

## Notice of Adoption

Temporary and Disability Assistance, Office of  
(SUBMITTING AGENCY)

- ☒ This adoption will amend the NYCRR.  
☐ This adoption will not amend the NYCRR.

**NOTE:** Typing and submission instructions are at the end of this form. Please be sure to COMPLETE ALL ITEMS. Incomplete forms will be cause for rejection of this notice. change in text

### 1. Action taken:

Amendments of § 352.20 of Title 18 NYCRR and amendments of Part 385 of Title 18 NYCRR

☐ "X" box if the rule was originally proposed as a consensus rule making.

### 2. Effective date of rule:

☒ Date this notice is published in the *State Register*.

☐ This is a "rate making" as defined in SAPA §102(2)(a)(ii), and, is effective as follows:

☐ Date of filing.

☐ Other date (*specify*):

☐ Other date (*specify*):

☐ \_\_\_\_\_ days after filing.

### 3. Statutory authority under which the rule was adopted:

See attached Addendum #1

### 4. Subject of the rule:

See attached Addendum #2

### 5. Purpose of the rule:

See attached Addendum #3

## 6. Terms and identification of rule :

A. I.D. No. of original notice of **proposed** or **emergency/proposed** rule making: TDA-12-24-00007 - P

B. Comparison of the proposed rule to the adopted rule (CHECK ALL THAT APPLY):

☒ No changes were made to the proposed rule.

● Text/Summary does not need to be republished in the State Register. If the last previously published RIS, RFA, RAFA or JIS remain adequate and do not require correction, SKIP ITEMS 9-12 and do NOT attach any such statements. If any of the most recently published statements were deemed inadequate or required correction, complete Item 9, 10, 11, or 12 as applicable, do NOT attach previously published statements. Be sure to complete C (if applicable), and D, as well as remaining Items 7-8 and 13-14.

☐ Nonsubstantive changes were made in [Parts, sections, subdivisions or paragraphs]:


● Text/Summary is required to be republished in the State Register. Attach the original of the text as adopted (if proposed as full text, submit full text; if proposed as a summary, submit a summary) typed in scannable format. Do not skip Items 9-12; revised statements or explanatory statements are required.

☐ Text attached.☐ Summary attached.

☐ This is a "rate making" as defined in SAPA §102(2)(a)(ii) and, pursuant to SAPA §202(7)(b), the agency elected to submit an original copy of a description of the substance. Substantial revisions were made in the following Parts, sections, subdivisions or paragraphs:


C. List the publication date and I.D. No. of any previously published notice(s) of **revised** rule making:

Publication date: \_\_\_\_\_, I.D. No. \_\_\_\_\_ -

Publication date: \_\_\_\_\_, I.D. No. \_\_\_\_\_ -

D. Signed certification of adoption and full text of the rule are attached:

☒ Signed certification of adoption (scanned pdf).☒ Full text of the rule (MS Word).

## 7. The text of the final rule and any required statements and analyses may be obtained from:

Agency contact Thomas MakelyAgency name New York State Office of Temporary and Disability AssistanceOffice address 40 North Pearl Street, 16-CAlbany, NY 12243-0001Telephone (518) 402-3966E-mail: thomas.makely@otda.ny.gov

## 8. Additional matter required by statute:

☐ Yes (include below material required by statute).☒ No additional material required by statute.

## 9. Revised Regulatory Impact Statement (RIS)

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached Revised RIS contains:

☐ The full text of the Revised RIS.☐ A summary of the Revised RIS.B. A **statement is attached** explaining why a revised RIS is not required (check one box):☐ Changes made to the last published rule do not necessitate revision to the previously published RIS.☐ This is a technical amendment exempt from SAPA §202-a.

C. ☐ A revised RIS is **not** attached because this rule is a “rate making” as defined in SAPA §102(2)(a)(ii).

☐ A revised RIS is **not** attached because this rule was proposed as a consensus rule as defined in SAPA

**10. Revised Regulatory Flexibility Analysis (RFA) for small businesses and local governments**

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached Revised RFA contains:

☐ The full text of the Revised RFA.

