

STATE OF NEW YORK

2232

2017-2018 Regular Sessions

IN ASSEMBLY

January 17, 2017

Introduced by M. of A. CROUCH, BLANKENBUSH, BRINDISI, GIGLIO, JENNE, MURRAY, SALADINO -- Multi-Sponsored by -- M. of A. FINCH, LUPARDO, MAGEE, PALMESANO -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to personal needs allowances

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 2-a of section 209 of the social services law,
2 as amended by chapter 450 of the laws of 1987, is amended to read as
3 follows:
4 2-a. Notwithstanding any inconsistent provision of subparagraph (ii)
5 of paragraph (d) of subdivision one of this section, an individual who
6 is receiving or is eligible to receive federal supplemental security
7 income payments and/or additional state payments and who is a resident
8 of a residential health care facility as defined by section twenty-eight
9 hundred one of the public health law, shall, in accordance with regu-
10 lations of the department, be entitled to a state payment for personal
11 needs in the amount of fifteen dollars a month, provided, however, that
12 on or after January first, nineteen hundred eighty-eight the state
13 payment for personal needs for such persons shall be in the amount of
14 [~~twenty-five~~] forty-five dollars a month; provided further that such
15 forty-five dollar amount be subject to an annual adjustment reflecting
16 the latest consumer price index (all items--U.S. city average),
17 published by the United States bureau of labor statistics, commencing
18 January first, two thousand nineteen and recalculated every January
19 first thereafter. Notwithstanding any inconsistent provision of subpar-
20 agraph (ii) of paragraph (d) of subdivision one of this section, on or
21 after January first, nineteen hundred eighty-eight, a resident of an
22 intermediate care facility operated or issued an operating certificate
23 by the office [~~of mental retardation and~~] for people with developmental

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 disabilities or a patient of a hospital operated by the office of mental
2 health as defined in subdivision ten of section 1.03 of the mental
3 hygiene law who is receiving or is eligible to receive supplemental
4 security income payments and/or additional state payments shall receive
5 a state payment for personal needs in the amount of five dollars a
6 month. The department is authorized to promulgate necessary regulations
7 to provide for the time and manner for payment of such personal allow-
8 ance to such individuals.

9 § 2. Clause (ii) of subparagraph 10 of paragraph (a) of subdivision 2
10 of section 366 of the social services law, as amended by chapter 855 of
11 the laws of 1990, is amended to read as follows:

12 (ii) A person who neither receives nor is eligible to receive federal
13 supplemental security income payments and/or additional state payments
14 is entitled to a personal needs allowance as follows:

15 (A) for the personal expenses of a resident of a residential health
16 care facility, as defined by section twenty-eight hundred one of the
17 public health law, the amount of [~~fifty~~] seventy-five dollars per month,
18 provided however, that such amount be subject to an annual adjustment
19 reflecting the latest consumer price index (all items--U.S. city aver-
20 age), published by the United States bureau of labor statistics,
21 commencing January first, two thousand nineteen and recalculated every
22 January first thereafter;

23 (B) for the personal expenses of a resident of an intermediate care
24 facility operated or licensed by the office [~~of mental retardation and~~]
25 for people with developmental disabilities or a patient of a hospital
26 operated by the office of mental health, as defined by subdivision ten
27 of section 1.03 of the mental hygiene law, the amount of thirty-five
28 dollars per month;

29 (C) for the personal expenses of a residential program for victims of
30 domestic violence in which three meals per day are provided, the amount
31 of seventy-five dollars, provided however that such amount be subject to
32 an annual adjustment reflecting the latest consumer price index (all
33 items--U.S. city average), published by the United States bureau of
34 labor statistics, commencing January first, two thousand nineteen and
35 recalculated every January first thereafter.

36 § 3. This act shall take effect on the ninetieth day after it shall
37 have become a law.