

# STATE OF NEW YORK

1161

2017-2018 Regular Sessions

## IN SENATE

January 6, 2017

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 § 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~~

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

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~~to one thousand four~~ equal to the greater of five thousand one hundred  
sixty-five dollars or the maximum tuition assistance program award  
available for the current academic year in a separate bank account  
established by an individual while currently in receipt of assistance  
for the purpose of paying tuition at a two-year or four-year accredited  
post-secondary educational institution, so long as the funds are not  
used for any other purpose, (d) the home which is the usual residence of  
the household, (e) one automobile, up to ten thousand dollars fair  
market value, through March thirty-first, two thousand seventeen; one  
automobile, up to eleven thousand dollars fair market value, from April  
first, two thousand seventeen through March thirty-first, two thousand  
eighteen; and one automobile, up to twelve thousand dollars fair market  
value, beginning April first, two thousand eighteen and thereafter, or  
such other higher dollar value as the local social services district may  
elect to adopt, (f) one burial plot per household member as defined in  
department regulations, (g) bona fide funeral agreements ~~[up to a total~~  
~~of one thousand five hundred dollars in equity value]~~ per household  
member, (h) funds in an individual development account established in  
accordance with subdivision five of section three hundred fifty-eight of  
this chapter and section four hundred three of the social security act  
~~[and],~~ (i) ~~[for a period of six months,]~~ any real property which the  
household is making a good faith effort to sell, in accordance with  
department regulations and tangible personal property necessary for  
business or for employment purposes in accordance with department regu-  
lations, (j) retirement accounts, including but not limited to individ-  
ual retirement accounts, 401(k)'s, 403(b)'s, and keogh plans; and (k)  
all 529 college savings plans. If federal law or regulations require  
the exemption or disregard of additional income and resources in deter-  
mining need for family assistance, or medical assistance not exempted or  
disregarded pursuant to any other provision of this chapter, the depart-  
ment may, by regulations subject to the approval of the director of the  
budget, require social services officials to exempt or disregard such  
income and resources. Refunds resulting from earned income tax credits  
shall be disregarded in public assistance programs. Court ordered child  
support which is paid or withheld from income shall not be considered  
available income.

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

4. Ownership of all other personal property not exempt in subdivisions  
two and three of this section, shall be evaluated based upon its equity  
value.

~~[3-]~~ 5. The department is authorized to establish regulations defining  
income and resources, consistent with this section. ~~[The department is~~  
~~further authorized to promulgate regulations it deems necessary to~~  
~~prevent the improper establishment and use of accounts for purchase of~~  
~~first or replacement vehicles.]~~

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

1 (c) Section sixteen of this act shall take effect November 1, 1997  
2 [~~and expire and be deemed repealed August 22, 2017~~].  
3 § 3. This act shall take effect immediately; provided, however, that  
4 section one of this act shall take effect on the first of April next  
5 succeeding the date on which it shall have become a law.