

## 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 8, 2014, 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 2009, 2004, and 1999. Those regulations are set forth below:

### Rules adopted in 2009

#### A. TDA-17-08-00032 State-Confirmed Human Trafficking Victims\*

Added Part 765 of Subchapter K to Title 18 NYCRR to govern the process and protocols for confirming an individual as a human trafficking victim in New York State.

Analysis of the need for the rule: The amendments provide more detailed instruction on protocols and procedures relating to the confirmation of human trafficking victims and the OTDA responsibilities. The need for the amendments is derived from the necessity to clearly define the participant agencies, the victim, and the terms describing the process of referral; to clearly describe the nature of OTDA's consultative role in the confirmation process; and to clearly describe the process for required notifications to the prescribed parties.

Legal basis: Social Services Law (SSL) Art. 10-D.

#### B. TDA-04-09-00011 Educational Activities\*

Amended §§ 385.6(a) and (b), 385.7(a) and (b), and 385.9(c) of Title 18 NYCRR to provide additional opportunities to participate in education and other skill development activities.

Analysis of the need for the rule: The amendments were developed to increase the skills of individuals receiving public assistance through the provision of additional opportunities to participate in education and other skill development activities.

Legal basis: 42 United States Code (U.S.C.) §§ 601(a) and 607; SSL Art. 5, Title 9-B.

#### C. TDA-07-09-00014 Utility Service\*

Amended § 352.5(e) of Title 18 NYCRR to suspend the enforcement of utility repayment agreements during periods of cold weather.

Analysis of the need for the rule: The amendment was developed to better enable SSDs to help protect the health and safety of households if they suffer utility shutoffs during a cold weather period as a result of high energy costs.

Legal basis: SSL §§ 20(3)(d), 34(3)(f), 131(1), and 131-s.

#### D. TDA-09-09-00007 Recovery of Overpayments\*

Amended § 352.31(d)(1) of Title 18 NYCRR to delete the regulatory requirement to recoup/recover overpayments from all members of an assistance unit regardless of their ages at the time of overpayment.

Analysis of the need for the rule: This amendment was developed to benefit children by relieving them of the burden of an overpayment incurred on someone else's assistance unit when they were children in that assistance unit.

Legal basis: SSL §§ 20(3)(d), 34(3)(f), and 106-b.

#### Rules adopted in 2004

#### E. TDA-03-04-00003 Supplemental Security Income (SSI) Benefits\*

Repealed § 352.2(b) and added new §352.2(b); amended §§ 352.3(k)(3), (i), 352.30(a) and (f), and 352.31(a)(2); and added §352.3(l) to Title 18 NYCRR, to require SSDs to consider the presence in the household of an adult or child receiving SSI who would, except for the receipt of SSI, be required to be included in the public assistance household when determining the household's standard of need.

Analysis of the need for the rule: The amendments were developed to eliminate different budgeting methods required to be used for various family circumstances, and, with the exception of budgeting for households requesting and eligible to receive an emergency shelter allowance under § 352.3(k), to establish one budgeting method for determining the needs standard for a household that is applying for benefits.

Legal basis: SSL §§ 20(3)(d), 34(3)(f), 158, 349, and 355(3).

#### F. TDA-28-03-00008 Eligibility of Refugees, Asylees, and Aliens for Public Assistance\*

Amended §§ 349.3(a)(1)(iv), (vii), (2), (b), and 352.33; and added § 349.3(c) to Title 18 NYCRR to implement changes to the public assistance eligibility requirements for refugees, asylees, and aliens as set forth in Chapter 214 of the Laws of 1998.

Analysis of the need for the rule: The amendments were developed to implement provisions in Chapter 214 of the Laws of 1998, and to incorporate federal clarification of certain definitions related to citizenship and alien status.

Legal basis: SSL §§ 20(3)(d), 34(3)(f), 122, 131(1), and 355(3).

#### G. TDA-13-04-00002 Cash Management Subsystem\*

Amended § 600.6 of Title 18 NYCRR requiring SSDs to use the cash management subsystem of the welfare management system.

