

4160--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 29, 2015

---

Introduced by M. of A. CROUCH, GIGLIO, BRINDISI, SALADINO, TEDISCO, BLANKENBUSH, RUSSELL, MURRAY -- Multi-Sponsored by -- M. of A. FINCH, LUPARDO, MAGEE, PALMESANO -- read once and referred to the Committee on Corporations, Authorities and Commissions -- reference changed to the Committee on Social Services -- recommitted to the Committee on Social Services in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to personal needs allowances

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

1     Section 1. Subdivision 2-a of section 209 of the social services law,  
2     as amended by chapter 450 of the laws of 1987, is amended to read as  
3     follows:  
4     2-a. Notwithstanding any inconsistent provision of subparagraph (ii)  
5     of paragraph (d) of subdivision one of this section, an individual who  
6     is receiving or is eligible to receive federal supplemental security  
7     income payments and/or additional state payments and who is a resident  
8     of a residential health care facility as defined by section twenty-eight  
9     hundred one of the public health law, shall, in accordance with regu-  
10    lations of the department, be entitled to a state payment for personal  
11    needs in the amount of fifteen dollars a month, provided, however, that  
12    on or after January first, nineteen hundred eighty-eight the state  
13    payment for personal needs for such persons shall be in the amount of  
14    [twenty-five] FORTY-FIVE dollars a month; PROVIDED FURTHER THAT SUCH  
15    FORTY-FIVE DOLLAR AMOUNT BE SUBJECT TO AN ANNUAL ADJUSTMENT REFLECTING  
16    THE LATEST CONSUMER PRICE INDEX (ALL ITEMS--U.S. CITY AVERAGE),  
17    PUBLISHED BY THE UNITED STATES BUREAU OF LABOR STATISTICS, COMMENCING  
18    JANUARY FIRST, TWO THOUSAND SEVENTEEN AND RECALCULATED EVERY JANUARY  
19    FIRST THEREAFTER. Notwithstanding any inconsistent provision of subpar-

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

LBD05147-05-6

1 agraph (ii) of paragraph (d) of subdivision one of this section, on or  
2 after January first, nineteen hundred eighty-eight, a resident of an  
3 intermediate care facility operated or issued an operating certificate  
4 by the office [of mental retardation and] FOR PEOPLE WITH developmental  
5 disabilities or a patient of a hospital operated by the office of mental  
6 health as defined in subdivision ten of section 1.03 of the mental  
7 hygiene law who is receiving or is eligible to receive supplemental  
8 security income payments and/or additional state payments shall receive  
9 a state payment for personal needs in the amount of five dollars a  
10 month. The department is authorized to promulgate necessary regulations  
11 to provide for the time and manner for payment of such personal allow-  
12 ance to such individuals.

13 S 2. Clause (ii) of subparagraph 10 of paragraph (a) of subdivision 2  
14 of section 366 of the social services law, as amended by chapter 855 of  
15 the laws of 1990, is amended to read as follows:

16 (ii) A person who neither receives nor is eligible to receive federal  
17 supplemental security income payments and/or additional state payments  
18 is entitled to a personal needs allowance as follows:

19 (A) for the personal expenses of a resident of a residential health  
20 care facility, as defined by section twenty-eight hundred one of the  
21 public health law, the amount of [fifty] SEVENTY-FIVE dollars per month,  
22 PROVIDED HOWEVER, THAT SUCH AMOUNT BE SUBJECT TO AN ANNUAL ADJUSTMENT  
23 REFLECTING THE LATEST CONSUMER PRICE INDEX (ALL ITEMS--U.S. CITY AVER-  
24 AGE), PUBLISHED BY THE UNITED STATES BUREAU OF LABOR STATISTICS,  
25 COMMENCING JANUARY FIRST, TWO THOUSAND SEVENTEEN AND RECALCULATED EVERY  
26 JANUARY FIRST THEREAFTER;

27 (B) for the personal expenses of a resident of an intermediate care  
28 facility operated or licensed by the office [of mental retardation and]  
29 FOR PEOPLE WITH developmental disabilities or a patient of a hospital  
30 operated by the office of mental health, as defined by subdivision ten  
31 of section 1.03 of the mental hygiene law, the amount of thirty-five  
32 dollars per month;

33 (C) FOR THE PERSONAL EXPENSES OF A RESIDENTIAL PROGRAM FOR VICTIMS OF  
34 DOMESTIC VIOLENCE IN WHICH THREE MEALS PER DAY ARE PROVIDED, THE AMOUNT  
35 OF SEVENTY-FIVE DOLLARS, PROVIDED HOWEVER THAT SUCH AMOUNT BE SUBJECT TO  
36 AN ANNUAL ADJUSTMENT REFLECTING THE LATEST CONSUMER PRICE INDEX (ALL  
37 ITEMS--U.S. CITY AVERAGE), PUBLISHED BY THE UNITED STATES BUREAU OF  
38 LABOR STATISTICS, COMMENCING JANUARY FIRST, TWO THOUSAND SEVENTEEN AND  
39 RECALCULATED EVERY JANUARY FIRST THEREAFTER.

40 S 3. This act shall take effect on the ninetieth day after it shall  
41 have become a law.