STATE OF NEW YORK

6148

2023-2024 Regular Sessions

IN ASSEMBLY

April 3, 2023

Introduced by M. of A. MAHER -- read once and referred to the Committee on People with Disabilities

AN ACT to amend the social services law, in relation to public assistance eligibility for married adults or two adult households and to the exemption of income and resources for such adults or households

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

Section 1. Section 131 of the social services law is amended by adding a new subdivision 4-a to read as follows:

4-a. As far as possible, children should be raised in households with married adults, or in two adult households which encourages stable family life. The office of temporary and disability assistance shall determine the standard of need for determining eligibility for public assistance programs pursuant to provisions of this chapter and applicable federal requirements and shall promulgate regulations to create policies as needed to encourage married or two adult households. The commissioner shall seek any federal waiver or waivers from the United States department of agriculture or other federal agency as needed to exclude household income from public assistance program eligibility determinations as provided in subdivision one of section one hundred thirty-one-n of this title.

§ 2. Subdivision 1 of section 131-n of the social services law, as amended by section 5 of part U of chapter 56 of the laws of 2022, is amended to read as follows:

1. The following resources shall be exempt and disregarded in calculating the amount of benefits of any household under any public assistance program: (a) cash and liquid or nonliquid resources up to two thousand five hundred dollars for applicants, three thousand seven hundred fifty dollars for applicants in households in which any member is sixty years of age or older or is disabled or ten thousand dollars for recipients, (b) an amount up to four thousand six hundred fifty dollars in a

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

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separate bank account established by an individual while currently in receipt of assistance for the sole purpose of enabling the individual to purchase a first or replacement vehicle for the recipient to seek, obtain or maintain employment, so long as the funds are not used for any other purpose, (c) an amount up to one thousand four hundred dollars in a separate bank account established by an individual while currently in receipt of assistance for the purpose of paying tuition at a two-year or four-year accredited post-secondary educational institution, so long as the funds are not used for any other purpose, (d) the home which is the usual residence of the household, (e) one automobile, up to ten thousand dollars fair market value, through March thirty-first, two thousand seventeen; one automobile, up to eleven thousand dollars fair market value, from April first, two thousand seventeen through March thirty-first, two thousand eighteen; and one automobile, up to twelve thousand dollars fair market value, beginning April first, two thousand eighteen and thereafter, or such other higher dollar value as the local social services district may elect to adopt, (f) one burial plot per household member as defined in department regulations, (g) bona fide funeral agreements up to a total of one thousand five hundred dollars in equity value per household member, (h) funds in an individual development account established in accordance with subdivision five of section three hundred fifty-eight of this chapter and section four hundred three of the social security act, (i) for a period of six months, real property which the household is making a good faith effort to sell, in accordance with department regulations and tangible personal property necessary for business or for employment purposes in accordance with department regulations, [~~and~~] (j) funds in a qualified tuition program that satisfies the requirement of section 529 of the Internal Revenue Code of 1986, as amended, [~~and~~] (k) funds in a New York achieving a better life experience savings account established in accordance with article eighty-four of the mental hygiene law**, and (l) income and resources from a recently married spouse, or a biological or non-custodial parent that resides at the same location of the household and agrees to contribute financially to such household, or a step-parent or adult that adopts one or more child in such household, up to one hundred seventy-five percent of the federal poverty line following such marriage, decision to reside in and contribute financially to such household by a non-custodial parent, or the adoption of one or more children by a non-custodial or step-parent, provided, however, that prior to receiving any relief under this paragraph, an applicant or recipient for public assistance must submit a written request for such relief to the local department of social services for approval by the local department of social services commissioner**.

If federal law or regulations require the exemption or disregard of additional income and resources in determining need for family assistance, or medical assistance not exempted or disregarded pursuant to any other provision of this chapter, the department may, by regulations subject to the approval of the director of the budget, require social services officials to exempt or disregard such income and resources. Refunds resulting from earned income tax credits shall be disregarded in public assistance programs.

§ 3. Section 20 of the social services law is amended by adding a new subdivision 9 to read as follows:

9. The commissioner of the office of temporary and disability assistance shall promulgate any rules or regulations as it relates to a writ-

ten request for relief as provided in subdivision one of section one hundred thirty-one-n of this chapter.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become law; provided, however, that the amendments to subdivision 1 of section 131-n of the social services law made by section two of this act shall not affect the expiration of such section and shall be deemed expired therewith.