

4899

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 13, 2013

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Introduced by M. of A. GOODELL -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to requiring the homestead exemption used in the calculation for public assistance to be the same as the homestead exemption under the civil practice laws and rules

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 PROVIDED THAT THE VALUE THEREOF DOES NOT EXCEED THE HOME-  
20    STEAD EXEMPTION SPECIFIED IN SUBDIVISION (A) OF SECTION FIVE THOUSAND  
21    TWO HUNDRED SIX OF THE CIVIL PRACTICE LAW AND RULES, (e) one automobile,  
22    up to four thousand six hundred fifty dollars fair market value,  
23    provided, however, that if the automobile is needed for the applicant or

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

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1 recipient to seek or retain employment or travel to and from work activ-  
2 ities as defined in section three hundred thirty-six of this chapter,  
3 the automobile exemption shall be increased to nine thousand three  
4 hundred dollars, or such other higher dollar value as the local social  
5 services district may elect to adopt, (f) one burial plot per household  
6 member as defined in department regulations, (g) bona fide funeral  
7 agreements up to a total of one thousand five hundred dollars in equity  
8 value per household member, (h) funds in an individual development  
9 account established in accordance with subdivision five of section three  
10 hundred fifty-eight of this chapter and section four hundred three of  
11 the social security act and (i) for a period of six months, real proper-  
12 ty which the household is making a good faith effort to sell, in accord-  
13 ance with department regulations and tangible personal property neces-  
14 sary for business or for employment purposes in accordance with  
15 department regulations; PROVIDED, HOWEVER, THAT THE SOCIAL SERVICES  
16 DISTRICT SHALL BE ENTITLED TO RECOVER THE COST OF ASSISTANCE OR CARE  
17 PROVIDED DURING SUCH SIX MONTH PERIOD UP TO THE NET EQUITY VALUE OF SUCH  
18 PROPERTY AND MAY, IN ITS DISCRETION, IMPOSE A LIEN ON SUCH PROPERTY TO  
19 ENSURE REPAYMENT OF SUCH ASSISTANCE UPON THE SALE OF SUCH PROPERTY. If  
20 federal law or regulations require the exemption or disregard of addi-  
21 tional income and resources in determining need for family assistance,  
22 or medical assistance not exempted or disregarded pursuant to any other  
23 provision of this chapter, the department may, by regulations subject to  
24 the approval of the director of the budget, require social services  
25 officials to exempt or disregard such income and resources. Refunds  
26 resulting from earned income tax credits shall be disregarded in public  
27 assistance programs.

28 S 2. This act shall take effect immediately; provided, however, that  
29 the amendments to section 131-n of the social services law made by  
30 section one of this act shall not affect the expiration of such section  
31 and shall be deemed to expire therewith.