§ 153. Reimbursement and advances by the state. 1. * Expenditures made by social services districts, cities and towns for public assistance and care and its administration, other than foster care services, pursuant to this chapter and expenditures made by any Indian tribe for foster care services, preventive services, and adoption services and its administration rendered pursuant to an agreement entered into with the office of children and family services in accordance with section thirty-nine of this chapter and pursuant to this chapter, shall, if approved by the department of family assistance, be subject to reimbursement by the state, in accordance with the regulations of the department, as follows:

* NB Effective until June 30, 2027

* Expenditures made by social services districts, cities and towns for public assistance and care and its administration, pursuant to this chapter and expenditures made by any Indian tribe for foster care services, preventive services, and adoption services and its administration rendered pursuant to an agreement entered into with the department in accordance with section thirty-nine of this chapter and pursuant to this chapter, shall, if approved by the department, be subject to reimbursement by the state, in accordance with the regulations of the department, as follows:

* NB Effective June 30, 2027

There shall be paid to each such district, city or town

a. the amount of federal funds, if any, properly received or to be received on account of such expenditures;

d. fifty percentum of the amount expended for public assistance and care, after first deducting therefrom any federal funds properly received or to be received on account thereof;

e. fifty percentum of the amount expended for administration of public assistance and care, after first deducting therefrom any federal funds properly received or to be received on account thereof. The provisions of this paragraph shall not be applicable to expenditures for administration expressly provided for in paragraph f of this

subdivision;

f. the full amount expended by any district, city, town or Indian tribe for the costs, including the costs of administration of public assistance and care to eligible needy Indians and members of their families residing on any Indian reservation in this state, after first deducting therefrom any federal funds properly received or to be received on account thereof.

(g) fifty per centum of the amount expended for substance abuse services pursuant to this chapter, after first deducting therefrom any federal funds properly received or to be received on account thereof. In the event funds appropriated for such services are insufficient to provide full reimbursement of the total of the amounts claimed by all social services districts pursuant to this section then reimbursement shall be in such proportion as each claim bears to such total.

2. (a) In the event that the federal government imposes fiscal sanctions on the state because of non-compliance with federal law, regulation, or policy relating to the temporary assistance for needy families block grant, other than sanctions relating to maintenance of effort spending requirements, the commissioner shall reduce federal reimbursement to each social services district in an amount equal to the portion of such fiscal sanction that the commissioner determines is attributable to such district through review of relevant statewide and district specific data or documentation. The commissioner shall make such determination of district fault only to the extent that his or her review identifies specific district actions or inactions that resulted in the district's failure to meet the applicable federal requirement. Such reduction in federal reimbursement shall be made without state financial participation in resulting costs. To the extent that the commissioner determines that he or she is unable to identify which districts caused or contributed to such federal fiscal sanction, the commissioner, subject to the approval of the director of the budget, shall assign the reduction in federal reimbursement to all districts proportionately based on allowable district expenditures under Title IV-A of the federal social security act in the most recently completed state fiscal year, and the state shall share equally with social

services districts in the cost increases resulting from such reduction in federal reimbursement.

(b) In the event that the federal government imposes fiscal sanctions on the state because of non-compliance with federal law, regulation, or policy relating to maintenance of effort spending requirements under the federal temporary assistance to needy families block grant, the commissioner shall reduce federal reimbursement to each social services district in an amount equal to the portion of such fiscal sanction that the commissioner determines is attributable to such district through review of relevant statewide and district specific data or documentation. Cost increases resulting from such reduction in federal reimbursement shall be shared equally by the state and each affected social services district. To the extent that the commissioner determines that he or she is unable to identify which districts caused or contributed to such federal fiscal sanction, the commissioner, subject to the approval of the director of the budget, shall assign the reduction in federal reimbursement among all districts proportionately based on each district's portion of the statewide maintenance of effort spending requirement as determined by the commissioner, and the state shall share equally with social services districts in the cost increases resulting from such reduction in federal reimbursement.

