

APPLICATION

By _____

FOR PERMISSION TO CHANGE THE LOCATION OF BRANCH/PRINCIPAL OFFICE

Application is hereby made for permission to change the location of branch/principal office (choose one) from _____

_____ to _____

_____.

The reason for the proposed change is as follows: _____

Additional information concerning the proposal may be obtained from (name and telephone number) _____.

The following statements are made in support of the application:

(1) The Board of Directors/Trustees of the applicant has adopted a resolution authorizing this application and designating the undersigned to submit it.

(2) The proposed date for commencement of operations at the new location is as follows: _____.

(3) The costs of establishing the office at its new location are estimated at \$_____, of which \$_____ is for acquisition of land and buildings, or leasehold improvements. The contemplated expenditure for bank premises shall be incurred within relevant statutory limits (i.e., Banking Law Section 98.1(a) (banks/trust companies), 235.9(a)(1) (savings banks), or 381.1(a) (savings and loan associations)).

(4)(a) The applicant has, or will have, the right to occupy the premises necessary for the proposed office by virtue of () a lease (or an option to lease), () a purchase agreement (or an option to purchase), or () the following arrangement: _____

_____.

(b) The applicant agrees that no lease (or similar agreement) for the proposed premises will contain a clause prohibiting the landlord from renting space to another banking institution, in accordance with Section 674-a of the Banking Law.

(5) The proposed site has been appropriately zoned to permit the operation of a banking office.

(6) No officer, director, trustee, employee, or major stockholder of the applicant has an interest, direct or indirect, in the site or premises at the proposed location, or in the construction of such premises, except as follows (if no exceptions, so state): _____

_____.

(7) Establishment of the office at its new location does not conflict with any of the provisions of the New York State Historic Preservation Act.

(8) The applicant is aware of and has given due consideration to adopting, as appropriate, the security provisions recommended in the list of bank security best practices developed by the New York Bankers Association. (These practices were highlighted in the joint Industry Letter dated September 8, 2003 from the Superintendent of Banks and the New York City Police Commissioner, and the Industry Letter dated April 12, 2004 from the Superintendent of Banks.)

(9) The level of service at the new location will be substantially the same as, or greater than, the level of service presently being offered. (If this is not the case, an explanation should be provided.)

(10) The proposed disposition of the present location, if owned, or if leased, the arrangements made to terminate the lease or to sublet the premises are as follows: _____

_____.

The undersigned hereby certifies that the above is true and correct.

(signature of authorized officer)

Date: _____

(type/print name and title)

Enclosures:

_____ Check for \$750 payable to the "Superintendent of Financial Services of the State of New York"

_____ Certified copy of Board resolution (if required by Section 105.2 of Supervisory Procedure G 105)

RELOCATION APPLICATION INSTRUCTIONS

A. General Information

The required information in support of a relocation application is enumerated in Supervisory Procedure G 105, a copy of which appears below. Applicants should feel free to submit any additional information which would strengthen the application.

In accordance with Supervisory Procedure G 106 (Public Access to Banking Department Records), the entire application and all supporting material are available for public inspection except for confidential material. If the applicant believes that the public availability or disclosure of certain of the information provided would be clearly harmful, such information should be segregated from the public portion and labeled "Confidential." The applicant must also state the reasons under Section 87(2) of the Freedom of Information Law for any request for confidentiality.

Institutions eligible for the expedited branch application process as discussed in the "Application for permission to open and occupy a branch office" need not submit a certified copy of the Board resolution referenced in the relocation application form (CL 7/05) and in Supervisory Procedure G 105, or a copy of a lease/purchase agreement/letter of intent for the proposed premises. Institutions which are not eligible must submit both items with the application.

B. Information Required for Certain Relocations

As stated in Supervisory Procedure G 105, for a planned change of location in which the proposed site is outside the immediate neighborhood of the present office, or the nature of the business of the office or the customers served by the office would be substantially affected, the customers of the office must be given prior notice of the relocation of at least ninety days, in the manner set forth in section 112.3 of Supervisory Procedure G 112 (Report of Planned Branch Closings). In such instances, the dates of customer notification, both through branch signage and direct mailing, should be provided to the Department as part of the relocation application.

