§ 131-a. Monthly grants and allowances of public assistance. 1. Any inconsistent provision of this chapter or other law notwithstanding, social services officials shall, in accordance with the provisions of this section and regulations of the department, provide public assistance to needy persons who constitute or are members of a family household, who are determined to be eligible in accordance with standards of need established in subdivision two. Provision for such persons, for all items of need, less any available income or resources which are not required to be disregarded by other provisions of this chapter, shall be made in accordance with this section. Such provision shall be made in monthly or semi-monthly allowances and grants within the limits of the schedules included in subdivision three of this section except for additional amounts which shall be included therein for shelter, fuel for heating, additional cost of meals for persons who are unable to prepare meals at home and for other items for which specific provision is otherwise made in article five. As used in this section the term "shelter" may include a grant not to exceed two thousand five hundred dollars toward the purchase of an interest in a cooperative. A social services official shall require assignment of recipient's equity in such cooperative housing in accordance with the rules of the board and regulations of the department.

2. (a) Through June thirtieth, two thousand nine, the following schedule shall be the standard of monthly need for determining eligibility for all categories of assistance in and by all social services districts:

Number of Persons in Household					
One	Two	Three	Four	Five	Six
$112	$179	$238	$307	$379	$438

For each additional person in the household there shall be added an additional amount of sixty dollars monthly.

(a-1) For the period beginning July first, two thousand nine and ending June thirtieth, two thousand ten, the following schedule shall be the standard of monthly need for determining eligibility for all categories of assistance in and by all social services districts:

Number of Persons in Household

One	Two	Three	Four	Five	Six
$126	$201	$268	$345	$426	$492

For each additional person in the household there shall be added an additional amount of sixty-seven dollars monthly.

(a-2) For the period beginning July first, two thousand ten and ending June thirtieth, two thousand twelve, the following schedule shall be the standard of monthly need for determining eligibility for all categories of assistance in and by all social services districts:

Number of Persons in Household

One	Two	Three	Four	Five	Six
$141	$225	$300	$386	$477	$551

For each additional person in the household there shall be added an additional amount of seventy-five dollars monthly.

(a-3) For the period beginning July first, two thousand twelve and ending September thirtieth, two thousand twelve, the following schedule shall be the standard of monthly need for determining eligibility for all categories of assistance in and by all social services districts:

Number of Persons in Household

One	Two	Three	Four	Five	Six
$150	$239	$317	$409	$505	$583

For each additional person in the household there shall be added an additional amount of eighty dollars monthly.

(a-4) For the period beginning October first, two thousand twelve and thereafter, the following shall be the standard of monthly need for determining eligibility for all categories of assistance in and by all social services districts:

Number of Persons in Household

One	Two	Three	Four	Five	Six
$158	$252	$336	$433	$534	$617

For each additional person in the household there shall be added an additional amount of eighty-five dollars monthly.

(b) In addition to the above, the standard of need shall include amounts for shelter and fuel for heating, amounts for home energy

payments (including amounts for supplemental home energy grants), amounts for additional cost of meals for persons who are unable to prepare meals at home and amounts for other items when required by individual case circumstances for which specific provision is otherwise made in article five of this chapter. For purposes of determining the amount to be included in the standard of need for shelter and fuel for heating, to the extent that federal reimbursement is available therefor, social services officials shall include in the household any child who has entered foster care pursuant to section three hundred eighty-four-a of this chapter who was eligible for and in receipt of assistance and care as a member of the household in and for the month of entry into foster care and for whom the family service plan, as defined in section four hundred nine-e of this chapter, includes a goal of discharge to a member of the household.

