

Notice of Proposed Rule Making

Temporary and Disability Assistance, 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.

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. A. <i>Proposed action:</i>		
Amendment of	§ 352.20 of	Title <u>18</u> NYCRR
Amendment of	Part 385 of	Title <u>18</u> NYCRR
_____	_____	Title _____ NYCRR
_____	_____	Title _____ NYCRR
_____	_____	Title _____ NYCRR
_____	_____	Title _____ NYCRR

- B. This is a consensus rule making. A statement is attached setting forth the agency's determination that no person is likely to object to the rule as written [SAPA §202(1)(b)(i)].
- C. This rule was previously proposed as a consensus rule making under I.D. No. _____. Attached is a brief description of the objection that caused/is causing the prior notice to be withdrawn [SAPA §202(1)(e)].
- D. This rule is proposed pursuant to [SAPA §207(3)], 5-Year Review of Existing Rules (see also item 16).

2. *Statutory authority under which the rule is proposed:*
See attached Addendum #1

3. *Subject of the rule:*
See attached Addendum #2

4. *Purpose of the rule:*

See attached Addendum #3

5. *Public hearings* (check box and complete as applicable):
- A public hearing is not scheduled. (*SKIP TO ITEM 8*)
 - 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:

6. *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.

7. *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.

8. *Terms of rule* (SELECT ONE SECTION):

- 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]:

<http://otda.ny.gov/legal/regulatory-activities.asp>

- C. Pursuant to SAPA §202(7)(b), the agency elects to print a description of the subject, purpose and substance of the rule as defined in SAPA §102(2)(a)(ii) [Rate Making]. Web posting of full text of such rule is not required [SAPA §202(1)(a)].

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

Agency contact Richard P. Rhodes, Jr,
Agency Name New York State Office of Temporary and Disability Assistance
Office address 40 North Pearl Street, 16-C
Albany, NY 12243-0001
Telephone (518) 486-7503 *E-mail:* richard.rhodesjr@otda.ny.gov

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

Agency contact _____
Agency name _____
Office address _____

Telephone _____ *E-mail:* _____

11. *Public comment will be received until:*

- 60 days after publication of this notice (MINIMUM public comment period).
- 5 days after the last scheduled public hearing required by statute (MINIMUM, with required hearing).
- Other: (specify) _____.

12. A prior emergency rule making for this action was previously published in the _____ issue of the *Register*, I.D. No. _____.

13. *Expiration date* (check only if applicable):

This proposal will not expire in 365 days because it is for a "rate making" as defined in SAPA §102(2)(a)(ii).

14. *Additional matter required by statute*:

Yes (include below material required by statute).

No additional material required by statute.

15. *Regulatory Agenda* (See SAPA §202-d[1]):

This rule was a Regulatory Agenda item for this agency in the following issue of the *State Register*:
01/31/2024

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the *Register*.

Not applicable.

16. **Review of Existing Rules** (ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

This rule is proposed pursuant to SAPA §207 (item 1D applies) (check applicable boxes):

Attached is a statement setting forth a reasoned justification for modification of the rule. Where appropriate, include a discussion of the degree to which changes in technology, economic conditions or other factors in the area affected by the rule necessitate changes in the rule.

Attached is an assessment of public comments received by the agency in response to its publication of a list of rules to be reviewed.

An assessment of public comments is not attached because no comments were received.

Not applicable.

17. **Regulatory Impact Statement (RIS)**

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS, EXCLUDING SUMMARIES OF STUDIES, REPORTS OR ANALYSES [Needs and Benefits]):

A. The attached RIS contains:

The full text of the RIS.

A summary of the 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]:

A consolidated RIS, because this rule is one of a series of closely related and simultaneously proposed rules or is virtually identical to rules proposed during the same year.

B. A RIS is **not attached**, because this rule is:

subject to a consolidated RIS printed in the *Register* under I.D. No.: _____ - _____; issue date: _____.

exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].

exempt, as defined in SAPA §102(11) [Consensus Rule Making].

C. A **statement is attached** claiming exemption pursuant to SAPA § 202-a (technical amendment).

18. 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 RFA contains:

 The full text of the RFA. A summary of the 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]: A consolidated RFA, because this rule is one of a series of closely related rules.B. A **statement is attached** explaining why a RFA is not required. This statement is in scanner format and explains the agency's finding that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments and the reason(s) upon which the finding was made, including any measures used to determine that the rule will not impose such adverse economic impacts or compliance requirements.C. A RFA is **not** attached, because this rule: is subject to a consolidated RFA printed in the *Register* under I.D. No.: [REDACTED] - [REDACTED]; issue date: [REDACTED]. is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making]. is exempt, as defined in SAPA §102(11) [Consensus Rule Making].**19. Rural Area Flexibility Analysis (RAFA)**

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

A. The attached RAFA contains:

 The full text of the RAFA. A summary of the 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]: A consolidated RAFA, because this rule is one of a series of closely related rules.B. A **statement is attached** explaining why a RAFA is not required. This statement is in scanner format and explains the agency's finding that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas and the reason(s) upon which the finding was made, including what measures were used to determine that the rule will not impose such adverse impact or compliance requirements.C. A RAFA is **not attached**, because this rule: is subject to a consolidated RAFA printed in the *Register* under I.D. No.: [REDACTED] - [REDACTED]; issue date: [REDACTED]. is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making]. is exempt, as defined in SAPA §102(11) [Consensus Rule Making].

20. Job Impact Statement (JIS)

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

A. The attached JIS contains:

The full text of the JIS.

A summary of the 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]:

[Redacted area]

A consolidated JIS, because this rule is one of a series of closely related rules.

B. A **statement is attached** explaining why a JIS is not required. This statement is in scanner format and explains the agency's finding that the rule will not have a substantial adverse impact on jobs and employment opportunities (as apparent from its nature and purpose) and explains the agency's finding 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.

A JIS/Request for Assistance [SAPA §201-a(2)(c)] is attached.