☐ A summary of the Revised RFA.

B. A **statement is attached** explaining why a revised RFA is not required (check one box):

☐ Changes made to the last published rule do not necessitate revision to the previously published RFA.

☐ The changes will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments. The attached statement sets forth this agency’s findings and the reason(s) upon which the findings were made, including what measures were used to determine those findings.

C. ☐ A revised RFA is **not** attached because this rule is a “rate making” as defined in SAPA §102(2)(a)(ii).

☐ A revised RFA is **not** attached because this rule was proposed as a consensus rule as defined in SAPA §102(11).

**11. Revised Rural Area Flexibility Analysis (RAFA)**

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached Revised RAFA contains:

☐ The full text of the Revised RAFA.

☐ A summary of the Revised RAFA.

B. A **statement is attached** explaining why a revised RAFA is not required (check one box):

☐ Changes made to the last published rule do not necessitate revision to the previously published RAFA.

☐ The changes will not impose any adverse impact or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. The attached statement sets forth this agency’s findings and the reason(s) upon which the findings were made, including what measures were used to determine those findings.

C. ☐ A revised RAFA is not attached because this rule is a “rate making” as defined in SAPA §102(2)(a)(ii).

☐ A revised RAFA is **not** attached because this rule was proposed as a consensus rule as defined in SAPA §102(11).

**12. Revised Job Impact Statement (JIS)**

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached Revised JIS contains:

☐ The full text of the Revised JIS.

☐ A summary of the Revised JIS.

B. A **statement is attached** explaining why a revised JIS is not required (check one box):

☐ Changes made to the last published rule do not necessitate revision to the previously published JIS.

☐ The changes will not impose a substantial impact on jobs and employment opportunities. The attached statement sets forth this agency’s findings that the rule will have a positive impact or no impact on jobs and employment opportunities; except when it is evident from the subject matter of the rule that it could only have a positive impact or no impact on jobs and employment opportunities, the statement shall include a summary of the information and methodology underlying that determination.

C. A revised JIS is **not** attached because:

☐ This rule is a “rate making” as defined in SAPA §102(2)(a)(ii).

☐ This rule was proposed by the State Comptroller or Attorney General.

**13. Assessment of Public Comment** (includes legislative comments)

(COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS):

- ☐ Attached is an assessment of public comment.  
 No particular form is required, and it need **only** include comments not addressed in any previously published assessment for this rule. However, the assessment must be based on any written comments received by the agency or any comments presented at any public hearing held by the agency about this rule (include legislative comment). It must contain a summary and an analysis of the issues raised and significant alternatives suggested, a statement of the reason(s) why any significant alternatives were not incorporated, and a description of any changes made as a result of such comments.
- ☒ An assessment is not attached because no comments were received.
- ☐ An assessment is not required because this action is for a "rate making" as defined in SAPA §102(2)(a)(ii).

**14. Referenced material** (check one box):

- ☒ No information is being incorporated by reference in this rule.
- ☐ This rule contains referenced material in the following Parts, sections, subdivisions or paragraphs:


**15. Initial Review of Rule** (SAPA §207)

(SELECT AND COMPLETE ONE)

- A. ☒ As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2027, which is no later than the 3<sup>rd</sup> year after the year in which this rule is being adopted.
- B. ☐ As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year       , which is the 4<sup>th</sup> or 5<sup>th</sup> year after the year in which this rule is being adopted. This review period, justification for proposing same, and invitation for public comment thereon, were contained in a RFA, RAFA or JIS:
- ☐ Attached is an assessment of public comment on the issue of the 4 or 5-year initial review period;  
 or
- ☐ An assessment of public comment on the 4 or 5-year initial review period is not attached because no comments were received on the issue.
- C. ☐ As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year       , which is no later than the 5<sup>th</sup> year after the year in which this rule is being adopted.
- D. ☐ Not Applicable. This is a "rate making" or a "consensus rule," or a repeal of a rule.

