

# Supplemental Security Income (SSI) Basics



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## JUSTICE IN AGING FIGHTING SENIOR POVERTY THROUGH LAW

Justice in Aging is a national organization that uses the power of law to fight senior poverty by securing access to affordable health care, economic security, and the courts for older adults with limited resources.

Since 1972 we've focused our efforts primarily on populations that have traditionally lacked legal protection such as women, people of color, LGBT individuals, and people with limited English proficiency.

## JUSTICE IN AGING FIGHTING SENIOR POVERTY THROUGH LAW

- All on mute. Use Questions function for substantive questions and for technical concerns.
- Problems with getting on to the webinar? Send an e-mail to <a href="mailto:trainings@justiceinaging.org">trainings@justiceinaging.org</a>.
- Slides and a recording will be available at Justice in Aging - Resources for Advocates - Webinars: <a href="http://www.justiceinaging.org/resources-for-advocates/webinars">http://www.justiceinaging.org/resources-for-advocates/webinars</a>. See also the chat box for this web address.

## Key Lessons

- 1. Eligibility for SSI is based on financial need, in contrast to Social Security which is a social insurance program with eligibility based on work history
- 2. To be eligible for SSI, an individual must be age 65 or older, or meet the Social Security standard of disability
- 3. Many complicated financial eligibility rules relating to income and resources apply to SSI recipients





Section 1: What is Supplemental Security Income (SSI)?

### SSI vs. OASDI: Similarities



## Supplemental Security Income (SSI)

Title XVI

### Old Age, Survivors, and Disability Insurance (OASDI)

- Title II
- Social Security
- Social Security Disability Insurance (SSDI)
- Both administered by Social Security Administration
- Both apply the same disability standard to determine eligibility



### SSI vs. OASDI: Differences

#### SSI

- Funded by general fund taxes
- Strictly need-based, "meanstested" program

#### **OASDI**

- Funded through payroll (FICA) taxes, paid into Social Security trust funds
- Employment-based social insurance program



# Supplemental Security Income (SSI)

- Federal program administered by the Social Security Administration (SSA)
- "Means-tested" program
- Subsistence level income for aged, blind, or individuals with disabilities

2017 Monthly Max Fed SSI Payment

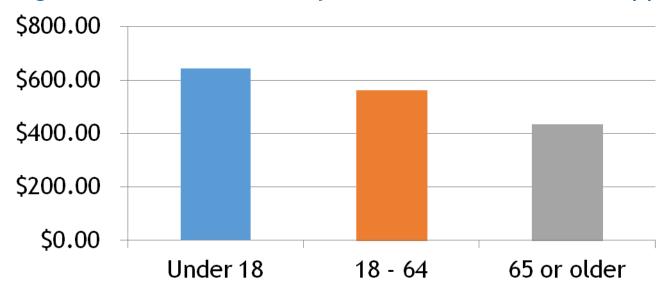
\$735 (individual) or \$1,103 (couple)



## 2017 Federal Benefit Rate (monthly) = \$735/individual, \$1,103/couple

#### Average monthly payment is \$541

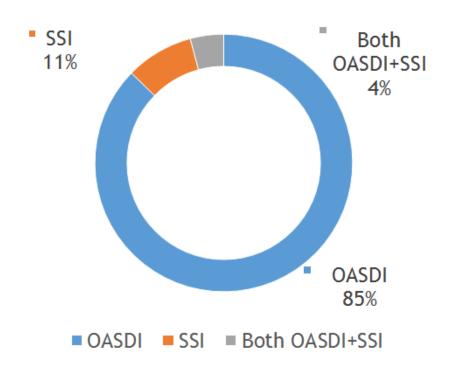
Average amount is affected by other income or state supplements





