STATE OF NEW YORK

2418

2023-2024 Regular Sessions

IN ASSEMBLY

January 26, 2023

Introduced by M. of A. BRONSON, MEEKS, L. ROSENTHAL, CLARK -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to assisting persons with medically diagnosed HIV infection; and repealing certain provisions of such law relating thereto

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

Section 1. Subdivision 14 of section 131-a of the social services law, as amended by section 1 of part ZZ of chapter 59 of the laws of 2018, is amended to read as follows:

14. In determining the [~~need for~~] **amount of** aid provided pursuant to public assistance programs, each person living with medically diagnosed HIV infection [~~as defined by the AIDS institute of the department of health in social services districts with a population over five million~~] who **applies for or** is receiving [~~services through such district's administrative unit providing HIV/AIDS services,~~] public assistance and **has** earned and/or unearned income, **up to two hundred percent of the federal poverty guidelines,** shall not be required to pay more than thirty percent of his or her monthly earned and/or unearned income toward the cost of rent that such person has a direct obligation to pay; this provision shall not apply to **the amount of payment obligations for** room and board arrangements **attributable to the provision of goods and services other than living space**.

§ 2. Subdivision 15 of section 131-a of the social services law is REPEALED and a new subdivision 15 is added to read as follows:

15. Notwithstanding the provisions of this chapter or of any other law or regulation to the contrary, in determining the amount of aid provided pursuant to public assistance programs, social service districts shall, upon application, provide access to emergency shelter, transportation, or nutrition payments which the district determines are necessary to establish or maintain independent living arrangements among persons living with medically diagnosed HIV infection who are homeless or facing homelessness and for whom no viable and less costly alternative to housing is available, including HIV emergency shelter allowance payments in

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

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excess of those promulgated by the office of temporary and disability assistance but not exceeding an amount reasonably approximate to one hundred ten percent of fair market rent as determined by the federal department of housing and urban development.

§ 3. Section 131 of the social services law is amended by adding two new subdivisions 21 and 22 to read as follows:

21. When necessary, each local social services district shall assist persons with medically diagnosed HIV infection by (i) helping to secure the required documentation to determine eligibility for assistance, (ii) arranging for required face-to-face interviews to be conducted during home visits or at other appropriate sites, and (iii) providing referrals for services as well as other resources and materials as described in subdivision twenty-two of this section.

22. The office, in consultation with the department of health, shall create, maintain, and periodically update information on the office's website regarding resources and services throughout the state, including the location of such services, which shall include but not be limited to, community based supports, employment opportunities, and medical professionals specialized in assisting such persons with medically diagnosed HIV infection to be utilized by the local social services districts. Such information shall also be made available on the office's website.

§ 4. Paragraphs f and (g) of subdivision 1 of section 153 of the social services law, paragraph f as amended by chapter 81 of the laws of 1995 and paragraph (g) as amended by chapter 471 of the laws of 1980, are amended and a new paragraph h is added to read as follows:

f. the full amount expended by any district, city, town or Indian tribe for the costs, including the costs of administration of public assistance and care to eligible needy Indians and members of their families residing on any Indian reservation in this state, after first deducting therefrom any federal funds properly received or to be received on account thereof[~~.~~];

[~~(g)~~] g. fifty per centum of the amount expended for substance abuse services pursuant to this chapter, after first deducting therefrom any federal funds properly received or to be received on account thereof. In the event funds appropriated for such services are insufficient to provide full reimbursement of the total of the amounts claimed by all social services districts pursuant to this section then reimbursement shall be in such proportion as each claim bears to such total[~~.~~]; and

h. notwithstanding any inconsistent provision of law, one hundred per centum of safety net or family assistance expenditures, in social services districts with a population of five million or fewer, for HIV emergency shelter allowance payments in excess of those promulgated by the office of temporary and disability assistance but not exceeding an amount reasonably approximate to one hundred ten percent of fair market rent as determined by the federal department of housing and urban development, and for transportation or nutrition payments, which the district determines are necessary to establish or maintain independent living arrangements among persons living with medically diagnosed HIV infection and who are homeless or facing homelessness and for whom no viable and less costly alternative to housing is available, after first deducting therefrom any federal funds properly received or to be received on account thereof.

§ 5. This act shall take effect on the ninetieth day after it shall have become a law.