

Notice of Emergency Adoption

Temporary and Disability Assistance, Office of

(SUBMITTING AGENCY)

Approval has been granted by Executive Chamber to file this rule making.

This rule making does not require Executive Chamber approval.

This adoption will amend the NYCRR.

This adoption will not amend the NYCRR.

NOTE: Typing and submission instructions are at the end of this form. Please be sure to COMPLETE ALL ITEMS. Incomplete forms and nonscannable text attachments will be cause for rejection of this notice. change in text

1. Action taken:

Amendment of 18 NYCRR §§ 350.2(a) and 351.21(b)-(c)

2. Effective date of emergency rule:

Date of filing.

Other date (specify): _____

3. History of emergency actions (check only one box):

This is the first time this emergency rule has been adopted (first emergency, effective for 90 days). No public comment required.

This is the first readoption of an emergency rule (second emergency, effective for 60 days). No public comment required, and a Notice of Proposed rule making has been submitted, I.D. No. TDA-44-24-00001 - EP , issue date: 10/30/2024 .

This is the second (or greater) readoption of an emergency rule (third emergency or greater, effective for 60 days). Public comment is required, see Item 18.

4. Statutory authority under which the rule was adopted:

Social Services Law §§ 20(3)(d), 34(3)(f), 131(1), 134-a, and 355(3)

5. This emergency rule is necessary for the preservation of:

public health

public safety

general welfare

6. The specific reasons underlying the finding of necessity, above, are as follows:

7. Subject of the rule:

See attached Addendum #1

8. Purpose of the rule:

See attached Addendum #2

9. *Terms of rule* (SELECT A, B or C. Item D is required.)

- 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]:
- 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)].
- D. Signed certification of adoption and full text of the rule are attached:
- Signed certification of adoption (scanned pdf).
- Full text of the rule (MS Word).

10. *Type of notice:*

- This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less.
- This notice is intended to serve only as a notice of emergency adoption; however, the agency intends to adopt the provisions of this emergency as a permanent rule, having submitted to the Department of State a notice of emergency/proposed or proposed rule making I.D. No. TDA-44-24-00001 - EP, Issue of: 10/30/2024.
- This notice is intended to serve only as a notice of emergency adoption; however, the agency intends to submit a notice of proposed rule making in the future.
- The agency adopted the provisions of this emergency rule as a permanent rule, pursuant to SAPA section 202(6)(c), because the purposes of the emergency measure would be frustrated if subsequent notice procedures were required.

11. *Emergency expiration date* (A first emergency rule is effective and enforceable for up to 90 days from the **date of filing**. Second and subsequent emergency rules are effective and enforceable for up to 60 days from their **date of filing** UNLESS the agency specifies an earlier date). This rule expires:

- 90 days after filing
- 60 days after filing
- Other (*specify date*): _____
- **A notice of proposed rule making must be published to adopt this rule permanently and before a first emergency rule can be readopted.**

12. *The text of the final 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

13. *Additional matter required by statute:*

- YES (include below material required by statute).

- No additional material required by statute.

14. Regulatory Impact Statement (RIS)

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

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. An RIS is **not** attached:

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

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

but will be published in the *Register* within 30 days of the rule's effective date.

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

15. 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.: _____ - _____; issue date: _____.

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

but will be published in the *Register* within 30 days of the rule's effective date.

16. 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.: _____ - _____; issue date: _____. because this rule is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making]. but will be published in the *Register* within 30 days of the rule's effective date.**17. 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]:

 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 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.: _____ - _____; issue date: _____. because this rule is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making]. because this rule is submitted by the State Comptroller or Attorney General. but will be published in the *Register* within 30 days of the rule's effective date.**18. Assessment of Public Comment**—required for second or subsequent readoptions (check applicable box). An assessment of public comment is attached (less than 2,000 words). An assessment of public comment is not attached because the rule is within the definition of SAPA §102(2)(a)(ii) [Rate Making]. The agency received no public comment since publication of the last assessment of public comment. The agency received no public comment.

