

STATE OF NEW YORK

4259

2025-2026 Regular Sessions

IN SENATE

February 3, 2025

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the social services law, in relation to establishing a healthy birth grant demonstration program; and to amend the social services law, the tax law, the real property tax law, the administrative code of the city of New York, the domestic relations law and the family court act, in relation to the exclusion of healthy birth grants from income for certain purposes

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

1 Section 1. The social services law is amended by adding a new section
2 367-z to read as follows:

3 § 367-z. Healthy birth grant demonstration program. 1. Healthy birth
4 grant disbursement. (a) The commissioner shall seek a waiver from the
5 federal department of health and human services pursuant to section
6 eleven hundred fifteen of the federal social security act, or any
7 successor provisions thereof, in order to establish the healthy birth
8 grant program provided for in this section. On and after the effective
9 date of this section, such program shall disburse a grant of one thou-
10 sand eight hundred dollars per child to all households with new parents
11 receiving medical assistance under this title during the third trimester
12 of the pregnancy of such child. In the event that multiple individuals
13 in a household meet the definition of "new parent" as provided in para-
14 graph (b) of this subdivision, however, only one grant of one thousand
15 eight hundred dollars shall be disbursed for such household. In the
16 event that a pregnant individual is deemed presumptively eligible for
17 medical assistance under subdivision six of section three hundred
18 sixty-four-i of this title and receives perinatal care after the third
19 trimester, such pregnant individual shall receive such birth grant at
20 the time that such individual is determined to be actually eligible for
21 such assistance under section three hundred sixty-six of this title.

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

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1 (b) For the purposes of this section, "new parents" shall mean all
2 legal parents or guardians who meet the eligibility requirements for
3 medical assistance under section three hundred sixty-six of this title,
4 whether such individual is the biological parent of the child to be
5 born, an adoptive parent under section one hundred nine of the domestic
6 relations law, an intended parent under section 581-102 of the family
7 court act, or an individual who has been awarded physical custody of a
8 child under article five-a of the domestic relations law.

9 2. Coordination with other benefits. (a) Notwithstanding any provision
10 of law to the contrary, the healthy birth grant provided in this section
11 shall not be considered income, assets or resources for the purposes of
12 determining eligibility for public benefits or assistance, or the amount
13 or extent of such benefits or assistance, under any state or local
14 program.

15 (b) The commissioner may enter into cooperative agreements with local
16 social services districts in order that such districts may administer
17 the disbursement of the healthy birth grants provided in subdivision one
18 of this section where deemed necessary and appropriate by such commis-
19 sioner. Such agreements shall be crafted with the goal of ensuring that
20 recipients of a healthy birth grant are made aware of and enrolled in
21 all public benefits and assistance provided under this title or another
22 applicable area of state, federal or local law, code, rule, regulation
23 or ordinance and to ensure a smooth coordination of benefits and assist-
24 ance between such healthy birth grant and such other benefits and
25 assistance.

26 (c) If a waiver under section eleven hundred fifteen of the federal
27 social security act is granted for the purposes of the healthy birth
28 grant demonstration program provided for in this section, the commis-
29 sioner shall then seek agreements with all applicable federal agencies
30 and/or entities to ensure that such grant shall not be considered
31 income, assets or resources for the purposes of determining eligibility
32 for public benefits or assistance, or the amount or extent of such bene-
33 fits or assistance, under federal programs.

34 3. Impact on income tax. Notwithstanding any provision of law to the
35 contrary, no grant paid pursuant to this section shall be subject to
36 state or local income tax.

37 § 2. Subsection (c) of section 612 of the tax law is amended by adding
38 a new paragraph 48 to read as follows:

39 (48) For taxable years beginning on or after the effective date of
40 this paragraph, healthy birth grants disbursed under section three
41 hundred sixty-seven-z of the social services law.

42 § 3. Paragraph (a) of subdivision 2 of section 366 of the social
43 services law is amended by adding a new subparagraph 7-a to read as
44 follows:

45 (7-a) healthy birth grants established by section three hundred
46 sixty-seven-z of this title;

47 § 4. Paragraph (a) of subdivision 8 of section 131-a of the social
48 services law is amended by adding a new subparagraph (xiv) to read as
49 follows:

50 (xiv) any financial assistance received from a healthy birth grant as
51 provided in section three hundred sixty-seven-z of this article.

