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Governor

NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NEW YORK 12243-0001

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Informational Letter

Section 1

Transmittal:	09-INF-04
To:	Local District Commissioners
Issuing Division/Office:	Legal Affairs
Date:	February 24, 2009
Subject:	Digest of Laws of 2007 Relating to programs of the Office of Temporary and Disability Assistance
Suggested Distribution:	General Administrative Staff Family Court Judges Staff Support Coordinators
Contact Person:	John Binseel, Attorney, Legal Affairs, (518) 474-9502
Attachment:	A: Digest of Laws of 2007 Relating to Programs of the Office of Temporary and Disability Assistance
Attachment Available On – Line:	yes

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
06-INF-32 05-INF-20 04-INF-24 03-INF-36					

Section 2

I. Purpose

The purpose of this Informational Letter (INF) is to inform local social services commissioners and others of the chapter laws of 2007 that affect public assistance programs.

II. Background

Each year, the OTDA Office of Legal Affairs issues an INF similar to this one. Attached is the “Digest of Laws of 2007 relating to Programs of the Office of Temporary and Disability Assistance.”

III. Program Implications

The Digest itself has no program implications.

Issued By _____

Name: John P. Bailly, Jr.

Title: General Counsel

Division/Office: Legal Affairs

DEPARTMENT OF FAMILY ASSISTANCE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NEW YORK 12243

DIGEST OF LAWS OF 2007
RELATING TO PROGRAMS OF THE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

NOTICE

The purpose of this digest is to highlight provisions of the Laws of 2007 and to direct interested persons to the appropriate provisions of the law. This Digest is neither designed nor intended to be used as a substitute for the law itself nor is it intended to be considered as the Office's interpretation of these laws for the purposes of implementation.

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TEMPORARY ASSISTANCE

Chapter 123 – Extending the Effectiveness of Income and Resource Exemptions

[A. 7228]

Extends to August 22, 2009, the effectiveness of a certain provision of the Welfare Reform Act of 1997 (Chapter 436 of the Laws of 1997), concerning the exemption of income and resources in determining eligibility for and the amounts of certain benefits.

Statutes involved:

Social Services Law
Section 131-n

Effective date: July 3, 2007.

Chapter 132 – Increasing Standards of Monthly Need – Aged, Blind and Disabled Persons

[A. 7949-A]

To increase the standards of need for eligibility and payment of additional State payments to the aged, blind and disabled to reflect any Supplemental Security Income (SSI) benefit increase during the first half of calendar year 2008.

Statutes involved:

Social Services Law
Section 131-o (1) (a)(b)(d) and (e)
Section 209 (2) (a)(b)(c)(d)(e)(f) and (g)

Effective date: December 31, 2007, provided that the amendments to Section 131-o (1)(e) and Section 209 (2)(g) shall not affect the expiration of such paragraphs and shall expire therewith.

Chapter 135 – Expanding Resources Available for Working Families to Access Child Care in Lieu of Public Assistance Benefits

[A. 8096]

To allow working families the option of receiving child care subsidies in lieu of public assistance benefits.

Statutes involved: Social Services Law
Section 410-w (4)(a)

Effective date: July 3, 2007.

**Chapter 326 – Participation and Exemptions
in Public Assistance Work Requirements**

[S. 4547]

To foreclose public assistance recipients from counting time spent caring for a disabled household member as time spent participating in community service for work participation rate purposes. This amendment was necessitated by the Deficit Reduction Act of 2005 and Interim Final regulations issued by the federal Department of Health and Human Services.

Statutes involved:

Social Services Law
Section 332 (1)(c)

Effective date: July 18, 2007, and shall be deemed to have been in full force and effect on and after October 1, 2006.

**Chapter 598 Calculation of the Shelter Allowance for Individuals and Families
Receiving Public Assistance and Residing in Public Housing**

[A. 7905]

To amend the shelter allowance for individuals and families receiving public assistance and residing in city, state or federal public housing.

Statutes involved:

Social Services Law
Section 131-a (2) (c)(d) and (e)

Effective date: August 15, 2007.

CHILD SUPPORT

Chapter 59, Part J – Enforcement of Child Support Through the Suspension of Driving Privileges [S. 2109-C]

Extends the provisions authorizing the administrative suspension of driving privileges as a result of non-payment of child support, through June 30, 2009.

Statutes involved:

Social Services Law
 Section 111-b (12)
Vehicle and Traffic Law
 Section 510
 Section 530 (5) and (5-a)
Family Court Act
 Section 439 (a)
 Section 454 (5)

Effective date: April 9, 2007, and shall be deemed to have been in full force and effect on or after April 1, 2007.

Chapter 60. Part C – State Partnership for Child Support Enforcement and Collection [S. 2110-C]

Made permanent the child support enforcement partnership between the Office of Temporary and Disability Assistance and the Department of Taxation and Finance by eliminating the provision of an expiration date of the authority of the Department of Taxation and Finance to collect unpaid child support.

Statutes involved:

Social Services Law
 Section 111-b (15) and (16)
 Section 111-h (19)
Tax Law
 Section 171-i

Effective date: April 9, 2007.

Chapter 310 – Felony Offense for Non-Support of a Child
[S3844-A]

To amend the Penal Law to provide for predicate felony offense of non-support of a child.

