

# STATE OF NEW YORK

5574--A

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 -- recommitted to the Committee on Social Services in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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~~] ten thousand dollars, or [~~three~~] ten thousand dollars in the  
17 case of households in which any member is sixty years of age or older,  
18 (b) an amount up to [~~four thousand six hundred~~] seven thousand fifty  
19 dollars in a separate bank account established by an individual while  
20 currently in receipt of assistance for the sole purpose of enabling the

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

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

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

52 [~~3-~~] 4. Ownership of all other personal property not exempt in subdivi-  
53 sions two and three of this section, shall be evaluated based upon its  
54 equity value.

55 5. The department is authorized to establish regulations defining  
56 income and resources, consistent with this section. [~~The department is~~

1 ~~further authorized to promulgate regulations it deems necessary to~~  
2 ~~prevent the improper establishment and use of accounts for purchase of~~  
3 ~~first or replacement vehicles.]~~

4 § 2. Subdivision (c) of section 153 of part B of chapter 436 of the  
5 laws of 1997, constituting the welfare reform act of 1997, as amended by  
6 chapter 165 of the laws of 2021, is amended to read as follows:

7 (c) Section sixteen of this act shall take effect November 1, 1997 and  
8 expire [~~and be deemed repealed August 22, 2023~~];

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