

STATE OF NEW YORK

890

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. SEPULVEDA -- 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 assistance for burial arrangements

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

1 Section 1. Subdivisions 3 and 4 of section 141 of the social services
2 law, subdivision 3 as added by chapter 772 of the laws of 1958, subpara-
3 graphs 1 and 2 of paragraph (a) of subdivision 3 as amended by chapter
4 110 of the laws of 1971, paragraph (b) of subdivision 3 as amended by
5 chapter 342 of the laws of 1965, subdivision 4 as added by chapter 1080
6 of the laws of 1974, are amended and a new subdivision 7 is added to
7 read as follows:

8 3. (a) When burial arrangements for a recipient of public assistance
9 or care are made by relatives or friends of the deceased and the expense
10 of such burial does not exceed the amount fixed by the appropriate
11 public welfare official or the local appropriating body for similar
12 burials in similar circumstances, such public welfare official may:

13 (1) if such relatives or friends were required to pay the expense of
14 such burial in order to arrange the same, wholly or partly reimburse
15 them, from assets transferred or assigned to such social services offi-
16 cial by or on behalf of the deceased recipient; but [~~he~~] such public
17 welfare official shall not reimburse a legally responsible relative of
18 the deceased for any part of the amount paid by [~~him~~] such relative
19 which in the judgment of such social services official such relative is
20 able to bear; nor shall such official expend from such assets for such
21 purpose more than is permitted by or pursuant to this section, other
22 provisions of this chapter and regulations of the department. The
23 reimbursement benefit pursuant to this subparagraph shall not be less
24 than three thousand dollars or exceed four thousand dollars.

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

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1 (2) pay part of the expense of such burial, if, and to the extent and
2 under the circumstances, permitted by [~~his~~] such public welfare offi-
3 cial's local policy, which shall not be inconsistent with this chapter,
4 and the regulations of the department; but in no case shall such social
5 services official pay more than the balance remaining to be paid after
6 the total of the amounts paid or to be paid by all other sources,
7 including payments made or to be made by such legally responsible rela-
8 tives of the deceased as are in the judgment of such official able to
9 bear the same, is credited to and deducted from such expense.

10 (b) In no case shall a public welfare official expend, pursuant to the
11 provisions of this section or any other provision of this chapter, for
12 the burial of a recipient of public assistance or care, from assets
13 transferred or assigned to [~~him~~] such public welfare official by or on
14 behalf of such recipient, an amount which shall be less than three thou-
15 sand dollars or in excess of [~~five hundred~~] four thousand dollars.

16 4. For purposes of this section, the term "recipient of public assist-
17 ance and care" shall include persons [~~receiving~~] eligible for federal
18 supplemental security income benefits pursuant to title sixteen of the
19 federal social security act [~~and/or~~], additional state payments pursuant
20 to title six of article five of this chapter and/or if such person can
21 otherwise demonstrate an inability to pay as determined by the commis-
22 sioner. Notwithstanding any provision of law to the contrary, the eligi-
23 bility of a person to receive benefits pursuant to this section shall
24 not take into account the immigration status of such person.

25 7. Notwithstanding any provision of law to the contrary, during a
26 state disaster emergency, as defined in section twenty of the executive
27 law, no reimbursement payments shall be made pursuant to subparagraph
28 one of paragraph (a) of subdivision three of this section and all appli-
29 cations for assistance pursuant to this section shall be processed,
30 approved or denied, and direct payment made to the funeral firm, ceme-
31 tery organization or business operating a crematory, columbarium or
32 other business, who also controls the disposition of remains, as appli-
33 cable, within fifteen days.

34 § 2. This act shall take effect immediately.