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I N   S E N A T E

May 12, 2016

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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 resource exemptions for applicants for public assistance programs; and to amend chapter 436 of the laws of 1997, constituting the welfare reform act of 1997, in relation to the effectiveness thereof

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

1     Section 1. Section 131-n of the social services law, as amended by  
2     section 16 of part B of chapter 436 of the laws of 1997, subdivision 1  
3     as amended by section 1 of part X of chapter 54 of the laws of 2016 and  
4     subdivision 3 as amended by chapter 207 of the laws of 2001, is amended  
5     to read as follows:  
6     S 131-n. Exemption of income and resources. 1. THE RESOURCES IDENTI-  
7     FIED IN SUBDIVISION TWO OF THIS SECTION SHALL BE EXEMPT AND DISREGARDED  
8     AT APPLICATION IN CALCULATING THE AMOUNT OF BENEFITS OF ANY APPLICANT  
9     FOR ANY PUBLIC ASSISTANCE PROGRAM. AT RECERTIFICATION, RESOURCES DELINE-  
10    ATED IN SUBDIVISION TWO OF THIS SECTION SHALL NOT BE TAKEN INTO CONSID-  
11    ERATION WHEN DETERMINING ELIGIBILITY OR CALCULATING THE AMOUNT OF BENE-  
12    FITS OF ANY RECIPIENT FOR ANY PUBLIC ASSISTANCE PROGRAM.  
13    2. The following resources shall be exempt and disregarded in calcu-  
14    lating the amount of benefits of any [household under] APPLICANT FOR any  
15    public assistance program: (a) cash and liquid or nonliquid resources up  
16    to [two] THREE thousand dollars, or [three] FOUR thousand FIVE HUNDRED  
17    dollars in the case of households in which any member is sixty years of  
18    age or older, (b) an amount up to [four thousand six hundred fifty]  
19    SEVEN THOUSAND FIFTY dollars in a separate bank account established by  
20    an individual while currently in receipt of assistance for the sole  
21    purpose of enabling the individual to purchase a first or replacement  
22    vehicle for the recipient to seek, obtain or maintain employment, so  
23    long as the funds are not used for any other purpose, (c) an amount [up  
24    to one thousand four] EQUAL TO THE GREATER OF FIVE THOUSAND ONE hundred  
25    SIXTY-FIVE dollars OR THE MAXIMUM TUITION ASSISTANCE PROGRAM AWARD  
26    AVAILABLE FOR THE CURRENT ACADEMIC YEAR in a separate bank account  
27    established by an individual while currently in receipt of assistance  
28    for the purpose of paying tuition at a two-year or four-year accredited  
29    post-secondary educational institution, so long as the funds are not

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

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1 used for any other purpose, (d) the home which is the usual residence of  
2 the household, (e) one automobile, up to ten thousand dollars fair  
3 market value, through March thirty-first, two thousand seventeen; one  
4 automobile, up to eleven thousand dollars fair market value, from April  
5 first, two thousand seventeen through March thirty-first, two thousand  
6 eighteen; and one automobile, up to twelve thousand dollars fair market  
7 value, beginning April first, two thousand eighteen and thereafter, or  
8 such other higher dollar value as the local social services district may  
9 elect to adopt, (f) one burial plot per household member as defined in  
10 department regulations, (g) bona fide funeral agreements [up to a total  
11 of one thousand five hundred dollars in equity value] per household  
12 member, (h) funds in an individual development account established in  
13 accordance with subdivision five of section three hundred fifty-eight of  
14 this chapter and section four hundred three of the social security act  
15 [and], (i) [for a period of six months,] ANY real property which the  
16 household is making a good faith effort to sell, in accordance with  
17 department regulations and tangible personal property necessary for  
18 business or for employment purposes in accordance with department regu-  
19 lations, (J) RETIREMENT ACCOUNTS, INCLUDING BUT NOT LIMITED TO INDIVID-  
20 UAL RETIREMENT ACCOUNTS, 401(K)'S, 403(B)'S, AND KEOGH PLANS; AND (K)  
21 ALL 529 COLLEGE SAVINGS PLANS. If federal law or regulations require  
22 the exemption or disregard of additional income and resources in deter-  
23 mining need for family assistance, or medical assistance not exempted or  
24 disregarded pursuant to any other provision of this chapter, the depart-  
25 ment may, by regulations subject to the approval of the director of the  
26 budget, require social services officials to exempt or disregard such  
27 income and resources. Refunds resulting from earned income tax credits  
28 shall be disregarded in public assistance programs. COURT ORDERED CHILD  
29 SUPPORT WHICH IS PAID OR WITHHELD FROM INCOME SHALL NOT BE CONSIDERED  
30 AVAILABLE INCOME.

31 [2.] 3. If and to the extent permitted by federal law and regulations,  
32 amounts received under section 105 of Public Law 100-383 as reparation  
33 payments for internment of Japanese-Americans and payments made to indi-  
34 viduals because of their status as victims of Nazi persecution as  
35 defined in P.L. 103-286 shall be exempt from consideration as income or  
36 resources for purposes of determining eligibility for and the amount of  
37 benefits under any program provided under the authority of this chapter  
38 and under title XX of the Social Security Act.

39 4. OWNERSHIP OF ALL OTHER PERSONAL PROPERTY NOT EXEMPT IN SUBDIVISIONS  
40 TWO AND THREE OF THIS SECTION, SHALL BE EVALUATED BASED UPON ITS EQUITY  
41 VALUE.

42 [3.] 5. The department is authorized to establish regulations defining  
43 income and resources, CONSISTENT WITH THIS SECTION. [The department is  
44 further authorized to promulgate regulations it deems necessary to  
45 prevent the improper establishment and use of accounts for purchase of  
46 first or replacement vehicles.]

47 S 2. Subdivision (c) of section 153 of part B of chapter 436 of the  
48 laws of 1997, constituting the welfare reform act of 1997, as amended by  
49 chapter 187 of the laws of 2015, is amended to read as follows:

50 (c) Section sixteen of this act shall take effect November 1, 1997  
51 [and expire and be deemed repealed August 22, 2017].

52 S 3. This act shall take effect immediately; provided, however, that  
53 section one of this act shall take effect on the first of April next  
54 succeeding the date on which it shall have become a law.