

**DATE:** January 5, 2016

**TO:** Subscribers

**SUGGESTED DISTRIBUTION:** Commissioners, TA Directors, SNAP Directors, MA Directors, Staff Development Coordinators, Financial Directors, Adult Services Directors, Employment Coordinators

**FROM:** Phyllis D. Morris, Deputy Commissioner  
Center for Employment and Economic Supports

**SUBJECT:** New Fair Hearing Notice Language – Availability of Policy Materials

**EFFECTIVE DATE:** Immediately

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### **Background**

This is to advise you regarding the addition of a new paragraph to Client Notice System (CNS) issued notices concerning the availability of policy materials for programs supervised by the New York State Office of Temporary and Disability Assistance (OTDA). The new paragraph, provided immediately below, is entitled “AVAILABILITY OF POLICY MATERIALS” and is located in the “CONFERENCE AND FAIR HEARING SECTION” of notices including fair hearing rights directly above the “CONFERENCE” paragraph.

### **“AVAILABILITY OF POLICY MATERIALS**

*The Office of Temporary and Disability Assistance (OTDA) policy issuances and manuals are posted on the OTDA website at [otda.ny.gov/legal](http://otda.ny.gov/legal). These issuances and manuals are available to you or your representative to determine whether a fair hearing should be requested or to prepare for a fair hearing. In addition, upon request to your local social services district, specific OTDA policy issuances and manuals will also be available to assist you or your representative.”*

This paragraph has been added to remind social services districts of the current requirement set forth in Department regulations at 18 NYCRR 300.5(b) to make available program manuals and public issuances. Specifically, 18 NYCRR 300.5 (b) provides as follows:

“(b) Upon, request, specific policy materials shall be made available for an applicant, recipient or his representative to determine whether a fair hearing should be requested or to prepare for a fair hearing.”

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## **Program Implications**

As noted above, the new CNS language is based upon current state regulations and advises that OTDA policy issuances and manuals are posted on the OTDA website. It further provides that, “upon request to your local social services district, specific OTDA policy issuances and manuals will also be available...” While OTDA recognizes that all OTDA policy issuances and manuals are available on our website, districts are reminded that they must also make specific policy issuances and manuals available if requested by an applicant, recipient or their representative in order to determine whether a fair hearing should be requested or to prepare for a fair hearing. Districts may choose to satisfy this requirement in one or more of the following ways:

- 1) A district may advise the requestor that the fastest way to access the material is to log onto the OTDA website. However, if the requestor states that they want the district to make the materials available, the district may mail the issuance or manual using the United States Post Office or e-mail the material if requested to do so by the requestor;  
OR
- 2) A district may provide a time and place whereby the requestor may view the issuance or manual. This viewing may be by paper copy or at an electronic terminal. If electronic, the district should provide any necessary assistance needed to access the material.