

# STATE OF NEW YORK

10486

## IN ASSEMBLY

May 27, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Weinstein)  
-- (at request of the Governor) -- read once and referred to the  
Committee on Ways and Means

AN ACT to amend chapter 53 of the laws of 2022, enacting the aid to  
localities budget, in relation to an increase in the federal poverty  
level for purposes of the child care program

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Section 1 of chapter 53 of the laws of 2022, enacting the  
2 aid to localities budget, is amended by repealing the items hereinbelow  
3 set forth in brackets and by adding to such section the other items  
4 underscored in this section.

5 DEPARTMENT OF FAMILY ASSISTANCE  
6 OFFICE OF CHILDREN AND FAMILY SERVICES

7 AID TO LOCALITIES 2022-23

8 CHILD CARE PROGRAM ..... 965,025,200  
9 -----

10 General Fund  
11 Local Assistance Account - 10000

12 Notwithstanding any inconsistent provision  
13 of law, the funds appropriated herein  
14 shall be available for transfer to the  
15 federal health and human services fund,  
16 local assistance account, federal day care  
17 account to operate and support enrollment  
18 in the child care facilitated enrollment  
19 pilot program which expand access to child  
20 care subsidies for working families who  
21 live or are employed in Manhattan, the

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD15985-01-2

1 Bronx, Brooklyn, Staten Island and Queens  
2 with income up to [~~275~~] 300 percent of the  
3 federal poverty level as provided to the  
4 Consortium for Worker Education to admin-  
5 ister and to implement a plan approved by  
6 the office of children and family  
7 services. The administrative cost, includ-  
8 ing the cost of the development of the  
9 evaluation of the pilot program shall not  
10 exceed ten percent of the funds available  
11 for the purpose. The remaining portion of  
12 the funds shall be allocated to the office  
13 of children and family services to the  
14 local social services district where the  
15 recipient families reside as determined by  
16 the project administrator based on  
17 projected need and cost of providing child  
18 care subsidies payment to working families  
19 enrolled through the pilot initiative,  
20 provided however the local social services  
21 district shall not reimburse subsidy  
22 payment in excess of the amount the subsi-  
23 dy funding appropriated herein can support  
24 and the applicable local social services  
25 district shall not be required to approve  
26 or pay for subsidies not funded herein.  
27 Child care subsidies paid on behalf of  
28 eligible families shall be reimbursed at  
29 the actual cost of care up to the applica-  
30 ble market rate for the district in which  
31 the child care is provided and in accord-  
32 ance with the fee schedule of the local  
33 social services district making the subsi-  
34 dy payment. Up to ten percent of funds  
35 available for this purpose shall be made  
36 available to the Consortium for Worker  
37 Education, or other designated administra-  
38 tor, to administer and to implement a plan  
39 approved by the office of children and  
40 family services for this pilot program.  
41 This administrator shall prepare and  
42 submit to the office of children and fami-  
43 ly services, the chairs of the senate  
44 committee on social services, the senate  
45 committee on children and families, the  
46 senate committee on labor, the chairs of  
47 the assembly committee on children and  
48 families, the assembly committee on social  
49 services, and the assembly committee on  
50 labor a report on the pilot program with  
51 recommendations. Such report shall include  
52 available information regarding the pilot  
53 program or participants in the pilot  
54 program, including but not limited to: the  
55 number of income eligible children of  
56 working parents with income greater than

