

Office of Temporary and Disability Assistance

Pursuant to the State Administrative Procedure Act (SAPA) § 207, the Office of Temporary and Disability Assistance (OTDA) must review at regular intervals those regulations that were adopted on or after January 1, 1997. The purpose of the review is to determine whether the regulations should be retained as written or modified. On January 6, 2016, OTDA published in the New York State Register a list of regulations from Title 18 of the New York Codes, Rules and Regulations (NYCRR) that OTDA adopted in 2013, 2011, 2006, and 2001. Those regulations are set forth below:

Rules adopted in 2013

1. TDA-36-12-00001 Fair Hearings Process for the Home Energy Assistance Program (HEAP)*

Amended 18 NYCRR §§ 358-3.5(b)(4) and 393.5(e) to eliminate the requirement that a fair hearing request concerning the HEAP must be made within 105 days of the social services district's termination of the receipt of HEAP applications for the program year.

Analysis of the need for the rule: These amendments are necessary to comply with a court order and stipulation of settlement stemming from Pedersen v. Hansell, by eliminating the 105 day statute of limitations imposed on requesting a fair hearing regarding HEAP funds, as well as clarifies that federal HEAP funds are available for a finite period of time.

Statutory basis: SSL §§ 20(3)(d), 22(8), and 97; 42 USC § 8621, et seq.

2. TDA-49-12-00014 Child Support*

Amended 18 NYCRR §§ 346.2 and 347.17 to address child support services applications and notification requirements and the imposition of an annual service fee; and to set forth requirements concerning the provision of legal services and the recovery of associated costs.

Analysis of the need for the rule: The amendment of § 346.2 was made to help ensure the state's compliance with federal child support application and notification requirements pursuant to 45 CFR § 302.33, which requires that states must make available all services to any individual who files an application with the child support agency, and must provide information describing available services, the individual's rights and responsibilities, the state's fees, cost recovery, and distribution policies that must accompany all applications for services, and be provided to all applicants/recipients of Medicaid and assistance programs. In addition, the amendment to § 347.17 was made as a result of federal changes requiring the imposition of an annual service fee of \$25 for families who have never received assistance.

Statutory basis: 42 USC § 654(6)(B)(ii); 45 CFR §§302.33 and 303.2; SSL §§ 20(3)(d), 111-a, 111-c(4)(a), 111-g(3)(a) and (b); FCA § 453(a).

3. TDA-38-13-00008 Standard Utility Allowances for the Supplemental Nutrition Assistance Program (SNAP)*

Amended 18 NYCRR § 387.12 to update the Standard Utility Allowances for SNAP to the federally approved levels as of October 1, 2013.

Analysis of the need for the rule: It was of great importance that the federally mandated and approved standard utility allowances for SNAP were applied to SNAP benefit calculations effective October 1, 2013. If the standard utility allowances were not updated on October 1, 2013, it could have resulted in thousands of SNAP dependent households receiving underpayments each month. Thus, the rule was necessary for the preservations of the public health and general welfare of SNAP dependent households.

Legal basis for the rule: SSL §§ 20(3)(d) and 95; 7 USC § 2014(e)(6)(C); 7 CFR § 273.9(d)(6)(iii).

Rules adopted in 2011

4. TDA-35-10-00005 Child Support*

Amended 18 NYCRR §§ 347.2, 347.6, 347.7 and 347.8 to conform to State and federal statutes and federal requirements concerning the use of locate sources.

Analysis of the need for the rule: These amendments conformed State regulations to federal regulations in regard to locator services, which require that location services be used in all cases referred to the child support enforcement unit and in all cases applying for child support services.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 111-a(1), 111-b(3), (4), 111-g, 111-h(9), 111-k(1), 111-r, 111-s(1), 111-v and 143; FCA § 542; 45 CFR §§ 301.1, 303.3(b)(1) and 303.101(b)(1); 42 USC 666(c)(1).

5. TDA-41-10-00005 Public Assistance*

Repeal of 18 NYCRR § 351.24, amendment of 18 NYCRR §§ 351.1(b)(2)(iv), 352.17(d), 352.19(b)(3), 366.3 and 366.4(g) and addition of 18 NYCRR § 366.11 to eliminate quarterly reporting as a district optional requirement for the majority of public assistance recipients but keeping it a requirement for child assistance program participants.

