S T A T E O F N E W Y O R K

4046

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 2-a of section 209 of the social services law, as amended by chapter 450 of the laws of 1987, is amended to read as follows:

2-a. Notwithstanding any inconsistent provision of subparagraph (ii) of paragraph (d) of subdivision one of this section, an individual who is receiving or is eligible to receive federal supplemental security income payments and/or additional state payments and who is a resident of a residential health care facility as defined by section twenty-eight hundred one of the public health law, shall, in accordance with regulations of the department, be entitled to a state payment for personal needs in the amount of fifteen dollars a month, provided, however, that on or after January first, nineteen hundred eighty-eight the state payment for personal needs for such persons shall be in the amount of [twenty-five] FORTY-FIVE dollars a month; PROVIDED FURTHER THAT SUCH FORTY-FIVE DOLLAR AMOUNT BE SUBJECT TO AN ANNUAL THREE PERCENT COST OF LIVING ADJUSTMENT COMMENCING JANUARY FIRST, TWO THOUSAND TEN AND RECALCULATED EVERY JANUARY FIRST THEREAFTER. Notwithstanding any inconsistent provision of subparagraph (ii) of paragraph (d) of subdivision one of this section, on or after January first, nineteen hundred eighty-eight, a resident of an intermediate care facility operated or issued an operating certificate by the office of mental retardation and developmental disabilities or a patient of a hospital operated by the office of mental health as defined in subdivision ten of section 1.03 of the 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.

LBD06913-01-9

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

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

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

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

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

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

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