**AGENCY CERTIFICATION (To be completed by the person who PREPARED the notice)**

I have reviewed this form and the information submitted with it. The information contained in this notice is correct to the best of my knowledge.

I have reviewed Article 2 of SAPA and Parts 260 through 263 of 19 NYCRR, and I hereby certify that this notice complies with all applicable provisions.

Name Thomas Makely Signature /s/ Thomas Makely

Address N.Y.S.O.T.D.A., 40 North Pearl Street, 16-C, Albany, NY 12243-0001

Telephone (518) 402-3966 E-mail thomas.makely@otda.ny.gov

Date 08/20/2024

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**Please read before submitting this notice:**

1. Except for this form itself, all text must be typed in the prescribed format as described in the Department of State's *Register* procedures manual, *Rule Making in New York*.
2. Rule making notices, with any necessary attachments (in MS Word unless otherwise specified), should be e-filed via the Department of State website.

### **3. Statutory authority under which the rule was adopted:**

7 *United States Code* (USC) §§ 2013, 2015, and 2029; Title II, § 311 of the *Fiscal Responsibility Act of 2023* (Pub L 118-5, 137 US Stat 10 [118th Cong, 1st Sess, June 3, 2023], amending 7 USC § 2015[6][o][3]); Social Services Law §§ 20(3)(d), 34(3)(f), 95(1)(b), 131-a(8)(a)(xii)–(xiii), 332-b(6), 336-a(1) and 337; § 148 of Part B of Chapter 436 of the Laws of 1997; Chapter 41 of the Laws of 2012; Part Y of Chapter 54 of the Laws of 2016; Chapter 819 of the Laws of 2022; and Part X of Chapter 56 of the Laws of 2023

**4. Subject of the rule:**

Exemption of earned income and Public Assistance (PA) and Supplemental Nutrition Assistance Program (SNAP) employment program requirements updates

**5. Purpose of the rule:**

To update State regulations pertaining to exemption of earned income and PA and SNAP employment program requirements consistent with updated federal and State laws.



**Section 352.20 of Title 18 NYCRR is amended by adding new subdivisions (h)–(i) to read as follows:**

*(h) Provided that the recipient's total income is not more than two hundred percent of the federal poverty level for their household size, all of the earned income of an FA or SNA recipient that is derived from participation in the following qualified training or work activities is exempt and must be disregarded as income or resources in determining eligibility or degree of need: subsidized employment, work experience, job search, vocational education, secondary school, job skills training, educational training, job readiness training, community service and on-the-job training. Earned income from other activities may be subject to this exemption if the activity is determined to be a qualified work activity or training program by the Office of Temporary and Disability Assistance.*

*(i) Once during the lifetime of a FA or SNA recipient, all earned income from unsubsidized employment of such recipient will be disregarded in determining eligibility or degree of need following job entry, provided that such exemption shall be for no more than six consecutive months from the initial date of obtaining such unsubsidized employment and that the recipient's resulting total income shall not be more than two hundred percent of the federal poverty level for their household size. No other concurrent earned income disregards shall be applied to the income the recipient earns from the unsubsidized employment subject to this exemption during the six month period it applies.*

**Part 385 of Title 18 NYCRR is amended as follows:**

**Section 385.0 is amended to read as follows:**

This Part sets forth the provisions and requirements of public assistance and [food stamp] *Supplemental Nutrition Assistance Program (SNAP)* employment programs, including the administration of local employment plans. It also contains work requirements for public assistance and [food stamp] *SNAP* applicants and recipients and sanctions for those who fail to comply without good cause with these requirements.

