



Legislation Text

File #: Res 0433-2014, **Version:** *

Res. No. 433

Resolution calling upon the United States Congress to enact and the President to sign S.313/H.R.647, the Achieving a Better Life Experience (ABLE) Act of 2013, which would amend the Internal Revenue Code of 1986 to provide for the favorable tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

By Council Members Treyger, Gentile, King, Koo, Rose, Koslowitz and Levin

Whereas, The Achieving a Better Life Experience (ABLE) Act has been under consideration in Congress since 2006, and would establish ABLE Accounts, into which contributions could be made to pay for qualified disability expenses of the account's beneficiary; and

Whereas, Under the proposed legislation, eligibility would extend to any individual who is receiving supplemental security income benefits or disability benefits under Title II of the Social Security Act, who "has a medically determinable physical or mental impairment, which results in marked and severe functional limitations" or who is blind; and

Whereas, According to the National Disability Institute (NDI), the proposed ABLE legislation is designed to encourage and assist individuals with disabilities and their families to set funds aside in a tax-advantaged savings account that allows the funds to be withdrawn to cover costs of health care, housing, transportation, and the purchase of technology and lifelong education; and

Whereas, Because the funds would supplement benefits provided through Medicaid, Social Security and private insurance, family members of those with significant disabilities would have a means to provide for extra costs associated with every day activities and community participation; and

Whereas, Rep. Cathy McMorris Rodgers (R-WA), whose son has Down Syndrome, testified in July at the hearing held by the Senate Finance Subcommittee on Taxation and IRS Oversight that "Our outdated laws

encourage women and men with disabilities to resign themselves to a life of dependency by spending down their assets rather than saving them for future expenses...Unless families have the resources to hire an attorney to create a special trust or some other complicated savings vehicle, there is no other option to establish financial security without risking access to critical government programs for individuals. And that's just not fair", and Whereas, Dr. Johnette Hartnett, NDI's Director of Strategic Partnerships, has said that "in these challenging economic times, the ABLE Act is modernizing disability policy and is the right response to the extra costs of living a life with a disability, related to education, health care and independent living", and Whereas, According to a 2006 Harvard School of Public Health (HSPH) study, "it can cost about \$3.2 million to take care of an autistic person over his or her lifetime" and "providing care for adults with autism is often far more expensive than for children, yet there are fewer resources", and

Whereas, The HSPH further informs that "as more and more of our children with autism age to adulthood, our hands remain tied in planning for their future...[and] the need for new resources to provide them with necessary care and services is imperative", and

Whereas, The Muscular Dystrophy Association also supports the ABLE Act because it would help pay for the costs of education, housing, transportation, employment support, health and wellness, assistive technology, personal care attendant support, miscellaneous expenses, and other approved expenses; and

Whereas, According to Down Syndrome Daily, "the ABLE Act provides individuals with disabilities the same types of flexible savings tools that all other Americans have through college savings accounts, health savings accounts, and individual retirement accounts. The legislation also contains Medicaid fraud protection against abuse and a Medicaid pay-back provision when the beneficiary passes away. It will eliminate barriers to work and saving by preventing dollars saved through ABLE accounts from counting against an individual's eligibility for any federal benefits program"; and

Whereas, Other supporters of the ABLE Act include, The American Association of People with Disabilities, Autism Self-Advocacy Network, Autism Speaks, Easter Seals, Epilepsy Foundation, Muscular

Dystrophy Association, National Association of State Directors of Developmental Disability Services, National Down Syndrome Society, National Fragile X Foundation, National Multiple Sclerosis Society, The Disability Opportunity Fund, The National Center for Learning Disabilities, The National Council on Independent Living, United Cerebral Palsy, United Spinal Association, World Institute on Disability and the Cerebral Palsy Associations of New York State; and

Whereas, According to a 2011 Center for Independence of the Disabled-New York report entitled “Disability Matters”, nearly 900,000 people in New York City have a disability related to their cognition or their ability to hear, see, walk, or live independently, many of whom would likely qualify to establish an ABLE Act Account; and

Whereas, As reported on disabilitycoop.com, “This is really the most popular piece of legislation in Congress right now”, according to Sara Weir, vice president of advocacy at the National Down Syndrome Society, who indicated that the bill has 366 co-sponsors in the House and 74 in the Senate; and

Whereas, Passage of the ABLE Act of 2013 would ensure that more individuals with disabilities, including those in New York City, can access necessary care and services; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to enact and the President to sign S.313/H.R.647, the Achieving a Better Life Experience (ABLE) Act of 2013, which would amend the Internal Revenue Code of 1986 to provide for the favorable tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

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