

+-----+
| LOCAL COMMISSIONERS MEMORANDUM |
+-----+

Transmittal No: 90 LCM-35

Date: March 15, 1990

Division: Commissioner's
Office

TO: Local District Commissioners

SUBJECT: Filed Regulation 491.3(g)(3)

ATTACHMENTS: Attachment listed below
(Attachment available on-line)

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

18 NYCRR 491.3(g)(3) relating to adult shelter capacity
waivers.

Filed as an emergency rule - 3/13/90 - effective 3/13/90.

The final rule - Filed: 3/13/90 - Effective: 4/4/90.

Michael J. McNaughton
Director, Local District
Policy Communications

STATE DEPARTMENT OF SOCIAL SERVICES
ALBANY, NEW YORK

Pursuant to the provisions of Sections of 20(3)(d), 460 and 461 of the Social Services Law and Chapter 53 of the Laws of 1989, I, Cesar A. Perale, Commissioner of Social Services, do hereby amend Section 491.3(g)(3), of the Official Regulations of the State Department of Social Services, being Chapter II of Title 18 NYCRR, effective when the Notice of Adoption published in the New York State Register.

Dated:

Signed: _____
Commissioner

This is to certify that this is the original of an order of the State Department of Social Services made on, _____ amending Section 491.3(g)(3) 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 3, 1990.

Dated:

Signed: _____
Commissioner

Section 491.3(g)(3) of Title 18 NYCRR is amended to read as follows:

(3) Upon written request by the operator, the department may waive the capacity limits set forth in paragraph (1) of this subdivision. An exception [shall] will be granted only upon demonstration by the operator that:

(i) there are compelling conditions which necessitate the establishment of a larger facility; and

(ii) the physical plant and proposed program comply with department regulations and applicable local codes.

Any such waiver granted to a social services district will be limited to an original term of six months duration and may be extended for additional six month periods. Such waiver cannot be granted unless the department has received from the social services district in which the shelter for adults is located, and has approved, a plan for the reduction of the population housed in the shelter for adults. Any extension of a waiver may be granted only upon submission to the department of a supplemental plan for the reduction of the population housed in the shelter for adults and the department's approval of the plan. The social services district cannot admit or retain a number of persons in excess of the capacity specified by the department after review of the district's waiver requests.

(Deleted material [brackets]; new material underlined)