

Notice of Revised Rule Making

Financial Services, Department of

(SUBMITTING AGENCY)

- Approval has been granted by Executive Chamber to propose this rule making.
- This rule making does not require Executive Chamber approval.

NOTE: Typing and submission instructions are at the end of this form. Please be sure to COMPLETE ALL ITEMS. Incomplete forms will be cause for rejection of this notice.

1. Proposed action:

Addition of	Part 600	Title <u>23</u>	NYCRR
_____	_____	Title _____	NYCRR
_____	_____	Title _____	NYCRR
_____	_____	Title _____	NYCRR
_____	_____	Title _____	NYCRR
_____	_____	Title _____	NYCRR

2. Statutory authority under which the rule is proposed:

Financial Services Law sections 102, 201, 301, and 302 and Financial Services Law sections 801-811.

3. Subject of the rule:

Disclosure requirements for certain providers of commercial financing transactions

4. Purpose of the rule:

To provide new disclosure rules for small business financings.

5. Terms of rule (SELECT ONE):

- The full text of the rule is attached because it does not exceed 2,000 words.
- A summary of the rule is attached because the full text of the rule exceeds 2,000 words.
- Full text is posted on the following State website. [Pursuant to SAPA §202(7)(d), provide sufficient information to enable the public to access the full text without extensive searching. For example, provide a URL or a title to either a webpage or a specific section of the website where the full text is posted]:
https://www.dfs.ny.gov/industry_guidance/regulations/proposed_fsl

6. Public hearings (check box and complete as applicable):

- NO public hearing is scheduled. (SKIP TO ITEM 9)
- A public hearing is required by law and is scheduled as indicated below. (**Note:** first hearing date must be at least 60 days **after** publication of this notice unless a different time is specified in statute.)
- A public hearing is not required by law, but is scheduled as indicated below.

Time:	Date:	Location:

7. *Interpreter services* (check only if a public hearing is scheduled):

Interpreter services will be made available to hearing impaired persons, at no charge, upon written request to the agency contact designated in this notice.

8. *Accessibility* (check appropriate box only if a public hearing is scheduled):

All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Attached is a list of public hearing locations that are **not** reasonably accessible to persons with a mobility impairment. An explanation is submitted regarding diligent efforts made to provide accessible hearing sites.

9. *Revised rule compared to proposed rule* (identify **only** those changes made since the **last** published rule):

A. The original notice of **proposed** rule making was published in the *State Register* on

10/20/2021, I.D. No. DFS-42-21-00011 - P

B. List the date and I.D. No. of any previously published notice(s) of **revised** rule making:

_____, I.D. No. _____ -

_____, I.D. No. _____ -

C. Substantial revisions were made in [Parts, sections, subdivisions or paragraphs]:

<u>600.1</u>	<u>600.3</u>	<u>600.5</u>	<u>600.6</u>
<u>600.10- 600.12</u>	<u>600.14- 600.19</u>	<u>600.21</u>	<u>600.23- 600.25</u>

10. *The revised text of the rule and any required statements and analyses may be obtained from:*

Agency contact George Bogdan, Esq.

Agency name New York State Department of Financial Services

Office address One State Street, 20th Floor
New York, NY 10004

Telephone (212) 480-4758 *E-mail* George.Bogdan@dfs.ny.gov

11. *Submit data, views or arguments to* (complete only if different than previously named agency contact):

Agency contact _____

Agency name _____

Office address _____

Telephone _____ *E-mail* _____

12. *Public comment will be received until:*

45 days after publication of this notice [MINIMUM public comment period, SAPA §202(4-a)(a)]

5 days after the last scheduled public hearing required by statute (MINIMUM, with required hearing).

Other: (*specify*) _____

13. *Additional matter required by statute:*

YES (include below material required by statute).



NO additional material required by statute.

14. Revised Regulatory Impact Statement (RIS)

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS, EXCLUDING SUMMARIES OF STUDIES, REPORTS OR ANALYSES [Needs and Benefits])

A. The attached Revised RIS contains:

- The full text of the Revised RIS.
 A summary of the Revised RIS.

