

REGULATORY AGENDA

Department of State

Pursuant to subdivision 1 of section 202-d of the State Administrative Procedure Act (SAPA), notice is hereby provided of the following rules that the Department of State is considering proposing, but for which a rule making proceeding has not been commenced. All following references to regulatory provisions are to Title 19 of the New York Code of Rules and Regulations, unless otherwise noted. Please note that regulatory plans of the Department of State are subject to change; the Department reserves the right to add, delete, or modify items appearing on this list. Further, as indicated in SAPA section 202-d(2), the Department of State is not required to propose or adopt any rule listed on a regulatory agenda, and may propose or adopt a rule that has not been listed on an agenda.

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

The public is welcome to send written comments regarding this regulatory agenda of the Department of State to the agency representative indicated at the end of this list.

DIVISION OF BUILDING STANDARDS AND CODES

Chapter XXXII

Considering adding new Part(s) and/or amending existing Parts to establish rules, regulations, standards and procedures relating to (1) the approval of code enforcement training programs for code enforcement personnel charged with enforcement of the Uniform Fire Prevention and Building Code and/or the State Energy Conservation Construction Code and for certified code technicians (CCTs), and the revocation of such approvals; (2) minimum courses of study, attendance requirements, and equipment and facilities to be required for approved code enforcement training programs for code enforcement personnel and CCTs; (3) minimum qualifications for instructors for approved code enforcement training programs for code enforcement personnel and CCTs; (4) the requirements of minimum basic training which code enforcement personnel and CCTs shall complete in order to be eligible for continued employment or permanent appointment, and the time within which such basic training must be completed following such appointment; (5) the requirements for in-service training programs designed to assist code enforcement personnel and CCTs in maintaining skills and being informed of technological advances; (6) categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements with respect to such categories or classifications; (7) approval of code enforcement training programs for code enforcement personnel and CCTs, the issuance of certificates of approval to such programs, and the revocation of such approvals and certificates; (8) certification of instructors for approved code enforcement training programs for code enforcement personnel and CCTs and the issuance of appropriate certificates to such instructors, and the revocation of such approvals and certificates; (9) certification of code enforcement personnel and CCTs

who have satisfactorily completed basic training programs and in-service training programs, the issuance of appropriate certificates to such code enforcement personnel and CCTs, and the revocation of such certificates; (10) measurement of the rate of compliance with the State Energy Conservation Construction Code, and requirements that such rate of compliance be measured on an annual basis; and (11) otherwise to implement Chapter 560 of the Laws of 2010 and section 376-a of the Executive Law.

Considering adding new Parts relating to energy efficiency standards for appliances and equipment.

Part 1201

Considering amending this Part to provide that (1) where a county elects not to enforce the Uniform Code, the local government in which a county facility is situated shall be responsible for enforcement of the Uniform Code with respect to such facility and (2) where both a county and the local government in which a county facility is located have elected not to enforce the Uniform Code, the Secretary of State shall be responsible for enforcement of the Uniform Code with respect to such facility.

Part 1202

Considering amending this Part to make the provisions relating to the administration of the Uniform Fire Prevention and Building Code by the Department of State in certain local governments and counties substantially similar to the corresponding provisions in revised Part 1203 (which became effective on January 1, 2007), to update the provisions authorizing the use of third party inspectors, to add provisions authorizing the use of third party plan reviewers, and to update the fee schedule currently contained in section 1202.7.

Part 1203

Considering amending this Part to (1) establish more appropriate inspection intervals for normally unoccupied buildings; (2) clarify the language found in this Part; (3) make such changes to this Part as may be required or appropriate to reflect the applicability of this Part to enforcement of the State Energy Conservation Construction Code; (4) make such other changes to this Part as may be required or appropriate to implement Chapter 560 of the Laws of 2010 and Section 376-a of the Executive Law; (5) delete the requirement that local governments and counties file annual reports related to their code enforcement activities; and/or (6) add provisions fixing the time within which a person or entity served with an Order to Remedy violation(s) of the Uniform Code must comply with such Order to Remedy.

Part 1204

Considering amending this Part to make the provisions relating to the administration of the Uniform Fire Prevention and Building Code by state agencies substantially similar to the corresponding provisions in revised Part 1203 (which became effective on January 1, 2007).

Considering amending this Part to authorize the Department of State to prescribe the form to be used for construction-permitting agencies' annual reports, to require construction-permitting agencies to submit their annual reports to the Department of State, to authorize the Department of State to post construction-permitting agencies' annual reports on the Department's website, and otherwise to implement recommendations made in the New York State / New York City Building Code Task Force report issued June 2012.

Part 1205

Considering amending this Part to (1) make the procedures for variances under the State Uniform Fire Prevention and Building Code applicable to variances under the State Energy Conservation Construction Code; (2) add new provisions relating to variances under the State Energy Conservation Construction Code; (3) revise procedures for appeals on variance matters; (4) address reopening and rehearing of variance hearings; (5) establish procedures for decisions to be made on a written record; (6) revise and/or clarify the circumstances under which an appeal of a determination made by a code enforcement official may be filed under this Part; and (7) expand and clarify the circumstances under which a Uniform Code variance may be granted by Department of State staff without referral to a Regional Board of Review.

Part 1208

Considering amending provisions relating to the minimum qualifications of code enforcement personnel.

Part 1209

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

Part 1210

Considering updating and amending this Part concerning manufactured homes and the certification and training of manufacturers, retailers, installers and mechanics of manufactured homes.

