

# STATE OF NEW YORK

2705--B

2023-2024 Regular Sessions

## IN SENATE

January 24, 2023

Introduced by Sens. PERSAUD, HOYLMAN-SIGAL, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Social Services in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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~~  
17 ~~thousand seven hundred fifty dollars for applicants in households in~~

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

LBD05293-04-4

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

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

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

1 ~~[3.]~~ 4. Ownership of all other personal property not exempt in subdivi-  
2 visions two and three of this section, shall be evaluated based upon its  
3 equity value.

4 5. The department is authorized to establish regulations defining  
5 income and resources, consistent with this section. ~~[The department is~~  
6 ~~further authorized to promulgate regulations it deems necessary to~~  
7 ~~prevent the improper establishment and use of accounts for purchase of~~  
8 ~~first or replacement vehicles.]~~

9 § 2. Subdivision (c) of section 153 of part B of chapter 436 of the  
10 laws of 1997, constituting the welfare reform act of 1997, as amended by  
11 chapter 195 of the laws of 2023, is amended to read as follows:

12 (c) Section sixteen of this act shall take effect November 1, 1997  
13 ~~[and expire and be deemed repealed August 22, 2025];~~

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