

STATE OF NEW YORK

4744--B

2025-2026 Regular Sessions

IN SENATE

February 12, 2025

Introduced by Sens. CLEARE, BROUK, CANZONERI-FITZPATRICK, HELMING, HINCHEY, MATTERA, MURRAY, MYRIE, ROLISON, SCARCELLA-SPANTON, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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-seven and recalculated
14 every 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

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

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1 mental hygiene law, the amount of [~~thirty-five~~] eighty-nine dollars per
2 month.

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

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

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

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

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

32 2-a. Notwithstanding any inconsistent provision of subparagraph (ii)
33 of paragraph (d) of subdivision one of this section, an individual who
34 is receiving or is eligible to receive federal supplemental security
35 income payments and/or additional state payments and who is a resident
36 of a residential health care facility as defined by section twenty-eight
37 hundred one of the public health law, shall, in accordance with regu-
38 lations of the department, be entitled to a state payment for personal
39 needs in the amount of fifteen dollars a month, provided, however, that
40 on or after January first, nineteen hundred eighty-eight the state
41 payment for personal needs for such persons shall be in the amount of
42 twenty-five dollars a month, provided however, that on or after the
43 effective date of the chapter of the laws of two thousand twenty-six
44 that amended this subdivision the state payment for personal needs for
45 such persons shall be in the amount of one hundred seventy dollars a
46 month; provided further that such amount be subject to an annual adjust-
47 ment reflecting the latest consumer price index (all items-U.S. city
48 average), published by the United States bureau of labor statistics,
49 commencing January first, two thousand twenty-seven and recalculated
50 every January first thereafter. Notwithstanding any inconsistent
51 provision of subparagraph (ii) of paragraph (d) of subdivision one of
52 this section, on or after January first, nineteen hundred eighty-eight,
53 a resident of an intermediate care facility operated or issued an oper-
54 ating certificate by the office for people with developmental disabili-
55 ties or a patient of a hospital operated by the office of mental health
56 as defined in subdivision ten of section 1.03 of the mental hygiene law

1 who is receiving or is eligible to receive supplemental security income
2 payments and/or additional state payments shall receive a state payment
3 for personal needs in the amount of [~~five~~ fifty-nine] dollars a month.
4 The department is authorized to promulgate necessary regulations to
5 provide for the time and manner for payment of such personal allowance
6 to such individuals.
7 § 3. This act shall take effect January 1, 2027 and shall apply to all
8 benefits and allowances issued on and after such date.