Full text is posted on the following State website. [Pursuant to SAPA §202(7)(d), provide sufficient information to enable the public to access the full text without extensive searching. For example, provide a URL or a title to either a webpage or a specific section of the website where the full text is posted]:

B. A **statement is attached** explaining why a Revised RIS is not required (check one box):

- Changes made to the last published rule do not necessitate revision to the previously published RIS.
 This is a technical amendment exempt from SAPA §202-a.

15. Revised Regulatory Flexibility Analysis (RFA) for small businesses and local governments

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached Revised RFA contains:

- The full text of the Revised RFA.
 A summary of the Revised RFA.

Full text is posted on the following State website. [Pursuant to SAPA §202(7)(d), provide sufficient information to enable the public to access the full text without extensive searching. For example, provide a URL or a title to either a webpage or a specific section of the website where the full text is posted]:

B. A **statement is attached** explaining why a Revised RFA is not required (check one box):

- Changes made to the last published rule do not necessitate revision to the previously published RFA.
 The changes will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments. The attached statement sets forth this agency's findings and the reason(s) upon which the findings were made, including what measures were used to determine those findings.

16. Revised Rural Area Flexibility Analysis (RAFA)

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached Revised RAFA contains:

- The full text of the Revised RAFA.
 A summary of the Revised RAFA.

Full text is posted on the following State website. [Pursuant to SAPA §202(7)(d), provide sufficient information to enable the public to access the full text without extensive searching. For example, provide a URL or a title to either a webpage or a specific section of the website where the full text is posted]:

B. A **statement is attached** explaining why a revised RAFA is not required (check one box):

- Changes made to the last published rule do not necessitate revision to the previously published RAFA.
 The changes will not impose any adverse impact or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. The attached statement sets forth this agency's findings and the reason(s) upon which the findings were made, including what measures were used to determine those findings.

17. Revised Job Impact Statement (JIS)

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached Revised JIS contains:

 The full text of the Revised JIS. A summary of the Revised JIS. Full text is posted on the following State website. [Pursuant to SAPA §202(7)(d), provide sufficient information to enable the public to access the full text without extensive searching. For example, provide a URL or a title to either a webpage or a specific section of the website where the full text is posted]:B. A **statement is attached** explaining why a revised JIS is not required (check one box): Changes made to the last published rule do not necessitate revision to the previously published JIS. The changes will not impose a substantial impact on jobs and employment opportunities. The attached statement sets forth this agency's findings that the rule will have a positive impact or no impact on jobs and employment opportunities; except when it is evident from the subject matter of the rule that it could only have a positive impact or no impact on jobs and employment opportunities, the statement shall include a summary of the information and methodology underlying that determination.C. A revised JIS is **not** attached because this rule was proposed by the State Comptroller or Attorney General.**18. Assessment of Public Comment (including legislative comment) (CHECK ONE):** Attached is an assessment of public comment.No particular form is required, and it need **only** include comments not addressed in any previously published assessment of public comment for this rule. However, the assessment must be based on any written comments received by the agency and any comments presented at any public hearing held by the agency about this proposal. It must contain a summary and an analysis of the issues raised and significant alternatives suggested, a statement of the reason(s) why any significant alternatives were not incorporated, and a description of any changes made as a result of such comments. If the assessment exceeds 2,000 words, submit a summary. An assessment is not attached because no comments were received.**AGENCY CERTIFICATION (To be completed by the person who PREPARED the notice)**

I have reviewed this form and the information submitted with it. The information contained in this notice is correct to the best of my knowledge.

I have reviewed Article 2 of SAPA and Parts 260 through 263 of 19 NYCRR, and I hereby certify that this notice complies with all applicable provisions.

Name Sally Geisel

Signature _____

Address Department of Financial Services, 1 State Street, 20th Floor, New York, NY 10004Telephone (212) 480-7608E-Mail Sally.Geisel@dfs.ny.govDate 08/26/2022**Please read before submitting this notice:**

- **SPECIAL NOTE: Actions proposed as a Consensus Rule Making cannot be revised.** ●

1. Except for this form itself, all text must be typed in the prescribed format as described in the Department of State's *Register* procedures manual, *Rule Making in New York*.
2. Rule making notices, with any necessary attachments (in MS Word), should be e-filed via the Department of State website.