Analysis of the need for the rule: The amendment was developed to standardize local cash processing systems by requiring SSDs to use the cash management subsystem of the welfare management system for receipt of cash and for refunds and recoveries of past expenditures and the collection and tracking of overpayments; to reduce the number of systems used by SSDs to establish and collect recoveries and overpayments on a timely basis; to identify claims on collection cases; and to encourage more orderly claims processing.

Legal basis: SSL §§ 20(3)(d), 21, 21(2), 34(3)(f), and 82.

#### H. TDA-17-04-00016 Exemption of Earned Income\*

Amended § 352.20(a) and (b) of Title 18 NYCRR concerning the exemption of the earned income of full-time and part-time students when determining eligibility for public assistance.

Analysis of the need for the rule: The amendment was developed to implement Chapter 246 of the Laws of 2002, which amended the regulations to provide that all income earned by a dependent child receiving public assistance or for whom an application for such assistance has been made, who is a full-time or part-time student attending a school, college, or university or a course of vocational or technical training designed to fit him or her for gainful employment, is exempt when determining eligibility for public assistance.

Legal basis: SSL §§ 20(3)(d), 34(3)(f), 131-a(8), 158, 349, and 355(3).

#### Rules adopted in 1999

#### I. TDA-30-98-00005 Child Support Cooperation Requirements\*

Amended §§ 347.5, 360-3.2, 369.1, 369.2, 369.7, 370.2, and 370.7 of Title 18 NYCRR to require the local child support enforcement unit, instead of local public assistance or medical assistance unit, to determine whether an applicant/recipient has cooperated in establishing paternity and in establishing, modifying, and enforcing a support order for the child (for medical assistance, a medical support order only).

Analysis of the need for the rule: These amendments implemented Public Law 104-193, regarding cooperation in establishing paternity and establishing, modifying, or enforcing a support order for the child by applicants for and recipients of public assistance and medical assistance, and Chapter 398 of the Laws of 1997, requiring applicants for and

recipients of medical assistance to cooperate in establishing paternity or establishing, modifying, or enforcing a medical support order for the child.

Legal basis: SSL §§ 20(3)(d), 34(3)(f), 111-a, and 364; Chapter 474 of the Laws of 1996.

J. TDA-39-98-00067 Child Support Cooperation and Reduction of Benefits

Amended § 352.30 (d) of Title 18 NYCRR to implement provisions of Public Law 104-193 and Chapter 214 of the Laws of 1998.

Analysis of the need for the rule: This amendment conformed the regulations to changes in federal and State law, so that instead of an individual being ineligible for public assistance when the individual failed to cooperate in establishing paternity or in establishing, modifying, or enforcing a support order for the child (absent good cause for such failure or other exception from so cooperating), the public assistance otherwise available to the individual's household will be reduced by 25 percent.

Legal basis: SSL §§ 20(3)(d), 34(3)(f), and 131 (16).

K. TDA-46-98-00015 Emergency Assistance to Families (EAF)

Amended §§ 372.1, 372.2, 372.4, and 372.6 of Title 18 NYCRR, in part, to implement provisions of § 38 of Part B of Chapter 436 of the Laws of 1997.

Analysis of the need for the rule: The amendments were developed to implement Chapter 436 of the laws of 1997, which amended § 350-j of the SSL concerning the types of care that EAF can pay for, eliminating the maximum time period for EAF eligibility, and setting forth other EAF eligibility requirements.

Legal basis: SSL §§ 20(3)(d), 34(3)(f), and 350-j; § 38 of Part B of Chapter 436 of the Laws of 1997.

L. TDA-47-98-00002 Tier II Family Shelters

Amended Part 900 of Title 18 NYCRR to conform the regulations governing the operation of shelters for homeless families to § 352.35 of Title 18 NYCRR.

Analysis of the need for the rule: The amendments were developed to update Part 900 of Title 18 of the NYCRR to conform to the regulations governing the provision of temporary housing assistance to persons that are homeless as set forth in 18 NYCRR § 352.35.

Legal basis: SSL §§ 20(3)(d) and 34(3)(f); Chapter 562 of the Laws of 1953.

