data estimates that 70.2% of this population has been vaccinated in New York State, with 61.6% in this age group completing a COVID-19 vaccine series. By carrying forward the reporting requirements that were in place for the 2020-2021 school year, the Department will be able to track COVID-19 incidence and prevalence in school settings for the upcoming school year. This will allow the Department to work with school districts and local health departments to implement targeted prevention strategies, where needed to limit the spread of the virus.

**Costs:**

**Costs to Regulated Parties:**

In imposing testing requirements pursuant to a Commissioner's determination, the Commissioner, in consultation with the Department, will consider costs and how they may be offset. For example, testing for certain populations is supported by federal grant funding. The State has received approximately 335 million dollars in federal Epidemiology and Laboratory Capacity for Infectious Diseases Cooperative (ELC) Agreement School Reopening Funding through at least July 31, 2022 with the possibility for future funding periods. The New York City Department of Health and Mental Hygiene has received an award for this purpose of approximately 251 million dollars. These amounts are believed to be sufficient to offset any costs associated with any school-related testing in New York State that may be required pursuant to this regulation, such that the fiscal impact on Local Health Departments and schools is minimized. Costs for testing can also be offset by testing that is offered under Operation Expanded Testing which is free testing in K-12 schools and other congregate settings which is funded by the Department of Health and Human Services (HHS) and Department of Defense (DoD).

With regard to the COVID-19 school reporting requirement, schools had to submit daily reports related to COVID-19 testing and positive reports for the 2020-2021 school year. These regulations carry forward this reporting requirement and is not expected to generate any additional cost.

**Costs to Local and State Governments:**

Costs to local health departments and the Department are expected to be minimal and related to monitoring compliance with these regulations, which can be incorporated into existing reporting and oversight activities and resources.

**Paperwork:**

This measure will require documentation related to the testing requirement, as well as documentation to opt-out of testing by providing documentation of full vaccination against COVID-19 in appropriate records. No additional paperwork requirements are anticipated for the school reporting requirement, which is expected to take the form of electronic submission to the Department.

**Local Government Mandates:**

These regulations impose an obligation on schools and school districts to report COVID-19 testing and positive report data for students, teaching staff, and any other employees or volunteers. Local government may also be impacted if subject to a Commissioner's testing determination.

**Duplication:**

There is no duplication of federal law.

**Alternatives:**

The alternative to the school reporting requirement would be to not require COVID-19 related reporting for schools and school districts. A lack of the regulation would translate to a lack of accuracy in case statistics and delays or inadequate contact tracing. In addition, the Department would lose the ability to communicate with the community about COVID transmission patterns at the individual school level.

The alternative to permitting the Commissioner to issue determinations to require testing in certain settings would limit the ability for the Department to monitor trends related to COVID-19 transmission in more vulnerable populations, making it more difficult to work with partners to implement prevention strategies. Regular testing also helps to isolate infected individuals more quickly, as well as identify any contacts that need to be quarantined to prevent additional spread of COVID-19.

**Federal Standards:**

States and local governments have primary authority for controlling disease within their respective jurisdictions. Accordingly, there are no federal statutes or regulations that apply to disease control within NYS.

**Compliance Schedule:**

The regulations will become effective upon filing with the Department of State and will expire, unless renewed, 90 days from the date of filing. As the COVID-19 pandemic is consistently and rapidly changing, it is not possible to determine the expected duration of need at this point in time. The Department will continuously evaluate the expected duration of these emergency regulations throughout the aforementioned 90-day effective period in making determinations on the need for continuing this regulation on an emergency basis or issuing a notice of proposed ruling making for permanent adoption. This notice does not constitute a notice of proposed or revised rule making for permanent adoption.

#### **Regulatory Flexibility Analysis**

##### **Effect of Rule:**

As part of ongoing efforts to address the COVID-19 pandemic, small businesses and local governments have been a partner in implementing measures to limit the spread and/or mitigate the impact of COVID-19 within the state since March of 2020. Given the testing and reporting mechanisms that have already been established in many settings, it is not anticipated that this regulation will have a significant impact on or cost to these entities. With regard to the school COVID-19 reporting requirement, this regulation will apply to private schools, including parochial schools, some of which may be small businesses, as well as public schools operated by local governments.

##### **Compliance Requirements:**

These regulations provide that testing may be required under certain circumstances, and in certain settings, as determined by the Commissioner based on COVID-19 incidence and prevalence, as well as any other public health and/or clinical risk factors related to COVID-19 disease spread. As part of a Commissioner's testing-related determination, this regulation permits the Commissioner to request information/data related to the elements set forth in the determination. These regulations also set forth specific COVID-19 testing and positive report reporting requirements for schools, carrying forward the reporting requirements in place during the 2020-2021 school year.

##### **Professional Services:**

As testing is a requirement of this regulation, the types of professional services that will be needed to comply with this rule include diagnostic and screening testing services offered by clinical laboratories that hold the appropriate New York State approval to carry out testing. Because there will be flexibility in the types of tests that can be used to operationalize testing, the types of clinical laboratories that can be used for testing will depend on the type of testing being performed. If a laboratory-based nucleic acid amplification tests (e.g., PCR) will be used to meet the testing requirement, testing will need to be performed off-site by a fully permitted clinical laboratory. In this scenario, individuals are sent to a partner for testing, or an arrangement can be made to conduct sample collection on-site for testing off-site at the clinical laboratory. If rapid waived tests will be used to meet the testing requirement, testing can be performed by a Limited Service Laboratory (LSL). Due to the lower requirements that need to be met for waived testing, an LSL can be established for on-site testing of individuals (e.g., performing testing on-site at a school).

##### **Compliance Costs:**

In imposing testing requirements pursuant to a Commissioner's determination, the Commissioner, in consultation with the Department, will consider costs and how they may be offset. For example, testing for certain populations is supported by federal grant funding. The State has received approximately 335 million dollars in federal Epidemiology and Laboratory Capacity for Infectious Diseases Cooperative (ELC) Agreement School Reopening Funding through at least July 31, 2022 with the possibility for future funding periods. The New York City Department of Health and Mental Hygiene has received an award for this purpose of approximately 251 million dollars. These amounts are believed to be sufficient to offset any costs associated with any school-related testing in New York State that may be required pursuant to this regulation, such that the fiscal impact on Local Health Departments and schools is minimized. Costs for testing can also be offset by testing that is offered under Operation Expanded Testing which is free testing in K-12 schools and other congregate settings which is funded by the Department of Health and Human Services (HHS) and Department of Defense (DoD).

With regard to the COVID-19 school reporting requirement, schools had to submit daily reports related to COVID-19 testing and diagnoses for the 2020-2021 school year. These regulations carry forward this reporting requirement and is not expected to generate any additional cost.

##### **Economic and Technological Feasibility:**

There are no economic or technological impediments to the rule requirements.

##### **Minimizing Adverse Impact:**

Any adverse impacts related to school reporting requirements are expected to be minimal, as it carries forward reporting requirements that schools were required to implement last year. The Department, however, will work with schools to ensure they are aware of the new regulations and have the information necessary to comply.

With regard to minimizing adverse impacts related to the Commissioner's authority to issue test-related determinations, many settings have been increasingly implementing COVID-19 prevention strategies, with testing being one such example. Specifically, schools became familiar with COVID-19 testing last year when the Department provided no cost antigen test cards as part of the microcluster testing initiative. Some schools have already implemented regular pooled surveillance testing to give communities confidence in the safety of their schools. Where the Commissioner issues a testing-related determination, the Department will work with the entities subject to such determination to provide the guidance necessary to comply.

##### **Small Business and Local Government Participation:**

Due to the emergent nature of COVID-19, small business and local governments were not consulted.

#### **Rural Area Flexibility Analysis**

##### **Types and Estimated Numbers of Rural Areas:**

While this rule applies uniformly throughout the state, including rural areas, for the purposes of this Rural Area Flexibility Analysis (RAFA), "rural area" means areas of the state defined by Exec. Law § 481(7) (SAPA § 102(10)). Per Exec. Law § 481(7), rural areas are defined as "counties within the state having less than two hundred thousand population, and the municipalities, individuals, institutions, communities, and programs and such other entities or resources found therein. In counties of two hundred thousand or greater population 'rural areas' means towns with population densities of one hundred fifty persons or less per square mile, and the villages, individuals, institutions, communities, programs and such other entities or resources as are found therein."

The following 44 counties have an estimated population of less than 200,000 based upon the 2019 United States Census county populations projections:

Allegany County	Greene County	Schoharie County
Cattaraugus County	Hamilton County	Schuyler County
Cayuga County	Herkimer County	Seneca County
Chautauqua County	Jefferson County	St. Lawrence County
Chemung County	Lewis County	Steuben County
Chenango County	Livingston County	Sullivan County
Clinton County	Madison County	Tioga County
Columbia County	Montgomery County	Tompkins County
Cortland County	Ontario County	Ulster County
Delaware County	Orleans County	Warren County
Essex County	Oswego County	Washington County
Franklin County	Otsego County	Wayne County
Fulton County	Putnam County	Wyoming County
Genesee County	Rensselaer County	Yates County
	Schenectady County	

The following counties have population of 200,000 or greater, and towns with population densities of 150 person or fewer per square mile, based upon the 2019 United States Census population projections:

Albany County	Monroe County	Orange County
Broome County	Niagara County	Saratoga County
Dutchess County	Oneida County	Suffolk County
Erie County	Onondaga County	

##### **Reporting, Recordkeeping, and Other Compliance Requirements; and Professional Services:**

These regulations provide that testing may be required under certain circumstances and in certain settings, as determined by the Commissioner based on COVID-19 incidence and prevalence, as well as any other public health and/or clinical risk factors related to COVID-19 disease spread. As part of a Commissioner's testing-related determination, this regulation permits the Commissioner to request information/data related to the elements set forth in the determination. Lastly, these regulations also set forth specific COVID-19 testing and positive test reporting requirements for schools, carrying forward the reporting requirements in place during the 2020-2021 school year.

##### **Costs:**

In imposing testing requirements pursuant to a Commissioner's determination, the Commissioner, in consultation with the Department, will consider costs and how they may be offset. For example, testing for certain populations is supported by federal grant funding. The State has received



approximately 335 million dollars in federal Epidemiology and Laboratory Capacity for Infectious Diseases Cooperative (ELC) Agreement School Reopening Funding through at least July 31, 2022 with the possibility for future funding periods. The New York City Department of Health and Mental Hygiene has received an award for this purpose of approximately 251 million dollars. These amounts are believed to be sufficient to offset any costs associated with any school-related testing in New York State that may be required pursuant to this regulation, such that the fiscal impact on Local Health Departments and schools is minimized. Costs for testing can also be offset by testing that is offered under Operation Expanded Testing which is free testing in K-12 schools and other congregate settings which is funded by the Department of Health and Human Services (HHS) and Department of Defense (DoD).

With regard to the COVID-19 school reporting requirement, schools had to submit daily reports related to COVID-19 testing and diagnoses for the 2020-2021 school year. These regulations carry forward this reporting requirement and is not expected to generate any additional cost.

#### Economic and Technological Feasibility:

There are no economic or technological impediments to the rule requirements.

#### Minimizing Adverse Impact:

Any adverse impacts related to school reporting requirements are expected to be minimal, as it carries forward reporting requirements that schools were required to implement last year. The Department, however, will work with schools to ensure they are aware of the new regulations and have the information necessary to comply.

With regard to minimizing adverse impacts related to the Commissioner's authority to issue test-related determinations, many settings have been increasingly implementing COVID-19 prevention strategies, with testing being one such example. Specifically, schools became familiar with COVID-19 testing last year when the Department provided no cost antigen test cards as part of the microcluster testing initiative. Some schools have already implemented regular pooled surveillance testing to give communities confidence in the safety of their schools. Where the Commissioner issues a testing-related determination, the Department will work with the entities subject to such determination to provide the guidance necessary to comply.

#### Rural Area Participation:

Due to the emergent nature of COVID-19, parties representing rural areas were not consulted.

#### Job Impact Statement

A Job Impact Statement is not being submitted with this rule because it is evident from the subject matter of the rule that it will have no impact on jobs and employment opportunities. The primary purposes of this rule is to carry forward COVID-19 related reporting and to permit the Commissioner to impose COVID-19 testing requirements in certain settings based on specified criteria.

## Division of Human Rights

### REVISED RULE MAKING NO HEARING(S) SCHEDULED

#### Notice of Tenants' Rights to Reasonable Modifications and Accommodations for Persons with Disabilities

**I.D. No.** HRT-15-21-00005-RP

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following revised rule:

**Proposed Action:** Addition of section 466.15 to Title 9 NYCRR.

**Statutory authority:** Executive Law, sections 170-d, 295.5

**Subject:** Notice of tenants' rights to reasonable modifications and accommodations for persons with disabilities.

**Purpose:** To comply with the requirements of Executive Law section 170-d.

**Text of revised rule:** A new section 466.15 is added to read as follows:

*466.15 Provision of notice by housing providers of tenants' rights to reasonable modifications and accommodations for persons with disabilities.*

(a) *Statutory Authority. Pursuant to N.Y. Executive Law section 295.5, it is a power and a duty of the Division to adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of the N.Y. Executive Law, article 15 (Human Rights Law) and pursuant to New*

*York Executive Law section 170-d, the New York State Division of Human Rights "shall promulgate regulations requiring every housing provider ... to provide notice to all tenants and prospective tenants ... of their rights to request reasonable modifications and accommodations" as such rights are provided for in Human Rights Law sections 296.2-a(d) and section 296.18.*

(b) *Effective date. Executive Law section 170-d was effective March 2, 2021, pursuant to the Laws of 2021, chapter 82, section 4, by reference to the Laws of 2020, chapter 311.*

#### (c) Definitions.

(1) *"Housing provider" shall mean:*

(i) *"the owner, lessee, sub-lessee, assignee, or managing agent of, or other person having the right to sell, rent or lease a housing accommodation, constructed or to be constructed, or any agent or employee thereof" as set forth in New York Executive Law, article 15 (hereinafter "Human Rights Law") section 296.5; or*

(ii) *"the owner, lessee, sub-lessee, assignee, or managing agent of publicly-assisted housing accommodations or other person having the right of ownership or possession of or the right to rent or lease such accommodations" as set forth in Human Rights Law section 296.2-a.*

(2) *"Housing accommodation" includes "any building, structure, or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings" as set forth in Human Rights Law section 292.10.*

(3) *"Publicly-assisted housing accommodations" shall include:*

(i) *"public housing" as set forth in Human Rights Law section 292.10(a);*

(ii) *"housing operated by housing companies under the supervision of the commissioner of housing" as set forth in Human Rights Law section 292.10(b); or*

(iii) *other publicly-assisted housing as described in Human Rights Law section 292.10(c), (d) and (e).*

(4) *"Property Manager" as referenced in the sample notice is an individual housing provider, or such person as the housing provider designates for the purpose of receiving requests for reasonable accommodation.*

(5) *"Reasonable modifications or accommodations" shall refer to those actions required by Human Rights Law section 296.2-a(d) and Human Rights Law section 296.18, which makes it an unlawful discriminatory practice for a housing provider or publicly-assisted housing provider:*

(i) *To refuse to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by the said person, if the modifications may be necessary to afford the said person full enjoyment of the premises, in conformity with the provisions of the New York state uniform fire prevention and building code, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.*

(ii) *To refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling, including the use of an animal as a reasonable accommodation to alleviate symptoms or effects of a disability, and including reasonable modification to common use portions of the dwelling, or*

(iii) *In connection with the design and construction of covered multi-family dwellings for first occupancy after March thirteenth, nineteen hundred ninety-one, a failure to design and construct dwellings in accordance with the accessibility requirements of the New York state uniform fire prevention and building code, to provide that:*

(a) *The public use and common use portions of the dwellings are readily accessible to and usable by disabled persons with disabilities;*

(b) *All the doors are designed in accordance with the New York state uniform fire prevention and building code to allow passage into and within all premises and are sufficiently wide to allow passage by persons in wheelchairs; and*

(c) *All premises within covered multi-family dwelling units contain an accessible route into and through the dwelling; light switches, electrical outlets, thermostats, and other environmental controls are in accessible locations; there are reinforcements in the bathroom walls to allow later installation of grab bars; and there are usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space, in conformity with the New York state uniform fire prevention and building code.*

(6) *"First substantive contact" is a term used by real estate brokers, licensed real estate salespersons, and licensed associate brokers in New York State. For purposes of this regulation, the term shall have the same meaning as applied under N.Y. Real Prop. Law § 443 and 19 N.Y.C.R.R. § 175.28.*

(d) Actions required by Executive Law section 170-d.

(1) Housing providers that are the owner, lessee, sub-lessee, assignee, or managing agent of a housing accommodation or publicly-assisted housing accommodation, must provide notice, as provided for in this regulation, to all new and current tenants in the following manner:

(i) Within 30 days of the effective date of their tenancy;

(ii) for current tenants, within thirty days after the effective date of Executive Law section 170-d.

(iii) In writing, and in 14 point or other easily legible font.

(iv) Include telephone number(s) and e-mail of the property manager or other person responsible for accepting reasonable accommodation requests.

(v) By email, text, electronic messaging system, facsimile, or hardcopy. An electronic communication containing a link to the notice required pursuant to this regulation shall be permissible, provided the communication also contains text to inform the prospective tenant that the link contains information regarding tenants' rights to reasonable accommodations for persons with disabilities. The notice must be available for printing and downloading.

(vi) Where such communication is in paper form, the notice must be included within such communication, or by providing the notice in an accompanying document.

(vii) May be accomplished by including the notice in or with other written communications, such as a lease or other written materials routinely provided to tenants.

(viii) Oral disclosure does not satisfy the requirements imposed by this section.

(ix) "Posting" of the notice pursuant to paragraph (d)(3) of this subdivision, either on paper, on a bulletin board, or on an electronic bulletin board or notice area, does not satisfy the requirements imposed by this section.

(2) A real estate broker shall be responsible to ensure that each individual licensed pursuant to Article 12-A of the New York Real Property Law and associated with such broker provides notice with regard to available housing accommodations, as provided for in this regulation, to all prospective tenants in the following manner:

(i) Upon first substantive contact.

(ii) In writing, and in 14 point or other easily legible font.

(iii) By email, text, electronic messaging system, facsimile, or hardcopy. An electronic communication containing a link to the notice required pursuant to this regulation shall be permissible, provided the communication also contains text to inform the prospective tenant that the link contains information regarding tenants' rights to reasonable accommodations for persons with disabilities. The notice must be available for printing and downloading.

(iv) Where such communication is in paper form, the notice must be included within such communication, or by providing the notice in an accompanying document.

(v) Oral disclosure does not satisfy the requirements imposed by this section.

(vi) "Posting" of the notice pursuant to paragraph (d)(3) of this subdivision, either on paper, on a bulletin board, or on an electronic bulletin board or notice area, does not satisfy the requirements imposed by this section.

(3) In addition to the delivery of notice in paragraphs (d)(1) and (d)(2) of this subdivision, all housing providers shall post the notice in the following manner:

(i) As required by 9 NYCRR 466.3; and

(ii) all websites created and maintained by housing providers shall prominently and conspicuously display on the homepage of such website a link to the Division's notice as required this regulation which shall be made available by the Division.

(4) The notice is to advise individuals of their right to request reasonable modifications and accommodations for disability pursuant to Human Rights Law section 296.2-a(d) (publicly-assisted housing) or Human Rights Law section 296.18 (private housing).

(e) Content of the required notice. The following shall be deemed sufficient notice when provided to the individual to be notified.

#### NOTICE DISCLOSING TENANTS' RIGHTS TO REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

##### Reasonable Accommodations

The New York State Human Rights Law requires housing providers to make reasonable accommodations or modifications to a building or living space to meet the needs of people with disabilities. For example, if you have a physical, mental, or medical impairment, you can ask your housing provider to make the common areas of your building accessible, or to change certain policies to meet your needs.

To request a reasonable accommodation, you should contact your property manager by calling — or —, or by e-mailing —\*. You will need to inform your housing provider that you have a disability or health problem

that interferes with your use of housing, and that your request for accommodation may be necessary to provide you equal access and opportunity to use and enjoy your housing or the amenities and services normally offered by your housing provider. A housing provider may request medical information, when necessary to support that there is a covered disability and that the need for the accommodation is disability related.

If you believe that you have been denied a reasonable accommodation for your disability, or that you were denied housing or retaliated against because you requested a reasonable accommodation, you can file a complaint with the New York State Division of Human Rights as described at the end of this notice.

Specifically, if you have a physical, mental, or medical impairment, you can request:

Permission to change the interior of your housing unit to make it accessible (however, you are required to pay for these modifications, and in the case of a rental your housing provider may require that you restore the unit to its original condition when you move out);

Changes to your housing provider's rules, policies, practices, or services;

Changes to common areas of the building so you have an equal opportunity to use the building. The New York State Human Rights Law requires housing providers to pay for reasonable modifications to common use areas.

Examples of reasonable modifications and accommodations that may be requested under the New York State Human Rights Law include:

If you have a mobility impairment, your housing provider may be required to provide you with a ramp or other reasonable means to permit you to enter and exit the building.

If your healthcare provider provides documentation that having an animal will assist with your disability, you should be permitted to have the animal in your home despite a "no pet" rule.

If you need grab bars in your bathroom, you can request permission to install them at your own expense. If your housing was built for first occupancy after March 13, 1991 and the walls need to be reinforced for grab bars, your housing provider must pay for that to be done.

If you have an impairment that requires a parking space close to your unit, you can request your housing provider to provide you with that parking space, or place you at the top of a waiting list if no adjacent spot is available.

If you have a visual impairment and require printed notices in an alternative format such as large print font, or need notices to be made available to you electronically, you can request that accommodation from your landlord.

##### Required Accessibility Standards

All buildings constructed for use after March 13, 1991, are required to meet the following standards:

Public and common areas must be readily accessible to and usable by persons with disabilities;

All doors must be sufficiently wide to allow passage by persons in wheelchairs; and

All multi-family buildings must contain accessible passageways, fixtures, outlets, thermostats, bathrooms, and kitchens.

If you believe that your building does not meet the required accessibility standards, you can file a complaint with the New York State Division of Human Rights.

##### How to File a Complaint

A complaint must be filed with the Division within one year of the alleged discriminatory act. You can find more information on your rights, and on the procedures for filing a complaint, by going to [www.dhr.ny.gov](http://www.dhr.ny.gov), or by calling 1-888-392-3644 with questions about your rights. You can obtain a complaint form on the website, or one can be e-mailed or mailed to you. You can also call or e-mail a Division regional office. The regional offices are listed on the website.

\* The Notice must include contact information when being provided under 466.15(d)(1), above. However, when being provided under (d)(2) and when this information is not known, the sentence may read "To request a reasonable accommodation, you should contact your property manager."

<sup>†</sup> This Notice provides information about your rights under the New York State Human Rights Law, which applies to persons residing anywhere in New York State. Local laws may provide protections in addition to those described in this Notice, but local laws cannot decrease your protections.

**Revised rule compared with proposed rule:** Substantial revisions were made in section 466.15(c)(6), (d) and (e).

**Text of revised proposed rule and any required statements and analyses may be obtained from** Caroline J. Downey, General Counsel, Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458, (718) 741-8398, email: [Caroline.Downey@dhr.ny.gov](mailto:Caroline.Downey@dhr.ny.gov)



**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 45 days after publication of this notice.

#### **Revised Regulatory Impact Statement**

A Regulatory Impact Statement for the proposed regulatory amendments is not being submitted because changes made to the last published rule do not necessitate revision to the previously published RIS.

#### **Revised Regulatory Flexibility Analysis**

A Regulatory Flexibility Analysis for the revised proposed regulatory amendments is not being submitted because changes made to the last published rule do not necessitate revision to the previously published Statement in Lieu of RFA.

#### **Revised Rural Area Flexibility Analysis**

A Rural Area Flexibility Analysis for these amendments is not being submitted because changes made to the last published rule do not necessitate revision to the previously published Statement in Lieu of RAFA.

#### **Revised Job Impact Statement**

A Job Impact Statement for the revised proposed regulatory amendments is not being submitted because changes made to the last published rule do not necessitate revision to the previously published Statement in Lieu of JIS.

#### **Assessment of Public Comment**

A Notice of Rule Making was published in the State Register on April 14, 2021. The Division of Human Rights (DHR or Division) received comments associated with the rule making during the public comment period. All of the comments were supportive of the proposed amendment, however, some were supportive but suggested changes. The major issues and concerns raised in the comments are summarized below. DHR's response is provided for each issue or concern.

**Comment:** There should be a posting requirement for the notice.

**Response:** After consideration, the Division added a requirement that all housing providers shall post the notice as required by 9 NYCRR 466.3. Further, a link to the Division's notice shall be conspicuously displayed on the homepage of all websites created and maintained by housing providers.

**Comment:** Certain language changes should be made to the notice.

**Response:** After consideration, the Division made the following changes to the notice: requiring tenants to "inform" rather than "show" a housing provider they have a disability or health problem that interferes with use of housing; permitting a "healthcare provider" rather than "doctor" to provide necessary documentation of the disability and need for reasonable accommodation; adding the three year statute of limitations for filing a complaint in court under the HRL; and adding that the failure of a housing provider to respond to a reasonable accommodation request may also be considered a denial of a reasonable accommodation.

**Comment:** Provide for similar notices so language can be changed to identify additional rights provided locally.

**Response:** After consideration, the Division declines to make the suggested additions. The notice is merely a sample that can be used to meet the requirements of the proposed rule.

**Comment:** Explain more what a housing provider can and can't request from a tenant before deciding whether to accommodate tenant for their disability.

**Response:** After consideration, the Division added language clarifying when a provider may reasonably request particular documentation about a disability or need for an accommodation.

**Comment:** Reference the Fair Housing Act in the notice. People should be aware they are protected under federal law as well.

**Response:** After consideration, the Division declines to make the suggested additions. The Division only enforces the Human Rights Law and the non-discrimination provisions therein.

**Comment:** Advise that attorneys' fees are available under the HRL.

**Response:** After consideration, the Division declines to make the suggested additions. Reference to such fees without detailed explanation may be misleading. Attorneys' fees may be awarded by the commissioner or the court may in its discretion to any prevailing party after a hearing. Whether or not fees are available to a party is beyond the purpose of the notice which is to inform New Yorkers of their rights to reasonable accommodation in housing because of disability.

**Comment:** The delivery requirements for the notice under proposed 466.15(d) are burdensome, cost-prohibitive and much different than the "Housing and Anti-Discrimination Disclosure Form" required by the Department of State under 19 NYCRR 175.28(b).

**Response:** After consideration, the Division made changes to the delivery requirements of the notice to substantially conform to the requirements for Housing and Anti-Discrimination Disclosure Form.

**Comment:** The requirement that contact information for a property manager be provided to prospective tenants by a real estate agent is burdensome.

**Response:** After consideration, the Division made changes to the notice that requires owners and landlords, not real estate agents, to provide contact information for property managers in the notice.

**Comment:** There should be an enforcement mechanism for failure to comply with the notice requirements.

**Response:** After consideration, the Division declines to make any changes in response to this comment. Pursuant to New York Executive Law section 170-d, the New York State Division of Human Rights "shall promulgate regulations requiring every housing provider ... to provide notice to all tenants and prospective tenants ... of their rights to request reasonable modifications and accommodations" as such rights are provided for in Human Rights Law sections 296.2-a(d) and 296.18. The authorizing statute does not refer to enforcement mechanisms.

## Department of Law

### NOTICE OF ADOPTION

#### **Requirements for Contents of Annual Financial Reports to the Law Department by Public Charities**

**I.D. No.** LAW-48-21-00016-A

**Filing No.** 118

**Filing Date:** 2022-02-23

**Effective Date:** 2022-03-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Amendment of filing requirement held unconstitutional by the United States Supreme Court; conform filing thresholds to law.

**Statutory authority:** Executive Law, art. 7-A, section 177(1); Estates, Powers and Trusts Law, section 8-1.4(h)

**Subject:** Requirements for contents of annual financial reports to the Law Department by public charities.

**Purpose:** Confirms that names and street addresses of donors to public charities are not required in financial reports to the Law Department.

