

# STATE OF NEW YORK

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4279

2017-2018 Regular Sessions

## IN ASSEMBLY

February 2, 2017

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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 section 1 of part X of chapter 54 of the laws of 2016, is  
3 amended to read as follows:

4 1. The following resources shall be exempt and disregarded in calcu-  
5 lating the amount of benefits of any household under any public assist-  
6 ance program: (a) cash and liquid or nonliquid resources up to two thou-  
7 sand dollars, or three thousand dollars in the case of households in  
8 which any member is sixty years of age or older, (b) an amount up to  
9 four thousand six hundred fifty dollars in a separate bank account  
10 established by an individual while currently in receipt of assistance  
11 for the sole purpose of enabling the individual to purchase a first or  
12 replacement vehicle for the recipient to seek, obtain or maintain  
13 employment, so long as the funds are not used for any other purpose, (c)  
14 an amount up to one thousand four hundred dollars in a separate bank  
15 account established by an individual while currently in receipt of  
16 assistance for the purpose of paying tuition at a two-year or four-year  
17 accredited post-secondary educational institution, so long as the funds  
18 are not used for any other purpose, (d) the home which is the usual  
19 residence of the household, provided that the value thereof does not  
20 exceed the homestead exemption specified in subdivision (a) of section  
21 five thousand two hundred six of the civil practice law and rules, (e)  
22 one automobile, up to ten thousand dollars fair market value, through  
23 March thirty-first, two thousand seventeen; one automobile, up to eleven

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

LBD09138-01-7

1 thousand dollars fair market value, from April first, two thousand  
2 seventeen through March thirty-first, two thousand eighteen; and one  
3 automobile, up to twelve thousand dollars fair market value, beginning  
4 April first, two thousand eighteen and thereafter, or such other higher  
5 dollar value as the local social services district may elect to adopt,  
6 (f) one burial plot per household member as defined in department regu-  
7 lations, (g) bona fide funeral agreements up to a total of one thousand  
8 five hundred dollars in equity value per household member, (h) funds in  
9 an individual development account established in accordance with subdi-  
10 vision five of section three hundred fifty-eight of this chapter and  
11 section four hundred three of the social security act and (i) for a  
12 period of six months, real property which the household is making a good  
13 faith effort to sell, in accordance with department regulations and  
14 tangible personal property necessary for business or for employment  
15 purposes in accordance with department regulations; provided, however,  
16 that the social services district shall be entitled to recover the cost  
17 of assistance or care provided during such six month period up to the  
18 net equity value of such property and may, in its discretion, impose a  
19 lien on such property to ensure repayment of such assistance upon the  
20 sale of such property. If federal law or regulations require the  
21 exemption or disregard of additional income and resources in determining  
22 need for family assistance, or medical assistance not exempted or disre-  
23 garded pursuant to any other provision of this chapter, the department  
24 may, by regulations subject to the approval of the director of the budg-  
25 et, require social services officials to exempt or disregard such income  
26 and resources. Refunds resulting from earned income tax credits shall be  
27 disregarded in public assistance programs.

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