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

54 12. The value of a healthy birth grant provided under section three
55 hundred sixty-seven-z of this chapter to an eligible individual shall

1 not be considered by the office to be income or resources for purposes
2 of eligibility for the SNAP benefits provided for under this section.

3 § 6. Section 97 of the social services law is amended by adding a new
4 subdivision 6 to read as follows:

5 6. The amount of any healthy birth grant provided under section three
6 hundred sixty-seven-z of this chapter to an eligible household shall not
7 be considered income or resources of such household, or any member ther-
8 eof, for purposes of the low-income home energy assistance program
9 provided for under this section. The department shall update its regu-
10 lations regarding such program to effectuate the provisions of this
11 subdivision.

12 § 7. Subdivision 2 of section 209 of the social services law is
13 amended by adding a new paragraph (g) to read as follows:

14 (g) A healthy birth grant received by an eligible person under section
15 three hundred sixty-seven-z of this article shall not count towards the
16 standard of monthly need provided in this subdivision when determining
17 eligibility for and the amount of additional state payments.

18 § 8. Subparagraph (iv) of paragraph (a) of subdivision 3 of section
19 467 of the real property tax law is amended by adding a new clause 3-a
20 to read as follows:

21 (3-a) any healthy birth grants disbursed under section three hundred
22 sixty-seven-z of the social services law shall not be considered income;

23 § 9. Clause 1 of subparagraph (v) of paragraph (a) of subdivision 3 of
24 section 467 of the real property tax law, as amended by chapter 592 of
25 the laws of 2024, is amended to read as follows:

26 (1) Except as provided in clause two of this subparagraph, the term
27 "income" as used in this section shall mean the "adjusted gross income"
28 for federal income tax purposes as reported on the applicant's federal
29 or state income tax return for the most recent income tax year or years
30 for which data is sufficiently available to determine the applicant's
31 eligibility for exemptions pursuant to this section, subject to any
32 subsequent amendments or revisions, minus any distributions, to the
33 extent included in federal adjusted gross income, received from an indi-
34 vidual retirement account and an individual retirement annuity; provided
35 that healthy birth grants disbursed under section three hundred sixty-
36 seven-z of the social services law shall not be considered income; and
37 provided further that if no such return was filed for such income tax
38 year, the applicant's income shall be determined based on the amounts
39 that would have so been reported if such a return had been filed; and

40 § 10. Paragraph c of subdivision 1 of section 467-b of the real prop-
41 erty tax law is amended by adding a new subparagraph (iii) to read as
42 follows:

43 (iii) provided further that a healthy birth grant received under
44 section three hundred sixty-seven-z of the social services law shall not
45 be considered income under this paragraph;

46 § 11. Clause (vi) of subparagraph 1 of paragraph f of subdivision 1 of
47 section 467-c of the real property tax law, as amended by chapter 276 of
48 the laws of 2023, is amended and a new clause (vii) is added to read as
49 follows:

50 (vi) When the eligible head of the household has retired on or after
51 the commencement of the taxable period and prior to the date of making
52 an application for a rent increase exemption order/tax abatement certif-
53 icate pursuant to this section, such person's income shall be adjusted
54 by excluding salary or earnings and projecting such person's retirement
55 income over the entire taxable period; [~~ex~~] and

1 (vii) provided further that a healthy birth grant received under
2 section three hundred sixty-seven-z of the social services law shall not
3 be considered income under this subparagraph; or

4 § 12. Paragraph (a) of subdivision 5 of section 459-c of the real
5 property tax law is amended by adding a new subparagraph (vi) to read as
6 follows:

7 (vi) Under no circumstances, however, may a municipal corporation
8 consider a healthy birth grant provided under section three hundred
9 sixty-seven-z of the social services law to be income for the purposes
10 of this paragraph.

