



Office of Children and Family Services

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Sheila J. Poole
Commissioner

Informational Letter

Transmittal:	21-OCFS-INF-07
To:	Commissioners of Social Services
Issuing Division/Office:	Division of Child Care Services
Date:	August 10, 2021
Subject:	Notification of Proposed Changes to Child Care Subsidy Regulations 2021
Suggested Distribution:	Directors of Social Services Directors of Services Directors of Temporary Assistance Supervisors of Day Care Supervisors of Temporary Assistance Child Care Assistance Staff
Contact Person(s):	Maryellen DeCicco, OCFS Division of Child Care Services, 518-408-3395, Maryellen.DeCicco@ocfs.ny.gov ocfs.sm.districtsupport.subsidy@ocfs.ny.gov
Attachments:	None

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		18 NYCRR 404 and 415	§ 410-u 410-w 410-x(6)		

I. Purpose

The purpose of this Informational Letter (INF) is to inform local social services districts (districts) of proposed changes to Title 18 of the official compilation of Codes, Rules and Regulations of the State of New York (18 NYCRR) Parts 404 and 415, regarding the provision of child care services funded under the New York State Child Care Block Grant (NYSCCBG) and Title XX of the federal Social Security Act.

II. Background

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES) was signed into law. With the passage of the CARES Act, New York State received \$163.6 million in emergency relief for child care. On December 27, 2020, the Consolidated Appropriations Act, 2021, including the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA), 2021, was signed into law. With the passage of CRRSA, New York State received an additional \$468.8 million in supplemental Child Care and Development Block Grant (CCDBG) funding and emergency relief for the child care system. On March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law. ARPA included multiple types of funding to support the child care industry, including funding for CCDBG as well as funding for COVID-19-related child care relief and stabilization. This act provided New York State with an additional \$1.8 billion in total child care funding. New York State is using a portion of the available federal funding to expand child care assistance funded by NYSCCBG. The New York State budget for State Fiscal Year 2022 included funding to support these changes.

The New York State Office of Children and Family Services (OCFS) filed a Notice of Proposed Rule Making on July 20, 2021. These proposed changes will allow OCFS to implement statutory requirements pursuant to the federal Child Care and Development Block Grant Act of 2014 and the New York 2022 Fiscal Year Enacted Budget. These revisions will allow OCFS to obligate and liquidate funds allocated to NYSCCBG in accordance with timelines under the CARES Act, CRRSA, ARPA, and New York State budget appropriations.

Districts, stakeholders, as well as the public, will have the opportunity to comment on the proposed rule once it has been published in the *State Register* on August 4, 2021. The public comment period will close on October 4, 2021.

III. Program Implications

The major implications of these proposed regulatory changes include establishment of a 12-month eligibility period for child care assistance; payment to child care providers for a minimum of 24 absences per year reimbursed retroactively, as applicable, to April 1, 2020; expansion of eligibility for child care assistance; revision of which families in receipt of child care assistance are required to pay a family share; and clarification of the requirements for enrollment as a legally exempt child care provider.

An Administrative Directive (ADM) further detailing program implications, required actions, and implementation will be issued following the final adoption of the regulations.

/s/ Janice M. Molnar, Ph.D.

Issued by:

Name: Janice M. Molnar, Ph.D.

Title: Deputy Commissioner

Division/Office: Division of Child Care Services