**Text or summary was published** in the December 1, 2021 issue of the Register, I.D. No. LAW-48-21-00016-P.

**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** Karin Kunstler Goldman, Department of Law, 28 Liberty St., 19th Fl., New York, NY 10005, (212) 416-8392, email: karin.kunstlergoldman@ag.ny.gov

#### **Initial Review of Rule**

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2025, which is no later than the 3rd year after the year in which this rule is being adopted.

#### **Assessment of Public Comment**

No comments to proposed amendments of section 91.5(c)(1) or 91.5(c)(3)(i)(a)(b) or (c) were received.

Comments to proposed amendments of sections 91.5(c)(3)(ii)(b)(i)(ii) and (iv) were received from Lawyers Alliance for New York ("LANY"). Those comments raised concerns "regarding the effective date of the new, \$1 million revenue threshold [which became effective on July 21, 2021] for the requirement to submit an audit with the CHAR 500. We urge the Charities Bureau to keep the current effective date, which applies to annual reports with an original or extended due date after July 1, 2021." The comments were based on concerns that some organizations may have relied on 2018 guidance issued by the Charities Bureau, and recently removed from the Internet, that would have allowed a later due date than that included in the proposed amended regulations for Certified Public Accountant's ("CPA") audit reports for some organizations that had revenue in excess of \$1 million. LANY claimed that those organizations, believing that an audit report was not required of them, may have already paid or budgeted for a less expensive CPA's review report.

In discussions with representatives of LANY, the Charities Bureau reached a resolution of the concerns that were raised and advised LANY that, based on those, "the Charities Bureau will accept, no later than three months after the date of promulgation of the regulations, written requests for a waiver of the audit requirement for a 2020 annual filing that is accompanied by a CPA's review report. The request must describe, in detail, the circumstances under which, in reliance on the 2018 guidance issued by the Charities Bureau, a registrant budgeted and/or paid for a review report

rather than an audit. The request should also confirm that the registrant understands that future annual reports must include an audit for any filing period during which the registrant's revenue exceeds \$1 million." Accordingly, the concerns raised by LANY have been resolved.

## Public Service Commission

### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Policies, Budgets, and Targets to Support Space and Water Heating Electrification Programs

I.D. No. PSC-11-22-00012-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering a petition filed by Consolidated Edison Company of New York, Inc. (Con Edison) to transfer and use unspent and authorized funding to support Con Edison's implementation of the New York Clean Heat Program.

**Statutory authority:** Public Service Law, sections 5(1)(b), (2), 65(1), 66(1) and (2)

**Subject:** Policies, budgets, and targets to support space and water heating electrification programs.

**Purpose:** To consider revised budgets and targets for Con Edison's New York Clean Heat Program.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition, filed by Consolidated Edison Company of New York, Inc. (Con Edison) on February 24, 2022, seeking to transfer and use unspent and authorized funding to support Con Edison's implementation of the New York Clean Heat Program.

Con Edison proposes to transfer previously-collected unspent funds, including (1) accrued interest, in the amount of \$18 million from legacy energy efficiency programs under Energy Efficiency Portfolio Standard and the Energy Efficiency Transition Implementation Plans, and (2) \$28 million from Clean Energy Fund interest accounts to support Con Edison's implementation of the New York Clean Heat Program (Clean Heat Program). Con Edison further requests authority to allow for additional transfers of up to \$156 million of previously authorized New Efficiency New York (NENY) funds to also support the Clean Heat Program. Con Edison seeks increased flexibility in connection with changing the NENY non-Low- and Moderate Income electric energy efficiency goals from annual targets to a cumulative 2020-2025 target.

In addition, Con Edison seeks to institute a Continuity Funding mechanism to be drawn upon, if necessary, should the transfers of funding identified in Con Edison's petition be exhausted before the Commission completes the NENY Interim Review. The Continuity Funding mechanism would be implemented at a cost of approximately \$32.5 million per month in 2023 to maintain the Clean Heat Program.

The full text of the petition and the full record of the proceedings may be reviewed online at the Department of Public Service web page: [www.dps.ny.gov](http://www.dps.ny.gov). The commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: [john.pitucci@dps.ny.gov](mailto:john.pitucci@dps.ny.gov)

**Data, views or arguments may be submitted to:** Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov)

**Public comment will be received until:** 60 days after publication of this notice.

**Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(18-M-0084SP6)

### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Modifications to the Budget and Application to Disadvantaged Communities, Limits of Plugs Per Station, and Funding Levels

I.D. No. PSC-11-22-00013-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering the petition filed by Consolidated Edison Company of New York, Inc. requesting modifications to its Electric Vehicle Make-Ready Program.

**Statutory authority:** Public Service Law, sections 5, 65 and 66

**Subject:** Modifications to the budget and application to disadvantaged communities, limits of plugs per station, and funding levels.

**Purpose:** Increase electric vehicle charging infrastructure in disadvantaged communities and other locations.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition, filed by Consolidated Edison Company of New York, Inc. (Con Edison) on February 11, 2022, seeking to modify its Electric Vehicle (EV) Make-Ready Program (Petition). Specifically, the petition requests authorization to make several changes to Con Edison's make-ready program, including increasing program funding by an incremental additional \$54 million, dedicated to incentivize EV charging infrastructure development in disadvantaged communities.

Con Edison would recover this amount through a surcharge or in base rates as capitalized plant-in-service or 15-year regulatory asset, depending on the expense type. The petition also seeks to narrowly establish a disadvantaged-community eligible zone more by eliminating the current eligibility requirement that allows projects to be up to one mile beyond a disadvantaged community.

In addition, Con Edison proposes to increase the limit on the number of Direct Current Fast Charging (DCFC) plugs at stations from ten to thirty, as it applies to the current rule that the total amount of plugs associated with individual stations that have more than 10 plugs cannot exceed 50 percent of the target number of plugs included in Con Edison's program. Con Edison further seeks to eliminate the current 2 megawatt (MW) amount that limits allowing incentives at sites where the costs incurred by the utility would exceed those associated with developing a site with a maximum demand of 2 MW.

Con Edison also proposes lifting the limit on funding levels for Level 2 (L2) chargers (i.e., EV chargers generally with a capacity at least 6 kW and less than 20 kW) that can be allocated during Con Edison first three years of its Make-Ready Program. The current rule provides a limit on L2 incentive expenditures for the first three years of the Program at 60 percent of the L2 incentive budget.

The full text of the petition and the full record of the proceedings may be reviewed online at the Department of Public Service web page: [www.dps.ny.gov](http://www.dps.ny.gov). The commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: [john.pitucci@dps.ny.gov](mailto:john.pitucci@dps.ny.gov)

**Data, views or arguments may be submitted to:** Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov)

**Public comment will be received until:** 60 days after publication of this notice.

**Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(18-E-0138SP7)

## Office of Temporary and Disability Assistance

### EMERGENCY RULE MAKING

#### Elderly Simplified Application Project (ESAP) for the Supplemental Nutrition Assistance Program (SNAP)

**I.D. No.** TDA-51-21-00002-E

**Filing No.** 126

**Filing Date:** 2022-03-01

**Effective Date:** 2022-03-01

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Amendment of sections 387.1, 387.9(a)(3), 387.22; addition of section 387.26 to Title 18 NYCRR.

**Statutory authority:** 7 United States Code, ch. 51 (generally), sections 2011, 2013, 2026; Social Services Law, sections 17(a)-(b), (k), 20(3)(d) and 95

**Finding of necessity for emergency rule:** Preservation of general welfare.

**Specific reasons underlying the finding of necessity:** It is critically important that the regulatory amendments to 18 NYCRR §§ 387.1, 387.9 and 387.22 and the addition of new § 387.26 be readopted on March 1, 2022. The regulatory amendments continue the implementation of the Elderly Simplified Application Project (ESAP), which is a federal demonstration project designed to streamline the application, recertification, and verification processes for the Supplemental Nutrition Assistance Program (SNAP) for eligible elderly and/or disabled individuals in New York State (NYS). The ESAP was originally implemented on December 1, 2021.

The Office of Temporary and Disability Assistance (OTDA) finds that it is necessary for the preservation of the general welfare that these regulatory amendments be readopted on an emergency basis, as authorized by the State Administrative Procedure Act (SAPA) § 202(6). As a result of the 2019 Novel Coronavirus (COVID-19) pandemic and its resulting supply chain issues, the availability and expense associated with securing nutritious food have become increasingly daunting for SNAP-eligible households, particularly those with elderly and/or disabled members; consequently, it is critically important for OTDA to protect the nutrition security of these vulnerable NYS residents by improving and streamlining their access to SNAP benefits through the reduction of certain program eligibility burdens. As discussed below, the regulatory amendments are designed for this express purpose.

The regulatory amendments add a new § 387.1(n) to include a definition of the ESAP, make updates to §§ 387.9 and 387.22, and add a new § 387.26 specifically setting forth the rights and responsibilities of applicants for and participants in the demonstration project. The regulatory amendments implement this new demonstration project, which is designed to simplify the SNAP eligibility process for certain elderly and/or disabled residents in NYS. Upon implementation, all new applications and recertifications will undergo screening to determine household eligibility to participate in the ESAP.

ESAP-eligible households will benefit from the participation in the demonstration project in several ways. A shortened and simplified application has been designed for use at initial application and will be distributed for use at recertification. As with participants in another demonstration project, the New York State Combined Application Project (NYSCAP) – which has a similar purpose but is limited in scope to individuals who are in receipt of Supplemental Security Income and determined by the Social Security Administration to be “live alone” – ESAP-participating households will be eligible for a certification period of up to 36 months. Such households will not be required to complete a periodic report, but instead will receive a non-mandatory Interim Report via the mail at the midway point of their certification period. Additionally, under the ESAP, many households will be able to complete the recertification process without a recertification interview.

The ESAP also reduces the administrative burden borne by social services districts (districts) by extending the length of participating households’ certification periods as well as removing the periodic reporting and recertification interview requirements previously applicable to those households. The ESAP operates on a presumption that household circumstances for project participants remain relatively stable; therefore, by

leveraging existing computer matching arrangements and reducing household reporting requirements, the ESAP reduces the frequency of administrative action on the part of districts in order to administer SNAP benefits to participating individuals. In summary, the regulatory amendments will: (1) assist potential participants by setting forth eligibility requirements that households must satisfy to be eligible for ESAP enrollment, as well as clarifying criteria that would render any household ineligible for participation in the ESAP; (2) provide guidance concerning the rights and responsibilities of ESAP applicants and participants; and (3) provide guidance to districts pertaining to their responsibilities to screen for eligibility and otherwise administer benefits to households eligible for participation in the ESAP.

It is noted that the regulatory amendments are being readopted pursuant to a Notice of Emergency Adoption due to time constraints. To preserve the general welfare, OTDA originally promulgated the emergency rule via a Notice of Emergency Adoption and Proposed Rule Making on December 1, 2021, and the emergency rule became effective on the same date. The Notice of Emergency Adoption and Proposed Rule Making was published in the New York State Register on December 22, 2021 under I.D. No. TDA-51-21-00002-EP. OTDA accepted public comments on the current emergency rule through February 21, 2022. The current emergency rule expires on February 28, 2022. This first readoption of the current emergency rule is necessary in order to avoid a lapse in the current emergency rule, insofar as the expiration of the 60-day public comment period will not provide sufficient time for OTDA to publish a Notice of Adoption in the New York State Register before the current emergency rule expires on February 28, 2022.

**Subject:** Elderly Simplified Application Project (ESAP) for the Supplemental Nutrition Assistance Program (SNAP).

**Purpose:** To simplify the SNAP eligibility process for certain elderly and/or disabled residents in New York State.

**Text of emergency rule:** Part 387 of Title 18 NYCRR is amended to read as follows:

Subdivisions (n)-(as) of § 387.1 are relettered as subdivisions (o)-(at) and a new subdivision (n) is added to read as follows:

(n) *Elderly Simplified Application Project (ESAP) is a federally-approved demonstration project which streamlines the SNAP application, recertification and verification processes for eligible seniors and/or disabled individuals.*

Paragraph (3) of subdivision (a) of section § 387.9 is amended to read as follows:

(3) Student. To be eligible, students must meet the requirements for student status as defined in section 387.1[(ee)] of this Part.

Section 387.22 is amended to read as follows:

§ 387.22 Referenced material. Material referenced in this Part is available for inspection and copying by contacting [the Food Stamp Bureau of the Division of Income Maintenance of the New York State Department of Social Services, 40 North Pearl Street, Albany, NY 12243.]:

*New York State Office of Temporary and Disability Assistance*

*Attn: Public Information Office*

*40 North Pearl Street*

*Albany, New York 12243*

*Email: nyspio@otda.ny.gov*

A new § 387.26 is added to Title 18 NYCRR to read as follows:

§ 387.26 *Elderly Simplified Application Project (ESAP).*

*The ESAP is a federally-approved demonstration project which streamlines the SNAP application, recertification and verification processes for eligible seniors and/or disabled individuals. The operation of the ESAP, as set forth in this section, is subject to continued federal approval and funding.*

(a) *Eligible Households. Unless ineligible under subdivision (b) of this section, households eligible to participate in the ESAP are as follows:*

*Households in which all adult members are:*

(1) *Age 60 or older and/or disabled; and,*

(2) *Not in receipt of earned income.*

(b) *Ineligible Households. Households ineligible to participate in the ESAP are as follows:*

(1) *Households that are eligible to participate in the SNAP under the NYSNIP or the NYSCAP;*

(2) *Individuals residing in Group Living Facilities as defined in section 387.1 of this Part.*

(3) *Households in which any member is in receipt of ongoing public assistance as defined by Parts 369 and 370 of Title 18 NYCRR.*

(4) *Households not meeting the requirements of subdivision (a) of this section.*

(c) *Shortened and Simplified Application.*

*As part of the implementation process, a shortened and simplified SNAP application will be made available. In addition to availability for use at initial application, the application will be distributed with an ESAP-*



specific Notice of Expiration (NOE) to participating households at recertification.

(1) Use of the shortened and simplified application:

(i) The shortened and simplified application is intended for use by elderly and/or disabled SNAP applicants; however:

(a) Filing the shortened and simplified application is not a requirement for participation in the ESAP. An ESAP-eligible household may apply for SNAP using any currently available SNAP application and still be determined eligible for the ESAP;

(b) All SNAP applications, filed in accordance with section 387.5 of this Part, will be screened for ESAP eligibility as part of the eligibility determination process; and,

(c) ESAP-eligible households, regardless of which application is used at application, will be sent a notification of their eligibility for SNAP benefits under the ESAP.

(ii) There is no restriction on who may complete and submit the shortened and simplified application for consideration; however:

(a) Filing the shortened and simplified application does not, in and of itself, entitle an individual to participate in the ESAP; and

(b) Individuals who are determined ineligible for the ESAP after filing the shortened and simplified application are not entitled to receive notice thereof. Such applicants shall receive notification pursuant to section 387.20 of this Part.

(iii) If, upon screening, a shortened and simplified application is determined ineligible for the ESAP, the application must still be considered a SNAP application, and the application process must be completed in compliance with all SNAP application processing requirements as set forth in this Part.

(d) Certification Period. Certification period for individuals enrolled in the ESAP.

(1) Individuals found eligible for the SNAP and participating in the ESAP shall receive a certification period of up to 36 months.

(2) An ESAP household determined ineligible for continuing participation in the ESAP during their certification period but remaining eligible for the SNAP shall not have their certification period shortened.

(e) Recertification. Recertification process for households enrolled in the ESAP.

All SNAP households enrolled under the ESAP shall be required to apply for continued participation in the SNAP prior to the end of their certification in accordance with section 387.17(f) of this Part, with the following exceptions:

(1) Along with an ESAP-specific NOE, ESAP-participating households will receive the shortened and simplified application.

(2) Recertification interviews will not be required for every recertification application.

(3) No recertification application may be denied without first attempting to schedule a recertification interview; however, the social services district need not make an effort to schedule an interview unless a recertification application has first been filed. Upon receipt of a recertification application submitted by an ESAP-participating household, an interview will only be required in the following situations:

(i) If the recertification application would be denied;

(ii) If information on the recertification application is questionable; or

(iii) Upon request by the ESAP-participating household.

(f) Reporting Requirements. Reporting requirements for households enrolled in the ESAP.

All households enrolled in the ESAP will be considered simplified reporters, and subject to the reporting rules as set forth in section 387.17(d) of this Part, with the following exceptions:

(1) Households are not required to submit a periodic report. At the midway point of the certification period, a contact letter will be sent to the household, which will:

(i) Include a non-mandatory Interim Report, affording the household an opportunity to update their case information; and,

(ii) Instruct the household that any reported change resulting in an increased SNAP benefit must be documented and verified in accordance with subdivision (g) of this section.

(2) In addition to the simplified reporting requirements, households are required to report:

(i) Any change in household composition;

(ii) If any member of the household begins to receive earned income; or

(iii) If any member of the household has substantial lottery and/or gambling winnings, as defined in applicable federal rules and regulations.

(g) Verification. Verification requirements under the ESAP.

(1) In order to ease the household burden of providing verification, social services districts may, to the extent possible, use computer matching to verify information related to current household circumstances such as:

(i) Details concerning the household's gross nonexempt income, namely:

(a) The amount of unearned income; and,

(b) Whether all sources of household income are unearned.

(ii) Social Security Number;

(iii) Date of Birth;

(iv) Death;

(v) Residency;

(vi) Identity; and

(vii) Medical Expenses.

(2) All ESAP participants shall be permitted to self-declare expenses for standard utility allowances and other shelter expenses.

(3) Any other information that is required to be verified but is not able to be verified by computer matching shall be subject to the SNAP verification requirements as set forth in section 387.8 of this Part.

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. TDA-51-21-00002-EP, Issue of December 22, 2021. The emergency rule will expire April 29, 2022.

**Text of rule and any required statements and analyses may be obtained from:** Richard P. Rhodes, Jr., Office of Temporary and Disability Assistance, 40 North Pearl Street, 16C, Albany, NY 12243-0001, (518) 486-7503, email: richard.rhodesjr@otda.ny.gov

#### **Regulatory Impact Statement**

1. Statutory authority:

The Supplemental Nutrition Assistance Program (SNAP) is authorized by Chapter 51 of Title 7 of the United States Code (USC). Pursuant to 7 USC § 2011, the SNAP promotes the general welfare and safeguards the health and well-being of the nation's population by raising levels of nutrition among low-income households. Pursuant to 7 USC § 2013, the United States Department of Agriculture (USDA) is authorized to administer the federal SNAP, under which, at the request of the state agency, eligible households within the State are provided an opportunity to obtain SNAP benefits.

7 USC § 2026 provides that the USDA may grant a state agency approval to conduct a demonstration project in order to, in part, "test program changes that might increase the efficiency of the SNAP" and may waive any program requirements necessary for conducting the demonstration project. The proposed Elderly Simplified Application Project (ESAP), as codified in new 18 NYCRR § 387.26, is a federal demonstration project designed to streamline the application, recertification, and verification processes for eligible elderly and/or disabled individuals. SNAP recipients participating in the ESAP, as well as social services districts (districts) administering the SNAP, are obligated to adhere to the ESAP requirements as outlined in the New York State (NYS) waiver approved by the USDA for as long as the Office of Temporary and Disability Assistance (OTDA) is authorized to operate the demonstration project or until directed to cease operations by the USDA. ESAP is contingent on continued federal approval because of its demonstration project status. The ESAP was implemented on December 1, 2021.

Social Services Law (SSL) § 17(a)-(b) and (k) provide, in part, that the Commissioner of OTDA shall "determine the policies and principles upon which public assistance, services and care shall be provided within the state both by the state itself and by the local governmental units ...", shall "make known his policies and principles to local social services officials and to public and private institutions and welfare agencies subject to his regulatory and advisory powers...", and shall "exercise such other powers and perform such other duties as may be imposed by law."

SSL § 20(3)(d) authorizes OTDA to promulgate regulations to carry out its powers and duties.

SSL § 95 authorizes OTDA to administer the SNAP in NYS and to perform such functions as may be appropriate, permitted, or required by or pursuant to federal law.

2. Legislative objectives:

It was the intent of the Legislature in enacting the above statutes that OTDA establish rules, regulations, and policies, for the provision of SNAP benefits to eligible households in NYS in the most efficient, streamlined manner possible. The ESAP not only serves to streamline the SNAP eligibility process, thereby protecting the nutrition security of a significant number of vulnerable NYS residents, but also reduces the administrative burdens borne by State and local governments.

3. Needs and benefits:

OTDA finds that it is necessary for the preservation of the general welfare that these regulatory amendments be readopted on an emergency basis, as authorized by the State Administrative Procedure Act (SAPA) § 202(6). As a result of the 2019 Novel Coronavirus (COVID-19) pandemic and its resulting supply chain issues, the availability and expense associated with securing nutritious food have become increasingly daunt-

ing for SNAP-eligible households, particularly those with elderly and/or disabled members; consequently, it is critically important for OTDA to protect the nutrition security of these vulnerable NYS residents by improving and streamlining their access to SNAP benefits through the reduction of certain program eligibility burdens. As discussed below, the regulatory amendments are designed for this express purpose.

The regulatory amendments add a new § 387.1(n) to include a definition of the ESAP, and add a new § 387.26 specifically setting forth the rights and responsibilities of applicants for and participants in the demonstration project. The regulatory amendments implement this new demonstration project, which is designed to simplify the SNAP eligibility process for certain elderly and/or disabled residents in NYS. Upon implementation, all new applications and recertifications will undergo screening to determine household eligibility to participate in the ESAP.

ESAP-eligible households will benefit from the participation in the demonstration project in several ways. A shortened and simplified application has been designed for use at initial application and will be distributed for use at recertification. As with participants in another demonstration project, the New York State Combined Application Project (NYSCAP) – which has a similar purpose but is limited in scope to individuals who are in receipt of Supplemental Security Income and determined by the Social Security Administration to be “live alone” – ESAP-participating households will be eligible for a certification period of up to 36 months. Such households will not be required to complete a periodic report, but instead will receive a non-mandatory Interim Report via the mail at the midway point of their certification period. Additionally, under the ESAP, many households will be able to complete the recertification process without a recertification interview.

The ESAP also reduces administrative burden borne by districts by virtue of extending the length of participating households’ certification periods as well as removing the periodic reporting and recertification interview requirements previously applicable to those households. The ESAP operates on a presumption that household circumstances for project participants remain relatively stable; therefore, by leveraging existing computer matching arrangements and reducing household reporting requirements, the ESAP reduces the frequency of administrative action on the part of districts in order to administer SNAP benefits to participating individuals. In summary, the regulatory amendments will: (1) assist potential participants by setting forth eligibility requirements that households must satisfy to be eligible for ESAP enrollment, as well as clarifying criteria that would render any household ineligible for ESAP enrollment; (2) provide guidance concerning the rights and responsibilities of ESAP applicants and participants; and (3) provide guidance to districts pertaining to their responsibilities to screen for eligibility and otherwise administer benefits to households eligible for participation in the ESAP.

The regulatory amendments also make two technical changes. A cross reference to the SNAP definitions is updated in 18 NYCRR § 387.9, and the OTDA contact information to obtain referenced materials is updated in 18 NYCRR § 387.22.

#### 4. Costs:

The regulatory amendments will have no adverse fiscal impact upon ESAP-participating households; to the contrary, the regulatory amendments will improve and streamline access to benefits by reducing certain program-eligibility burdens. Participants are entitled to the same amount of SNAP benefits under the ESAP as they are under standard SNAP eligibility rules.

Further, the regulatory amendments will not impose any new costs or significant administrative burdens upon districts. All districts are required to administer the SNAP in compliance with state and federal statutes and regulations governing the program, and any associated costs are eligible for administrative reimbursement under current practice and methodologies.

The development costs associated with the ESAP are incurred at the state level and can be managed within existing resources. The regulatory amendments will not impose any annual costs upon the State, as the demonstration project will be implemented utilizing existing program resources and technological infrastructure.

#### 5. Local government mandates:

Districts are already in compliance with the regulatory amendments, as the ESAP was implemented on December 1, 2021.

#### 6. Paperwork:

The regulatory amendments are specifically designed to reduce and simplify paperwork requirements as compared to standard SNAP processes for eligible households. A shortened and simplified application has been created for use by eligible households in place of the standard SNAP application for initial eligibility and at recertification. Under the ESAP, both the periodic reporting requirement and the requirement to complete a recertification interview for many participating households are eliminated. For districts, although there will be an initial introduction of new

paperwork with the requirement to screen all SNAP applications for ESAP eligibility, the impact of this change will be modest, given the limited number of screening factors, and will be offset by the efficiency improvements noted above. At the state level, under the ESAP, OTDA is required to submit an annual report to the USDA to monitor the efficacy and cost-neutrality of the demonstration project; however, this requirement falls within the OTDA’s standard scope of responsibilities in the administration of the SNAP and would not require additional administrative resources to satisfy.

#### 7. Duplication:

The regulatory amendments do not duplicate, overlap, or conflict with any existing state or federal statutes or regulations.

#### 8. Alternatives:

An alternative to the regulatory amendments would be to refrain from readopting them. However, OTDA does not consider this a preferred alternative, insofar as the ESAP went live on December 1, 2021, and failure to readopt the regulatory amendments would leave the demonstration project without its implementing regulations. Moreover, elderly and disabled SNAP recipients in NYS, as well as districts, both stand to benefit from implementation of the ESAP as outlined in the NYS waiver approved by the USDA and from adoption of the regulatory amendments. Further, in consideration of the COVID-19 pandemic and the resulting supply chain issues, it is critically important for OTDA to protect the nutrition security of these vulnerable NYS residents by improving and streamlining their access to SNAP benefits through the reduction of certain program eligibility burdens, specifically, through the promulgation, and readoption, of the regulatory amendments.

#### 9. Federal standards:

The regulatory amendments do not conflict with standards of the Federal Government.

#### 10. Compliance schedule:

The regulatory amendments originally became effective on December 1, 2021, concurrent with the implementation date of the ESAP. Districts have been expected to screen all new applications and recertifications with budget effective dates of December 1, 2021 or later for ESAP eligibility. The shortened and simplified application, LDSS-5166 (Rev. 9/20), designed for use with the ESAP was originally released in October 2020 via Administrative Directive Memorandum (ADM) 20-ADM-14, New SNAP-Only Application Form. Following the ADM’s release, OTDA addressed general comments and inquiries from districts related to the application. Prior to implementation, OTDA conducted a series of implementation webinars on October 12, 2021; additionally, a self-directed, internet-based ESAP training for district workers is currently under development. This training is designed to inform district workers about ESAP policy and procedures, to promote effective worker communication with elderly and/or disabled individuals, and to increase understanding of barriers to participation encountered by the target population. On October 8, 2021, Automated Budgeting and Eligibility Logic (ABEL) Transmittal 21-5 was distributed, detailing budgeting rules and system logic for ESAP implementation for districts outside of New York City (NYC). Similarly, Workload Management Requests (WLM) 2020-00034 and 2021-00237 detail budgeting rules and system logic for ESAP implementation in NYC. On November 29, 2021, OTDA issued interim guidance detailing the rules and required actions for the ESAP via General Information System (GIS) Message 21 TA/DC079 Preliminary Guidance Regarding the Elderly Simplified Application Project (ESAP). A comprehensive ADM is also forthcoming. OTDA has placed significant emphasis on utilizing existing resources to automate many of the changes accompanying ESAP implementation, and, as anticipated, the ESAP launched on December 1, 2021 without incident. All planned systems changes were successfully moved to production and eligible cases have begun to be enrolled in the ESAP. OTDA remains committed to working with the districts to assist them, through whatever means necessary, to resolve any post-implementation, ESAP-related issues and questions that may arise.

#### Regulatory Flexibility Analysis

##### 1. Effect of rule:

The regulatory amendments will have no effect on small businesses. However, the regulatory amendments will benefit the 58 social services districts (districts) in the State by updating state regulations to implement the Elderly Simplified Application Project (ESAP), a new federally-approved Supplemental Nutrition Assistance Program (SNAP) demonstration project.

##### 2. Compliance requirements:

The regulatory amendments will not impose any significant reporting, recordkeeping or other compliance requirements on the districts. The ESAP allows certain households comprised of elderly and/or disabled adults without earned income to utilize a shortened and simplified application for initial eligibility and recertification processes, extends the maximum certification period length for eligible households to 36 months,



reduces reporting and verification requirements, and enables many eligible households to forego a recertification interview. The regulatory amendments reduce and simplify reporting, recordkeeping and compliance requirements as compared to the standard SNAP eligibility process.