C. A JIS is **not attached**, because this rule:

is subject to a consolidated JIS printed in the *Register* under I.D. No.: [Redacted] - [Redacted] issue date: [Redacted].

is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].

is proposed by the State Comptroller or Attorney General.

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 Richard P. Rhodes, Jr. Signature /s/Richard P. Rhodes Jr.

Address N.Y.S.O.T.D.A., 40 North Pearl Street, 16-C, Albany, NY 12243-0001

Telephone (518) 486-7503 E-Mail richard.rhodesjr@otda.ny.gov

Date 03/05/2024

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

2. *Statutory authority under which the rule is proposed:*

7 *United States Code* §§ 2013, 2015, and 2029; Title II, § 311 of the *Fiscal Responsibility Act of 2023* (Pub L 118-5, 137 US Stat 10 [118th Cong, 1st Sess, June 3, 2023], amending 7 USC § 2015[6][o][3]); Social Services Law §§ 20(3)(d), 34(3)(f), 95(1)(b), 131-a(8)(a)(xii)–(xiii), 332-b(6), 336-a(1) and 337; § 148 of Part B of Chapter 436 of the Laws of 1997; Chapter 41 of the Laws of 2012; Part Y of Chapter 54 of the Laws of 2016; Chapter 819 of the Laws of 2022; Part X of Chapter 56 of the Laws of 2023

3. Subject of the rule:

Exemption of earned income and Public Assistance (PA) and Supplemental Nutrition Assistance Program (SNAP) employment program requirements updates

4. Purpose of the rule:

To update State regulations pertaining to exemption of earned income and PA and SNAP employment program requirements consistent with updated federal and State laws.

Summary of the Proposed Rule

The Office of Temporary and Disability Assistance (OTDA) proposes the following amendments to 18 NYCRR § 352.20 and Part 385 of Title 18 NYCRR, to update current State regulations to conform with recently enacted State and Federal laws. The full text of the proposed rule is posted at the following OTDA website:

<http://otda.ny.gov/legal/regulatory-activities.asp>.

Add new § 352.20(h) disregarding earned income a Family Assistance (FA) or Safety Net Assistance (SNA) recipient derived from participation in a qualified work activity or training for purposes of determining eligibility.

Add new § 352.20(i) disregarding earned income of a FA or SNA recipient from eligibility determinations for a one-time period of up to six consecutive months after job entry.

Amend general provisions of § 385.0, § 385.2(d), the index of § 385.3, § 385.3(a)-(d), § 385.4(b), § 385.5(a), § 385.9(a) and (d) and § 385.10(a) to make technical updates replacing references to “food stamps” with “SNAP”.

Amend § 385.2(d)(8)(i) to correct the regulation number referenced as the sanction applying to individuals who misrepresent a medical or physical impairment during an application.

Amend § 385.2(d)(9) to add new subparagraph (vi) requiring social services districts (districts) to provide a written determination if the district’s examining medical practitioner issues an opinion that differs from that of the individual’s treating health care practitioner.

Amend § 385.3(d)(5)(i) to clarify that a social services official may determine an individual exempt from work requirements if it is reasonably evident they are mentally or physically unfit for employment.

Amend § 385.3(d)(5)(ii) to make technical update to clause (a), reletter clause (b) as (d) and clause (c) as (e), and add new clauses (b)-(c) and (f)-(i). The new clauses add the following to the list of individuals exempt from Able Bodied Adults Without Dependents (ABAWD) requirements, respectively: individuals over age 52 (effective through September 30, 2024); individuals over age 54 (effective October 1, 2024); homeless individuals; veterans; individuals age 24 or younger who were in foster care on their 18th birthday; and individuals unable to work at least 80 hours per month due to a physical or mental health limitation.

Amend § 385.5(a) to make a technical update to subparagraph (6)(iii) and add new subparagraph (7) requiring districts to inform eligible applicants and recipients about the availability of local home visiting services.

Amend § 385.6(a)(2) to make technical changes to subparagraphs (vi)–(vii) and add new subparagraph (viii) requiring districts to review eligibility for locally-available home visiting services as part of the client assessment.

Amend § 385.6(a) to add new paragraph (9) directing districts to encourage recipients to participate in home visiting services if such services are determined to be appropriate and beneficial to the household.

Amend § 385.6(b) to add new paragraph (6) requiring educational and/or vocational training programs, including two year post-secondary degree programs, to be approved as consistent with an assessment and employability plan for households with dependent children.

Amend § 385.7(b) to add new paragraph (4) requiring educational and/or vocational training programs, including two year post-secondary degree programs, to be approved as consistent with an assessment and employability plan for households without dependent children.

Amend § 385.9(a) paragraph (6), to clarify the definitions of job search and job readiness activities to include participation in home visiting services, and paragraph (13) to make a technical clarification.

Amend § 385.9(c)(1) to make a technical change to subparagraph (v) and add new subparagraph (vi) making financial literacy instruction an approved educational activity.

Section 352.20 of Title 18 NYCRR is amended by adding new subdivisions (h)–(i) to read as follows:

(h) Provided that the recipient's total income is not more than two hundred percent of the federal poverty level for their household size, all of the earned income of an FA or SNA recipient that is derived from participation in the following qualified training or work activities is exempt and must be disregarded as income or resources in determining eligibility or degree of need: subsidized employment, work experience, job search, vocational education, secondary school, job skills training, educational training, job readiness training, community service and on-the-job training. Earned income from other activities may be subject to this exemption if the activity is determined to be a qualified work activity or training program by the Office of Temporary and Disability Assistance.

(i) Once during the lifetime of a FA or SNA recipient, all earned income from unsubsidized employment of such recipient will be disregarded in determining eligibility or degree of need following job entry, provided that such exemption shall be for no more than six consecutive months from the initial date of obtaining such unsubsidized employment and that the recipient's resulting total income shall not be more than two hundred percent of the federal poverty level for their household size. No other concurrent earned income disregards shall be applied to the income the recipient earns from the unsubsidized employment subject to this exemption during the six month period it applies.

