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## **Memorandum of Support**

### **Assure Equal Access to Quality Child Care Cap Co-Payments at 20% of Income over Poverty A.3110 (Jaffee)/S.1546 (Kennedy)**

A child care subsidy provides low income parents access to quality child care that they could not otherwise afford, but it only provides meaningful access if parental co-payments are in an amount that low income families can afford. A cap of 20% of household income that exceeds the poverty level would provide equitable treatment of similarly situated low-income families across the state, and assure that New York State complies with federal law requiring that child care co-payments are affordable.

New York's current parent fee scale is determined by the following formula: the poverty level income for the household size is subtracted from overall household income. Then, each social services district (county) chooses a multiplier between 10% and 35% to apply against the balance.<sup>1</sup> The resulting number is the family's yearly co-payment amount, which is divided by 52 to determine a weekly amount. This formula means that similarly situated families pay dramatically different fees for child care, depending solely upon the county in which the family resides.

As a general rule federally funded benefits for low income families (i.e. food stamps and HEAP) treat similarly situated people in an equitable manner, by providing uniform benefit standards. We would think it grossly unfair if persons with similar circumstances received fewer food stamp dollars than others in the same financial circumstances. Child care in New York is primarily a federally funded benefit and should not be so inequitably distributed among the citizens of New York State.

Federal child care regulations require that co-payments must be "affordable." 42 CFR 9845(k)(3). The preamble to these regulations states: "...seven percent of family income" is the "benchmark for affordable child care. 81 Fed. Reg. 67467. This bill comes close to meeting that standard since it would provide that families

at 150% of poverty pay 6.7% of their gross income, and no family under 200% of poverty would be required to pay more than 10% of their gross income.

The following chart shows what a family of three at 200% of poverty (\$42,660/year) in each of the following counties pays for child care annually, and what they would pay under this proposed legislation:

<b>Cost of Child Care</b>	<b>Annually/Weekly Now</b>	<b>Under A.3110/S1546</b>
<b>Cattaraugus, Livingston, and Steuben</b>	\$2133/\$41	\$2133/\$41
<b>Oswego, Schuyler and St. Lawrence</b>	\$3200/\$60	\$3200/\$62
<b>Allegany, Cayuga, Chautauqua, Clinton, Columbia, Essex, Nassau, Niagara, Ontario, Putnam, Saratoga, Suffolk &amp; Tompkins</b>	\$4266/\$82	\$4266/\$81
<b>Albany, Broome, Chemung, Delaware, Franklin, Hamilton, Jefferson, Lewis, Madison, Oneida, Rensselaer, Rockland, Ulster, Warren , Washington and Wayne</b>	\$5195/\$111	\$4226/\$81
<b>Westchester</b>	\$5759/\$108	\$4226/\$81
<b>Dutchess and Otsego</b>	\$6399/\$123	\$4226/\$81
<b>Chenango, Cortland, Erie, Fulton, Genesee, Greene, Herkimer, Monroe, Montgomery, New York City, Niagara, Onondaga, Orange, Orleans, Seneca, Sullivan, Tioga, Wyoming and Yates</b>	\$7466/\$144	\$4226.81

(Dollar figures in the chart are rounded to the nearest whole number)

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 6/7/19

<sup>1</sup> 18 NYCRR 415.4(d)(3).