Districts will be required to screen all new applications and recertifications for eligibility to participate in the ESAP, but there will be no new paperwork or reporting tools introduced with this requirement. Additionally, there are very few factors that need to be evaluated in order to determine eligibility for the ESAP, and computer system modifications have been designed to assist the districts with identifying potentially eligible households when coding new cases. Furthermore, this change does not represent a new requirement, as the districts are already required to administer SNAP in compliance with the federal statutes and regulations governing the program. The Office of Temporary and Disability Assistance (OTDA) anticipates that the impact of the regulatory amendments will be modest, and offset by the efficiency improvements noted above.

### 3. Professional services:

The regulatory amendments will not require districts to hire additional professional services to achieve compliance.

### 4. Compliance costs:

The regulatory amendments will not impose any new costs on the districts, which are already serving the ESAP-eligible population in the course of standard administration of the SNAP. For the eligible population, the ESAP will streamline the SNAP eligibility process and improve efficiency. All districts are required to administer SNAP in compliance with the State and federal statutes and regulations governing the program, and any associated costs are eligible for administrative reimbursement under current practice and methodologies. The development costs associated with the ESAP are incurred at the state level.

### 5. Economic and technological feasibility:

Districts have the economic and technological abilities to comply with the regulatory amendments.

### 6. Minimizing adverse impact:

The regulatory amendments will not have an adverse impact on the districts. The ESAP represents a modest easing of several program requirements as compared to standard SNAP rules for a specific population in New York State. For example, the waiver of these rules allows for project-specific changes such as the 36-month certification period and the elimination of the recertification interview requirement. The ESAP will, in fact, reduce administrative burden on the districts by reducing the number of traditional applicants, simplifying recertifications, eliminating the recertification interview, extending certification periods beyond the federally-allowed maximum length, and limiting the amount of required paperwork. Based upon the anticipated streamlining and efficiency improvements resulting from the ESAP, OTDA asserts that the regulatory amendments represent a positive program enhancement, the benefits of which will inure to eligible SNAP participants and districts alike.

### 7. Small business and local government participation:

The shortened and simplified application, LDSS-5166 (Rev. 9/20), designed for use with the ESAP was originally released in October 2020 via Administrative Directive Memorandum (ADM) 20-ADM-14, New SNAP-Only Application Form. Following the ADM's release, OTDA addressed general comments and inquiries from districts related to the application. Prior to implementation, OTDA conducted a series of implementation webinars on October 12, 2021; additionally, a self-directed, internet-based ESAP training for district workers is currently under development. This training is designed to inform district workers about ESAP policy and procedures, promote effective worker communication with elderly and/or disabled individuals and increase understanding of barriers to participation encountered by the target population. On October 8, 2021, Automated Budgeting and Eligibility Logic (ABEL) Transmittal 21-5 was distributed, detailing budgeting rules and system logic for ESAP implementation for districts outside of New York City (NYC). Similarly, Workload Management Requests (WLM) 2020-00034 and 2021-00237 detail budgeting rules and system logic for ESAP implementation in NYC. On November 29, 2021, OTDA issued interim guidance detailing the rules and required actions for the ESAP via General Information System (GIS) Message 21 TA/DC079 Preliminary Guidance Regarding the Elderly Simplified Application Project (ESAP). A comprehensive ADM is also forthcoming. OTDA has placed significant emphasis on utilizing existing resources to automate many of the changes implemented by the ESAP, and, as anticipated, the ESAP launched on December 1, 2021 without incident. All planned systems changes were successfully moved to production and eligible cases have begun to be enrolled in the ESAP. OTDA remains committed to working with the districts to assist them, through whatever means necessary, to resolve any post-implementation, ESAP-related issues and questions that may arise.

### *Rural Area Flexibility Analysis*

#### 1. Types and estimated numbers of rural areas:

The regulatory amendments will benefit the 44 rural social services

districts (rural districts) in the State by updating state regulations to implement the Elderly Simplified Application Project (ESAP), a new federally-approved Supplemental Nutrition Assistance Program (SNAP) demonstration project.

#### 2. Reporting, recordkeeping and other compliance requirements; and professional services:

The regulatory amendments will not impose any new reporting, recordkeeping or other compliance requirements on the rural districts. The rural districts will not need to hire additional professional services to comply with the regulatory amendments. The ESAP allows certain households comprised of elderly and/or disabled adults without earned income to utilize a shortened and simplified application for initial eligibility and recertification processes, extends the maximum certification period length for eligible households to 36 months, reduces reporting and verification requirements, and enables many eligible households to forego a recertification interview. The regulatory amendments reduce and simplify reporting, recordkeeping and compliance requirements as compared to the standard SNAP eligibility process.

Rural districts will be required to screen all new applications and recertifications for eligibility to participate in the ESAP, but there will be no new paperwork or reporting tools introduced with this requirement. Additionally, there are very few factors that need to be evaluated in order to determine eligibility for the ESAP, and computer system modifications have been designed to assist rural districts with identifying potentially eligible households when coding new cases. Furthermore, this change does not represent a new requirement, as rural districts are already required to administer SNAP in compliance with the federal statutes and regulations governing the program. The Office of Temporary and Disability Assistance (OTDA) anticipates that the impact of the regulatory amendments will be modest, and offset by the efficiency improvements noted above.

#### 3. Costs:

The regulatory amendments will not impose any new costs on rural districts, which are already serving the ESAP-eligible population in the course of standard administration of the SNAP. For the eligible population, the ESAP will streamline the SNAP eligibility process and improve efficiency. All districts are required to administer SNAP in compliance with the State and federal statutes and regulations governing the program, and any associated costs are eligible for administrative reimbursement under current practice and methodologies. The development costs associated with ESAP are incurred at the State level.

#### 4. Minimizing adverse impact:

The regulatory amendments will not have an adverse impact on the rural districts. The ESAP represents a modest easing of several program requirements as compared to standard SNAP rules for a specific population in New York State. For example, the waiver of these rules allows for project-specific changes such as the 36-month certification period and the elimination of the recertification interview requirement. The ESAP will, in fact, reduce administrative burden on the rural districts by reducing the number of traditional applicants, simplifying recertifications, eliminating the need to interview at recertification, extending certification periods beyond the federally allowed maximum length, and limiting the amount of required paperwork. Based upon the anticipated streamlining and efficiency improvements resulting from the ESAP, OTDA asserts that the regulatory amendments represent a positive program enhancement, the benefits of which will inure to eligible SNAP participants and rural districts alike.

#### 5. Rural area participation:

The shortened and simplified application, LDSS-5166 (Rev. 9/20), designed for use with the ESAP was originally released in October 2020 via Administrative Directive Memorandum (ADM) 20-ADM-14, New SNAP-Only Application Form. Following the ADM's release, OTDA addressed general comments and inquiries from rural districts related to the application. Prior to implementation, OTDA conducted a series of implementation webinars on October 12, 2021; additionally, a self-directed, internet-based ESAP training for rural district workers is currently under development. This training is designed to inform rural district workers about ESAP policy and procedures, promote effective worker communication with elderly and/or disabled individuals and increase understanding of barriers to participation encountered by the target population. On October 8, 2021, Automated Budgeting and Eligibility Logic (ABEL) Transmittal 21-5 was distributed, detailing budgeting rules and system logic for ESAP implementation for districts outside of New York City (NYC). Similarly, Workload Management Requests (WLM) 2020-00034 and 2021-00237 detail budgeting rules and system logic for ESAP implementation in NYC. On November 29, 2021, OTDA issued interim guidance detailing the rules and required actions for the ESAP via General Information System (GIS) Message 21 TA/DC079 Preliminary Guidance Regarding the Elderly Simplified Application Project (ESAP). A comprehensive ADM is also forthcoming. OTDA has placed significant emphasis on utilizing existing resources to automate many of the changes

implemented by the ESAP, and, as anticipated, the ESAP launched on December 1, 2021 without incident. All planned systems changes were successfully moved to production and eligible cases have begun to be enrolled in the ESAP. OTDA remains committed to working with the rural districts to assist them, through whatever means necessary, to resolve any post-implementation, ESAP-related issues and questions that may arise.

***Job Impact Statement***

A JIS is not required for the regulatory amendments. The regulatory amendments to 18 NYCRR §§ 387.1, 387.9(a)(3), and 387.22 and addition of new § 387.26 update state regulations to implement the Elderly Simplified Application Project, which is a federal demonstration project designed to streamline the application, recertification, and verification processes for the Supplemental Nutrition Assistance Program (SNAP) for eligible elderly and/or disabled individuals in New York State. This first readoption of the current emergency rule is necessary in order to avoid a lapse in the current emergency rule, which became effective on December 1, 2021 and is scheduled to expire on February 28, 2022. It is apparent from the nature and purpose of the regulatory amendments that they will not have a substantial adverse impact on jobs and employment opportunities in the State. The regulatory amendments will not substantively affect the jobs of employees at the State or social service district (district) level. Readoption of the regulatory amendments does not impose any new annual costs or significant administrative burdens upon the districts, as they are already required to administer the SNAP in compliance with the federal statutes and regulations governing the program.

## HEARINGS SCHEDULED FOR PROPOSED RULE MAKINGS

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Environmental Conservation, Department of</b>		
ENV-51-21-00003-P .....	Environmental Remediation Programs	<p>Electronic Webinar—April 5, 2022, 2:00 p.m.</p> <p>Electronic Webinar—April 7, 2022, 5:30 p.m.</p> <p>Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for 6 NYCRR Part 375 by December 22, 2021. The proposed regulations webpage for 6 NYCRR Part 375 may be accessed at: <a href="https://www.dec.ny.gov/regulations/propregulations.html">https://www.dec.ny.gov/regulations/propregulations.html</a></p> <p>Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9764 and leave a message for Jenn Dawson. Please provide your first and last name, address, and telephone number and reference the Part 375 public comment hearing.</p> <p>The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than March 22, 2022. The written request must be addressed to Deputy Commissioner, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to the Office of Hearings and Mediation Services at <a href="mailto:ohms@dec.ny.gov">ohms@dec.ny.gov</a>. Please include “Part 375 Public Comment Hearing” in the subject line.</p> <p>The public comment period for Part 375 is open until 8:00 p.m., April 21, 2022. Comments may be entered during the hearing, e-mailed to <a href="mailto:derweb@dec.ny.gov">derweb@dec.ny.gov</a>, or mailed to NYS DEC, Division of Environmental Remediation, 625 Broadway, Albany, NY 12233, Attn: Jenn Dawson. Please include “Part 375 Comments” in the subject or memo line of the correspondence.</p>

## ACTION PENDING INDEX

The action pending index is a list of all proposed rules which are currently being considered for adoption. A proposed rule is added to the index when the notice of proposed rule making is first published in the *Register*. A proposed rule is removed from the index when any of the following occur: (1) the proposal is adopted as a permanent rule; (2) the proposal is rejected and withdrawn from consideration; or (3) the proposal's notice expires.

Most notices expire in approximately 12 months if the agency does not adopt or reject the proposal within that time. The expiration date is printed in the second column of the action pending index. Some notices, however, never expire. Those notices are identified by the word "exempt" in the second column. Actions pending for one year or more are preceded by an asterisk(\*).

For additional information concerning any of the proposals

listed in the action pending index, use the identification number to locate the text of the original notice of proposed rule making. The identification number contains a code which identifies the agency, the issue of the *Register* in which the notice was printed, the year in which the notice was printed and the notice's serial number. The following diagram shows how to read identification number codes.

Agency code	Issue number	Year published	Serial number	Action Code
<b>AAM</b>	<b>01</b>	<b>12</b>	<b>00001</b>	<b>P</b>

Action codes: P — proposed rule making; EP — emergency and proposed rule making (expiration date refers to proposed rule); RP — revised rule making

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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### AGING, OFFICE FOR THE

AGE-11-22-00002-P	03/16/23	Limits on Administrative Expenses and Executive Compensation	To repeal guidelines regarding placing limitations on Administrative Expenses and Executive Compensation.
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### AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-23-21-00001-P	07/07/22	Regulated commodity labeling, packaging and method of sale requirements	Amend packaging, labeling & method of sale requirements for various commodities to align with industry & federal standards
AAM-52-21-00001-EP	12/29/22	Control of the Box Tree Moth ( <i>Cydalisma perspectalis</i> )	To help control the spread of the Box Tree Moth, which infests certain landscaping host plants, rendering them unmarketable
AAM-02-22-00002-EP	01/12/23	License to Grow Hemp and Hemp Research Authorizations	To implement the New York State Hemp Grower License program.

### ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

ASA-27-21-00009-P	07/07/22	General provisions applicable to all OASAS programs	To identify those provisions that are required of all OASAS certified, funded or otherwise authorized programs
ASA-42-21-00010-P	10/20/22	Provision of problem gambling treatment and recovery services.	Identify the requirements for provision of problem gambling services.
ASA-52-21-00005-EP	12/29/22	Masking requirements in all OASAS certified/funded/otherwise authorized settings	To prevent the ongoing threat to public health of the spread of COVID-19 in OASAS settings
ASA-11-22-00003-P	03/16/23	Patient rights in OASAS programs	Establish patient rights and provider obligations regarding patient rights in OASAS programs
ASA-11-22-00004-P	03/16/23	substance use disorder residential services	requirements for substance use disorder residential services
ASA-11-22-00005-P	03/16/23	Substance use disorder withdrawal and stabilization services	Requirements for providers of substance use disorder withdrawal and stabilization services

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF</b>			
ASA-11-22-00006-P	03/16/23	residential services	requirements for the delivery of residential services
ASA-11-22-00007-P	03/16/23	General provisions applicable to all programs certified, funded or otherwise authorized by OASAS	General provisions applicable to all programs certified, funded or otherwise authorized by OASAS
ASA-11-22-00008-P	03/16/23	Substance use disorder residential rehabilitation services for youth	to establish standards for substance use disorder residential rehabilitation services for youth
ASA-11-22-00009-P	03/16/23	substance use disorder inpatient rehabilitation	requirements for substance use disorder inpatient rehabilitation services
ASA-11-22-00010-P	03/16/23	general service standards for substance use disorder outpatient programs	general service standards for substance use disorder outpatient programs
ASA-11-22-00011-P	03/16/23	INCIDENT REPORTING IN OASAS CERTIFIED, LICENSED, FUNDED, OR OPERATED SERVICES	INCIDENT REPORTING IN OASAS CERTIFIED, LICENSED, FUNDED, OR OPERATED SERVICES
<b>AUDIT AND CONTROL, DEPARTMENT OF</b>			
AAC-09-22-00003-P	03/02/23	Electronic Contact	To provide that forms of electronic contact satisfy the written communication requirements under Abandoned Property Law
<b>CANNABIS MANAGEMENT, OFFICE OF</b>			
OCM-46-21-00010-P	11/17/22	Part 115 - Personal Cultivation of Cannabis	Regulation to authorize the home cultivation of cannabis for certified medical cannabis patients
OCM-01-22-00026-P	01/05/23	Part 114 - Cannabinoid Hemp	To create a licensing framework for cannabinoid hemp processors and cannabinoid hemp retailers
OCM-10-22-00017-P	03/09/23	Part 113 - Medical Cannabis	The proposed rule established the framework for the medical cannabis program in New York State
<b>CHILDREN AND FAMILY SERVICES, OFFICE OF</b>			
CFS-52-21-00002-EP	12/29/22	To establish minimum standards to control the spread of COVID-19	To establish minimum standards to control the spread of COVID-19
CFS-52-21-00003-EP	12/29/22	To establish minimum standards to control the spread of COVID-19 at residential congregate programs.	To establish minimum standards to control the spread of COVID-19 at residential congregate programs.
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-23-21-00007-P	06/09/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-40-21-00008-P	10/06/22	Jurisdictional Classification	To classify a position in the exempt class.
CVS-40-21-00009-P	10/06/22	Jurisdictional Classification	To delete positions from and classify positions in the exempt class.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-40-21-00010-P	10/06/22	Jurisdictional Classification	To delete positions from and classify a position in the exempt class and to classify a position in the non-competitive class
CVS-40-21-00011-P	10/06/22	Jurisdictional Classification	To classify positions in the exempt class.
CVS-40-21-00012-P	10/06/22	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-40-21-00013-P	10/06/22	Jurisdictional Classification	To classify positions in the exempt class.
CVS-40-21-00014-P	10/06/22	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-40-21-00015-P	10/06/22	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-40-21-00016-P	10/06/22	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-44-21-00003-P	11/03/22	Jurisdictional Classification	To delete a position and to classify a position in the exempt class and to classify a position in the non-competitive class
CVS-44-21-00004-P	11/03/22	Jurisdictional Classification	To classify a position in the exempt class.
CVS-44-21-00005-P	11/03/22	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-21-00006-P	11/03/22	Jurisdictional Classification	To delete a position in the exempt class.
CVS-44-21-00007-P	11/03/22	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-49-21-00002-P	12/08/22	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-49-21-00003-P	12/08/22	Jurisdictional Classification	To delete positions from the exempt class
CVS-49-21-00004-P	12/08/22	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-49-21-00005-P	12/08/22	Jurisdictional Classification	To classify positions in the exempt class.
CVS-49-21-00006-P	12/08/22	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-49-21-00007-P	12/08/22	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-01-22-00019-P	01/05/23	Family Sick Leave	To increase amount of annual family sick leave from fifteen (15) to twenty-five (25) days for eligible M/C employees
CVS-01-22-00020-P	01/05/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-01-22-00021-P	01/05/23	Jurisdictional Classification	To classify positions in the exempt class and to classify a subheading and positions in the non-competitive class



**Action Pending Index****NYS Register/March 16, 2022**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-01-22-00022-P	01/05/23	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-01-22-00023-P	01/05/23	Jurisdictional Classification	To delete a position from and classify a position in the exempt class.
CVS-01-22-00024-P	01/05/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-01-22-00025-P	01/05/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-06-22-00001-P	02/09/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-06-22-00002-P	02/09/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-06-22-00003-P	02/09/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-06-22-00004-P	02/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-22-00005-P	02/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-22-00006-P	02/09/23	Jurisdictional Classification	To delete a position and to classify a position in the exempt class and to classify positions in the non-competitive class
CVS-06-22-00007-P	02/09/23	Jurisdictional Classification	To delete a position from and to add a subheading and classify positions in the non-competitive class
CVS-06-22-00008-P	02/09/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-09-22-00001-P	03/02/23	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2022
CVS-10-22-00001-P	03/09/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-10-22-00002-P	03/09/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-10-22-00003-P	03/09/23	Jurisdictional Classification	To delete a position from the non-competitive class
CVS-10-22-00004-P	03/09/23	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-10-22-00005-P	03/09/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-10-22-00006-P	03/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-10-22-00007-P	03/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-10-22-00008-P	03/09/23	Jurisdictional Classification	To classify a position in the non-competitive class



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CORRECTION, STATE COMMISSION OF</b>			
CMC-34-21-00001-P	08/25/22	Jail staffing requirements	To provide county governments and the City of New York an increased role and flexibility in determining officer staffing levels
<b>CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF</b>			
CCS-49-21-00001-P	12/08/22	Incarcerated Individual Correspondence Program	To further clarify facility mail processing procedures
CCS-07-22-00006-P	02/16/23	Forwarding Incarcerated Individual Mail	To further clarify facility mail forwarding processing procedures.
CCS-08-22-00007-EP	02/23/23	Disposition for violations of the conditions of release	To bring Board regulations into compliance with recent amendments to the Executive Law.
<b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>			
CJS-42-21-00004-EP	10/20/22	Professional Policing Standards	Implementation of the "New York State Professional Policing Act of 2021"
<b>ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>			
EDV-45-21-00001-P	11/10/22	Commercial Production Credit Program	Update regulations to include a third party verification process for application submissions.
EDV-51-21-00006-P	12/22/22	Employee Training Incentive Program	To update the administrative process for the ETIP program
EDV-05-22-00007-P	02/02/23	Post Production Tax Credit Program	Update regulations to clarify the taxable year in which a credit is allowable.
<b>EDUCATION DEPARTMENT</b>			
EDU-48-21-00008-P	02/17/23	Special education impartial hearing officers and the special education due process system procedures.	To address volume of special education due process complaints in the New York City due process system
EDU-48-21-00009-P	12/01/22	Licensure of Psychologists.	To conform New York State's licensure requirements with national standards and create a pathway for licensure by endorsement.
EDU-48-21-00010-P	12/01/22	Definition of the term "year of experience" for permanent or professional certification.	To streamline the definition of "year of experience" for permanent or professional certification.
EDU-48-21-00011-P	12/01/22	School districts' exemption from the establishment of an internal audit function.	To align the student enrollment number for eligibility for such exemption with the applicable statute.
EDU-48-21-00012-ERP	12/01/22	Annual visitation of voluntarily registered nursery schools and kindergartens.	To extend flexibility for the annual visitation of voluntarily registered nursery schools and kindergartens to the 2021-2022 SY.
EDU-48-21-00013-P	12/01/22	Records retention and disposition schedules	To revise records retention and disposition schedule LGS-1 and to remove superseded disposition schedules.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
EDU-52-21-00012-P	12/29/22	General Education Core in the Liberal Arts and Sciences requirements	To remove the General Education Core in the Liberal Arts and Sciences requirements for registered teacher preparation programs and Individual Evaluation Pathway to teacher certification
EDU-52-21-00013-P	12/29/22	The teacher performance assessment requirement for certification.	To modify the teacher performance assessment requirement by eliminating the requirement of the edTPA for certification
EDU-52-21-00014-ERP	12/29/22	Requirements for the Reissuance of an Initial Certificate	To remove the requirement that candidates complete 50 hours of CTLE and/or professional learning to obtain a reissuance
EDU-52-21-00015-EP	12/29/22	Administration of non-injectable glucagon in schools by trained unlicensed school personnel	To conform the Commissioner's regulations to Chapter 339 of the Laws of 2021
EDU-04-22-00008-EP	01/26/23	Cancellation of January 2022 administration of Regents Examinations	To provide regulatory flexibility in response to the cancellation of the January 2022 Regents examination administration.
EDU-04-22-00009-EP	01/26/23	Administration of Immunizations by Pharmacists.	To conform the Commissioner's regulation to Chapter 555 of the Laws of 2021 authorizing pharmacists to administer certain immunizations.
EDU-04-22-00010-EP	01/26/23	Assessment requirements for school district leader and school district business leader program completion, the institutional recommendation for Professional SDL and SDBL certification, and the institutional recommendation Transitional D certification.	Removes the requirement that SDL, SDBL, and Transitional D candidates pass the SDL and SDBL assessment, respectively, for program completion and the institutional recommendation for Professional and Transitional D certification
EDU-09-22-00013-P	03/02/23	Use of Therapeutic Pharmaceutical Agents by Certified Optometrists.	To add a new class of drugs, Rho kinase inhibitors, to the list of drugs that an optometrist certified to use phase two therapeutic pharmaceutical agents may use and prescribe to treat patients
EDU-09-22-00014-P	03/02/23	Content core requirements for candidates seeking an additional science certificate.	To revise the content core requirements in registered teacher preparation programs
EDU-09-22-00015-P	03/02/23	Literacy (All Grades) certificate	Establishes the Literacy (All Grades) certificate
EDU-09-22-00016-P	03/02/23	Board of education cooperative services regional technology plans.	To modernize the language and align requirements of the regional technology plans required to be submitted by BOCES.
<b>ELECTIONS, STATE BOARD OF</b>			
SBE-33-21-00010-P	08/18/22	Public Campaign Finance Program	Implementation of the Public Campaign Finance Program
SBE-39-21-00003-P	09/29/22	Required Debates for Statewide Candidates Participating in the Public Campaign Finance Program	Outlines Debate Requirements for Statewide Candidates Participating in the Public Campaign Finance Program
SBE-46-21-00001-P	11/17/22	Public Campaign Finance Board's Enforcement Procedure	Relates to how the Public Campaign Finance Board will enforce the public campaign finance provisions of the Election Law

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-16-21-00012-P	04/21/22	Regulations governing whelk management	To protect immature whelk from harvest and establish gear and reporting rules for marine resource protection and public safety
ENV-22-21-00001-EP	06/02/22	Peekamoose Valley Riparian Corridor	Protect public health, safety, general welfare and natural resources on the Peekamoose Valley Riparian Corridor
ENV-24-21-00008-P	08/17/22	Petroleum Bulk Storage (PBS)	To amend the PBS regulations, 6 NYCRR Part 613
ENV-24-21-00009-P	08/17/22	Chemical Bulk Storage (CBS)	To repeal existing 6 NYCRR Parts 596, 598, 599 and replace with new Part 598; and amend existing Part 597; for the CBS program
ENV-36-21-00003-P	11/15/22	Expanded Polystyrene Foam Container and Polystyrene Loose Fill Packaging Reduction	Implementation of the expanded polystyrene foam container and loose fill packaging ban in ECL Art. 27, Title 30
ENV-37-21-00004-P	09/15/22	Deer Hunting	This rulemaking will allow counties to annually, by county law, "opt-out" of the late bow and/or muzzleloader deer seasons
ENV-43-21-00010-P	10/27/22	Sunfish and crappie fishing regulations	To revise sunfish and crappie fishing regulations
ENV-49-21-00008-EP	12/08/22	Sanitary Condition of Shellfish Lands	To reclassify underwater shellfish lands to protect public health
ENV-49-21-00009-P	12/08/22	Freshwater fishing regulation simplification and clean-up	Eliminate unnecessary regulations, provide consistency and align regulations with actual management intent
ENV-51-21-00003-P	04/07/23	Environmental Remediation Programs	To amend 6 NYCRR Part 375, Environmental Remediation Programs.
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-42-21-00011-P	10/20/22	DISCLOSURE REQUIREMENTS FOR CERTAIN PROVIDERS OF COMMERCIAL FINANCING TRANSACTIONS	To provide new disclosure rules for small business financings
DFS-44-21-00015-P	11/03/22	Compliance With Community Reinvestment Act Requirements	To provide new rules concerning data collection on extension of credit to women-owned and minority-owned businesses.
DFS-47-21-00006-P	11/24/22	Minimum Standards for the Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	To hold insurers, plans and HMOs responsible for inaccurate provider directory information and replies to insureds' inquiries.
DFS-50-21-00016-P	12/15/22	Debt Collection by Third-Party Debt Collectors and Debt Buyers	To clarify and modify standards for debt collection practices in New York



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
DFS-09-22-00018-P	03/02/23	Minimum Standards for the Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	To provide additional minimum standards for the content of health insurance identification cards in accordance with Federal law
DFS-11-22-00001-P	03/16/23	Separate Accounts and Separate Account Contracts	To establish standards for separate accounts and separate account contracts.
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-02-22-00003-P	01/12/23	Regulation of charitable gaming Internet raffles.	To implement Internet raffles regulation as directed by statute.
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-05-21-00011-RP	05/04/22	Ingredient Disclosures for Vapor Products and E-Cigarettes	To provide for enhanced public awareness of the chemicals used in vapor products and electronic cigarettes
HLT-22-21-00004-P	06/02/22	Hospice Residence Rates	To authorize Medicaid rate of payment to increase the Hospice Residence reimbursement rates by 10 percent
HLT-22-21-00009-P	06/02/22	Managed Care Organizations (MCOs)	To maintain the contingent reserve requirement at 7.25% through 2022 applied to Medicaid Managed Care, HIV SNP & HARP programs
HLT-46-21-00005-P	11/17/22	Nursing Home Minimum Direct Resident Care Spending	Every RHCF shall spend a minimum of 70% of revenue on direct resident care and 40% of revenue on resident-facing staffing.
HLT-46-21-00007-P	11/17/22	Minimum Staffing Requirements for Nursing Homes	Requiring minimum staffing levels for nursing homes
HLT-50-21-00001-EP	12/15/22	Prevention of COVID-19 Transmission by Covered Entities	To require covered entities to ensure their personnel are fully vaccinated against COVID-19 subject to certain exemptions.
HLT-50-21-00002-EP	12/15/22	Investigation of Communicable Disease; Isolation and Quarantine	Control of communicable disease.
HLT-50-21-00003-EP	12/15/22	Face Coverings for COVID-19 Prevention	To control and promote the control of communicable diseases to reduce their spread.
HLT-50-21-00004-EP	12/15/22	Personal Caregiving and Compassionate Caregiving Visitors in Nursing Homes (NH's) and Adult Care Facilities (ACF's)	To require NH's & ACF's to establish policies & procedures relating to personal caregiving & compassionate caregiving visitors.
HLT-01-22-00004-P	01/05/23	Prescription Refills	Limits Medicaid FFS prescriptions to a maximum of 12 fills within one year from the date the prescriber initiates a prescription
HLT-07-22-00010-P	02/16/23	Clinical Staffing in General Hospitals	Requires general hospitals to have clinical staffing committees and create clinical staffing plans
HLT-07-22-00011-P	02/16/23	Surge and Flex Health Coordination System	Provides authority to the Commissioner to direct certain actions and waive certain regulations in an emergency.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HEALTH, DEPARTMENT OF</b>			
HLT-10-22-00009-P	03/09/23	Updated Retention Standards for Adult Care Facilities	To ensure admission and retention standards for adult care facilities are consistent with the Americans with Disabilities Act.
<b>HUMAN RIGHTS, DIVISION OF</b>			
HRT-15-21-00005-RP	07/13/22	Notice of tenants' rights to reasonable modifications and accommodations for persons with disabilities	To comply with the requirements of Executive Law section 170-d
<b>INDUSTRIAL BOARD OF APPEALS</b>			
IBA-45-21-00003-P	11/10/22	Rules of Procedure and Practice for administrative hearings; Freedom of Information Law	To update the Rules of Procedure and Practice for administrative review and to correct address for Freedom of Information Law.
<b>JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE</b>			
JPE-06-22-00015-EP	02/09/23	Adjudicatory proceedings and appeals procedures for matters under the Commission's jurisdiction	To increase transparency of the Commission
<b>LABOR, DEPARTMENT OF</b>			
LAB-34-21-00002-EP	11/17/22	New York Health and Essential Rights Act (NY HERO Act)	Airborne Infectious Disease Exposure Prevention Standard
LAB-51-21-00007-P	02/09/23	Workplace Safety Committees	To comply with Labor Law 27-d(8) which requires that the Department adopt regulations.
LAB-05-22-00008-EP	02/02/23	Unemployment Insurance Work Search	Permit unemployment claimants to use virtual and electronic methods to engage in systemic and sustained work search efforts.
<b>LAW, DEPARTMENT OF</b>			
LAW-49-21-00016-P	12/08/22	Charities regulatory framework and the use of gendered pronouns therein	Removal of all references to gender pronouns and replacing them with the neutral pronoun, "they" or "their"
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-37-18-00017-P	..... exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	..... exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
*LPA-09-20-00010-P	..... exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
*LPA-28-20-00033-EP	..... exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
*LPA-37-20-00013-EP	..... exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
LPA-12-21-00011-P	..... exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input

**MENTAL HEALTH, OFFICE OF**

*OMH-09-21-00001-EP	..... 03/03/22	Redesigning Residential Treatment Facilities (RTF)	To provide clarity and provide uniformity relating to RTF's and to implement Chapter 58 of the Laws of 2020
OMH-20-21-00006-P	..... 05/19/22	Establishment of Youth Assertive Community Treatment (ACT)	To include children in the populations eligible to receive ACT and other conforming changes
OMH-33-21-00005-ERP	..... 08/18/22	Establishes Crisis Stabilization Centers.	To establish standards for a Crisis Stabilization Center which provides a full range of psychiatric and substance use services.
OMH-40-21-00007-EP	..... 10/06/22	COVID-19 Masking Program	To implement a COVID-19 mask program
OMH-43-21-00002-EP	..... 10/27/22	COVID-19 Vaccination Program	To implement a COVID-19 vaccination program in OMH Operated or Licensed Hospitals
OMH-48-21-00003-EP	..... 12/01/22	Telehealth Expansion.	To establish regulations regarding the expansion of telehealth.

