§ 152-d. Replacement of stolen public assistance. 1. Notwithstanding section three hundred fifty-j of this article and subdivision eleven of section one hundred thirty-one of this title, and in accordance with this section, public assistance recipients shall receive replacement assistance for the loss of public assistance, as defined in subdivision nineteen of section two of this chapter, in instances when such public assistance has been stolen as a result of card skimming, cloning, third party misrepresentation or other similar fraudulent activities, consistent with guidance issued by the office of temporary and disability assistance.

2. The office of temporary and disability assistance shall establish a protocol for recipients to report incidents of stolen public assistance. This protocol will be administered by social services districts pursuant to guidance issued by the office of temporary and disability assistance.

3. Social services districts shall promptly replace stolen public assistance, however, such replacement shall occur no later than five business days after the social services district has verified the public assistance was stolen in accordance with guidance established by the office of temporary and disability assistance consistent with federal and state laws, regulations and guidance, provided, however, that social services districts shall not ask recipients to obtain a police report or require any other interaction with law enforcement unless required by federal law, regulation, or guidance for either public assistance or supplemental nutrition assistance program benefits.

4. For public assistance that is verified as stolen, replacement assistance shall be provided by the social services district in accordance with this section as follows:

(a) the lesser of: (i) the amount of public assistance that was stolen; or (ii) the amount of public assistance equal to two months of the monthly allotment of the household immediately prior to the date upon which the public assistance was stolen; provided, however, the commissioner may promulgate regulations for the provision of additional replacement assistance in extenuating circumstances consistent with federal and state laws, regulations and guidance; and

(b)(i) no more than twice in a federal fiscal year to cover public assistance stolen on or after January first, two thousand twenty-two through September thirtieth, two thousand twenty-four; or (ii) no more than once in a federal fiscal year to cover public assistance stolen on or after October first, two thousand twenty-four.

5. Any replacement assistance provided under this section shall be exempt from recoupment and recovery provisions under title six of article three of this chapter; provided, however, that assistance shall not be exempt from recoupment and recovery if it is later determined that the public assistance that was replaced pursuant to this section was not stolen as a result of card skimming, cloning, third party misrepresentation or other similar fraudulent activities.

6. The office of temporary and disability assistance shall make a model sign available on its website that can be used by any person, firm, partnership, association or corporation required to inform individuals about electronic benefit transfer scams, including, but not limited to, skimming, and the steps they can take to protect their benefits in accordance with section three hundred ninety-e of the general business law.