STATE OF NEW YORK

2048

2025-2026 Regular Sessions

IN ASSEMBLY

January 14, 2025

Introduced by M. of A. SOLAGES, SIMON, SHRESTHA, BENDETT -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to increasing personal needs allowance amounts

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

Section 1. Subparagraph 10 of paragraph (a) of subdivision 2 of section 366 of the social services law, as amended by section 3 of part AAA of chapter 56 of the laws of 2022, is amended to read as follows:

(10) (i) A person who is receiving or is eligible to receive federal supplemental security income payments and/or additional state payments is entitled to a personal needs allowance as follows:

(A) for the personal expenses of a resident of a residential health care facility, as defined by section twenty-eight hundred one of the public health law, the amount of [~~fifty-five~~] **two hundred** dollars per month**, provided further that such amount be subject to an annual adjustment reflecting the latest consumer price index, all items-U.S. city average, published by the United States bureau of labor statistics, commencing January first, two thousand twenty-six and recalculated every January first thereafter**;

(B) for the personal expenses of a resident of an intermediate care facility operated or licensed by the office for people with developmental disabilities or a patient of a hospital operated by the office of mental health, as defined by subdivision ten of section 1.03 of the mental hygiene law, the amount of [~~thirty-five~~] **eighty-nine** dollars per month.

(ii) A person who neither receives nor is eligible to receive federal supplemental security income payments and/or additional state payments is entitled to a personal needs allowance as follows:

(A) for the personal expenses of a resident of a residential health care facility, as defined by section twenty-eight hundred one of the

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

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public health law, the amount of [~~fifty~~] two hundred dollars per month, provided further that such amount be subject to an annual adjustment reflecting the latest consumer price index, all items-U.S. city average, published by the United States bureau of labor statistics, commencing January first, two thousand twenty-six and recalculated every January first thereafter;

(B) for the personal expenses of a resident of an intermediate care facility operated or licensed by the office for people with developmental disabilities or a patient of a hospital operated by the office of mental health, as defined by subdivision ten of section 1.03 of the mental hygiene law, the amount of [~~thirty-five~~] eighty-nine dollars per month.

(iii) [~~Notwithstanding the provisions of clauses (i) and (ii) of this subparagraph, the~~] The personal needs allowance for a person who is a veteran having neither a spouse nor a child, or a surviving spouse of a veteran having no child, who receives a reduced pension from the federal veterans administration, and who is a resident of a nursing facility, as defined in section 1919 of the federal social security act, shall be equal to such reduced monthly pension [~~but shall not exceed ninety dollars per month~~] plus the amounts stated in the provisions of clauses (i) and (ii) of this subparagraph.

§ 2. Subdivision 2-a of section 209 of the social services law, as amended by chapter 672 of the laws of 2019, is amended to read as follows:

2-a. Notwithstanding any inconsistent provision of subparagraph (ii) of paragraph (d) of subdivision one of this section, an individual who is receiving or is eligible to receive federal supplemental security income payments and/or additional state payments and who is a resident of a residential health care facility as defined by section twenty-eight hundred one of the public health law, shall, in accordance with regulations of the department, be entitled to a state payment for personal needs in the amount of fifteen dollars a month, provided, however, that on or after January first, nineteen hundred eighty-eight the state payment for personal needs for such persons shall be in the amount of twenty-five dollars a month[~~.~~], provided however, that on or after in the amount of one hundred seventy dollars a month; provided further that such amount be subject to an annual adjustment reflecting the latest consumer price index (all items-U.S. city average), published by the United States bureau of labor statistics, commencing January first, two thousand twenty-six and recalculated every January first thereafter. Notwithstanding any inconsistent provision of subparagraph (ii) of paragraph (d) of subdivision one of this section, on or after January first, nineteen hundred eighty-eight, a resident of an intermediate care facility operated or issued an operating certificate by the office for people with developmental disabilities or a patient of a hospital operated by the office of mental health as defined in subdivision ten of section 1.03 of the mental hygiene law who is receiving or is eligible to receive supplemental security income payments and/or additional state payments shall receive a state payment for personal needs in the amount of [~~five~~] fifty-nine dollars a month. The department is authorized to promulgate necessary regulations to provide for the time and manner for payment of such personal allowance to such individuals.

§ 3. This act shall take effect January 1, 2026 and shall apply to all benefits and allowances issued on and after such date.