11 § 13. Subparagraph (ii) of paragraph (b) of subdivision 4 of section
12 425 of the real property tax law, as amended by section 1 of part B of
13 chapter 59 of the laws of 2018, is amended to read as follows:

14 (ii) The term "income" as used herein shall mean the "adjusted gross
15 income" for federal income tax purposes as reported on the applicant's
16 federal or state income tax return for the applicable income tax year,
17 subject to any subsequent amendments or revisions, reduced by distrib-
18 utions, to the extent included in federal adjusted gross income,
19 received from an individual retirement account and an individual retire-
20 ment annuity; provided that if no such return was filed for the applica-
21 ble income tax year, "income" shall mean the adjusted gross income that
22 would have been so reported if such a return had been filed. In no
23 circumstance shall income include a healthy birth grant provided under
24 section three hundred sixty-seven-z of the social services law. Provided
25 further, that effective with exemption applications for final assessment
26 rolls to be completed in two thousand nineteen, where an income-eli-
27 gibility determination is wholly or partly based upon the income of one or
28 more individuals who did not file a return for the applicable income tax
29 year, then in order for the application to be considered complete, each
30 such individual must file a statement with the department showing the
31 source or sources of [~~his or her~~] such individual's income for that
32 income tax year, and the amount or amounts thereof, that would have been
33 reported on such a return if one had been filed. Such statement shall be
34 filed at such time, and in such form and manner, as may be prescribed by
35 the department, and shall be subject to the secrecy provisions of the
36 tax law to the same extent that a personal income tax return would be.
37 The department shall make such forms and instructions available for the
38 filing of such statements. The local assessor shall upon the request of
39 a taxpayer assist such taxpayer in the filing of the statement with the
40 department.

41 § 14. Paragraph (a) of subdivision 3 of section 11-245.3 of the admin-
42 istrative code of the city of New York, as amended by local law number
43 140 of the city of New York for the year 2017, is amended to read as
44 follows:

45 (a) if the income of the owner or the combined income of the owners of
46 the property exceeds the sum of twenty-six thousand dollars beginning
47 July first, two thousand six, twenty-seven thousand dollars beginning
48 July first, two thousand seven, twenty-eight thousand dollars beginning
49 July first, two thousand eight, twenty-nine thousand dollars beginning
50 July first, two thousand nine, and fifty thousand dollars beginning July
51 first, two thousand seventeen for the income tax year immediately
52 preceding the date of making application for exemption. Income tax year
53 shall mean the twelve month period for which the owner or owners filed a
54 federal personal income tax return, or if no such return is filed, the
55 calendar year. Where title is vested in either the husband or the wife,
56 their combined income may not exceed such sum, except where the husband

1 or wife, or ex-husband or ex-wife is absent from the property as
2 provided in subparagraph (ii) of paragraph (d) of this subdivision, then
3 only the income of the spouse or ex-spouse residing on the property
4 shall be considered and may not exceed such sum. Such income shall
5 include social security and retirement benefits, interest, dividends,
6 total gain from the sale or exchange of a capital asset which may be
7 offset by a loss from the sale or exchange of a capital asset in the
8 same income tax year, net rental income, salary or earnings, and net
9 income from self-employment, but shall not include gifts, inheritances,
10 a return of capital, payments made to individuals because of their
11 status as victims of Nazi persecution as defined in P.L. 103-286, monies
12 earned through employment in the federal foster grandparent program,
13 ~~and~~ veterans disability compensation as defined in title 38 of the
14 United States Code, and healthy birth grants disbursed under section
15 three hundred sixty-seven-z of the social services law, and any such
16 income shall be offset by all medical and prescription drug expenses
17 actually paid which were not reimbursed or paid for by insurance. In
18 computing net rental income and net income from self-employment no
19 depreciation deduction shall be allowed for the exhaustion, wear and
20 tear of real or personal property held for the production of income;

21 § 15. Paragraph (a) of subdivision 3 of section 11-245.4 of the admin-
22 istrative code of the city of New York, as amended by local law number
23 140 of the city of New York for the year 2017, is amended to read as
24 follows:

