

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 April 8, 2021. A public hearing was held on May 10, 2021. The agency received one comment, which was 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 New Yorkers who died during 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. HRA thereafter extended the increased allowance twice via subsequent rulemaking, first for applications received on or before December 31, 2020 and then for applications received on or before June 30, 2021.

Given the continued need for additional funds to be made available to meet the funeral needs of low-income New Yorkers, HRA now amends Chapter 13 of Title 68 of the Rules of the City of New York to make the \$1700 allowance a permanent feature of the program.

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.

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 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.