

JANUARY 2023
REVIEW OF EXISTING RULES
NEW YORK STATE DEPARTMENT OF STATE

RULES ADOPTED BY THE DEPARTMENT OF STATE IN 2020, 2018, 2013, 2008, 2003 AND 1998 THAT WILL BE REVIEWED IN 2023

The rules listed below were adopted by the Department of State in calendar years 2020, 2018, 2013, 2008, 2003 and 1998. As required by section 207 of SAPA, this Department will review these rules in calendar year 2023 to determine whether they should be modified or continued without modification. This list does not include rules that were adopted as consensus or emergency rules, or rules that were otherwise adopted during an above-indicated year and subsequently amended or repealed in a year that is not indicated. The Notice of Proposed Rulemaking for the below-listed rules required the preparation of a Regulatory Flexibility Analysis, Rural Area Flexibility Analysis, or Job Impact Statement. Public comment on the continuation or modification of any listed rule is invited and may be submitted to the contact person indicated at the end of this list until March 11, 2023.

RULES ADOPTED IN 2020

(1) DOS-27-19-00014 New York State Uniform Fire Prevention and Building Code

Repealed Parts 1219 thru 1229; added new Parts 1219 thru; amended sections 1264.4(b), & (e); and amended sections 1265.3(c), (h), (j), & (k) of Title 19 NYCRR

Analysis of the need for the rule: The rule was needed to repeal the previous Uniform Code, adopt a new Uniform Code, and make conforming changes to Parts 1264 and 1265 to Title 19 NYCRR.

Legal basis for the rule: Executive Law, sections 377; 382-a; and 382-b

(2) DOS-27-19-00015 State Energy Conservation Construction Code (the “Energy Code”)

Repealed Part 1240; and added a new Part 1240 to Title 19 NYCRR

Analysis of the need for the rule: The rule was needed to repeal the previous Energy Code, and adopt a new Energy Code.

Legal basis for the rule: Energy Law, section 11-103(2)

(3) DOS-42-19-00001 Real Estate Advertisements

Amended section 175.25 of Title 19 NYCRR

Analysis of the need for the rule: The rule was needed to update regulations concerning real estate advertisements.

Legal basis for the rule: Real Property Law, section 442-k

(4) DOS-02-20-00003 Enhanced Fair Housing Provisions

Added sections 175.28, 175.29 and 177.9 to Title 19 NYCRR

Analysis of the need for the rule: The rule was needed to provide additional notices and other enhancements relating to fair housing and the Human Rights Law.

Legal basis for the rule: Real Property Law, section 442-k

(5) DOS-26-20-00008 Creation of a Cease-and-Desist Zone in Kings County

Amended section 175.17 of Title 19 NYCRR

Analysis of the need for the rule: The rule was needed to adopt a cease-and-desist zone for a designated area within Kings County.

Legal basis for the rule: Real Property Law, section 442-h

RULES ADOPTED IN 2018

(1) DOS-32-17-00002 Alarm Installation, Servicing and Maintenance

Amended sections 195.1, 195.2, 195.8, 195.11 and 195.15 of Title 19 NYCRR

Analysis of the need for the rule: The rule was needed to update regulations for industry improvement and make technical changes to regulatory text.

Legal basis for the rule: General Business Law, section 69-n

(2) DOS-52-17-00013 Establishment of the Identity Theft Prevention and Mitigation Program

Repealed Parts 4600 and 4601 of Title 21 NYCRR; renumbered Parts 4602 thru 4605, 4607 and 4608 of Title 21 NYCRR to Parts 220 thru 225 of Title 19 NYCRR; and added Part 226 to Title 19 NYCRR.

Analysis of the need for the rule: The rule was needed to facilitate the timely provision of information and assistance to victims of identity theft.

Legal basis for the rule: Executive Law, sections 91; and 94-a (3), (6) & (9)

(3) DOS-07-18-00010 Creation of a Cease-and-Desist Zone for the Village of Chestnut Ridge

Amended section 175.17 of Title 19 NYCRR

Analysis of the need for the rule: The rule was needed to adopt a cease-and-desist zone for the Incorporated Village of Chestnut Ridge, in the County of Rockland.

Legal basis for the rule: Real Property Law, section 442-h

(4) DOS-20-18-00001 Minimum Standards for the Administration and Enforcement of the Uniform Code and Energy Code

Added section 1204.12(e) to Title 19 NYCRR

Analysis of the need for the rule: The rule was needed to amend Part 1204, which establishes the procedures for the administration and enforcement of the Uniform Code by State agencies, to include provisions requiring condition assessments of parking garages.

Legal basis for the rule: Executive Law, section 381(1)

(5) DOS-20-18-00002 Suspension and Revocation of Certifications of Code Enforcement Personnel

Added Subpart 1208-6; and amended section 1208-3.5(b) of Title 19 NYCRR

Analysis of the need for the rule: The addition of Subpart 1208-6 was needed to implement Chapter 468 of the Laws of 2017, with respect to the revocation or suspension of the certification of any code enforcement personnel found after a hearing to have “materially failed to uphold duties of a code enforcement officer, including but not limited to, making material errors or omissions on an inspection report.” Amending section 1208-3.5(b) was needed to clarify that the revocations contemplated by section 1208-3.5(b) are in addition to - and not in substitution for or limitation of - the provisions of Subpart 1208-6.