**Paragraph (4) and subparagraph (i) of paragraph (8) of subdivision (d) of § 385.2 are amended to read as follows:**

(4) In evaluating the initial claim of a mental or physical impairment made by an applicant, or the continuing claim of a medical impairment made by a recipient who has been previously determined exempt from participation in work activities, the social services official may require the individual to cooperate with measures to verify such claim and/or to submit documentation as described in subparagraph (2)(i) of this subdivision as a condition of eligibility for public assistance and [food stamps] *SNAP* in accordance with the requirements of Parts 351 and 387 of this Title. Failure of such

documentation to substantiate the claimed impairment shall not itself cause the individual to be ineligible for public assistance.

(8) (i) At any time after an applicant or recipient alleges that he/she has a mental or physical impairment which would limit his/her assignment to work activities, or render him/her exempt from assignment to work activities and the social services official has reason to believe that the individual misrepresented that he/she suffered from such an impairment, the social services official shall notify the individual in writing of a potential sanction, the duration of which is consistent with the provisions of section 385.12(d)[(2)](1) of this Part.

**Paragraph (9) of subdivision (d) of § 385.2 is amended by adding a new subparagraph (vi) to read as follows:**

*(vi) provide a written determination, when issuing an opinion that differs from that of the individual's treating health care practitioner, that specifies the reason for disagreement with the determination and present evidence that supports the examiner's opinion.*

**The index for § 385.3 is amended to read as follows:**  
Sec.

385.3 Work registration, registration exemptions, and certain eligibility requirements for [food stamp] SNAP applicants and recipients.

**Subparagraphs (iii)–(iv) and (ix) of paragraph (1) of subdivision (a) of § 385.3 are amended to read as follows:**

(a) *Exemptions from [food stamp] SNAP work registration.*

(1) Each individual, including migrant/seasonal laborers, is required to register for employment at the time of application for [food stamp] SNAP benefits unless the individual is:

(iii) subject to and complying with any work requirement under title IV of the Social Security Act (SSA); provided, however, that an individual participating in a work experience program in accordance with the provisions of title IV-A of the SSA and of this Part may also be required to participate in work experience for the number of hours represented by the dollar value of the individual's [food stamp] SNAP benefit divided by the Federal or State minimum wage, whichever is higher;

(iv) a parent or household member who is responsible for the physical care of a dependent child under the age of six or of an incapacitated person; provided, however, that an individual participating in a work experience program in accordance with the provisions of title IV-A of the SSA and of this Part may also be required to participate in work experience for the

number of hours represented by the dollar value of the individual's [food stamp] *SNAP* benefit divided by the Federal or State minimum wage, whichever is higher;

(ix) an applicant for SSI and [food stamps] *SNAP* under the joint processing provisions until such time as the individual is:

**Subdivision (b) and paragraph (1) of subdivision (c) of § 385.3 are amended to read as follows:**

(b) Strikers who are eligible for [food stamps] *SNAP* under the criteria set forth in section 387.16 of this Title are subject to the employment requirements of this Part unless they are exempt under subdivision (a) of this section at the time of application.

(c) *Work registrant requirements.* Work registrants are required to:

(1) participate in [food stamp] *SNAP* employment programs assigned in accordance with the provisions of this Part if so required by the local social services district. Such programs must be established pursuant to a State [food stamp] *SNAP* employment and training plan; and

**Paragraph (1), subparagraphs (i) and (iii) of paragraph (2), and paragraph (4) of subdivision (d) of § 385.3 are amended to read as follows:**

(d) *[Food stamp] SNAP eligibility requirements for able-bodied adults without dependents (ABAWDS).*

(1) No individual may participate in the [food stamp] *SNAP* program if, for at least three months within the most recent 36-month period, he/she participated in such program and did not:

(2) Countable months. For purposes of determining the months during which an individual received [food stamp] *SNAP* benefits without meeting the requirements of paragraph (1) of this subdivision, the following calendar months shall not be considered:

(i) a calendar month during which the individual did not receive [food stamp] *SNAP* benefits for the full month;

(iii) a calendar month during which the individual received [food stamp] *SNAP* benefits from or resided in an area of the State covered by a waiver of the ABAWD requirement in accordance with section 6(o) of the Food Stamp Act.

