

STATE OF NEW YORK

4744--A

2025-2026 Regular Sessions

IN SENATE

February 12, 2025

Introduced by Sens. CLEARE, CANZONERI-FITZPATRICK, HELMING, MURRAY, SCARCELLA-SPANTON, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to increasing personal needs allowance amounts

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

1 Section 1. Subparagraph 10 of paragraph (a) of subdivision 2 of
2 section 366 of the social services law, as amended by section 3 of part
3 AAA of chapter 56 of the laws of 2022, is amended to read as follows:

4 (10) (i) A person who is receiving or is eligible to receive federal
5 supplemental security income payments and/or additional state payments
6 is entitled to a personal needs allowance as follows:

7 (A) for the personal expenses of a resident of a residential health
8 care facility, as defined by section twenty-eight hundred one of the
9 public health law, the amount of [~~fifty-five~~ two hundred dollars per
10 month, provided further that such amount be subject to an annual adjust-
11 ment reflecting the latest consumer price index, all items-U.S. city
12 average, published by the United States bureau of labor statistics,
13 commencing January first, two thousand twenty-six and recalculated every
14 January first thereafter;

15 (B) for the personal expenses of a resident of an intermediate care
16 facility operated or licensed by the office for people with develop-
17 mental disabilities or a patient of a hospital operated by the office of
18 mental health, as defined by subdivision ten of section 1.03 of the
19 mental hygiene law, the amount of [~~thirty-five~~ eighty-nine dollars per
20 month.

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

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

4 (A) for the personal expenses of a resident of a residential health
5 care facility, as defined by section twenty-eight hundred one of the
6 public health law, the amount of [~~fifty~~ two hundred dollars per month,
7 provided further that such amount be subject to an annual adjustment
8 reflecting the latest consumer price index, all items-U.S. city average,
9 published by the United States bureau of labor statistics, commencing
10 January first, two thousand twenty-six and recalculated every January
11 first thereafter;

12 (B) for the personal expenses of a resident of an intermediate care
13 facility operated or licensed by the office for people with develop-
14 mental disabilities or a patient of a hospital operated by the office of
15 mental health, as defined by subdivision ten of section 1.03 of the
16 mental hygiene law, the amount of [~~thirty-five~~ eighty-nine dollars per
17 month.

18 (iii) [~~Notwithstanding the provisions of clauses (i) and (ii) of this~~
19 ~~subparagraph, the~~ The personal needs allowance for a person who is a
20 veteran having neither a spouse nor a child, or a surviving spouse of a
21 veteran having no child, who receives a reduced pension from the federal
22 veterans administration, and who is a resident of a nursing facility, as
23 defined in section 1919 of the federal social security act, shall be
24 equal to such reduced monthly pension [~~but shall not exceed ninety~~
25 ~~dollars per month~~] plus the amounts stated in the provisions of clauses
26 (i) and (ii) of this subparagraph.

27 § 2. Subdivision 2-a of section 209 of the social services law, as
28 amended by chapter 672 of the laws of 2019, is amended to read as
29 follows:

30 2-a. Notwithstanding any inconsistent provision of subparagraph (ii)
31 of paragraph (d) of subdivision one of this section, an individual who
32 is receiving or is eligible to receive federal supplemental security
33 income payments and/or additional state payments and who is a resident
34 of a residential health care facility as defined by section twenty-eight
35 hundred one of the public health law, shall, in accordance with regu-
36 lations of the department, be entitled to a state payment for personal
37 needs in the amount of fifteen dollars a month, provided, however, that
38 on or after January first, nineteen hundred eighty-eight the state
39 payment for personal needs for such persons shall be in the amount of
40 twenty-five dollars a month[+], provided however, that on or after in
41 the amount of one hundred seventy dollars a month; provided further that
42 such amount be subject to an annual adjustment reflecting the latest
43 consumer price index (all items-U.S. city average), published by the
44 United States bureau of labor statistics, commencing January first, two
45 thousand twenty-six and recalculated every January first thereafter.

46 Notwithstanding any inconsistent provision of subparagraph (ii) of para-
47 graph (d) of subdivision one of this section, on or after January first,
48 nineteen hundred eighty-eight, a resident of an intermediate care facil-
49 ity operated or issued an operating certificate by the office for people
50 with developmental disabilities or a patient of a hospital operated by
51 the office of mental health as defined in subdivision ten of section
52 1.03 of the mental hygiene law who is receiving or is eligible to
53 receive supplemental security income payments and/or additional state
54 payments shall receive a state payment for personal needs in the amount
55 of [~~five~~ fifty-nine dollars a month. The department is authorized to

1 promulgate necessary regulations to provide for the time and manner for
2 payment of such personal allowance to such individuals.
3 § 3. This act shall take effect January 1, 2026 and shall apply to all
4 benefits and allowances issued on and after such date.