**METROPOLITAN TRANSPORTATION AGENCY**

MTA-16-21-00004-EP	..... 04/21/22	Requiring mask wearing when using the facilities and conveyances of the MTA and its operating affiliates and subsidiaries	To safeguard the public health and safety by adding a new all-agency rule requiring the use of masks in facilities and conveyances
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**MOTOR VEHICLES, DEPARTMENT OF**

MTV-09-22-00017-P	..... 03/02/23	Passenger and commercial registrations	Allows a passenger class registration for non-commercially used pickup trucks by removing the truck weight limitation
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NFW-49-21-00010-EP	..... 12/08/22	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
*OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
<b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b>			
PDD-37-21-00001-P	..... 09/15/22	Certified Residential Opportunities	To provide equity in opportunities for certified residential opportunities
PDD-40-21-00002-EP	..... 10/06/22	Mandatory Face Coverings in OPWDD Certified Services	To protect public health
PDD-43-21-00003-ERP	..... 10/27/22	COVID-19 vaccines	To require vaccinations in certain OPWDD settings
PDD-46-21-00015-P	..... 11/17/22	Community Transition Services	To match federal limitations and use gender neutral terminology
PDD-04-22-00007-P	..... 01/26/23	Reportable Incidents	To remove administration of medical cannabis from the list of reportable incidents
PDD-07-22-00004-EP	..... 02/16/23	Certification of the Facility Class Known as Individualized Residential Alternative	To increase IRA capacity in cases of emergent circumstances
PDD-07-22-00005-EP	..... 02/16/23	General Purpose	To increase IRA capacity in cases of emergent circumstances
PDD-09-22-00005-P	..... 03/02/23	Administrative Compensation	To repeal Part 645 as Executive Order 38 has sunset
PDD-10-22-00010-EP	..... 03/09/23	Training Flexibilities	To provide flexibility in training requirements
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC EMPLOYMENT RELATIONS BOARD</b>			
PRB-01-22-00006-P	01/05/23	Rules and regulations to effectuate the purposes of the State Employment Relations Act (Labor Law Art. 20).	To enact procedures for the Farm Laborers Fair Laborers Practice Act, which amended the State Employment Relations Act.
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts receivable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts receivable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning, restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning, restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas meter for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/ Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspiry for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
*PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.
*PSC-44-19-00003-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00006-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00007-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.
*PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
*PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
*PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
*PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.
*PSC-18-20-00012-P	..... exempt	The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities.	To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity
*PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program.	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program.
*PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements.
*PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To provide cost recovery for new DLM programs and prevent double compensation to participating customers.
*PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity.
*PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements.	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies.
*PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program.	To address the economic impacts of the COVID-19 pandemic.
*PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.
*PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
*PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers.	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory.
*PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
*PSC-42-20-00008-P	..... exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-43-20-00003-P	..... exempt	The use of \$50 million to support residential and commercial customers experiencing financial hardship	To consider whether the proposed support of ratepayers is in the public interest
*PSC-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-46-20-00005-P	..... exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water's service.	To determine if approving the DPS Staff's recommendations is in the public interest.
*PSC-48-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers.
*PSC-48-20-00007-P	..... exempt	Tariff modifications to change National Fuel Gas Distribution Corporation's Monthly Gas Supply Charge provisions.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-51-20-00007-P	..... exempt	Whitepaper on the ACOS method used by utilities in developing Standby and Buyback Service rates.	To standardize the utility ACOS methods and resulting rates, and to enable stand-alone energy storage systems.
*PSC-51-20-00009-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer its "Energy Savings Program" to mass market customers.
*PSC-51-20-00014-P	..... exempt	Electric system needs and compensation for distributed energy resources.	To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources.
*PSC-01-21-00004-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer its Home Warranty product to mass market customers.
*PSC-02-21-00006-P	..... exempt	Disposition of a sales tax refund received by New York American Water, Inc.	To determine the disposition of tax refunds and other related matters.
*PSC-04-21-00016-P	..... exempt	Request for a waiver.	To consider whether good cause exists to support a waiver of the Commission's Test Period Policy Statement.
*PSC-06-21-00009-P	..... exempt	Disposition of a property tax refund received by New York American Water, Inc.	To determine the disposition of tax refunds and other related matters.
*PSC-09-21-00002-P	..... exempt	Gas moratorium procedures	To consider procedures and criteria to minimize customer hardships in the unlikely event of a future gas moratorium
*PSC-09-21-00005-P	..... exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-09-21-00006-P	..... exempt	Long-term gas system planning.	To consider a process to review gas distribution utilities' long-term system planning.
PSC-13-21-00016-P	..... exempt	Revised distribution strategies and reallocation of remaining funding.	To ensure the appropriate use of funding reserved for gas safety programs.
PSC-14-21-00003-RP	..... 04/07/22	More specific requirements for Operator Qualification to work on pipelines. Allows applications for "special permits."	To make the provision of natural gas service safer in New York State with better qualified pipeline workers.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-16-21-00006-P	..... exempt	The appropriate level of community credit capacity for distributed energy generation projects in the territory.	Consideration of an increase in the community credit capacity for distributed generation projects in the territory.
PSC-16-21-00007-P	..... exempt	Accounting-related rules for utilities implementing the Integrated Energy Data Resource.	To consider cost recovery of capital expenditures and budget allocations of costs between affiliated companies.
PSC-17-21-00005-P	..... exempt	Submetering equipment.	To consider use of submetering equipment and if it is in the public interest.
PSC-17-21-00006-P	..... exempt	Community Choice Aggregation and Community Distributed Generation.	To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation.
PSC-17-21-00007-P	..... exempt	Utility studies of climate change vulnerabilities.	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities.
PSC-18-21-00004-P	..... exempt	Community Choice Aggregation programs.	To modify and improve Community Choice Aggregation programs in New York State.
PSC-18-21-00006-P	..... exempt	Community Choice Aggregation renewable products.	To consider waiving the locational and delivery requirements for RECs purchased to support renewable CCA products.
PSC-18-21-00008-P	..... exempt	RG&E's Economic Development Programs and exemption from funding limits.	To consider RG&E to grant up to \$5.25 million in ED funding to Project Block to the benefit of ratepayers.
PSC-19-21-00008-P	..... exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG).	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program.
PSC-19-21-00009-P	..... exempt	Major electric rate filing.	To consider an increase in O&R's electric delivery revenues.
PSC-19-21-00012-P	..... exempt	Major gas rate filing.	To consider an increase in O&R's gas delivery revenues.
PSC-20-21-00004-P	..... exempt	Regulatory approvals in connection with a 437 MW electric generating facility.	To ensure appropriate regulatory review, oversight, and action, consistent with the public interest.
PSC-21-21-00012-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-21-21-00015-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-21-00019-P	..... exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-22-21-00008-P	..... exempt	Cost allocation for project(s) to meet a Public Policy Transmission Need/Public Policy Requirement.	To address the cost allocation methodology for use by the New York Independent System Operator, Inc. (NYISO).
PSC-25-21-00005-P	..... exempt	Transfer of Penelec assets and franchise rights.	To consider the transfer of utility assets and franchise to be in Waverly ratepayer and public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-26-21-00010-P	..... exempt	Proposed acquisition of all shares of common stock of Corning Natural Gas Holding Corporation by ACP Crotona Corp.	To consider whether the acquisition of all shares of common stock of CNGH by ACP Crotona Corp. is in the public interest.
PSC-26-21-00011-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-28-21-00012-P	..... exempt	Transfer of ownership interests in a 55 megawatt natural gas-fired cogeneration facility located in North Tonawanda, NY.	To address the proposed transfer and any matters within the public interest.
PSC-28-21-00013-P	..... exempt	Elimination of internal audits of wholesale performance metrics.	To consider Verizon New York Inc.'s petition to eliminate requirements for certain internal audits.
PSC-28-21-00015-P	..... exempt	Proposals for active and passive managed charging programs for mass market EV customers.	To shift EV charging to moderate grid impacts and customer costs.
PSC-29-21-00004-P	..... exempt	Exemptions from utility standby rates for efficient combined heat and power projects.	To determine whether utility standby rate exemptions should be continued.
PSC-29-21-00009-P	..... exempt	Proposed pilot program to use AMI to disconnect electric service to customers during gas system emergencies.	To study the efficacy of using AMI to disconnect electric service during gas system emergencies.
PSC-30-21-00006-P	..... exempt	NYSERDA proposal regarding Clean Energy Standard backstop collection processes.	To ensure that NYSERDA has sufficient funds to make timely payments to generators pursuant to the Clean Energy Standard.
PSC-32-21-00002-P	..... exempt	The prohibition on ESCO service to low-income customers.	To consider whether Icon Energy, LLC d/b/a Source Power Company should be granted a waiver to serve low-income customers.
PSC-32-21-00003-P	..... exempt	Exemptions from utility standby rates for certain designated or environmentally advantageous technologies.	To harmonize standby rate exemptions statewide.
PSC-33-21-00008-P	..... exempt	Establishment of a Tapping and Connection Fee.	To consider whether the proposed fees are in the public interest.
PSC-33-21-00009-P	..... exempt	Banking of credits and switching between Community Distributed Generation and Remote Crediting projects.	To ensure just and reasonable rates charged to customers.
PSC-34-21-00004-P	..... exempt	CDG subscriber eligibility requirements.	To consider modifications to the CDG program eligibility requirements for certain Standby Service customers.
PSC-34-21-00006-P	..... exempt	Staff recommendations to address the financial impacts of the COVID-19 pandemic.	To consider measures to provide relief to those financially impacted by the COVID-19 pandemic.
PSC-35-21-00004-P	..... exempt	Major gas rate filing.	To consider a proposed increase in Corning's gas delivery revenues of approximately \$5.8 million (20.4% in total revenues).
PSC-35-21-00009-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators in New York State.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-36-21-00006-P	..... exempt	The Westchester Power Program.	To consider integration of Opt-out Community Distributed Generation into the Westchester Power program.
PSC-36-21-00007-P	..... exempt	Pension settlement payout losses incurred in 2020.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2020.
PSC-37-21-00009-P	..... exempt	Procedures necessary to implement Tax Law Section 187-q.	To establish procedures by which eligible utility-taxpayers can have the amounts of certain waived customer arrears certified.
PSC-37-21-00010-P	..... exempt	Zero emitting electric generating facilities that are not renewable energy systems.	To consider modifications to the Clean Energy Standard.
PSC-37-21-00011-P	..... exempt	Green Button Connect implementation.	To consider the proposed Green Button Connect User Agreement and Green Button Connect Onboarding Process document.
PSC-37-21-00012-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Catalyst should be permitted to offer its Community Distributed Generation product to mass market customers.
PSC-37-21-00014-P	..... exempt	Consideration of Time Warner Cable Information Services (New York)'s Revised Implementation Plan and audit recommendations.	To ensure that recommendations issued in a management and operations audit are appropriately addressed and implemented.
PSC-38-21-00006-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-38-21-00007-P	..... exempt	Electric metering equipment.	To consider use of electric submeter and ensure that consumer bills will be based on accurate measurements of electric usage.
PSC-39-21-00006-P	..... exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-39-21-00007-P	..... exempt	The proposed alternative method of account identification.	To facilitate secure customer data exchanges between the utility or provider and energy service entities.
PSC-40-21-00017-P	..... exempt	The Commission's Order Adopting Utility Energy Registry Modifications	To determine if the Commission committed errors of law or fact in its Order, or if new facts warrant a different result.
PSC-40-21-00021-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-43-21-00007-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates.
PSC-43-21-00008-P	..... exempt	Incremental demand side management programs.	To consider proposed demand side management programs and cost recovery.
PSC-44-21-00010-P	..... exempt	Petition to enter a long term loan agreement and to institute a surcharge for recovery.	To determine if the issuance of long term debt and a surcharge mechanism for recovery is in the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-44-21-00012-P	..... exempt	Disposition of a New York State tax refund.	To determine the disposition of a tax refund obtained by New York American Water Company, Inc.
PSC-44-21-00014-P	..... exempt	Development of distribution and local transmission in accordance with the AREGCB Act.	To support distribution and local transmission investments necessary to achieve the the State's climate goals.
PSC-46-21-00013-P	..... exempt	ESCO Eligibility	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
PSC-46-21-00014-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-47-21-00003-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated.	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access.
PSC-47-21-00004-P	..... exempt	Proposed modifications to CDRP.	To consider revisions to CDRP, as well as conforming tariff revisions.
PSC-47-21-00005-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated.	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access.
PSC-48-21-00007-P	..... exempt	Verizon's Performance Assurance Plan.	To consider whether to retire the Performance Assurance Plan.
PSC-49-21-00011-P	..... exempt	Amendments to the SIR.	To more effectively interconnect distributed generation and energy storage systems 5 MW or less to the distribution system.
PSC-49-21-00012-P	..... exempt	Hosting capacity maps at investor-owned electric utilities.	To provide more useful information about the distribution system's hosting capacity.
PSC-49-21-00013-P	..... exempt	Amendments to the SIR and funding mechanisms.	To more equitably share costs among distributed generation and energy storage projects that require capital upgrades.
PSC-49-21-00014-P	..... exempt	A Tier 4 renewable energy certificate contract.	To increase renewable generation in New York city.
PSC-49-21-00015-P	..... exempt	A Tier 4 renewable energy certificate contract.	To increase renewable generation in New York city.
PSC-50-21-00005-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-50-21-00006-P	..... exempt	Implementation of the Host Community Benefit Program.	To consider the proposed administration and implementation related to disbursement of customer bill credits.
PSC-50-21-00008-P	..... exempt	Implementation of the Host Community Benefit Program.	To consider the proposed administration and implementation related to disbursement of customer bill credits.
PSC-50-21-00010-P	..... exempt	New York City's proposal to procure Tier 4 Renewable Energy Certificates.	To modify load serving entity compliance obligations under the Clean Energy Standard.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-50-21-00011-P	..... exempt	Implementation of the Host Community Benefit Program.	To consider the proposed administration and implementation related to disbursement of customer bill credits.
PSC-50-21-00012-P	..... exempt	Implementation of the Host Community Benefit Program.	To consider the proposed administration and implementation related to disbursement of customer bill credits.
PSC-50-21-00013-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-50-21-00014-P	..... exempt	Submetering of electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency measures are in place.
PSC-51-21-00008-P	..... exempt	Distribution level demand response programs	More efficient demand response programs to gain operational efficiency and shave peak demand
PSC-51-21-00009-P	..... exempt	Distribution-level demand response programs	More efficient demand response programs to gain operational efficiency and shave peak demand
PSC-51-21-00010-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-51-21-00011-P	..... exempt	Distribution-level demand response programs	More efficient demand response programs to gain operational efficiency and shave peak demand
PSC-51-21-00012-P	..... exempt	Distribution-level demand response programs	More efficient demand response programs to gain operational efficiency and shave peak demand
PSC-51-21-00013-P	..... exempt	Distribution-level demand response programs	More efficient demand response programs to gain operational efficiency and shave peak demand
PSC-51-21-00014-P	..... exempt	Distribution level demand response programs	More efficient demand response programs to gain operational efficiency and shave peak demand
PSC-51-21-00015-P	..... exempt	PSC Regulation 16 NYCRR 86.3(b)(2), and 88.4(a)(4)	To consider the Applicants requests relating to the content of their application for transmission line siting
PSC-51-21-00016-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-52-21-00006-P	..... exempt	Proposed tariff revisions to the Companies firm demand response programs for the 2021-2022 season.	To effectuate more efficient firm gas demand response programs to gain operational efficiency and shave peak demand.
PSC-52-21-00007-P	..... exempt	Clean Energy Standard Tier 1 Load Serving Entity Obligations.	To modify the Tier 1 Load Serving Entity obligations for compliance year 2023 and establish the obligation for year 2024.
PSC-52-21-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-52-21-00009-P	..... exempt	Authorization to recover costs for 19 transmission projects and related mechanisms.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-52-21-00010-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-01-22-00007-P	..... exempt	Amendments to the SIR.	To more effectively interconnect distributed generation and energy storage systems 5 MW or less to the distribution system.
PSC-01-22-00008-P	..... exempt	Proposed transfer of the Company's capital stock to the Purchaser.	To determine if transfer of the Company's capital stock to the Purchaser is in the public interest.
PSC-01-22-00009-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-01-22-00010-P	..... exempt	Compensation of and incentives for distributed energy resources.	To encourage the development of and ensure just and reasonable rates for distributed energy resources.
PSC-01-22-00011-P	..... exempt	Waiver of Article VII requirements.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-01-22-00012-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-01-22-00013-P	..... exempt	Interconnection costs.	To consider a petition requesting relief from interconnection costs assigned by the interconnecting utility.
PSC-01-22-00014-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-01-22-00015-P	..... exempt	Petition to enter into a lease agreement and impose a surcharge.	To consider entry into a lease agreement and to impose a surcharge.
PSC-01-22-00016-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-01-22-00017-P	..... exempt	Establishment of the regulatory regime applicable to a renewable natural gas project.	To ensure appropriate regulation of a new gas corporation.
PSC-01-22-00018-P	..... exempt	The New York State Reliability Council's establishment of an Installed Reserve Margin of 19.6%	To ensure adequate levels of Installed Capacity.
PSC-02-22-00004-P	..... exempt	Electric system needs and compensation for distributed energy resources.	To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources.
PSC-02-22-00005-P	..... exempt	The electric utilities' 2022 Electric Emergency Response Plans.	To consider the adequacy of the proposed 2022 Electric Emergency Response Plans.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-02-22-00006-P	..... exempt	Green gas products.	To consider whether to extend the waiver permitting Family Energy, Inc. to serve existing customers on a green gas product.
PSC-02-22-00007-P	..... exempt	Proposed changes to Rider Z - SC 1 Innovative Pricing Pilot and Rider AA - SC 2 Innovative Pricing Pilot.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-03-22-00003-P	..... exempt	Proposal by electric utilities on a revised benefit cost analysis method.	To support distribution and local transmission investments necessary to achieve the the State's clean energy and climate goals.
PSC-03-22-00004-P	..... exempt	Proposal by electric utilities on a coordinated electric grid planning process.	To support distribution and local transmission investments necessary to achieve the the State's clean energy and climate goals.
PSC-04-22-00002-P	..... exempt	Con Edison's petition for specific non-pipeline alternative projects.	To provide for continued service reliability and to meet customer energy needs while addressing greenhouse gas reduction goals.
PSC-04-22-00003-P	..... exempt	Proposed sale of real property.	To determine if the proposed sale of real property is in the public interest.
PSC-04-22-00004-P	..... exempt	Extension of the State Universal Service Fund.	To continue to provide universal service at a reasonable rate in certain service territories.
PSC-04-22-00005-P	..... exempt	Petition to continue development and recover the costs of 23 local transmission projects.	To ensure safe and adequate service at just and reasonable rates and to support the State's clean energy and climate goals.
PSC-04-22-00006-P	..... exempt	Area code overlay as relief of the exhausting 845 area code.	To ensure performance in accordance with applicable telecommunications laws, regulations and standards and the public interest.
PSC-05-22-00001-P	..... exempt	Green gas products.	To consider an extension of the waiver permitting energy service companies to serve existing customers on green gas products.
PSC-05-22-00002-P	..... exempt	Notification concerning tax refunds.	To consider Verizon New York Inc.'s request to retain a portion of a property tax refund.
PSC-05-22-00003-P	..... exempt	Green gas products.	To consider an extension of the waiver permitting energy service companies to serve existing customers on a green gas product.
PSC-05-22-00004-P	..... exempt	Initial Tariff Schedule.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-05-22-00005-P	..... exempt	Disposition of a garbage and refuse tax refund.	To determine the disposition of tax refunds and other related matters.
PSC-05-22-00006-P	..... exempt	Green gas products.	To consider an extension of the waiver permitting energy service companies to serve existing customers on a green gas product.
PSC-06-22-00009-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-06-22-00010-P	..... exempt	Tariff rate modifications for PASNY Delivery Service.	To implement just and reasonable rates for distributed energy resources.
PSC-06-22-00011-P	..... exempt	Green gas products.	To consider whether to extend the waiver permitting American Power & Gas to serve existing customers on a green gas product.
PSC-06-22-00012-P	..... exempt	Retention of property tax refunds.	To consider Verizon New York Inc.'s request to retain a portion of a property tax refund.
PSC-06-22-00013-P	..... exempt	The Commission's Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether to extend the date to comply with the CES locational and delivery requirements when purchasing RECs.
PSC-06-22-00014-P	..... exempt	The regulatory regime applicable to a solar electric generating facility.	To ensure appropriate regulation of a new electric corporation.
PSC-07-22-00007-P	..... exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-07-22-00008-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-07-22-00009-P	..... exempt	Notice of intent to submeter electricity and request for waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-08-22-00002-P	..... exempt	Issuance of securities and other forms of indebtedness.	To provide funding for capital needs, including construction, and refinancing of maturing debt.
PSC-08-22-00003-P	..... exempt	Electric metering equipment.	To consider the use of equipment and ensure that consumer bills will be based on accurate measurements of electric usage.
PSC-08-22-00004-P	..... exempt	Debt financing arrangement.	To review the proposed financing and consider whether it is within the public interest.
PSC-08-22-00005-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-08-22-00006-P	..... exempt	Establishment of a lightened regulatory regime applicable to a battery storage project.	To ensure appropriate regulation of an electric corporation.
PSC-09-22-00006-P	..... exempt	Assessment of the need of the project for the the provision of safe and adequate service at just and reasonable rates.	To determine whether the project is necessary and whether the utility can begin cost recovery through a surcharge mechanism.
PSC-09-22-00007-P	..... exempt	Green gas products.	To consider whether to extend the waiver permitting Viridian Energy PA, LLC to serve existing customers on a green gas product.
PSC-09-22-00008-P	..... exempt	Green gas products.	To consider whether to extend the waiver permitting Just Energy New York to serve existing customers on a green gas product.
PSC-09-22-00009-P	..... exempt	Establishing an alternative recovery mechanism for certain types of fees.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-09-22-00010-P	..... exempt	Green gas products.	To consider whether to extend the waiver permitting Alpha Gas & Electric to serve existing customers on a green gas product.
PSC-09-22-00011-P	..... exempt	Establishing an alternative recovery mechanism for certain types of fees.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-09-22-00012-P	..... exempt	Proposals to implement an Electric Vehicle Make Ready Surcharge for Street Lighting Customers.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-10-22-00011-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-10-22-00012-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-10-22-00013-P	..... exempt	Agreement for the provision of water service and waivers.	To consider whether the terms of a service agreement and requested waivers are in the public interest.
PSC-10-22-00014-P	..... exempt	Amendments to Outdoor Gas Lighting tariff provisions.	To eliminate the outdated provisions concerning the use of natural gas for decorative outdoor lighting.
PSC-10-22-00015-P	..... exempt	To assign certain easement interests and to transfer certain Central Hudson's property to Transco.	To consider whether the easement interests and transfer of certain Central Hudson property to Transco is in the public interest.
PSC-10-22-00016-P	..... exempt	Amendments to Outdoor Gas Lighting tariff provisions.	To eliminate the outdated provisions concerning the use of natural gas for decorative outdoor lighting.
PSC-11-22-00012-P	..... exempt	Policies, budgets, and targets to support space and water heating electrification programs.	To consider revised budgets and targets for Con Edison's New York Clean Heat Program.
PSC-11-22-00013-P	..... exempt	Modifications to the budget and application to disadvantaged communities, limits of plugs per station, and funding levels.	Increase electric vehicle charging infrastructure in disadvantaged communities and other locations.
<b>STATE UNIVERSITY OF NEW YORK</b>			
SUN-24-21-00002-EP	..... 06/16/22	Gender Neutral Bathrooms	To conform with legislation requiring SUNY state-operated campuses to designate all single occupancy bathrooms as gender neutral
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
*TAF-46-20-00003-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-08-22-00001-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.	To set the sales tax component and the composite rate per gallon for the period April 1, 2022 through June 30, 2021.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
TDA-51-21-00002-EP .....	12/22/22	Elderly Simplified Application Project (ESAP) for the Supplemental Nutrition Assistance Program (SNAP)	To simplify the SNAP eligibility process for certain elderly and/or disabled residents in New York State
TDA-01-22-00001-EP .....	01/05/23	2019 Novel Coronavirus (COVID-19) masking requirements in congregate shelters	Protect the well-being of shelter staff and persons staying in congregate shelters
<b>WORKERS' COMPENSATION BOARD</b>			
WCB-28-21-00009-RP .....	07/14/22	Telehealth	Provides the option for telehealth visits in some circumstances
WCB-52-21-00004-EP .....	12/29/22	Independent Livery Drivers and Independent Livery Driver Fund	To implement the Cisneros Appellate Division case (194 A.D.3d 1344)
WCB-03-22-00002-P .....	01/19/23	DME Fee Schedule	To update the DME fee schedule
WCB-09-22-00002-P .....	03/02/23	Intraoperative Neurophysiological Monitoring	To define IOM and clarify that remote IOM is prohibited except in very limited circumstances



# SECURITIES OFFERINGS

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## STATE NOTICES

Published pursuant to provisions of General Business Law  
[Art. 23-A, § 359-e(2)]

## DEALERS; BROKERS

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Vivo Living North Charleston LLC  
16150 SW. Upper Boones Ferry Rd., Portland, OR 97224  
*State or country in which incorporated* — Delaware

ZEFR, Inc.  
4101 Redwood Ave., Los Angeles, CA 90066  
*State or country in which incorporated* — Delaware

3230FM, LP  
130 Dutchman Blvd., Irmo, SC 29063  
*State or country in which incorporated* — Delaware

701 Whiting Opportunity Fund I, LLC  
543 Thames St., Newport, RI 02840

BG Kirkwood Apts., LLC  
123 Town Square Place, Jersey City, NJ 07310  
*State or country in which incorporated* — North Carolina

Country Place Killeen Investors, LLC  
35216 Noel Place, Fremont, CA 94536  
*State or country in which incorporated* — Texas

Dalmore Group, LLC, The  
525 Green Place, Woodmere, NY 11598  
*State or country in which incorporated* — New York

Equalize Community Development Fund  
11270 W. Park Place, Suite 1025, Milwaukee, WI 53224  
*State or country in which incorporated* — Delaware

FarmTogether Pioneer, LLC  
c/o FarmTogether Management, LLC, 16192 Coastal Hwy., Lewes,  
DE 19958  
*State or country in which incorporated* — Delaware

FarmTogether Willow Creek, LLC  
c/o FarmTogether Management, LLC, 16192 Coastal Hwy., Lewes,  
DE 19958  
*State or country in which incorporated* — Delaware

Gateway Multifamily, LLC  
3800 N. Central Ave., Phoenix, AZ 85012  
*State or country in which incorporated* — Wyoming

Inland Securities Corporation  
2901 Butterfield Rd., Oak Brook, IL 60523  
*State or country in which incorporated* — Delaware

Major League Football, Inc.  
15515 Lemon Fish Dr., Lakewood Ranch, FL 34202  
*State or country in which incorporated* — Delaware

Norsk Titanium AS  
Flyplassveien 20, Honefoss Norway 3514  
*State or country in which incorporated* — Norway



# ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

## SEALED BIDS

### REMEDiate EXCESS HEAT/VENTILATION Willard Psychiatric Center Willard, Seneca County

Sealed bids for Project No. M3157-H, comprising a contract for HVAC Work, Remediate Excess Heat / Ventilation, Mechanical Room, Van Dyke Alcoholism Treatment Center, Willard Psychiatric Center, Route 96A, Willard (Seneca County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Alcoholism & Substance Abuse Services, until 2:00 p.m. on Wednesday, March 16, 2022 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$6,600 for C).