Part 385 of Title 18 NYCRR is amended as follows:

Section 385.0 is amended to read as follows:

This Part sets forth the provisions and requirements of public assistance and [food stamp] *Supplemental Nutrition Assistance Program (SNAP)* employment programs, including the administration of local employment plans. It also contains work requirements for public assistance and [food stamp] *SNAP* applicants and recipients and sanctions for those who fail to comply without good cause with these requirements.

Paragraph (4) and subparagraph (i) of paragraph (8) of subdivision (d) of § 385.2 are amended to read as follows:

(4) In evaluating the initial claim of a mental or physical impairment made by an applicant, or the continuing claim of a medical impairment made by a recipient who has been previously determined exempt from participation in work activities, the social services official may require the individual to cooperate with measures to verify such claim and/or to submit documentation as described in subparagraph (2)(i) of this subdivision as a condition of eligibility for public assistance and [food stamps] *SNAP* in accordance with the requirements of Parts 351 and 387 of this Title. Failure of such documentation to substantiate the claimed impairment shall not itself cause the individual to be ineligible for public assistance.

(8) (i) At any time after an applicant or recipient alleges that he/she has a mental or physical impairment which would limit his/her assignment to work activities, or render him/her exempt from assignment to work activities and the social services official has reason to believe that the individual misrepresented that he/she suffered from such an impairment, the social services official shall notify the individual in writing of a potential sanction, the duration of which is consistent with the provisions of section 385.12(d)[(2)](1) of this Part.

Paragraph (9) of subdivision (d) of § 385.2 is amended by adding a new subparagraph (vi) to read as follows:

(vi) provide a written determination, when issuing an opinion that differs from that of the individual's treating health care practitioner, that specifies the reason for disagreement with the determination and present evidence that supports the examiner's opinion.

The index for § 385.3 is amended to read as follows:

Sec.

385.3 Work registration, registration exemptions, and certain eligibility requirements for [food stamp] *SNAP* applicants and recipients.

Subparagraphs (iii)–(iv) and (ix) of paragraph (1) of subdivision (a) of § 385.3 are amended to read as follows:

(a) *Exemptions from [food stamp] SNAP work registration.*

(1) Each individual, including migrant/seasonal laborers, is required to register for employment at the time of application for [food stamp] *SNAP* benefits unless the individual is:

(iii) subject to and complying with any work requirement under title IV of the Social Security Act (SSA); provided, however, that an individual participating in a work experience program in accordance with the provisions of title IV-A of the SSA and of this Part may also be required to participate in work experience for the number of hours represented by the dollar value of the individual's [food stamp] *SNAP* benefit divided by the Federal or State minimum wage, whichever is higher;

(iv) a parent or household member who is responsible for the physical care of a dependent child under the age of six or of an incapacitated person; provided, however, that an individual participating in a work experience program in accordance with the provisions of title IV-A of the SSA and of this Part may also be required to participate in work experience for the number of hours represented by the dollar value of the individual's [food stamp] *SNAP* benefit divided by the Federal or State minimum wage, whichever is higher;

(ix) an applicant for SSI and [food stamps] *SNAP* under the joint processing provisions until such time as the individual is:

Subdivision (b) and paragraph (1) of subdivision (c) of § 385.3 are amended to read as follows:

(b) Strikers who are eligible for [food stamps] *SNAP* under the criteria set forth in section 387.16 of this Title are subject to the employment requirements of this Part unless they are exempt under subdivision (a) of this section at the time of application.

(c) *Work registrant requirements.* Work registrants are required to:

(1) participate in [food stamp] *SNAP* employment programs assigned in accordance with the provisions of this Part if so required by the local social services district. Such

programs must be established pursuant to a State [food stamp] SNAP employment and training plan; and

Paragraph (1), subparagraphs (i) and (iii) of paragraph (2), and paragraph (4) of subdivision (d) of § 385.3 are amended to read as follows:

(d) *[Food stamp] SNAP eligibility requirements for able-bodied adults without dependents (ABAWDS).*

(1) No individual may participate in the [food stamp] SNAP program if, for at least three months within the most recent 36-month period, he/she participated in such program and did not:

(2) Countable months. For purposes of determining the months during which an individual received [food stamp] SNAP benefits without meeting the requirements of paragraph (1) of this subdivision, the following calendar months shall not be considered:

(i) a calendar month during which the individual did not receive [food stamp] SNAP benefits for the full month;

(iii) a calendar month during which the individual received [food stamp] SNAP benefits from or resided in an area of the State covered by a waiver of the ABAWD requirement in accordance with section 6(o) of the Food Stamp Act.

(4) Verification of work hours. (i) An individual subject to the [food stamp] SNAP time limit established by paragraph (1) of this subdivision is required to verify work hours at certification and recertification if he or she is meeting the work requirement by working, combining work and work program participation, or by participating in a program that is not operated by the social services district.

(ii) An individual subject to the [food stamp] SNAP time limit established by paragraph (1) of this subdivision must report changes in work/work program hours that result in the individual working less than 80 hours per month.

Clause (b) of subparagraph (i) of paragraph (5) of subdivision (d) of § 385.3 is amended to read as follows:

(b) is determined by the social services official to be *reasonably evident that the individual is mentally or physically* unfit for employment. Where unfitness is not evident, the social services official may require documentation from medical personnel that the social services district determines appropriate. The social services official shall have sole discretion in determining whether any documentation provided by the individual or by medical personnel is sufficient evidence of the claimed impairment; or

Clause (a) of subparagraph (ii) of paragraph (5) of subdivision (d) of § 385.3 is amended, clause (b) is relettered clause (d) and amended, clause (c) is relettered clause (e), and new clauses (b)–(c), and (f)–(i) are added to read as follows:

(ii) is not exempt from work registration but who is:

(a) under 18 years [or 50 years] of age [or older]; [or]

(b) over 52 years of age (effective through September 30, 2024);

(c) *over 54 years of age (effective October 1, 2024);*

(d) *pregnant; [or]*

[c] (e) *a parent (birth, adoptive or step) or other adult residing in a household where a household member is under age 18[.];*

(f) *a homeless individual;*

(g) *a veteran;*

(h) *an individual age 24 or younger who was in foster care on their 18th birthday; or*

(i) *unable to work at least 80 hours per month due to a physical or mental health limitation (medical statement or other documentation required).*

Subparagraphs (i) and (v) of paragraph (6) of subdivision (d) of § 385.3 are amended to read as follows:

(6) (i) An individual who is ineligible for [food stamps] *SNAP* because of the provisions of this section may establish eligibility, if otherwise eligible in accordance with the provisions of this Part, by working or participating in programs described in paragraph (1) of this subdivision within any consecutive 30-day period; provided, however, that work or participation in work programs must be performed for at least 80 hours in the 30-day period.

