

# 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:

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

3 4-a. As far as possible, children should be raised in households with  
4 married adults, or in two adult households which encourages stable fami-  
5 ly life. The office of temporary and disability assistance shall deter-  
6 mine the standard of need for determining eligibility for public assist-  
7 ance programs pursuant to provisions of this chapter and applicable  
8 federal requirements and shall promulgate regulations to create policies  
9 as needed to encourage married or two adult households. The commissioner  
10 shall seek any federal waiver or waivers from the United States depart-  
11 ment of agriculture or other federal agency as needed to exclude house-  
12 hold income from public assistance program eligibility determinations as  
13 provided in subdivision one of section one hundred thirty-one-n of this  
14 title.

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

18 1. The following resources shall be exempt and disregarded in calcu-  
19 lating the amount of benefits of any household under any public assist-  
20 ance program: (a) cash and liquid or nonliquid resources up to two thou-  
21 sand five hundred dollars for applicants, three thousand seven hundred  
22 fifty dollars for applicants in households in which any member is sixty  
23 years of age or older or is disabled or ten thousand dollars for recipi-  
24 ents, (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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1 separate bank account established by an individual while currently in  
2 receipt of assistance for the sole purpose of enabling the individual to  
3 purchase a first or replacement vehicle for the recipient to seek,  
4 obtain or maintain employment, so long as the funds are not used for any  
5 other purpose, (c) an amount up to one thousand four hundred dollars in  
6 a separate bank account established by an individual while currently in  
7 receipt of assistance for the purpose of paying tuition at a two-year or  
8 four-year accredited post-secondary educational institution, so long as  
9 the funds are not used for any other purpose, (d) the home which is the  
10 usual residence of the household, (e) one automobile, up to ten thousand  
11 dollars fair market value, through March thirty-first, two thousand  
12 seventeen; one automobile, up to eleven thousand dollars fair market  
13 value, from April first, two thousand seventeen through March thirty-  
14 first, two thousand eighteen; and one automobile, up to twelve thousand  
15 dollars fair market value, beginning April first, two thousand eighteen  
16 and thereafter, or such other higher dollar value as the local social  
17 services district may elect to adopt, (f) one burial plot per household  
18 member as defined in department regulations, (g) bona fide funeral  
19 agreements up to a total of one thousand five hundred dollars in equity  
20 value per household member, (h) funds in an individual development  
21 account established in accordance with subdivision five of section three  
22 hundred fifty-eight of this chapter and section four hundred three of  
23 the social security act, (i) for a period of six months, real property  
24 which the household is making a good faith effort to sell, in accordance  
25 with department regulations and tangible personal property necessary for  
26 business or for employment purposes in accordance with department regu-  
27 lations, [and] (j) funds in a qualified tuition program that satisfies  
28 the requirement of section 529 of the Internal Revenue Code of 1986, as  
29 amended, [and] (k) funds in a New York achieving a better life experi-  
30 ence savings account established in accordance with article eighty-four  
31 of the mental hygiene law, and (l) income and resources from a recently  
32 married spouse, or a biological or non-custodial parent that resides at  
33 the same location of the household and agrees to contribute financially  
34 to such household, or a step-parent or adult that adopts one or more  
35 child in such household, up to one hundred seventy-five percent of the  
36 federal poverty line following such marriage, decision to reside in and  
37 contribute financially to such household by a non-custodial parent, or  
38 the adoption of one or more children by a non-custodial or step-parent,  
39 provided, however, that prior to receiving any relief under this para-  
40 graph, an applicant or recipient for public assistance must submit a  
41 written request for such relief to the local department of social  
42 services for approval by the local department of social services commis-  
43 sioner.

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

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

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

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

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