Further, Wicks Exempt Projects require a completed form BDC 59 (Wicks Exempt List of Contractors) be filled out and submitted (included in a separate, sealed envelope) in accordance with Document 002220, Supplemental Instructions to Bidders – Wicks Exempt. Failure to submit this form correctly will result in a disqualification of the bid.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$50,000 and \$100,000 for H.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any

State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

\_\_\_\_\_ Project commenced design before January 1, 2020. Not subject to provision.

  X   Project commenced design on or after January 1, 2020. Subject to provision.

The substantial completion date for this project is 128 days after the Agreement is approved by the Comptroller.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on March 3, 2022, at Van Dyke Clinic, Willard DTC, Route 96A, Willard NY 14588. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Brad Young (607-869-5135) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 0% for the H trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an

e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By OGS - Design & Construction Group

**REPLACE  
SWITCHGEAR**  
Empire State Plaza  
Albany, Albany County

Sealed bids for Project Nos. 45583-C, 45583-H and 45583-E, comprising separate contracts for Construction Work, HVAC Work, and Electrical Work, Replace Switchgear, Swan Street Building, Empire State Plaza, Albany (Albany County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, March 30, 2022, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$8,500 for C, \$18,200 for H, and \$158,200 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$100,000 and \$250,000 for C, between \$250,000 and \$500,000 for H, and between \$6,000,000 and \$7,000,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

X Project commenced design before January 1, 2020. Not subject to provision.

Project commenced design on or after January 1, 2020. Subject to provision.

The substantial completion date for this project is 1,080 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 11:00 a.m. on March 17, 2022. Please assemble at the Main Food Court (near McDonald's), Concourse Level, Empire State Plaza, Albany NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Donald Gailor, (518-486-9122) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work, an overall goal of 8% for MWBE participation, 4% for Minority-Owned Business Enterprises ("MBE") participation and 4% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for HVAC Work, and an overall goal of 20% for MWBE participation, 10% for Minority-Owned Business Enterprises ("MBE") participation and 10% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electrical Work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, 6% for the E trade contractor, and 3% for the H trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.



For all other questions, please send an email to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By OGS - Design & Construction Group

**IMPROVE  
DRAINAGE/FILL SYSTEMS**  
Empire State Plaza  
Albany, Albany County

Sealed bids for Project No. 45724-P, comprising separate contracts for Plumbing Work, Drainage and Fill Systems Improvements, Plaza Reflecting Pools, Plaza Level, Empire State Plaza, Albany (Albany County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, March 30, 2022, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$23,300 for P).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for P.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

- ☒ Project commenced design before January 1, 2020. Not subject to provision.  
☐ Project commenced design on or after January 1, 2020. Subject to provision.

The substantial completion date for this project is 324 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on March 17, 2022. Please assemble at the Empire State Plaza Ice Rink, Empire State Plaza, Albany NY 12210. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Eric Luft, (518-573-1364) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 3% for the P trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to [support@bidexpress.com](mailto:support@bidexpress.com), or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By OGS - Design & Construction Group

**PROVIDE  
SALT STORAGE BUILDING**  
Department Of Transportation Region 8  
Katonah, Westchester County

Sealed bids for Project Nos. 47108-C and 47018-E, comprising separate contracts for Construction Work, and Electrical Work,



Provide Salt Storage Building, DOT Region 8, Westchester County, 85 Route 100 RD 2, Katonah (Westchester County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, March 16, 2022, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$40,800 for C, and \$11,600 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C, and between \$100,000 and \$250,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

\_\_\_\_\_ Project commenced design before January 1, 2020. Not subject to provision.

X \_\_\_\_\_ Project commenced design on or after January 1, 2020. Subject to provision.

The substantial completion date for this project is 202 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on March 2, 2022 at 85 Route 100, Katonah NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Daniel Kilmartin (914-463-0030) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at

least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 3% for the C trade contractor, 0% for the E trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to [support@bidexpress.com](mailto:support@bidexpress.com), or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to [DCPlans@ogs.ny.gov](mailto:DCPlans@ogs.ny.gov), or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By OGS - Design & Construction Group

## REPLACE

EPDM ROOF SYSTEM  
Dulles State Office Building  
Watertown, Jefferson County

Sealed bids for Project No. 47144-C, comprising a contract for Construction Work, Replace EPDM Roof System, Dulles State Office Building, 317 Washington Street, Watertown (Jefferson County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, April 6, 2022, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$22,400 for C).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and

137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

☐ Project commenced design before January 1, 2020. Not subject to provision.

☒ Project commenced design on or after January 1, 2020. Subject to provision.

The substantial completion date for this project is 517 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on March 23, 2022, at Dulles State Office Building, 317 Washington Street, Watertown, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Megan Miller, (315-785-6447) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total

contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 3% for the C trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to [support@bidexpress.com](mailto:support@bidexpress.com), or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to [DCPlans@ogs.ny.gov](mailto:DCPlans@ogs.ny.gov), or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By OGS - Design & Construction Group



# NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

## Division of Homeland Security and Emergency Services

1220 Washington Ave.  
Bldg. 7A, 3rd Fl.  
Albany, NY 12242

FEDERALLY RECOGNIZED INDIAN TRIBAL GOVERNMENTS,  
LOCAL GOVERNMENTS AND CERTAIN PRIVATE NON-  
PROFITS

### Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP)

The New York State Division of Homeland Security and Emergency Services (DHSES) is pleased to announce the availability of Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) funds for Presidential Declaration: DR-4480 (COVID-19).

FEDERAL FUNDS AVAILABLE:	up to \$293,000,000 (for projects) * up to \$22,000,000 (for planning)
ELIGIBLE ACTIVITIES:	Implementing Hazard Mitigation Projects and Multi-Jurisdictional Hazard Mitigation Plan Updates, Enhancements and Planning Related Activities
DATE ANNOUNCED:	Original date: January 12, 2022; Revised date: March 16, 2022
APPLICATION DEADLINE:	Original date: April 1, 2022; Revised due date: June 1, 2022

\* Please note: Advance Assistance applications are eligible through this funding opportunity up to the federally allowed maximum amount of \$10,000,000. Additionally, 5 Percent Initiative applications are also eligible through this funding opportunity. All program requirements are available in FEMA's Hazard Mitigation Assistance (HMA) Unified Guidance and Addendum.

NYS DHSES staff are available upon request to provide technical assistance. NYS DHSES encourages applicants to submit initial applications as soon as possible.

#### What is the HMGP?

After a Presidential declaration, New York State receives HMGP funds to administer grant programs that support mitigation planning and long-term hazard mitigation measures that enhance the State's resiliency posture, avoid loss of life, and reduce damages to improved property.

- The State of New York, acting through DHSES, is the applicant for FEMA's HMGP.

- Eligible subapplicants include federally recognized Indian Tribal Governments, local governments (to include State-recognized Indian Tribes and authorized Indian Tribal organizations), and certain Private Non-Profits (PNPs) that perform a government-like function. Eligible applicants under FEMA's Public Assistance (PA) program are also eligible subapplicants under the HMGP.

- Ineligible subapplicants for HMGP assistance include individuals and businesses; however, eligible subapplicants may apply on their behalf.

- FEMA's planning requirement must be met by all subapplicants at the time of project approval.

- HMGP funded projects must be cost-effective through verification that future benefits (losses avoided) are equal to or greater than the project's cost (see more on this on page 2).

- HMGP provides up to 75% reimbursement of eligible costs, not to exceed the award. The remaining 25% non-federal match will be the responsibility of the subapplicant. The non-federal cost share may consist of cash, donated or in-kind services, materials, or any combination thereof. While most Federal funds cannot be used for the non-federal match, there are some exceptions.<sup>1</sup>

- Information about the HMGP and all program requirements are available in FEMA's Hazard Mitigation Assistance (HMA) Unified Guidance and Addendum (February 27, 2015).

#### State Priorities for Project Grants

The HMGP allows NYS to establish priorities for each event. The State priorities for DR-4480 COVID-19 target disadvantaged communities and socially vulnerable areas and enhance resiliency postures by promoting strategies and activities identified in the NYS Standard Multi-Hazard Mitigation Plan. HMGP funding will be available statewide and will be based on the Prioritization Criteria listed below. The NYS Standard Multi-Hazard Mitigation Plan is available at <https://mitigateny.availabs.org/strategies>

To be eligible for HMGP funding, FEMA requires that a project be proven cost-effective using FEMA's Benefit-Cost Analysis (BCA) Toolkit.<sup>2</sup> If a formal BCA achieving a Benefit Cost Ratio (BCR) of 1.0 or greater (with supporting documentation) is not provided, substantive information to demonstrate that a BCR of 1.0 or greater is achievable must be included. Either instance requires supporting documentation, including but not limited to: a completed NYS DHSES BCA Worksheet, documentation of historical damages (which may include a detailed attestation by a community official), copies of invoices, Project Worksheets (PWs) from FEMA's Public Assistance (PA) program, likelihood of future damages (including the population impacted).

Following application development, complete and eligible applications will be scored based on priorities below.

Applicants that previously submitted projects under Building Resilient Infrastructure and Communities (BRIC) and/or Flood Mitigation Assistance (FMA) 2020 and were determined eligible by FEMA and not funded are strongly encouraged to apply.

The COVID-19 Disaster pertains to all of New York State. Therefore, all counties are eligible for this funding opportunity. Please note that there is not a federal funding cap associated with this grant opportunity.

#### PRIORITIZATION CRITERIA

- 1 Projects where work is being completed in, or that will have a direct risk reduction to vulnerable communities and populations. See below
- 2 Projects that address climate change adaption and resiliency with consideration of the future impacts and risks associated with climate change. This includes promoting climate resiliency and reducing risks associated with flooding, high winds, coastal erosion, droughts and wildfires.



- 3 Projects that protect and/or mitigate risk to critical infrastructure, utilities and/or repetitive loss structures.
- 3.1 Projects that protect and/or mitigate risk to critical infrastructure.
- 3.2 Projects that support utilities or other critical facilities adapt to future conditions and reduce risks.
- 3.3 Projects that protect and/or mitigate risk to repetitive loss structures.
- 4 Projects that are identified in a FEMA approved Hazard Mitigation Plan.

#### Justice40 Initiative:

In accordance with the guiding principle of promoting equity and in implementing the Justice40 Initiative, the HMGP program is prioritizing assistance that benefits disadvantaged communities as referenced in Presidential Executive Order 14008. A disadvantaged community may be characterized by variables including, but not limited to: Low income; high and/or persistent poverty; high unemployment and underemployment; racial and ethnic segregation, particularly where the segregation stems from discrimination by government entities; linguistic isolation; high housing cost burden and substandard housing; distressed neighborhoods; high transportation cost burden and/or low transportation access; disproportionate environmental stressor burden and high cumulative impacts; limited water and sanitation access and affordability; disproportionate impacts from climate; high energy cost burden and low energy access; jobs lost through the energy transition; access to health care; and all geographic areas within Tribal jurisdictions.

As a condition of receiving this funding, Recipients and Subrecipients must focus the use of FEMA funding on the highest-risk communities and underserved populations as determined by established measures of social and economic disadvantage using the CDC's Social Vulnerability Index (SVI). The US Census Bureau also contains additional Select Social, Economic and Housing Characteristic data that may be used to support high-risk criteria.

For a complete list of eligible project types, see page 33 of the Hazard Mitigation Assistance Guidance (February 27, 2015).

The FEMA Mitigation Action Portfolio includes examples of innovative projects that address many types of natural hazards and is located at: [https://www.fema.gov/sites/default/files/2020-08/fema\\_mitigation-action-portfolio-support-document\\_08-01-2020\\_0.pdf](https://www.fema.gov/sites/default/files/2020-08/fema_mitigation-action-portfolio-support-document_08-01-2020_0.pdf)

#### State Priorities for Planning Grants

There are 3 funding opportunities available through this announcement:

1. County Plan Updates
2. County Plan Enhancements
3. Planning Related Activities

#### County Plan Updates:

Applications for planning grants for formal hazard mitigation planning and plan updates will be prioritized.

Preference for formal hazard mitigation planning and plan updates will be prioritized for counties that:

1. Do not have a current, FEMA approved Hazard Mitigation Plan.
2. Do not have secure grant funding in place for development of a Hazard Mitigation Plan.
3. Do not have anticipated funding in place for development of a Hazard Mitigation Plan.
4. Have existing plans that expire prior to the plans of other subapplicants.

Funding may be prorated based on available funds; however, total dollars requested may not exceed HMGP established planning limits based on county population as follows:

Population	Cap:	Total Cost	Federal Share
up to 100,000 residents		\$150,000	\$112,500

up to 500,000 residents	\$200,000	\$150,000
up to 1,000,000 residents	\$250,000	\$187,500
more than 1,000,000 residents	\$500,000	\$375,000

#### County Plan Enhancements:

The significant impact of climate change on communities across New York State continues to rise and must be addressed. Additionally, disadvantaged communities and populations tend to be adversely impacted by natural hazards, disasters and public health emergencies. DHSES encourages all counties, those with an approved Hazard Mitigation Plan and those coming due, to take advantage of a unique opportunity to conduct Plan Enhancement activities. This enhanced funding opportunity is intended for applicants choosing to address efforts to combat climate hazard conditions and emergencies, including pandemics, with a priority focus on disadvantaged communities and populations and link planning work directly to identifying risks, response activities and ultimately prioritizing hazard mitigation projects for those disadvantaged communities and populations.

Population	Cap:	Total Cost	Federal Share
up to 100,000 residents		\$250,000	\$187,500
up to 500,000 residents		\$350,000	\$262,500
up to 1,000,000 residents		\$450,000	\$337,500
more than 1,000,000 residents		\$750,000	\$562,500

#### Planning Related Activities:

Planning-related activities that are not formal plan updates will be scored based on the prioritization criteria for projects. For a complete list of eligible planning activities, see page 39 of the Hazard Mitigation Assistance Guidance (February 27, 2015). For supplemental guidance on eligible planning related activities, please see: [https://www.fema.gov/sites/default/files/documents/fema\\_hma-planning-related-activities\\_factsheet.pdf](https://www.fema.gov/sites/default/files/documents/fema_hma-planning-related-activities_factsheet.pdf)

#### How to Apply

Guidance Documents including the Project Application and the Planning Application, and other resources can be found on DHSES' website at: [www.dhses.ny.gov/recovery/](http://www.dhses.ny.gov/recovery/)

- FEMA's 2015 Hazard Mitigation Assistance (HMA) Unified Guidance: [www.dhses.ny.gov/recovery/mitigation/documents/FY-2015-HMA-Unified-Guide.pdf](http://www.dhses.ny.gov/recovery/mitigation/documents/FY-2015-HMA-Unified-Guide.pdf)

- FEMA's 2015 Hazard Mitigation Assistance (HMA) Unified Guidance addendum at: [www.dhses.ny.gov/recovery/mitigation/documents/FY-2015-Addendum-HMA-Unified-Guide.pdf](http://www.dhses.ny.gov/recovery/mitigation/documents/FY-2015-Addendum-HMA-Unified-Guide.pdf)

#### Additional Requirements

Pursuant to "Executive Order on Ensuring an Equitable Pandemic Response and Recovery," Executive Order 13995 of January 21, 2021, as a condition of the financial assistance, each state, territory, tribal and local government must focus the use of FEMA funding on the highest-risk communities and underserved populations as determined by established measures of social and economic disadvantage and prioritize limited resources to ensure an equitable pandemic response. Recipients must ensure that subrecipients receiving FEMA financial assistance collect and store data necessary to ensure equitable delivery of assistance and for recipients to demonstrate to FEMA compliance with federal civil rights laws. All recipients must provide this data to FEMA upon request or as directed by applicable FEMA policy. This grant condition will be monitored by FEMA in concert with the obligations set forth in 44 C.F.R. part 7, the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, Age Discrimination Act of 1975, 42 U.S.C. § 6101 et seq., Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, Executive Order 12898, Environmental, and 42 U.S.C. § 5151. See FEMA Advisories, Civil Rights Data Collection (link) and Civil Rights Considerations During COVID-19 Vaccination Distribution Efforts (link) for additional information.

#### Technical Assistance and Questions



Please submit any requests for technical assistance and/or questions to: [HMGP4480@dhses.ny.gov](mailto:HMGP4480@dhses.ny.gov)

To disseminate program information to the widest possible audience, DHSes places program information on its website and asks that County Emergency Managers, Mitigation Coordinators, and other recipients of this notice forward the information to interested eligible subapplicants. For more information, please visit [www.dhses.ny.gov/recovery/](http://www.dhses.ny.gov/recovery/)

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<sup>1</sup> Please consult FEMA's cost share guide ([https://www.fema.gov/sites/default/files/2020-08/fema\\_hma\\_cost-share-guide.pdf](https://www.fema.gov/sites/default/files/2020-08/fema_hma_cost-share-guide.pdf)) for more information.

<sup>2</sup> Visit FEMA's Benefit Cost Analysis website for more information: <https://www.fema.gov/grants/guidance-tools/benefit-cost-analysis>



# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

## PUBLIC NOTICE

### Department of Environmental Conservation

Pursuant to the Environmental Conservation Law § 49-0305 and 6 NYCRR Part 592, the Department of Environmental Conservation hereby gives public notice of the following:

The intent to modify the 2010 Upper Hudson Woodlands ATP Conservation Easement by adding up to 25 additional acres to the Blue Ridge Road Tract. This modification will have no change to the 2010 Conservation Easement terms and only adds acreage.

*For further information contact:* Robert Morrell, Assistant Superintendent, Bureau of Real Property, Dept. of Environmental Conservation, 625 Broadway, 5th Fl., Albany, NY 12233-4256, (518) 402-9441

## PUBLIC NOTICE

### Livingston County

The County of Livingston, NY is soliciting proposals from qualified Administrative Service Agencies and/or Financial Organizations relating to trust service, administration and/or funding of an "eligible" IRC Section 457 deferred compensation plan under the New York Rules and Regulations and the Model Plan and an IRC Section 401(a) matching deferred compensation plan.

*A copy of the proposal questionnaire may be obtained from:* Stephen Brown, Managing Director – Investments, Stifel, 295 Woodcliff Dr., Suite 305, Fairport, NY 14450, [Stephen.brown@stifel.com](mailto:Stephen.brown@stifel.com), (585) 267-8842

All proposals must be received no later than April 29th, 2022, 60 days from the date of publication in the New York State Register.

## PUBLIC NOTICE

### New York City Deferred Compensation Plan and NYCE IRA

The New York City Deferred Compensation Plan & NYCE IRA (the "Plan") is seeking proposals from qualified vendors to provide

Auditing Services for the City of New York Deferred Compensation Plan. The Request for Proposals ("RFP") will be available beginning on Wednesday, March 9, 2022. Responses are due no later than 4:30 p.m. Eastern Time on Tuesday, April 5, 2022. To obtain a copy of the RFP, please visit the Plan's website at [www1.nyc.gov/site/olr/about/about-rfp.page](http://www1.nyc.gov/site/olr/about/about-rfp.page) and download and review the applicable documents.

If you have any questions, please email them to Georgette Gestely, Director, at [rfpmail@nyceplans.org](mailto:rfpmail@nyceplans.org)

Consistent with the policies expressed by the City, proposals from certified minority-owned and/or women-owned businesses or proposals that include partnering arrangements with certified minority-owned and/or women-owned firms are encouraged. Additionally, proposals from small and New York City-based businesses are also encouraged.

## PUBLIC NOTICE

### Department of State F-2021-1063

Date of Issuance – March 16, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2021-1063, Plateau Associates, LLC, is proposing to construct a six-story residential building, parking garage and parking lot. The applicant is proposing to construct a six-story residential building, parking garage and parking lot. To facilitate construction of the site, the applicant is proposing to build within a historically altered ACOE jurisdictional watercourse. The current project includes rerouting the existing stream that flows through the site within a man-made stream channel, consisting of a combination of open channels and underground culverts. The proposed culvert will be an 8' wide x 4' deep precast reinforced concrete box culvert. The portion of the existing open channel/underground culverted watercourse will be filled to facilitate placement of the parking garage and residential building. Total fill to be placed within the streambed is approximately 411 C.Y. of material over 3,700 S.F. area. The project is proposed at 36 North Water Street in the Village of Ossining, Westchester County, on a tributary to the Hudson River.

The purpose of the project is to construct a "residential development within an under-utilized, previously disturbed project site".

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/03/f-2021-1063a.pdf>

<https://dos.ny.gov/system/files/documents/2022/03/f-2021-1063b.pdf>

<https://dos.ny.gov/system/files/documents/2022/03/f-2021-1063c.pdf>

<https://dos.ny.gov/system/files/documents/2022/03/f-2021-1063d.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or April 15, 2022.

*Comments should be addressed to:* Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

## PUBLIC NOTICE

Department of State

F-2021-1067

Date of Issuance – March 16, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2021-1067, The Club at Bayberry Harbor Homeowners Association, Inc., is proposing to reconstruct/maintain in-place 955' of existing bulkhead surrounding the boat basin, 277' bayfront bulkhead and 26' bulkhead landward of the existing groin. Maintenance dredge an approximate 2,123 square foot area at the entrance to the boat basin and up to 10 feet off shore of the bulkheads within the boat basin to a depth of -4' MLW and use the resultant combined 860 cubic yards of material on site as backfill for the bulkheads. Reconstruct/maintain in-place a 7' x 59' solid fill groin and walkway above; 7' x 14' walkway adjacent to the solid fill groin and a new 8' extension of the walkway; 78' of jetty; 25' and 20' groins; 10' x 225' gabions; 6' wide walkways around the basin; new 6' wide walkway adjacent to the bulkhead on the north side of the entrance inlet; nine (9) 2' wide finger piers and associated support and mooring piles within the basin. The project is proposed at 400 Ocean Avenue in the Town of Islip, Suffolk County, on Orowoc Creek in the Great South Bay.

The purpose of the project is erosion control and mooring of private recreational vessels.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/03/f-2021-1067.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or April 15, 2022.

*Comments should be addressed to:* Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

## PUBLIC NOTICE

Department of State

F-2021-1077

Date of Issuance – March 16, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities

described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2021-1077, 40-44 Newtown Road Corp. and 48 Newtown Road Corp., is proposing to extend and reconfigure the existing floating docks, at the Hampton Watercraft & Marine. In addition, the applicant proposes reconstruction of a portion of the bulkhead in place, maintenance dredging 6' to Mean Low Water of approximately 2,000 cubic yards and disposal of the dredge spoil at an approved upland site. The project is proposed at the Hampton Watercraft & Marine located at 44 Newtown Road in the Town of Southampton, Suffolk County, on Shinnecock Canal.

The purpose of the project is to improve the functionality of the marina through reconfiguration of the existing floating docks, reconstruction of a portion of the existing bulkhead and maintenance dredging.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/03/f-2021-1077.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or April 15, 2022.

*Comments should be addressed to:* Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

## PUBLIC NOTICE

Department of State

F-2021-1189

Date of Issuance – March 16, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2021-1189, Sprague Energy, is proposing to mechanically dredge up to 2,300 cubic yards of material from a 0.44 acre area with a final dredge depth of -28 NAVD88. The applicant has submitted a Beneficial Use Determination (BUD) petition to amend the dredged materials with Type II Portland Cement and reuse the amended materials in the construction of new perimeter berms at an adjacent facility. The applicant is seeking authorization to dredge as necessary to maintain the -28 NAVD88 depth for 10 years.

The dredging is proposed for the Sprague Energy Terminal located on the Hudson River at 58 Riverside Avenue in the City of Rensselaer, Rensselaer County. The proposal includes offloading, dewatering and amending dredged material at 40 Riverside Avenue and then transporting to the amended material for 290 Riverside Avenue where the material would be temporarily stockpiled while curing and the material would be used to construct new perimeter berms at the 290 Riverside Avenue location.

The stated purpose of the activity is to deepen the berth to allow for larger vessels to access the existing dock.

The applicant's consistency certification and supporting informa-

tion are available for review at: <https://dos.ny.gov/system/files/documents/2022/03/f-2021-1189publicnotice.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or April 15, 2022.

*Comments should be addressed to:* Consistency Review Unit, Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

## PUBLIC NOTICE

Department of State  
F-2022-0033

Date of Issuance – March 16, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2022-0033, James Kirchberger, is proposing to reconstruct a 70' x 6' steel pile dock out from the seawall. The project is proposed at 16961 Blanchard Lane W. in the Village of Clayton, Jefferson County, on the St. Lawrence River.

The purpose of the project is allow for access to the water for water dependent activities.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/03/f-2022-0033.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or April 15, 2022

*Comments should be addressed to:* Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

## PUBLIC NOTICE

Department of State  
F-2022-0087

Date of Issuance – March 23, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2022-0087, Chris Witt, is proposing to construct an elevated 4' x 100' walkway over wetlands area, which will connect a 6' x 20' floating dock, connected by 4' x 12' aluminum ramp. Floating dock will have four 12" mooring piles.

The stated purpose of the proposed action is private property recreational use dock.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/03/F-2022-0087-consistcert.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or April 22, 2022.