(c) Notwithstanding any inconsistent provision of law, if a portion of federal reimbursement otherwise payable is not available because of application of the federal percentage limitation on administrative expenses in the federal block grant for temporary assistance for needy families program, the commissioner shall rank all social services districts in descending order based on the percentage that federally reimbursed administrative expenses in each district in the federal fiscal year bears to all total expenditures eligible for federal reimbursement under title IV-A of the federal social security act in the respective district and shall reduce reimbursement payable to the district that received the highest proportion of such federal reimbursement until such reduction equals the lesser of the shortfall in federal reimbursement or the amount which, if applied to federal administrative reimbursement received in the federal fiscal year, would equalize the proportion of such reimbursement received by such district and that received by the next highest district or districts in the

commissioner's ranking. In the event that sufficient savings are not achieved by such reduction in reimbursement to the highest ranked district, then the commissioner shall continue to reduce the amount of reimbursement for the highest and, as necessary, the sequentially ranked district or districts such that such reductions, when applied in the federal fiscal year, will equalize the proportion of federal reimbursement for administration received by all such affected districts and will equal an amount which, in aggregate, will be sufficient to fully offset but not exceed the federal reimbursement shortfall. Notwithstanding any provision of law to the contrary, reimbursement to a social services district out of state and federal funds shall not be made on administrative expenses which exceed fifteen percent of such district's total expenditures reimbursable under the temporary assistance for needy families block grant.

3. a. For the purpose of this title, expenditures for administration of public assistance and care shall include expenditures for salaries of the chief executive officers, their deputies and the employees of local welfare departments; operation, maintenance and service costs; and such other expenditures, such as equipment costs, depreciation charges, and rental values as may be approved by the department. It shall not include expenditures for capital additions or improvements, except as provided in paragraph c of this subdivision.

b. State reimbursement shall not be made for any part of the salary of a chief executive officer of a social services department, whose qualifications do not conform to those fixed by the department or of a city or town service officer; nor shall such reimbursement be made on the salary of a deputy commissioner or an employee, unless his employment is necessary for the administration of public assistance and care and his qualifications conform to those fixed by the department.

c. Notwithstanding any inconsistent provision of law, the amount expended by a social services district for the purpose of acquiring, reconstructing, rehabilitating or improving any shelter for adults shall be subject to state reimbursement in the amount of fifty percent of such expenditure, in accordance with the regulations of the department, if

such shelter is operated by: (i) a social services district directly or (ii) a social services district which has entered into a contract with a not-for-profit corporation or charitable organization otherwise established pursuant to law or a governmental entity or political subdivision thereof for the purpose of operating such a shelter; provided, however, that such capital acquisition, reconstruction, rehabilitation or improvement has the approval of the department prior to the commencement of such construction in accordance with regulations promulgated by the department.

Such reimbursement may be paid out of any moneys in the state treasury payable out of the local assistance account to the extent of the amount appropriated to the department for such purposes, and the expenditure of such amount shall constitute the complete liquidation of the state's obligation to reimburse pursuant to this section.

4. For the purpose of this title, expenditures made by social services districts, cities, towns and any Indian tribe that has entered into an agreement with the department pursuant to section thirty-nine of this chapter for the care and maintenance of neglected, abused, abandoned or destitute children who have been remanded, discharged or committed pursuant to the family court act of the state of New York shall, if approved by the department, be subject to reimbursement by the state in accordance with and to the extent authorized by the provisions of subdivision one.

5. In the event the state elects to claim and receive federal aid payments in accordance with the alternative formula authorized by the provisions of section eleven hundred eighteen of the social security act, for expenditures made under the state's approved plan for aid to dependent children, a social services district shall, notwithstanding such election, be entitled to receive as state reimbursement, in accordance with and to the extent authorized by subdivision one, for its approved monthly expenditures for aid to dependent children, the amount it would have been entitled to receive if such election had not been made, until the month the amount it would be entitled to receive as state reimbursement for its approved expenditures for such program of

assistance for such month, as a result of such election, is equal to or greater than such district would have been entitled to receive therefor if such election had not been made by the state, any inconsistent provision of law notwithstanding.

6. a. Claims for state reimbursement shall be made in such form and manner and at such times and for such periods as the department shall determine.

b. When certified by the department state reimbursement shall be paid from the state treasury upon the audit and warrant of the comptroller out of funds made available therefor.

c. When the monies allotted to the state by the federal security agency, or other authorized federal agency, for aid to dependent children for any quarter shall have been received by the department of taxation and finance, the department shall, as soon as possible, certify to the comptroller the amount to which each social services district is entitled for such quarter and such amount shall be paid out of the state treasury after audit by the comptroller to the respective social services districts.

d. The department is authorized in its discretion to make advances to public welfare districts and to cities and towns in anticipation of the state reimbursement provided for in this section.

