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| LOCAL COMMISSIONERS MEMORANDUM |
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Transmittal No: 90 LCM-137

Date: August 27, 1990

Division: Commissioner's
Office

TO: Local District Commissioners

SUBJECT: Filed Regulation 620.3(c)(2)(3)
Filed Regulation 728.1, 728.2 and 728.3

ATTACHMENTS: Attachment I - 620.3(c)(2)(3)
(available on-line)
Attachment II - 728.1, 728.2 and 728.3
(available on-line)

The following changes to the Official Regulations of the State Department of Social Services have been filed for adoption with the Secretary of State.

18 NYCRR 620.3(c)(2)(3) relating to outreach service centers.

The final rule - Filed: 8/24/90 - Effective: 9/12/90.

18 NYCRR 728.1, 728.2 and 728.3 relating to equipment loan fund.

The final rule - Filed: 8/23/90 - Effective: 9/12/90.

Michael J. McNaughton
Director, Local District
Policy Communications

STATE DEPARTMENT OF SOCIAL SERVICES

ALBANY, NEW YORK

Pursuant to the provisions of Sections 20(3)(d), 34(3)(f), and 193 of the Social Services Law and Chapter 562 of the Laws of 1953, I Cesar A. Perales, Commissioner of Social Services, do hereby amend Section 620.3(c)(2) and (3) of the Official Regulations of the State Department of Social Services, being Chapter II of Title 18 NYCRR, effective upon publication of the Notice of Adoption in the State Register.

Dated: August 24, 1990

Signed: _____
Commissioner

This is to certify that this is the original of an order of the State Department of Social Services made on amending section 620.3(c)(2) and (3) of the Official Regulations of the State Department of Social Services, being Title 18 NYCRR, the express terms of which were published in the New York State Register on April 25, 1990

Dated: August 24, 1990

Signed: _____
Commissioner

Paragraph (2) of subdivision (c) of section 620.3 is amended as follows:

(2) Adult shelters, lodging houses and outreach centers.

(i) Costs of temporary care of adults in publicly operated lodging houses [or] , shelters and outreach centers operated as part of a social services district adult shelter program [shall] may be claimed pursuant to this subdivision only to the extent that they cannot be appropriately claimed against any other applicable program or activity.

(ii) For purposes of this paragraph, the term outreach center means a program operated directly by, or under contract with, a social services district which provides any of the services set forth in Part 491 of this Title which are required to be provided by shelters operated by a social services district.

Subparagraph (iii) is added to paragraph (3) of subdivision (c) of section 620.3 to read as follows:

(iii) Reimbursement is available for the costs of operating outreach centers which are operated directly by a social services district if such centers are operated with the department's prior written approval. Reimbursement is also available for the costs of operating outreach centers which have contracted with a social services district to provide services on behalf of such district if such centers are operated with the department's prior written approval.

(Deleted material [brackets], new material underlined)

STATE DEPARTMENT OF SOCIAL SERVICES

ALBANY, NEW YORK

Pursuant to the provisions of Sections 326-b(6) of the Social Services Law, I Cesar A. Perales, Commissioner of Social Services, do hereby amend Sections 728.1, 728.2 and 728.3, of the Official Regulations of the State Department of Social Services, being Chapter II of Title 18 NYCRR, effective when the Notice of Adoption is published in the New York State Register.

Dated: August 21, 1990

Signed: _____
Commissioner

This is to certify that this is the original of an order of the State Department of Social Services made on amending Sections 728.1, 728.2 and 728.3 of the Official Regulations of the State Department of Social Services, being Title 18 NYCRR, the express terms of which were published in the New York State Register on

Dated: August 21, 1990

Signed: _____
Commissioner

Subdivision (a) of section 728.1 is amended to read as follows:

(a) The Equipment Loan Fund for the disabled provides low interest loans to eligible persons with disabilities, to provide them the financial opportunity to purchase or replace essential equipment used for daily living or vocational functioning following rehabilitation. Each loan may be for any amount from \$500 to [~~\$2,000~~] \$4,000. Outstanding loans cannot be renegotiated for a larger amount, unless the loan is at least 75 percent repaid and the additional amount is to be used for upgrading equipment obtained with the loan, at the discretion of the loan committee. Repayment periods are at the option of the borrower to choose when notified by the department of the approval of the loan. However, the repayment period must be no less than two years for any loan and not more than five years for loans of \$2,500 or less; not more than six years for loans of \$2,501 to \$3,000; not more than seven years for loans of \$3,001 to \$3,500; and not more than eight years for loans of \$3,501 to \$4,000.

Subdivision (h) of section 728.2 is amended to read as follows:

(h) Essential equipment. The equipment which assists the applicant in overcoming barriers in daily living or vocational functioning, following rehabilitation, including but not limited to prostheses, ramps, wheel chairs, wheelchair van lifts, telecommunication devices for the deaf and hearing impaired, [and] devices which allow persons who are blind or

visually impaired to discern printed material and adaptive equipment to permit a disabled person to operate a motor vehicle but not to purchase or replace a motor vehicle.

Paragraph (3) of subdivision (a) and subdivisions (e), (i) and (j) of section 728.3 are amended and a new subdivision (k) is added to such section to read as follows:

(3) The application must include an original statement from the equipment supplier or vendor, containing a description of the equipment which the applicant proposes to purchase with the loan and a quote of the purchase price. All purchases must be made from suppliers or vendors eligible to conduct business in the State who are not currently disqualified from providing medical care, services or supplies under the medical assistance program.

(e) In addition to repaying the principal amount of the loan the borrower will be responsible for paying interest on any unpaid principal balance [at rates to be determined as follows:] such annual rate as the department, in consultation with the Office of the State Comptroller, finds will meet the best interests of the fund and its participants. All loans issued at an assigned interest rate will remain at the rate through the duration of the loan.

[(1) an annual rate of nine percent; or

(2) an annual rate of eight percent when the department, in consultation with the Office of the State Comptroller, determines that the average interest rates paid by 91-day bills auctioned by the Treasury of the United States

within any calendar year beginning on or after January 1, 1987 is equal to or less than an annual rate of nine percent.]

(i) A borrower will be deemed to be in default when any one payment is more than 30 days past due. When any payment is more than [15] 45 days past due, the loan administrator must send the borrower a notice stating that payment is late and should be made immediately. If the borrower does not respond to the notice within [15] 45 calendar days of its issuance, the borrower must be given written notice that (1) the loan is considered in default; (2) the borrower must be given [15] 30 days from the date of the notice to cure the default by making all past due payments; and (3) the borrower's failure to cure the default within the [15] 30-calendar day period must result in the entire loan balance becoming due and owing. The borrower must be notified in writing of the consequences of failing to repay the loan on a timely basis.

(j) In the event of the failure of the borrower to repay the loan balance due and owing, the department will seek to recover the loan balance by such legal or administrative action available to it. Persons who have defaulted on a loan are not eligible for a new loan.

(k) A new loan will not be issued to, or on behalf of, a disabled person if a previous loan made to, or on behalf of, such person remains unpaid.

(Deleted material [brackets], new material underlined)