19. **Referenced material** (check one box):

No information is being incorporated by reference in this rule.

This rule contains referenced material in the following Parts, sections, subdivisions or paragraphs:

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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 01/09/2025

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

6. *The specific reasons underlying the finding of necessity, above, are as follows:*

It is of great importance that the proposed regulatory amendments to establish a standard 12-month authorization period for all Family Assistance (FA) and Safety Net Assistance (SNA) cases, and a standard 24-month authorization period for all FA and SNA cases wherein a non-legally responsible caregiver is caring for a child or children for whom they are applying for or receiving assistance, be readopted on January 9, 2025. In light of the ongoing staffing shortages many social services districts (districts) are experiencing across the State, this emergency rule will continue to provide administrative relief by reducing the unnecessary frequency of applications for benefits at the district level and will help ensure efficient delivery of these critical benefits to OTDA's client populations who are depending on them.

The Office of Temporary and Disability Assistance (OTDA) finds that it is necessary for the preservation of the general welfare that these regulatory amendments be readopted on an emergency basis as authorized by the State Administrative Procedure Act (SAPA) § 202(6) due to the immediate need to ease administrative burdens on districts. The emergency rule will also have direct and immediate impacts on households applying for and receiving FA and SNA. By extending the redetermination of eligibility timeframes for all cases, the emergency rule will address district staffing concerns and allow districts to improve operational efficiency, thus helping reduce current recertification workloads and preventing future backlogs. This action will help ensure that recipients receive essential benefits timely.

OTDA notes that the regulatory amendments are being readopted pursuant to a Notice of Emergency Adoption due to time constraints. The emergency rule was originally adopted on October 11, 2024, by way of a Notice of Emergency Adoption and Proposed Rule Making, and became effective on the same date. The Notice of Emergency Adoption and Proposed Rule Making was published in the *New York State Register* on October 30, 2024, under I.D. No. TDA-44-24-00001-EP. OTDA accepted public comments through December 30, 2024. The current emergency rule expires on January 8, 2025. This first readoption of the current emergency rule is necessary in order to avoid a lapse in the current emergency rule, insofar as the expiration of the 60-day public comment period will not provide sufficient time for OTDA to publish a Notice of Adoption in the *New York State Register* before the current emergency rule expires on January 8, 2025.

7. Subject of the rule:

Authorization periods for Family Assistance (FA) and Safety Net Assistance (SNA) in both public assistance cases and in cases wherein a non-legally responsible caregiver is caring for a child or children for whom the non-legally responsible caregiver is applying for or receiving assistance.

8. Purpose of the rule:

To amend State regulations to establish a standard 12-month authorization period for all FA and SNA cases, and a standard 24-month authorization period for all FA and SNA cases wherein a non-legally responsible caregiver is caring for a child or children for whom they are applying for or receiving assistance.

Subdivision (a) of § 350.2 of Title 18 NYCRR is amended to read as follows:

350.2 Authorization of grant. (a) Assistance to an eligible person is granted by a social services official on the basis of an authorization prepared on the State-prescribed form. Such an authorization shall contain all pertinent information as to the status of the case and the amount of the authorized grants of assistance and shall be effective for a period of time coinciding with periods of eligibility determinations and redeterminations and shall be made [not less frequently than] at the following intervals:

(1) [by the end of the third calendar month of the acceptance of an application for all new and reopened cases under the programs of Aid to Dependent Children and Aid to Dependent Children with an unemployed parent (ADC and ADC-U), as well as all Home Relief (including singles);

(2) by the [sixth] 12th month after such certification for [ADC and HR] Family Assistance (FA) and Safety Net Assistance (SNA) cases;

[(3)] (2) [every three months] by the 24th month after such certification for [ADC-U] FA and SNA cases wherein a non-legally responsible caregiver is caring for a child or children for whom they are applying for or receiving assistance; and

[(4)] (3) as needed in excess of the minimum where there is a predictable change in need or circumstances.

