

2906

2015-2016 Regular Sessions

I N S E N A T E

January 30, 2015

Introduced by Sens. LAVALLE, NOZZOLIO -- 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 personal needs
allowances

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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 SIXTEEN AND RECALCULATED EVERY JANUARY FIRST
19 THEREAFTER. Notwithstanding any inconsistent provision of subparagraph
20 (ii) of paragraph (d) of subdivision one of this section, on or after
21 January first, nineteen hundred eighty-eight, a resident of an interme-
22 diate care facility operated or issued an operating certificate by the
23 office [of mental retardation and] FOR PEOPLE WITH developmental disa-
24 bilities or a patient of a hospital operated by the office of mental
25 health as defined in subdivision ten of section 1.03 of the mental

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

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1 hygiene law who is receiving or is eligible to receive supplemental
2 security income payments and/or additional state payments shall receive
3 a state payment for personal needs in the amount of five dollars a
4 month. The department is authorized to promulgate necessary regulations
5 to provide for the time and manner for payment of such personal allow-
6 ance to such individuals.

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

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

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

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

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

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