

# STATE OF NEW YORK

7260

## IN SENATE

January 14, 2020

Introduced by Sens. PERSAUD, KRUEGER -- 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 any unearned  
income of a child in certain circumstances

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Paragraph (a) of subdivision 8 of section 131-a of the  
2 social services law is amended by adding a new subparagraph (ix) to read  
3 as follows:

4 (ix) any unearned income of a child when the parent or non-parent  
5 caregiver chooses to exclude such child from the public assistance  
6 household pursuant to subdivision one of section one hundred  
7 thirty-one-c of this article.

8 § 2. The section heading of section 131-c of the social services law,  
9 as added by chapter 42 of the laws of 1985, is amended to read as  
10 follows:

11 Inclusion of parents [~~and siblings~~] of a minor in the public assist-  
12 ance household.

13 § 3. Subdivision 1 of section 131-c of the social services law, as  
14 added by chapter 42 of the laws of 1985, is amended to read as follows:

15 1. For the purposes of determining eligibility for and the amount of  
16 assistance payable, the social services district shall, when a minor is  
17 named as an applicant for public assistance, require that his or her  
18 parents [~~and minor brothers and sisters~~] also apply for assistance and  
19 be included in the household for purposes of determining eligibility and  
20 grant amounts, if such individuals reside in the same dwelling unit as  
21 the minor applying for assistance. Any income of or available for such  
22 parents, [~~brothers and sisters~~] which is not disregarded under subdivi-  
23 sion eight of section one hundred thirty-one-a of this article, shall be  
24 considered available to such household. [~~The provisions of~~] A parent or  
25 non-parent caregiver may choose to exclude any other child or children  
26 residing in the same dwelling unit from the public assistance household.  
27 Nothing in this [~~subdivision~~] chapter shall [~~not apply to~~] require indi-  
28 viduals who are recipients of federal supplemental security income bene-

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

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1 fits, or who receive additional state payments pursuant to this chapter,  
2 or [~~to individuals~~] whose relationship to the minor is that of a broth-  
3 er, sister, half-brother, half-sister, stepbrother [~~or~~], stepsister, or  
4 cousin, or [~~to~~] any other individuals whose needs are excluded pursuant  
5 to department regulations consistent with federal law and regulations,  
6 to be included as part of the public assistance household.

7 § 4. This act shall take effect either on the one hundred eightieth  
8 day after it shall have become a law or after the commissioner of the  
9 office of temporary and disability assistance certifies that the office  
10 has an information technology system capable of accommodating the  
11 provisions in this act, whichever shall have taken place sooner;  
12 provided that the commissioner of the office of temporary and disability  
13 assistance shall notify the legislative bill drafting commission of the  
14 date of such certification in order that the commission may maintain an  
15 accurate and timely effective database of the official text of the laws  
16 of the state of New York in furtherance of effectuating the provisions  
17 of section 44 of the legislative law and section 70-b of the public  
18 officers law. Effective immediately, the addition, amendment and/or  
19 repeal of any rule or regulation necessary for the implementation of  
20 this act on its effective date are authorized to be made and completed  
21 on or before such effective date.