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

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I N A S S E M B L Y

May 15, 2009

Introduced by M. of A. WRIGHT, GLICK, JEFFRIES, ORTIZ, TOWNS, POWELL, O'DONNELL, CAMARA, ESPAILLAT -- Multi-Sponsored by -- M. of A. BRENNAN, COOK, KELLNER, PEOPLES-STOKES, PRETLOW -- read once and referred to the Committee on Social Services -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the social services law, in relation to establishing the savings plan demonstration project; and providing for the repeal of such provision upon expiration thereof

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

Section 1. The social services law is amended by adding a new section 36-c to read as follows:

S 36-C. SAVINGS PLAN DEMONSTRATION PROJECT. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN ANY SOCIAL SERVICES DISTRICT WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, THE SOCIAL SERVICES DISTRICT SHALL CONDUCT A DEMONSTRATION PROJECT AS SET FORTH IN THIS SECTION, AND SHALL EVALUATE AND REPORT ON SUCH PROJECT, PURSUANT TO A PLAN APPROVED BY THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE AND THE DIVISION OF BUDGET PRIOR TO THE IMPLEMENTATION OF THE PROJECT.

2. SUCH SOCIAL SERVICES DISTRICT, IN LIEU OF APPLYING THAT PORTION OF A TEMPORARY HOUSING ASSISTANCE RECIPIENT'S EARNED INCOME THAT, BUT FOR THE OTHER PROVISIONS OF THIS CHAPTER, WOULD BE APPLIED TO REDUCE THE

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

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NEED FOR THE SHELTER COMPONENT OF TEMPORARY HOUSING ASSISTANCE PROVIDED IN A TEMPORARY EMERGENCY SHELTER, SHALL DIRECT SUCH A RECIPIENT TO PARTICIPATE IN A SAVINGS PLAN WITH SUCH FUNDS AND, AS LONG AS SUCH FUNDS ARE NOT WITHDRAWN, THEY SHALL NOT BE APPLIED TO REDUCE THE NEED FOR THE SHELTER COMPONENT OF THE TEMPORARY HOUSING ASSISTANCE GRANTED FOR THE DURATION OF HIS OR HER RESIDENCE IN TEMPORARY EMERGENCY SHELTER; PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS SECTION SHALL ONLY APPLY TO A PERSON RECEIVING TEMPORARY HOUSING ASSISTANCE IN A SHELTER OR OTHER FACILITY FUNDED AND OVERSEEN BY THE NEW YORK CITY DEPARTMENT OF HOMELESS SERVICES OR THE NEW YORK CITY DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT. FAILURE BY A RECIPIENT OF TEMPORARY HOUSING ASSISTANCE TO CONTRIBUTE TO SUCH A SAVINGS PLAN SHALL NOT IN ITSELF RESULT IN THE DISCONTINUANCE OF TEMPORARY HOUSING ASSISTANCE, UNLESS THE RECIPIENT SEPARATELY FAILS TO COMPLY WITH CONDITIONS OF ELIGIBILITY THAT COULD RESULT IN THE DISCONTINUANCE OF TEMPORARY HOUSING ASSISTANCE.

3. IN SUCH SOCIAL SERVICES DISTRICT, ANY SUCH FUNDS COLLECTED FROM THE EARNED INCOME OF A RECIPIENT OF TEMPORARY HOUSING ASSISTANCE WHILE HE OR SHE IS RESIDING IN A TEMPORARY EMERGENCY SHELTER SHALL BE DEPOSITED IN A SAVINGS PLAN APPROVED BY THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE AND THE DIVISION OF BUDGET; SHALL BE PAYABLE TO THE RECIPIENT FOR THE RECIPIENT'S USE TO FACILITATE HIS OR HER TRANSITION TO, OR STABILIZE HIS OR HER RESIDENCE IN, PERMANENT HOUSING UPON HIS OR HER DISCHARGE FROM SHELTER OR UPON VERIFICATION OF SUCH RECIPIENT'S DATE OF DISCHARGE FROM SHELTER; AND SHALL BE CONSIDERED EXEMPT AS INCOME OR A RESOURCE UNTIL THE TWELFTH MONTH FOLLOWING THE MONTH IN WHICH THE RECIPIENT CEASES RECEIVING TEMPORARY HOUSING ASSISTANCE IN TEMPORARY EMERGENCY SHELTER. FUNDS COLLECTED IN SUCH SAVINGS PLANS SHALL BE POOLED, TRACKED INDIVIDUALLY, AND MAINTAINED IN A SAVINGS OR MONEY-MARKET ACCOUNT AT INTEREST RATES SET BY THE INSTITUTION WITH WHICH SUCH FUNDS ARE DEPOSITED. ANY SAVINGS AND INTEREST ACCRUED IN SUCH ACCOUNT OR ACCOUNTS SHALL BE DISTRIBUTED TO A TEMPORARY HOUSING ASSISTANCE RECIPIENT UPON HIS OR HER DISCHARGE FROM TEMPORARY EMERGENCY SHELTER OR UPON VERIFICATION OF SUCH RECIPIENT'S DATE OF DISCHARGE FROM SHELTER, IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

4. SUCH SOCIAL SERVICES DISTRICT SHALL BE DEEMED IN COMPLIANCE WITH SECTION ONE HUNDRED THIRTY-ONE-A OF THIS CHAPTER FOR REIMBURSEMENT OF EXPENDITURES MADE FOR TEMPORARY HOUSING ASSISTANCE, PROVIDED THE DISTRICT IS CONDUCTING THE PROJECT FULLY IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. UNEARNED INCOME OF A RECIPIENT OF TEMPORARY HOUSING ASSISTANCE IN SUCH SOCIAL SERVICES DISTRICT SHALL NOT BE APPLIED TO THE SAVINGS PLAN, AND SHALL NOT BE REQUIRED TO BE APPLIED TO THAT PORTION OF THE SHELTER COSTS NOT PAID FOR WITH PUBLIC ASSISTANCE. TEMPORARY HOUSING ASSISTANCE RECIPIENTS SHALL NOT BE REQUIRED TO CONTRIBUTE TO THE COST OF SUCH SHELTER, AS PROVIDED FOR IN THIS SECTION. SUCH PROJECT SHALL NOT BE IMPLEMENTED SO AS TO COMPROMISE THE FEDERAL BENEFITS OF A RECIPIENT OR ANY OF HIS OR HER HOUSEHOLD MEMBERS.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law provided, however, that:

a. if the office of temporary and disability assistance and the division of budget approve a demonstration project provided for in this act prior to the one hundred eightieth day, this act shall take effect on the date of such approval except that the office of temporary and disability assistance shall be authorized immediately to promulgate any rule or regulation necessary for the implementation of this act;

b. the office of temporary and disability assistance and the division of budget shall notify the legislative bill drafting commission upon the

occurrence of the approval of the demonstration project provided for in this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law; and

c. this act shall expire and be deemed repealed on March 31, 2016.