Legal basis for the rule: Executive Law, sections 376-a and 381(1)

RULES ADOPTED IN 2013

(1) DOS-22-12-00017 Administrative Expenses and Executive Compensation

Added Part 144 to Title 19 NYCRR

Analysis of the need for the rule: The rule was needed to address limits on the use of State funds/State-authorized payments for administrative expenses and executive compensation of providers of services to New Yorkers.

Legal basis for the rule: Executive Law, section 91

(2) DOS-07-13-00002 Address Confidentiality Program

Added Part 134 to Title 19 NYCRR

Analysis of the need for the rule: The rule was needed to implement the Address Confidentiality Program required by Executive Law Section 108.

Legal basis for the rule: Executive Law, section 108

(3) DOS-16-13-00005 Appraisal Trainee/Supervision Standards and Reciprocity

Amended section 1101.4 of Title 19 NYCRR

Analysis of the need for the rule: The rule was needed to conform existing regulations to new Federal requirements concerning the scope of practice for a licensed real estate appraiser assistant.

Legal basis for the rule: Executive Law, section 160-d

(4) DOS-16-13-00006 Distinguishability of Corporation and Other Business Entity
Names

Repealed section 156.2 and added a new section 156.2 to Title 19 NYCRR

Analysis of the need for the rule: The rule was needed to implement entity name distinguishability requirements of section 301 of the Business Corporation Law, section 301 of the Not-for-Profit Corporation Law, section 204 of the Limited Liability Company Law, and sections 121-102 of the Partnership Law.

Legal basis for the rule: Executive Law, section 91

(5) DOS-18-13-00006 Temporary Licenses and Verification of Education

Amended sections 160.5 and 160.33 of Title 19 NYCRR

Analysis of the need for the rule: The rule was needed to implement the appearance enhancement portion of the Department's E-Licensing Initiative, enabling license applicants to apply to schedule examinations and apply for licenses on-line, thereby reducing processing/wait times.

Legal basis for the rule: General Business Law, section 402

RULES ADOPTED IN 2008

(1) DOS-47-07-00018 Manufactured Homes

Added Part 1210 to Title 19 NYCRR

Analysis of the need for the rule: The rule was needed to implement Article 21-B of the Executive Law regarding warranty seal, certifications, and dispute resolutions concerning construction, installation, and servicing of manufactured homes.

Legal basis for the rule: Executive Law, section 604

(2) DOS-30-08-0012 Local Government Efficiency Grant Program

Added Part 815 to Title 19 NYCRR

Analysis of the need for the rule: The rule was needed to establish criteria and eligibility requirements for local government efficiency awards program.

Legal basis for the rule: State Finance Law, section 54(10)

(3) DOS-32-08-00006 Fire Alarm and Security Systems

Amended Sections 196.1, 196.2, 196.8, & 196.10 of Title 19 NYCRR

Analysis of the need for the rule: The rule was needed to add a qualifying educational module for licensure to install, service or maintain security or fire alarm systems.

Legal basis for the rule: General Business Law, section 69-n

RULES ADOPTED IN 2003

DOS-53-02-00019 Continuing Education for Real Estate Brokers and Salespeople

Amended Part 177 of Title 19 NYCRR

Analysis of the need for the rule: The rule was needed to update the continuing education rules and to provide for computer-based and distance learning.

Legal basis for the rule: Real Property Law, section 441(3)

RULES ADOPTED IN 1998

(1) DOS-41-98-00001 Trademarks and Service Marks

Added Part 140 to Title 19 NYCRR

Analysis of the need for the rule: The rule was needed to provide information and instruction to those who file trademarks and service marks with this Department.

Legal basis for the rule: Executive Law, section 91; General Business Law, sections 360-i & 360-q

(2) DOS-11-98-00003 Filing Rule Technical Amendments

Amended Part 150, 154 and 155 of Title 19 NYCRR

Analysis of the need for the rule: The rule was needed to eliminate references to certain technologies, conform provisions to statutory changes, and reflect filing practices in the Department's Division of Corporations.

Legal basis for the rule: Executive Law, section 91

(3) DOS-11-98-00002 Corporation Names

Added Part 156 to Title 19 NYCRR

Analysis of the need for the rule: The rule was needed to modernize the naming rule for business organizations.

Legal basis for the rule: Executive Law, section 91

(4) DOS-14-98-00004 Continuing Education for Real Estate Appraisers

Added Part 1107 to Title 19 NYCRR

Analysis of the need for the rule: The rule was needed to implement statutory continuing education requirements.

Legal basis for the rule: Executive Law, section 160-t

(5) DOS-46-97-00004 State Academy of Fire Sciences

Amended Part 452 of Title 19 NYCRR

Analysis of the need for the rule: The rule was needed to more closely align fees charged to the State's actual costs.

Legal basis for the rule: Executive Law, section 156

(6) DOS-26-97-00019 Filing of Local Laws

Added Part 130 to Title 19 NYCRR

Analysis of the need for the rule: The rule was needed to simplify and clarify filing procedures.

Legal basis for the rule: Executive Law, section 91

Please submit comments regarding the continuation or modification of any listed rule by March 11, 2023 to: David Treacy, Associate Attorney, Office of General Counsel, New York State Department of State, One Commerce Plaza, 99 Washington Avenue, Suite 1120, Albany, New York 12231-0001, (518) 474-6740; David.Treacy@dos.ny.gov.