(c) Notwithstanding the provisions of this chapter or of any other law or regulation to the contrary, on and after the effective date of this paragraph, the amount to be included in the standard of need for shelter for an eligible tenant residing in city, state or federal public housing shall be the greater of (i) the shelter allowance for public housing prescribed by regulations of the department, (ii) the amount payable pursuant to a modified shelter allowance schedule prescribed by regulations of the department for the particular housing authority, or (iii) an amount equal to fifty percent of the maximum shelter allowance prescribed by regulations of the department for non-public housing located in the social services district in which the public housing is located. Commencing one year after such effective date, such shelter allowance shall be the greater of (i) the shelter allowance for public housing prescribed by regulations of the department, (ii) the amount payable pursuant to a modified shelter allowance schedule prescribed by regulations of the department for the particular housing authority, or (iii) an amount equal to seventy-five percent of the maximum shelter allowance prescribed by regulations of the department for non-public housing located in the social services district in which the public housing is located. Commencing two years after such effective date, the amount to be included in the standard of need for shelter for an eligible tenant residing in city, state or federal public housing shall be the maximum shelter allowance prescribed by regulations of the

department for non-public housing located in the social services district in which the public housing is located.

(d) If by the application of the standard of need as provided for in this subdivision the monthly need of an individual or household is less than ten dollars, such individual or household shall not be considered in need of cash assistance but shall be deemed to be a recipient of assistance for all other purposes including determining eligibility for medical assistance and social rehabilitative services.

(e) The standard of monthly need, when not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

3. (a) Through June thirtieth, two thousand nine, persons and families determined to be eligible by the application of the standard of need prescribed by the provisions of subdivision two of this section, less any available income or resources which are not required to be disregarded by other provisions of this chapter, shall receive maximum monthly grants and allowances in all social services districts, in accordance with the following schedule, for public assistance:

Number of Persons in Household					
One	Two	Three	Four	Five	Six
$112	$179	$238	$307	$379	$438

For each additional eligible needy person in the household there shall be an additional allowance of sixty dollars monthly.

(a-1) For the period beginning July first, two thousand nine and ending June thirtieth, two thousand ten, persons and families determined to be eligible by the application of the standard of need prescribed by the provisions of subdivision two of this section, less any available income or resources which are not required to be disregarded by other provisions of this chapter, shall receive maximum monthly grants and allowances in all social services districts, in accordance with the following schedule, for public assistance:

Number of Persons in Household					
One	Two	Three	Four	Five	Six
$126	$201	$268	$345	$426	$492

For each additional person in the household there shall be added an

additional amount of sixty-seven dollars monthly.

(a-2) For the period beginning July first, two thousand ten and ending June thirtieth, two thousand twelve, persons and families determined to be eligible by the application of the standard of need prescribed by the provisions of subdivision two of this section, less any available income or resources which are not required to be disregarded by other provisions of this chapter, shall receive maximum monthly grants and allowances in all social services districts, in accordance with the following schedule, for public assistance:

Number of Persons in Household					
One	Two	Three	Four	Five	Six
$141	$225	$300	$386	$477	$551

For each additional person in the household there shall be added an additional amount of seventy-five dollars monthly.

(a-3) For the period beginning July first, two thousand twelve and ending September thirtieth, two thousand twelve, persons and families determined to be eligible by the application of the standard of need prescribed by the provisions of subdivision two of this section, less any available income or resources which are not required to be disregarded by other provisions of this chapter, shall receive maximum monthly grants and allowances in all social services districts, in accordance with the following schedule, for public assistance:

Number of Persons in Household					
One	Two	Three	Four	Five	Six
$150	$239	$317	$409	$505	$583

For each additional person in the household there shall be added an additional amount of eighty dollars monthly.

(a-4) For the period beginning October first, two thousand twelve and thereafter, persons and families determined to be eligible by the application of the standard of need prescribed by the provisions of subdivision two of this section, less any available income or resources which are not required to be disregarded by other provisions of this chapter, shall receive maximum monthly grants and allowances in all social services districts, in accordance with the following schedule, for public assistance:

Number of Persons in Household					
One	Two	Three	Four	Five	Six
$158	$252	$336	$433	$534	$617

For each additional person in the household there shall be added an additional amount of eighty-five dollars monthly.

