

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULEMAKING

The Acting Director of the Department of Human Services, pursuant to the authority set out in the Mayor's Reorganization Plan No. 3 of 1986, Section 3 of the District of Columbia Employees Child Care Facilities Act of 1986, effective February 24, 1997 (D.C. Law 6-169; D.C. Official Code, § 4-902), Section 2 of the Day Care Policy Amendment Act of 1998, effective April 13, 1999 (D.C. Law 12-216, § 2; D.C. Official Code, § 4-404.1), and Section 503 of the Omnibus Budget Support Act of 1995, effective September 26, 1995 (D.C. Law 11-52; D.C. Official Code, § 4-409(h) and 4-410(b)), the Day Care Policy Act of 1979 Amendment Act of 1995, effective February 17, 1995 (D.C. Law 11-2, § 2; D.C. Official Code, § 4-410 (a-1)), and Mayor's Order 98-11, dated February 9, 1998, hereby gives notice of the intent to adopt the following amendments to section 309 of Chapter 3 of Title 29 of the District of Columbia Municipal Regulations entitled "Eligibility Requirements for Subsidized Child Care." These emergency and proposed rules reduce the income eligibility level from a maximum of 250% of the federal poverty level ("FPL") rates in use since October 1, 2001 to 200% of the current 2003 FPL rates for new applicants of subsidized child care and from a maximum of 300% of the FPL rates in use since October 1, 2001 to 200% of the current 2003 FPL rates for recipients currently receiving subsidized child care.

The proposed rules amend the income eligibility level for all employed recipients and applicants of subsidized child care and the Sliding Fee Scale used to calculate the parent co-payment for subsidized child care. These rules must be adopted to enable the District to reduce the number of eligible families due to current financial challenges faced by the District of Columbia. These rules will allow the District to accomplish the objectives of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193, August 22, 1996) ("Welfare Reform Act of 1996") "Welfare to Work" initiatives and to meet the immediate needs of families who receive Temporary Assistance to Needy Families ("TANF") and those low-income working customers earning 200% or less of the FPL.

The Acting Director gives notice of intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Title 29 DCMR, Chapter 3, is amended by deleting section 309 and substituting in lieu thereof the following new section 309:

309 ELIGIBILITY CRITERIA FOR SUBSIDIZED CHILD CARE AND SCHEDULE OF PARENT FEES FOR DISTRICT OF COLUMBIA GOVERNMENT SUBSIDIZED CHILD CARE SERVICES IN CHILD DEVELOPMENT CENTERS AND CHILD DEVELOPMENT HOMES, AND BY RELATIVE AND IN-HOME CAREGIVERS

