

5102

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 12, 2015

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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, 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 PROVIDED THAT THE VALUE THEREOF DOES NOT  
21    EXCEED THE HOMESTEAD EXEMPTION SPECIFIED IN SUBDIVISION (A) OF SECTION  
22    FIVE THOUSAND TWO HUNDRED SIX OF THE CIVIL PRACTICE LAW AND RULES, (e)  
23    one automobile, up to four thousand six hundred fifty dollars fair

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

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

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