

General Provisions Concerning State Aid Eligibility

Effective date: 3/16/16

Pursuant to the authority vested in the Commissioner of Health by Section 619 of the Public Health Law, Subpart 40-2 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended, to be effective upon publication of a Notice of Adoption in the New York State Register, to read as follows:

Section 40-2.1 is amended by adding a new subdivision (c), as follows:

(c) The following costs related to the facility space used by the local health department are eligible for State Aid:

- (1) Rent paid to a person, a private entity, or a public entity other than the municipality that operates the local health department.
- (2) For space owned by the municipality that operates the local health department, the cost of maintenance of space in lieu of rent (MILOR).

Notice of Consensus Rulemaking

Statutory Authority:

The Commissioner of Health is authorized by Section 619 of the Public Health Law (PHL) to promulgate rules and regulations to effectuate the provisions and purposes of the State Aid program.

Basis:

The proposed amendment to Subpart 40-2 will clarify that rent and maintenance of space in lieu of rent (MILOR) remain eligible for State Aid.

The former 10 NYCRR 40-1.52 (g) and (h) explicitly provided that rent and MILOR were eligible for State Aid. However, the substance of these former provisions was inadvertently omitted when the Department repealed Subpart 40-2 and issued completely revised State Aid regulations, effective December 31, 2014. It was the Department's intent that rent and MILOR remain eligible for State Aid under the revised regulations.

Several local health departments have requested reinstatement of the former provisions. Accordingly, the Department does not anticipate any objection to this clarifying amendment.

Job Impact Statement

No job impact statement is required pursuant to section 201-a(2)(a) of the State Administrative Procedures Act. It is apparent, from the nature of the proposed amendment, that it will not have a substantial adverse impact on jobs and employment opportunities.

ASSESSMENT OF PUBLIC COMMENT

During the public comment period ending February 8, 2016, the Department received comments from the New York State Association of County Health Officials (NYSACHO) and the S2AY Rural Health Network, Inc., which includes the following eight local health departments: Chemung, Livingston, Ontario, Schuyler, Seneca, Steuben, Wayne and Yates.

Both comments were in support of the proposed changes. Consequently, no changes were made to the proposed regulation.