

NEW YORK CITY HUMAN RESOURCES ADMINISTRATION

Notice of Public Hearing and Opportunity to Comment on Proposed Rule

What are we proposing? HRA proposes making its increased burial allowance of \$1700 permanent. Without this rulemaking, the \$1700 allowance would expire on June 30, 2021 and revert back to its pre-COVID level of \$900.

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 May 10, 2021 at 10AM. Those wishing to attend the hearing may join by:

Zoom (video and audio):

<https://us02web.zoom.us/j/81765612347>

Or go to www.zoom.us, click on “join a meeting” and enter meeting ID 817 6561 2347.

Phone (audio only):

646-876-9923

Meeting ID: 817 6561 2347

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 April 26. 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 May 10, 2021. Comments, including those sent by mail, must be received by HRA on or before May 10.

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 April 26.

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) 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 proposes to amend 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.

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 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: 2021 RG 021

RULEMAKING AGENCY: Department of Social Services

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: March 29, 2021

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-29

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

March 29, 2021

Date