7. Payment of state reimbursement and advances shall be made to the fiscal officer of the public welfare district or city entitled thereto pursuant to the provisions of this chapter; and in counties where home relief is a town charge, such payment as the towns therein shall be entitled to shall be made to the fiscal officer of the county for the account of and reimbursement to such towns, except in the case of a town which is a public welfare district.

8. Any inconsistent provision of the law or regulation of the department notwithstanding, state reimbursement shall not be made for any expenditure made for the duplication of any grant and allowance for

any period, except as authorized by subdivision eleven of section one hundred thirty-one of this chapter. Notwithstanding any other provision of law, social services districts are not required to provide safety net assistance to any person, otherwise eligible, if state reimbursement is not available in accordance with this subdivision.

9. Any inconsistent provision of this chapter or other law notwithstanding, any loss of federal funds assessed by the department of health, education and welfare against the state by reason of the failure of one or more social services districts to comply either with paragraph (e) of subdivision one of section three hundred fifty and paragraph (c) of subdivision four of section three hundred sixty-five-a relating to family planning services for eligible individuals or with paragraph (g) of subdivision one of section three hundred fifty relating to child health screening and resulting treatment, shall be charged to and borne by the social services districts responsible for such loss. Each such district shall bear only so much of any such loss as is attributable to its failure so to comply. The amount to be borne by a district shall be determined by applying the ratio that the number of cases in which it failed to comply with either family planning or child health screening and treatment requirements, or both, bears to the total number of cases in the state in which there were failures to comply with either such requirement, or both, as the case may be. A district shall have an opportunity to be heard before the department's final determination to impose such an assessment.

* 10. Expenditures made by a social services district for the maintenance of children with disabilities, placed by school districts, pursuant to section forty-four hundred five of the education law shall, if approved by the office of children and family services, be subject to fifty-six and eight hundred forty-eight thousandths percent reimbursement by the school district, in accordance with paragraph c of subdivision one of section forty-four hundred five of the education law, after first deducting therefrom any federal funds received or to be received on account of such expenditures, except that in the case of a student attending a state-operated school for the deaf or blind pursuant to article eighty-seven or eighty-eight of the education law who was not placed in such school by a school district such expenditures shall be

subject to fifty percent reimbursement by the school district after first deducting therefrom any federal funds received or to be received on account of such expenditures. Such expenditures shall not be subject to the limitations on state reimbursement contained in subdivision two of section one hundred fifty-three-k of this title. In the event of the failure of the school district to make the maintenance payment pursuant to the provisions of this subdivision, the state comptroller shall withhold state reimbursement to any such school district in an amount equal to the unpaid obligation for maintenance and pay over such sum to the social services district upon certification of the commissioner of the office of children and family services and the commissioner of education that such funds are overdue and owed by such school district. The commissioner of the office of children and family services, in consultation with the commissioner of education, shall promulgate regulations to implement the provisions of this subdivision.

* NB Effective until April 1, 2027

* 10. Expenditures made by a social services district for the maintenance of children with disabilities, placed by school districts, pursuant to section forty-four hundred five of the education law shall, if approved by the office of children and family services, be subject to eighteen and four hundred twenty-four thousandths percent reimbursement by the state and thirty-eight and four hundred twenty-four thousandths percent reimbursement by school districts, except for social services districts located within a city with a population of one million or more, where such expenditures shall be subject to fifty-six and eight hundred forty-eight thousandths percent reimbursement by the school district, in accordance with paragraph c of subdivision one of section forty-four hundred five of the education law, after first deducting therefrom any federal funds received or to be received on account of such expenditures, except that in the case of a student attending a state-operated school for the deaf or blind pursuant to article eighty-seven or eighty-eight of the education law who was not placed in such school by a school district such expenditures shall be subject to fifty percent reimbursement by the state after first deducting therefrom any federal funds received or to be received on account of such expenditures and there shall be no reimbursement by school districts. Such expenditures shall not be subject to the limitations on state

reimbursement contained in subdivision two of section one hundred fifty-three-k of this title. In the event of the failure of the school district to make the maintenance payment pursuant to the provisions of this subdivision, the state comptroller shall withhold state reimbursement to any such school district in an amount equal to the unpaid obligation for maintenance and pay over such sum to the social services district upon certification of the commissioner of the office of children and family services and the commissioner of education that such funds are overdue and owed by such school district. The commissioner of the office of children and family services, in consultation with the commissioner of education, shall promulgate regulations to implement the provisions of this subdivision.