25 (a) if the income of the owner or the combined income of the owners of
26 the property for the income tax year immediately preceding the date of
27 making application for exemption exceeds the sum of twenty-six thousand
28 dollars beginning July first, two thousand six, twenty-seven thousand
29 dollars beginning July first, two thousand seven, twenty-eight thousand
30 dollars beginning July first, two thousand eight, twenty-nine thousand
31 dollars beginning July first, two thousand nine, and fifty thousand
32 dollars beginning July first, two thousand seventeen. Income tax year
33 shall mean the twelve month period for which the owner or owners filed a
34 federal personal income tax return, or if no such return is filed, the
35 calendar year. Where title is vested in either the husband or the wife,
36 their combined income may not exceed such sum, except where the husband
37 or wife, or ex-husband or ex-wife is absent from the property due to
38 divorce, legal separation or abandonment, then only the income of the
39 spouse or ex-spouse residing on the property shall be considered and may
40 not exceed such sum. Such income shall include social security and
41 retirement benefits, interest, dividends, total gain from the sale or
42 exchange of a capital asset which may be offset by a loss from the sale
43 or exchange of a capital asset in the same income tax year, net rental
44 income, salary or earnings, and net income from self-employment, but
45 shall not include a return of capital, gifts, inheritances ~~[ex]~~, monies
46 earned through employment in the federal foster grandparent program, or
47 healthy birth grants disbursed under section three hundred sixty-seven-z
48 of the social services law, and any such income shall be offset by all
49 medical and prescription drug expenses actually paid which were not
50 reimbursed or paid for by insurance. In computing net rental income and
51 net income from self-employment no depreciation deduction shall be
52 allowed for the exhaustion, wear and tear of real or personal property
53 held for the production of income;

54 § 16. Subparagraph 4 of paragraph b of subdivision 5-a of part B of
55 section 236 of the domestic relations law, as amended by chapter 269 of
56 the laws of 2015, is amended to read as follows:

1 (4) "Income" shall mean income as defined in the child support stand-
2 ards act and codified in section two hundred forty of this article and
3 section four hundred thirteen of the family court act without subtract-
4 ing alimony or maintenance actually paid or to be paid to a spouse that
5 is a party to the instant action pursuant to subclause (C) of clause
6 (vii) of subparagraph five of paragraph (b) of subdivision one-b of
7 section two hundred forty of this article and subclause (C) of clause
8 (vii) of subparagraph five of paragraph (b) of subdivision one of
9 section four hundred thirteen of the family court act and without
10 subtracting spousal support paid pursuant to section four hundred twelve
11 of such act. In no circumstance shall income include healthy birth
12 grants disbursed under section three hundred sixty-seven-z of the social
13 services law, however.

14 § 17. The opening paragraph of subparagraph 5 of paragraph (b) of
15 subdivision 1-b of section 240 of the domestic relations law, as added
16 by chapter 567 of the laws of 1989, is amended to read as follows:

17 "Income" shall mean, but shall not be limited to, the sum of the
18 amounts determined by the application of clauses (i), (ii), (iii), (iv),
19 (v) and (vi) of this subparagraph reduced by the amount determined by
20 the application of clause (vii) of this subparagraph, provided that in
21 no instance shall a healthy birth grant provided under section three
22 hundred sixty-seven-z of the social services law be considered income:

23 § 18. The opening paragraph of subparagraph 5 of paragraph (b) of
24 subdivision 1 of section 413 of the family court act, as amended by
25 chapter 567 of the laws of 1989, is amended to read as follows:

26 "Income" shall mean, but shall not be limited to, the sum of the
27 amounts determined by the application of clauses (i), (ii), (iii), (iv),
28 (v) and (vi) of this subparagraph reduced by the amount determined by
29 the application of clause (vii) of this subparagraph, provided that in
30 no instance shall a healthy birth grant provided under section three
31 hundred sixty-seven-z of the social services law be considered income:

32 § 19. Section 410-w of the social services law is amended by adding a
33 new subdivision 7-a to read as follows:

34 7-a. For purposes of determining financial eligibility under this
35 title, a healthy birth grant provided under section three hundred
36 sixty-seven-z of this chapter shall be disregarded when determining the
37 eligibility of a household for a child care subsidy.

38 § 20. This act shall take effect on the one hundred eightieth day
39 after the granting of a waiver from the federal department of health and
40 human services under section 1115 of the federal social security act or
41 any successor provisions thereof; provided that the state commissioner
42 of social services shall notify the legislative bill drafting commission
43 upon the occurrence of the granting of such a waiver by the federal
44 department of health and human services provided for in section one of
45 this act in order that the commission may maintain an accurate and time-
46 ly effective data base of the official text of the laws of the state of
47 New York in furtherance of effectuating the provisions of section 44 of
48 the legislative law and section 70-b of the public officers law. Effec-
49 tive immediately, the addition, amendment and/or repeal of any rule or
50 regulation necessary for the implementation of this act on its effective
51 date are authorized to be made and completed on or before such effective
52 date.