

# STATE OF NEW YORK

8396

2023-2024 Regular Sessions

## IN ASSEMBLY

December 13, 2023

Introduced by M. of A. SOLAGES -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to increasing personal needs allowance amounts

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

1 Section 1. Subparagraph 10 of paragraph (a) of subdivision 2 of  
2 section 366 of the social services law, as added by chapter 705 of the  
3 laws of 1988, clauses (i) and (ii) as amended by chapter 672 of the laws  
4 of 2019, and clause (iii) as amended by chapter 170 of the laws of 1994,  
5 is amended to read as follows:

6 (10) (i) A person who is receiving or is eligible to receive federal  
7 supplemental security income payments and/or additional state payments  
8 is entitled to a personal needs allowance as follows:

9 (A) for the personal expenses of a resident of a residential health  
10 care facility, as defined by section twenty-eight hundred one of the  
11 public health law, the amount of [~~fifty-five~~] one hundred forty dollars  
12 per month;

13 (B) for the personal expenses of a resident of an intermediate care  
14 facility operated or licensed by the office for people with develop-  
15 mental disabilities or a patient of a hospital operated by the office of  
16 mental health, as defined by subdivision ten of section 1.03 of the  
17 mental hygiene law, the amount of [~~thirty-five~~] eighty-nine dollars per  
18 month.

19 (ii) A person who neither receives nor is eligible to receive federal  
20 supplemental security income payments and/or additional state payments  
21 is entitled to a personal needs allowance as follows:

22 (A) for the personal expenses of a resident of a residential health  
23 care facility, as defined by section twenty-eight hundred one of the  
24 public health law, the amount of [~~fifty~~] one hundred twenty-eight  
25 dollars per month;

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

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1 (B) for the personal expenses of a resident of an intermediate care  
2 facility operated or licensed by the office for people with develop-  
3 mental disabilities or a patient of a hospital operated by the office of  
4 mental health, as defined by subdivision ten of section 1.03 of the  
5 mental hygiene law, the amount of [~~thirty-five~~] eighty-nine dollars per  
6 month.

7 (iii) Notwithstanding the provisions of clauses (i) and (ii) of this  
8 subparagraph, the personal needs allowance for a person who is a veteran  
9 having neither a spouse nor a child, or a surviving spouse of a veteran  
10 having no child, who receives a reduced pension from the federal veter-  
11 ans administration, and who is a resident of a nursing facility, as  
12 defined in section 1919 of the federal social security act, shall be  
13 equal to such reduced monthly pension but shall not exceed [~~ninety~~] one  
14 hundred ninety-six dollars per month.

15 § 2. Subparagraph 10 of paragraph (a) of subdivision 2 of section 366  
16 of the social services law, as amended by section 3 of part AAA of chap-  
17 ter 56 of the laws of 2022, is amended to read as follows:

18 (10) (i) A person who is receiving or is eligible to receive federal  
19 supplemental security income payments and/or additional state payments  
20 is entitled to a personal needs allowance as follows:

21 (A) for the personal expenses of a resident of a residential health  
22 care facility, as defined by section twenty-eight hundred one of the  
23 public health law, the amount of [~~fifty-five~~] one hundred forty dollars  
24 per month;

25 (B) for the personal expenses of a resident of an intermediate care  
26 facility operated or licensed by the office for people with develop-  
27 mental disabilities or a patient of a hospital operated by the office of  
28 mental health, as defined by subdivision ten of section 1.03 of the  
29 mental hygiene law, the amount of [~~thirty-five~~] eighty-nine dollars per  
30 month.

31 (ii) A person who neither receives nor is eligible to receive federal  
32 supplemental security income payments and/or additional state payments  
33 is entitled to a personal needs allowance as follows:

34 (A) for the personal expenses of a resident of a residential health  
35 care facility, as defined by section twenty-eight hundred one of the  
36 public health law, the amount of [~~fifty~~] one hundred twenty-eight  
37 dollars per month;

38 (B) for the personal expenses of a resident of an intermediate care  
39 facility operated or licensed by the office for people with develop-  
40 mental disabilities or a patient of a hospital operated by the office of  
41 mental health, as defined by subdivision ten of section 1.03 of the  
42 mental hygiene law, the amount of [~~thirty-five~~] eighty-nine dollars per  
43 month.

44 (iii) Notwithstanding the provisions of clauses (i) and (ii) of this  
45 subparagraph, the personal needs allowance for a person who is a veteran  
46 having neither a spouse nor a child, or a surviving spouse of a veteran  
47 having no child, who receives a reduced pension from the federal veter-  
48 ans administration, and who is a resident of a nursing facility, as  
49 defined in section 1919 of the federal social security act, shall be  
50 equal to such reduced monthly pension but shall not exceed [~~ninety~~] one  
51 hundred ninety-six dollars per month.

52 § 3. This act shall take effect January 1, 2025 and shall apply to all  
53 benefits and allowances issued on and after such date; provided, howev-  
54 er, that section two of this act shall take effect on the same date and  
55 in the same manner as section 3 of part AAA of chapter 56 of the laws of  
56 2022, takes effect.