

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 Assem-
bly, do enact as follows:

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

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

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

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

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

24 (A) for the personal expenses of a resident of a residential health
25 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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1 public health law, the amount of [~~fifty~~] two hundred dollars per month,
2 provided further that such amount be subject to an annual adjustment
3 reflecting the latest consumer price index, all items-U.S. city average,
4 published by the United States bureau of labor statistics, commencing
5 January first, two thousand twenty-six and recalculated every January
6 first thereafter;

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

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

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

25 2-a. Notwithstanding any inconsistent provision of subparagraph (ii)
26 of paragraph (d) of subdivision one of this section, an individual who
27 is receiving or is eligible to receive federal supplemental security
28 income payments and/or additional state payments and who is a resident
29 of a residential health care facility as defined by section twenty-eight
30 hundred one of the public health law, shall, in accordance with regu-
31 lations of the department, be entitled to a state payment for personal
32 needs in the amount of fifteen dollars a month, provided, however, that
33 on or after January first, nineteen hundred eighty-eight the state
34 payment for personal needs for such persons shall be in the amount of
35 twenty-five dollars a month[-], provided however, that on or after in
36 the amount of one hundred seventy dollars a month; provided further that
37 such amount be subject to an annual adjustment reflecting the latest
38 consumer price index (all items-U.S. city average), published by the
39 United States bureau of labor statistics, commencing January first, two
40 thousand twenty-six and recalculated every January first thereafter.

41 Notwithstanding any inconsistent provision of subparagraph (ii) of para-
42 graph (d) of subdivision one of this section, on or after January first,
43 nineteen hundred eighty-eight, a resident of an intermediate care facil-
44 ity operated or issued an operating certificate by the office for people
45 with developmental disabilities or a patient of a hospital operated by
46 the office of mental health as defined in subdivision ten of section
47 1.03 of the mental hygiene law who is receiving or is eligible to
48 receive supplemental security income payments and/or additional state
49 payments shall receive a state payment for personal needs in the amount
50 of [~~five~~] fifty-nine dollars a month. The department is authorized to
51 promulgate necessary regulations to provide for the time and manner for
52 payment of such personal allowance to such individuals.

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