STATE OF NEW YORK

1226

2023-2024 Regular Sessions

IN SENATE

January 10, 2023

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the military law, in relation to determining that disability compensation or benefits received by veterans from the United States department of veterans affairs are not to be treated as income or resources for purposes of determining eligibility for means-tested programs

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

Section 1. The military law is amended by adding a new section 235-b to read as follows:

§ 235-b. Income and resources not to include United States department of veterans affairs disability compensation or benefits. 1. Notwithstanding any inconsistent provision of law, the terms "income" and "resources" for the purpose of determining eligibility for or the amount of benefits under any means-tested state or state assisted or federally assisted program including but not limited to programs of public assistance and care, including family assistance, safety net assistance, medical assistance, title XX of the social security act, food stamp program, the program of additional state payments to persons eligible for supplemental security income, the low income home energy assistance program and grants, loans and scholarships and other means-tested programs for educational assistance, shall not include benefits or payments received from the United States department of veterans affairs for veterans affairs disability compensation or veterans affairs disability benefits. The foregoing requirements shall not apply to any means-tested federally assisted program where the exclusion of such disability benefits or payments received from income is expressly and unanimously prohibited by federal law, rule or regulation.

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

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2. Notwithstanding any inconsistent provision of law, any application for any means-tested state or state assisted or federally assisted program including but not limited to programs of public assistance and care, including family assistance, safety net assistance, medical assistance, title XX of the social security act, food stamp program, the program of additional state payments to persons eligible for supplemental security income, the low income home energy assistance program and grants, loans and scholarships and other means-tested programs for educational assistance, shall clearly and explicitly inform any applicant on such application that United States department of veterans affairs disability compensation and United States department of veterans affairs disability benefits are not income or resources for the purposes of determining eligibility for or the amount of benefits under any means-tested state or state assisted or federally assisted program and shall clearly direct such applicant not to include veterans affairs disability compensation or veterans affairs disability benefits as income or resources when completing such application. The foregoing requirements shall not apply to any means-tested federally assisted program where the exclusion of such disability benefits or payments received from income is expressly and unanimously prohibited by federal law, rule or regulation.

§ 2. This act shall take effect immediately.