

**SPECIAL STATUTORY SUPPLEMENT
FOR
SUBSCRIBERS OF BENDER'S
WARRENS' WEED (BLUEBOOK)
PAMPHLET
AND
FAMILY LAW-YELLOW BOOK**

After these books had gone to press, the reconvened Regular Session of the Legislature passed, and the Governor signed, Chapters 1043, 1053, 1057, and 1058 of the Laws of 1981, reprinted below.

This SPECIAL STATUTORY SUPPLEMENT includes legislation which arose out of the reconvened 1981 Regular Session of the New York State Legislature. The activities and potential legislation to be considered during the reconvened session in the Fall were uncertain at the time the Legislature recessed on July 10, 1981. Any delay in the printing of the pamphlets which include all legislation enacted prior to that recess would have caused our subscribers an inconvenience. Therefore, the pamphlets were printed with the aim of providing efficient and useful material as quickly as possible. This supplement is being forwarded free of charge to subscribers to Warren's Weed (Bluebook) Pamphlet and New York Family Law Pamphlet (Yellowbook).

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235 E. 45TH STREET, NEW YORK, N.Y. 10017

D97-57.12

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SYNOPSIS OF CHAPTER 1043 OF THE LAWS OF 1981

Statute and Section	Action Taken	Section of Chapter 1043
Domestic Relations Law § 14-a(2)(b)	Amended	§ 56

SYNOPSIS OF CHAPTER 1053 OF THE LAWS OF 1981

Statute and Section	Action Taken	Section of Chapter 1053
Social Services Law § 106-b	Amended	§ 1
Social Services Law § 131-a(2)	Amended	§ 2
Social Services Law § 131-a(3)	Amended	§ 2
Social Services Law § 131-a(6)	Amended	§ 3
Social Services Law § 131-a(8)	Added	§ 5
Social Services Law § 131-a(9)	Added	§ 5
Social Services Law § 131-a(10)	Added	§ 5
Social Services Law § 131-i	Repealed	§ 4
Social Services Law § 131-k(1)	Amended	§ 6
Social Services Law § 131-k(3)	Added	§ 7
Social Services Law § 345	Amended	§ 8
Social Services Law § 349(A)	Amended	§ 9
Social Services Law § 349(D)	Added	§ 10
Social Services Law § 349-a	Repealed	§ 4
Social Services Law § 350-e(1)(c)	Repealed	§ 11
Social Services Law § 350-e(1)(c)	Added	§ 11
Social Services Law § 350-e(1)(e)	Amended	§ 12
Social Services Law § 350-e(3)	Added	§ 13

SYNOPSIS OF CHAPTER ~~1057~~ OF THE LAWS OF 1981

Statute and Section	Action Taken	Section of Chapter 1057
Real Property Tax Law § 305	Added	§ 1
Real Property Tax Law § 306	Repealed	§ 1
Real Property Tax Law § 581	Added	§ 4
Real Property Tax Law § 706	Amended	§ 5
Real Property Tax Law § 707	Added	§ 6

Real Property Tax Law § 720(3)	Repealed	§ 7
Real Property Tax Law § 720(3)	Added	§ 7
Real Property Tax Law § 1200	Amended	§ 8
Real Property Tax Law § 1202	Amended	§ 9
Real Property Tax Law § 1204	Amended	§ 10
Real Property Tax Law § 1206	Amended	§ 11
Real Property Tax Law § 1208	Amended	§ 12
Real Property Tax Law § 1210	Amended	§ 13
Real Property Tax Law § 1212	Amended	§ 14
Real Property Tax Law Article 18	Added	§ 2
Real Property Tax Law Article 19	Added	§ 3

SYNOPSIS OF CHAPTER 1058 OF THE LAWS OF 1981

Statute and Section	Action Taken	Section of Chapter 1058
Real Property Tax Law § 1802(1)	Amended	§ 1

CHAPTER 1043 OF THE LAWS OF 1981

(Became law November 11, 1980. Section 56 of the Chapter, reproduced below, effective November 11, 1980.)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is old law to be omitted.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 56.

