

STATE OF NEW YORK

2705

2023-2024 Regular Sessions

IN SENATE

January 24, 2023

Introduced by Sen. PERSAUD -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

AN ACT to amend the social services law, in relation to resource exemptions for applicants for public assistance programs; and to amend part B of chapter 436 of the laws of 1997, constituting the welfare reform act of 1997, in relation to the effectiveness thereof

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

1 Section 1. Section 131-n of the social services law, as amended by
2 section 16 of part B of chapter 436 of the laws of 1997, subdivision 1
3 as amended by section 5 of part U of chapter 56 of the laws of 2022 and
4 subdivision 3 as amended by chapter 207 of the laws of 2001, is amended
5 to read as follows:

6 § 131-n. Exemption of income and resources. 1. The resources identi-
7 fied in subdivision two of this section shall be exempt and disregarded
8 at application in calculating the amount of benefits of any applicant
9 for any public assistance program. At recertification, resources deline-
10 ated in subdivision two of this section shall not be taken into consid-
11 eration when determining eligibility or calculating the amount of bene-
12 fits of any recipient for any public assistance program.

13 2. The following resources shall be exempt and disregarded in calcu-
14 lating the amount of benefits of any [~~household under~~] applicant for any
15 public assistance program: (a) cash and liquid or nonliquid resources up
16 to [~~two~~] ten thousand [~~five hundred~~] dollars for applicants, [~~three~~] ten
17 thousand [~~seven hundred fifty~~] dollars for applicants in households in
18 which any member is sixty years of age or older or is disabled or ten
19 thousand dollars for recipients, (b) an amount up to [~~four~~] seven thou-
20 sand [~~six hundred~~] fifty dollars in a separate bank account established
21 by an individual while currently in receipt of assistance for the sole
22 purpose of enabling the individual to purchase a first or replacement
23 vehicle for the recipient to seek, obtain or maintain employment, so

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

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1 long as the funds are not used for any other purpose, (c) an amount [~~up~~
2 ~~to one thousand four~~] equal to the greater of five thousand one hundred
3 sixty-five dollars or the maximum tuition assistance program award
4 available for the current academic year in a separate bank account
5 established by an individual while currently in receipt of assistance
6 for the purpose of paying tuition at a two-year or four-year accredited
7 post-secondary educational institution, so long as the funds are not
8 used for any other purpose, (d) the home which is the usual residence of
9 the household, (e) one automobile, up to ten thousand dollars fair
10 market value, through March thirty-first, two thousand seventeen; one
11 automobile, up to eleven thousand dollars fair market value, from April
12 first, two thousand seventeen through March thirty-first, two thousand
13 eighteen; and one automobile, up to twelve thousand dollars fair market
14 value, beginning April first, two thousand eighteen and thereafter, or
15 such other higher dollar value as the local social services district may
16 elect to adopt, (f) one burial plot per household member as defined in
17 department regulations, (g) bona fide funeral agreements [~~up to a total~~
18 ~~of one thousand five hundred dollars in equity value~~] per household
19 member, (h) funds in an individual development account established in
20 accordance with subdivision five of section three hundred fifty-eight of
21 this [~~chapter~~] article and section four hundred three of the social
22 security act, (i) for a period of six months, real property which the
23 household is making a good faith effort to sell, in accordance with
24 department regulations and tangible personal property necessary for
25 business or for employment purposes in accordance with department regu-
26 lations, [~~and~~] (j) funds in a qualified tuition program that satisfies
27 the requirement of section 529 of the Internal Revenue Code of 1986, as
28 amended, [~~and~~] (k) funds in a New York achieving a better life experi-
29 ence savings account established in accordance with article eighty-four
30 of the mental hygiene law, (l) retirement accounts, including but not
31 limited to individual retirement accounts, 401(k)'s, 403(b)'s, and keogh
32 plans, and (m) all 529 college savings plans.

33 If federal law or regulations require the exemption or disregard of
34 additional income and resources in determining need for family assist-
35 ance, or medical assistance not exempted or disregarded pursuant to any
36 other provision of this chapter, the department may, by regulations
37 subject to the approval of the director of the budget, require social
38 services officials to exempt or disregard such income and resources.
39 Refunds resulting from earned income tax credits shall be disregarded in
40 public assistance programs. Court ordered child support which is paid
41 or withheld from income shall not be considered available income.

42 [~~2-~~] 3. If and to the extent permitted by federal law and regulations,
43 amounts received under section 105 of Public Law 100-383 as reparation
44 payments for internment of Japanese-Americans and payments made to indi-
45 viduals because of their status as victims of Nazi persecution as
46 defined in P.L. 103-286 shall be exempt from consideration as income or
47 resources for purposes of determining eligibility for and the amount of
48 benefits under any program provided under the authority of this chapter
49 and under title XX of the Social Security Act.

50 [~~3-~~] 4. Ownership of all other personal property not exempt in subdi-
51 visions two and three of this section, shall be evaluated based upon its
52 equity value.

53 5. The department is authorized to establish regulations defining
54 income and resources, consistent with this section. [~~The department is~~
55 ~~further authorized to promulgate regulations it deems necessary to~~

~~prevent the improper establishment and use of accounts for purchase of first or replacement vehicles.]~~

§ 2. Subdivision (c) of section 153 of part B of chapter 436 of the laws of 1997, constituting the welfare reform act of 1997, as amended by chapter 165 of the laws of 2021, is amended to read as follows:

(c) Section sixteen of this act shall take effect November 1, 1997 ~~[and expire and be deemed repealed August 22, 2023];~~

§ 3. This act shall take effect immediately; provided, however, that section one of this act shall take effect on the first of April next succeeding the date on which it shall have become a law.