Statutes involved:

Penal Law
Section 260.06

Effective date: November 1, 2007.

Chapter 462 – Acknowledgments of Paternity
[S4780-A]

To amend the Family Court Act in relation to acknowledgments of paternity.

Statutes involved:

Family Court Act
Section 516-a (b) & (c)

Effective date: October 30, 2007.

ADMINISTRATION

**Chapter 133 – Guide Dogs, Hearing Dogs and Service Dogs –
Clarifying Provisions**
[A. 7952]

To clarify provisions of the Human Rights Law concerning the use of guide dogs, hearing dogs and service dogs.

Statutes involved:

Executive Law
Section 292 (31), (32) and (33)
Section 296 (14)

Effective date: October 1, 2007

**Chapter 279 – Abandonment of Moneys Paid in Advance of the Provision of
Funeral Merchandise and Services**

[S. 961-A]

Provides that under certain circumstances, pre-need administrators would transfer the assets of abandoned or dormant funeral/burial accounts to county indigent care burial funds.

Statutes involved:

General Business Law
Section 453 (10) and (11)

Effective date: January 1, 2008

Chapter 407 – New York Codes, Rules and Regulations – Internet

[A.7885-A]

To require the NYS Department of State to post or maintain a link on its website to an unofficial version of the New York State Codes, Rules and Regulations, at no cost to the user.

Statutes involved:

Executive Law
Section 106-a

Effective date: January 1, 2008.

**Chapter 455 – The Use of Certain Language and Terminology when Dealing with
Certain Issues**

[S4073-A]

All new and revised statutes, local laws, ordinances, charters or regulations promulgated or any publication published by the state or any political subdivision that refers to persons with disabilities shall seek to avoid certain language, and utilize language that refers to persons with disabilities as persons first (e.g., individuals with disabilities, etc.).

Statutes involved:

Unconsolidated Laws

Effective date: August 1, 2007.

**Chapter 601 – Transferring Certain Functions of the Department of Social Services
to the Office of Temporary and Disability Assistance**

[A. 8094]

Consistent with the Welfare reform Act of 1997 (Chapter 436 of the Laws of 1997), transfers certain functions from the Department of Social Services to the Office of Temporary and Disability Assistance.

Statutes involved:

Tax Law

Section 1613-a
 Section 1613-b
 Section 171-c (1), (3)(a)(c)(e), (4), (5)(ii), and (9)
 Section 171-f (6)
 Section 171-g
 Section 171-h (c)
 Section 171-i

Banking Law

Section 4 (2) and 4 (3)

Civil Practice Law and Rules

Section 2308 (b)(2)
 Section 4518 (f)
 Section 5241 (b)(3)(ii)
 Section 5242 (c)(1) and (2)

Executive Law

Section 256 (6)(a)

Family Court Act

Section 454 (5)

Insurance Law

Section 320 (e)

Labor Law

Section 42 (16)
 Section 537 (3)(e)
 Section 540

Public Service Law

Section 65-a
 Section 89-b (3-c)

Real Property Actions and Proceedings Law

Section 745 (2)(b)(i)

State Finance Law

Section 91-c (2)

Vehicle and Traffic Law

Section 510 (4-e)
 Section 2105-a (a) and (b)(1) and (2)
 Section 2116 (c)
 Section 2122

Mental Hygiene Law

Section 7.09 (g)
 Section 13.09 (d)
 Section 16.17 (f)(1)
 Section 19.09 (a)(3)
 Section 31.16 (f)(1)

Effective date: August 15, 2007, provided, however: that provisions pertaining to Section 171-i of the Tax Law shall not affect the repeal of such section and shall be deemed repealed therewith; and further provided that provisions pertaining to Section 454 (5) of the Family Court Act shall not affect the repeal of such subdivision and shall be deemed repealed therewith; and further provided that provisions pertaining to Section 510 (4-e) of the Vehicle and Traffic Law shall not affect the repeal of such subdivision and shall be deemed repealed therewith; and further provided that provisions pertaining to Section 7.09 (g) of the Mental Hygiene Law shall survive the expiration and reversion of such subdivision as provided in Section 2 of Part I of Chapter 58 of the Laws of 2005, as amended.

SPECIALIZED SERVICES

Chapter 74 – To Amend the Law in Relation to Human Trafficking [S5902]

To Amend Certain State Laws Relating to Human Trafficking and to Patronizing a Prostitute.

Statutes involved:

Penal Law

Section 230.25 (1)
 Section 230.34
 Section 230.36
 Section 135.35
 Section 135.36
 Section 230.03 (repealed)
 Section 230.04
 Section 230.07
 Section 460.10

Criminal Procedure Law

Section 700.05

Correction Law

Section 168-a (2)(a)(i)
 Section 168-a (1)(b)

Social Services Law
Article 10-D
Executive Law
Section 621 (5)
Section 631 (1)

Effective date: November 1, 2007; except that Social Services Law Section 483-ee shall take effect immediately, and remain in effect until September 1, 2011, when upon such date the provisions of such section shall expire and be deemed repealed. Provided, effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the timely implementation of the provisions of Social Services Law Article 10-D, as added by section eleven of this act, on its effective date are authorized to be made on or before such effective date.

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