§ 31.29 Monthly personal allowances.

(a) Each resident of a residential care center for adults shall be entitled to retain out of his or her income, including supplemental security income or safety net assistance benefits pursuant to the social services law, a monthly personal allowance in an amount equal to the monthly personal allowance established in section one hundred thirty-one-o of the social services law for persons receiving residential care.

(b) Any resident of a residential care center for adults, or a state operated community residence, who does not receive a monthly personal needs allowance as provided in subdivision (a) of this section shall, in accordance with regulations of the commissioner, be eligible to receive a state payment for personal needs if such resident:

1. does not have countable income, as such term is defined in section two hundred eight of the social services law, in an amount equal to or greater than the amount of the monthly personal allowance for individuals receiving residential care established in section one hundred thirty-one-o of the social services law; and

2. does not have countable resources, as such term is defined in section two hundred eight of the social services law, in an amount equal to or greater than the amount of resources an individual or couple may have and remain eligible for supplemental security income benefits and additional state payments pursuant to title XVI of the federal social security act and title six of article five of the social services law.

(c) The amount of the state payment shall be the amount of the monthly personal allowance established in section one hundred thirty-one-o of the social services law for persons receiving residential care less the resident's countable income.

(d) The provisions of section one hundred thirty-one-o of the social services law shall apply to all allowances and state payments under this section.

(e) The commissioner is authorized to promulgate necessary regulations to provide for the time and manner for such state payments for personal needs.