

The following is an assessment of Public Comment related to the Notice of Proposed Rule Making to Amend Part 415 as published on May 4, 2022. This rule implements statutory requirements pursuant to the New York State Fiscal Year 2023 Enacted Budget which expanded access to child care assistance for families with incomes up to 300% of the state income standard.

Comments were received from 12 sources: Civil Service Employees Association (CSEA), New York City Administration for Children's Services (ACS), Empire State Campaign for Child Care (ESCCC), Citizen Action of New York (CANY), Committee for Hispanic Children and Families (CHCF), Day Care Council of New York (DCCNY), Early Care & Learning Council (ECLC), The Schuyler Center for Analysis and Advocacy (SCAA), United Neighborhood Houses (UNH), ECE On The Move, Adirondack Birth to Three Alliance, and Colleen Locke.

Regarding changes to the increasing eligibility from 200% to 300% of the state income standard, provided the family income does not exceed 85% of the state median income at §415.2:

CSEA, ACS, ESCCC, CANY, CHCF, DCCNY, ECLC, SCAA, and UNH expressed strong support for these regulatory amendments. It was noted that this increase stands to make tens of thousands of New York families newly eligible for child care assistance. This expansion will enable more New York families to gain access to high quality, affordable child care, and stabilize both families and providers.

The proposed changes to §415.2 will be adopted as published.

Comments outside of the scope of the Notice of Proposed Rule Making

ESCCC, CANY, CHCF, SCAA, and ECLC made the following recommendations to ensure that this expansion equitably reaches all eligible families:

1. Publicize this expanded assistance using new and creative methods. Additionally, CHCF identified that families will need to be reached in ways that are culturally and linguistically responsive and supportive towards access.

OCFS and local districts are working to publicize this and other changes to the Child Care Assistance Program. These recommendations are outside of the scope of this regulatory package. No regulatory changes to this regulatory package are needed to address this recommendation.

2. Encourage Governor Hochul to sign and swiftly implement A.1029 (Lunsford)/S.9029 (Ramos), which would permit districts to authorize families to receive child care assistance for up to 24 months between eligibility determinations.

This recommendation is outside the scope of this regulatory package. No regulatory changes to this regulatory package are needed to address this recommendation.

3. Encourage Governor Hochul to sign and swiftly implement A.7661 (Hevesi)/S.6655-A (Brisport), which would decouple child care assistance from the parent or caretaker's work hours.

This recommendation is outside the scope of this regulatory package. No regulatory changes to this regulatory package are needed to address this recommendation.

ESCCC, CANY, CHCF, SCAA, ECLC, DCCNY, UNH, and ACS recommended amendments to §415.1(o)(1)(i) and (ii) to eliminate the requirement to earn wages at a level equal to or greater than the minimum amount required under Federal and State Labor Law for the type of employment.

This recommendation is outside the scope of this regulatory package. No regulatory changes to this regulatory package are needed to address this recommendation.

ACS, ESCCC, CANY, CHCF, DCCNY, ECLC, SCAA, and UNH, Adirondack Birth to Three Alliance, ECE On The Move, and Colleen Locke, made comments regarding emergency regulatory amendments to revise market rates and the special needs market rate, including recommendations to implement automatic rate increases so that providers are not subject to burdensome bureaucratic requirements.

These comments relate to an emergency regulatory package adopted on June 1, 2022 and thus are out of the scope of this regulatory package. These comments will be assessed with other comments regarding that package. No regulatory changes to this regulatory package are needed to address these comments.