

# STATE OF NEW YORK

5574

2021-2022 Regular Sessions

## IN SENATE

March 11, 2021

Introduced by Sen. PERSAUD -- 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 resource exemptions for applicants for public assistance programs; and to amend part B of chapter 436 of the laws of 1997, constituting the welfare reform act of 1997, in relation to the effectiveness thereof

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

1 Section 1. Section 131-n of the social services law, as amended by  
2 section 16 of part B of chapter 436 of the laws of 1997, subdivision 1  
3 as separately amended by chapters 323 and 329 of the laws of 2019 and  
4 subdivision 3 as amended by chapter 207 of the laws of 2001, is amended  
5 to read as follows:

6 § 131-n. Exemption of income and resources. 1. The resources identi-  
7 fied in subdivision two of this section shall be exempt and disregarded  
8 at application in calculating the amount of benefits of any applicant  
9 for any public assistance program. At recertification, resources deline-  
10 ated in subdivision two of this section shall not be taken into consid-  
11 eration when determining eligibility or calculating the amount of bene-  
12 fits of any recipient for any public assistance program.

13 2. The following resources shall be exempt and disregarded in calcu-  
14 lating the amount of benefits of any [~~household under~~] applicant for any  
15 public assistance program: (a) cash and liquid or nonliquid resources up  
16 to [~~two~~] three thousand dollars, or [~~three~~] four thousand five hundred  
17 dollars in the case of households in which any member is sixty years of  
18 age or older, (b) an amount up to [~~four thousand six hundred~~] seven  
19 thousand fifty dollars in a separate bank account established by an  
20 individual while currently in receipt of assistance for the sole purpose  
21 of enabling the individual to purchase a first or replacement vehicle  
22 for the recipient to seek, obtain or maintain employment, so long as the  
23 funds are not used for any other purpose, (c) an amount [~~up to one thou-~~

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

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1 ~~and four~~ equal to the greater of five thousand one hundred sixty-five  
2 dollars or the maximum tuition assistance program award available for  
3 the current academic year in a separate bank account established by an  
4 individual while currently in receipt of assistance for the purpose of  
5 paying tuition at a two-year or four-year accredited post-secondary  
6 educational institution, so long as the funds are not used for any other  
7 purpose, (d) the home which is the usual residence of the household, (e)  
8 one automobile, up to ten thousand dollars fair market value, through  
9 March thirty-first, two thousand seventeen; one automobile, up to eleven  
10 thousand dollars fair market value, from April first, two thousand  
11 seventeen through March thirty-first, two thousand eighteen; and one  
12 automobile, up to twelve thousand dollars fair market value, beginning  
13 April first, two thousand eighteen and thereafter, or such other higher  
14 dollar value as the local social services district may elect to adopt,  
15 (f) one burial plot per household member as defined in department regu-  
16 lations, (g) bona fide funeral agreements [~~up to a total of one thousand~~  
17 ~~five hundred dollars in equity value~~] per household member, (h) funds in  
18 an individual development account established in accordance with subdi-  
19 vision five of section three hundred fifty-eight of this chapter and  
20 section four hundred three of the social security act, (i) for a period  
21 of six months, real property which the household is making a good faith  
22 effort to sell, in accordance with department regulations and tangible  
23 personal property necessary for business or for employment purposes in  
24 accordance with department regulations, [~~and~~] (j) funds in a qualified  
25 tuition program that satisfies the requirement of section 529 of the  
26 Internal Revenue Code of 1986, as amended, [~~and (j)~~] (k) funds in a New  
27 York achieving a better life experience savings account established in  
28 accordance with article eighty-four of the mental hygiene law, (l)  
29 retirement accounts, including but not limited to individual retirement  
30 accounts, 401(k)'s, 403(b)'s, and keogh plans, and (m) all 529 college  
31 savings plans. If federal law or regulations require the exemption or  
32 disregard of additional income and resources in determining need for  
33 family assistance, or medical assistance not exempted or disregarded  
34 pursuant to any other provision of this chapter, the department may, by  
35 regulations subject to the approval of the director of the budget,  
36 require social services officials to exempt or disregard such income and  
37 resources. Refunds resulting from earned income tax credits shall be  
38 disregarded in public assistance programs. Court ordered child support  
39 which is paid or withheld from income shall not be considered available  
40 income.

41 [~~2-~~] 3. If and to the extent permitted by federal law and regulations,  
42 amounts received under section 105 of Public Law 100-383 as reparation  
43 payments for internment of Japanese-Americans and payments made to indi-  
44 viduals because of their status as victims of Nazi persecution as  
45 defined in P.L. 103-286 shall be exempt from consideration as income or  
46 resources for purposes of determining eligibility for and the amount of  
47 benefits under any program provided under the authority of this chapter  
48 and under title XX of the Social Security Act.

49 [~~3-~~] 4. Ownership of all other personal property not exempt in subdi-  
50 visions two and three of this section, shall be evaluated based upon its  
51 equity value.

52 5. The department is authorized to establish regulations defining  
53 income and resources, consistent with this section. [~~The department is~~  
54 ~~further authorized to promulgate regulations it deems necessary to~~  
55 ~~prevent the improper establishment and use of accounts for purchase of~~  
56 ~~first or replacement vehicles.~~]

1 § 2. Subdivision (c) of section 153 of part B of chapter 436 of the  
2 laws of 1997, constituting the welfare reform act of 1997, as amended by  
3 chapter 213 of the laws of 2019, is amended to read as follows:

4 (c) Section sixteen of this act shall take effect November 1, 1997  
5 [~~and expire and be deemed repealed August 22, 2021~~];

6 § 3. This act shall take effect immediately; provided, however, that  
7 section one of this act shall take effect on the first of April next  
8 succeeding the date on which it shall have become a law.