Paragraph b of subdivision two of section fourteen-a of the domestic relations law, as added by chapter three hundred fifty-five of the laws of nineteen hundred eighty, is amended to read as follows:

b. In addition to the foregoing, upon request of any applicant whose name appears thereon for a certificate of marriage, the town or city clerk may issue a photograph, micro-photograph or photocopy of the [original] marriage license on file in his office. Such photograph, micro-photograph or photocopy, when certified by the town or city clerk, shall be deemed an original record for all purposes, including introduction in evidence in all courts or administrative agencies. For such certificate of marriage and the certification thereof, the town or city clerk shall be entitled to a fee not exceeding [two] *five* dollars, to be fixed in the case of town clerks by the town board, and in the case of city clerks by the common council or governing body of such city.

CHAPTER 1053 OF THE LAWS OF 1981

(Became law November 11, 1981. Effective on or before January 1, 1982 (but see § 15).)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is old law to be omitted.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1.

Section one hundred six-b of the social services law, as added by chapter nine hundred seventy-nine of the laws of nineteen hundred seventy-four, is amended to read as follows:

§ 106-b. [Recoupment of overpayments]—*Adjustment for incorrect payments.*

Any inconsistent provision of law notwithstanding, a social services official [may] *shall*, in accordance with the regulations of the department and [to the extent permitted by] *consistent with federal law and regulations*, [reduce the amount of a public assistance grant issued to a person to meet current needs in order to recoup any overpayments of public assistance made to such persons] *take all necessary steps to correct any overpayment or underpayment to a public assistance recipient*. For purposes of this section, overpayment shall include payments made to an eligible person in excess of his needs as defined in this chapter [,] *and payments made to ineligible persons [and] (including payments made to such persons pending a fair hearing decision). The commissioner shall promulgate regulations to implement procedures for correcting overpayments and underpayments. The procedures for correcting overpayments shall be designed to minimize adverse impact on the recipient, and to the extent possible avoid undue hardship.*

Section 2.

Subdivisions two and three of section one hundred thirty-one-a of such law, subdivision two as amended by chapter one hundred two of the laws of nineteen hundred eighty-one and subdivision three as amended by chapter one hundred eighty-nine of the laws of nineteen hundred seventy-four, are amended to read as follows:

2. (a) 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
\$94	\$150	\$200	\$258	\$318	\$368

For each additional [needy] person in the household there shall be added an additional amount of fifty 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, 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 other wise made in article five of this chapter.

(c) *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.*

3. (a) Persons and families determined to be eligible by the application of the standard of need prescribed by the provisions of subdivision two 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 home relief (including veteran assistance) and aid to dependent children:

Number of Persons in Household					
One	Two	Three	Four	Five	Six
\$94	\$150	\$200	\$258	\$318	\$368

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

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

Section 3.

Subdivision six of section one hundred thirty-one-a of such law is amended by adding a new paragraph (e) to read as follows:

(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.

Section 4.

Sections one hundred thirty-one-i and three hundred forty-nine-a of such law are REPEALED.

Section 5.

Section one hundred thirty-one-a of such law is amended by adding three new subdivisions eight, nine and ten to read as follows:

8. *(a) In determining the need for aid provided pursuant to the home relief, aid to dependent children or veteran 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, who is not a full-time employee, attending a school, college, or university, or a course of vocational or technical training designed to fit him for gainful employment;

(ii) from the earned income of any child 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, the first seventy-five dollars of the total of such earned income for such month or such lesser amount as the department may by regulation prescribe, consistent with federal requirements, in the case of an individual not engaged in full-time employment or not employed throughout the month;