*Comments should be addressed to:* Consistency Review Unit, Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

## PUBLIC NOTICE

Department of State  
F-2022-0091

Date of Issuance – March 16, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2022-0091, Nora Burke, is proposing to construct a new 4' x 85' catwalk, 3' x 12' ramp, 6' x 20' float, two 8" float-securing piles, and two 8" mooring piles at 787 Montauk Highway.

Town of Southampton, Suffolk County, Quantuck Bay

The stated purpose of the proposed action is private property recreational use dock.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/03/F-2022-0091-consistcert.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or April 15, 2022.

*Comments should be addressed to:* Consistency Review Unit, Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.



## PUBLIC NOTICE

Department of State  
F-2022-0105

Date of Issuance – March 16, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2022-0105, Jacquie Holmes is proposing a 4'x90' fixed timber catwalk with open grate decking and handrails. The catwalk is to be supported by twenty 6" diameter timber piles with depth of penetration of 10'. The proposed catwalk will replace the existing bridge on the property. The project is located on West Creek, at 30 Soundview Lane, Sands Point, NY, 11050.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/03/f-2022-0105holmes.pdf> or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or April 15, 2022.

*Comments should be addressed to:* Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

## PUBLIC NOTICE

Department of State  
F-2022-0110 (DA)

Date of Issuance – March 16, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

Amtrak submitted a modification to a previously reviewed activity where they determined that the activity complied with and would be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program. The agency's public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2022-0110, Amtrak proposes to install a replacement submarine cable beneath the waterway bed, protected by concrete mats and no less than 7' of cover. Remove all temporary cable works previously installed under the Emergency Action Plan. Abandon the existing deteriorated submarine cables that are no longer serviceable. Project location is in New York County and Bronx County, bridge crossing the Harlem River at Hudson River.

The stated purpose of the project is to provide the permanent power and communication cabling to the movable bridge.

The agency's materials are available for review at: <https://dos.ny.gov/system/files/documents/2022/03/f-2022-0110amtrakspuytenduyvilbridgecable.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the ap-

plicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, April 15, 2022.

*Comments should be addressed to:* Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

## PUBLIC NOTICE

Department of State  
F-2022-0117 (DA)

Date of Issuance – March 16, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2022-0117 (DA), United States Army Corps of Engineers Buffalo District proposes the repair of the Buffalo North Breakwater at the Buffalo Harbor. The repair calls for demolition and removal of the two cast in place walls on the lakeside that fell into the lake from a storm in 2019 and 2020. The cast in place wall that fell in on the channel side of the structure would be left in place and built over. The 279 temporary pre-cast blocks placed around the south head would need to be recovered prior to stone placement. These would then be used to re-construct the collapsed section of the crest. The remaining original bin walls and fill at the crest of the structure would remain along with the newly installed pre-cast concrete blocks on top of the timber crib. The acreage of the proposed project to be filled/excavated at the south reach is 0.87. There would be lake bottom excavation in areas where the rubblemound would be placed. This is to ensure the material is placed on bedrock.

The applicant's consistency certification and supporting information are available for review at: [https://dos.ny.gov/system/files/documents/2022/03/f-2022-0117\(da\)BNBW.pdf](https://dos.ny.gov/system/files/documents/2022/03/f-2022-0117(da)BNBW.pdf) or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or April 15, 2022.

*Comments should be addressed to:* Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

## PUBLIC NOTICE

Department of State  
F-2022-0118

Date of Issuance – March 16, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities

described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2022-0118, Niagara Mohawk Power Corporation, National Grid is proposing to utilize an approximately 820 foot horizontal directional drill (HDD) to advance new 12-inch steel pipe under the Black River and adjacent upland areas to replace the 12-inch steel pipe that is currently supported by a suspension bridge over the Black River located in the Towns of Watertown and Pamelia, Jefferson County, New York. This project will also include the removal of the existing gas main suspension bridge over the Black River. The project is located at the end of Fisher Road, Watertown, NY 13601, Jefferson County.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/03/f-2022-0118pl49blackriver.pdf> or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or April 15, 2022.

*Comments should be addressed to:* Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: [CR@dos.ny.gov](mailto:CR@dos.ny.gov)

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

## PUBLIC NOTICE

Department of State  
F-2022-0125 (DA)

Date of Issuance – March 16, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The NOAA's National Marine Fisheries Service (NMFS) has determined that the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the New York State Coastal Management Program. The applicant's consistency determination and accompanying supporting information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue in Albany, New York.

NOAA's is proposing a rule modification to the Lobster Permit Trap Allocations in Areas 2 and 3 of the American Lobster Fishery and Coastwide Harvester Reporting. This Federal action is being taken consistent with Amendment 3 of the Interstate Fishery Management Plan for American Lobster, under the Atlantic Coastal Fisheries Cooperative Management Act.

This action would implement changes to the American lobster fishery in Federal waters of the U.S. Exclusive Economic Zone. Measures include mandatory harvester reporting for all Federal lobster permit holders, a trap cap reduction for Area 3 (the offshore Georges Bank and Southern New England Areas), and ownership caps for Area 2 (south of Massachusetts and Rhode Island) and Area 3 permit holders.

The management measures implemented under this Plan are intended to conserve the lobster resource that may occur in New York's state waters by limiting catch and promoting sustainable utilization.

The applicant's consistency certification and supporting information are available for review at: [https://dos.ny.gov/system/files/documents/2022/03/f-2022-0125\(da\)lobstercaps.pdf](https://dos.ny.gov/system/files/documents/2022/03/f-2022-0125(da)lobstercaps.pdf) or at <https://dos.ny.gov/public-notices>.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 from the date of publication of this notice, or April 15, 2022.

*Comments should be addressed to:* Department of State, Office of Coastal, Local Government and Community Sustainability, One Commerce Plaza, 99 Washington Ave., Suite, 1010, Albany, NY 12231, (518) 474-6000, Fax (518) 474-6572

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

## PUBLIC NOTICE

Department of State  
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0087 in the Matter of Mary Faithorn Scott, Architect, Mary F. Scott, 33 Fairways Drive, Mount Kisco, NY 10549, for a variance concerning safety requirements, including the finishing of an existing unfinished basement. Involved is a one family dwelling located at 70 Brown Road, Village of Scarsdale, NY 10583, County of Westchester, State of New York.

2022-0088 in the Matter of RJN Remodeling Inc., Richard Nannariello, 210 Washington Ave., Pleasantville, NY 10570, for a variance concerning safety requirements, including a washing machine drain line. Involved is an apartment located at 75 Beacon Hill Dr., Village of Dobbs Ferry, NY 10522, County of Westchester, State of New York.

2022-0089 in the Matter of Cong Divrei Chaim, Ari Waldman, Four Jeffrey Place, Monsey, NY 10952, for a variance concerning safety requirements, including the fire apparatus access road. Involved is a new school building located at 86 Highview Road, Monsey, NY 10952, Town of Ramapo, County of Rockland, State of New York.

## PUBLIC NOTICE

Department of State  
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0090 Matter of Jennifer Connolly, 214 Glenmore Street, East Williston, NY 11596, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 214 Glenmore Street, Village of East Williston, NY 11596, County of Nassau, State of New York.

2022-0091 Matter of Brookhaven Expeditors, Andrew Malguarnera, 713 Main Street, Port Jefferson, NY 11777, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 43 Carver Blvd., Bellport, Town of Brookhaven, NY 11713, County of Suffolk, State of New York.

2022-0093 Matter of Helen Bogdanos PE, Helen Bogdanos, 121 Newbridge Road, Hicksville, NY 11801, for a variance concerning safety requirements, including the ceiling height. Involved is an existing one-family dwelling located at 31 Grove Street, Hicksville, Town of Oyster Bay, NY 11801, County of Nassau, State of New York.

### PUBLIC NOTICE

#### Department of State Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0092 In the matter of Stacy Snyder, 329 South Geneva Street, Ithaca New York 14850, for a variance for diminutive code issues concerning railings and guard rails at a two-family residence located at 329 South Geneva Street, City of Ithaca, County of Tompkins, State of New York.

### PUBLIC NOTICE

#### Department of State Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0094 in the Matter of Peter Kuzda, 2190 Route 300, Wallkill, NY 12589, for a variance concerning safety requirements, including the energy code compliance of an existing basement. Involved is a one family dwelling located at 2190 Route 300, Town of Newburgh, NY 12589, County of Orange, State of New York.

2022-0095 in the Matter of Shulem Goldberger, 15 Chevron Rd., #302, Monroe, NY 10950, for a variance concerning safety requirements, including spacing of plumbing fixtures in a bathroom. Involved is a one family dwelling located at 818 Oakside Road, Town of Yorktown Heights, NY 10598, County of Westchester, State of New York.

2022-0096 in the Matter of Woodruff Architects, John F. Woodruff, 12 Moran Place, New Rochelle, NY 10801, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at Nine Meadow Lane, City of New Rochelle, NY 10805, County of Westchester, State of New York.

2022-0097 in the Matter of John Emminger, Eight Heath Road, Fishkill, NY 12524, for a variance concerning safety requirements, including ceiling height in the basement. Involved is a one family dwelling located at Eight Heath Road, Town of Fishkill, NY 12524, County of Dutchess, State of New York.

# EXECUTIVE ORDERS

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## **Executive Order No. 11.3: Declaring a Disaster Emergency in the State of New York.**

WHEREAS, the COVID-19 global pandemic has been declared a Public Health Emergency of International Concern by the World Health Organization since early 2020;

WHEREAS, the United States Health and Human Services Secretary declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to COVID-19 on January 31, 2020;

WHEREAS, New York is now experiencing COVID-19 transmission at rates the State has not seen since April 2021;

WHEREAS, the rate of new COVID-19 hospital admissions has been increasing over the past month to over 300 new admissions a day;

WHEREAS, the state must pursue a coordinated approach to ensure hospital capacity statewide is able to meet regional needs;

WHEREAS, the State government must support the municipalities and counties in their efforts to facilitate and administer vaccinations and tests for COVID-19, and to prevent the virus from continuing to spread at such rates;

WHEREAS, a new SarCoV2 variant, known as Omicron, has been identified and named a variant of concern by the World Health Organization and the Centers for Disease Control and Prevention;

WHEREAS, this variant has been identified in all 50 U.S. states, including New York, and more than 104 countries;

WHEREAS, this Omicron variant has been shown to be highly transmissible and may cause exponential spread;

WHEREAS, current vaccinations do not appear to be as effective against Omicron infection, while remaining stronger against severe disease;

NOW, THEREFORE, I, Kathy Hochul, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and the Laws of New York State, do hereby continue the state disaster emergency as set forth in Executive Order 11, and continue the suspensions and modifications of law contained in Executive Orders 11, 11.1, and 11.2, through March 16, 2022.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this fourteenth day of February in the year two thousand twenty-two

*BY THE GOVERNOR*

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

*Secretary to the Governor*





# APPENDIX

The following Appendix was filed with a Notice of Adoption, pertaining to Regular Interest and Rate of Estimated Future Investment Earnings Mortality and Service Tables for Valua-

tion, I.D. No. AAC-51-21-00005-A published in this issue of the State Register.

TABLE 1 Employees' Retirement System **Male Clerk Service Pensioner Mortality**  
Effective 4/1/2020 (For Valuation Purposes Only)

Age	q <sub>x</sub>	MP-2019 Factor	2020 Val q <sub>x</sub>	Age	q <sub>x</sub>	MP-2019 Factor	2020 Val q <sub>x</sub>
0	0.000190	1.042549	0.000198	55	0.004220	0.990576	0.004180
1	0.000190	1.042549	0.000198	56	0.004579	0.993038	0.004547
2	0.000190	1.042549	0.000198	57	0.004965	0.996027	0.004945
3	0.000190	1.042549	0.000198	58	0.005376	0.999272	0.005372
4	0.000190	1.042549	0.000198	59	0.005809	1.002723	0.005825
5	0.000190	1.042549	0.000198	60	0.006261	1.005680	0.006297
6	0.000190	1.042549	0.000198	61	0.006730	1.008366	0.006786
7	0.000190	1.042549	0.000198	62	0.007216	1.010101	0.007289
8	0.000190	1.042549	0.000198	63	0.007722	1.010932	0.007806
9	0.000190	1.042549	0.000198	64	0.008260	1.010531	0.008347
10	0.000190	1.042549	0.000198	65	0.008842	1.009123	0.008923
11	0.000190	1.042549	0.000198	66	0.009490	1.006638	0.009553
12	0.000190	1.042549	0.000198	67	0.010225	1.003529	0.010261
13	0.000190	1.042549	0.000198	68	0.011075	0.999950	0.011074
14	0.000190	1.042549	0.000198	69	0.012063	0.996354	0.012019
15	0.000190	1.042549	0.000198	70	0.013218	0.992666	0.013121
16	0.000200	1.042549	0.000209	71	0.014565	0.989483	0.014412
17	0.000220	1.042549	0.000229	72	0.016131	0.986802	0.015918
18	0.000230	1.042549	0.000240	73	0.017947	0.984696	0.017672
19	0.000240	1.042549	0.000250	74	0.020047	0.983136	0.019709
20	0.000260	1.042549	0.000271	75	0.022475	0.982245	0.022076
21	0.000270	1.044318	0.000282	76	0.025282	0.981776	0.024821
22	0.000290	1.046757	0.000304	77	0.028533	0.981751	0.028012
23	0.000300	1.049815	0.000315	78	0.032304	0.981998	0.031722
24	0.000320	1.054371	0.000337	79	0.036691	0.982468	0.036048
25	0.000340	1.060415	0.000361	80	0.041796	0.982963	0.041084
26	0.000360	1.067390	0.000384	81	0.047727	0.983680	0.046948
27	0.000380	1.074731	0.000408	82	0.054585	0.984299	0.053728
28	0.000400	1.082130	0.000433	83	0.062463	0.984919	0.061521
29	0.000420	1.089402	0.000458	84	0.071442	0.985513	0.070407
30	0.000450	1.095965	0.000493	85	0.081582	0.986034	0.080443
31	0.000470	1.101971	0.000518	86	0.092925	0.986654	0.091685
32	0.000500	1.106694	0.000553	87	0.105497	0.987125	0.104139
33	0.000530	1.110366	0.000588	88	0.119307	0.987621	0.117830
34	0.000560	1.112500	0.000623	89	0.134353	0.987894	0.132727
35	0.000590	1.113010	0.000657	90	0.150626	0.988117	0.148836
36	0.000620	1.111922	0.000689	91	0.168112	0.988118	0.166114
37	0.000660	1.108972	0.000732	92	0.186795	0.988093	0.184571
38	0.000690	1.104036	0.000762	93	0.206658	0.987745	0.204125
39	0.000730	1.097421	0.000801	94	0.227684	0.987100	0.224747
40	0.000780	1.089013	0.000849	95	0.249859	0.986232	0.246419
41	0.000820	1.079072	0.000885	96	0.273113	0.986877	0.269529
42	0.000870	1.068143	0.000929	97	0.297118	0.987522	0.293411
43	0.000920	1.056453	0.000972	98	0.321122	0.988267	0.317354
44	0.000970	1.044582	0.001013	99	0.345127	0.988987	0.341326
45	0.001020	1.033046	0.001054	100	0.369131	0.989608	0.365295
46	0.001080	1.022322	0.001104	101	0.394636	0.990254	0.390790
47	0.001140	1.012823	0.001155	102	0.422391	0.990999	0.418589
48	0.001210	1.004605	0.001216	103	0.453897	0.991746	0.450150
49	0.001280	0.998050	0.001278	104	0.490654	0.992368	0.486909
50	0.001350	0.993213	0.001341	105	0.534162	0.993015	0.530431
51	0.001924	0.990030	0.001905	106	0.587422	0.993737	0.583743
52	0.002498	0.988391	0.002469	107	0.653435	0.994484	0.649831
53	0.003072	0.988043	0.003035	108	0.738201	0.995232	0.734681
54	0.003646	0.988763	0.003605	109	0.849972	0.995755	0.846364
				110	1.000000	n/a	1.000000

TABLE 2 Employees' Retirement System **Female Clerk Service** Pensioner Mortality  
Effective 4/1/2020 (For Valuation Purposes Only)

Age	q <sub>x</sub>	MP-2019 Factor	2020 Val q <sub>x</sub>	Age	q <sub>x</sub>	MP-2019 Factor	2020 Val q <sub>x</sub>
0	0.000190	1.047528	0.000199	55	0.004115	1.002647	0.004126
1	0.000190	1.047528	0.000199	56	0.004118	1.007234	0.004148
2	0.000190	1.047528	0.000199	57	0.004121	1.011557	0.004169
3	0.000190	1.047528	0.000199	58	0.004181	1.015262	0.004245
4	0.000190	1.047528	0.000199	59	0.004287	1.017888	0.004364
5	0.000190	1.047528	0.000199	60	0.004443	1.019078	0.004528
6	0.000190	1.047528	0.000199	61	0.004657	1.018801	0.004745
7	0.000190	1.047528	0.000199	62	0.004938	1.017110	0.005022
8	0.000190	1.047528	0.000199	63	0.005293	1.013831	0.005366
9	0.000190	1.047528	0.000199	64	0.005730	1.009577	0.005785
10	0.000190	1.047528	0.000199	65	0.006257	1.004381	0.006284
11	0.000190	1.047528	0.000199	66	0.006878	0.999175	0.006872
12	0.000190	1.047528	0.000199	67	0.007601	0.993861	0.007554
13	0.000190	1.047528	0.000199	68	0.008431	0.989110	0.008339
14	0.000190	1.047528	0.000199	69	0.009374	0.985092	0.009234
15	0.000190	1.047528	0.000199	70	0.010437	0.982121	0.010250
16	0.000200	1.047528	0.000210	71	0.011627	0.979971	0.011394
17	0.000220	1.047528	0.000230	72	0.012955	0.978861	0.012681
18	0.000230	1.047528	0.000241	73	0.014439	0.978490	0.014128
19	0.000240	1.047528	0.000251	74	0.016104	0.978811	0.015763
20	0.000260	1.047528	0.000272	75	0.017982	0.979552	0.017614
21	0.000270	1.049328	0.000283	76	0.020113	0.980737	0.019726
22	0.000290	1.051232	0.000305	77	0.022548	0.981973	0.022142
23	0.000300	1.053525	0.000316	78	0.025342	0.983334	0.024920
24	0.000320	1.056773	0.000338	79	0.028559	0.984794	0.028125
25	0.000340	1.061091	0.000361	80	0.032265	0.986157	0.031818
26	0.000360	1.065732	0.000384	81	0.036528	0.987596	0.036075
27	0.000380	1.070541	0.000407	82	0.041424	0.988638	0.040953
28	0.000400	1.075181	0.000430	83	0.047032	0.989831	0.046554
29	0.000420	1.079703	0.000453	84	0.053434	0.990576	0.052930
30	0.000450	1.083764	0.000488	85	0.060717	0.991223	0.060184
31	0.000470	1.086993	0.000511	86	0.068961	0.991820	0.068397
32	0.000500	1.089335	0.000545	87	0.078243	0.992093	0.077624
33	0.000530	1.090601	0.000578	88	0.088625	0.992442	0.087955
34	0.000560	1.090420	0.000611	89	0.100162	0.992467	0.099407
35	0.000590	1.088713	0.000642	90	0.112896	0.992467	0.112046
36	0.000620	1.085536	0.000673	91	0.126865	0.992342	0.125894
37	0.000660	1.080819	0.000713	92	0.142099	0.992193	0.140990
38	0.000690	1.074678	0.000742	93	0.158626	0.991845	0.157332
39	0.000730	1.067282	0.000779	94	0.176472	0.991372	0.174949
40	0.000780	1.058778	0.000826	95	0.195656	0.990975	0.193890
41	0.000820	1.049696	0.000861	96	0.220591	0.991273	0.218666
42	0.000870	1.040225	0.000905	97	0.246330	0.991746	0.244297
43	0.000920	1.030703	0.000948	98	0.272069	0.992243	0.269959
44	0.000970	1.021512	0.000991	99	0.297808	0.992741	0.295646
45	0.001020	1.012874	0.001033	100	0.323547	0.993214	0.321351
46	0.001080	1.005282	0.001086	101	0.350894	0.993612	0.348653
47	0.001140	0.998974	0.001139	102	0.380655	0.994110	0.378413
48	0.001210	0.994160	0.001203	103	0.414438	0.994609	0.412204
49	0.001280	0.990999	0.001268	104	0.453850	0.994983	0.451573
50	0.001350	0.989409	0.001336	105	0.500502	0.995381	0.498190
51	0.001903	0.989558	0.001883	106	0.557611	0.995880	0.555314
52	0.002456	0.991272	0.002435	107	0.628393	0.996354	0.626102
53	0.003009	0.994233	0.002992	108	0.719284	0.996853	0.717020
54	0.003562	0.998073	0.003555	109	0.839131	0.997252	0.836825
				110	1.000000	n/a	1.000000

TABLE 3 Employees' Retirement System **Male Laborer Service** Pensioner Mortality  
Effective 4/1/2020 (For Valuation Purposes Only)

Age	q <sub>x</sub>	MP-2019 Factor	2020 Val q <sub>x</sub>	Age	q <sub>x</sub>	MP-2019 Factor	2020 Val q <sub>x</sub>
0	0.000190	1.042549	0.000198	55	0.007342	0.990576	0.007273
1	0.000190	1.042549	0.000198	56	0.007403	0.993038	0.007351
2	0.000190	1.042549	0.000198	57	0.007541	0.996027	0.007511
3	0.000190	1.042549	0.000198	58	0.007761	0.999272	0.007755
4	0.000190	1.042549	0.000198	59	0.008072	1.002723	0.008094
5	0.000190	1.042549	0.000198	60	0.008482	1.005680	0.008530
6	0.000190	1.042549	0.000198	61	0.009003	1.008366	0.009078
7	0.000190	1.042549	0.000198	62	0.009644	1.010101	0.009741
8	0.000190	1.042549	0.000198	63	0.010418	1.010932	0.010532
9	0.000190	1.042549	0.000198	64	0.011336	1.010531	0.011455
10	0.000190	1.042549	0.000198	65	0.012415	1.009123	0.012528
11	0.000190	1.042549	0.000198	66	0.013672	1.006638	0.013763
12	0.000190	1.042549	0.000198	67	0.015122	1.003529	0.015175
13	0.000190	1.042549	0.000198	68	0.016774	0.999950	0.016773
14	0.000190	1.042549	0.000198	69	0.018633	0.996354	0.018565
15	0.000190	1.042549	0.000198	70	0.020704	0.992666	0.020552
16	0.000200	1.042549	0.000209	71	0.022999	0.989483	0.022757
17	0.000220	1.042549	0.000229	72	0.025536	0.986802	0.025199
18	0.000230	1.042549	0.000240	73	0.028344	0.984696	0.027910
19	0.000240	1.042549	0.000250	74	0.031455	0.983136	0.030925
20	0.000260	1.042549	0.000271	75	0.034910	0.982245	0.034290
21	0.000270	1.044318	0.000282	76	0.038755	0.981776	0.038049
22	0.000290	1.046757	0.000304	77	0.043042	0.981751	0.042257
23	0.000300	1.049815	0.000315	78	0.047830	0.981998	0.046969
24	0.000320	1.054371	0.000337	79	0.053187	0.982468	0.052255
25	0.000340	1.060415	0.000361	80	0.059189	0.982963	0.058181
26	0.000360	1.067390	0.000384	81	0.065922	0.983680	0.064846
27	0.000380	1.074731	0.000408	82	0.073481	0.984299	0.072327
28	0.000400	1.082130	0.000433	83	0.081960	0.984919	0.080724
29	0.000420	1.089402	0.000458	84	0.091452	0.985513	0.090127
30	0.000450	1.095965	0.000493	85	0.102044	0.986034	0.100619
31	0.000470	1.101971	0.000518	86	0.113820	0.986654	0.112301
32	0.000500	1.106694	0.000553	87	0.126859	0.987125	0.125226
33	0.000530	1.110366	0.000588	88	0.141232	0.987621	0.139484
34	0.000560	1.112500	0.000623	89	0.157002	0.987894	0.155101
35	0.000590	1.113010	0.000657	90	0.174219	0.988117	0.172149
36	0.000620	1.111922	0.000689	91	0.192921	0.988118	0.190629
37	0.000660	1.108972	0.000732	92	0.213135	0.988093	0.210597
38	0.000690	1.104036	0.000762	93	0.234873	0.987745	0.231995
39	0.000730	1.097421	0.000801	94	0.258139	0.987100	0.254809
40	0.000780	1.089013	0.000849	95	0.282929	0.986232	0.279034
41	0.000820	1.079072	0.000885	96	0.309235	0.986877	0.305177
42	0.000870	1.068143	0.000929	97	0.337048	0.987522	0.332842
43	0.000920	1.056453	0.000972	98	0.366363	0.988267	0.362064
44	0.000970	1.044582	0.001013	99	0.397175	0.988987	0.392801
45	0.001020	1.033046	0.001054	100	0.429480	0.989608	0.425017
46	0.001080	1.022322	0.001104	101	0.463277	0.990254	0.458762
47	0.001140	1.012823	0.001155	102	0.498564	0.990999	0.494077
48	0.001210	1.004605	0.001216	103	0.535340	0.991746	0.530921
49	0.001280	0.998050	0.001278	104	0.573605	0.992368	0.569227
50	0.001350	0.993213	0.001341	105	0.613358	0.993015	0.609074
51	0.002548	0.990030	0.002523	106	0.655889	0.993737	0.651781
52	0.003747	0.988391	0.003703	107	0.708086	0.994484	0.704180
53	0.004945	0.988043	0.004886	108	0.775748	0.995232	0.772049
54	0.006144	0.988763	0.006075	109	0.868542	0.995755	0.864855
				110	1.000000	n/a	1.000000

TABLE 4 Employees' Retirement System **Female Laborer Service** Pensioner Mortality  
Effective 4/1/2020 (For Valuation Purposes Only)

Age	q <sub>x</sub>	MP-2019 Factor	2020 Val q <sub>x</sub>	Age	q <sub>x</sub>	MP-2019 Factor	2020 Val q <sub>x</sub>
0	0.000190	1.047528	0.000199	55	0.003525	1.002647	0.003534
1	0.000190	1.047528	0.000199	56	0.004275	1.007234	0.004306
2	0.000190	1.047528	0.000199	57	0.004979	1.011557	0.005037
3	0.000190	1.047528	0.000199	58	0.005637	1.015262	0.005723
4	0.000190	1.047528	0.000199	59	0.006254	1.017888	0.006366
5	0.000190	1.047528	0.000199	60	0.006834	1.019078	0.006964
6	0.000190	1.047528	0.000199	61	0.007388	1.018801	0.007527
7	0.000190	1.047528	0.000199	62	0.007925	1.017110	0.008061
8	0.000190	1.047528	0.000199	63	0.008457	1.013831	0.008574
9	0.000190	1.047528	0.000199	64	0.008999	1.009577	0.009085
10	0.000190	1.047528	0.000199	65	0.009570	1.004381	0.009612
11	0.000190	1.047528	0.000199	66	0.010190	0.999175	0.010182
12	0.000190	1.047528	0.000199	67	0.010884	0.993861	0.010817
13	0.000190	1.047528	0.000199	68	0.011682	0.989110	0.011555
14	0.000190	1.047528	0.000199	69	0.012617	0.985092	0.012429
15	0.000190	1.047528	0.000199	70	0.013716	0.982121	0.013471
16	0.000200	1.047528	0.000210	71	0.015003	0.979971	0.014703
17	0.000220	1.047528	0.000230	72	0.016497	0.978861	0.016148
18	0.000230	1.047528	0.000241	73	0.018216	0.978490	0.017824
19	0.000240	1.047528	0.000251	74	0.020179	0.978811	0.019751
20	0.000260	1.047528	0.000272	75	0.022412	0.979552	0.021954
21	0.000270	1.049328	0.000283	76	0.024947	0.980737	0.024466
22	0.000290	1.051232	0.000305	77	0.027835	0.981973	0.027333
23	0.000300	1.053525	0.000316	78	0.031141	0.983334	0.030622
24	0.000320	1.056773	0.000338	79	0.034945	0.984794	0.034414
25	0.000340	1.061091	0.000361	80	0.039337	0.986157	0.038792
26	0.000360	1.065732	0.000384	81	0.044415	0.987596	0.043864
27	0.000380	1.070541	0.000407	82	0.050273	0.988638	0.049702
28	0.000400	1.075181	0.000430	83	0.056995	0.989831	0.056415
29	0.000420	1.079703	0.000453	84	0.064646	0.990576	0.064037
30	0.000450	1.083764	0.000488	85	0.073273	0.991223	0.072630
31	0.000470	1.086993	0.000511	86	0.082903	0.991820	0.082225
32	0.000500	1.089335	0.000545	87	0.093547	0.992093	0.092807
33	0.000530	1.090601	0.000578	88	0.105204	0.992442	0.104409
34	0.000560	1.090420	0.000611	89	0.117868	0.992467	0.116980
35	0.000590	1.088713	0.000642	90	0.131538	0.992467	0.130547
36	0.000620	1.085536	0.000673	91	0.146218	0.992342	0.145098
37	0.000660	1.080819	0.000713	92	0.161917	0.992193	0.160653
38	0.000690	1.074678	0.000742	93	0.178643	0.991845	0.177186
39	0.000730	1.067282	0.000779	94	0.196403	0.991372	0.194709
40	0.000780	1.058778	0.000826	95	0.215200	0.990975	0.213258
41	0.000820	1.049696	0.000861	96	0.239529	0.991273	0.237439
42	0.000870	1.040225	0.000905	97	0.264642	0.991746	0.262458
43	0.000920	1.030703	0.000948	98	0.289756	0.992243	0.287508
44	0.000970	1.021512	0.000991	99	0.314870	0.992741	0.312584
45	0.001020	1.012874	0.001033	100	0.339983	0.993214	0.337676
46	0.001080	1.005282	0.001086	101	0.366666	0.993612	0.364324
47	0.001140	0.998974	0.001139	102	0.395704	0.994110	0.393373
48	0.001210	0.994160	0.001203	103	0.428666	0.994609	0.426355
49	0.001280	0.990999	0.001268	104	0.467121	0.994983	0.464777
50	0.001350	0.989409	0.001336	105	0.512639	0.995381	0.510271
51	0.001785	0.989558	0.001766	106	0.568360	0.995880	0.566018
52	0.002220	0.991272	0.002201	107	0.637422	0.996354	0.635098
53	0.002655	0.994233	0.002640	108	0.726105	0.996853	0.723820
54	0.003090	0.998073	0.003084	109	0.843040	0.997252	0.840724
				110	1.000000	n/a	1.000000



