

**APPLICATION**

By \_\_\_\_\_

**FOR PERMISSION TO OPEN AND OCCUPY A BRANCH OFFICE**

Application is hereby made for permission to open and occupy a branch office at \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

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 costs of establishing the branch 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)).

(3)(a) The applicant has, or will have, the right to occupy the premises necessary for the proposed branch 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.

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

(5) 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 branch location, or in the construction of such premises, except as follows (if no exceptions, so state): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

(6) The establishment of the proposed branch would not be prohibited by Banking Law Section 105.1(a) (banks/trust companies), 240.2(c) (savings banks), or 396.2(b) (savings and loan associations).

(7) Establishment of the proposed branch does not conflict with any of the provisions of the New York State Historic Preservation Act.

(8) The proposed branch ( ) will be a full-service branch open to the general public, or, if the foregoing is not the case, ( ) will offer the following products and services and will operate under the following schedule of operation: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

(9) 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.)

(10) Any ATMs available for use after the regular banking hours of the proposed branch will be in compliance with the ATM Safety Act, as set forth in Article II-AA of the Banking Law.

(11) The proposed branch is expected to be ready for occupancy on or about \_\_\_\_\_

(12) The applicant is/is not (choose one) eligible for the expedited application process.

(13) There are/are not (choose one) any active enforcement actions against the applicant which have been taken by a federal bank regulatory agency and have not been joined by the Department of Financial Services. (If there are any such actions, provide details.)

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

\_\_\_\_\_  
(signature of authorized officer)

Date: \_\_\_\_\_

\_\_\_\_\_  
(type/print name and title)

Enclosures:

\_\_\_\_\_ Check for [please refer to the Department's Application Fee Schedule] payable to the  
"Superintendent of Financial Services of the State of New York"

\_\_\_\_\_ Additional requested information (if filing under standard guidelines)

## **BRANCH APPLICATION INSTRUCTIONS**

### **A. General Information**

The required information in support of a branch application is enumerated 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.

The Department of Financial Services processes branch applications using either an expedited, streamlined application process or a standard application process. An institution is eligible for the expedited process if it satisfies all of the following criteria:

- (1) Has a composite CAMELS rating of "1" or "2";
- (2) Has at least a satisfactory ("2") rating for management;
- (3) Is well capitalized in accordance with applicable Federal standards;
- (4) Has a CRA rating of "Satisfactory" or better; and
- (5) Has no major unresolved supervisory issues outstanding (as determined by the Department of Financial Services in its discretion).

The Department seeks to reach a determination on applications which utilize the expedited process within 21 calendar days from the date on which receipt of the application is published in the Weekly Bulletin of the Department. (This time frame may not be met if additional information is needed or issues arise.)

### **B. Expedited Application Requirements**

An institution eligible for the expedited application process is required to submit the following:

- (1) Branch application (Form BR 6/11).
- (2) Check for [please refer to the Department's Application Fee Schedule] payable to the order of the "Superintendent of Financial Services of the State of New York" in payment of the statutory investigation fee.
- (3) Any additional information which the Department may require on a case-by-case basis.

**Please Note:** The address of the proposed branch should include the county and zip code, and should state the name of the city, village, hamlet, or town in which the site is physically located, rather than that which is used in the mailing address, if different.

### **C. Standard Application Requirements**

An institution filing under standard guidelines is required to submit the following:

- (1) Branch application (Form BR 6/11);

- (2) Check for [please refer to the Department's Application Fee Schedule] payable to the order of the "Superintendent of Financial Services of the State of New York" in payment of the statutory investigation fee;
- (3) Certified copy of a resolution of the Board of Directors/Trustees authorizing the establishment of the proposed branch and designating the individual who shall submit the application.
- (4) Copy of a lease, option to lease or purchase, or purchase agreement for the proposed facility. The document submitted should be executed by both parties.
- (5) Projections of deposits, income and expenses for the period necessary to attain the break-even point, using the attached form as a guide; an explanation of how the projections were determined.
- (6) Description of the security measures to be implemented at the branch.
- (7) Any additional information which the Department may require on a case-by-case basis.

**Please Note:** The address of the proposed branch should include the county and zip code, and should state the name of the city, village, hamlet, or town in which the site is physically located, rather than that which is used in the mailing address, if different.

#### **D. Out-of-State Branches**

- (1) This Department will ascertain the application requirements, if any, of the state in which a branch is proposed to be established.
- (2) Applications for branches outside New York State need not contain statements 3b, 6, 7, 9, and 10 of the application form (BR 6/11) or the information requested by item 6 of Section C above (description of security measures).

#### **E. Branches Abroad**

- (1) Applications for branches abroad need not contain statements 3b, 6, 7, 9, and 10 of the application form (BR 6/11) or the information requested by item 6 of Section C above (description of security measures).
- (2) Such applications should be supplemented by the following additional information:
  - (a) If the applicant is to share space with an affiliate, a description of the steps that will be taken to ensure that customers are aware of the entity with which they are dealing.
  - (b) Evidence of approval of local banking authorities in the foreign country, or evidence that no approval is required under such country's local laws.
  - (c) Whether, under the laws and regulations of the foreign country, Department of Financial Services examiners would have access to the branch for on-site examination. If no on-site access is permitted, a description of the arrangements to make branch records available to the examiners at another office of the applicant should be provided.

#### **F. New York Branches of Out-of-State Banks**

Out-of-state banks wishing to establish branches in New York may utilize the expedited application process. Applications from such institutions need not contain statements 2, 5, 12, and 13 of the application form (BR 6/11). As is the case with New York banks, out-of-state banks are prohibited from establishing branches in "home office protected" areas (as described in Sections 105.1(a), 240.2(c), and 396.2(b) of the New York Banking Law).

#### **G. Limited Purpose Branches**

Applications for limited purpose branches should state, directly on the application form (BR 6/11) the limited purpose of the proposed branch office.