Analysis of the need for the rule: These amendments were made due to quarterly reporting being eliminated as a district optional requirement for the majority of public assistance recipients, but still required for child assistance program recipients. Eliminating the optional reporting requirement for public assistance recipients simplifies reporting requirements, reduces administrative requirements, and saves money by no longer requiring the option to be included in the State's Welfare Management System.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 131(1), 131-t, 131-z(9) and 355(3).

6. TDA-16-11-00004 Standard Allowances for the Food Stamp Program*

Amended 18 NYCRR § 387.12(f)(3)(v)(a), (b) and (c); and added 18 NYCRR § 387.12(f)(3)(v)(d) to update the standard utility allowances for SNAP to the federally approved levels as of April 1, 2011, and to set forth OTDA's process for periodically reviewing and updating the standard utility allowances.

Analysis of the need for the rule: It was of great importance that the federally approved standard utility allowances for SNAP were applied to SNAP benefit calculations effective April 1, 2011. If the standard utility allowances were not updated on April 1, 2011, it could have resulted in thousands of SNAP dependent households receiving overpayments each month. Overpayments to food stamp dependent households could have subjected the households to a 10% recoupment of their monthly food stamp benefits until the overpayment was recovered. Thus, the rule was necessary for the preservations of the public health and general welfare of SNAP dependent households.

Legal basis for the rule: SSL §§ 20(3)(d) and 95; 7 USC § 2014(e)(6)(C); and 7 CFR § 273.9(d)(6)(iii).

Note: Chapter 41 of the Laws of 2012 changed the name of New York's Food Stamp Program to SNAP.

Rules adopted in 2006

7. TDA-13-05-00001 Verification of School Attendance*

Amended 18 NYCRR § 369.4(f) to relieve social services districts of verifying school attendance of children under the age of 18.

Analysis of the need for the rule: These amendments were developed to make the requirements of 18 NYCRR § 369.4(f) consistent with those of 18 NYCRR § 369.2(c) and to reduce the administrative burden on social services districts.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 131(1) and 355(3).

8. TDA-36-05-00003 Enforcement of Support Obligations and Issuance of Income Executions*

Amended 18 NYCRR § 347.9 to implement State and federal laws concerning the process for issuing income execution orders in child support cases and to change the method for calculating the amount of any additional deductions to be withheld from an employee's income if the employee owes child support arrears or past due child support.

Analysis of the need for the rule: These amendments were developed to implement section 314 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) and the provisions of Chapter 398 of the Laws of 1997 that amended

section 5241 of the Civil Practice Law and Rules (sections 20 through 28), concerning the process for issuing income execution orders in child support cases and the penalties to be imposed on employers for failing to comply with such orders. The amendments also revised the calculation of the additional amount deducted from an employee's salary to collect child support arrears or past due child support. These revisions allowed a higher additional amount when current support terminates, clarified the rules for deductions from lump sum payments, and clarified the rules for proving that the additional amount should be reduced or eliminated in certain cases.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f) and 111-a.

9. TDA-51-05-00006 Treatment of Lump Sum Income*

Amended 18 NYCRR §§ 352.23(b) and 352.29(h)(1) and (2) and added 18 NYCRR § 352.23(b)(4) to implement Chapter 373 of the Laws of 2003, concerning the treatment of lump sum income.

Analysis of the need for the rule: This rule was developed to provide that any lump sum of income received by a public assistance applicant or recipient could be disregarded when determining eligibility for such assistance under certain circumstances.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 131(1), 131-a(12)(c), 131-n and 355(3).

Rules adopted in 2001

10. TDA-43-00-00001 Cooperation with Social Services Officials

Amended 18 NYCRR § 351.1(b)(2) to require information concerning the non-legally responsible caretaker relatives of children who receive public assistance and information concerning the siblings of children who are receiving public assistance to be provided to social services officials.

Analysis of the need for the rule: This rule was developed to help the State meet federal requirements concerning the furnishing of information on families receiving assistance under the State's public assistance programs funded under Temporary Assistance for Needy Families program.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f) and 132.

11. TDA-43-00-00002 Safety Net Assistance

Amended 18 NYCRR § 370.4(b)(1)(ii) to exempt from the two year limit on receipt of safety net assistance work subsidies paid to an employer or a third party for the cost of wages or benefits for a recipient when the payment equals the full amount of the recipient's safety net assistance budget deficit.