* NB Effective April 1, 2027 until June 30, 2027

* 10. Expenditures made by a social services district for the maintenance of handicapped children, placed by school districts, pursuant to section forty-four hundred five of the education law shall, if approved by the department, be subject to fifty percent reimbursement by the state, after first deducting therefrom any federal funds received or to be received on account of such expenditure. Such expenditures shall not be subject to the limitations on state reimbursement contained in sections one hundred fifty-three-d or one hundred fifty-three-e of this chapter.

* NB Effective June 30, 2027

* 11. Expenditures made by a social services district for approved tuition costs pursuant to section four thousand four of the education law, after first deducting therefrom any federal funds received or to be received on account thereof, for a child placed in a child care institution by a social services district, the office of children and family services or family court shall be subject to reimbursement by the state in accordance with subdivision two of section one hundred fifty-three-k of this title and article nineteen-G of the executive law, as applicable; provided, however, that the amount that a school district reimburses the state for its expenditure for such children pursuant to section four thousand four of the education law shall be credited to each applicable social services district.

* NB Effective until June 30, 2027

* 11. Expenditures made by a social services district for approved

tuition costs of certain children pursuant to section four thousand four of the education law, after first deducting therefrom any federal funds received or to be received on account thereof, shall be subject to fifty percent reimbursement by the state; provided, however, that the amount that a school district reimburses the state for its expenditure for such children pursuant to section four thousand four of the education law shall be credited to each applicable social services district.

* NB Effective June 30, 2027

* 12. Expenditures made by a social services district for the detention in foster care facilities or certified or approved family boarding homes of a person alleged to be or adjudicated as a person in need of supervision, pursuant to article seven of the family court act, shall be subject to reimbursement by the state in accordance with the provisions of section five hundred thirty of the executive law. The care of such person shall not be required to comply with the requirements of sections four hundred nine-e and four hundred nine-f of this chapter.

* NB Effective until June 30, 2027

* 12. Expenditures made by a social services district for the detention in foster care facilities of a person alleged to be or adjudicated as a person in need of supervision, pursuant to article seven of the family court act, shall be subject to reimbursement by the state in accordance with the provisions of section five hundred thirty of the executive law. The care of such person shall not be required to comply with the requirements of sections four hundred nine-e and four hundred nine-f, nor be subject to the provisions of section one hundred fifty-three-d or three hundred ninety-eight-b of this chapter.

* NB Effective June 30, 2027

15. Notwithstanding the provisions of this section or any other law to the contrary, expenditures made by a social services district for brokers' fees, finders' fees or security deposits paid pursuant to this chapter shall be subject to twenty-five percent reimbursement, after first deducting therefrom any federal funds received or to be received on account thereof.

16. Notwithstanding any inconsistent provisions of this section, and subject to the amounts specifically appropriated therefor, social

services districts which have implemented child assistance program pursuant to section one hundred thirty-one-z of this article shall be reimbursed by the department for administrative expenses for the implementation and operation of the program as approved by the department in accordance with the following schedule after first deducting any federal reimbursement received therefor: for the fiscal year beginning April first, nineteen hundred ninety-seven, one hundred percent; for the fiscal year beginning April first, nineteen hundred ninety-eight, ninety percent; for the fiscal year beginning April first, nineteen hundred ninety-nine, eighty percent; for the fiscal year beginning April first, two thousand, seventy percent; for the fiscal year beginning April first, two thousand one, sixty percent and for each fiscal year thereafter, fifty percent.

17. From an amount specifically appropriated therefor, the commissioner of the office of temporary and disability assistance shall provide additional enhanced reimbursement for administration of income maintenance, food stamps, and employment programs to social services districts which meet the work participation rates set forth in subdivision seven of section three hundred thirty-five-b of this chapter. The amount of reimbursement available to each social services district shall be established by the commissioner of the office of temporary and disability assistance with the approval of the director of the budget. Separate amounts of reimbursement shall be available to a social services district for meeting each of the following categories: for households receiving assistance funded under the federal temporary assistance for needy families block grant program in which there is an adult or minor head of household; and for households with dependent children in which there is an adult or minor head of household and which is receiving safety net assistance and payment for which is used to meet the federally required maintenance of effort for the temporary assistance for needy families block grant. The office of temporary and disability assistance may advance reimbursement that would be available for full compliance and may recover any amounts unearned by the district by withholding any other reimbursement due from the state to the social services district.