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

4140

2009-2010 Regular Sessions

I N S E N A T E

April 14, 2009

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the social services law and the abandoned property law, in relation to powers of social services officials to receive and dispose of certain property and to repeal section 106 of the social services law, relating to powers of social services official to receive and dispose of a deed, mortgage, or lien

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

Section 1. Section 360 of the social services law, as added by chapter 722 of the laws of 1951, subdivisions 1 and 3 as amended by section 92 of part B of chapter 436 of the laws of 1997, subdivision 2 as amended by chapter 909 of the laws of 1974 and subdivision 4 as amended by chapter 803 of the laws of 1959, is amended to read as follows:

S 360. Real property of legally responsible relatives; deeds and mortgages may be required. [1.] The ownership of real property by an applicant or applicants, recipient or recipients who is or are legally responsible relatives of the child or children for whose benefit the application is made or the aid is granted, whether such ownership be individual or joint as tenants in common, tenants by the entirety or joint tenants, shall not preclude the granting of family assistance or the continuance thereof if he or they are without the necessary funds to maintain himself, herself or themselves and such child or children. [The social services official may, however, require, as a condition to the granting of aid or the continuance thereof, that he or she be given a deed of or a mortgage on such property in accordance with the provisions of section one hundred six.

2. However, while the property covered by the deed or mortgage is occupied, in whole or in part, by the responsible relative who gave such deed or mortgage to the social services official or, by a child for whose benefit the aid was granted the social services official shall not

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

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sell the property or assign or enforce the mortgage without the written consent of the department; and, when the property is occupied by such child, such consent shall not be given unless it appears reasonably certain that the sale or other disposition of the property will not materially adversely affect the welfare of such child.

3. The net amount recovered by the social services department from such property, less any expenditures approved by the department for the burial of the relative or the child who dies while in receipt of aid under this title, shall be used to repay the social services district, the state and the federal government their proportionate share of the cost of family assistance granted. The state and federal share shall be paid by the social services district to the state and the manner and amount of such payment shall be determined in accordance with the regulations of the department.

4. If any balance remains it shall belong to the estate of the legally responsible relative or relatives and the public welfare district shall forthwith credit the same accordingly, and, provided they claim it within four years thereafter, pay it to the persons entitled thereto. If not so claimed within four years it shall be deemed abandoned property and be paid to the state comptroller pursuant to section thirteen hundred five of the abandoned property law.

5. The proceeds or moneys due the United States shall be paid or reported in such manner and at such times as the federal security agency or other authorized federal agency may direct.]

S 2. Section 1305 of the abandoned property law, as amended by chapter 149 of the laws of 1977, is amended to read as follows:

S 1305. Unclaimed surplus moneys after recovery of cost of public assistance and care. Any amount comprising a balance credited to an estate or person pursuant to [sections] SECTION one hundred fifty-two-b [or three hundred sixty] of the social services law which, on June thirtieth in any year, has for four years from the date of such credit remained unclaimed by the estate or person entitled thereto shall be deemed abandoned property.

On or before the tenth day of September in each year every public welfare official shall pay such abandoned property to the state comptroller. Such payment shall be accompanied by a verified written report in such form as the state comptroller may prescribe.

S 3. Section 106 of the social services law is REPEALED.

S 4. This act shall take effect immediately.