Analysis of the need for the rule: This rule was developed to make State requirements concerning the time limits for receipt of safety net assistance consistent with federal requirements concerning the time limits for receipt of benefits funded under the Temporary Assistance for Needy Families program.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 158(a) and art. 5, title 3.

12. TDA-46-00-00004 Intentional Program Violations

Amended 18 NYCRR §§ 359.3(a) and 359.9(g) to make State regulations consistent with State law and a federal court decision.

Analysis of the need for the rule: This rule was developed to clarify the circumstances under which a person would be determined to have committed an intentional program violation and to clarify the start date of the disqualification period for an intentional program violation in the food stamp program.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f) and 145-c.

13. TDA-48-00-00002 Homeless Housing Assistance Program Projects

Amended 18 NYCRR § 800.2(m) to provide additional funds to existing homeless housing and assistance program projects.

Analysis of the need for the rule: This rule was developed to extend the policy that authorized the creation of operating and capital replacement reserves to existing Homeless Housing and Assistance Program projects.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f) and art. 2-A, title 1.

14. TDA-19-01-00009 Food Stamp Benefit Increase

Amended 18 NYCRR § 387.17(e) to clarify existing federal policy regarding time frames due to change in household circumstances.

Analysis of the need for the rule: This rule was developed to implement existing federal requirements regarding time frames for providing an increase in food stamp benefits due to a change in household circumstances.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f) and 95.

15. TDA-19-01-00010 Eligibility for Public Assistance

Amended 18 NYCRR § 351.2(e), (f) and (j) to conform eligibility requirements to existing policies and remove outdated terminology.

Analysis of the need for the rule: This rule was developed to make technical changes to conform to existing policies and to remove references to outdated terminology.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 158 and 349.

16. TDA-21-01-00004 Temporary Assistance for Needy Families Program

Amended 18 NYCRR § 369.4(d)(7) to establish uniform statewide standards.

Analysis of the need for the rule: These amendments were developed to establish uniform statewide standards for determining hardship under the Temporary Assistance for Needy Families program for purposes of exempting certain households from the 60-month time limit for eligibility.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 350(2) and art. 5, title 10.

17. TDA-24-01-00001 Recoupment and Advance Allowances

Amended 18 NYCRR §§ 352.11 and 352.31(d)(2) to permit recoupment of 10 percent of Public Assistance benefits for recipients of Safety Net Assistance and Family Assistance.

Analysis of the need for the rule: This rule was developed to permit recoupment of overpayments of public assistance benefits from future benefit payments made to public assistance recipients, achieve consistency in the recoupment policy between the family assistance and safety net assistance programs, ease administrative burdens for local social services districts, and make conforming changes to advance allowances.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 158(1) and 355(3).

As the conclusion of the public comment period on of March 7, 2016, OTDA had not received substantive comments regarding its Rule Review published in the New York State Register on January 6, 2016.

OTDA is considering amendments that may impact the regulatory changes that were adopted in 2013, 2011, 2006, and 2001. OTDA is considering the following regulatory amendments: revise regulations concerning the provision of child support services in intergovernmental cases; update regulations to reflect the current policy that standard allowances for heating/air conditioning, utility and telephone costs are used in calculating shelter expenses for SNAP; amend regulations to update references from “food stamps” to “SNAP”; update regulation pertaining to the establishment and modification of child support orders; and delete SNAP monthly reporting/retrospective budgeting references and add provisions for change reporting. At this time, OTDA has determined that no additional modifications need to be made to its regulations adopted in 2013, 2011, 2006 and 2001, as amended.

OTDA has determined that in the ensuing calendar year, it should review its regulations from Title 18 NYCRR adopted in 2014, 2012, 2007, 2002 and 1997. These regulations from 2014, 2012, 2007, 2002, and 1997 listed below, are subject to the provisions of SAPA § 207. The regulations must be reviewed to determine whether they should be retained as written or modified. OTDA invites written comments on the continuation or modification of these regulations in order to assist in the required review. We will consider only those comments that are received by March 7, 2017.

Rules adopted in 2014

A. TDA-14-14-00014 State Supplement Program (SSP)*

Repeal of 18 NYCRR Part 398; addition of a new Part 398 and § 358-5.12 to set forth the process for OTDA's administration of the SSP and allow for telephone hearings to challenge SSP determinations.

