

# STATE OF NEW YORK

528--A

2019-2020 Regular Sessions

## IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services -- recommitted to the Committee on Social Services in accordance with Senate Rule 6, sec. 8 -- 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

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

LBD01042-03-0

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

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

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

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

6     § 2. Subdivision (c) of section 153 of part B of chapter 436 of the  
7 laws of 1997, constituting the welfare reform act of 1997, as amended by  
8 chapter 213 of the laws of 2019, is amended to read as follows:

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

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