

NEW YORK CITY HUMAN RESOURCES ADMINISTRATION

Notice of Public Hearing and Opportunity to Comment on Proposed Rule

What are we proposing? In May, the New York City Human Resources Administration (HRA) issued an emergency rule increasing the HRA burial allowance to \$1700 and making other changes to the burial claims process. A few months later, HRA extended the \$1700 allowance through the end of the calendar year and made the other provisions of the emergency rule permanent. HRA now proposes extending the \$1700 allowance through the end of the City's fiscal year (June 30, 2021).

When and where is the hearing? The New York City Human Resources Administration will hold a public hearing on the proposed rule. Due to COVID-19, the public hearing will take place remotely via Zoom on November 20 at 11:00AM. Those wishing to attend the hearing may join by:

Zoom (video and audio):

<https://us02web.zoom.us/j/86486071170>

Or go to www.zoom.us, click on "join a meeting" and enter meeting ID 864 8607 1170

Phone (audio only):

646 876 9923

Meeting ID: 864 8607 1170

How do I comment on the proposed rules? Anyone can comment on the proposed rule by:

- **Website.** You can submit comments to HRA through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to NYCRules@hra.nyc.gov. Please include "Burials" in the subject line.
- **Mail.** You can mail comments to:

HRA Rules
c/o Office of Legal Affairs
150 Greenwich Street, 38th Floor
New York, NY 10007

Please make clear that you are commenting on the Burial Claims rule.

- **Fax.** You can fax comments to 917-639-0413. Please include “Burials” in the subject line.
- **By speaking at the hearing.** You may sign up to speak at the hearing by calling 929-221-7220 or emailing NYCRules@hra.nyc.gov on or before November 19. Speakers will be called in the order that they signed up and will be able to speak for up to three minutes.

Is there a deadline to submit comments? The deadline to submit comments is midnight on November 20. Comments, including those sent by mail, must be received by HRA on or before November 20.

What if I need assistance to participate in the hearing? You must tell us if you need language interpretation services or a reasonable accommodation to participate in the hearing. You can tell us by email at NYCRules@HRA.nyc.gov. You may also tell us by telephone at 929-221-7220. Advance notice is requested to allow sufficient time to make arrangements. Please tell us by November 13.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. Shortly after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public on HRA’s website.

What authorizes HRA to make this rule? Sections 603 and 1043 of the City Charter and Section 141 of the New York Social Services Law authorize HRA to make this proposed rule.

Where can I find HRA’s rules? HRA’s rules are in title 68 of the Rules of the City of New York.

Was the proposed rule included in HRA’S regulatory agenda? This rule was not contemplated when HRA issued its most recent regulatory agenda.

What laws govern the rulemaking process? HRA must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

In May 2020, the Commissioner of the New York City Department of Social Services / Human Resources Administration (DSS/HRA) amended 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 proposes amending 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 Proposed 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.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Extension of Augmented Burial Allowance

REFERENCE NUMBER: 2020 RG 089

RULEMAKING AGENCY: Human Resources Administration

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: October 13, 2020

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Extension of Augmented Burial Allowance

REFERENCE NUMBER: HRA-28

RULEMAKING AGENCY: Human Resources Administration

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

October 13, 2020
Date