Analysis of the need for the rule: These regulations provide the framework for OTDA's administration of the SSP. The regulations provide the initial and continuing eligibility requirements for additional State payments. They set forth the reporting responsibilities of applicants and recipients of the SSP benefits and the ramifications if they fail to comply with the requirements. The regulations address the issuance of notices of action and provide for administrative fair hearings. They also address when OTDA will replace additional State payments for recipients and when underpayments of such benefits will be corrected. Conversely, the regulations also provide when OTDA will recover overpayments and equivalent benefits from recipients. The regulations address OTDA's administrative responsibilities including confidentiality and document retention requirements. Lastly, the regulations allow telephone hearings for applicants and recipients of additional State payments.

Legal basis for the rule: SSL §§ 20(3)(d), 22(3)(f), (4), (8), 207, 211 and 212

B. TDA-36-14-00014 Noncompliance with SNAP Work Requirements; SNAP Conciliation Process*

Amended 18 NYCRR §§ 385.11 and 385.12 to render State regulations governing noncompliance and the conciliation process consistent with federal requirements.

Analysis of the need for the rule: These regulations were developed to make OTDA regulations pertaining to noncompliance and notice requirements consistent with federal regulations and policy. The regulations, in part, provide that SNAP applicants who fail to comply with work requirements without good cause are no longer subject to a durational sanction, and SNAP recipients will have the opportunity to avoid the imposition of a SNAP sanction by timely demonstrating compliance with the work requirements of the employment and training program as assigned by the SSD.

Legal basis for the rule: SSL § 95(1)(b); 7 USC §§ 2011, 2013 and 2029

C. TDA-38-14-00023 Standard Utility Allowances for SNAP*

Amended 18 NYCRR § 387.12 to update the standard utility allowances for SNAP to the federally approved levels as of October 1, 2014.

Analysis of the need for the rule: It was of great importance that the federally mandated and approved standard utility allowances for the SNAP were applied to SNAP benefit calculations effective October 1, 2014. If the standard utility allowances were not updated on October 1, 2014, it could have resulted in thousands of SNAP dependent households receiving underpayments each month. Thus, the rule was necessary for the preservations of the public health and general welfare of SNAP dependent households.

Legal basis for the rule: SSL §§ 20(3)(d) and 95; 7 USC § 2014(e)(6)(C); 7 CFR § 273.9(d)(6)(iii).

Rules adopted in 2012

D. TDA-17-11-00016 Fair Hearing Process*

Amended 18 NYCRR § 385-5.5 to revise the time frames within which an Appellant or an Appellant's authorized representative must request that a defaulted fair hearing be rescheduled.

Analysis of the need for the rule: The regulation removed the 15-day and 45-day time frames within which an Appellant or Appellant's authorized representative is to request that a fair hearing be rescheduled.

Legal basis for the rule: SSL §§ 20(3)(d), 22(8), and 34(3)(f).

E. TDA-22-12-00022 SNAP*

Repealed 18 NYCRR § 388.8 and amended 18 NYCRR §§ 351.2, 384.3 and 387.9 to eliminate finger imaging for purposes of SNAP, as OTDA had implemented a new Statewide Clearance process designed to prevent the receipt of duplicate SNAP benefits, in order to reduce food insecurity and improve nutrition.

Analysis of the need for the rule: On April 16, 2012, OTDA implemented a new Statewide clearance system for SNAP applicants and recipients designed to prevent the receipt of duplicate SNAP benefits. Cases are matched based on Social Security number, date of birth, name, and gender. The statewide clearance function enables both local social services district eligibility and case workers in all 58 districts to be able to check for duplicate participation in real time.

Legal basis for the rule: SSL §§ 20(3)(d), 95 and 131(1); 7 USC § 2020(a).

F. TDA-26-12-00017 Food Stamp Program Renamed to be SNAP*

Amended 18 NYCRR §387.0 and §387.1 to change the name of the Food Stamp Program to SNAP pursuant to Chapter 41 of the Laws of 2012.

Analysis of the need for the rule: Chapter 41 of the Laws of 2012 changed the name of the Food Stamp Program to SNAP. The rule implemented this Chapter Law and clarified that references in the regulations to the Food Stamp Program refer to SNAP.

Legal basis for the rule: SSL § 95; 7 USC Chapter 51, §§ 2011 and 2013; Chapter 41 of the Laws of 2012.

G. TDA-42-12-00001 Standard Utility Allowance for SNAP*

Amended 18 NYCRR § 387.12 to update the standard utility allowances for SNAP to the federally approved levels as of October 1, 2012.