(b) Notwithstanding the provisions of this section or any other law to the contrary, no payment of public assistance shall be made for any month if the amount of such payment would be less than ten dollars per month.

(c) The amount of the monthly grant and allowance, when not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

3-c. Commencing July first, nineteen hundred eighty-one, persons and families determined to be eligible by the application of the standard of need prescribed by the provision of subdivision two of this section, shall receive a home energy grant equal to the following monthly amounts:

Number of Persons in Household					
One	Two	Three	Four	Five	Six
$14.10	$22.50	$30.00	$38.70	$47.70	$55.20

For each additional needy person in the household, there shall be added an additional amount of seven dollars and fifty cents.

3-d. Commencing January first, nineteen hundred eighty-six, for persons and families determined to be eligible by the application of the standard of need prescribed by the provisions of subdivision two of this section, the amounts set forth in paragraph (a) of subdivision three of this section, after application of subdivision three-c of this section, shall be increased by the following amounts as a monthly supplemental home energy grant:

Number of Persons in Household					
One	Two	Three	Four	Five	Six
$11	$17	$23	$30	$37	$42

For each additional needy person in the household, there shall be added an additional amount of five dollars monthly.

4. If federal requirements make it necessary to adjust any schedule of grants and allowances, or part thereof, the department shall make such adjustments but the adjusted schedule of grants and allowances shall not exceed the schedule of monthly amounts in subdivision two above.

5. Notwithstanding any other provisions of this chapter or other law, a social services official may make provisions for the following items and services: (a) replacement of necessary furniture and clothing for persons in need of public assistance who have suffered the loss of such items as the result of fire, flood or other like catastrophe, provided provisions therefor cannot otherwise be made;

(b) purchase of necessary and essential furniture required for the establishment of a home for persons in need of public assistance, provided provision therefor cannot otherwise be made;

(c) essential repair of heating equipment, cooking stoves, and refrigerators used by persons in need of public assistance in their homes, provided provision therefor cannot otherwise be made except that replacement may be authorized when less expensive than repair;

(d) camp fees for a camp operated by a not-for-profit organization, corporation or agency, which has been issued an operating certificate by the appropriate health official in whose jurisdiction such camp is located, when in the judgment of the social services official it is advisable for the welfare of a child receiving family assistance or safety net assistance to attend such camp, provided, however, that funds cannot be obtained from other sources and such assistance is not in excess of maximum fees as established by regulations of the office of temporary and disability assistance; life insurance premiums provided the policy is assigned to the office of temporary and disability assistance, or in cases where the recipient is aged, his or her life expectancy is short, or he or she is deemed uninsurable;

(e) Provision of allowances as prescribed by regulations of the department to meet the needs of a pregnant woman, beginning with the fourth month of pregnancy which has been medically verified.

(f-1) a one-time benefit to public assistance recipients upon the birth of a new child, as prescribed by regulations of the department.

7. Whenever a social services official finds that a recipient of

public assistance has failed to fully apply the amount allowed in his grant for shelter to the payment of rent for his housing accommodations, unless rent is being withheld pursuant to law or court order, the social services official shall furnish such recipient's shelter allowance in the form of direct payments to the owner of such housing accommodations or his or her designated agent.

8. (a) In determining the need for aid provided pursuant to the public assistance programs, the following income earned during a month by applicants for or recipients of such aid shall be exempt and disregarded:

(i) all of the earned income of a dependent child receiving such aid or for whom an application for such aid has been made, who is a full-time student or part-time student attending a school, college, or university, or a course of vocational or technical training designed to fit him for gainful employment;

(ii) fifty percent of the earned income for such month of any recipient; provided, however, that such percentage amount shall be adjusted in June of each year to reflect changes in the most recently issued poverty guidelines of the United States Bureau of the Census, such that a household of three without special needs, living in a heated apartment in New York city and without unearned income would become ineligible for assistance with gross earnings equal to the poverty level in such guidelines;

