

# STATE OF NEW YORK

2418

2023-2024 Regular Sessions

## IN ASSEMBLY

January 26, 2023

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

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18 REPEALED and a new subdivision 15 is added to read as follows: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  
21 pursuant to public assistance programs, social service districts shall,  
22 upon application, provide access to emergency shelter, transportation,  
23 or nutrition payments which the district determines are necessary to  
24 establish or maintain independent living arrangements among persons  
25 living with medically diagnosed HIV infection who are homeless or facing  
26 homelessness and for whom no viable and less costly alternative to hous-  
27 ing is available, including HIV emergency shelter allowance payments in

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

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1 excess of those promulgated by the office of temporary and disability  
2 assistance but not exceeding an amount reasonably approximate to one  
3 hundred ten percent of fair market rent as determined by the federal  
4 department of housing and urban development.

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

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

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

23 § 4. Paragraphs f and (g) of subdivision 1 of section 153 of the  
24 social services law, paragraph f as amended by chapter 81 of the laws of  
25 1995 and paragraph (g) as amended by chapter 471 of the laws of 1980,  
26 are amended and a new paragraph h is added to read as follows:

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

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

40 h. notwithstanding any inconsistent provision of law, one hundred per  
41 centum of safety net or family assistance expenditures, in social  
42 services districts with a population of five million or fewer, for HIV  
43 emergency shelter allowance payments in excess of those promulgated by  
44 the office of temporary and disability assistance but not exceeding an  
45 amount reasonably approximate to one hundred ten percent of fair market  
46 rent as determined by the federal department of housing and urban devel-  
47 opment, and for transportation or nutrition payments, which the district  
48 determines are necessary to establish or maintain independent living  
49 arrangements among persons living with medically diagnosed HIV infection  
50 and who are homeless or facing homelessness and for whom no viable and  
51 less costly alternative to housing is available, after first deducting  
52 therefrom any federal funds properly received or to be received on  
53 account thereof.

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