

# STATE OF NEW YORK

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2108

2021-2022 Regular Sessions

## IN SENATE

January 19, 2021

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Introduced by Sens. SEPULVEDA, BENJAMIN, MYRIE, RIVERA -- 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 assistance for burial arrangements

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

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

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

13 (1) if such relatives or friends were required to pay the expense of  
14 such burial in order to arrange the same, wholly or partly reimburse  
15 them, from assets transferred or assigned to such social services offi-  
16 cial by or on behalf of the deceased recipient; but he shall not reim-  
17 burse a legally responsible relative of the deceased for any part of the  
18 amount paid by him which in the judgment of such social services offi-  
19 cial such relative is able to bear; nor shall such official expend from  
20 such assets for such purpose more than is permitted by or pursuant to  
21 this section, other provisions of this chapter and regulations of the  
22 department. The reimbursement benefit pursuant to this subparagraph  
23 shall not be less than three thousand dollars or exceed four thousand  
24 dollars.

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

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(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.