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2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

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

AN ACT to amend the social services law, in relation to certain exempt assets for public assistance eligibility

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

1 Section 1. Subdivision 1 of section 131-n of the social services law,
2 as amended by chapter 373 of the laws of 2003, is amended to read as
3 follows:
4 1. The following resources shall be exempt and disregarded in calcu-
5 lating the amount of benefits of any household under any public assist-
6 ance program: (a) cash and liquid or nonliquid resources up to two thou-
7 sand dollars, or three thousand dollars in the case of households in
8 which any member is sixty years of age or older, (b) an amount up to
9 four thousand six hundred fifty dollars in a separate bank account
10 established by an individual while currently in receipt of assistance
11 for the sole purpose of enabling the individual to purchase a first or
12 replacement vehicle for the recipient to seek, obtain or maintain
13 employment, so long as the funds are not used for any other purpose, (c)
14 an amount up to one thousand four hundred dollars in a separate bank
15 account established by an individual while currently in receipt of
16 assistance for the purpose of paying tuition at a two-year accredited
17 post-secondary educational institution, so long as the funds are not
18 used for any other purpose, (d) the home which is the usual residence of
19 the household, (e) one automobile, up to [four thousand six hundred
20 fifty dollars fair market value, provided, however, that if the automo-
21 bile is needed for the applicant or recipient to seek or retain employ-
22 ment or travel to and from work activities as defined in section three
23 hundred thirty-six of this chapter, the automobile exemption shall be
24 increased to] nine thousand three hundred dollars FAIR MARKET VALUE, or

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

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1 such other higher dollar value as the local social services district may
2 elect to adopt, (f) one burial plot per household member as defined in
3 department regulations, (g) bona fide funeral agreements up to a total
4 of one thousand five hundred dollars in equity value per household
5 member, (h) funds in an individual development account established in
6 accordance with subdivision five of section three hundred fifty-eight of
7 this chapter and section four hundred three of the social security act
8 and (i) for a period of six months, real property which the household is
9 making a good faith effort to sell, in accordance with department regu-
10 lations and tangible personal property necessary for business or for
11 employment purposes in accordance with department regulations. If feder-
12 al law or regulations require the exemption or disregard of additional
13 income and resources in determining need for family assistance, or
14 medical assistance not exempted or disregarded pursuant to any other
15 provision of this chapter, the department may, by regulations subject to
16 the approval of the director of the budget, require social services
17 officials to exempt or disregard such income and resources. Refunds
18 resulting from earned income tax credits shall be disregarded in public
19 assistance programs.

20 S 2. This act shall take effect immediately, provided that the amend-
21 ments to subdivision 1 of section 131-n of the social services law made
22 by section one of this act shall be subject to the expiration and rever-
23 sion of such section pursuant to section 153 of chapter 436 of the laws
24 of 1997, as amended.