

## **EMERGENCY JUSTIFICATION**

This emergency rule is necessary for the preservation of the general welfare of families in New York State. Despite efforts to alleviate the child care crisis throughout the state, many families remain unable to obtain affordable, reliable care for their children, as many child care providers are forced to close their doors. To combat this statewide child care crisis for families and providers on an immediate basis, and to comply with statutory revisions to Social Services Law 410-u, 410-w, and 410-x that took effect on October 1, 2023, revisions are being made to Title 18 NYCRR Parts 404 and 415.

This rule will expand income eligibility under the New York State Child Care Block Grant Program (NYSCCBGP) by increasing the income threshold to 85% of the state median income and not considering Supplemental Security Income (SSI) payments, including state supplemental payments, made to children as part of family income. Further, this rule will expand programmatic eligibility for homeless families, certified or approved foster parents caring for a child placed in foster care, and families receiving protective services. This rule will require all eligible families to receive assistance when funds are available under the NYSCCBGP, subject to federal and state priorities. Of eligible families, six categories will be considered state priorities when funds are limited, including highly vulnerable populations. Further, this rule will remove local variation by eliminating set-asides and local priorities, ranking federal priorities and establishing state priorities for the NYSCCBGP. This rule will also cap the family share at 1% of the family's income exceeding the federal poverty level. Additionally, this rule will allow districts to opt into presumptive eligibility during the application determination period for the NYSCCBGP. Also, this rule will provide income stability for providers by requiring reimbursement for up to 80 absences per child per provider per year and up to 20 program closures, including closures for full-day professional development training for licensed and registered providers, per child per provider per year. In addition, this rule will further support reducing the requirement for redundant documentation by implementing adjunctive financial

eligibility. This rule will also strengthen program integrity by disallowing payments to providers if such provider is determined ineligible to receive child care assistance payment(s) after certain administrative actions. Additionally, districts may disqualify a provider from receiving payments for child care services and/or require a repayment plan to recoup the overpayment after determining that a provider submitted false claims.