STATE OF NEW YORK

9112

IN ASSEMBLY

January 31, 2022

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to determination of public assistance eligibility and amounts; and repealing certain provisions of such law relating thereto

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

Section 1. Subparagraph (iii) of paragraph (a) of subdivision 8 of section 131-a of the social services law, as amended by chapter 246 of the laws of 2002, is amended to read as follows:

(iii) forty-two percent of the earned income for such month of any recipient **or applicant** in a household [~~containing a dependent child~~]**, or a single adult,** which remains after application of all other subparagraphs of this paragraph; provided, however, that such percentage amount shall be adjusted in June of each year, commencing in nineteen hundred ninety-eight, to reflect changes in the most recently issued poverty guidelines of the United States Bureau of the Census[~~, such that a household of three without special needs, living in a heated apartment in New York city and without unearned income would become ineligible for assistance with gross earnings equal to the poverty level in such guidelines; provided, however, that no assistance shall be given to any household with gross earned and unearned income, exclusive of income described in subparagraphs (i) and (vi) of this paragraph, in excess of such poverty level~~];

§ 2. Paragraph (c) of subdivision 8 of section 131-a of the social services law, as amended by chapter 214 of the laws of 1998, is amended to read as follows:

[~~(c) There shall not be disregarded under subparagraph (iii) of paragraph (a) of this subdivision any earned income of any of the persons specified in subparagraph (ii) of such paragraph, if the income of such person was in excess of his or her need, unless such person received public assistance in one or more of the four months preceding the month of need determination.~~]

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

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§ 3. Paragraph (a) of subdivision 10 of section 131-a of the social services law, as amended by chapter 246 of the laws of 2002, is amended to read as follows:

(a) **(i)** Notwithstanding the provisions of this section or any other law to the contrary, no person or family shall be eligible for **an initial grant and allowance of** public assistance for [~~any~~] **the** month in which **an initial application for assistance is made if** the total income of the family, excluding benefits received under such programs and without application of the income exemptions and disregards provided in subparagraphs (ii) and (iii) of paragraph (a) of subdivision eight of this section, exceeds [~~one~~] **two** hundred [~~eighty-five~~] percent of the [~~standard of need~~] **federal poverty level, as set by the United States department of health and human services,** for a family of the same composition. Provided, however, that the income disregards provided in subparagraphs (v), (vi) and (vii) of paragraph (a) of subdivision eight of this section shall be applied in making the **initial** eligibility determination required by this **subparagraph. Each subsequent eligibility determination shall be made in accordance with the provisions of subparagraph (ii) of this** paragraph.

(ii) Notwithstanding the provisions of this section or any other law to the contrary, no person or family shall be eligible for public assistance following an initial eligibility determination pursuant to subparagraph (i) of this paragraph for any month in which the total income of the family, excluding benefits received under such programs and without application of the income exemptions and disregards provided in subparagraphs (ii) and (iii) of paragraph (a) of subdivision eight of this section, exceeds eighty percent of the current area median income ("AMI"), as determined by the United States department of housing and urban development.

§ 4. 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.

§ 5. 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 this subdivision shall not apply to individuals~~] **A parent or non-parent caregiver may choose to exclude any other child or children residing in the same dwelling unit from the public assistance household. Individuals** who are recipients of federal supplemental security income benefits or **receive** additional state payments pursuant to this chapter, [~~or to individuals whose relationship to the minor is that of stepbrother or stepsister, or to any other individuals whose needs are excluded pursuant to department~~

~~regulations consistent with federal law and regulations~~] **shall not be included in the public assistance household**.

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

1. [~~The following resources~~] **Any assets held by the household** shall be exempt and disregarded in calculating the amount of benefits of any household under any public assistance program[~~: (a) cash and liquid or nonliquid resources up to two thousand dollars, or three thousand 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 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 thousand four hundred dollars 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) funds in a New York achieving a better life experience savings account established in accordance with article eighty-four of the mental hygiene law. 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~~].

§ 7. Subdivision 4 of section 158 of the social services law, as amended by section 44 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

4. Social services officials shall determine eligibility for safety net assistance within [~~forty-five~~] **thirty** days of receiving an application for safety net assistance. Such officials shall notify applicants

of safety net assistance about the availability of assistance to meet emergency circumstances or to prevent eviction.

§ 8. Paragraph (b) of subdivision 5 of section 22 of the social services law, as amended by chapter 41 of the laws of 1992, is amended to read as follows:

(b) Failure to act upon any application within thirty days after filing[~~, except applications for home relief, or failure to comply with laws and regulations requiring that priority be given to certain applications for assistance, or failure to act on any application for home relief within forty-five days after filing~~].

§ 9. Subdivision 8 of section 153 of the social services law is REPEALED.

§ 10. This act shall take effect immediately; provided, however, that the amendments to section 131-n of the social services law made by section six of this act shall not affect the expiration of such section and shall expire therewith.