

# Notice of Emergency Adoption and Revised Rule Making

Children and Family Services, Office of  
(SUBMITTING AGENCY)

- Approval has been granted by Executive Chamber to propose this rule making.
- This rule making does not require Executive Chamber approval.
  - This adoption will amend the NYCRR.
  - This adoption will not amend the NYCRR.

**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. Action taken:**

|              |          |             |       |
|--------------|----------|-------------|-------|
| Amendment of | Part 404 | Title 18    | NYCRR |
| Amendment of | Part 415 | Title 18    | NYCRR |
| _____        | _____    | Title _____ | NYCRR |
| _____        | _____    | Title _____ | NYCRR |
| _____        | _____    | Title _____ | NYCRR |
| _____        | _____    | Title _____ | NYCRR |

**2. Effective date of emergency rule:**

- Date of filing
- Other date (specify): \_\_\_\_\_

**3. History of emergency actions:**

- This is the first time this emergency rule has been adopted.
- This is the first re-adoption of an emergency rule printed in the *State Register* on \_\_\_\_\_, under I.D. No. \_\_\_\_\_ - \_\_\_\_\_
- This is the second (or greater) re-adoption of an emergency rule (third emergency or greater, effective for 60 days). Public comment is required, see Item 25.

**4. Statutory authority under which the rule was adopted:**

Social Services Law sections 20, 34, 410, 410-u, 410-w, 410-x; Chapter 56 of the Laws of 2023

**5. This emergency rule is necessary for the preservation of:**

- public health
- public safety
- general welfare

**6. The specific reasons underlying the finding of necessity, above, are as follows:**

7. *Subject of the rule:*

Expansion of eligibility for child care assistance program.

8. *Purpose of the rule:*

To implement changes to the child care assistance program set forth in Chapter 56 of the Laws of 2023.

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

- A public hearing is not scheduled. (SKIP TO ITEM 12)
- A public hearing is required by law and is scheduled 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 below.

| Time: | Date: | Location: |
|-------|-------|-----------|
|       |       |           |
|       |       |           |
|       |       |           |
|       |       |           |
|       |       |           |

10. *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.

11. *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.

12. *Terms of rule (SELECT A or B. Item C is required.):*

- A.  The full text of the rule is attached because it does not exceed 2,000 words.
- B.  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://ocfs.ny.gov/main/legal/regulatory/er/>

C. Signed certification of adoption and full text of the rule are attached:

- Signed certification of adoption (scanned pdf).
- Full text of the rule (MS Word).

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

10/18/2023, I.D. No. CFS-42-23-00002 - EP

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

Publication date: \_\_\_\_\_, I.D. No. \_\_\_\_\_ - \_\_\_\_\_

Publication date: \_\_\_\_\_, I.D. No. \_\_\_\_\_ - \_\_\_\_\_

15. **Emergency expiration date** (A first emergency rule is effective and enforceable for up to 90 days from the **date of filing**. Second and subsequent emergency rules are effective and enforceable for up to 60 days from their **date of filing** UNLESS the agency specifies an earlier date.) This rule expires:

90 days after filing

60 days after filing

Other (specify date): \_\_\_\_\_

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

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

415.6(c) \_\_\_\_\_  
 \_\_\_\_\_

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

Agency contact Nicholas Steinbock-Pratt

Agency name Office of Children and Family Services

Office address 52 Washington Street

Rensselaer, NY 12144

Telephone (518) 473-8411 E-mail regcomments@ocfs.ny.gov

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

Agency contact \_\_\_\_\_

Agency name \_\_\_\_\_

Office address \_\_\_\_\_

Telephone \_\_\_\_\_ E-mail \_\_\_\_\_

19. 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) \_\_\_\_\_

20. Additional matter required by statute:

Yes (attach material required by statute).

No additional material required by statute.

**21. Revised Regulatory Impact Statement (RIS)**

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

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.

**22. 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.

**23. 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.

**24. 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.**25. Assessment of Public Comment (includes legislative comments) (check one box):** 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 for this rule. However, the assessment must be based on any written comments received by the agency or any comments presented at any public hearing held by the agency about this rule, (including legislative comment). 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 Nicholas Steinbock-Pratt Signature \_\_\_\_\_Address 52 Washington Street, Rensselaer, NY 12144Telephone (518) 473-8411 E-Mail regcomments@ocfs.ny.govDate 02/13/2024**Please read before submitting this notice:**

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 unless otherwise specified), should be e-filed via the Department of State website.