Analysis of the need for the rule: It was of great importance that the federally approved standard utility allowances for SNAP were applied to SNAP benefit calculations effective October 1, 2012. If the standard utility allowances were not updated on October 1, 2012, it could have resulted in thousands of SNAP dependent households receiving overpayments each month. Overpayments to food stamp dependent households could have subjected the households to a 10% recoupment of their monthly food stamp benefits until the overpayment was recovered. Thus, the rule was necessary for the preservation of the public health and general welfare of SNAP dependent households.

Legal basis for the rule: Social Services Law, §§ 20(3)(d) and 95; 7 USC § 2014(e)(6)(c); 7 CFR § 273.9(d)(6)(iii).

Rules adopted in 2007

H. TDA-41-06-00030 Child Support Standards Chart*

Amended 18 NYCRR § 347.10 (a) (9), (b) and (c) to update the child support calculations formula as reflected in the child support standards chart.

Analysis of the need for the rule: The amendments were developed to update the self-support reserve, the poverty level and the child support standards chart in order to correctly reflect child support obligation amounts.

Legal basis for the rule: SSL sections 20 (3) (d), 34 (3) (f), 111-a and 111-i.

I. TDA-42-06-00015 HEAP*

Amended 18 NYCRR § 358-2.2(a)(14) to update the adequate notice requirements for HEAP determinations.

Analysis of the need for the rule: The amendments were developed to update the adequate notice requirements to reflect the current policy and practice of providing budget information in HEAP notices that are based upon budget computations.

Legal basis for the rule: SSL sections 20 (3) (d), 34 (3) (f), 97 and 131 (1).

J. TDA-37-06-00011 Congregate Care Level 3 Enhanced Residential Care*

Amended 18 NYCRR § 352.8 (b) (4) (i), (ii), (5), (c) (1) (ii) and (d); and added 18 NYCRR § 352.8 (b) (4) (iii) to authorize the provision of an allowance for temporary assistance recipients residing in congregate care level 3 facilities.

Analysis of the need for the rule: This rule was developed to authorize the provision of an allowance for temporary assistance recipients residing in congregate care level 3 facilities in order to implement the reclassification adult homes and enriched housing programs certified by the Department of Health from congregate care level 2 to level 3.

Legal basis for the rule: SSL sections 20 (3) (d), 34 (3) (f), 131 (1), 131-o and 209.

Rules Adopted in 2002

K. TDA-37-01-00006 Applications for Safety Net Assistance*

Amended 18 NYCRR § 350.4 (a) and (b) to describe the circumstances when a person who is no longer eligible for family assistance because of the durational limits must apply for safety net assistance in order to be eligible for such assistance.

Analysis of the need for the rule: This rule was developed to describe the circumstances when a person who is no longer eligible for family assistance because of the durational limits must apply for safety net assistance in order to be eligible for such assistance.

Legal basis for the rule: SSL sections 20(3)(d), 34(3)(f), 131(1) and 355(3).

L. TDA-02-02-00005 Removals

Amended 18 NYCRR § 352.7 (o) to revive regulations concerning the circumstances under which a social services district may remove a public assistance recipient to another state or country.

Analysis of the need for the rule: This rule was developed to revive regulations concerning the circumstances under which a social services district may remove a public assistance recipient to another state or country.

Legal basis for the rule: SSL sections 20(3)(d), 34(3)(f) and 121.

M. TDA-01-02-00005 HEAP

Amended 18 NYCRR §§ 358-3.5(b)(4), 393.2(b), 393.3(a)-(b), 393.4(c)-(d) and 393.5(a), (c) and (e) to conform the regulations concerning HEAP with current policies and procedures of OTDA.

Analysis of the need for the rule: This rule was developed to conform the regulations concerning HEAP with OTDA's policies and procedures.

Legal basis for the rule: SSL sections 20(3)(d), 34(3)(f) and 97.

N. TDA-29-02-00010 Refugee Cash Assistance and Medical Assistance Programs*

Amended 18 NYCRR Part 373 to implement federal regulations concerning operation of the refugee cash assistance program and the refugee medical assistance program.

Analysis of the need for the rule: This rule was developed to implement federal regulations concerning operation of the refugee cash assistance program and the refugee medical assistance program.

Legal basis for the rule: SSL sections 20(3)(d), 34(3)(f), 358(3) and 358(4).

O. TDA-01-02-00006 Domestic Violence Waivers*

Amended 18 NYCRR § 351.2 to implement federal requirements concerning the establishment of domestic violence service plans and review of domestic violence waivers.