Subdivisions (b)–(c) of § 351.21 of Title 18 NYCRR are amended to read as follows:

(b) All variable factors of need and eligibility shall be reconsidered, reevaluated and verified at least once in every:

(1) [three months, in cases of Family Assistance (FA) when eligibility is based on the unemployment of a parent; and

(2) six] 12 months, in cases of Family Assistance (FA) [when eligibility is not based on the unemployment of a parent] and [in cases of] Safety Net Assistance (SNA)[.]; and

(2) 24 months, in all cases of FA and SNA wherein a non-legally responsible caregiver is caring for a child or children for whom they are applying for or receiving assistance.

(c) Unless the social services district has an office-approved alternative recertification requirement, the district must use the State-prescribed form in the recertification process and must require[:

(1)] a face-to-face interview with the recipient, or, at the request of the recipient, an interview by telephone or other digital means, for each recertification[; and

(2) a face-to-face interview with the recipient, or, at the request of the recipient, an interview by telephone or other digital means, by the end of the third calendar month following the month of acceptance for all new and reopened FA and SNA cases].

Regulatory Impact Statement

1. Statutory authority:

Social Services Law (SSL) § 20(3)(d) authorizes the Office of Temporary and Disability Assistance (OTDA) to promulgate regulations to carry out its powers and duties.

SSL § 34(3)(f) requires the Commissioner of OTDA to establish regulations for the administration of public assistance (PA) within the State.

SSL § 131(1) requires social services districts (districts), insofar as funds are available, to provide adequately for those unable to maintain themselves, in accordance with the provisions of the SSL.

SSL § 134-a authorizes OTDA to conduct an “investigation or reinvestigation of eligibility for [PA].”

SSL § 355(3) requires OTDA to promulgate regulations necessary to carry out the provisions of the SSL concerning Family Assistance (FA).

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-sufficiency.

3. Needs and benefits:

It is necessary for the preservation of the public health and the general welfare that the proposed regulatory amendments be readopted on an emergency basis, as authorized by the State Administrative Procedure Act (SAPA) § 202(6). Pursuant to the proposed regulatory

amendments and adoption of the emergency rule, a standard 12-month authorization period will be established for all FA and Safety Net Assistance (SNA) cases. A standard 24-month authorization period will be established for all FA and SNA cases wherein a non-legally responsible caregiver is caring for a child or children for whom they are applying for or receiving assistance.

In light of the ongoing staffing shortages many districts are experiencing across the State, the proposed regulatory amendments would provide administrative relief by reducing the unnecessary frequency of applications for benefits at the district level and help ensure efficient delivery of these critical benefits to OTDA's client populations. The proposed regulatory amendments would also have direct and immediate impacts on households applying for and receiving FA and SNA. By extending the redetermination of eligibility timeframes for all cases, the proposed regulatory amendments would address district staffing concerns and would allow districts to improve operational efficiency, thus helping reduce current recertification workloads and preventing future backlogs. This action will help ensure that recipients receive essential benefits timely.

4. Costs:

There are no significant costs to the State or districts anticipated from the proposed regulatory revisions. The proposed revisions to the recertification schedule are already in place in many districts through approved waivers, including New York City. Further, changes in recipient income, which would have the largest impact on caseload and resulting costs, must still be reported outside of the prescribed regulatory schedule. Any additional caseload impacts would

be marginal within the PA program and potentially be offset by State and local administrative savings.

5. Local government mandates:

The districts would be required to implement the regulatory amendments. Districts previously performed recertifications on three-month and six-month bases; readoption of the proposed regulatory amendments would eliminate the current three-month recertification, replace the current six-month recertification with a 12-month recertification, and add a 24-month recertification.

6. Paperwork:

There would be no new district forms or reporting requirements associated with the proposed regulatory amendments.

