



NEW YORK STATE
DEPARTMENT of
FINANCIAL SERVICES

Andrew M. Cuomo
Governor

Maria T. Vullo
Superintendent

TO: All New York State Chartered Credit Unions

FROM: Maria T. Vullo, Superintendent of Financial Services

RE: Use of Temporary Limited Service Units or Facilities by New York State Chartered Credit Unions

DATE: June 28, 2017

It has come to the attention of the New York State Department of Financial Services (the "Department") that there may be a question as to whether New York State chartered credit unions are required to file an application for the establishment of a station under Section 461 of the New York Banking Law if they use temporary mobile service units, tents, booths, tables or similar temporary facilities located in New York (each a "Temporary Facility") in order to offer one or more of the following services:

- (a) Signing up new members;
- (b) Receiving loan and credit card applications; and
- (c) Advising members and potential members about the products and services offered by the credit union.

The above-referenced services are subject to the restriction that they do not include or involve any wire transfer transactions, accepting or contracting for deposit type liabilities, withdrawals, dispersing, remitting or transmitting funds, issuing ATM, debit or credit cards, processing or executing any form of loan or financing, or accepting any payments. Although the term "station" is not defined in the New York Banking Law, the Department has historically treated credit union stations similar to a bank "branch".

Temporary Facilities can be useful tools for New York State chartered credit unions in order to better service their existing members and attract new members, and enhance the provision of financial products and services to communities in New York State.

Accordingly, since the above limited services are more in the nature of representational services than branch-type activities and services, the Department is of the view that, subject to the above-listed restrictions, no separate application for the establishment of a "station" under Section 461 of the New York Banking Law is required for the use of a Temporary Facility in New York for such services. However, any New York State chartered credit union that wishes to use a Temporary Facility for the above limited services must, prior to each use of the Temporary

Facility, provide the Department with a schedule showing upcoming times and locations where the Temporary Facility will operate, the number and title of qualified individuals who would be involved in offering such services, and any further information as the Department may require. The credit union must also provide the Department with information regarding the security procedures for the protection of confidential information and data. Also, the credit union will be required to obtain any permit or authorization that may be required from any city or local governmental agency for operation or use of the Temporary Facility and conspicuously display the name and signage of the credit union on the Temporary Facility.

As with all other activities of state-chartered institutions, the Department requires that all services be conducted in accordance with all applicable New York State and federal laws and regulations, all of which will be subject to examination by the Department.

This guidance is issued on the basis of the facts and assumptions contained herein. Should any of the facts and assumptions change, the Department's analysis and conclusions may also change.

A handwritten signature in black ink, appearing to read "Maria T. Vullo". The signature is written in a cursive style with a horizontal line underneath it.

Maria T. Vullo
Superintendent