(iii) from the earned income of any child, applicant, recipient, or relative applying for or receiving aid pursuant to such program, or of any other individual living in the same household as such relative and child whose needs are taken into account in making such determination, one hundred fifty dollars of the earned income for such month that remains after application of subparagraph (ii) of this paragraph;

(v) the first one hundred dollars received in such month which represent support payments timely paid in and for such month for one child, and the first two hundred dollars received in such month which represent support payments timely paid in and for such month for two or more children, and the first one hundred dollars received in such month which represent support payments timely paid in and for each of any prior months for one child, and the first two hundred dollars received

in such month which represent support payments timely paid in and for each of any prior months for two or more children, in any household applying for or receiving public assistance, including support payments collected and paid to the public assistance household by the social services district;

(vi) in any calendar year, all of the earned income of a dependent child receiving such aid who is a full-time student;

(vii) all of the income of a dependent child living with a parent or other caretaker relative, who is receiving such aid or for whom an application for such aid has been made, which is derived from participation in a program carried out under the federal job training partnership act (P.L. 97-300) or any successor act, provided, however, that in the case of earned income such disregard must be applied for at least, but no longer than, six months per calendar year for each such child.

(viii) any federal income taxes refunded by reason of section thirty-two of the Internal Revenue Code of nineteen hundred eighty-six relating to the earned income tax credit or any payment by an employer under section three thousand five hundred seven of such code relating to advance payment of the earned income tax credit.

(ix) all of the income derived from participation in the summer youth employment program, provided however, that such income shall be exempt only for an individual who is not older than age twenty-four at the time of enrollment in the summer youth employment program and such disregard must be applied for the length of the individual's participation in such program.

(x) all of the income of a head of household or any person in the household, who is receiving such aid or for whom an application for such aid has been made, which is derived from the health care and mental hygiene worker bonuses under section three hundred sixty-seven-w of this article or under the chapter of the laws of two thousand twenty-two which added this subparagraph.

* (xi) Any financial assistance received by individuals as part of their participation in a pilot program that has developed a plan to study and evaluate the impact and potential benefits of direct cash transfers. Such exemption and disregard shall be applicable for the length of time the individual participates in the program, but not

longer than sixty months.

* NB Repealed March 23, 2029

(xii) all of the earned income of a recipient of public assistance that is derived from participation in a qualified work activity or training program as determined by the office of temporary and disability assistance, to the extent that such earned income has not already been disregarded pursuant to subparagraph (vii) of this paragraph, provided that the recipient's total income shall not be more than two hundred percent of the federal poverty level.

(xiii) once during the lifetime of a recipient of public assistance, all of the earned income of such recipient will be disregarded following job entry, provided that such exemption of income for purposes of public assistance eligibility shall be for no more than six consecutive months from the initial date of obtaining such employment and that the recipient's total income shall not be more than two hundred percent of the federal poverty level. In the event a recipient moves from one to another social services district, this disregard shall follow the recipient.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, there shall not be disregarded under subparagraphs (ii) and (iii) of such paragraph any earned income of any of the persons to which subparagraph (ii) of such paragraph applies if such person:

(i) terminated his employment or reduced his earned income without good cause, within a period of not less than seventy-five days, or such other period of time as required by federal law or regulation, prior to a determination of need for public assistance;

(ii) refused without good cause, within such seventy-five day period, to accept employment in which he is able to engage, which is offered through the public employment office of the New York state department of labor or refused to accept employment otherwise offered by an employer if the offer of such employer is determined by an appropriate social services official to be a bona fide offer of employment; or

(iii) failed without good cause to make a timely report to the appropriate social services district of earned income received in the month a determination of need is made.

