

THE COUNCIL

The City of New York

Int. No. 455

October 22, 1998

Introduced by Council Members Duane, DiBrienza, Clarke, Lopez and Michels; also Council Members Eldridge, Fisher, Foster and Harrison—read and referred to the Committee on General Welfare.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to ensuring that clients of the division of aids services will not be required to submit to the human resource administration's "eligibility verification review" process.

Be it enacted by the Council as follows:

1 Section 1. Paragraph 1 of subdivision a of section 21-128 of the administrative
2 code of the city of New York is amended to read as follows:

3 1. "Access to benefits and services" shall mean the provision of assistance by staff
4 of the division to a person with clinical/symptomatic HIV illness or with AIDS at a sin-
5 gle location, *including a field office of the department, at the home of the applicant or*
6 *recipient, at a hospital where such applicant or recipient is a patient or at another loca-*
7 *tion, in order to [apply] ensure that the applicant or recipient is able to complete the*
8 *entire application process* for publicly subsidized benefits and services, to establish any
9 and all elements of eligibility including, but not limited to, those elements *otherwise*
10 *established pursuant to the department's "eligibility verification review" program,*
11 *those elements* required to be established for financial benefits, and *those elements need-*
12 *ed* to maintain such eligibility and shall include, but not be limited to, assistance [pro-
13 vided at a field office of the department, at the home of the applicant or recipient, at a
14 hospital where such applicant or recipient is a patient or at another location,] in assem-

1 bling such documentation as may be necessary to establish any and all elements of eligi-
2 bility and to maintain such eligibility;

3 § 2. Subdivision b of section 21-128 of such code is amended to read as follows:

4 b. The commissioner shall direct staff of the division of AIDS services to provide
5 access to benefits and services to every eligible person with clinical/symptomatic HIV
6 illness or with AIDS who requests assistance, and shall ensure the provision of benefits
7 and services to eligible persons with clinical/symptomatic HIV illness and with AIDS,
8 *provided however, that eligibility for benefits and services shall be determined without*
9 *requiring applicants and recipients to submit to the department's "eligibility verifica-*
10 *tion review" process.* Any eligible person shall receive only those benefits and services
11 for which such person qualifies in accordance with the applicable eligibility standards
12 established pursuant to local, state or federal statute, law, regulation or rule. Such bene-
13 fits and services shall include, but not be limited to: medically appropriate transitional
14 and permanent housing; Medicaid, as set forth in section 1396 et seq. of title 42 of the
15 United States code and other health-related services; home care and home health ser-
16 vices as set forth in sections 505.21 and 505.23 of title 18 of the official compilation of
17 the codes, rules and regulations of the state of New York; personal care services as set
18 forth in section 505.14 of title 18 of the official compilation of the codes, rules and reg-
19 ulations of the state of New York; homemaker service as set forth in part 460 of title 18
20 of the official compilation of the codes, rules and regulations of the state of New York;
21 food stamps, as set forth in section 2011 et. seq. of title 7 of the United States code;
22 transportation and nutrition allowances as required by section 21-127 of this chapter;
23 housing subsidies, including, but not limited to, enhanced rental assistance as set forth
24 in section 397.11 of title 18 of the official compilation of the codes, rules and regula-
25 tions of the state of New York; financial benefits; and intensive case management as

1 required by section 21-126 of this chapter. The commissioner shall have the authority to
2 provide access to additional benefits and services and ensure the provision of such addi-
3 tional benefits and services whenever deemed appropriate. The requirements with
4 respect to such access to and eligibility for benefits and services shall not be more
5 restrictive than those requirements mandated by state or federal statute, law, regulation
6 or rule. Within thirty days of the effective date of the local law that added this section,
7 the commissioner shall establish criteria pursuant to which an applicant shall be entitled
8 to a home or hospital visit for the purpose of establishing eligibility and applying for
9 benefits and services.

10 § 3. This local law shall take effect immediately.

Note: Matter in *italics* is new; matter in brackets [] to be omitted.