#### M. TDA-52-98-00007 Lottery Intercept

Added Part 396 to Title 18 NYCRR concerning the interception of lottery awards to repay public assistance received.

Analysis of the need for the rule: The amendment was developed to implement provisions of § 131-r of the SSL which authorized OTDA to recoup any public assistance paid over the prior 10 years from recipients of such assistance who won lottery prizes of \$600 or more. The amount of assistance to be recovered could not exceed 50% of the lottery prize.

Legal basis: SSL §§ 20(3)(d), 34(3)(f), and 131-r.

#### N. TDA-07-99-00002 Child Assistance Program (CAP) Participants

Amended § 366.4(c)(2)(ii) and added § 366.7(o) to clarify the eligibility requirements for a family in receipt of Family Assistance (FA) to participate in the CAP and to add the repair of heating equipment, cooking stoves, and refrigerators to the list of special allowances to which CAP recipients could be entitled.

Analysis of the need for the rule: The amendments were developed to conform the State regulation to current practices by SSDs relative to the eligibility prerequisites that must be met by a family receiving FA to enroll in the CAP, and to remedy an administrative oversight in the original Part 366 of Title 18 NYCRR which did not include the repair of heating equipment, cooking stoves, and refrigerators on the list of special allowances.

Legal basis: SSL §§ 20(3)(d), 34(3)(f), 131-z, and 355(3).

#### O. TDA-10-99-00001 Supervisory Review\*

Amended § 351.7 of Title 18 NYCRR to provide SSDs the option of conducting supervisory reviews on all actions on public assistance cases or of conducting supervisory reviews on selected cases.

Analysis of the need for the rule: The amendment was developed to give SSDs the option to forego supervisory review of applications for public assistance. There are cases in which strict guidelines can be applied to such applications and no discretion is involved, thereby reducing the need for a supervisor's review. If SSDs wished to review only a certain proportion of the cases, they could submit a plan to OTDA for approval setting forth requirements for supervisory review.

Legal basis: SSL §§ 20(3)(d) and 34(3)(f).

P. TDA-14-99-00014 Reporting Requirements\*

Amended Part 651 of Title 18 NYCRR to implement § 149 of Part B of Chapter 436 of the Laws of 1997, which required that OTDA and the Department of Labor (DOL) collect data related to the operation of public assistance programs, including, but not limited to, information that must be submitted to the federal Department of Health and Human Services pursuant to Public Law 104-193.

Analysis of the need for the rule: The rule sets forth the SSDs' requirements for monthly reporting to OTDA and DOL.

Legal basis: SSL §§ 20(3)(d) and 34(3)(f); § 149 of Part B of Chapter 436 of the Laws of 1997.

Q. TDA-40-99-00001 Allowances to Children Suffering from Spina Bifida\*

Amended §§ 352.22(c), (f), (w), (x), and (y), and added § 352.22(bb) to Title 18 NYCRR to implement the provisions of Public Law 104-204, which provided that allowances paid on behalf of the natural children of Vietnam veterans who suffered from spina bifida could not be considered when determining eligibility for any federally-financed program.

Analysis of the need for the rule: These amendments implemented provisions of Chapter 18 of Part II of Title 38 of the U.S.C., as added by Public Law 104-204, and made technical corrections to several provisions of 18 NYCRR § 352.22 consistent with Public Law 104-193 and Chapter 436 of the Laws of 1997.

Legal basis: SSL §§ 20(3)(d), 34(3)(f), 131(1), 131-n, and 355(3).

As of March 4, 2014, OTDA had not received substantive comments regarding its Rule Review published in the New York State Register on January 8, 2014.

