

## **NOTICE OF ADOPTION OF RULE**

NOTICE IS HEREBY GIVEN THAT PURSUANT TO THE AUTHORITY VESTED IN THE COMMISSIONER OF THE NEW YORK CITY HUMAN RESOURCES ADMINISTRATION (“HRA”) by section 141 of the New York Social Services Law and sections 603 and 1043 of the New York City Charter, HRA hereby adopts the following rule amending Chapter 13 of Title 68 of the Official Compilation of the Rules of the City of New York.

A proposed rule was published on October 21, 2020. A public hearing was held on November 20, 2020. Two comments were received, both in support of the rule.

### **Statement of Basis and Purpose of Rule**

In May 2020, the Commissioner of the New York City Department of Social Services / Human Resources Administration (DSS/HRA) modified the burial allowance program via a temporary emergency rule that among other things, increased the amount of funeral expenses that would be covered for low-income fatalities of the COVID-19 pandemic. Many of the provisions of the emergency rule were made permanent by a final rule that took effect on August 31, 2020.

Currently, State law only provides for partial reimbursement of burial allowances up to \$900. In other words, burial allowances of \$900 or less are partially reimbursable by the State, but any amounts paid by local social services districts above \$900 come entirely out of local funds. The emergency rule, which remained in effect for 120 days, increased the available burial allowance from \$900 to \$1700. The final rule extended the increased allowance, making it available for applications received by DSS/HRA through December 31, 2020.

HRA now amends Chapter 13 of Title 68 of the Rules of the City of New York to make the \$1700 allowance available for applications received through June 30, 2021, while the City continues to seek a legislative change that would provide for additional reimbursement from

the State. Whether there is a legislative change may affect the amounts that the City determines to be practicable in the future.

As is currently the case, the burial allowance will continue to be available to cover funeral, burial and cremation expenses.

DSS/HRA's authority for this rule may be found in section 141 of the New York Social Services Law and sections 603 and 1043 of the New York City Charter.

New text is underlined.

Deleted text is [bracketed].

### **Text of Rule**

Chapter 13 of Title 68 of the Rules of the City of New York is hereby amended as follows:

**Section one. Section 13-02 of Title 68 of the Rules of the City of New York is amended to read as follows:**

#### **13-02. Temporary Increase in Burial Allowance**

Notwithstanding any provision of chapter 2 of this title to the contrary, for applications submitted on or before [December 31, 2020] June 30, 2021, the allowance for burial expenses described in chapter 2 that are payable by DSS/HRA is \$1,700. This allowance can be used towards burial expenses, as defined in chapter 2, including the costs set forth in paragraphs (1) and (2) of subdivision (a) of section 13-01 of this chapter that are disregarded in determining the cap set forth in such subdivision.