

# STATE OF NEW YORK

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1089

2019-2020 Regular Sessions

## IN SENATE

January 10, 2019

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Introduced by Sen. PERSAUD -- 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 exempting certain funds in a qualified tuition program in the calculation of household benefits under public assistance programs

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, (e) one automobile, up to ten thousand  
20 dollars fair market value, through March thirty-first, two thousand  
21 seventeen; one automobile, up to eleven thousand dollars fair market  
22 value, from April first, two thousand seventeen through March thirty-  
23 first, two thousand eighteen; and one automobile, up to twelve thousand  
24 dollars fair market value, beginning April first, two thousand eighteen

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

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1 and thereafter, or such other higher dollar value as the local social  
2 services district may elect to adopt, (f) one burial plot per household  
3 member as defined in department regulations, (g) bona fide funeral  
4 agreements up to a total of one thousand five hundred dollars in equity  
5 value per household member, (h) funds in an individual development  
6 account established in accordance with subdivision five of section three  
7 hundred fifty-eight of this chapter and section four hundred three of  
8 the social security act ~~[and]~~, (i) for a period of six months, real  
9 property which the household is making a good faith effort to sell, in  
10 accordance with department regulations and tangible personal property  
11 necessary for business or for employment purposes in accordance with  
12 department regulations, and (j) funds in a qualified tuition program  
13 that satisfies the requirement of section 529 of the Internal Revenue  
14 Code of 1986, as amended. If federal law or regulations require the  
15 exemption or disregard of additional income and resources in determining  
16 need for family assistance, or medical assistance not exempted or disre-  
17 garded pursuant to any other provision of this chapter, the department  
18 may, by regulations subject to the approval of the director of the budg-  
19 et, require social services officials to exempt or disregard such income  
20 and resources. Refunds resulting from earned income tax credits shall be  
21 disregarded in public assistance programs.

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