

# REGULATORY AGENDA

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## DIVISION OF CRIMINAL JUSTICE SERVICES

Pursuant to §207 of the State Administrative Procedure Act, notice is hereby given of the following rules which were adopted by the Division of Criminal Justice Services in calendar year 1999 and which must be reviewed in calendar year 2004. Public comment on the continuation or modification of these rules is invited. Information regarding this rule may be obtained from and comments may be submitted to Mark Bonacquist, Associate Attorney, 4 Tower Place, Albany, NY 12202. Comments will be accepted for 45 days after publication of this notice.

I.D. number CJS-52-98-00006

Description of subject matter: Accreditation program for public forensic laboratories.

Need for the rule: Executive Law, §995-b(1) requires minimum standards and a program of accreditation for all forensic laboratories in New York State. This rule fulfilled that mandate.

Legal basis of the rule: Executive Law §995-b(1)

I.D. number CJS-49-98-00010

Description of subject matter: Elements of physical fitness screening.

Need for the rule: Executive Law §840(2) required rules and regulations prescribing physical fitness requirements for eligibility of persons for provisional or permanent appointment in the competitive class of the civil service as municipal police officers. This rule fulfilled that mandate.

Legal basis of the rule: Executive Law §840(2).

## OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

Pursuant to Chapter 402 of the Laws of 1994, and Chapter 635 of the Laws of 1995, the Department of Social Services was required to publish a regulatory agenda for those regulations that the Department is considering for publication in the *State Register*. Chapter 436 of the Laws of 1997 renamed the Department of Social Services as the Department of Family Assistance with two distinct offices, the Office of Temporary and Disability Assistance and the Office of Children and Family Services. Set forth below is an agenda for those regulations that the Office of Temporary and Disability Assistance is considering proposing during the first half of 2004. Chapters 402 and 635 do not preclude the Office from proposing for adoption a regulation that is not described in the agenda nor do Chapters 402 and 635 require the Office to propose for adoption a regulation described in the agenda.

### Child Support

Revise procedures for the distribution of child support collections to reflect changes in Federal requirements.

Revise the method for calculating the amount of additional deductions for income executions.

Revise the Child Support Standards Act tables to reflect the 2003 self-support reserve.

Establish criteria for closing child support cases.

### Temporary Assistance

Provide an objective income standard to be used when auditing claims-for or determining eligibility for Emergency Assistance to Needy Families with Children.

Clarifies that only an 18 year old child must verify school attendance in order to be categorically eligible for benefits under the Temporary Assistance for Needy Families program.

Expand the definition of temporary absence to cover recipients of all public assistance programs, not just federally-aided programs.

Eliminate unrealistic reimbursement rates for shelter costs in a hotel to reflect existing rates.

Implement Chapter 246 of the Laws of 2002 concerning the exemption of earned income of students.

Clarify the regulations concerning the provision of public assistance to persons who are temporarily absent from a social services district.

Clarify who must be included in the public assistance application and how financial eligibility will be determined.

Clarify that the resource limit applies to individuals 60 years of age.

Extend the deeming of an alien sponsor's income and resources to Federally funded safety net assistance.

Conform State regulations to Federal requirements concerning eligibility of qualified aliens for public assistance.

Extend finger-imaging requirements to authorized representatives and payees.

Revise the regulation concerning who must be included within a family for purposes of determining the family's eligibility to receive family assistance.

Provide consistency between the Family Assistance program and the Safety Net Assistance program concerning the treatment of loans, income and resources.

Allow the matching of finger images with the Department of Criminal Justice Services to identify clients who are fugitive felons parole/probation violators and clients who are incarcerated.

Allow State and local correctional facilities to confiscate public assistance benefits and identification cards given to or sent to inmates while they are incarcerated.

Require the budgeting of Supplemental Security Income for individuals receiving public assistance.

Provide wider flexibility to social services districts that operate a rent supplement program.

Implement changes concerning the provision of temporary housing assistance and provide safeguards to individuals and families in receipt of such assistance.

**Home Energy Assistance Program**

Reduce the resource exemption amount for heating equipment replacement.

Expand the definition of "home energy vendor" to include market aggregators.

**Food Stamps**

Conform regulations concerning in-office interviews for food stamp applicants with federal requirements.

Modify the regulations concerning income, resources and group home budgeting consistent with federal changes.

Clarify the policy regarding claims establishment and the collection process for food stamp overpayments.

Modify the food stamp standard utility allowance provisions.

Require an applicant for or recipient of food stamps to cooperate in establishing paternity and securing support as a condition of eligibility for food stamps.

Clarify the food stamp intentional program violation disqualification policy to reflect welfare reform changes.

Replace quarterly reporting requirements with semi-annual reporting.

Implement a transitional food stamp program.

Implement federal regulations concerning non-citizen eligibility and certification provisions.

**Reimbursement and Claims**

Update administrative cap section on changes to exemptions.

Amend maintenance assistance sections to reflect new program categories under Welfare Reform.

Change the child support enforcement section to eliminate provision that collections are used to reduce the program claims.

Add a section on fiscal penalties/sanctions that may be applied to social services districts resulting from Welfare Reform requirements.

Require the use by social services districts of 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.

**Homeless Housing**

Require social services districts to seek approval for reimbursement for certain shelters for homeless families.

**Hearings**

Recodify fair hearing regulations.

**Technical Amendments**

Amend 18 NYCRR to reflect the transfer of functions resulting from Chapter 436 of the Laws of 1997 that transferred certain functions of the Department of Social Services to new and existing State agencies.

Remove duplicative Emergency Assistance for Adults AIDS budgeting references.

Revise the regulations concerning eligibility for public assistance to reflect current terminology and policy.

Any questions concerning the items listed in this agenda can be referred to Ronald Speier; Office of Temporary and Disability Assistance; 40 North Pearl Street; Albany, New York 12243. Telephone: (518) 474-6573.

The regulatory agenda may be accessed on the Office of Temporary and Disability Assistance's website at [www.dfa.state.ny.us](http://www.dfa.state.ny.us).