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| LOCAL COMMISSIONERS MEMORANDUM |
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Transmittal No: 91 LCM-53

Date: April 4, 1991

Division: Commissioner's
Office

TO: Local District Commissioners

SUBJECT: Filed Regulation 310.1
Filed Regulation 398.2
Filed Regulation 399.6(h)(5)(iii)

ATTACHMENTS: Attachment I - 310.1 (available on-line)
Attachment II - 398.2 (available on-line)
Attachment III - 399.6(h)(5)(iii) (available on-line)

The following changes to the Official Regulations of the State Department of Social Services have been filed for adoption with the Secretary of State.

18 NYCRR 310.1 relating to public assistance for residents of family care homes.

The final rule - Filed: 3/28/91 - Effective: 4/17/91.

18 NYCRR 398.2 relating to state supplemental personal needs allowance.

The final rule - Filed: 3/28/91 - Effective: 4/17/91.

18 NYCRR 399.6(h)(5)(iii) relating to fair hearing rights of intentional program violation households.

The final rule - Filed: 3/28/91 - Effective: 4/17/91.

Michael J. McNaughton
Director, Local District
Policy Communications

Subparagraph (vi) of paragraph (3) of subdivision (d) of section 310.1 is amended to read as follows:

(vi) For public assistance and care granted mentally [ill, mentally defective and epileptic] disabled persons [placed] residing in family care [on conditional release from a State Mental Hygiene facility] homes certified by the Office of Mental Health or Office of Mental Retardation and Developmental Disabilities, who are admitted to such facilities in accordance with regulations of the Office which certifies the facility.

(Deleted material [brackets] ; new material underlined.)

Subdivision (d) of Section 398.2 is amended to read as follows:

(d) have no countable income, earned or unearned, other than the [\$25] Federal SSI grant provided to residents of medical facilities for whom the Medical Assistance Program pays at least 50 percent of the cost of care [, or the \$27 received by persons in accordance with Section 210 of the Social Services Law relating to mandatory minimum State supplementation].

(Deleted material [bracketed] ; new material underlined.)

STATE DEPARTMENT OF SOCIAL SERVICES

ALBANY, NEW YORK

Pursuant to the provisions of Sections 20(3)(d), 34(3)(f) and 95 of the Social Services Law, I, Cesar A. Perales, Commissioner of Social Services do hereby amend subparagraph (iii) of paragraph (5) of subdivision (h) of Section 399.6 of the Official Regulations of the State Department of Social Services, being Chapter II of Title 18 NYCRR, effective upon publication of the Notice of Adoption in the State Register.

Dated: March 27, 1991

Signed: _____

Commissioner

This is to certify that this is the original of an order of the State Department of Social Services, made on March 27, 1991 amending subparagraph (iii) of paragraph (5) of subdivision (h) of Section 399.6 of the Official Regulations of the State Department of Social Services, being Title 18 NYCRR, the express terms of which were published in the New York State Register on January 23, 1991.

Dated: March 27, 1991

Signed: _____

Commissioner

Subparagraph (iii) of paragraph (5) of subdivision (h) of section 399.6 is amended to read as follows:

(iii) the [local] social services district's failure to restore the disqualified individual to the [household's food stamp budget] household when the household requested the restoration after the end of the disqualification period indicated in the written notice.

(Deleted material [brackets] ; new material underlined.)