(v) If an individual who has reestablished eligibility under this paragraph either loses a job or ceases to participate in a work program he/she will be eligible for [food stamps] *SNAP* for up to one additional three consecutive month period in the 36-month period set forth in paragraph (1) of this subdivision, without working or participating in a work program starting on the date the individual first notifies the social services district that he/she is no longer fulfilling the work requirement; or, if meeting the work requirement by participating in a work or work experience program administered by the social services district, the date the district notifies the individual he/she is no longer meeting the work requirement.

Subdivision (b), including paragraph (2), of § 385.4 are amended to read as follows:

(b) [*Food stamps*] *SNAP*. The social services official shall provide, as appropriate, transportation, or reimburse the costs of transportation and provide for dependent care, or reimburse the costs of dependent care expenses for individuals participating in [food stamp] *SNAP* employment and training programs identified in local plans developed pursuant to section 385.10 of this Part.

(2) Reimbursement for dependent care shall not exceed the actual cost of care or the market rate for such care as established by section 415.9(j) of this Title. Individuals cannot be required to participate in [food stamp] *SNAP* employment and training programs if the cost of dependent care exceeds the allowable amounts, provided, however, that [food stamp] *SNAP* applicants and recipients participating in combined [food stamp] *SNAP* and public assistance employment and training activities for which the requirements of subdivision (a) of this section apply shall be required to participate if dependent care costs in excess of the maximum allowed by this paragraph are made available if appropriate and in accordance with the provisions of such subdivision.

Subdivision (a), including subparagraph paragraph (6)(iii) of § 385.5, are amended, and a new paragraph (7) is added, to read as follows:

(a) The social services official shall, at the time of application or redetermination for public assistance and [food stamps] SNAP, inform applicants and recipients of activities and supportive services provided under this Part for which they are eligible, including:

(6) in accordance with the provisions of Part 415 of this Title and of this Part:

(iii) the assistance available upon request to help individuals assigned to work activities obtain child care services[.] ; *and*

(7) *prenatal, infant and early childhood home visiting services, where an assessment indicates that such services would be appropriate and beneficial to the household and they are available locally.*

Subparagraphs (vi)–(vii) of paragraph (2) of subdivision (a) of § 385.6 are amended, and a new subparagraph (viii) is added, to read as follows:

(2) Such assessment shall include, but not be limited to, a review of the individual's:

(vi) training and vocational interests; [and]

(vii) family circumstances, including the special needs of a child[.] ; *and*

(viii) *eligibility for locally-available prenatal, infant and early childhood home visiting services.*

Subdivision (a) of § 385.6 is amended by adding a new paragraph (9) to read as follows:

(9) *Where an assessment indicates that home visiting services would be appropriate and beneficial to the recipient, and such services are available, the social services official shall encourage the recipient to participate in such services. To the extent that such participant is interested in receiving home visiting services, the social services official shall assign the participant to a work activity in accordance with paragraph (6) or (13) of subdivision (a) of section 385.9 of this Part, where such home visiting services shall count towards the individual's work requirement hours.*

Subdivision (b) of § 385.6 is amended by adding a new paragraph (6) to read as follows:

(6) *Participation in an educational and/or vocational training program, that includes but is not limited to, a two-year post-secondary degree program, which is necessary for the participant to attain their individual employment goal and is likely to lead to a degree or certification and sustained employment, shall be approved consistent with such individual's assessment and employability plan to the extent that such approval does not jeopardize the State's ability to comply with federal work participation rates.*

Subdivision (b) of § 385.7 is amended by adding a new paragraph (4) to read as follows:

(4) *Participation in an educational and/or vocational training program, that includes but is not limited to, a two-year post-secondary degree program, which is necessary for the participant to attain their individual employment goal and is likely to lead to a degree or certification and sustained employment, shall be approved consistent with such individual's assessment and*

employability plan to the extent that such approval does not jeopardize the State's ability to comply with federal work participation rates.

Paragraphs (4), (6)–(7) and (13) of subdivision (a) of § 385.9 are amended to read as follows:

(a) Social services districts may provide, and require applicants for and recipients of public assistance to participate in a variety of activities, including but not limited to the following:

(4) work experience in the public sector or non-profit sector, (including work associated with refurbishing publicly assisted housing) if sufficient private sector employment is not available as determined by the social services official. The maximum number of hours a recipient or applicant may be required to engage in this activity is limited to the number which equals the amount of assistance payable with respect to the public assistance household of such individual (inclusive of the value of [food stamps] *SNAP* received by the public assistance household of such individual, if any) divided by the higher of (i) the Federal minimum wage, or (ii) the State minimum wage. The limitation of the number of hours of work experience to which a participant may be assigned is a calculation of allowable hours in a work activity and does not mean that such participant is receiving a wage for the performance of such activities. The participant is not working off the grant, but is engaged in work activities as an element of his/her plan to become self-sufficient;

(6) job search and job readiness assistance, as time limited by Federal law, provided that job search is an active and continuing effort to secure employment, configured by the social services official, *provided further, such activities shall include activities with the goal of seeking or obtaining employment, or preparation to seek or obtain employment, including life-skills training, which shall include, but not be limited to, home visiting services to the recipient and their family,*