7. Duplication:

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

8. Alternatives:

An alternative to the proposed regulatory amendments would be to refrain from readopting them. However, if the proposed regulatory amendments are not readopted, there would be no relief afforded to the districts in response to the ongoing staffing shortages many districts are experiencing across the State. Thus, there would continue to be an unnecessary frequency of applications for benefits at the district level which would continue to grow, thereby threatening to disrupt the efficient delivery of FA and SNA to OTDA's client populations who are depending

on them. Consequently, OTDA does not consider such inaction to represent a viable alternative to readopting the proposed regulatory amendments.

9. Federal standards:

The proposed regulatory amendments would not conflict with federal standards for PA.

10. Compliance schedule:

The proposed regulatory amendments were previously adopted pursuant to OTDA's filing of a Notice of Emergency Adoption and Proposed Rule Making with the Department of State (DOS) on October 11, 2024, and became effective on the same date. Districts were advised of the original adoption of the proposed regulatory amendments, on an emergency basis, via OTDA's issuance of Administrative Directive Memorandum (ADM) 24-ADM-11 (*New Temporary Assistance Recertification Periods and Corresponding Verification Requirements for Household Composition and Residence*), which was issued contemporaneously with the original adoption of the proposed regulatory amendments on October 11, 2024. Insofar as the districts are already operating under the current emergency rule previously adopted on October 11, 2024, and because there would be no new forms or reporting requirements associated with readoption of the proposed regulatory amendments, OTDA believes that the districts would be in compliance with the proposed regulatory amendments when they are refiled with the DOS.

Statement in Lieu of a Regulatory Flexibility Analysis for Small Businesses and Local Governments (RFASBLG)

A RFASBLG is not required for re adoption of the proposed regulatory amendments because the proposed regulatory amendments would neither have an adverse impact upon, nor impose reporting, recordkeeping, or other compliance requirements upon small businesses or local governments. The purpose of the proposed regulatory amendments is to amend State regulations to establish a standard 12-month authorization period for all Family Assistance (FA) and Safety Net Assistance (SNA) cases, and a standard 24-month authorization period for all FA and SNA cases wherein a non-legally responsible caregiver is caring for a child or children for whom they are applying for or receiving assistance.

Further, there are no significant costs to the State or social services districts (districts) anticipated relative to re adoption of the proposed regulatory amendments. The districts are already operating under the current emergency rule previously adopted on October 11, 2024, and there would be no new forms or reporting requirements associated with re adoption of the proposed regulatory amendments. Moreover, changes in recipient income, which would have the largest impact on caseload and resulting costs, must still be reported outside of the prescribed regulatory schedule. Any additional caseload impacts would be marginal within the overall Public Assistance program and would be potentially offset by State and local administrative savings.

As it was evident that re adoption of the proposed regulatory amendments would not have an adverse impact upon or impose reporting, recordkeeping, or other

compliance requirements upon the districts, no further measures were needed to ascertain those facts and, consequently, none were taken.

Statement in Lieu of a Rural Area Flexibility Analysis (RAFA)

A RAFA is not required for readoption of the proposed regulatory amendments because the proposed regulatory amendments would neither have an adverse impact upon, nor impose reporting, recordkeeping, or other compliance requirements upon public or private entities in rural areas. The purpose of the proposed regulatory amendments is to amend State regulations to establish a standard 12-month authorization period for all Family Assistance (FA) and Safety Net Assistance (SNA) cases, and a standard 24-month authorization period for all FA and SNA cases wherein a non-legally responsible caregiver is caring for a child or children for whom they are applying for or receiving assistance.

Further, there are no significant costs to the State or rural social services districts (rural districts) anticipated relative to readoption of the proposed regulatory amendments.

Rural districts are already operating under the current emergency rule previously adopted on October 11, 2024, and there would be no new forms or reporting requirements associated with readoption of the proposed regulatory amendments.