(iii) from the earned income of any child, relative or other individual specified in paragraph (b) of this subdivision, an amount equal to the necessary expenditures, as defined in department regulations, for care in such month for a dependent child, or any incapacitated

individual living in the same home as the dependent child, receiving aid pursuant to such programs and requiring such care for such month, to the extent that such amount for each such dependent child or incapacitated individual does not exceed one hundred sixty dollars, or such lesser amount as the department may by regulation prescribe, consistent with federal requirements, in the case of an individual not engaged in full-time employment or not employed throughout the month; and

(iv) from the earned income of any child or relative receiving aid pursuant to such programs or of any other individual living in the same household as such child or relative whose needs are taken into account in making such determination, an amount equal to the first thirty dollars of such total earned income not already disregarded under subparagraphs (i), (ii) and (iii) of this subdivision plus one-third of the remainder thereof, but excluding for purposes of this paragraph earned income derived from participation in programs operated under the work incentive program which provide institutional and work experience training or public service employment.

For purposes of subparagraph (iv) of this subdivision, the disregard provided for therein shall not apply for more than four consecutive months and shall not apply for so long as a person continues to receive aid pursuant to such programs after such four month period until the expiration of an additional period of twelve consecutive months during which such person is not a recipient of such aid nor shall such subparagraph apply to a home relief household which does not have within such household a dependent child under twenty years of age.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, there shall not be disregarded under subparagraphs (ii), (iii) or (iv) 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 aid provided pursuant to the home relief, aid to dependent children or veteran assistance programs;

(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 (iv) 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 aid under the home relief, aid to dependent children or veteran assistance programs in one or more of the four months preceding the month of need determination and unless subparagraph (iv) of paragraph (a) of this subdivision has not been applied to such person's income for four consecutive months while such person was receiving such aid.

9. In determining the eligibility of a child for home relief, aid to dependent children or veteran 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.

10. (a) Notwithstanding the provisions of this section or any other

law to the contrary, no person or family shall be eligible for home relief, aid to dependent children or veteran assistance for any month in which the total income of the family, excluding benefits received under such programs and without application of the income exemptions and disregards as provided in subdivision eight of this section, exceeds one hundred fifty percent of the standard of need for a family of the same composition.

(b) For purposes of this subdivision, the term standard of need shall include the amounts in the schedule set forth in paragraph (a) of subdivision two of this section plus amounts for shelter with heat, as prescribed by regulations of the department and amounts for home energy payments provided pursuant to subdivision three-c of this section.

Section 6.

Subdivision one of section one hundred thirty-one-k of such law, as amended by chapter seventy-seven of the laws of nineteen hundred seventy-seven, is amended to read as follows:

1. Any inconsistent provisions of this chapter or other law notwithstanding, an alien who is [unlawfully residing in the United States or who fails to furnish evidence that he is lawfully residing in the United States] *not lawfully admitted for permanent residence or not otherwise permanently residing in the United States under color of law* shall [not] be [eligible] *ineligible* for aid to dependent children, home relief or medical assistance.

Section 7.

Section one hundred thirty-one-k of such law is amended by adding a new subdivision three to read as follows:

3. *To the extent provided by federal law and regulation, the income and resources of a sponsor of an alien lawfully admitted for permanent residence or otherwise residing in the United States under color of law and the income and resources of such sponsor's spouse, if living with the sponsor, shall be deemed available to such alien for a period of three years after such alien's entry into the United States for purposes of determining the eligibility of such alien for benefits*

provided under the home relief, aid to dependent children and veteran assistance programs.

Section 8.

Section three hundred forty-five of such law, as added by chapter nine hundred nine of the laws of nineteen hundred seventy-four, is amended to read as follows:

§ 345. Definition.

As used in this title the term "child" means a [child] *person* under eighteen years of age, or a [child] *person* under [twenty-one] *nineteen* year of age who is a *full-time* student regularly attending a [high] *secondary* school [in pursuance of a course of study leading to a high school diploma] or [it's] *in the* equivalent [, or is regularly attending a course] *level* of vocational or technical training [designed to fit him for gainful employment, or to a college or university whose curriculum is approved by the state department of education] *if, before such person attains age nineteen, such person may reasonably be expected to complete the program of such secondary school or training.*

Section 9.

