

# STATE OF NEW YORK

3093

2025-2026 Regular Sessions

## IN SENATE

January 23, 2025

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the military law, in relation to determining that disability compensation or benefits received by veterans from the United States department of veterans affairs are not to be treated as income or resources for purposes of determining eligibility for means-tested programs

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

1 Section 1. The military law is amended by adding a new section 235-b  
2 to read as follows:

3 § 235-b. Income and resources not to include United States department  
4 of veterans affairs disability compensation or benefits. 1. Notwith-  
5 standing any inconsistent provision of law, the terms "income" and  
6 "resources" for the purpose of determining eligibility for or the amount  
7 of benefits under any means-tested state or state assisted or federally  
8 assisted program including but not limited to programs of public assist-  
9 ance and care, including family assistance, safety net assistance,  
10 medical assistance, title XX of the social security act, food stamp  
11 program, the program of additional state payments to persons eligible  
12 for supplemental security income, the low income home energy assistance  
13 program and grants, loans and scholarships and other means-tested  
14 programs for educational assistance, shall not include benefits or  
15 payments received from the United States department of veterans affairs  
16 for veterans affairs disability compensation or veterans affairs disa-  
17 bility benefits. The foregoing requirements shall not apply to any  
18 means-tested federally assisted program where the exclusion of such  
19 disability benefits or payments received from income is expressly and  
20 unanimously prohibited by federal law, rule or regulation.

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

LBD06875-01-5

1 2. Notwithstanding any inconsistent provision of law, any application  
2 for any means-tested state or state assisted or federally assisted  
3 program including but not limited to programs of public assistance and  
4 care, including family assistance, safety net assistance, medical  
5 assistance, title XX of the social security act, food stamp program, the  
6 program of additional state payments to persons eligible for supple-  
7 mental security income, the low income home energy assistance program  
8 and grants, loans and scholarships and other means-tested programs for  
9 educational assistance, shall clearly and explicitly inform any appli-  
10 cant on such application that United States department of veterans  
11 affairs disability compensation and United States department of veterans  
12 affairs disability benefits are not income or resources for the purposes  
13 of determining eligibility for or the amount of benefits under any  
14 means-tested state or state assisted or federally assisted program and  
15 shall clearly direct such applicant not to include veterans affairs  
16 disability compensation or veterans affairs disability benefits as  
17 income or resources when completing such application. The foregoing  
18 requirements shall not apply to any means-tested federally assisted  
19 program where the exclusion of such disability benefits or payments  
20 received from income is expressly and unanimously prohibited by federal  
21 law, rule or regulation.

22 § 2. This act shall take effect immediately.