

STATE OF NEW YORK

1073--A

2021-2022 Regular Sessions

IN SENATE

January 6, 2021

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services -- recommitted to the Committee on Social Services in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to assisting persons with medically diagnosed HIV infection; 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:

1 Section 1. Subdivision 14 of section 131-a of the social services law,
2 as amended by section 1 of part ZZ of chapter 59 of the laws of 2018, is
3 amended to read as follows:

4 14. In determining the [~~need for~~] amount of aid provided pursuant to
5 public assistance programs, each person living with medically diagnosed
6 HIV infection [~~as defined by the AIDS institute of the department of~~
7 ~~health in social services districts with a population over five million~~]
8 who applies for or is receiving [~~services through such district's admin-~~
9 ~~istrative unit providing HIV/AIDS services,~~] public assistance and has
10 earned and/or unearned income, up to two hundred percent of the federal
11 poverty guidelines, shall not be required to pay more than thirty
12 percent of his or her monthly earned and/or unearned income toward the
13 cost of rent that such person has a direct obligation to pay; this
14 provision shall not apply to the amount of payment obligations for room
15 and board arrangements attributable to the provision of goods and
16 services other than living space.

17 § 2. Subdivision 15 of section 131-a of the social services law is
18 REPEALED and a new subdivision 15 is added to read as follows:

19 15. Notwithstanding the provisions of this chapter or of any other law
20 or regulation to the contrary, in determining the amount of aid provided

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

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1 pursuant to public assistance programs, social service districts shall,
2 upon application, provide access to emergency shelter, transportation,
3 or nutrition payments which the district determines are necessary to
4 establish or maintain independent living arrangements among persons
5 living with medically diagnosed HIV infection who are homeless or facing
6 homelessness and for whom no viable and less costly alternative to hous-
7 ing is available, including HIV emergency shelter allowance payments in
8 excess of those promulgated by the office of temporary and disability
9 assistance but not exceeding an amount reasonably approximate to one
10 hundred ten percent of fair market rent as determined by the federal
11 department of housing and urban development.

12 § 3. Section 131 of the social services law is amended by adding two
13 new subdivisions 21 and 22 to read as follows:

14 21. When necessary, each local social services district shall assist
15 persons with medically diagnosed HIV infection by (i) helping to secure
16 the required documentation to determine eligibility for assistance, (ii)
17 arranging for required face-to-face interviews to be conducted during
18 home visits or at other appropriate sites, and (iii) providing referrals
19 for services as well as other resources and materials as described in
20 subdivision twenty-two of this section.

21 22. The office, in consultation with the department of health, shall
22 create, maintain, and periodically update information on the office's
23 website regarding resources and services throughout the state, including
24 the location of such services, which shall include but not be limited
25 to, community based supports, employment opportunities, and medical
26 professionals specialized in assisting such persons with medically diag-
27 nosd HIV infection to be utilized by the local social services
28 districts. Such information shall also be made available on the office's
29 website.

30 § 4. Paragraphs f and g of subdivision 1 of section 153 of the social
31 services law, paragraph f as amended by chapter 81 of the laws of 1995
32 and paragraph g as amended by chapter 471 of the laws of 1980, are
33 amended and a new paragraph h is added to read as follows:

34 f. the full amount expended by any district, city, town or Indian
35 tribe for the costs, including the costs of administration of public
36 assistance and care to eligible needy Indians and members of their fami-
37 lies residing on any Indian reservation in this state, after first
38 deducting therefrom any federal funds properly received or to be
39 received on account thereof[+];

40 [~~g~~] g. fifty per centum of the amount expended for substance abuse
41 services pursuant to this chapter, after first deducting therefrom any
42 federal funds properly received or to be received on account thereof. In
43 the event funds appropriated for such services are insufficient to
44 provide full reimbursement of the total of the amounts claimed by all
45 social services districts pursuant to this section then reimbursement
46 shall be in such proportion as each claim bears to such total[-]; and

47 h. notwithstanding any inconsistent provision of law, one hundred per
48 centum of safety net or family assistance expenditures, in social
49 services districts with a population of five million or fewer, for HIV
50 emergency shelter allowance payments in excess of those promulgated by
51 the office of temporary and disability assistance but not exceeding an
52 amount reasonably approximate to one hundred ten percent of fair market
53 rent as determined by the federal department of housing and urban devel-
54 opment, and for transportation or nutrition payments, which the district
55 determines are necessary to establish or maintain independent living
56 arrangements among persons living with medically diagnosed HIV infection

1 and who are homeless or facing homelessness and for whom no viable and
2 less costly alternative to housing is available, after first deducting
3 therefrom any federal funds properly received or to be received on
4 account thereof.

5 § 5. This act shall take effect on the ninetieth day after it shall
6 have become a law.