Analysis of the need for the rule: This rule was developed to implement federal requirements concerning the establishment of domestic violence service plans and review of domestic violence waivers.

Legal basis for the rule: SSL sections 20(3)(d), 34(3)(f), 131-u and 349-a.

P. TDA-50-01-00004 Desk Reviews of Child Support Payments*

Added 18 NYCRR § 347.25 to publish regulations on the conduct of desk reviews. The desk reviews involve an examination of public assistance and child support enforcement case records that will result in a written determination to the requestor of how the collections were distributed.

Analysis of the need for the rule: This rule was developed to formalize the procedures for the conduct of desk reviews upon the request of current and former recipients of public assistance who wish to obtain an accounting of the distribution of child support collected for months during which they received assistance payments and who believe that such distribution was incorrect.

Legal basis for the rule: SSL sections 20(3)(d), 34(3)(f) and 111-a.

Rules Adopted in 1997

Q. SCS-07-96-00005 Shelters for Adults

Amended 18 NYCRR Part 491 to ease the burden on social services districts and other operators of shelters for adults in relation to the operation of such shelters.

Analysis of the need for the rule: The regulatory amendments, among other things, expanded the options for granting waivers of non-statutory requirements of 18 NYCRR Parts 485, 486 and 491 relating to shelters for adults; increased the time period during which a shelter for adults could be operated above the certified capacity; and repealed environmental standards that were duplicative of local codes or other State requirements.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 460 and 461.

R. SCS-13-96-00003 Personal Interviews for Applicants

Amended 18 NYCRR § 350.3(c) to require that an interview with an applicant for public assistance be scheduled within seven rather than five working days after an application is submitted.

Analysis of the need for the rule: The regulatory amendment assisted social services districts in the effective and efficient administration of public assistance programs by providing additional time for districts to schedule interviews with public assistance applicants.

Legal basis for the rule: SSL §§ 17, 20(3)(d), 34(3)(f), 158(a) and 355(3).

S. SCS-25-96-00016 Temporary Housing Assistance for Homeless Families

Amended 18 NYCRR Parts 900 and 1000 to consolidate and modify existing requirements for family shelters and shelters for pregnant women.

Analysis of the need for the rule: The regulatory amendment provided administrative flexibility to, and reduced the administrative burden on, social services districts and homeless shelter providers by consolidating and modifying existing requirements for family shelters and shelters for pregnant women.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f) and 153, Chapter 562 of the Laws of 1953, and Chapter 53 of the Laws of 1992.

T. SCS-31-96-00001 Copies of Documents for Fair Hearings

Amended 18 NYCRR §§ 358-3.7 and 358-4.2 to set forth standards for making documents available to appellants in fair hearings.

Analysis of the need for the rule: The regulatory amendments relieved social services districts from costly mandates by conforming Office regulations to federal requirements regarding the provision of copies of documents from the case file by social services districts to appellants at fair hearings.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f) and 22(8).

U. SCS-41-96-00017 Food Stamp Program

Amended 18 NYCRR §§ 359.9, 387.1, 387.2, 387.9, 387.10, 387.11, 387.12, 387.14 and 387.19 to implement the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193) relating to the food stamp program.

Analysis of the need for the rule: The regulatory amendments were developed to implement the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) relating to the food stamp program.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f) and 95.

V. SCS-11-97-00019 1996 Self-Support Reserve and Child Support Standards Chart

Amended 18 NYCRR § 347.10 to reflect the 1996 self-support reserve and child support standard chart.

Analysis of the need for the rule: The regulatory amendment advised the social services districts and the family courts of the correct amount of the 1996 self-support reserve when calculating the basic child support obligation for parties in child support proceedings. This was consistent with federal requirements that States implement child support standards that were used in the calculation of child support obligations and that the standards took into account the non-custodial parent's income.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 111-a and 111-i.

* The asterisks identify rules for which a regulatory flexibility analysis, rural area flexibility analysis, or job impact statement was prepared.

The rule review may be accessed on OTDA's website at <http://otda.ny.gov/legal/rule-review-2016.pdf> .

Any comments should be submitted to: Joseph C. Mazza, Office of Temporary and Disability Assistance, 40 N. Pearl St., 16th Fl., Albany, NY 12243, (518) 474-0574, e-mail: Joseph.Mazza@otda.ny.gov.