(4) Verification of work hours. (i) An individual subject to the [food stamp] *SNAP* time limit established by paragraph (1) of this subdivision is required to verify work hours at certification and recertification if he or she is meeting the work

requirement by working, combining work and work program participation, or by participating in a program that is not operated by the social services district.

(ii) An individual subject to the [food stamp] *SNAP* time limit established by paragraph (1) of this subdivision must report changes in work/work program hours that result in the individual working less than 80 hours per month.

**Clause (b) of subparagraph (i) of paragraph (5) of subdivision (d) of § 385.3 is amended to read as follows:**

(b) is determined by the social services official to be *reasonably evident that the individual is mentally or physically* unfit for employment. Where unfitness is not evident, the social services official may require documentation from medical personnel that the social services district determines appropriate. The social services official shall have sole discretion in determining whether any documentation provided by the individual or by medical personnel is sufficient evidence of the claimed impairment; or

**Clause (a) of subparagraph (ii) of paragraph (5) of subdivision (d) of § 385.3 is amended, clause (b) is relettered clause (d) and amended, clause (c) is relettered clause (e), and new clauses (b)–(c), and (f)–(i) are added to read as follows:**

(ii) is not exempt from work registration but who is:

(a) under 18 years [or 50 years] of age [or older]; [or]

(b) *over 52 years of age (effective through September 30, 2024);*

(c) *over 54 years of age (effective October 1, 2024);*

(d) pregnant; [or]

[c] (e) a parent (birth, adoptive or step) or other adult residing in a household where a household member is under age 18[.];

(f) *a homeless individual;*

(g) *a veteran;*

(h) *an individual age 24 or younger who was in foster care on their 18th birthday;*  
or

(i) *unable to work at least 80 hours per month due to a physical or mental health limitation (medical statement or other documentation required).*

**Subparagraphs (i) and (v) of paragraph (6) of subdivision (d) of § 385.3 are amended to read as follows:**

(6) (i) An individual who is ineligible for [food stamps] *SNAP* because of the provisions of this section may establish eligibility, if otherwise eligible in accordance with the provisions of this Part, by working or participating in programs described in paragraph (1) of this subdivision within any consecutive 30-day period; provided, however, that work or participation in work programs must be performed for at least 80 hours in the 30-day period.

(v) If an individual who has reestablished eligibility under this paragraph either loses a job or ceases to participate in a work program he/she will be eligible for [food stamps] *SNAP* for up to one additional three consecutive month period in the 36-month period set forth in paragraph (1) of this subdivision, without working or participating in a work program starting on the date the individual first notifies the social services district that he/she is no longer fulfilling the work requirement; or, if meeting the work requirement by participating in a work or work experience program administered by the social services district, the date the district notifies the individual he/she is no longer meeting the work requirement.

**Subdivision (b), including paragraph (2), of § 385.4 are amended to read as follows:**

(b) [*Food stamps*] *SNAP*. The social services official shall provide, as appropriate, transportation, or reimburse the costs of transportation and provide for dependent care, or reimburse the costs of dependent care expenses for individuals participating in [food stamp] *SNAP* employment and training programs identified in local plans developed pursuant to section 385.10 of this Part.

(2) Reimbursement for dependent care shall not exceed the actual cost of care or the market rate for such care as established by section 415.9(j) of this Title. Individuals cannot be required to participate in [food stamp] *SNAP* employment and training programs if the cost of dependent care exceeds the allowable amounts, provided, however, that [food stamp] *SNAP* applicants and recipients participating in combined [food stamp] *SNAP* and public assistance employment and training activities for which the requirements of subdivision (a) of this section apply shall be required to participate if dependent care costs in excess of the maximum allowed by this paragraph are made available if appropriate and in accordance with the provisions of such subdivision.

