

EMERGENCY JUSTIFICATION

The adoption of these regulations on an emergency basis is necessary to protect the health, safety and welfare of families and children receiving subsidized child care in New York State. Federal statute, section 658E(c)(4)(A) of the Child Care and Development Block Grant Act, and federal regulation, 45 CFR 98.45(a), require that the State establish payment rates for federally-funded child care subsidies that are sufficient to ensure equal access for eligible children.

The market rates that are being replaced are based on a survey conducted in 2018 and as a result, continuing to maintain the existing rates could result in subsidized families losing equal access for eligible children to child care arrangements, or being unable to find appropriate child care. This rulemaking also codifies the recent revision to Social Services Law that expands access to child care assistance by removing the work requirement for those receiving such assistance to attend a post-secondary education program.