

STATE OF NEW YORK

2754

2017-2018 Regular Sessions

IN SENATE

January 17, 2017

Introduced by Sens. LAVALLE, BOYLE, CROCI, DeFRANCISCO, GALLIVAN, GOLD-
EN, GRIFFO, LITTLE, SERINO -- 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 eighteen and recalculated every January
19 first thereafter. Notwithstanding any inconsistent provision of subpar-
20 agraph (ii) of paragraph (d) of subdivision one of this section, on or
21 after January first, nineteen hundred eighty-eight, a resident of an
22 intermediate care facility operated or issued an operating certificate
23 by the office [~~of mental retardation and~~] for people with developmental
24 disabilities or a patient of a hospital operated by the office of mental

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

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1 health as defined in subdivision ten of section 1.03 of the mental
2 hygiene law who is receiving or is eligible to receive supplemental
3 security income payments and/or additional state payments shall receive
4 a state payment for personal needs in the amount of five dollars a
5 month. The department is authorized to promulgate necessary regulations
6 to provide for the time and manner for payment of such personal allow-
7 ance to such individuals.

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

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

14 (A) for the personal expenses of a resident of a residential health
15 care facility, as defined by section twenty-eight hundred one of the
16 public health law, the amount of ~~[fifty]~~ seventy-five dollars per month,
17 provided however, that such amount be subject to an annual adjustment
18 reflecting the latest consumer price index (all items--U.S. city aver-
19 age), published by the United States bureau of labor statistics,
20 commencing January first, two thousand eighteen and recalculated every
21 January first thereafter;

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

28 (C) for the personal expenses of a residential program for victims of
29 domestic violence in which three meals per day are provided, the amount
30 of seventy-five dollars, provided however that such amount be subject to
31 an annual adjustment reflecting the latest consumer price index (all
32 items--U.S. city average), published by the United States bureau of
33 labor statistics, commencing January first, two thousand eighteen and
34 recalculated every January first thereafter.

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