

# STATE OF NEW YORK

5402

2019-2020 Regular Sessions

## IN SENATE

April 29, 2019

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 NY ABLE savings account 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 New York achieving a better  
13 life experience savings account established in accordance with article  
14 eighty-four of the mental hygiene law. If federal law or regulations  
15 require the exemption or disregard of additional income and resources in  
16 determining need for family assistance, or medical assistance not  
17 exempted or disregarded pursuant to any other provision of this chapter,  
18 the department may, by regulations subject to the approval of the direc-  
19 tor of the budget, require social services officials to exempt or disre-  
20 gard such income and resources. Refunds resulting from earned income tax  
21 credits shall be 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.