(7) community service programs provided, however, the number of hours a participant in community service activities authorized pursuant to this section may be required to work in such assignment shall not exceed a number which equals the amount of assistance payable with respect to the public assistance household of such individual (inclusive of the value of [food stamps] *SNAP* received by the public assistance household of such individual, if any) divided by the higher of (i) the Federal minimum wage, or (ii) the State minimum wage. No participant shall be assigned to a community service activity that conflicts with his/her bona fide religious beliefs. The definition or parameters of this activity shall be set forth in the local plan submitted by the social services district, provided that an individual needed in the home because another member of the household requires his/her presence due to a verified mental or physical impairment shall be deemed to be engaged in community service to the extent such person is actually providing care for such member of the household. The limitation of the number of hours of community service to which a participant may be assigned is a calculation of allowable hours in a work activity and does not mean that such participant is receiving a wage for the performance of such activities. The participant is not working off the grant, but is engaged in work activities as an element of his or her plan to become self-sufficient. For purposes of calculating the participation rate, recipients who are acting as foster parents for children are deemed engaged in community service to the extent they are actually providing care for such children;

(13) job search and job readiness assistance once the individual has exceeded the six-week limit set in Federal law *in accordance with paragraph (6) of this subdivision*;

Subparagraph (v) of paragraph (1) of subdivision (c) of § 385.9 is amended, and a new subparagraph (vi) is added, to read as follows:

(v) [no more than a total of two years of] post-secondary education [(or the part-time equivalent, if full-time study would constitute an undue hardship)];

(a) such post-secondary education must be necessary to the attainment of the participant's employment goal, as set forth in the employability plan required pursuant to sections 385.6 and 385.7 of this Part. Such goal must relate directly to obtaining useful employment in a recognized occupation;

(b) enrollment may be in the following types of educational institutions:

(1) community colleges and two-year colleges;

(2) four-year colleges; provided, however, that the course of instruction for which an individual is enrolled is limited to a two-year degree granting program;

(3) licensed trade schools; or

(4) registered business schools.

(vi) *financial literacy instruction*.

Subparagraph (ii) of paragraph (3) of subdivision (d) of § 385.9 is amended to read as follows:

(ii) the number of hours an individual assigned to work experience activities authorized pursuant to this section may be required to participate in such assignment shall not exceed a number which equals the amount of assistance payable with respect to such individual's household (inclusive of the value of [food stamps] *SNAP* received by such household, if any) divided by the higher of:

Paragraph (1) of subdivision (a) of § 385.10 is amended to read as follows:

(1) The plan shall describe the provision of education, work training and the supportive services which are related to the operation of work activity programs for public assistance and [food stamp] *SNAP* programs by the local district.

Regulatory Impact Statement

1. Statutory authority:

The New York State Office of Temporary and Disability Assistance (OTDA) supervises public assistance (PA) employment programs authorized by the federal *Personal Responsibility and Work Opportunity Reconciliation Act of 1996* (42 United States Code [USC] § 607) (PRWORA) in accordance with § 103 of the PRWORA and Title 9-B of Article 5 of the Social Services Law (SSL). SSL § 20(3)(d) authorizes OTDA to establish rules, regulations and policies to carry out its powers and duties in administering all public welfare work for which the State is responsible, supervising local government social services, and distributing the funds appropriated by the State and federal governments for such purposes. SSL § 34(3)(f) requires the Commissioner of OTDA to establish regulations for the administration of PA within the State. SSL § 95(1)(b) authorizes OTDA to administer the Supplemental Nutrition Assistance Program (SNAP) in New York State and to perform such functions as may be appropriate, permitted or required by or pursuant to federal law. SSL § 337 confers responsibility for administering the employment and training programs for PA applicants/recipients upon OTDA.

7 USC §§ 2013, 2015 and 2029 increases the age of the Able Bodied Adults Without Dependents (ABAWD) age limit to age 50 as of September 1, 2023, age 52 as of October 1, 2023, and age 54 as of October 1, 2024. These sections of the USC also create new exemptions from the ABAWD time limit for individuals experiencing homelessness, veterans, and individuals who are 24 years of age or younger and were in foster care on their 18th birthday.

SSL § 336-a(1) establishes that social services districts (districts) can offer courses in financial literacy and personal finance as vocational education training or educational activities.

Part X of Chapter 56 of the Laws of 2023 adds two new subparagraphs to SSL § 131-a(8)(a): (xii)–(xiii), the former of which disregards all earned income a PA recipient derives from a qualified training or work activity in determining eligibility or need, and the latter of which disregards all unsubsidized employment income a PA recipient earns following job entry for a once-per-lifetime consecutive six month period. Part X of this Chapter also requires districts to approve participation in an educational and/or vocational training program including,

but not limited to, a two year post-secondary degree program as part of an individual's employment plan if it is necessary for the participant to attain their individual employment goal and is likely to lead to a degree or certification and sustained employment.

Chapter 819 of the Laws of 2022 requires that districts review household circumstances to determine if home visiting services would be appropriate and beneficial to the family, and that an eligible parent or caretaker with a child under age five be provided information regarding participation in home visiting programs. Chapter 819 of the Laws of 2022 also requires participation in home visiting activities to count as a work activity.

Part Y of Chapter 54 of the Laws of 2016 requires that an examining medical practitioner retained by a district must provide a written determination when issuing an opinion that differs from that of an applicant/recipient's health care practitioner.

Chapter 41 of the Laws of 2012 changes the name of the Food Stamp Program in New York State to the "Supplemental Nutrition Assistance Program" (SNAP).

Part B of Chapter 436 of the Laws of 1997 establishes the sanction procedure for PA applicants/recipients who willfully misrepresent a mental or physical impairment.

2. Legislative objectives:

It was the intent of the Legislature in enacting the above statutes that OTDA establish rules, regulations and policies so that adequate provision is made for those persons unable to provide for themselves so that, whenever possible, such persons can be restored to conditions of self-support and self-care.