TABLE 5 Employees' Retirement System **Male Disability** Pensioner Mortality  
Effective 4/1/2020 (For Valuation Purposes Only)

Age	q <sub>x</sub>	MP-2019 Factor	2020 Val q <sub>x</sub>	Age	q <sub>x</sub>	MP-2019 Factor	2020 Val q <sub>x</sub>
0	0.001900	1.042549	0.001981	55	0.019747	0.990576	0.019561
1	0.001900	1.042549	0.001981	56	0.020273	0.993038	0.020132
2	0.001900	1.042549	0.001981	57	0.020958	0.996027	0.020875
3	0.001900	1.042549	0.001981	58	0.021756	0.999272	0.021740
4	0.001900	1.042549	0.001981	59	0.022415	1.002723	0.022476
5	0.001900	1.042549	0.001981	60	0.023078	1.005680	0.023209
6	0.001900	1.042549	0.001981	61	0.023986	1.008366	0.024187
7	0.001900	1.042549	0.001981	62	0.024796	1.010101	0.025046
8	0.001900	1.042549	0.001981	63	0.025585	1.010932	0.025865
9	0.001900	1.042549	0.001981	64	0.026329	1.010531	0.026606
10	0.001900	1.042549	0.001981	65	0.027349	1.009123	0.027599
11	0.001900	1.042549	0.001981	66	0.028422	1.006638	0.028611
12	0.001900	1.042549	0.001981	67	0.029547	1.003529	0.029651
13	0.001900	1.042549	0.001981	68	0.030844	0.999950	0.030842
14	0.001900	1.042549	0.001981	69	0.032439	0.996354	0.032321
15	0.001900	1.042549	0.001981	70	0.034461	0.992666	0.034208
16	0.002000	1.042549	0.002085	71	0.036696	0.989483	0.036310
17	0.002200	1.042549	0.002294	72	0.039382	0.986802	0.038862
18	0.002300	1.042549	0.002398	73	0.042397	0.984696	0.041748
19	0.002400	1.042549	0.002502	74	0.045826	0.983136	0.045053
20	0.002600	1.042549	0.002711	75	0.049728	0.982245	0.048845
21	0.002700	1.044318	0.002820	76	0.054175	0.981776	0.053188
22	0.002900	1.046757	0.003036	77	0.059245	0.981751	0.058164
23	0.003000	1.049815	0.003149	78	0.064984	0.981998	0.063814
24	0.003200	1.054371	0.003374	79	0.071465	0.982468	0.070212
25	0.003400	1.060415	0.003605	80	0.078654	0.982963	0.077314
26	0.003600	1.067390	0.003843	81	0.086410	0.983680	0.085000
27	0.003800	1.074731	0.004084	82	0.095026	0.984299	0.093534
28	0.004000	1.082130	0.004329	83	0.104369	0.984919	0.102795
29	0.004200	1.089402	0.004575	84	0.114448	0.985513	0.112790
30	0.004500	1.095965	0.004932	85	0.125068	0.986034	0.123321
31	0.004700	1.101971	0.005179	86	0.137334	0.986654	0.135501
32	0.005000	1.106694	0.005533	87	0.150178	0.987125	0.148244
33	0.005300	1.110366	0.005885	88	0.162252	0.987621	0.160243
34	0.005600	1.112500	0.006230	89	0.176289	0.987894	0.174155
35	0.005900	1.113010	0.006567	90	0.191767	0.988117	0.189488
36	0.006677	1.111922	0.007424	91	0.207896	0.988118	0.205426
37	0.007454	1.108972	0.008266	92	0.226604	0.988093	0.223906
38	0.008230	1.104036	0.009086	93	0.243525	0.987745	0.240541
39	0.009007	1.097421	0.009884	94	0.264342	0.987100	0.260932
40	0.009784	1.089013	0.010655	95	0.281410	0.986232	0.277536
41	0.010427	1.079072	0.011251	96	0.303686	0.986877	0.299701
42	0.010710	1.068143	0.011440	97	0.326681	0.987522	0.322605
43	0.011405	1.056453	0.012049	98	0.349676	0.988267	0.345573
44	0.012238	1.044582	0.012784	99	0.372671	0.988987	0.368567
45	0.012836	1.033046	0.013260	100	0.395666	0.989608	0.391554
46	0.013298	1.022322	0.013595	101	0.420098	0.990254	0.416004
47	0.013950	1.012823	0.014129	102	0.446686	0.990999	0.442666
48	0.014410	1.004605	0.014476	103	0.476866	0.991746	0.472930
49	0.015279	0.998050	0.015249	104	0.512077	0.992368	0.508169
50	0.016265	0.993213	0.016155	105	0.553756	0.993015	0.549888
51	0.017056	0.990030	0.016886	106	0.604776	0.993737	0.600988
52	0.017894	0.988391	0.017686	107	0.668011	0.994484	0.664326
53	0.018594	0.988043	0.018372	108	0.749212	0.995232	0.745640
54	0.019243	0.988763	0.019027	109	0.856282	0.995755	0.852647
				110	1.000000	n/a	1.000000



TABLE 6 Employees' Retirement System **Female Disability Pensioner Mortality**  
Effective 4/1/2020 (For Valuation Purposes Only)

Age	q <sub>x</sub>	MP-2019 Factor	2020 Val q <sub>x</sub>	Age	q <sub>x</sub>	MP-2019 Factor	2020 Val q <sub>x</sub>
0	0.001900	1.047528	0.001990	55	0.022539	1.002647	0.022599
1	0.001900	1.047528	0.001990	56	0.022533	1.007234	0.022696
2	0.001900	1.047528	0.001990	57	0.022537	1.011557	0.022797
3	0.001900	1.047528	0.001990	58	0.022546	1.015262	0.022890
4	0.001900	1.047528	0.001990	59	0.022608	1.017888	0.023012
5	0.001900	1.047528	0.001990	60	0.022726	1.019078	0.023160
6	0.001900	1.047528	0.001990	61	0.022925	1.018801	0.023356
7	0.001900	1.047528	0.001990	62	0.023228	1.017110	0.023625
8	0.001900	1.047528	0.001990	63	0.023641	1.013831	0.023968
9	0.001900	1.047528	0.001990	64	0.024197	1.009577	0.024429
10	0.001900	1.047528	0.001990	65	0.024864	1.004381	0.024973
11	0.001900	1.047528	0.001990	66	0.025679	0.999175	0.025658
12	0.001900	1.047528	0.001990	67	0.026586	0.993861	0.026423
13	0.001900	1.047528	0.001990	68	0.027637	0.989110	0.027336
14	0.001900	1.047528	0.001990	69	0.028838	0.985092	0.028408
15	0.001900	1.047528	0.001990	70	0.030154	0.982121	0.029615
16	0.002000	1.047528	0.002095	71	0.031562	0.979971	0.030930
17	0.002200	1.047528	0.002305	72	0.033176	0.978861	0.032475
18	0.002300	1.047528	0.002409	73	0.034970	0.978490	0.034218
19	0.002400	1.047528	0.002514	74	0.036958	0.978811	0.036175
20	0.002600	1.047528	0.002724	75	0.039229	0.979552	0.038427
21	0.002700	1.049328	0.002833	76	0.041819	0.980737	0.041013
22	0.002900	1.051232	0.003049	77	0.044710	0.981973	0.043904
23	0.003000	1.053525	0.003161	78	0.048307	0.983334	0.047502
24	0.003200	1.056773	0.003382	79	0.052303	0.984794	0.051508
25	0.003400	1.061091	0.003608	80	0.056767	0.986157	0.055981
26	0.003600	1.065732	0.003837	81	0.062062	0.987596	0.061292
27	0.003800	1.070541	0.004068	82	0.068109	0.988638	0.067335
28	0.004000	1.075181	0.004301	83	0.074894	0.989831	0.074132
29	0.004200	1.079703	0.004535	84	0.082566	0.990576	0.081788
30	0.004500	1.083764	0.004877	85	0.091216	0.991223	0.090415
31	0.004700	1.086993	0.005109	86	0.100820	0.991820	0.099995
32	0.005000	1.089335	0.005447	87	0.111356	0.992093	0.110476
33	0.005300	1.090601	0.005780	88	0.123017	0.992442	0.122087
34	0.005600	1.090420	0.006106	89	0.135400	0.992467	0.134380
35	0.005900	1.088713	0.006423	90	0.149661	0.992467	0.148534
36	0.007452	1.085536	0.008089	91	0.164311	0.992342	0.163053
37	0.009004	1.080819	0.009732	92	0.182022	0.992193	0.180601
38	0.010555	1.074678	0.011343	93	0.199471	0.991845	0.197844
39	0.012107	1.067282	0.012922	94	0.218169	0.991372	0.216287
40	0.013659	1.058778	0.014462	95	0.234947	0.990975	0.232826
41	0.015211	1.049696	0.015967	96	0.258664	0.991273	0.256407
42	0.016763	1.040225	0.017437	97	0.283145	0.991746	0.280808
43	0.018315	1.030703	0.018877	98	0.307627	0.992243	0.305241
44	0.019866	1.021512	0.020293	99	0.332109	0.992741	0.329698
45	0.021418	1.012874	0.021694	100	0.356590	0.993214	0.354170
46	0.022970	1.005282	0.023091	101	0.382602	0.993612	0.380158
47	0.022990	0.998974	0.022966	102	0.410909	0.994110	0.408489
48	0.023096	0.994160	0.022961	103	0.443041	0.994609	0.440652
49	0.023024	0.990999	0.022817	104	0.480529	0.994983	0.478118
50	0.022770	0.989409	0.022529	105	0.524902	0.995381	0.522478
51	0.022645	0.989558	0.022409	106	0.579221	0.995880	0.576835
52	0.022625	0.991272	0.022428	107	0.646546	0.996354	0.644189
53	0.022604	0.994233	0.022474	108	0.732997	0.996853	0.730690
54	0.022544	0.998073	0.022501	109	0.846989	0.997252	0.844662
				110	1.000000	n/a	1.000000

TABLE 7 Police & Fire Retirement System **Service** Pensioner Mortality  
Effective 4/1/2020 (For Valuation Purposes Only)

Age	$q_x$	MP-2019 Factor	2020 Val $q_x$	Age	$q_x$	MP-2019 Factor	2020 Val $q_x$
0	0.000100	1.042549	0.000104	55	0.002572	0.990576	0.002548
1	0.000100	1.042549	0.000104	56	0.002687	0.993038	0.002668
2	0.000100	1.042549	0.000104	57	0.002821	0.996027	0.002810
3	0.000100	1.042549	0.000104	58	0.002982	0.999272	0.002980
4	0.000100	1.042549	0.000104	59	0.003183	1.002723	0.003192
5	0.000100	1.042549	0.000104	60	0.003438	1.005680	0.003458
6	0.000100	1.042549	0.000104	61	0.003762	1.008366	0.003793
7	0.000100	1.042549	0.000104	62	0.004166	1.010101	0.004208
8	0.000100	1.042549	0.000104	63	0.004664	1.010932	0.004715
9	0.000100	1.042549	0.000104	64	0.005267	1.010531	0.005322
10	0.000100	1.042549	0.000104	65	0.005991	1.009123	0.006046
11	0.000100	1.042549	0.000104	66	0.006859	1.006638	0.006905
12	0.000100	1.042549	0.000104	67	0.007899	1.003529	0.007927
13	0.000100	1.042549	0.000104	68	0.009137	0.999950	0.009137
14	0.000100	1.042549	0.000104	69	0.010593	0.996354	0.010554
15	0.000100	1.042549	0.000104	70	0.012283	0.992666	0.012193
16	0.000100	1.042549	0.000104	71	0.014217	0.989483	0.014067
17	0.000110	1.042549	0.000115	72	0.016400	0.986802	0.016184
18	0.000110	1.042549	0.000115	73	0.018842	0.984696	0.018554
19	0.000120	1.042549	0.000125	74	0.021558	0.983136	0.021194
20	0.000130	1.042549	0.000136	75	0.024579	0.982245	0.024143
21	0.000140	1.044318	0.000146	76	0.027951	0.981776	0.027442
22	0.000140	1.046757	0.000147	77	0.031733	0.981751	0.031154
23	0.000150	1.049815	0.000157	78	0.035996	0.981998	0.035348
24	0.000160	1.054371	0.000169	79	0.040820	0.982468	0.040104
25	0.000170	1.060415	0.000180	80	0.046285	0.982963	0.045496
26	0.000180	1.067390	0.000192	81	0.052472	0.983680	0.051616
27	0.000190	1.074731	0.000204	82	0.059458	0.984299	0.058524
28	0.000200	1.082130	0.000216	83	0.067314	0.984919	0.066299
29	0.000210	1.089402	0.000229	84	0.076109	0.985513	0.075006
30	0.000220	1.095965	0.000241	85	0.085898	0.986034	0.084698
31	0.000240	1.101971	0.000264	86	0.096732	0.986654	0.095441
32	0.000250	1.106694	0.000277	87	0.108654	0.987125	0.107255
33	0.000260	1.110366	0.000289	88	0.121701	0.987621	0.120194
34	0.000280	1.112500	0.000311	89	0.135910	0.987894	0.134265
35	0.000290	1.113010	0.000323	90	0.151312	0.988117	0.149514
36	0.000310	1.111922	0.000345	91	0.167932	0.988118	0.165937
37	0.000330	1.108972	0.000366	92	0.185789	0.988093	0.183577
38	0.000350	1.104036	0.000386	93	0.204895	0.987745	0.202384
39	0.000370	1.097421	0.000406	94	0.225256	0.987100	0.222350
40	0.000390	1.089013	0.000425	95	0.246879	0.986232	0.243480
41	0.000536	1.079072	0.000578	96	0.270225	0.986877	0.266679
42	0.000682	1.068143	0.000728	97	0.294325	0.987522	0.290652
43	0.000828	1.056453	0.000875	98	0.318425	0.988267	0.314689
44	0.000974	1.044582	0.001017	99	0.342525	0.988987	0.338753
45	0.001353	1.033046	0.001398	100	0.366625	0.989608	0.362815
46	0.001532	1.022322	0.001566	101	0.392231	0.990254	0.388408
47	0.001695	1.012823	0.001717	102	0.420097	0.990999	0.416316
48	0.001841	1.004605	0.001849	103	0.451728	0.991746	0.447999
49	0.001970	0.998050	0.001966	104	0.488631	0.992368	0.484902
50	0.002084	0.993213	0.002070	105	0.532312	0.993015	0.528594
51	0.002186	0.990030	0.002164	106	0.585783	0.993737	0.582114
52	0.002281	0.988391	0.002255	107	0.652058	0.994484	0.648461
53	0.002374	0.988043	0.002346	108	0.737161	0.995232	0.733646
54	0.002469	0.988763	0.002441	109	0.849376	0.995755	0.845771
				110	1.000000	n/a	1.000000

TABLE 8 Police & Fire Retirement System **Disability** Pensioner Mortality  
Effective 4/1/2020 (For Valuation Purposes Only)

Age	q <sub>x</sub>	MP-2019 Factor	2020 Val q <sub>x</sub>	Age	q <sub>x</sub>	MP-2019 Factor	2020 Val q <sub>x</sub>
0	0.000400	1.042549	0.000417	55	0.005554	0.990576	0.005502
1	0.000400	1.042549	0.000417	56	0.005894	0.993038	0.005853
2	0.000400	1.042549	0.000417	57	0.006256	0.996027	0.006231
3	0.000400	1.042549	0.000417	58	0.006641	0.999272	0.006636
4	0.000400	1.042549	0.000417	59	0.007047	1.002723	0.007066
5	0.000400	1.042549	0.000417	60	0.007480	1.005680	0.007522
6	0.000400	1.042549	0.000417	61	0.007944	1.008366	0.008010
7	0.000400	1.042549	0.000417	62	0.008448	1.010101	0.008533
8	0.000400	1.042549	0.000417	63	0.009005	1.010932	0.009103
9	0.000400	1.042549	0.000417	64	0.009630	1.010531	0.009731
10	0.000400	1.042549	0.000417	65	0.010343	1.009123	0.010437
11	0.000400	1.042549	0.000417	66	0.011168	1.006638	0.011242
12	0.000400	1.042549	0.000417	67	0.012130	1.003529	0.012173
13	0.000400	1.042549	0.000417	68	0.013256	0.999950	0.013255
14	0.000400	1.042549	0.000417	69	0.014581	0.996354	0.014528
15	0.000400	1.042549	0.000417	70	0.016140	0.992666	0.016022
16	0.000400	1.042549	0.000417	71	0.017975	0.989483	0.017786
17	0.000440	1.042549	0.000459	72	0.020131	0.986802	0.019865
18	0.000440	1.042549	0.000459	73	0.022648	0.984696	0.022301
19	0.000480	1.042549	0.000500	74	0.025568	0.983136	0.025137
20	0.000520	1.042549	0.000542	75	0.028924	0.982245	0.028410
21	0.000560	1.044318	0.000585	76	0.032745	0.981776	0.032148
22	0.000560	1.046757	0.000586	77	0.037050	0.981751	0.036374
23	0.000600	1.049815	0.000630	78	0.041856	0.981998	0.041103
24	0.000640	1.054371	0.000675	79	0.047172	0.982468	0.046345
25	0.000680	1.060415	0.000721	80	0.053002	0.982963	0.052099
26	0.000720	1.067390	0.000769	81	0.059347	0.983680	0.058378
27	0.000760	1.074731	0.000817	82	0.066204	0.984299	0.065165
28	0.000800	1.082130	0.000866	83	0.073570	0.984919	0.072460
29	0.000840	1.089402	0.000915	84	0.081442	0.985513	0.080262
30	0.000880	1.095965	0.000964	85	0.089816	0.986034	0.088562
31	0.000960	1.101971	0.001058	86	0.098689	0.986654	0.097372
32	0.001000	1.106694	0.001107	87	0.108654	0.987125	0.107255
33	0.001040	1.110366	0.001155	88	0.121701	0.987621	0.120194
34	0.001120	1.112500	0.001246	89	0.135910	0.987894	0.134265
35	0.001160	1.113010	0.001291	90	0.151312	0.988117	0.149514
36	0.001399	1.111922	0.001556	91	0.167932	0.988118	0.165937
37	0.001639	1.108972	0.001818	92	0.185789	0.988093	0.183577
38	0.001878	1.104036	0.002073	93	0.204895	0.987745	0.202384
39	0.002118	1.097421	0.002324	94	0.225256	0.987100	0.222350
40	0.002357	1.089013	0.002567	95	0.246879	0.986232	0.243480
41	0.002597	1.079072	0.002802	96	0.270225	0.986877	0.266679
42	0.002836	1.068143	0.003029	97	0.294325	0.987522	0.290652
43	0.003075	1.056453	0.003249	98	0.318425	0.988267	0.314689
44	0.003315	1.044582	0.003463	99	0.342525	0.988987	0.338753
45	0.003554	1.033046	0.003671	100	0.366625	0.989608	0.362815
46	0.003794	1.022322	0.003879	101	0.392231	0.990254	0.388408
47	0.004033	1.012823	0.004085	102	0.420097	0.990999	0.416316
48	0.004273	1.004605	0.004293	103	0.451728	0.991746	0.447999
49	0.004289	0.998050	0.004281	104	0.488631	0.992368	0.484902
50	0.004371	0.993213	0.004341	105	0.532312	0.993015	0.528594
51	0.004514	0.990030	0.004469	106	0.585783	0.993737	0.582114
52	0.004713	0.988391	0.004658	107	0.652058	0.994484	0.648461
53	0.004957	0.988043	0.004898	108	0.737161	0.995232	0.733646
54	0.005240	0.988763	0.005181	109	0.849376	0.995755	0.845771
				110	1.000000	n/a	1.000000

TABLE 9 Retirement System **Male Beneficiary** Mortality  
Effective 4/1/2020 (For Valuation Purposes Only)

Age	$q_x$	MP-2019 Factor	2020 Val $q_x$	Age	$q_x$	MP-2019 Factor	2020 Val $q_x$
0	0.000190	1.042549	0.000198	55	0.005477	0.990576	0.005425
1	0.000190	1.042549	0.000198	56	0.006302	0.993038	0.006258
2	0.000190	1.042549	0.000198	57	0.007128	0.996027	0.007100
3	0.000190	1.042549	0.000198	58	0.007953	0.999272	0.007947
4	0.000190	1.042549	0.000198	59	0.008779	1.002723	0.008803
5	0.000190	1.042549	0.000198	60	0.009604	1.005680	0.009659
6	0.000190	1.042549	0.000198	61	0.009737	1.008366	0.009818
7	0.000190	1.042549	0.000198	62	0.009976	1.010101	0.010077
8	0.000190	1.042549	0.000198	63	0.010343	1.010932	0.010456
9	0.000190	1.042549	0.000198	64	0.010864	1.010531	0.010978
10	0.000190	1.042549	0.000198	65	0.011561	1.009123	0.011666
11	0.000190	1.042549	0.000198	66	0.012454	1.006638	0.012537
12	0.000190	1.042549	0.000198	67	0.013552	1.003529	0.013600
13	0.000190	1.042549	0.000198	68	0.014860	0.999950	0.014859
14	0.000190	1.042549	0.000198	69	0.016383	0.996354	0.016323
15	0.000190	1.042549	0.000198	70	0.018123	0.992666	0.017990
16	0.000200	1.042549	0.000209	71	0.020087	0.989483	0.019876
17	0.000220	1.042549	0.000229	72	0.022287	0.986802	0.021993
18	0.000230	1.042549	0.000240	73	0.024747	0.984696	0.024368
19	0.000240	1.042549	0.000250	74	0.027496	0.983136	0.027032
20	0.000260	1.042549	0.000271	75	0.030575	0.982245	0.030032
21	0.000270	1.044318	0.000282	76	0.034031	0.981776	0.033411
22	0.000290	1.046757	0.000304	77	0.037919	0.981751	0.037227
23	0.000300	1.049815	0.000315	78	0.042302	0.981998	0.041540
24	0.000320	1.054371	0.000337	79	0.047244	0.982468	0.046416
25	0.000340	1.060415	0.000361	80	0.052814	0.982963	0.051914
26	0.000360	1.067390	0.000384	81	0.059084	0.983680	0.058120
27	0.000380	1.074731	0.000408	82	0.066124	0.984299	0.065086
28	0.000400	1.082130	0.000433	83	0.074005	0.984919	0.072889
29	0.000420	1.089402	0.000458	84	0.082792	0.985513	0.081593
30	0.000450	1.095965	0.000493	85	0.092533	0.986034	0.091241
31	0.000470	1.101971	0.000518	86	0.103254	0.986654	0.101876
32	0.000500	1.106694	0.000553	87	0.114959	0.987125	0.113479
33	0.000530	1.110366	0.000588	88	0.127626	0.987621	0.126046
34	0.000560	1.112500	0.000623	89	0.141213	0.987894	0.139503
35	0.000590	1.113010	0.000657	90	0.155657	0.988117	0.153807
36	0.000620	1.111922	0.000689	91	0.170886	0.988118	0.168855
37	0.000660	1.108972	0.000732	92	0.186820	0.988093	0.184595
38	0.000690	1.104036	0.000762	93	0.203383	0.987745	0.200891
39	0.000730	1.097421	0.000801	94	0.220506	0.987100	0.217662
40	0.000780	1.089013	0.000849	95	0.238128	0.986232	0.234850
41	0.000820	1.079072	0.000885	96	0.261746	0.986877	0.258311
42	0.000870	1.068143	0.000929	97	0.286126	0.987522	0.282556
43	0.000920	1.056453	0.000972	98	0.310506	0.988267	0.306863
44	0.000970	1.044582	0.001013	99	0.334885	0.988987	0.331197
45	0.001020	1.033046	0.001054	100	0.359265	0.989608	0.355531
46	0.001080	1.022322	0.001104	101	0.385169	0.990254	0.381415
47	0.001140	1.012823	0.001155	102	0.413358	0.990999	0.409638
48	0.001210	1.004605	0.001216	103	0.445357	0.991746	0.441681
49	0.001280	0.998050	0.001278	104	0.482689	0.992368	0.479005
50	0.001350	0.993213	0.001341	105	0.526877	0.993015	0.523197
51	0.002175	0.990030	0.002153	106	0.580970	0.993737	0.577331
52	0.003001	0.988391	0.002966	107	0.648015	0.994484	0.644441
53	0.003826	0.988043	0.003780	108	0.734107	0.995232	0.730607
54	0.004652	0.988763	0.004600	109	0.847626	0.995755	0.844028
				110	1.000000	n/a	1.000000



