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

5552

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. V. LOPEZ, BRENNAN, CLARK, LENTOL -- read once and referred to the Committee on Social Services

AN ACT directing the office of temporary and disability assistance to study the fair hearing process utilized by local social services districts and to amend the social services law, in relation to the duties of the office of temporary and disability assistance with respect to such fair hearing process

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative findings, purposes and intent. It is the finding of the legislature that public assistance recipients are too frequently removed from the rolls due to administrative reasons that do not reflect a change in the financial eligibility for benefits. It is therefore the intent and purpose of this act to study certain aspects of the present social services program with respect to the conduct of fair hearings to better protect the rights of public assistance clients and to ensure that the basic necessities of life to which they are entitled are provided.

S 2. The office of temporary and disability assistance shall analyze the local social services districts' fair hearing process and identify factors contributing to fair hearing withdrawals made by local districts.

S 3. The office of temporary and disability assistance shall develop performance standards to ensure adequate, timely, and uninterrupted receipt of benefits by financially eligible applicants for and recipients of public assistance and care.

S 4. The office of temporary and disability assistance shall report its findings to the governor and the legislature, on or before October 1, 2011. Such report shall include but not be limited to the following:

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

LBD08843-01-9

a. the number and percentage of fair hearing withdrawals initiated by the local social services districts, and the reasons for such withdrawal, including a breakdown by local social services district;

b. factors within and beyond the local social services districts' administrative control which may contribute to a fair hearing withdrawal; and

c. recommendations with respect to adjustments in state reimbursement to be made to local social services districts for failing to achieve the performance standards developed pursuant to section three of this act.

S 5. Subdivision 14 of section 22 of the social services law, as amended by chapter 524 of the laws of 2005, is amended to read as follows:

14. To provide an analysis of the outcome of the fair hearings process within the office of temporary and disability assistance to identify inadequacies and potential improvements in the functioning of the fair hearings system, such office shall prepare for inclusion in the annual report required by subdivision (d) of section seventeen of this article to be filed with the governor and the legislature [prior to] ON OR BEFORE the fifteenth [day] of December of each year, a report containing with respect to income maintenance programs, including the family assistance program, the safety net assistance program, the medical assistance program and any other program, the number of affirmations [and], reversals AND WITHDRAWALS by local districts and by program including a breakdown by local districts of the number of fair hearings requested by program and the number of fair hearings held by program, formal requests by local districts and recipients for reconsideration or rehearing of appeals, and a summary of court actions on hearing decisions.

S 6. This act shall take effect immediately.