OTDA is considering amendments that may impact the regulatory changes that were adopted in 2009, 2004, and 1999. OTDA is considering the following regulatory amendments: amend regulations to update Part 385 of Title 18 NYCRR to implement changes to participation rate regulations to conform to amendments to the SSL which require SSDs to expand the countable work activities available to Safety Net Assistance (SNA) participants without children to include community service programs, the provision of child care services to an individual participating in community service and time-limited vocational education training, job search and job readiness assistance; amend regulations to update Part 352 of Title 18 NYCRR to reflect that public assistance recipients are allowed to exempt up to \$1,400 in a separate bank account for the sole purpose of paying tuition at two-year or four-year accredited post-secondary educational institutions; amend regulations to update Part 352 of Title 18 NYCRR to address support payments, noncountable income and resources, and estimates of need and application of income, and to update schedules for the standard of monthly need for determining eligibility for all categories of public assistance consistent with SSL § 131-a; update Part

349 of Title 18 NYCRR regarding persons who are permanently residing in the United States under the color of law (PRUCOL); amend regulations to update Part 347 of Title 18 NYCRR pertaining to the modification of child support orders and the calculation of basic child support obligations and repeal the child support standards chart, and promulgate regulations for establishing and enforcing medical support obligations; and amend regulations to update Part 346 of 18 NYCRR to address process changes to lottery intercept provisions. At this time, OTDA has determined that no additional modifications need to be made to its regulations adopted in 2009, 2004, and 1999, as amended.

OTDA has determined that in the ensuing calendar year, it should review its regulations from Title 18 NYCRR adopted in 2010, 2005, and 2000. These regulations from 2010, 2005, and 2000, 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 3, 2015.

#### Rules adopted in 2010

##### 1. TDA-14-09-00009 SNA Application Supplement\*

Repealed § 350.4(a)(7) and amended § 350.4(b) and (c)(1) of Title 18 NYCRR to eliminate the requirement that public assistance recipients complete an SNA application supplement to transition from federally-funded assistance to SNA when they reach the State 60-month time limit for federally-funded assistance.

Analysis of the need for the rule: The amendment eliminates an unnecessary administrative burden to both SSDs and recipients alike, since safeguards that are more efficient and effective are in place to ensure SNA eligibility. The eliminated requirement duplicated these already existing safeguards.

Legal basis: SSL §§ 20(3)(d), 34(3)(f), 131(1), and 158(1)(a).

##### 2. TDA-28-09-00006 Temporary Housing Assistance for Certain Sex Offenders\*

Implemented Chapter 568 of the Laws of 2008 concerning factors that SSDs must consider when making determinations about the locations of temporary housing for level two and level three sex offenders, when advanced notice has been received.

Analysis of the need for the rule: When assessing housing placements for certain sex offenders, consideration of the individual's immediate housing needs and such factors as concentrations of registered sex offenders and the proximity of available housing to entities with vulnerable populations are intended to protect the public. Additionally, consideration of other factors, such as the accessibility to family members, friends, or other supportive services, including available sex offender treatment programs, is

intended to prevent recidivism by providing sex offenders with suitable housing and support. Through its implementation of Chapter 568 of the Laws of 2008, the amendment was designed to balance the safety interests of the public, the statutory obligations of SSDs in meeting the immediate needs of individuals, and the unique housing needs of sex offenders.

Statutory basis: SSL §§ 20(3)(d), (8), 34(3)(f), and 131(1); Chapter 568 of the Laws of 2008.

### 3. TDA-19-10-00010 Utility Repayment Agreements\*

Amended § 352.5(e) of Title 18 NYCRR by extending the repayment term of utility repayment agreements from one year to two years to meet the requirements of Chapter 318 of the Laws of 2009.

Analysis of the need for the rule: In addition to rendering the regulations compliant with statutory requirements, the regulatory amendments benefit low-income households which must sign repayment agreements by reducing their monthly repayment amounts, thereby making them more affordable. The amendments also help low-income families remain current on their utility repayment agreements and better enable them to meet their other monthly financial obligations. In addition, by improving the ability of low-income households to comply with the terms of their repayment agreements, the regulatory amendments reduce the need for SSDs to utilize costly temporary housing options.

Statutory basis: SSL §§ 20(3)(d), 34(3)(f), 131(1), and 131-s(1); Chapter 318 of the Laws of 2009.

### Rules adopted in 2005

### 4. TDA-06-04-00006 Operational Plans for Room and Board Facilities\*

Amended 18 NYCRR §§ 352.8 (b) (1) and 900.1 (a), added 18 NYCRR § 352.8 (b) (2), and renumbered paragraphs of 18 NYCRR § 352.8 (b) to require an operational plan to be submitted under certain circumstances for facilities that provide room and/or board.

