

4046

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 29, 2009

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Introduced by M. of A. CROUCH, TOWNSEND, GIGLIO -- Multi-Sponsored by --  
M. of A. FINCH, SAYWARD -- 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 ASSEM-  
BLY, 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 THREE PERCENT COST OF  
16    LIVING ADJUSTMENT COMMENCING JANUARY FIRST, TWO THOUSAND TEN AND RECAL-  
17    CULATED EVERY JANUARY FIRST THEREAFTER. Notwithstanding any inconsis-  
18    tent provision of subparagraph (ii) of paragraph (d) of subdivision one  
19    of this section, on or after January first, nineteen hundred eighty-  
20    eight, a resident of an intermediate care facility operated or issued an  
21    operating certificate by the office of mental retardation and develop-  
22    mental disabilities or a patient of a hospital operated by the office of  
23    mental health as defined in subdivision ten of section 1.03 of the  
24    mental hygiene law who is receiving or is eligible to receive supple-

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

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1 mental security income payments and/or additional state payments shall  
2 receive a state payment for personal needs in the amount of five dollars  
3 a month. The department is authorized to promulgate necessary regu-  
4 lations to provide for the time and manner for payment of such personal  
5 allowance to such individuals.

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

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

12 (A) for the personal expenses of a resident of a residential health  
13 care facility, as defined by section twenty-eight hundred one of the  
14 public health law, the amount of [fifty] SEVENTY-FIVE dollars per month,  
15 PROVIDED HOWEVER, THAT SUCH AMOUNT BE SUBJECT TO AN ANNUAL THREE PERCENT  
16 COST OF LIVING ADJUSTMENT COMMENCING JANUARY FIRST, TWO THOUSAND TEN AND  
17 RECALCULATED EVERY JANUARY FIRST THEREAFTER;

18 (B) for the personal expenses of a resident of an intermediate care  
19 facility operated or licensed by the office of mental retardation and  
20 developmental disabilities or a patient of a hospital operated by the  
21 office of mental health, as defined by subdivision ten of section 1.03  
22 of the mental hygiene law, the amount of thirty-five dollars per month;

23 (C) FOR THE PERSONAL EXPENSES OF A RESIDENTIAL PROGRAM FOR VICTIMS OF  
24 DOMESTIC VIOLENCE IN WHICH THREE MEALS PER DAY ARE PROVIDED, THE AMOUNT  
25 OF SEVENTY-FIVE DOLLARS, PROVIDED HOWEVER THAT SUCH AMOUNT BE SUBJECT TO  
26 AN ANNUAL THREE PERCENT COST OF LIVING ADJUSTMENT COMMENCING JANUARY  
27 FIRST, TWO THOUSAND TEN AND RECALCULATED EVERY JANUARY FIRST THEREAFTER.

28 S 3. This act shall take effect on the ninetieth day after it shall  
29 have become a law.