The opening paragraph of subdivision A of section three hundred forty-nine of such law, as amended by chapter nine hundred nine of the laws of nineteen hundred seventy-four, is amended to read as follows:

Aid to dependent children shall be given to a parent or other relative as herein specified for the benefit of a child under eighteen years of age, or of a child under [twenty-one] *nineteen* years of age who is a *full-time* student regularly attending a [high] *secondary* school [in pursuance of a course of study leading to a high school diploma] or [its] *in the* equivalent [, or is regularly attending a course] *level* of vocational or technical training [designed to fit him for gainful employment, or of a college or university whose curriculum is approved by the state department of education,] *if, before such child attains age nineteen, such child may reasonably be expected to complete the program of such secondary school or training and if, in the judgment of the [administrative agency] social services official:*

Section 10.

Section three hundred forty-nine of such law is amended by adding a new subdivision D to read as follows:

D. Aid to dependent children shall not be payable to a family for any month in which any caretaker relative with whom the child is living is, on the last day of such month, participating in a strike, and no individual's needs shall be included in determining the amount of such aid which is payable for any month to a family if, on the last day of such month, such individual is participating in a strike.

Section 11.

Paragraph (c) of subdivision one of section three hundred fifty-e of such law is REPEALED and a new paragraph (c) is added to read as follows:

(c) a child who is under sixteen years of age, or attending full-time, an elementary, secondary, vocational or technical school;

Section 12.

Paragraph (e) of subdivision one of section three hundred fifty-e of such law, as added by chapter nine hundred forty-one of the laws of nineteen hundred seventy-two, is amended to read as follows:

(e) a [mother] parent or other relative of a child under the age of six who is [caring] personally providing care for the child, with only very brief and infrequent absences from the child, provided that such person shall be advised of his or her option to register if he or she so desires and shall be informed of the child care services which will be available [to her] in the event he or she should decide so to register; or

Section 13.

Section three hundred fifty-e of such law is amended by adding a new subdivision three to read as follows:

3. Participation in a strike shall not constitute good cause to leave or to refuse to seek or accept employment and such participation shall not relieve a striker who is a recipient of aid to dependent children

from complying with the work rule requirements applicable to the work incentive program.

Section 14.

If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which the judgment shall have been rendered.

Section 15.

(a) This act shall take effect on the later of (1) the effective date with respect to the state of New York of the relevant provisions of the Federal Omnibus Reconciliation Act of 1981 which are subject to section twenty-three hundred twenty-one of such act, or (2) immediately; provided, however, that all of the provisions of this act shall take effect not later than January first, nineteen hundred eighty-two.

(b) Notwithstanding subdivision (a) of this section, sections six and seven of this act shall take effect immediately and shall be deemed to have been in full force and effect on and after October first, nineteen hundred eighty-one and shall apply to those persons who apply for assistance on or after such date.

CHAPTER 1057 OF THE LAWS OF 1981

(Became law December 3, 1981. Effective December 3, 1981.)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is old law to be omitted.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1.

Section three hundred six of the real property tax law is REPEALED and a new section three hundred five is added to read as follows:

§ 305. *Assessment methods and standard.*

1. *The existing assessing methods in effect in each assessing unit on the effective date of this section may continue.*

2. *All real property in each assessing unit shall be assessed at a uniform percentage of value (fractional assessment) except that, if the administrative code of a city with a population of one million or more permitted, prior to January first, nineteen hundred eighty-one, a classified assessment standard, such standard shall govern unless such city by local law shall elect to be governed by the provisions of this section.*

3. *Any assessing unit in which assessments are at full value by reason of a revaluation may adopt a level of assessment in accordance with this section.*

Section 2.

Such law is amended by adding a new article eighteen to read as follows:

ARTICLE 18

PRESERVATION OF CLASS SHARE OF TAXES IN MUNICIPAL CORPORATIONS EXCEPT COUNTIES