

STATE OF NEW YORK

3156

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by M. of A. HEVESI, REYES -- read once and referred 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 Assembly, 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 (x) to read
3 as follows:

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

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

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1 residing in the same dwelling unit from the public assistance household.
2 Nothing in this [subdivision] chapter shall [not apply to] require indi-
3 viduals who are recipients of federal supplemental security income bene-
4 fits, or who receive additional state payments pursuant to this chapter,
5 or [to individuals] whose relationship to the minor is that of a broth-
6 er, sister, half-brother, half-sister, stepbrother ~~[or]~~, stepsister, or
7 cousin, or ~~[to]~~ any other individuals whose needs are excluded pursuant
8 to department regulations consistent with federal law and regulations,
9 to be included as part of the public assistance household.

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