**TABLE 10 Retirement System Female Beneficiary Mortality**  
Effective 4/1/2020 (For Valuation Purposes Only)

Age	q <sub>x</sub>	MP-2019 Factor	2020 Val q <sub>x</sub>	Age	q <sub>x</sub>	MP-2019 Factor	2020 Val q <sub>x</sub>
0	0.000190	1.047528	0.000199	55	0.004166	1.002647	0.004177
1	0.000190	1.047528	0.000199	56	0.004377	1.007234	0.004409
2	0.000190	1.047528	0.000199	57	0.004599	1.011557	0.004652
3	0.000190	1.047528	0.000199	58	0.004837	1.015262	0.004911
4	0.000190	1.047528	0.000199	59	0.005101	1.017888	0.005192
5	0.000190	1.047528	0.000199	60	0.005400	1.019078	0.005503
6	0.000190	1.047528	0.000199	61	0.005742	1.018801	0.005850
7	0.000190	1.047528	0.000199	62	0.006139	1.017110	0.006244
8	0.000190	1.047528	0.000199	63	0.006601	1.013831	0.006692
9	0.000190	1.047528	0.000199	64	0.007136	1.009577	0.007204
10	0.000190	1.047528	0.000199	65	0.007754	1.004381	0.007788
11	0.000190	1.047528	0.000199	66	0.008462	0.999175	0.008455
12	0.000190	1.047528	0.000199	67	0.009268	0.993861	0.009211
13	0.000190	1.047528	0.000199	68	0.010178	0.989110	0.010067
14	0.000190	1.047528	0.000199	69	0.011203	0.985092	0.011036
15	0.000190	1.047528	0.000199	70	0.012353	0.982121	0.012132
16	0.000200	1.047528	0.000210	71	0.013643	0.979971	0.013370
17	0.000220	1.047528	0.000230	72	0.015090	0.978861	0.014771
18	0.000230	1.047528	0.000241	73	0.016717	0.978490	0.016357
19	0.000240	1.047528	0.000251	74	0.018551	0.978811	0.018158
20	0.000260	1.047528	0.000272	75	0.020625	0.979552	0.020203
21	0.000270	1.049328	0.000283	76	0.022977	0.980737	0.022534
22	0.000290	1.051232	0.000305	77	0.025651	0.981973	0.025189
23	0.000300	1.053525	0.000316	78	0.028695	0.983334	0.028217
24	0.000320	1.056773	0.000338	79	0.032163	0.984794	0.031674
25	0.000340	1.061091	0.000361	80	0.036116	0.986157	0.035616
26	0.000360	1.065732	0.000384	81	0.040616	0.987596	0.040112
27	0.000380	1.070541	0.000407	82	0.045731	0.988638	0.045211
28	0.000400	1.075181	0.000430	83	0.051526	0.989831	0.051002
29	0.000420	1.079703	0.000453	84	0.058068	0.990576	0.057521
30	0.000450	1.083764	0.000488	85	0.065416	0.991223	0.064842
31	0.000470	1.086993	0.000511	86	0.073622	0.991820	0.073020
32	0.000500	1.089335	0.000545	87	0.082729	0.992093	0.082075
33	0.000530	1.090601	0.000578	88	0.092771	0.992442	0.092070
34	0.000560	1.090420	0.000611	89	0.103772	0.992467	0.102990
35	0.000590	1.088713	0.000642	90	0.115743	0.992467	0.114871
36	0.000620	1.085536	0.000673	91	0.128689	0.992342	0.127704
37	0.000660	1.080819	0.000713	92	0.142603	0.992193	0.141490
38	0.000690	1.074678	0.000742	93	0.157474	0.991845	0.156190
39	0.000730	1.067282	0.000779	94	0.173285	0.991372	0.171790
40	0.000780	1.058778	0.000826	95	0.190016	0.990975	0.188301
41	0.000820	1.049696	0.000861	96	0.215125	0.991273	0.213248
42	0.000870	1.040225	0.000905	97	0.241045	0.991746	0.239055
43	0.000920	1.030703	0.000948	98	0.266964	0.992243	0.264893
44	0.000970	1.021512	0.000991	99	0.292884	0.992741	0.290758
45	0.001020	1.012874	0.001033	100	0.318803	0.993214	0.316640
46	0.001080	1.005282	0.001086	101	0.346343	0.993612	0.344131
47	0.001140	0.998974	0.001139	102	0.376312	0.994110	0.374096
48	0.001210	0.994160	0.001203	103	0.410332	0.994609	0.408120
49	0.001280	0.990999	0.001268	104	0.450021	0.994983	0.447763
50	0.001350	0.989409	0.001336	105	0.497000	0.995381	0.494705
51	0.001913	0.989558	0.001893	106	0.554509	0.995880	0.552224
52	0.002477	0.991272	0.002455	107	0.625787	0.996354	0.623505
53	0.003040	0.994233	0.003022	108	0.717316	0.996853	0.715059
54	0.003603	0.998073	0.003596	109	0.838003	0.997252	0.835700
				110	1.000000	n/a	1.000000



Table 11 Employees' Retirement System **Death and Disability** Central Rates of Decrement  
Effective 4/1/2020

Age	Ordinary Death	Accidental Death	Ordinary Disability	Accidental Disability Tiers 1,2	Accidental Disability Tiers 3,4,5,6
15	0.00019	0.00001	0.00006	0.00020	0.00001
16	0.00020	0.00001	0.00006	0.00020	0.00001
17	0.00022	0.00001	0.00007	0.00020	0.00001
18	0.00023	0.00001	0.00008	0.00020	0.00001
19	0.00024	0.00001	0.00009	0.00020	0.00001
20	0.00026	0.00001	0.00010	0.00020	0.00001
21	0.00027	0.00001	0.00011	0.00020	0.00001
22	0.00029	0.00001	0.00012	0.00020	0.00001
23	0.00030	0.00001	0.00014	0.00020	0.00001
24	0.00032	0.00001	0.00015	0.00020	0.00001
25	0.00034	0.00001	0.00017	0.00020	0.00001
26	0.00036	0.00001	0.00019	0.00020	0.00001
27	0.00038	0.00001	0.00021	0.00020	0.00001
28	0.00040	0.00001	0.00023	0.00020	0.00001
29	0.00042	0.00001	0.00025	0.00020	0.00001
30	0.00045	0.00001	0.00028	0.00020	0.00001
31	0.00047	0.00001	0.00031	0.00020	0.00001
32	0.00050	0.00001	0.00035	0.00020	0.00001
33	0.00053	0.00001	0.00039	0.00020	0.00001
34	0.00056	0.00001	0.00043	0.00020	0.00001
35	0.00059	0.00001	0.00048	0.00020	0.00001
36	0.00062	0.00001	0.00053	0.00020	0.00001
37	0.00066	0.00001	0.00059	0.00020	0.00001
38	0.00069	0.00001	0.00066	0.00020	0.00001
39	0.00073	0.00001	0.00073	0.00020	0.00001
40	0.00078	0.00001	0.00081	0.00020	0.00001
41	0.00082	0.00001	0.00090	0.00020	0.00001
42	0.00087	0.00001	0.00100	0.00020	0.00001
43	0.00092	0.00001	0.00111	0.00020	0.00004
44	0.00097	0.00001	0.00124	0.00020	0.00004
45	0.00102	0.00001	0.00137	0.00020	0.00004
46	0.00108	0.00001	0.00153	0.00020	0.00004
47	0.00114	0.00001	0.00170	0.00020	0.00004
48	0.00121	0.00001	0.00189	0.00020	0.00004
49	0.00128	0.00001	0.00210	0.00020	0.00004
50	0.00135	0.00001	0.00233	0.00020	0.00004
51	0.00143	0.00001	0.00259	0.00020	0.00004
52	0.00151	0.00001	0.00288	0.00020	0.00004
53	0.00160	0.00001	0.00320	0.00020	0.00004
54	0.00169	0.00001	0.00355	0.00020	0.00004
55	0.00178	0.00001	0.00395	0.00015	0.00004
56	0.00189	0.00001	0.00438	0.00015	0.00004
57	0.00199	0.00001	0.00487	0.00015	0.00004
58	0.00211	0.00001	0.00541	0.00015	0.00004
59	0.00223	0.00001	0.00602	0.00015	0.00004
60	0.00236	0.00001	0.00668	0.00015	0.00004
61	0.00249	0.00001	0.00743	0.00015	0.00004
62	0.00263	0.00001	0.00825	0.00015	0.00004
63	0.00278	0.00001	0.00917	0.00015	0.00004
64	0.00294	0.00001	0.01019	0.00015	0.00004
65	0.00324	0.00001	0.01121	0.00015	0.00004
66	0.00356	0.00001	0.01233	0.00015	0.00004
67	0.00392	0.00001	0.01356	0.00015	0.00004
68	0.00431	0.00001	0.01492	0.00015	0.00004
69	0.00474	0.00001	0.01641	0.00015	0.00004
70	0.00000	0.00000	0.00000	0.00000	0.00000

Table 12 Employees' Retirement System **Withdrawal** Central Rates of Decrement  
 blended over all tiers - Effective 4/1/2020

Age	0 :: Service < 2	2 :: Service < 3	3 :: Service < 4	4 :: Service < 5	5 :: Service < 10	10 :: Service
15	0.19800	0.12105	0.08625	0.06565	0.05530	0.02160
16	0.19800	0.12105	0.08625	0.06565	0.05530	0.02160
17	0.19800	0.12105	0.08625	0.06565	0.05530	0.02160
18	0.23699	0.12105	0.08625	0.06565	0.05530	0.02160
19	0.25824	0.12105	0.08625	0.06565	0.05530	0.02160
20	0.26455	0.12105	0.08625	0.06565	0.05530	0.02160
21	0.26061	0.12105	0.08625	0.06565	0.05530	0.02160
22	0.25065	0.12105	0.08625	0.06565	0.05530	0.02160
23	0.23716	0.12105	0.08625	0.06565	0.05530	0.02160
24	0.22128	0.13032	0.09636	0.07120	0.05587	0.02160
25	0.20403	0.13556	0.10074	0.07480	0.05598	0.02160
26	0.18697	0.13799	0.10186	0.07686	0.05561	0.02160
27	0.17211	0.13796	0.10159	0.07820	0.05482	0.02160
28	0.16086	0.13539	0.10077	0.07949	0.05379	0.02160
29	0.15327	0.13034	0.09957	0.08098	0.05274	0.02155
30	0.14830	0.12340	0.09792	0.08243	0.05186	0.02147
31	0.14471	0.11562	0.09574	0.08331	0.05124	0.02133
32	0.14175	0.10824	0.09300	0.08305	0.05087	0.02115
33	0.13924	0.10222	0.08972	0.08131	0.05069	0.02094
34	0.13728	0.09780	0.08598	0.07814	0.05059	0.02072
35	0.13595	0.09459	0.08202	0.07401	0.05047	0.02052
36	0.13506	0.09198	0.07824	0.06962	0.05021	0.02035
37	0.13432	0.08950	0.07511	0.06567	0.04975	0.02020
38	0.13346	0.08700	0.07295	0.06259	0.04901	0.02003
39	0.13237	0.08456	0.07174	0.06044	0.04802	0.01983
40	0.13114	0.08239	0.07112	0.05897	0.04685	0.01961
41	0.12986	0.08066	0.07054	0.05786	0.04562	0.01941
42	0.12861	0.07946	0.06955	0.05687	0.04445	0.01927
43	0.12745	0.07878	0.06796	0.05592	0.04345	0.01921
44	0.12641	0.07850	0.06593	0.05506	0.04261	0.01915
45	0.12556	0.07846	0.06379	0.05430	0.04187	0.01896
46	0.12502	0.07850	0.06189	0.05360	0.04112	0.01845
47	0.12487	0.07846	0.06044	0.05290	0.04027	0.01758
48	0.12516	0.07827	0.05950	0.05214	0.03930	0.01644
49	0.12583	0.07794	0.05897	0.05134	0.03830	0.01527
50	0.12675	0.07746	0.05871	0.05060	0.03737	0.01428
51	0.12775	0.07684	0.05857	0.05007	0.03658	0.01359
52	0.12864	0.07603	0.05844	0.04987	0.03583	0.01316
53	0.12935	0.07502	0.05828	0.05005	0.03490	0.01292
54	0.12990	0.07387	0.05814	0.05063	0.03346	0.01280
55	0.13047	0.07277	0.05818	0.05166	0.03138	0.01274
56	0.13139	0.07204	0.05864	0.05322	0.02888	0.01273
57	0.13308	0.07204	0.05978	0.05550	0.02670	0.01274
58	0.13597	0.07310	0.06183	0.05865	0.02568	0.01279
59	0.14039	0.07542	0.06486	0.06276	0.02633	0.01285
60	0.14640	0.07900	0.06887	0.06781	0.02856	0.01292
61	0.15365	0.08365	0.07372	0.07366	0.03185	0.01300
62	0.16121	0.08885	0.07915	0.07994	0.03563	0.01307
63	0.16746	0.09364	0.08469	0.08600	0.03964	0.01312
64	0.16746	0.09364	0.08469	0.08600	0.03964	0.01312
65	0.16746	0.09364	0.08469	0.08600	0.03964	0.01312
66	0.16746	0.09364	0.08469	0.08600	0.03964	0.01312
67	0.16746	0.09364	0.08469	0.08600	0.03964	0.01312
68	0.16746	0.09364	0.08469	0.08600	0.03964	0.01312
69	0.16746	0.09364	0.08469	0.08600	0.03964	0.01312
70	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

Note: Tier-specific adjustment factors are applied to these blended rates. See the first page of Appendix B for details.

TABLE 13 Employees' Retirement System **Age-Based Plans Retirement** Central Rates of Decrement  
Effective 4/1/2020

Age	Tier 1			Tiers 2,3,4		
	Service < 20	20 :: Srv < 30	30 :: Service	Service < 20	20 :: Srv < 30	30 :: Service
55	0.16985	0.34977	0.77499	0.05895	0.08590	0.47092
56	0.09286	0.13929	0.26808	0.03780	0.04952	0.18857
57	0.07541	0.11619	0.23320	0.03780	0.05216	0.17845
58	0.09055	0.12956	0.21587	0.03960	0.05491	0.17183
59	0.10371	0.15469	0.21164	0.04386	0.06162	0.18384
60	0.10331	0.17394	0.21365	0.04829	0.07343	0.19365
61	0.13785	0.21229	0.24184	0.07578	0.16592	0.23334
62	0.19152	0.34528	0.35390	0.13825	0.35571	0.29639
63	0.15155	0.25017	0.23024	0.10753	0.22081	0.21538
64	0.17236	0.29052	0.23115	0.11760	0.21617	0.20854
65	0.22845	0.29262	0.26254	0.16671	0.28793	0.24495
66	0.23898	0.31788	0.26292	0.19340	0.31970	0.29280
67	0.19844	0.28362	0.22238	0.16763	0.27857	0.24846
68	0.15865	0.31095	0.20547	0.15500	0.25117	0.21412
69	0.19512	0.26244	0.18605	0.16490	0.26427	0.21208
70	2.00000	2.00000	2.00000	2.00000	2.00000	2.00000

Age	Tier 5			Tier 6		
	Service < 20	20 :: Srv < 30	30 :: Service	Service < 20	20 :: Srv < 30	30 :: Service
55	0.04716	0.06872	0.08590	0.04716	0.06872	0.08590
56	0.03024	0.03962	0.04952	0.03024	0.03962	0.04952
57	0.03024	0.04173	0.05216	0.03024	0.04173	0.05216
58	0.03168	0.04393	0.05491	0.03168	0.04393	0.05491
59	0.03509	0.04930	0.06162	0.03509	0.04930	0.06162
60	0.03863	0.05874	0.07343	0.03863	0.05874	0.07343
61	0.06062	0.13274	0.16592	0.06062	0.13274	0.16592
62	0.18825	0.45571	1.09639	0.08825	0.15571	0.25571
63	0.10753	0.22081	0.21538	0.20753	0.52081	1.11538
64	0.11760	0.21617	0.20854	0.11760	0.21617	0.20854
65	0.16671	0.28793	0.24495	0.16671	0.28793	0.24495
66	0.19340	0.31970	0.29280	0.19340	0.31970	0.29280
67	0.16763	0.27857	0.24846	0.16763	0.27857	0.24846
68	0.15500	0.25117	0.21412	0.15500	0.25117	0.21412
69	0.16490	0.26427	0.21208	0.16490	0.26427	0.21208
70	2.00000	2.00000	2.00000	2.00000	2.00000	2.00000

The Tier 5 rates and Tier 6 rates listed above are defined using adjustments to the Tiers 2,3,4 rates, as described below.

Age	Tier 5		
	Service < 20	20 :: Srv < 30	30 :: Service *
<62	Service < 20 rate * 0.80	20 ♦ Srv < 30 rate * 0.80	20 ♦ Srv < 30 rate "as is"
=62	Service < 20 rate + 0.05	20 ♦ Srv < 30 rate + 0.10	30 ♦ Service rate + 0.8
>62	Service < 20 rate "as is"	20 ♦ Srv < 30 rate "as is"	30 ♦ Service rate "as is"

Age	Tier 6		
	Service < 20	20 :: Srv < 30	30 :: Service
<62	Service < 20 rate * 0.80	20 ♦ Srv < 30 rate * 0.80	20 ♦ Srv < 30 rate "as is"
=62	Service < 20 rate - 0.05	20 ♦ Srv < 30 rate - 0.20	20 ♦ Srv < 30 rate - 0.10
=63	Service < 20 rate + 0.10	20 ♦ Srv < 30 rate + 0.30	30 ♦ Service rate + 0.90
>63	Service < 20 rate "as is"	20 ♦ Srv < 30 rate as is	30 ♦ Service rate "as is"

\* except that Tier 5 Unified Court Peace Officers with 30 ♦ Service use the Tiers 2,3,4 30 ♦ Service rate "as is" at all ages.

Table 14 Employees' Retirement System **Service-Based Plans Retirement** Central Rates of Decrement  
Effective 4/1/2020

Service	State Corrections Officers 25 Year Plan Tiers 1,2	State Corrections Officers 25 Year Plan Tiers 3,5,6	County Corrections Officers 25 Year Plan All Tiers
25	0.20915	0.35143	0.39788
26	0.22135	0.20590	0.13927
27	0.22418	0.17710	0.12715
28	0.21834	0.17526	0.06190
29	0.20314	0.18232	0.12518
30	0.18023	0.25008	0.31048
31	0.15638	0.24101	0.22222
32	0.15787	0.22845	0.22744
33	0.18173	0.19237	0.29032
34	0.20559	0.21389	0.41606
35	0.23067	0.23796	0.39785
36	0.27093	0.29235	0.39785
37	0.33205	0.33040	0.39785
38	0.38247	0.33040	0.39785
39	0.39053	0.33040	0.39785
40	0.39053	0.33040	0.39785
41	0.39053	0.33040	0.39785
42	0.39053	0.33040	0.39785
43	0.39053	0.33040	0.39785
44	0.39053	0.33040	0.39785
45	0.39053	0.33040	0.39785
46	0.39053	0.33040	0.39785
47	0.39053	0.33040	0.39785
48	0.39053	0.33040	0.39785
49	0.39053	0.33040	0.39785
50	0.39053	0.33040	0.39785
51	0.39053	0.33040	0.39785
52	0.39053	0.33040	0.39785
53	0.39053	0.33040	0.39785
54	0.39053	0.33040	0.39785
55	2.00000	2.00000	2.00000



Table 15 Police & Fire Retirement System **Death and Disability** Central Rates of Decrement  
Effective 4/1/2020

Age	Ordinary Death	Accidental Death	Ordinary Disability	Performance of Duty Disability	Accidental Disability
15	0.00010	0.00001	0.00001	0.00020	0.00020
16	0.00010	0.00001	0.00001	0.00020	0.00020
17	0.00011	0.00001	0.00001	0.00020	0.00020
18	0.00011	0.00001	0.00002	0.00020	0.00020
19	0.00012	0.00001	0.00002	0.00020	0.00020
20	0.00013	0.00001	0.00002	0.00020	0.00020
21	0.00014	0.00001	0.00002	0.00020	0.00020
22	0.00014	0.00001	0.00002	0.00020	0.00020
23	0.00015	0.00001	0.00003	0.00020	0.00020
24	0.00016	0.00001	0.00003	0.00020	0.00020
25	0.00017	0.00001	0.00003	0.00020	0.00020
26	0.00018	0.00001	0.00004	0.00020	0.00020
27	0.00019	0.00001	0.00004	0.00020	0.00020
28	0.00020	0.00001	0.00005	0.00020	0.00020
29	0.00021	0.00001	0.00005	0.00020	0.00020
30	0.00022	0.00001	0.00006	0.00020	0.00020
31	0.00024	0.00001	0.00006	0.00020	0.00020
32	0.00025	0.00001	0.00007	0.00020	0.00020
33	0.00026	0.00001	0.00008	0.00020	0.00020
34	0.00028	0.00001	0.00009	0.00020	0.00020
35	0.00029	0.00001	0.00010	0.00020	0.00020
36	0.00031	0.00001	0.00011	0.00050	0.00050
37	0.00033	0.00001	0.00012	0.00080	0.00080
38	0.00035	0.00001	0.00013	0.00110	0.00110
39	0.00037	0.00001	0.00015	0.00140	0.00140
40	0.00039	0.00001	0.00016	0.00170	0.00170
41	0.00041	0.00001	0.00018	0.00200	0.00200
42	0.00043	0.00001	0.00020	0.00230	0.00230
43	0.00046	0.00004	0.00022	0.00260	0.00260
44	0.00048	0.00004	0.00025	0.00290	0.00290
45	0.00051	0.00004	0.00027	0.00320	0.00320
46	0.00054	0.00004	0.00031	0.00320	0.00320
47	0.00057	0.00004	0.00034	0.00320	0.00320
48	0.00060	0.00004	0.00038	0.00320	0.00320
49	0.00064	0.00004	0.00042	0.00320	0.00320
50	0.00068	0.00004	0.00047	0.00320	0.00320
51	0.00071	0.00004	0.00052	0.00320	0.00320
52	0.00076	0.00004	0.00058	0.00320	0.00320
53	0.00080	0.00004	0.00064	0.00320	0.00320
54	0.00084	0.00004	0.00071	0.00320	0.00320
55	0.00089	0.00004	0.00079	0.00320	0.00320
56	0.00094	0.00004	0.00088	0.00320	0.00320
57	0.00100	0.00004	0.00097	0.00320	0.00320
58	0.00105	0.00004	0.00108	0.00320	0.00320
59	0.00111	0.00004	0.00120	0.00320	0.00320
60	0.00118	0.00004	0.00134	0.00320	0.00320
61	0.00125	0.00004	0.00149	0.00320	0.00320
62	0.00132	0.00004	0.00165	0.00320	0.00320
63	0.00139	0.00004	0.00183	0.00320	0.00320
64	0.00147	0.00004	0.00204	0.00320	0.00320
65	0.00162	0.00004	0.00224	0.00320	0.00320
66	0.00178	0.00004	0.00247	0.00320	0.00320
67	0.00196	0.00004	0.00271	0.00320	0.00320
68	0.00215	0.00004	0.00298	0.00320	0.00320
69	0.00237	0.00004	0.00328	0.00320	0.00320
70	0.00000	0.00000	0.00000	0.00000	0.00000



Table 16 Police & Fire Retirement System **Withdrawal** Central Rates of Decrement  
Effective 4/1/2020

Service	Withdrawal
0	0.07328
1	0.04003
2	0.02114
3	0.01340
4	0.01142
5	0.01133
6	0.01112
7	0.01043
8	0.00937
9	0.00811
10	0.00673
11	0.00544
12	0.00432
13	0.00351
14	0.00300
15	0.00268
16	0.00230
17	0.00186
18	0.00160
19	0.00160
20	0.00160
21	0.00160
22	0.00160
23	0.00160
24	0.00160
25	0.00160
26	0.00160
27	0.00160
28	0.00160
29	0.00160
30	0.00160
31	0.00160
32	0.00160
33	0.00160
34	0.00160
35	0.00160
36	0.00160
37	0.00160
38	0.00160
39	0.00160
40	0.00160
41	0.00160
42	0.00160
43	0.00160
44	0.00160
45	0.00160
46	0.00160
47	0.00160
48	0.00160
49	0.00160
50	0.00160
51	0.00160
52	0.00160
53	0.00160
54	0.00160
55	0.00000

Note: To get Tier 5 and 6 withdrawal rates for 5 ♦ Service < 10, multiply by 0.8.

TABLE 17 Police & Fire Retirement System **Age-Based Plans Retirement** Central Rates of Decrement  
Effective 4/1/2020

Age	Tier 1			Tiers 2,5		
	Service < 20	20 :: Srv < 30	30 :: Service	Service < 20	20 :: Srv < 30	30 :: Service
55	0.16985	0.34977	0.77499	0.05895	0.08590	0.08590
56	0.09286	0.13929	0.26808	0.03780	0.04952	0.04952
57	0.07541	0.11619	0.23320	0.03780	0.05216	0.05216
58	0.09055	0.12956	0.21587	0.03960	0.05491	0.05491
59	0.10371	0.15469	0.21164	0.04386	0.06162	0.06162
60	0.10331	0.17394	0.21365	0.04829	0.07343	0.07343
61	0.13785	0.21229	0.24184	0.07578	0.16592	0.16592
62	0.19152	0.34528	0.35390	0.13825	0.35571	0.35571
63	0.15155	0.25017	0.23024	0.10753	0.22081	0.22081
64	0.17236	0.29052	0.23115	0.11760	0.21617	0.21617
65	0.22845	0.29262	0.26254	0.16671	0.28793	0.28793
66	0.23898	0.31788	0.26292	0.19340	0.31970	0.31970
67	0.19844	0.28362	0.22238	0.16763	0.27857	0.27857
68	0.15865	0.31095	0.20547	0.15500	0.25117	0.25117
69	0.19512	0.26244	0.18605	0.16490	0.26427	0.26427
70	2.00000	2.00000	2.00000	2.00000	2.00000	2.00000

  

Age	Tier 6		
	Service < 20	20 :: Srv < 30	30 :: Service
55	0.04716	0.06872	0.08590
56	0.03024	0.03962	0.04952
57	0.03024	0.04173	0.05216
58	0.03168	0.04393	0.05491
59	0.03509	0.04930	0.06162
60	0.03863	0.05874	0.07343
61	0.06062	0.13274	0.16592
62	0.08825	0.15571	0.25571
63	0.35753	0.52081	1.11538
64	0.11760	0.21617	0.20854
65	0.16671	0.28793	0.24495
66	0.19340	0.31970	0.29280
67	0.16763	0.27857	0.24846
68	0.15500	0.25117	0.21412
69	0.16490	0.26427	0.21208
70	2.00000	2.00000	2.00000

Age-Based retirement plans make up less than 1% of all PFRS by salary. Therefore, the PFRS service retirement rates are selected to correspond with the ERS assumption reflecting the same early age reduction factors, as described below.

PFRS Tier 1 rates above are identical to ERS Tier 1 across all service groupings.

PFRS Tier 2,5 rates above use the ERS Tier 2,3,4 rates as follows

PFRS Tiers 2,5 Service < 20 uses ERS Tier 2,3,4 Service < 20

PFRS Tiers 2,5 20 ♦ Srv < 30 uses ERS Tier 2,3,4 20 ♦ Srv < 30

PFRS Tiers 2,5 30 ♦ Service uses ERS Tier 2,3,4 20 ♦ Srv < 30

PFRS Tier 6 rates above are identical to ERS Tier 6 across all service groupings.

Service	20 Year Plan (no additional 60ths beyond 20 years)	20 Year Plan (plus additional 60ths beyond 20 years)	State Police 20 Year Plan	Article 14 20 Year Plan
20	0.31492	0.10607	0.10032	0.02000
21	0.14905	0.06366	0.07433	0.02000
22	0.12749	0.05857	0.07743	0.02000
23	0.13002	0.06826	0.06716	0.02000
24	0.10300	0.08483	0.09944	0.02000
25	0.10031	0.09264	0.12625	0.80000
26	0.07680	0.08322	0.11564	0.50000
27	0.11734	0.09188	0.13445	0.50000
28	0.09717	0.12632	0.12134	0.50000
29	0.08140	0.12838	0.14570	0.50000
30	0.07559	0.17748	0.21896	0.50000
31	0.12715	0.27831	0.40367	0.50000
32	0.15484	0.38048	0.53202	0.50000
33	0.12245	0.28649	0.48511	0.50000
34	0.12376	0.27901	0.30769	0.50000
35	0.15385	0.25410	0.32558	0.50000
36	0.14063	0.33438	0.32558	0.50000
37	0.13853	0.29008	0.32558	0.50000
38	0.13853	0.29008	0.32558	0.50000
39	0.13853	0.29008	0.32558	0.50000
40	0.13853	0.29008	0.32558	0.50000
41	0.13853	0.29008	0.32558	0.50000
42	0.13853	0.29008	0.32558	0.50000
43	0.13853	0.29008	0.32558	0.50000
44	0.13853	0.29008	0.32558	0.50000
45	0.13853	0.29008	0.32558	0.50000
46	0.13853	0.29008	0.32558	0.50000
47	0.13853	0.29008	0.32558	0.50000
48	0.13853	0.29008	0.32558	0.50000
49	0.13853	0.29008	0.32558	0.50000
50	0.13853	0.29008	0.32558	0.50000
51	0.13853	0.29008	0.32558	0.50000
52	0.13853	0.29008	0.32558	0.50000
53	0.13853	0.29008	0.32558	0.50000
54	0.13853	0.29008	0.32558	0.50000
55	2.00000	2.00000	2.00000	2.00000