200 percent but at or less than [~~275~~] 300  
percent of the federal poverty level, the  
ages of the children served by the  
program, the number of families served by  
the program who are in receipt of family  
assistance, the factors that parents  
considered when searching for child care,  
the factors that barred the families'  
access to child care assistance prior to  
their enrollment in the facilitated  
enrollment program, the number of families  
who receive a child care subsidy pursuant  
to this program who choose to use such  
subsidy for regulated child care, and the  
number of families who receive a child  
care subsidy pursuant to this program who  
choose to use such subsidy to receive  
child care services provided by a legally  
exempt provider. Such report shall be  
submitted by the program administrator, on  
or before November 1, 2022, provided that  
if such report is not received by November  
30, 2022, reimbursement for administrative  
costs shall be either reduced or withheld,  
and failure of an administrator to submit  
a timely report may jeopardize such admin-  
istrator's program from receiving funding  
in future years. The administrator for  
this pilot program shall submit bimonthly  
reports to the office of children and  
family services, the local social services  
district, the administration for chil-  
dren's services, and the legislature. Each  
bi-monthly report shall provide without  
benefit of personal identifying informa-  
tion, the pilot program's current enroll-  
ment level, amount of the child's subsidy,  
co-payment levels, and any other informa-  
tion as needed or required by the office  
of children and family services. Further,  
the office of children and family services  
shall provide technical assistance to the  
pilot program to assist with program  
administration and timely coordination of  
the bi-monthly claiming process. Notwith-  
standing any other provision of law, this  
pilot program maintained herein may be  
terminated if the administrator for such  
program mismanages such program, by engag-  
ing in actions including but not limited  
to, improper use of funds, providing for  
child care subsidies in excess of the  
amount the subsidy funding appropriated  
herein can support, and failing to submit  
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ion ..... 500,000

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2 of law, the funds appropriated herein  
3 shall be available for transfer to the  
4 federal health and human services fund,  
5 local assistance account, federal day care  
6 account to operate and support enrollment  
7 in the child care facilitated enrollment  
8 pilot program which expand access to child  
9 care subsidies for working families who  
10 live or are employed in Onondaga County  
11 with income up to [~~275~~] 300 percent of the  
12 federal poverty level as provided to the  
13 AFL-CIO Workforce Development Institute to  
14 administer and to implement a plan  
15 approved by the office of children and  
16 family services. The administrative cost,  
17 including the cost of the development of  
18 the evaluation of the pilot program shall  
19 not exceed ten percent of the funds avail-  
20 able for the purpose. The remaining  
21 portion of the funds shall be allocated to  
22 the office of children and family services  
23 to the local social services district  
24 where the recipient families reside as  
25 determined by the project administrator  
26 based on projected need and cost of  
27 providing child care subsidies payment to  
28 working families enrolled through the  
29 pilot initiative, provided however the  
30 local social service district shall not  
31 reimburse subsidy payment in excess of the  
32 amount the subsidy funding appropriated  
33 herein can support and the applicable  
34 local social services district shall not  
35 be required to approve or pay for subsi-  
36 dies not funded herein. Child care subsi-  
37 dies paid on behalf of eligible families  
38 shall be reimbursed at the actual cost of  
39 care up to the applicable market rate for  
40 the district in which the child care is  
41 provided and in accordance with the fee  
42 schedule of the local social services  
43 district making the subsidy payment. Up to  
44 ten percent of funds available for this  
45 purpose shall be made available to the  
46 AFL-CIO Workforce Development Institute,  
47 or other designated administrator, to  
48 administer and to implement a plan  
49 approved by the office of children and  
50 family services for this pilot program.  
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52 submit to the office of children and fami-  
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55 committee on children and families, the  
56 senate committee on labor, the chairs of

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12 percent of the federal poverty level, the  
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14 program, the number of families served by  
15 the program who are in receipt of family  
16 assistance, the factors that parents  
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19 access to child care assistance prior to  
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45 out benefit of personal identifying infor-  
46 mation, the pilot program's current  
47 enrollment level, amount of the child's  
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50 office of children and family services.  
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3 such program mismanages such program, by  
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5 limited to, improper use of funds, provid-  
6 ing for child care subsidies in excess of  
7 the amount the subsidy funding appropri-  
8 ated herein can support, and failing to  
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20 live or are employed in Erie County with  
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22 federal poverty level as provided to the  
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39   care subsidies for working families who  
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§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2022.