STATE OF NEW YORK

2036

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

Introduced by M. of A. CRUZ, ABINANTI, FRONTUS, FERNANDEZ, WEPRIN, PICHARDO, RODRIGUEZ, AUBRY, SEAWRIGHT, BARRON, DICKENS, HYNDMAN, L. ROSENTHAL, NOLAN -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to assistance for burial arrangements

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

Section 1. Subdivisions 3 and 4 of section 141 of the social services law, subdivision 3 as added by chapter 772 of the laws of 1958, subparagraphs 1 and 2 of paragraph (a) of subdivision 3 as amended by chapter 110 of the laws of 1971, paragraph (b) of subdivision 3 as amended by chapter 342 of the laws of 1965, subdivision 4 as added by chapter 1080 of the laws of 1974, are amended and a new subdivision 7 is added to read as follows:

3. (a) When burial arrangements for a recipient of public assistance or care are made by relatives or friends of the deceased and the expense of such burial does not exceed the amount fixed by the appropriate public welfare official or the local appropriating body for similar burials in similar circumstances, such public welfare official may:

(1) if such relatives or friends were required to pay the expense of such burial in order to arrange the same, wholly or partly reimburse them, from assets transferred or assigned to such social services official by or on behalf of the deceased recipient; but he shall not reimburse a legally responsible relative of the deceased for any part of the amount paid by him which in the judgment of such social services official such relative is able to bear; nor shall such official expend from such assets for such purpose more than is permitted by or pursuant to this section, other provisions of this chapter and regulations of the department**. The reimbursement benefit pursuant to this subparagraph**

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

LBD06168-01-1

shall not be less than three thousand dollars or exceed four thousand dollars.

(2) pay part of the expense of such burial, if, and to the extent and under the circumstances, permitted by his local policy, which shall not be inconsistent with this chapter, and the regulations of the department; but in no case shall such social services official pay more than the balance remaining to be paid after the total of the amounts paid or to be paid by all other sources, including payments made or to be made by such legally responsible relatives of the deceased as are in the judgment of such official able to bear the same, is credited to and deducted from such expense.

(b) In no case shall a public welfare official expend, pursuant to the provisions of this section or any other provision of this chapter, for the burial of a recipient of public assistance or care, from assets transferred or assigned to him by or on behalf of such recipient, an amount which shall be **less than three thousand dollars or** in excess of [~~**five hundred**~~] **four thousand** dollars.

4. For purposes of this section, the term "recipient of public assistance and care" shall include persons [~~**receiving**~~] **eligible for** federal supplemental security income benefits pursuant to title sixteen of the federal social security act [~~**and/or**~~]~~**,**~~ additional state payments pursuant to title six of article five of this chapter **and/or if such person can otherwise demonstrate an inability to pay as determined by the commissioner. Notwithstanding any provision of law to the contrary, the eligibility of a person to receive benefits pursuant to this section shall not take into account the immigration status of such person**.

7. Notwithstanding any provision of law to the contrary, during a state disaster emergency, as defined in section twenty of the executive law, no reimbursement payments shall be made pursuant to subparagraph one of paragraph (a) of subdivision three of this section and all applications for assistance pursuant to this section shall be processed, approved or denied, and direct payment made to the funeral firm, cemetery organization or business operating a crematory, columbarium or other business, who also controls the disposition of remains, as applicable, within fifteen days.

§ 2. This act shall take effect immediately.