STATE OF NEW YORK

8130

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. GONZALEZ -- 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 reissuing SNAP benefits in instances of fraud or theft of such benefits

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

Section 1. Section 152-d of the social services law, as added by section 1 of part Y of chapter 56 of the laws of 2023 and subdivision 6 as added by chapter 70 of the laws of 2024, is amended to read as follows:

§ 152-d. Replacement of stolen public assistance **or SNAP benefits**. 1. Notwithstanding section three hundred fifty-j of this article and subdivision eleven of section one hundred thirty-one of this title, and in accordance with this section, **recipients of** public assistance [~~recipients~~] **and supplemental nutrition assistance program (SNAP) benefits** shall receive replacement assistance for the loss of public assistance, as defined in subdivision nineteen of section two of this chapter, **or SNAP benefits, as described in section ninety-five of this chapter,** in instances when such public assistance [~~has~~] **or SNAP benefits have** been stolen as a result of card skimming, cloning, third party misrepresentation or other similar fraudulent activities, consistent with guidance issued by the office of temporary and disability assistance.

2. The office of temporary and disability assistance shall establish a protocol for recipients to report incidents of stolen public assistance **or SNAP benefits**. This protocol will be administered by social services districts pursuant to guidance issued by the office of temporary and disability assistance.

3. Social services districts shall promptly replace stolen public assistance **or SNAP benefits**, however, such replacement shall occur no later than five business days after the social services district has verified the public assistance [~~was~~] **or SNAP benefits were** stolen in

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

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accordance with guidance established by the office of temporary and disability assistance consistent with federal and state laws, regulations and guidance, provided, however, that social services districts shall not ask recipients to obtain a police report or require any other interaction with law enforcement unless required by federal law, regulation, or guidance for either public assistance or supplemental nutrition assistance program benefits.

4. For public assistance **or SNAP benefits** that [~~is~~] **are** verified as stolen, replacement assistance shall be provided by the social services district in accordance with this section as follows:

(a) the lesser of: (i) the amount of public assistance **or SNAP benefits** that [~~was~~] **were** stolen; or (ii) the amount of public assistance **or SNAP benefits** equal to two months of the monthly allotment of the household immediately prior to the date upon which the public assistance **or SNAP benefits** that [~~was~~] **were** stolen; provided, however, the commissioner may promulgate regulations for the provision of additional replacement assistance in extenuating circumstances consistent with federal and state laws, regulations and guidance; and

(b)(i) no more than twice in a federal fiscal year to cover public assistance stolen on or after January first, two thousand twenty-two through September thirtieth, two thousand twenty-four; [~~or~~] (ii) no more than once in a federal fiscal year to cover public assistance stolen on or after October first, two thousand twenty-four**; or (iii) no more than once in a fiscal year to cover SNAP benefits stolen after December twentieth, two thousand twenty-four**.

5. Any replacement assistance provided under this section shall be exempt from recoupment and recovery provisions under title six of article three of this chapter; provided, however, that assistance shall not be exempt from recoupment and recovery if it is later determined that the public assistance **or SNAP benefits** that [~~was~~] **were** replaced pursuant to this section [~~was~~] **were** not stolen as a result of card skimming, cloning, third party misrepresentation or other similar fraudulent activities.

6. The office of temporary and disability assistance shall make a model sign available on its website that can be used by any person, firm, partnership, association or corporation required to inform individuals about electronic benefit transfer scams, including, but not limited to, skimming, and the steps they can take to protect their benefits in accordance with section three hundred ninety-e of the general business law.

§ 2. Section 95 of the social services law is amended by adding a new subdivision 12 to read as follows:

12. Notwithstanding any other provision of law to the contrary, in instances of fraud or theft of SNAP benefits, after December twentieth, two thousand twenty-four, the office shall direct social services districts to provide replacement assistance in the form of cash grants equal to the lesser of: (a) the dollar value of the SNAP benefits that were stolen; or (b) the dollar value equal to two months of the monthly allotment of the household immediately prior to the date the SNAP benefits were stolen; provided, however, that the commissioner may promulgate regulations for the provision of additional replacement assistance in extenuating circumstances consistent with federal and state laws, regulations and guidance. Replacement assistance shall be issued within five days of the date the victim submits a signed statement documenting the theft of such SNAP benefits. Any replacement assistance provided

under this subdivision shall be exempt from recoupment and recovery provisions under title six of this article.

§ 3. Subdivision 1 of section 303 of the social services law is amended by adding a new paragraph (p) to read as follows:

(p) In the event of a reported theft of supplemental nutrition assistance program (SNAP) benefits, emergency assistance equal to the lesser of: (i) the amount of SNAP benefits that were stolen; or (ii) the amount of SNAP benefits provided during the two most recent months prior to such assistance being stolen; provided, however, that the commissioner may promulgate regulations for the provision of additional replacement assistance in extenuating circumstances consistent with federal and state laws, regulations and guidance. Replacement assistance shall be issued within five days of the date the victim submits a signed statement documenting the theft of such SNAP benefits. Any replacement assistance provided under this paragraph shall be exempt from recoupment and recovery provisions under title six of article three of this chapter.

§ 4. Paragraph (e) of subdivision 2 of section 350-j of the social services law, as amended by section 38 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

(e) such occurrence or situation could not have been foreseen by the applicant[~~,~~] and was not under [~~his or her~~] such applicant's control [~~and, in the case of a person receiving public assistance, did not result from the loss, theft or mismanagement of a regular public assistance grant~~]; and

§ 5. Section 350-j of the social services law is amended by adding a new subdivision 6 to read as follows:

6. In instances of fraud or theft of supplemental nutrition assistance program (SNAP) benefits occurring after December twentieth, two thousand twenty-four, emergency assistance to needy families with children benefits shall be issued in an amount equal to the lesser of: (i) the amount of SNAP benefits that were stolen; or (ii) the amount of SNAP benefits provided during the two most recent months prior to such assistance being stolen, within seven days of the date the victim submits a signed statement documenting the theft of such benefits. Any replacement assistance provided under this subdivision shall be exempt from recoupment and recovery provisions under title six of article three of this chapter.

§ 6. Section 159 of the social services law is amended by adding a new subdivision 13 to read as follows:

13. Notwithstanding any other provision of law to the contrary, in instances of fraud or theft of supplemental nutrition assistance program (SNAP) benefits that occur after December twentieth, two thousand twenty-four, the victim of such fraud or theft shall be provided safety net assistance benefits equal to the lesser of: (i) the amount of SNAP benefits that were stolen; or (ii) the amount of SNAP benefits provided during the two most recent months prior to such assistance being stolen, within five days of the date the victim submits a signed statement documenting the theft of such benefits. Any replacement assistance provided under this subdivision shall be exempt from recoupment and recovery provisions under title six of article three of this chapter.

§ 7. This act shall take effect immediately.