3. Needs and benefits:

The proposed regulatory amendments would conform OTDA's regulations with enacted State and federal legislation and make technical updates to the regulations which have already been implemented by districts. The proposed regulatory amendments would benefit PA recipients by allowing them to retain their benefits for six months after transitioning to employment, thereby helping them build greater economic stability and addressing a factor that deters from job seeking. Likewise, the proposed regulatory amendments to 18 NYCRR § 352.20, seeking to disregard income earned from training and work activities, would allow more PA recipients

to maintain fiscal stability while learning skills to improve future job prospects and will encourage more training programs to offer financial compensation.

The proposed regulatory amendments would also benefit PA recipients by requiring districts to approve participation in an educational and/or vocational training program, to include, but not be limited to, post-secondary education, as part of an employment plan if such education is necessary for the participant to attain their individual employment goal and is likely to lead to a degree or certification and sustained employment.

The proposed regulatory amendments are consistent with OTDA's mission to promote quality engagements for clients that are likely to lead to long-term economic stability and independence.

Finally, the proposed regulatory amendments relating to home visiting services would benefit PA and SNAP households by connecting more children and families to programs, which have been proven to have long-term positive impacts. Evidence shows that home visiting services enhance positive parent-child interactions, empower families to develop and achieve self-sufficiency goals, and avert issues that have serious and costly future ramifications, such as child abuse, neglect, and malnutrition.

4. Costs:

The proposed regulatory amendments are intended to update the current State regulations to render them consistent with changes to State and federal statutes impacting OTDA's PA and SNAP programs, including, but not limited to: 7 USC §§ 2013, 2015, and 2019, as amended by the federal *Fiscal Responsibility Act of 2023*; SSL §§ 131-a(8)(a)(xii)-(xiii), respectively, each as amended by Part X of Chapter 56 of the Laws of 2023; SSL § 332-b, as amended by Part Y of Chapter 54 of the Laws of 2016; and SSL §§ 332, 335, 335-b, and 336, each as amended by Chapter 819 of the Laws of 2022. There would be no additional fiscal impact upon the State or districts relative to the proposed regulatory amendments beyond those associated with the statutory amendments.

5. Local government mandates:

The amendment proposal regarding the one-time six-month earned income disregard would require districts to track its application for each case, including for households that move from another district, as the disregard is required to follow them. The household would only be eligible for this disregard if the recipient's total gross

income does not exceed 200 percent of the federal poverty rate for the household size, so districts would need a procedure in place to monitor this information as well. Similarly, the proposed regulatory amendments would also require districts to alter their PA budgeting and monitoring procedures to disregard all earned income a recipient derived from participating in a qualified work activity or training program, providing that income does not exceed 200 percent of the federal poverty level.

The proposed regulatory amendments to 18 NYCRR § 385.5 and § 385.6 require districts to provide every applicant or recipient who is pregnant or the parent or caretaker of a child under age five with information on home visiting services, to the extent that these programs are available locally. The districts would be required to adapt their client assessment procedure to include a review of the applicability of these services for the household. Districts would also need to establish procedures for making referrals to locally-available home visiting services, documenting these referrals and tracking client engagement.

6. Paperwork:

The proposed regulatory amendments would require districts to provide eligible clients with information and referral forms for home visiting services, to the extent that these programs are available locally. The districts would be required to adapt their client assessment procedure to include a review of the applicability of these services for the household. They would also be directed to provide information and referrals for home visiting services during the eligibility interview or make changes to their employment orientation materials to ensure exempt eligible applicants and recipients receive such information in a timely manner.

The proposed regulatory amendments would clarify that examining medical practitioners retained by a district need to provide a written determination when issuing an opinion that differs from that of an individual's health care practitioner. However, this measure has already been implemented by districts pursuant to prior administrative guidance issued by OTDA in 16-ADM-05, *Change in Documentation Requirements for Independent Medical Evaluations of Employability*, issued June 9, 2016.

The proposed regulatory amendments pertaining to 18 NYCRR § 352.20 would require a development of a notice informing the recipient of the income disregard period.

The new ABAWD age limits and exemptions contained in the proposed regulatory amendments pertaining to 18 NYCRR § 385.3 would also require issuance of notices to inform clients when their ABAWD status is changing.

7. Duplication:

The proposed regulatory amendments would not duplicate, overlap or conflict with any existing State or federal regulations.

8. Alternatives:

There are no alternatives to the proposed regulatory amendments. Collectively, the proposed regulatory amendments are necessary to align State regulations with State and federal laws, regulations, and policies. The proposed regulatory amendments to 18 NYCRR § 352.20 are statutorily required by SSL § 131-a. The proposed regulatory amendments to 18 NYCRR § 385.5 and § 385.6, relating to district requirements regarding home visiting services, are statutorily mandated under SSL § 332 and § 335. The proposed regulatory amendments to 18 NYCRR § 385.3 relating to new ABAWD exemptions and updated maximum ages for ABAWDs are required under the federal *Fiscal Responsibility Act of 2023* (Pub L 118-5, 137 US Stat 10 [118th Cong, 1st Sess, June 3, 2023], amending 7 USC § 2015[6][o][3]).

9. Federal standards:

The proposed regulatory amendments would comply with applicable federal standards.

10. Compliance schedule:

As previously noted above, several of the proposed regulatory amendments have already been implemented by districts pursuant to prior administrative guidance issued by OTDA requiring compliance with federal laws and regulations. For the proposed regulatory amendments that have not yet been implemented, OTDA would provide necessary systems changes, client notification procedures, and administrative directives to assist districts to comply in a timely manner. Governing regulations include *7 Code of Federal Regulations Parts 272–273*.

Regulatory Flexibility Analysis for Small Businesses and Local Governments

1. Effect of rule:

The proposed regulatory amendments would have no effect on small businesses. The proposed regulatory amendments would impact eligibility and budgeting in all 58 social services districts (districts) by establishing a once-per-lifetime disregard on all earned income of a public assistance (PA) recipient derived from job entry for a maximum of six consecutive months and a disregard on all earned income that a PA recipient derives from participating in a qualified work activity or training program. This policy change will allow PA recipients to attain more economic stability before losing benefits.

The proposed regulatory amendments would also require all 58 districts to modify their eligibility interview, orientation, assessment, and employment plan processes to provide information and referrals, where beneficial and appropriate, to applicants and recipients of PA and Supplemental Nutrition Assistance Program (SNAP) benefits for available home visiting programs.

