

2026-22 N.Y. St. Reg. 22

Volume XLVIII, Issue 22, June 3, 2026

RULE MAKING ACTIVITIES

Reporter

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DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES

Notice

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Action: PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Agency

DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES

Text

Modifying Reporting Year and Deadlines for Reports Under the Volunteer
Firefighter Enhanced Cancer Disability Benefits Program

I.D. No. HES-22-26-00002-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act,
NOTICE is hereby given of the following proposed rule:

Proposed Action: This is a consensus rule making to amend Part 210 of Title 9
NYCRR.

Statutory authority: General Municipal Law, section 205-cc(7); Executive Law, section 709(2)(n)

Subject: Modifying reporting year and deadlines for reports under the Volunteer Firefighter Enhanced Cancer Disability Benefits Program.

Purpose: To encourage compliance, consistency, enhanced accuracy of reports from fire districts, departments, and/or companies.

Regulations

Text of proposed rule: Section 210.2(k) is amended to read as follows: (k)

Reporting year shall mean ~~December 1st~~ JANUARY 1ST through ~~November 30th~~ DECEMBER 31ST .

Section 210.5(a) is amended to read as follows:

(a) A fire district, department or company must submit to the Office of Fire Prevention and Control by ~~January 1, 2019~~ MARCH 15 ~~and~~ annually ~~thereafter~~ an attestation that the fire district, department or company will provide the enhanced cancer disability benefit by:

(1) carrying an insurance policy issued by an insurance company authorized to engage in the business of insurance in this State sufficient to cover its eligible volunteer firefighters and provide a death benefit to their beneficiaries; or

(2) proof that the authority having jurisdiction:

(i) possesses taxing authority; and

(ii) has agreed in writing to fund any and all claims of eligible volunteer firefighters and their beneficiaries through existing and future revenues. Section 210.8 is amended to read as follows:

(a) Annual claims report. The fire district, department or company shall report to the Office of Fire Prevention and Control, no later than ~~December 1, 2019~~ MARCH 15 ~~and~~ annually ~~thereafter~~, on the claims and benefits payments for the reporting year using forms prescribed by the Office of Fire Prevention and Control.

(1) This report must be signed by the head of the department or company, sworn to under penalty of perjury as true, correct and complete and shall be notarized.

(2) The Office of Fire Prevention and Control shall develop an annual claims report form to be maintained on its website, containing at a minimum the following information:

(i) number of claims in the reporting year;

(ii) the types of claims in the reporting year;

(iii) the types of cancer claims in the reporting year; and

(iv) the number of eligible volunteer firefighters who received enhanced cancer disability benefits in the reporting year.

(b) Annual roster of interior firefighters. The fire district, department or company shall report to the Office of Fire Prevention and Control, no later than ~~December 1, 2019~~ MARCH 15 ~~and~~ annually ~~thereafter~~, a complete list of its interior firefighters for the reporting year.

(c) The Office of Fire Prevention and Control shall make information related to interior firefighters and applicable training available to fire districts, departments or companies upon request.

Text of proposed rule and any required statements and analyses may be obtained from: James Callahan, Division of Homeland Security and Emergency Services, 1220 Washington Avenue, Building 7A, Albany, NY 12226, (518) 474-6746, email: Rule.Making@dhses.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

Consensus Rule Making Determination

The Division of Homeland Security and Emergency Services has determined that no person is likely to object to the rule as written as it makes technical changes and is otherwise non-controversial. This amendment makes no changes to the already existing substantive rules for the Volunteer Firefighter Enhanced Cancer Disability Benefits Program other than shifting the reporting year and extending the deadlines for submitting information. This is designed to ease the administration of this program by switching to a reporting year that matches the calendar year and by shifting the reporting deadline to later date that allows for more time to collect and report the required information. Easing compliance with an already in-effect regulation is not expected to cause any objection.

Job Impact Statement

The Division of Homeland Security and Emergency Services Office of Fire Prevention and Control has determined that the rule will not have a substantial

adverse impact on jobs or employment opportunities. The nature and purpose of amendment of the rule is to shift the reporting year and deadlines for reports under the Volunteer Firefighter Enhanced Cancer Disability Benefits Program. The current reporting year and deadlines are already in effect, and this amendment is designed to ease the administration of this program by switching to a reporting year that matches the calendar year and by shifting the reporting deadline to later date that allows for more time to collect and report the required information. All other substantive requirements remain unchanged. As such, this amendment does not present a basis for expecting any impact on job or employment opportunities.

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