

STATE OF NEW YORK

4452

2023-2024 Regular Sessions

IN ASSEMBLY

February 14, 2023

Introduced by M. of A. GONZALEZ-ROJAS, ROZIC, ANDERSON, ARDILA, MITAYNES, HEVESI, KELLES, EICHENSTEIN, AUBRY -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to reissuing certain benefits in instances of fraud or theft of such benefits

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

1 Section 1. Paragraph (e) of subdivision 2 of section 350-j of the
2 social services law, as amended by section 38 of part B of chapter 436
3 of the laws of 1997, is amended to read as follows:

4 (e) such occurrence or situation could not have been foreseen by the
5 applicant[7] and was not under his or her control [~~and, in the case of a~~
6 ~~person receiving public assistance, did not result from the loss, theft~~
7 ~~or mismanagement of a regular public assistance grant~~]; and

8 § 2. Section 350-j of the social services law is amended by adding a
9 new subdivision 6 to read as follows:

10 6. In instances of fraud or theft of benefits occurring on or after
11 January first, two thousand twenty-two, emergency assistance to needy
12 families with children benefits shall be issued in an amount equal to
13 the value of stolen family assistance, emergency assistance to needy
14 families, pandemic electronic benefit transfer benefits, or supplemental
15 nutrition assistance program benefits within seven days of the date the
16 victim submits a signed statement documenting the theft. Where replace-
17 ment benefits are being issued pursuant to this subdivision, the
18 district may reduce the amount designated to replace stolen supplemental
19 nutrition assistance program benefits by any previously or contemporane-
20 ously received benefits authorized by and issued pursuant to Section
21 501(b)(2) of the Consolidated Appropriations Act of 2023, P.L. 117-328.
22 Where replacement benefits are issued pursuant to this subdivision to
23 replace stolen supplemental nutrition assistance program benefits, the
24 district may require an assignment of any duplicative replacement bene-

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

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1 fits authorized by and issued pursuant to Section 501(b)(2) of the
2 Consolidated Appropriations Act of 2023, P.L. 117-328 should such
3 replacement benefits become available at a future time.

4 § 3. Section 159 of the social services law is amended by adding a new
5 subdivision 13 to read as follows:

6 13. Notwithstanding any other provision of law to the contrary, in
7 instances of fraud or theft of benefits that occur on or after January
8 first, two thousand twenty-two, the victim of such fraud or theft shall
9 be provided emergency assistance benefits equal to the value of the
10 stolen safety net assistance, emergency safety net assistance, pandemic
11 electronic benefit transfer benefits, or supplemental nutrition assist-
12 ance program benefits within seven days of the date the victim submits a
13 signed statement documenting the theft. Where replacement benefits are
14 being issued pursuant to this subdivision, the district may reduce the
15 amount designated to replace stolen supplemental nutrition assistance
16 program benefits by any previously or contemporaneously received bene-
17 fits authorized by and issued pursuant to Section 501(b)(2) of the
18 Consolidated Appropriations Act of 2023, P.L. 117-328. Where replacement
19 benefits are issued pursuant to this subdivision to replace stolen
20 supplemental nutrition assistance program benefits, the district may
21 require an assignment of any duplicative replacement benefits authorized
22 by and issued pursuant to Section 501(b)(2) of the Consolidated Appro-
23 riations Act of 2023, P.L. 117-328 should such replacement benefits
24 become available at a future time.

25 § 4. Section 95 of the social services law is amended by adding a new
26 subdivision 12 to read as follows:

27 12. Notwithstanding any other provision of law to the contrary, the
28 office shall direct social services districts to provide replacement
29 benefits in instances of fraud or theft of supplemental nutrition
30 assistance program benefits equal to the value of benefits stolen on or
31 after January first, two thousand twenty-two within seven days of the
32 date the victim submits a signed statement documenting the theft, using
33 funds from the supplemental nutrition assistance program, as authorized
34 pursuant to Section 501(b)(2) of the Consolidated Appropriations Act of
35 2023, P.L. 117-328, emergency safety net assistance, emergency assist-
36 ance to families, or emergency assistance to adults, as applicable.

37 § 5. Subdivision 1 of section 303 of the social services law is
38 amended by adding a new paragraph (p) to read as follows:

39 (p) In the event of a reported theft of emergency assistance previous-
40 ly issued pursuant to this section or theft of supplemental nutrition
41 assistance program benefits, emergency assistance equal to the value of
42 the stolen benefits shall be provided within seven days of the date the
43 victim submits a signed statement documenting the theft. Where replace-
44 ment benefits have been issued pursuant to this paragraph, the district
45 may require an assignment of any duplicative replacement benefits
46 authorized by and issued pursuant to Section 501(b)(2) of the Consol-
47 idated Appropriations Act of 2023, P.L. 117-328 should such replacement
48 benefits become available at a future time.

49 § 6. This act shall take effect immediately.