Chapter XXXIII

Parts 1219-1228

Considering amending the Uniform Fire Prevention and Building Code (Uniform Code) to add provisions allowing certain buildings to be used for certain alternative uses for short periods of time; to amend provisions applicable to abandoned buildings; to make technical corrections to the updated version of the Uniform Code adopted in 2010; to update the Uniform Code to one based substantially on the 2012 edition or the 2015 edition of the model International Codes published by the International Code Council; and otherwise update the provisions of the Uniform Code. Consider amending Part 1225 (Fire Code) to implement recommendations made in the New York State / New York City Building Code Task Force report issued June 30, 2012. Consider amending Part 1228 by adding provisions relating to buildings and structures where "sparkling devices" are manufactured, stored, sold or used.

Part 1240

Considering amending the State Energy Conservation Construction Code (Energy Code) to make the Energy Code provisions applicable to residential building meet or exceed the 2012 edition or the 2015 edition of the International Energy Conservation Code, to make the Energy Code provisions applicable to commercial buildings meet or exceed the 2015 edition of the International Energy Code and/or the 2013 edition of ASHRAE Standard 90.1, and otherwise to update the provisions of the Energy Code.

Part 1260

Considering amending or repealing the provisions relating to Certificates of Acceptability.

Part 1265

Consider adding a new Part 1265 containing provisions relating to signs or symbols to be attached to residential buildings using truss-type construction, pre-engineered wood construction or timber construction.

DIVISION OF CEMETERIES

Part 200 et seq.

Considering adding new regulations regarding various financial matters, such as permanent maintenance fund allocations, pre-need sales, trust fund reconciliations, and financial reports.

Considering adding new regulations pursuant to recent legislation that permits cemetery corporations to seek to appropriate: a percentage of its net appreciation in its permanent maintenance fund, and a percentage of its net appreciation in its perpetual care fund.

DIVISION OF CONSUMER PROTECTION

21 NYCRR 4600 et seq.

Considering renumbering and amending regulations of the former State Consumer Protection Board.

21 NYCRR Part 4603

Considering amending regulations pertaining to "do-not-call" registry in order to conform them to recent statutory changes.

21 NYCRR Part 4608 Safety Standards for Moveable Soccer Goals

Considering adding implementation regulations, pursuant to Chapter 436 of the Laws of 2014.

DIVISION OF CORPORATIONS, STATE RECORDS AND UCC
Part 150

Considering adding a new section 150.8 regarding punctuation in entity names on filing certificates. The section would authorize the Division to accept for filing corporation and other business entity documents, such as certificates of amendment, that list the entity's name with or without a comma or period that is present in the entity's real name. The filing of such certificates would not change an entity's name on the records of the Division.

DIVISION OF LICENSING SERVICES

Part 160

Considering amending regulations to clarify that appearance enhancement practitioners may maintain material safety data sheets in electronic form.

Considering amending appearance enhancement regulations regarding esthetics curriculum and waxing procedures.

Considering adding new section to clarify documentation required for review of new application for original licensing.

Part 175

Considering amending regulations pertaining to the deposit of money into escrow by real estate brokers and salespeople.

Considering amending regulations pertaining to the record retention requirements for real estate brokers.

Section 175.17

Considering amending this section to update the Albany address of the Division of Licensing Services.

Parts 175-179

Considering revising regulations applicable to real estate brokers and salespeople to account for statutory and industry changes, and to add clarity to existing regulations.

Part 195

Considering amending regulations pertaining to alarm installation, service and maintenance in order to clarify licensing requirements and to incorporate new technology and terminology.

Part 1102 et seq.

Considering amending regulations pertaining to real estate appraisal in order to permit the completion of qualifying education via distance learning.

Considering amending regulations pertaining to real estate appraisal in order to update the regulation pertaining to acceptable appraisal experience.

Considering amending regulations pertaining to appraisal qualifications in order to conform them to upcoming federal requirements.

Considering amending regulations to adopt updated Uniform Standards of Professional Appraisal Practice for 2016-2017.

Section 1106.1

Considering amending this section to update the Albany address of the Division of Licensing Services.

Parts 170-175 and Part 1102 et seq.

Considering amending regulations pertaining to private investigators, watch guard patrol companies, security guards and real estate appraisers in order to further implement the New York State Enterprise E-Licensing initiative.

NEW YORK STATE ATHLETIC COMMISSION

Part 217

Considering repealing obsolete sections of Part 217 regarding professional wrestling in order to achieve consistency with Title 25 of the Unconsolidated Laws.

Part 218

Considering adding a new Part 218 concerning special rules for review, addition, and removal of single-discipline martial arts sanctioning organizations in New York State.

OFFICE OF PLANNING AND DEVELOPMENT

Parts 600 - 603

Considering amending the New York State Coastal and Inland Waterway Regulations affecting federal, state, local, and individual actions concerned with Article 42 of the New York State Executive Law (“Waterfront Revitalization of Coastal Areas and Inland Waterways”) and implementation of the Federal Coastal Zone Management Act in New York as described in the New York Coastal Management Program.

To obtain information or submit written comments concerning an item listed above, please contact David Treacy, Esq., Office of General Counsel, New York State Department of State, One Commerce Plaza, Albany, New York 12231-0001, (518) 474-6740; David.Treacy@dos.ny.gov. This agenda is posted on the Department’s website at http://www.dos.ny.gov/info/regulatory_activity/index.html.