**Subdivision (a), including subparagraph paragraph (6)(iii) of § 385.5, are amended, and a new paragraph (7) is added, to read as follows:**

(a) The social services official shall, at the time of application or redetermination for public assistance and [food stamps] *SNAP*, inform applicants and recipients of activities and supportive services provided under this Part for which they are eligible, including:

(6) in accordance with the provisions of Part 415 of this Title and of this Part:

(iii) the assistance available upon request to help individuals assigned to work activities obtain child care services[.] ; and

*(7) prenatal, infant and early childhood home visiting services, where an assessment indicates that such services would be appropriate and beneficial to the household and they are available locally.*

**Subparagraphs (vi)–(vii) of paragraph (2) of subdivision (a) of § 385.6 are amended, and a new subparagraph (viii) is added, to read as follows:**

(2) Such assessment shall include, but not be limited to, a review of the individual's:

(vi) training and vocational interests; [and]

(vii) family circumstances, including the special needs of a child[.] ; and

*(viii) eligibility for locally-available prenatal, infant and early childhood home visiting services.*

**Subdivision (a) of § 385.6 is amended by adding a new paragraph (9) to read as follows:**

*(9) Where an assessment indicates that home visiting services would be appropriate and beneficial to the recipient, and such services are available, the social services official shall encourage the recipient to participate in such services. To the extent that such participant is interested in receiving home visiting services, the social services official shall assign the participant to a work activity in accordance with paragraph (6) or (13) of subdivision (a) of section 385.9 of this Part, where such home visiting services shall count towards the individual's work requirement hours.*

**Subdivision (b) of § 385.6 is amended by adding a new paragraph (6) to read as follows:**

*(6) Participation in an educational and/or vocational training program, that includes but is not limited to, a two-year post-secondary degree program, which is necessary for the participant to attain their individual employment goal and is likely to lead to a degree or certification and sustained employment, shall be approved consistent with such individual's assessment and employability plan to the extent that such approval does not jeopardize the State's ability to comply with federal work participation rates.*

**Subdivision (b) of § 385.7 is amended by adding a new paragraph (4) to read as follows:**

*(4) Participation in an educational and/or vocational training program, that includes but is not limited to, a two-year post-secondary degree program, which is necessary for the participant to attain their individual employment goal and is likely to lead to a degree or*

*certification and sustained employment, shall be approved consistent with such individual's assessment and employability plan to the extent that such approval does not jeopardize the State's ability to comply with federal work participation rates.*

**Paragraphs (4), (6)–(7) and (13) of subdivision (a) of § 385.9 are amended to read as follows:**

(a) Social services districts may provide, and require applicants for and recipients of public assistance to participate in a variety of activities, including but not limited to the following:

(4) work experience in the public sector or non-profit sector, (including work associated with refurbishing publicly assisted housing) if sufficient private sector employment is not available as determined by the social services official. The maximum number of hours a recipient or applicant may be required to engage in this activity is limited to the number which equals the amount of assistance payable with respect to the public assistance household of such individual (inclusive of the value of [food stamps] SNAP received by the public assistance household of such individual, if any) divided by the higher of (i) the Federal minimum wage, or (ii) the State minimum wage. The limitation of the number of hours of work experience to which a participant may be assigned is a calculation of allowable hours in a work activity and does not mean that such participant is receiving a wage for the performance of such activities. The participant is not working off the grant, but is engaged in work activities as an element of his/her plan to become self-sufficient;

(6) job search and job readiness assistance, as time limited by Federal law, provided that job search is an active and continuing effort to secure employment, configured by the social services official, *provided further, such activities shall include activities with the goal of seeking or obtaining employment, or preparation to seek or obtain employment, including life-skills training, which shall include, but not be limited to, home visiting services to the recipient and their family;*

