

STATE OF NEW YORK

1757

2025-2026 Regular Sessions

IN SENATE

January 13, 2025

Introduced by Sen. PERSAUD -- 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 any unearned income of a child in certain circumstances

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

1 Section 1. Paragraph (a) of subdivision 8 of section 131-a of the
2 social services law is amended by adding a new subparagraph (xiv) to
3 read as follows:

4 (xiv) any unearned income of a child when the parent or non-parent
5 caregiver chooses to exclude such child from the public assistance
6 household pursuant to subdivision one of section one hundred
7 thirty-one-c of this article.

8 § 2. The section heading of section 131-c of the social services law,
9 as added by chapter 42 of the laws of 1985, is amended to read as
10 follows:

11 Inclusion of parents [~~and siblings~~] of a minor in the public assist-
12 ance household.

13 § 3. Subdivision 1 of section 131-c of the social services law, as
14 added by chapter 42 of the laws of 1985, is amended to read as follows:

15 1. For the purposes of determining eligibility for and the amount of
16 assistance payable, the social services district shall, when a minor is
17 named as an applicant for public assistance, require that [~~his or her~~]
18 such minor's parents [~~and minor brothers and sisters~~] also apply for
19 assistance and be included in the household for purposes of determining
20 eligibility and grant amounts, if such individuals reside in the same
21 dwelling unit as the minor applying for assistance. Any income of or
22 available for such parents, [~~brothers and sisters~~] which is not disre-
23 garded under subdivision eight of section one hundred thirty-one-a of
24 this article, shall be considered available to such household. [~~The~~
25 ~~provisions of~~] A parent or non-parent caregiver may choose to exclude

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

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1 any other child or children residing in the same dwelling unit from the
2 public assistance household. Nothing in this [~~subdivision~~] chapter shall
3 [~~not apply to~~] require individuals who are recipients of federal supple-
4 mental security income benefits, or who receive additional state
5 payments pursuant to this chapter, or [~~to individuals~~] whose relation-
6 ship to the minor is that of [~~stepbrother or stepsister~~] a sibling,
7 half-sibling, stepsibling, or cousin, or [~~to~~] any other individuals
8 whose needs are excluded pursuant to department regulations consistent
9 with federal law and regulations, to be included as part of the public
10 assistance household.

11 § 4. This act shall take effect either on the one hundred eightieth
12 day after it shall have become a law or after the commissioner of the
13 office of temporary and disability assistance certifies that the office
14 has an information technology system capable of accommodating the
15 provisions in this act, whichever shall have taken place sooner;
16 provided that the commissioner of the office of temporary and disability
17 assistance shall notify the legislative bill drafting commission of the
18 date of such certification in order that the commission may maintain an
19 accurate and timely effective database of the official text of the laws
20 of the state of New York in furtherance of effectuating the provisions
21 of section 44 of the legislative law and section 70-b of the public
22 officers law. Effective immediately, the addition, amendment and/or
23 repeal of any rule or regulation necessary for the implementation of
24 this act on its effective date are authorized to be made and completed
25 on or before such effective date.