

Regulatory Impact Statement

1) Statutory Authority:

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.

2) Legislative Objectives:

First, 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 revision is necessary to expeditiously expand access to child care assistance and allow OCFS to obligate and liquidate

funds allocated to the Block Grant for Child Care in accordance with timelines under the federal Coronavirus Aid, Relief, and Economic Security Act, the Coronavirus Response and Relief Supplemental Appropriations Act of 2021, the American Rescue Plan Act, and New York State budget appropriations. Second, this rule revises the sliding fee scale for families receiving child care services that are required to pay an income-based portion of a family share. Previously, social services districts had the option to choose an income factor of 10 to 35 percent; districts will now have to choose an income factor of at least 1 but no more than 10 percent. This revision is necessary to implement a statutory amendment to SSL 410-x(6).

3) Needs and Benefits:

This rule would expand access to child care assistance. Regarding the first revision, OCFS is under time constraints to obligate and spend the listed funds, and recipients greatly need urgent access. OCFS has had calls with stakeholders about the need for child care assistance in the field and the need to obligate these funds in accordance with the relevant requirements. The sliding fee scale revision is necessary to implement a statutory amendment to SSL 410-(6), which took effect on April 16, 2021.

4) Costs:

No additional costs will be assessed with this rule. In fact, there will be a cost savings to many families that will benefit from a reduced family share.

5) Local Government Mandates:

No new mandates are imposed on local governments by this rule.

6) Paperwork:

Currently, 46 of the 58 social services districts will need to update their Child and Family Services Plan to reflect a new sliding fee scale income factor. OCFS will assist in this process.

7) Duplication:

This rule does not duplicate state or federal requirements.

8) Alternatives:

There are no alternatives. Without this rule, OCFS will not be able to obligate and spend the appropriations under the listed funding streams in a timely manner. OCFS also needs this rule to comply with state statute.

9) Federal Standards:

This rule is consistent with applicable federal requirements.

10) Compliance Schedule:

Compliance with this rule will begin immediately.