(c) There shall not be disregarded under subparagraph (iii) of paragraph (a) of this subdivision any earned income of any of the

persons specified in subparagraph (ii) of such paragraph, if the income of such person was in excess of his or her need, unless such person received public assistance in one or more of the four months preceding the month of need determination.

9. In determining the eligibility of a child for public assistance and the amount of such assistance for any month there shall be taken into consideration so much of the income of such dependent child's stepparent living in the same household as such child as exceeds the sum of:

(a) the first seventy-five dollars of the total of the stepparent's earned income for such month, or such lesser amount as the department may prescribe in the case of a stepparent not engaged in full-time employment or not employed throughout such month consistent with federal law and regulations;

(b) the standard of need as contained in this section for a family of the same composition as the stepparent and those other individuals living in the same household as the child who are not applying for or receiving benefits and are claimed by such stepparent as dependents for purposes of determining such stepparent's federal income tax liability;

(c) amounts paid by the stepparent to individuals not living in such household and claimed by such stepparent as dependents for purposes of determining such stepparent's federal personal income tax liability; and

(d) payments of alimony or child support made by such stepparent with respect to individuals not living in such household.

12. (a) No public assistance household having income which, after application of applicable disregards, exceeds the household standard of need, because of the receipt in any month of a nonrecurring lump sum of earned or unearned income, shall be eligible for public assistance for a period equal to the full number of months derived by dividing (i) the sum of the lump sum income and all other income received in such month which is not excluded under subdivision eight of this section; by (ii) the standard of need for a family size which consists of the public assistance household plus any other individuals whose lump sum income is considered available to such household. Any income remaining from this calculation is income in the first month following such period of ineligibility.

(b) At any time after determining the period of ineligibility as required in paragraph (a) of this subdivision, the social services official shall recalculate the remaining period of ineligibility in such circumstances and under such conditions as the department shall prescribe by regulation, subject to paragraph (c) of this subdivision and consistent with federal law and regulations.

(c) The social services official shall exclude from any lump sum income any amounts which are exempt and disregarded as cash and liquid or nonliquid resources pursuant to section one hundred thirty-one-n of this title and shall recalculate the period of ineligibility caused by receipt of a nonrecurring lump sum of income subject to this subdivision to the extent that such income is applied to any or all of the following within ninety days of receipt: an automobile needed for the applicant or recipient to seek or retain employment or for travel to and from work activities as defined in section three hundred thirty-six of this chapter, a bank account or accounts, or a burial plot or plots, or a funeral agreement or agreements, the values of which are exempt and disregarded as a resource pursuant to section one hundred thirty-one-n of this title.

13. Pursuant to regulations of the office of temporary and disability assistance, public assistance eligibility shall, to the extent permitted by federal law, not lapse solely by reason of the death of the adult relative caretaker of a minor child, until arrangements are completed for the addition of the child to another public assistance household, reclassification of the case, foster care or other appropriate financial support. For purposes of subdivision eight of section one hundred fifty-three of this article, safety net assistance given to such a child during the first forty-five days after application therefor shall be regarded as being given to meet emergency circumstances.

14. In determining the need for aid provided pursuant to public assistance programs, each person living with medically diagnosed HIV infection as defined by the AIDS institute of the department of health in social services districts with a population over five million who is receiving services through such district's administrative unit providing HIV/AIDS services, public assistance and earned and/or unearned income,

shall not be required to pay more than thirty percent of his or her monthly earned and/or unearned income toward the cost of rent that such person has a direct obligation to pay; this provision shall not apply to room and board arrangements.

15. In determining the need for aid provided pursuant to public assistance programs, each public assistance recipient living with medically diagnosed HIV infection as defined by the AIDS institute of the department of health in social services districts with a population of five million or fewer, at local option and in accordance with a plan approved by the office of temporary and disability assistance, may not be required to pay more than thirty percent of his or her monthly earned and/or unearned income toward the cost of rent that such person has a direct obligation to pay; this provision shall not apply to room and board arrangements.