

Executive Order No. 17 Local Government Mandate Evaluation Impact on Local Government and Property Taxpayers

Submitting Agency: New York State Office of Children and Family Services

NYCRR Citation: Part 415 of Title 18 of the New York State Codes, Rules and Regulations

Description of the Regulation: This rule is necessary to clarify that the authorization and payment requirements of Part 415 apply only to child care services provided under the portion of the Block Grant for Child Care allocated to social services districts to provide child care assistance to families receiving family assistance and to other low income families, as defined in Social Services Law Section 410-u, and Title XX of the Federal Social Security Act. This rule is also necessary to revise the sliding fee scale for families receiving child care services that are required to pay an income-based portion of a family share, from a prior social services district option of an income factor of 10 to 35 percent to a district option of an income factor of at least 1 but no more than 10 percent.

Statutory Authority for the Regulation:

Section 20(3)(d) of the Social Services Law (SSL) authorizes the commissioner of the New York State Office of Children and Family Services (OCFS) to establish rules, regulations, and policies to carry out OCFS' powers and duties under the SSL.

Section 34(3)(f) of the SSL authorizes OCFS to establish regulations for the administration of public assistance and care within the state.

Section 410-u(2) of the SSL divides the Block Grant for Child Care into two parts: the first comprised of funds retained by the state to provide child care on a statewide basis to special groups and for activities to increase the availability and/or quality of child care programs, and the second allocated to social services districts to provide child care assistance to families receiving family assistance and to other low income families.

Section 410-x(6) of the SSL requires child care assistance to be provided on a sliding fee basis, pursuant to department regulations, based upon the family's ability to pay. A family receiving child care assistance cannot be required to contribute more than 10 percent of its income exceeding the federal poverty level.

Agency Contact: Merideth Infantino

Telephone: 518-402-3001

Email: merideth.infantino@ocfs.ny.gov

1. Does the regulation impose a mandate on a county, city, town, village, school district or special district that requires such entity to:

a. provide or undertake any program, project or activity;

Yes

No

b. increase spending for an existing program, project or activity (even if such program, project or activity is voluntarily undertaken by a local government unit);

Yes

No

- c. **grant any new property tax exemption, or broaden the eligibility or increase the value of any existing property tax exemption; or**

Yes

No

- d. **carry out a legal requirement that would likely have the effect of raising property taxes.**

Yes

No

If the answer to all questions above are “no,” ensuring the regulation will not result in a mandate on local governments and property taxpayers, an accounting and the approval of the Office for Taxpayer Accountability are not required. If the answer to any question above is “yes,” and the regulation may have a fiscal impact on local governments and property taxpayers, please proceed to items 2 – 3.

2. Is the mandate required by federal law or regulation or state law?

Yes

No

- a. **If yes, please cite the specific provision in the statute or federal regulation.**
- b. **If yes, please describe any elements of the regulation not specifically mandated by the statute or regulation.**

3. If any portion of the mandate is not required by federal or state law, please attach to this checklist an accounting for such portion containing:*

- a. **a description of the mandate in the regulation;**
- b. **an accounting of the impacts of such mandate that includes the following:**
- (i) A fiscal impact statement**
 - (ii) A cost-benefit analysis, which includes:**
 - (x) a specific delineation of the costs and benefits to local governments and property taxpayers; and**
 - (y) a quantification of the impact on local government revenue and expenditures, where such impact is quantifiable based on available information (please consult with the Governor’s Office of Regulatory Reform if further guidance is needed)**
- c. **a description of input sought and received from affected local governments;**
- d. **a description of the proposed revenue sources to fund such mandate; and**
- e. **an explanation as to why this regulation should be advanced with a mandate.**

*Note: The “Regulatory and Flexibility Analysis for Small Businesses and Local Governments” may be attached so long as the items set forth in 3 above are fully accounted for in the analysis.