(7) community service programs provided, however, the number of hours a participant in community service activities authorized pursuant to this section may be required to work in such assignment shall not exceed a number which equals the amount of assistance payable with respect to the public assistance household of such individual (inclusive of the value of [food stamps] SNAP received by the public assistance household of such individual, if any) divided by the higher of (i) the Federal minimum wage, or (ii) the State minimum wage. No participant shall be assigned to a community service activity that conflicts with his/her bona fide religious beliefs. The definition or parameters of this activity shall be set forth in the local plan submitted by the social services district, provided that an individual needed in the home because another member of the household requires his/her presence due to a verified mental or physical

impairment shall be deemed to be engaged in community service to the extent such person is actually providing care for such member of the household. The limitation of the number of hours of community service to which a participant may be assigned is a calculation of allowable hours in a work activity and does not mean that such participant is receiving a wage for the performance of such activities. The participant is not working off the grant, but is engaged in work activities as an element of his or her plan to become self-sufficient. For purposes of calculating the participation rate, recipients who are acting as foster parents for children are deemed engaged in community service to the extent they are actually providing care for such children;

(13) job search and job readiness assistance once the individual has exceeded the six-week limit set in Federal law *in accordance with paragraph (6) of this subdivision*;

**Subparagraph (v) of paragraph (1) of subdivision (c) of § 385.9 is amended, and a new subparagraph (vi) is added, to read as follows:**

(v) [no more than a total of two years of] post-secondary education [(or the part-time equivalent, if full-time study would constitute an undue hardship)];

(a) such post-secondary education must be necessary to the attainment of the participant's employment goal, as set forth in the employability plan required pursuant to sections 385.6 and 385.7 of this Part. Such goal must relate directly to obtaining useful employment in a recognized occupation;

(b) enrollment may be in the following types of educational institutions:

(1) community colleges and two-year colleges;

(2) four-year colleges; provided, however, that the course of instruction for which an individual is enrolled is limited to a two-year degree granting program;

(3) licensed trade schools; or

(4) registered business schools.

(vi) *financial literacy instruction.*

**Subparagraph (ii) of paragraph (3) of subdivision (d) of § 385.9 is amended to read as follows:**

(ii) the number of hours an individual assigned to work experience activities authorized pursuant to this section may be required to participate in such assignment shall not



exceed a number which equals the amount of assistance payable with respect to such individual's household (inclusive of the value of [food stamps] *SNAP* received by such household, if any) divided by the higher of:

**Paragraph (1) of subdivision (a) of § 385.10 is amended to read as follows:**

(1) The plan shall describe the provision of education, work training and the supportive services which are related to the operation of work activity programs for public assistance and [food stamp] *SNAP* programs by the local district.



# Office of Temporary and Disability Assistance

KATHY HOCHUL  
Governor

BARBARA C. GUINN  
Commissioner

RAJNI CHAWLA  
Executive Deputy Commissioner

## CERTIFICATION

I hereby certify that the attached amendments of Title 18 of the *Official Compilation of Codes, Rules, and Regulations of the State of New York* amending § 352.20 and amending Part 385 thereof are duly adopted by me, Commissioner Barbara C. Guinn, on this date pursuant to authority vested in the New York State Office of Temporary and Disability Assistance (OTDA) by 7 *United States Code* (USC) §§ 2013, 2015, and 2029; Title II, § 311 of the *Fiscal Responsibility Act of 2023* (Pub L 118-5, 137 US Stat 10 [118th Cong, 1st Sess, June 3, 2023], amending 7 USC § 2015[6][o][3]); Social Services Law §§ 20(3)(d), 34(3)(f), 95(1)(b), 131-a(8)(a)(xii)–(xiii), 332-b(6), 336-a(1) and 337; § 148 of Part B of Chapter 436 of the Laws of 1997; Chapter 41 of the Laws of 2012; Part Y of Chapter 54 of the Laws of 2016; Chapter 819 of the Laws of 2022; and Part X of Chapter 56 of the Laws of 2023.

These regulatory amendments shall be effective upon publication of the Notice of Adoption in the *New York State Register*.

The Notice of Proposed Rule Making for these regulatory amendments was previously published in the *New York State Register* on March 20, 2024, under I.D. No. TDA-12-24-00007-P.

No other publication of prior notice is required by statute.

/s/ Barbara C. Guinn  
Barbara C. Guinn  
Commissioner

August 19, 2024  
Date