

4344

2015-2016 Regular Sessions

I N S E N A T E

March 16, 2015

Introduced by Sen. CARLUCCI -- 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 exempting certain funds in a qualified tuition program in the calculation of household benefits under public assistance programs

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, paragraph (c) as amended
3 by section 5 of part J of chapter 58 of the laws of 2014, is amended to
4 read as follows:
5 1. The following resources shall be exempt and disregarded in calcu-
6 lating the amount of benefits of any household under any public assist-
7 ance program: (a) cash and liquid or nonliquid resources up to two thou-
8 sand dollars, or three thousand dollars in the case of households in
9 which any member is sixty years of age or older, (b) an amount up to
10 four thousand six hundred fifty dollars in a separate bank account
11 established by an individual while currently in receipt of assistance
12 for the sole purpose of enabling the individual to purchase a first or
13 replacement vehicle for the recipient to seek, obtain or maintain
14 employment, so long as the funds are not used for any other purpose, (c)
15 an amount up to one thousand four hundred dollars in a separate bank
16 account established by an individual while currently in receipt of
17 assistance for the purpose of paying tuition at a two-year or four-year
18 accredited post-secondary educational institution, so long as the funds
19 are not used for any other purpose, (d) the home which is the usual
20 residence of the household, (e) one automobile, up to four thousand six
21 hundred fifty dollars fair market value, provided, however, that if the
22 automobile is needed for the applicant or recipient to seek or retain
23 employment or travel to and from work activities as defined in section
24 three hundred thirty-six of this chapter, the automobile exemption shall

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

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1 be increased to nine thousand three hundred dollars, or such other high-
2 er dollar value as the local social services district may elect to
3 adopt, (f) one burial plot per household member as defined in department
4 regulations, (g) bona fide funeral agreements up to a total of one thou-
5 sand five hundred dollars in equity value per household member, (h)
6 funds in an individual development account established in accordance
7 with subdivision five of section three hundred fifty-eight of this chap-
8 ter and section four hundred three of the social security act [and] ,
9 (i) for a period of six months, real property which the household is
10 making a good faith effort to sell, in accordance with department regu-
11 lations and tangible personal property necessary for business or for
12 employment purposes in accordance with department regulations, AND (J)
13 FUNDS IN A QUALIFIED TUITION PROGRAM THAT SATISFIES THE REQUIREMENT OF
14 SECTION 529 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED. If federal
15 law or regulations require the exemption or disregard of additional
16 income and resources in determining need for family assistance, or
17 medical assistance not exempted or disregarded pursuant to any other
18 provision of this chapter, the department may, by regulations subject to
19 the approval of the director of the budget, require social services
20 officials to exempt or disregard such income and resources. Refunds
21 resulting from earned income tax credits shall be disregarded in public
22 assistance programs.

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