Analysis of the need for the rule: These amendments were developed to improve the quality and availability of temporary housing by making Part 900 standards and reimbursement available to scattered site housing and small facilities when they were operated by one organization and total occupancy exceeded 19 families.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), and 131(1); Chapter 562 of the Laws of 1953.

5. TDA-17-04-00001 Temporary Absences\*

Amended 18 NYCRR § 349.4 (a) and repealed 18 NYCRR § 352.3 (c) to allow all public assistance recipients who are temporarily absent from their homes to be treated the same.

Analysis of the need for the rule: These amendments were developed to make it easier for SSDs to determine which public assistance recipients, who were temporarily absent from the district of residence, continue to be eligible for assistance.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 131-a(1), 158, 349, and 355 (3).

6. TDA-46-04-00006 Income Standards for Eligibility for Emergency Assistance for Needy Families with Children\*

Amended 18 NYCRR § 372.2(a) to establish an objective income standard that would be used by SSDs when determining eligibility for emergency assistance for needy families with children.

Analysis of the need for the rule: This rule was developed to make OTDA's regulations consistent with the terms of the State Plan submitted to the Department of Health and Human Services for the Temporary Assistance for Needy Families (TANF) Program.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 131(1), 350-j, and 355(3).

7. TDA-02-05-00001 Families in Transition Act\*

Added 18 NYCRR § 351.20(c) to implement Chapter 477 of the Laws of 2000 to permit the continuation of public assistance eligibility for a child whose adult relative caretaker has died until arrangements are completed for the addition of the child to another public assistance household, reclassification of the case, foster care for the child, or other appropriate financial support for the child.

Analysis of the need for the rule: This rule was developed to ensure that a lapse in assistance did not occur upon the death of the adult relative caretaker of a child in receipt of public assistance. A lapse in financial support can be highly injurious to a child undergoing the difficult transition to a new family or, eventually, to foster care. The amendments ensured that orphaned public assistance recipients would receive the correct amount of assistance and that these children will not be left without financial support.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 131(1), 131-a(13), and 355(3); Chapter 477 of the Laws of 2000.

8. TDA-21-05-00002 Section 8 Housing Vouchers\*

Amended 18 NYCRR §§ 350.3(d)(2)(i), 352.5(b), (f)(2), and (5)(i), and added 18 NYCRR § 352.3(d)(2)(ii) to establish a reasonable shelter schedule for persons and families receiving public assistance and rent subsidies under the Section 8 Voucher Program.

Analysis of the need for the rule: This rule was developed to provide a measure of uniformity and to insure that participants in the Section 8 Voucher Program would not receive a lower subsidy than other families based solely upon the participant families' receipt of public assistance.

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

#### 9. TDA-40-05-00021 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 §§ 20(3)(d), 34(3)(f), 111-a, and 111-i (2).

#### Rules adopted in 2000

#### 10. TDA-39-99-00002 Fair Hearings for Employment Related Cases\*

Amended 18 NYCRR §§ 358-2.9, 358-2.15, 358-3.1, 358-3.3, 358-3.5, 358-3.6, 358-4.1, 358-4.2, 358-5.9, 358-6.1, and 358-6.3 to conform State regulations concerning fair hearings for employment related cases to regulations of the New York State Department of Labor (DOL).

Analysis of the need for the rule: At the time, this rule was developed to reflect the transfer of the administration of employment programs from the New York State Department of Social Services to the DOL.

Legal basis for the rule: SSL §§ 20(3)(d), 22, 34(3)(f), and 337

It is noted that responsibility for the administration of employment programs has since been transferred from the DOL to OTDA. Title 18 NYCRR reflects this subsequent transfer.

#### 11. TDA-39-99-00003 Home Energy Assistance Program (HEAP)

Amended 18 NYCRR §§ 393.4(c), 393.4(d)(1)(ix), and 393.5(a) and (c) to require applicants for emergency HEAP benefits to use available liquid resources to meet an energy emergency and to remove a detailed list of criteria for the HEAP payment matrix.