The proposed regulatory amendments would also require all 58 districts to approve participation in career and technical training, including, but not limited to, two-year post-secondary degree programs for individuals whose assessments and employment plans indicate such an activity assignment would be likely to lead to a degree/certification and sustained employment.

2. Compliance requirements:

The proposed regulatory amendments would have no effect on small businesses.

A majority of the proposed regulatory amendments are already implemented by the districts pursuant to prior administrative guidance issued by the Office of Temporary and Disability Assistance (OTDA) requiring compliance with State laws.

The proposed regulatory amendments would require all 58 districts to alter their PA budgeting to disregard income from employment for a period of up to six consecutive months when a current recipient begins a new job. PA recipients could only use this disregard period once per lifetime, so it would be incumbent on districts to track its application for each case, including for households that move from another district, as the disregard would follow the PA recipient. The household would only be eligible for this disregard if the individual's gross

income does not exceed 200 percent of the federal poverty level for a household of such size, so districts would need a procedure in place to monitor this information as well. The proposed regulatory amendments would also require districts to similarly alter their PA budgeting and monitoring procedures to disregard all earned income a PA recipient derived from participating in a qualified work activity or training program providing that the individual's income does not exceed 200 percent of the federal poverty level for a household of such size. OTDA defines a "qualified training or work activity" under the proposed regulatory amendments as subsidized employment, work experience, job search, vocational education, secondary school, job skills training, educational training, job readiness training, community service and on-the-job training. OTDA will be issuing further administrative guidance on the specifics of implementing both earned income disregard regulations in the form of policy updates, and would also provide necessary systems changes, client notification procedures, and administrative directives (ADMs) to assist districts to comply with the proposed regulatory amendments.

The proposed regulatory amendments would also require all 58 districts to provide every applicant or recipient of PA or SNAP who is pregnant or the parent or caretaker of a child under age five with information on home visiting services, to the extent that these programs are available locally. The districts would be required to adapt their client assessment procedure to include a review of the applicability of these services for the household. They would also be directed to provide information and referrals for home visiting services during the PA eligibility interview or make changes to their employment orientation procedures to ensure exempt eligible PA applicants and PA recipients receive such information in a timely manner. If they have not already done so, the districts would also be required to reach out to home visit providers in their community and to work collaboratively with them to establish a formal referral process.

The proposed regulatory amendments would modify what activities districts would be required to approve as participation in an educational and/or vocational training program to include, but not be limited to, a two-year post-secondary degree program, which is necessary for the participant to attain their individual employment goal and is likely to lead to a degree or certification and sustained employment. The districts must approve

such programs as consistent with the individual's assessment and employability plan, but only to the extent that such approval does not jeopardize the State's ability to comply with federal work participation rates.

In conjunction with the adoption of the proposed regulatory amendments, OTDA anticipates that districts would be able to comply with the proposed regulatory amendments in a timely manner and without adverse impacts to the districts.

3. Professional services:

The proposed regulatory amendments would not require small businesses or local governments to hire additional professional services.

4. Compliance costs:

The proposed regulatory amendments are intended to update the current State regulations to render them consistent with changes to State and federal statutes impacting OTDA's PA and SNAP programs, including, but not limited to: *7 United States Code* §§ 2013, 2015, and 2019, as amended by the federal *Fiscal Responsibility Act of 2023*; Social Services Law (SSL) § 131-a(8)(a)(xii)-(xiii), respectively, each as amended by Part X of Chapter 56 of the Laws of 2023; SSL § 332-b, as amended by Part Y of Chapter 54 of the Laws of 2016; and SSL §§ 332, 335, 335-b, and 336, each as amended by Chapter 819 of the Laws of 2022. There would be no additional fiscal impact upon the districts relative to the proposed regulatory amendments beyond those associated with the statutory amendments.

5. Economic and technological feasibility of compliance:

There are no economic feasibility issues associated with the proposed regulatory amendments.

The proposed regulatory amendments would require home visiting services to be added to the "Referrals" section of the Welfare to Work Caseload Management System (WTWCMS), and an alert to the worker would have to be implemented notifying them when information entered in the assessment indicates the client may be eligible for these services. OTDA has submitted a systems request to develop these changes and would be responsible for monitoring their implementation.

The proposed regulatory amendments relating to earned income disregards would require the implementation of new Automated Budgeting and Eligibility Logic (ABEL) budget coding and a tracking process in the Welfare

Reporting and Tracking System (WRTS). New client noticing would also have to be developed in conjunction with these regulatory amendments, as well as the proposed regulatory amendment relating to the new Able Bodied Adults Without Dependents (ABAWD) age limits and exemptions. OTDA has submitted a systems request to develop the necessary systems changes and would be responsible for monitoring their implementation. OTDA would provide the necessary client notification procedures and ADMs to districts and agencies to assist with implementation. OTDA would also issue policy guidance and provide technical assistance to help districts implement the proposed changes to help ensure that local procedures are consistent with federal regulations and requirements.

6. Minimizing adverse impact:

The proposed regulatory amendments would not have adverse economic impacts on small businesses or districts.

7. Small business and local government participation:

In conjunction with proposing regulatory amendments, OTDA plans to develop an ADM to address the implementation of the proposed regulatory amendments and to provide guidance to the districts based on their own questions and feedback. OTDA hosted an online forum on the income disregard proposals on August 22, 2023 to which all district Commissioners, Employment Coordinators and Temporary Assistance Directors were invited to attend and present their input and questions relative to the implementation of the proposed regulatory amendments from their perspective. A written record of district comments and questions was compiled from this meeting, which OTDA used to develop the proposed regulatory amendments and policy for their implementation. Districts were also encouraged to submit additional comments and questions in writing. Likewise, for the proposed regulatory amendments relating to information and referrals for home visiting programs, which are required under Social Services Law §§ 332 and 335, OTDA issued 23-ADM-03, *Changes Authorized by Chapter 819 of the Laws of 2022 Regarding Home Visiting Services*, on June 7, 2023, providing administrative guidance for implementation of the proposed regulatory amendments. The agency also hosted two online learning sessions, on June 26, 2023 and September 27, 2023, during which representatives from the State agencies that administer the most widely used home visiting programs presented on their services

offered and the specific eligibility requirements and the benefits of connecting families to these resources. Each of these sessions included a question and answer period during which districts were invited to request clarification on any aspect of the proposed regulatory amendments or submit additional input. OTDA also notes that districts would have an additional opportunity to comment on the proposed regulatory amendments during the 60-day public comment period afforded by State Administrative Procedure Act § 202(1)(a) after OTDA's Notice of Proposed Rule Making is published in the *New York State Register*.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The proposed regulatory amendments would apply statewide, including all 44 rural social services districts (rural districts).

