

STATE OF NEW YORK

742

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. BIAGGI, PARKER -- 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 eliminating
asset limits in calculating the amount of benefits for any household
under any public assistance program

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

1 Section 1. Subdivision 1 of section 131-n of the social services law,
2 as separately amended by chapters 323 and 329 of the laws of 2019, is
3 amended to read as follows:

4 1. [~~The following resources~~] All assets held by the household shall be
5 exempt and disregarded in calculating the amount of benefits of any
6 household under any public assistance program[~~:(a) cash and liquid or~~
7 ~~nonliquid resources up to two thousand dollars, or three thousand~~
8 ~~dollars in the case of households in which any member is sixty years of~~
9 ~~age or older, (b) an amount up to four thousand six hundred fifty~~
10 ~~dollars in a separate bank account established by an individual while~~
11 ~~currently in receipt of assistance for the sole purpose of enabling the~~
12 ~~individual to purchase a first or replacement vehicle for the recipient~~
13 ~~to seek, obtain or maintain employment, so long as the funds are not~~
14 ~~used for any other purpose, (c) an amount up to one thousand four~~
15 ~~hundred dollars in a separate bank account established by an individual~~
16 ~~while currently in receipt of assistance for the purpose of paying~~
17 ~~tuition at a two-year or four-year accredited post-secondary educational~~
18 ~~institution, so long as the funds are not used for any other purpose,~~
19 ~~(d) the home which is the usual residence of the household, (e) one~~
20 ~~automobile, up to ten thousand dollars fair market value, through March~~
21 ~~thirty-first, two thousand seventeen; one automobile, up to eleven thou-~~
22 ~~sand dollars fair market value, from April first, two thousand seventeen~~
23 ~~through March thirty-first, two thousand eighteen; and one automobile,~~

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

LBD03241-01-1

1 ~~up to twelve thousand dollars fair market value, beginning April first,~~
2 ~~two thousand eighteen and thereafter, or such other higher dollar value~~
3 ~~as the local social services district may elect to adopt, (f) one burial~~
4 ~~plot per household member as defined in department regulations, (g) bona~~
5 ~~fide funeral agreements up to a total of one thousand five hundred~~
6 ~~dollars in equity value per household member, (h) funds in an individual~~
7 ~~development account established in accordance with subdivision five of~~
8 ~~section three hundred fifty-eight of this chapter and section four~~
9 ~~hundred three of the social security act, (i) for a period of six~~
10 ~~months, real property which the household is making a good faith effort~~
11 ~~to sell, in accordance with department regulations and tangible personal~~
12 ~~property necessary for business or for employment purposes in accordance~~
13 ~~with department regulations, and (j) funds in a qualified tuition~~
14 ~~program that satisfies the requirement of section 529 of the Internal~~
15 ~~Revenue Code of 1986, as amended, and (j) funds in a New York achieving~~
16 ~~a better life experience savings account established in accordance with~~
17 ~~article eighty-four of the mental hygiene law].~~ If federal law or regu-
18 lations require the exemption or disregard of additional income and
19 resources in determining need for family assistance, or medical assist-
20 ance not exempted or disregarded pursuant to any other provision of this
21 chapter, the department may, by regulations subject to the approval of
22 the director of the budget, require social services officials to exempt
23 or disregard such income and resources. Refunds resulting from earned
24 income tax credits shall be disregarded in public assistance programs.
25 § 2. This act shall take effect immediately; provided, however, that
26 the amendments to section 131-n of the social services law made by
27 section one of this act shall not affect the expiration of such section
28 and shall be deemed to expire therewith.