Analysis of the need for the rule: The amendments were developed to reflect the existing HEAP program requirements and to help reduce the State's HEAP administrative costs,

thereby increasing the amount of the HEAP grant that could be used to provide energy assistance to needy individuals.

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

#### 12. TDA-03-00-00005 Public Assistance\*

Amended 18 NYCRR § 352.31(a) and (d) to give guidance to SSDs with respect to counting the number of months a person has been in receipt of public assistance in circumstances where a person received public assistance during a time period that he or she was ineligible for the assistance, and the monies were subsequently recovered.

Analysis of the need for the rule: The amendments were developed to clarify State policy and ensure that the time limits for determining public assistance eligibility were applied correctly and consistently.

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

#### 13. TDA-09-00-00005 Front End Detection System

Amended 18 NYCRR § 348.7(c)(1)(i)(a) to clarify when an applicant for public assistance must be referred to a front end detection system unit.

Analysis of the need for the rule: This rule was developed to provide for a more thorough review of the applicant's financial situation. This amendment sought to address the question of why a person was applying for public assistance when the person's financial obligations were current and there appeared to be no changes in the person's circumstances.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), and 134(b)

#### 14. TDA-09-00-00006 State Charges

Repealed 18 NYCRR Part 310 and amended 18 NYCRR §§ 313.1, 313.2, 603.1 and 620.3 to eliminate the concept of State charges, except under certain circumstances.

Analysis of the need for the rule: This rule was developed to render OTDA's regulations consistent with the requirements of the SSL, as amended by Chapter 81 of the Laws of 1995; that Chapter was implemented in State Fiscal Year 1995/96 and repealed the "State charge" category in most situations.

Legal basis for the rule: SSL §§ 20(3)(d) and 34(3)(f); §§ 155-159 and 195-199 of Chapter 81 of the Laws of 1995.

15. TDA-22-00-00001 Automobile Exemption\*

Amended 18 NYCRR § 352.23 (b) (2) to implement Chapter 389 of the Laws of 1999 concerning the value of an automobile that can be exempted and disregarded when determining eligibility for public assistance.

Analysis of the need for the rule: This rule was developed to reflect the provisions of Chapter 389 of the Laws of 1999, which amended SSL § 131-n to provide that if an automobile is needed to enable a public assistance recipient to seek or retain employment or to travel to or from work activities, its exempted value can be up to twice the value of an automobile that can be exempted from consideration in determining eligibility for food stamp benefits, now known as “SNAP” benefits, or a higher amount as determined by the SSD.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), and 131-n (1); Chapter 389 of the Laws of 1999.

16. TDA-22-00-00002 HEAP\*

Added 18 NYCRR § 393.4(c)(4) and amended 18 NYCRR § 393.4(d)(1)(i) to conform State regulations to federal requirements concerning which households were eligible for HEAP benefits.

Analysis of the need for the rule: These amendments were developed to conform State regulations to federal requirements governing which households were eligible for regular HEAP benefits. The federal requirements provided that, in order to be eligible for HEAP, an applicant must be a United States citizen, a national, or a qualified alien.

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

17. TDA-28-00-00001 Emergency Shelter Allowances

Repealed 18 NYCRR § 397.11 to eliminate an unnecessary section of Title 18 NYCRR concerning emergency shelter allowances.

Analysis of the need for the rule: The purpose of the repeal of 18 NYCRR § 397.11 was to eliminate provisions that were also contained in 18 NYCRR § 352.3(k).

Legal basis for the rule: SSL §§ 20(3)(d) and 34(3)(f); Chapter 53 of the Laws of 1988 and subsequently enacted budgets.

\* 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/>.

Any comments should be submitted to: Richard P. Rhodes, Jr., Office of Temporary and Disability Assistance, 40 N. Pearl St., 16th Fl., Albany, NY 12243, (518) 486-7503, e-mail: [Richard.rhodesjr@OTDA.ny.gov](mailto:Richard.rhodesjr@OTDA.ny.gov).