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:

Section 1. Paragraph (a) of subdivision 8 of section 131-a of the social services law is amended by adding a new subparagraph (x) to read as follows:

(x) any unearned income of a child when the parent or non-parent caregiver chooses to exclude such child from the public assistance household pursuant to subdivision one of section one hundred thirty-one-c of this article.

§ 2. The section heading of section 131-c of the social services law, as added by chapter 42 of the laws of 1985, is amended to read as follows:

Inclusion of parents [~~and siblings~~] of a minor in the public assistance household.

§ 3. Subdivision 1 of section 131-c of the social services law, as added by chapter 42 of the laws of 1985, is amended to read as follows:

1. For the purposes of determining eligibility for and the amount of assistance payable, the social services district shall, when a minor is named as an applicant for public assistance, require that his or her parents [~~and minor brothers and sisters~~] also apply for assistance and be included in the household for purposes of determining eligibility and grant amounts, if such individuals reside in the same dwelling unit as the minor applying for assistance. Any income of or available for such parents, [~~brothers and sisters~~] which is not disregarded under subdivision eight of section one hundred thirty-one-a of this article, shall be considered available to such household. [~~The provisions of~~] **A parent or 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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residing in the same dwelling unit from the public assistance household. Nothing in this [~~subdivision~~] **chapter** shall [~~not apply to~~] **require** individuals who are recipients of federal supplemental security income benefits**,** or **who receive** additional state payments pursuant to this chapter, or [~~to individuals~~] whose relationship to the minor is that of **a brother, sister, half-brother, half-sister,** stepbrother [~~or~~]**,** stepsister, **or cousin,** or [~~to~~] any other individuals whose needs are excluded pursuant to department regulations consistent with federal law and regulations**, to be included as part of the public assistance household**.

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