Moreover, changes in recipient income, which would have the largest impact on caseload and resulting costs, must still be reported outside of the prescribed regulatory schedule. Any additional caseload impacts would be marginal within the overall Public Assistance program and would be potentially offset by State and local administrative savings.

As it was evident that readoption of the proposed regulatory amendments would not have an adverse impact or impose reporting, recordkeeping, or other compliance

requirements upon rural districts, no further measures were needed to ascertain those facts and, consequently, none were taken.

Statement in Lieu of a Job Impact Statement (JIS)

A JIS is not required for readoption of the proposed regulatory amendments. The purpose of the proposed regulatory amendments is to amend State regulations to establish a standard 12-month authorization period for all Family Assistance (FA) and Safety Net Assistance (SNA) cases, and a standard 24-month authorization period for all FA and SNA cases wherein a non-legally responsible caregiver is caring for a child or children for whom they are applying for or receiving assistance. It is apparent from the nature and the purpose of the proposed regulatory amendments that their readoption would have no substantive impact on jobs and employment opportunities in either the public or the private sectors of New York State. Consequently, a JIS is unnecessary relative to readoption of the proposed regulatory amendments.



Office of Temporary and Disability Assistance

KATHY HOCHUL
Governor

BARBARA C. GUINN
Commissioner

RAJNI CHAWLA
Executive Deputy Commissioner

CERTIFICATION

I hereby certify that the attached amendments to §§ 350.2(a) and 351.21(b)–(c) of Title 18 of the *Official Compilation of Codes, Rules, and Regulations of the State of New York* are duly readopted by me, Commissioner Barbara C. Guinn, on this date pursuant to authority vested in the New York State Office of Temporary and Disability Assistance (OTDA) by Social Services Law (SSL) §§ 20(3)(d), 34(3)(f), 131(1), 134-a, and 355(3). These amendments shall be effective on January 9, 2025.

I have determined that it is necessary for the preservation of the public health and the general welfare that these amendments be readopted on an emergency basis, as authorized by the State Administrative Procedure Act (SAPA) § 202(6) due to the immediate need to ease administrative burdens on social services districts (districts). The emergency rule will also have direct and immediate impacts on households applying for and receiving FA and SNA. By extending the redetermination of eligibility timeframes for all cases, the emergency rule will address district staffing concerns and allow districts to improve operational efficiency, thus helping reduce current recertification workloads and preventing future backlogs. This action will help ensure that recipients receive essential benefits timely.

It is of great importance that the proposed regulatory amendments to establish a standard 12-month authorization period for all Family Assistance (FA) and Safety Net Assistance (SNA) cases, and a standard 24-month authorization period for all FA and SNA cases wherein a non-legally responsible caregiver is caring for a child or children for whom they are applying for or receiving assistance, be readopted on January 9, 2025. In light of the ongoing staffing shortages many districts are experiencing across the State, this emergency rule will provide administrative relief by reducing the unnecessary frequency of applications for benefits at the district level and will help ensure efficient delivery of these critical benefits to OTDA's client populations who are depending on them.

OTDA notes that the regulatory amendments are being readopted pursuant to a Notice of Emergency Adoption due to time constraints. The emergency rule was originally adopted on October 11, 2024, by way of a Notice of Emergency Adoption and Proposed Rule Making, and became effective on the same date. The Notice of Emergency Adoption and Proposed Rule Making was published in the *New York State Register* on October 30, 2024, under I.D. No. TDA-44-24-00001-EP. OTDA accepted public comments through December 30, 2024. The current emergency rule expires on January 8, 2025. This first readoption of the current emergency rule is necessary in order to avoid a lapse in the current emergency rule, insofar as the expiration of the 60-day public comment period will not provide sufficient time for OTDA to publish a Notice of Adoption in the *New York State Register* before the current emergency rule expires on January 8, 2025.

No other publication of prior notice is required by statute.

/s/ Barbara C. Guinn

Barbara C. Guinn
Commissioner

January 7, 2025

Date