

STATE OF NEW YORK

4330--A

2019-2020 Regular Sessions

IN ASSEMBLY

February 4, 2019

Introduced by M. of A. HEVESI, BICHOTTE, SIMOTAS -- read once and referred to the Committee on Social Services -- recommitted to the Committee on Social Services in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to resource exemptions for applicants for public assistance programs; and to amend part B of 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 separately amended by chapters 323 and 329 of the laws of 2019 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~~] seven
19 thousand fifty dollars in a separate bank account established by an
20 individual while currently in receipt of assistance for the sole purpose

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

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1 of enabling the individual to purchase a first or replacement vehicle
2 for the recipient to seek, obtain or maintain employment, so long as the
3 funds are not used for any other purpose, (c) an amount [~~up to one thou-~~
4 ~~sand four~~] equal to the greater of five thousand one hundred sixty-five
5 dollars or the maximum tuition assistance program award available for
6 the current academic year in a separate bank account established by an
7 individual while currently in receipt of assistance for the purpose of
8 paying tuition at a two-year or four-year accredited post-secondary
9 educational institution, so long as the funds are not used for any other
10 purpose, (d) the home which is the usual residence of the household, (e)
11 one automobile, up to ten thousand dollars fair market value, through
12 March thirty-first, two thousand seventeen; one automobile, up to eleven
13 thousand dollars fair market value, from April first, two thousand
14 seventeen through March thirty-first, two thousand eighteen; and one
15 automobile, up to twelve thousand dollars fair market value, beginning
16 April first, two thousand eighteen and thereafter, or such other higher
17 dollar value as the local social services district may elect to adopt,
18 (f) one burial plot per household member as defined in department regu-
19 lations, (g) bona fide funeral agreements [~~up to a total of one thousand~~
20 ~~five hundred dollars in equity value~~] per household member, (h) funds in
21 an individual development account established in accordance with subdi-
22 vision five of section three hundred fifty-eight of this chapter and
23 section four hundred three of the social security act, (i) for a period
24 of six months, real property which the household is making a good faith
25 effort to sell, in accordance with department regulations and tangible
26 personal property necessary for business or for employment purposes in
27 accordance with department regulations, [~~and~~] (j) funds in a qualified
28 tuition program that satisfies the requirement of section 529 of the
29 Internal Revenue Code of 1986, as amended, [~~and (j)~~] (k) funds in a New
30 York achieving a better life experience savings account established in
31 accordance with article eighty-four of the mental hygiene law, (l)
32 retirement accounts, including but not limited to individual retirement
33 accounts, 401(k)'s, 403(b)'s, and keogh plans, and (m) all 529 college
34 savings plans. If federal law or regulations require the exemption or
35 disregard of additional income and resources in determining need for
36 family assistance, or medical assistance not exempted or disregarded
37 pursuant to any other provision of this chapter, the department may, by
38 regulations subject to the approval of the director of the budget,
39 require social services officials to exempt or disregard such income and
40 resources. Refunds resulting from earned income tax credits shall be
41 disregarded in public assistance programs. Court ordered child support
42 which is paid or withheld from income shall not be considered available
43 income.

44 [~~2-~~] 3. If and to the extent permitted by federal law and regulations,
45 amounts received under section 105 of Public Law 100-383 as reparation
46 payments for internment of Japanese-Americans and payments made to indi-
47 viduals because of their status as victims of Nazi persecution as
48 defined in P.L. 103-286 shall be exempt from consideration as income or
49 resources for purposes of determining eligibility for and the amount of
50 benefits under any program provided under the authority of this chapter
51 and under title XX of the Social Security Act.

52 [~~3-~~] 4. Ownership of all other personal property not exempt in subdi-
53 visions two and three of this section, shall be evaluated based upon its
54 equity value.

55 5. The department is authorized to establish regulations defining
56 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 213 of the laws of 2019, is amended to read as follows:

(c) Section sixteen of this act shall take effect November 1, 1997 ~~[and expire and be deemed repealed August 22, 2021];~~

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