2. Reporting, recordkeeping and other compliance requirements; and professional services:

A majority of the proposed regulatory amendments are already implemented by the rural districts pursuant to prior administrative guidance issued by the Office of Temporary and Disability Assistance (OTDA) requiring compliance with State laws.

The proposed regulatory amendments would require the rural districts to alter their public assistance (PA) budgeting to disregard income from employment for a period of up to six consecutive months when a current recipient begins a new job. PA recipients could only use this disregard period once per lifetime, so it would be incumbent on the rural districts to track its application for each case, including for households that move from another district. The individual would only be eligible for this disregard if their gross income does not exceed 200 percent of the federal poverty level for their household size, so districts would need a procedure in place to monitor this information as well. The proposed regulatory amendments would also require the rural districts to similarly alter their PA budgeting and monitoring procedures to disregard all earned income a PA recipient derived from participating in a qualified work activity or training program providing that the individual's gross income does not exceed 200 percent of the federal poverty level for their household size.

The proposed regulatory amendments would also require the rural districts to provide every PA applicant or PA recipient who is pregnant or the parent or caretaker of a child under age five with information on home visiting services, to the extent that these programs are available locally. The rural districts would be required to adapt their client assessment procedure to include a review of the applicability of these services for the household. They would also be directed to provide information and referrals for home visiting services during the PA eligibility interview or make changes to their employment orientation procedures to ensure exempt eligible PA applicants and PA recipients receive such information in a timely manner. If they have not already done so, the

rural districts would also be required to reach out to home visit providers in their community and to work collaboratively with them to establish a formal referral process.

The proposed regulatory amendments would also modify what rural districts are required to approve as participation in an educational and/or vocational training program to include, but not be limited to, a two-year post-secondary degree program, which is necessary for the participant to attain their individual employment goal and is likely to lead to a degree or certification and sustained employment. The rural districts would be required to approve such programs as consistent with the individual's assessment and employability plan, but only to the extent that such approval does not jeopardize the State's ability to comply with federal work participation rates.

OTDA will be issuing further administrative guidance in the form of policy updates and administrative directives (ADMs) to assist rural districts in complying with all of the above proposed regulatory amendments. OTDA would also provide necessary systems changes and changes to client notification procedures. With this assistance, it is anticipated that rural districts would not be adversely impacted by implementation of the proposed regulatory amendments.

3. Costs:

The proposed regulatory amendments are intended to update the current State regulations to render them consistent with changes to State and federal statutes impacting OTDA's PA and SNAP programs, including, but not limited to: *7 United States Code* §§ 2013, 2015, and 2019, as amended by the federal *Fiscal Responsibility Act of 2023*; Social Services Law (SSL) §§ 131-a(8)(a)(xii)-(xiii), respectively, each as amended by Part X of Chapter 56 of the Laws of 2023; SSL § 332-b, as amended by Part Y of Chapter 54 of the Laws of 2016; and SSL §§ 332, 335, 335-b, and 336, each as amended by Chapter 819 of the Laws of 2022. There would be no additional fiscal impact upon the rural districts relative to the proposed regulatory amendments beyond those associated with the statutory amendments.

4. Minimizing adverse impact:

It is not anticipated that the proposed regulatory amendments would adversely impact the rural districts.

5. Rural area participation:

OTDA hosted an online forum on the income disregard proposals on August 22, 2023 to which all district Commissioners, Employment Coordinators and Temporary Assistance (TA) Directors, including the rural districts, were invited to attend and present their input and questions relative to the implementation of the proposed regulatory amendments from their perspective. A written record of district comments and questions was compiled from this meeting, which OTDA used to develop the proposed regulatory amendments and policy for their implementation. Rural districts were also encouraged to submit additional comments and questions in writing.

Likewise, for the proposed regulatory amendments relating to information and referrals for home visiting programs, which are required under Social Services Law §§ 332 and 335, OTDA issued 23-ADM-03, *Changes Authorized by Chapter 819 of the Laws of 2022 Regarding Home Visiting Services*, on June 7, 2023, providing administrative guidance for implementation of the proposed regulatory amendments. The agency also hosted two online learning sessions, open to all districts, on June 26, 2023 and September 27, 2023, during which representatives from the State agencies that administer the most widely used home visiting programs presented on their services offered, and the specific eligibility requirements and the benefits of connecting families to these resources. Each of these sessions included a question and answer period during which rural districts were invited to request clarification on any aspect of the proposed regulatory amendments or submit additional input.

OTDA also notes that the rural districts will also have an additional opportunity to comment on the proposed regulatory amendments during the 60-day public comment period afforded by State Administrative Procedure Act § 202(1)(a) after OTDA's Notice of Proposed Rule Making is published in the *New York State Register*.

Statement in Lieu of a Job Impact Statement (JIS)

A JIS is not required for the proposed regulatory amendments. It is apparent from the nature and purpose of the proposed regulatory amendments that they would not have a substantial adverse impact on jobs and employment opportunities in either the public or private sectors of New York State. The proposed regulatory amendments are collectively necessary to align State regulations with State and federal laws, regulations, and policies. While some components of the proposed regulatory amendments are designed to encourage participation in the job market, none are projected to affect the actual number of employment opportunities in New York State.