C. Out-of-State Relocations

- (1) This Department will ascertain the application requirements, if any, of the state in which a branch is proposed to be relocated.
- (2) Applications for branches outside New York State need not contain statements 4b, 7, and 8 of the application form (CL 7/05).

F. Relocations of New York Branches of Out-of-State Banks

Applications from out-of-state banks wishing to relocate branches in New York need not contain statements 3 and 6 of the application form (CL 7/05). In addition, such applicants need not submit a copy of a Board resolution or a copy of a lease/purchase agreement/letter of intent for the proposed premises.

UNOFFICIAL COPY

SUPERVISORY PROCEDURE G 105

APPLICATION FOR A CHANGE OF LOCATION OR A CHANGE OF DESIGNATION OF PRINCIPAL OFFICE

(Statutory authority: Banking Law, § 28)

105.1 General information

105.2 Application

105.3 Additional information

105.4 Confidential information

105.5 Information required for certain relocations

§ 105.1 -- General information.

Requests for approval to change the location of a place of business or to change the designation of a principal office should be submitted by letter application to the Superintendent, accompanied, except in the case of an application by a credit union, by an investigation fee of [please refer to the Department's [Application Fee Schedule](#)]. Banking organizations subject to Article III, VI, X, or XI of the Banking Law which seek to change the location of a place of business may utilize an application form in lieu of a letter application. Forms may be obtained directly from the Department, and are available on the Department's Website (www.dfs.ny.gov). Banking organizations subject to other articles of the Banking Law which seek to change the location of a place of business should submit a letter application setting forth the information required in Sections 105.2 and 105.3 of this Procedure.

§ 105.2 -- Application.

The application submitted to the New York City Office of the Banking Department at the address set forth in section 1.1 of Supervisory Policy G 1, should state the reason for any proposed change, should include addresses of the offices affected by any such proposed change, and should be accompanied by a copy of the resolution of the board of directors/trustees authorizing such application. (Banking organizations subject to Article III, VI, or X of the Banking Law eligible for the expedited branch application process may submit a statement that a resolution has been passed in lieu of submitting a copy.)

§ 105.3 -- Additional information.

If the application is for a change of location, the applicant should submit the following:

(a) a statement giving the proposed date for commencement of operations at the new location and:

(1) stating that no lease for the proposed premises will contain a clause prohibiting the landlord from renting space to another banking institution under State or Federal supervision;

(2) stating whether any director, trustee, officer or employee of the applicant has any interest, direct or indirect, in the proposed premises, or in the construction thereof;

- (3) estimating the cost of establishing an office at the new location;
 - (4) confirming that the proposed site has been appropriately zoned to permit the operation of a banking office;
 - (5) stating whether or not the contemplated expenditures for acquisition of land and buildings, or leasehold improvements, may be incurred within the relevant statutory limits;
 - (6) indicating the proposed disposition of the present location, if owned, or if leased, the arrangements made to terminate the lease or to sublet the premises;
 - (7) confirming that the establishment of the office at the proposed location does not conflict with any of the existing provisions of the New York State Historic Preservation Act;
 - (8) stating that the applicant is aware of and has given due consideration to adopting appropriate security measures in accordance with industry standards; and
 - (9) confirming that the level of service at the new location will be substantially the same as, or greater than, the level of service presently being offered. (If this is not the case, an explanation should be provided.)
- (b) Any additional items which the Department may require on a case-by-case basis.

§ 105.4 -- Confidential information.

In accordance with Supervisory Procedure G 106 (Public Access to Banking Department Records), the entire application and all supporting material are available for public inspection except for confidential material. If the applicant believes that the public availability or disclosure of certain of the information provided would be clearly harmful, such information should be segregated from the public portion and labeled "Confidential." The applicant should also state the reasons for any request for confidentiality.

§ 105.5 -- Information required for certain relocations.

The following applies to banking organizations subject to Article III, VI, or X of the Banking Law: For a planned change of location in which the proposed site is outside the immediate neighborhood of the present office, or the nature of the business of the office or the customers served by the office would be substantially affected, the customers of the office must be given prior notice of the relocation of at least ninety days, in the manner set forth in section 112.3 of Supervisory Procedure G 112 (Report of Planned Branch Closings).