STATE OF NEW YORK

5574

2021-2022 Regular Sessions

IN SENATE

March 11, 2021

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 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:

Section 1. Section 131-n of the social services law, as amended by section 16 of part B of chapter 436 of the laws of 1997, subdivision 1 as separately amended by chapters 323 and 329 of the laws of 2019 and subdivision 3 as amended by chapter 207 of the laws of 2001, is amended to read as follows:

§ 131-n. Exemption of income and resources. 1. **The resources identified in subdivision two of this section shall be exempt and disregarded at application in calculating the amount of benefits of any applicant for any public assistance program. At recertification, resources delineated in subdivision two of this section shall not be taken into consideration when determining eligibility or calculating the amount of benefits of any recipient for any public assistance program.**

2. The following resources shall be exempt and disregarded in calculating the amount of benefits of any [~~household under~~] **applicant for** any public assistance program: (a) cash and liquid or nonliquid resources up to [~~two~~] **three** thousand dollars, or [~~three~~] **four** thousand **five hundred** dollars in the case of households in which any member is sixty years of age or older, (b) an amount up to [~~four thousand six hundred~~] **seven thousand** fifty dollars in a separate bank account established by an individual while currently in receipt of assistance for the sole purpose of enabling the individual to purchase a first or replacement vehicle for the recipient to seek, obtain or maintain employment, so long as the funds are not used for any other purpose, (c) an amount [~~up to one thou-~~

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

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~~sand four~~] **equal to the greater of five thousand one** hundred **sixty-five** dollars **or the maximum tuition assistance program award available for the current academic year** in a separate bank account established by an individual while currently in receipt of assistance for the purpose of paying tuition at a two-year or four-year accredited post-secondary educational institution, so long as the funds are not used for any other purpose, (d) the home which is the usual residence of the household, (e) one automobile, up to ten thousand dollars fair market value, through March thirty-first, two thousand seventeen; one automobile, up to eleven thousand dollars fair market value, from April first, two thousand seventeen through March thirty-first, two thousand eighteen; and one automobile, up to twelve thousand dollars fair market value, beginning April first, two thousand eighteen and thereafter, or such other higher dollar value as the local social services district may elect to adopt, (f) one burial plot per household member as defined in department regulations, (g) bona fide funeral agreements [~~up to a total of one thousand five hundred dollars in equity value~~] per household member, (h) funds in an individual development account established in accordance with subdivision five of section three hundred fifty-eight of this chapter and section four hundred three of the social security act, (i) for a period of six months, real property which the household is making a good faith effort to sell, in accordance with department regulations and tangible personal property necessary for business or for employment purposes in accordance with department regulations, [~~and~~] (j) funds in a qualified tuition program that satisfies the requirement of section 529 of the Internal Revenue Code of 1986, as amended, [~~and (j)~~] **(k)** funds in a New York achieving a better life experience savings account established in accordance with article eighty-four of the mental hygiene law**, (l) retirement accounts, including but not limited to individual retirement accounts, 401(k)'s, 403(b)'s, and keogh plans, and (m) all 529 college savings plans**. If federal law or regulations require the exemption or disregard of additional income and resources in determining need for family assistance, or medical assistance not exempted or disregarded pursuant to any other provision of this chapter, the department may, by regulations subject to the approval of the director of the budget, require social services officials to exempt or disregard such income and resources. Refunds resulting from earned income tax credits shall be disregarded in public assistance programs**. Court ordered child support which is paid or withheld from income shall not be considered available income**.

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

[~~3.~~] **4. Ownership of all other personal property not exempt in subdivisions two and three of this section, shall be evaluated based upon its equity value.**

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

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

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

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