#### Number of Recipients SSI (8.3 million) and OASDI (61 million)

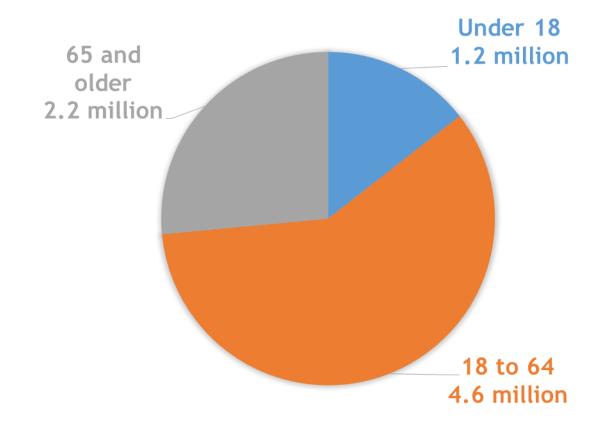
#### SSI and OASDI Recipients





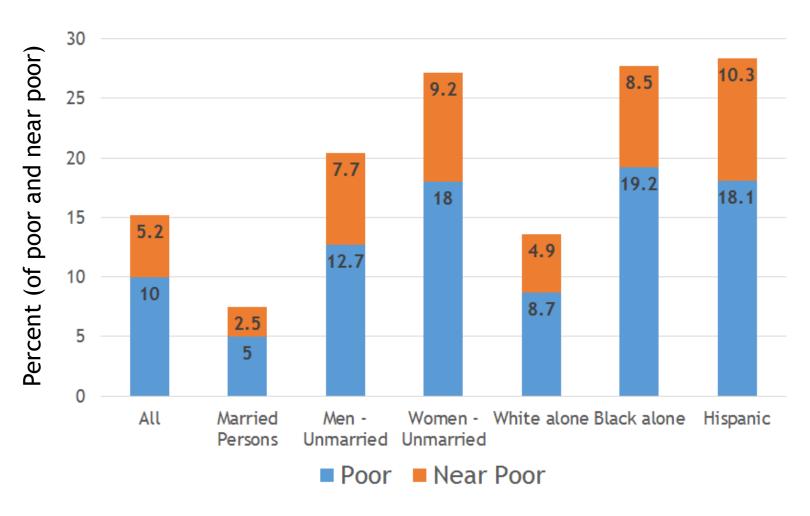
February 2017

## 8.3 Million People Currently Receive SSI Benefits





#### "Poor" or "Near Poor" Seniors

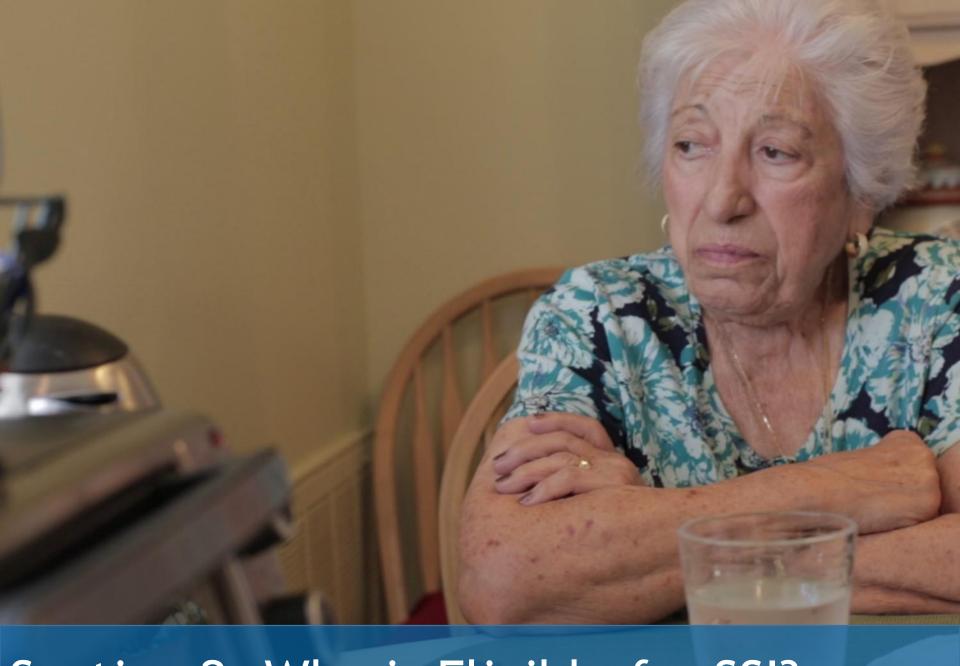




# Benefit of SSI Eligibility: Medicaid Coverage

- In most states, SSI recipients are automatically eligible for Medicaid as soon as they are eligible for SSI
- 9 exceptions: Connecticut, Hawaii, Illinois, Minnesota, Missouri, New Hampshire, North Dakota, Oklahoma, and Virginia





Section 2: Who is Eligible for SSI?

## Basic Eligibility

- Specific Category
  - Blind or disabled, or
  - aged 65 or older
- Income/Resources
  - Limited income, and
  - Limited resources
- Status
  - U.S. citizen, or in one of certain categories of immigrants



#### Income—What Counts?

- Anything received, in cash or in-kind, that can be used to meet needs for food and shelter
- General types of income
  - Earned income
  - Unearned income
  - In-Kind Support and Maintenance (ISM)



# Income: Earned Income





# Income: Unearned Income







## Income: In-kind Support and Maintenance (ISM)



Food



Shelter



### In-Kind Support and Maintenance

- Food/shelter that someone else pays for
- SSI benefits reduced by up to \$265 (1/3 the Federal Benefit Rate + \$20)
- MAJOR EXCEPTION: food or shelter based on need provided by nonprofits





# In-Kind Support and Maintenance (Example: Susan and Rhonda)

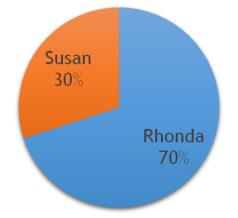
Susan (SSI Recipient) and Rhonda (Roommate/Friend)







Rent (\$1,000)



\$1,000 Rent



Susan Pays: \$300

Rhonda Pays: \$700



## In-Kind Support and Maintenance (Example: What Is Deducted From Susan's SSI Benefit?)

- Susan's "fair share" of the rent would be half, or \$500
- Susan instead pays \$300, so SSA considers her to be receiving \$200 of in-kind support and maintenance
- BUT, SSA will actually deduct \$180 from her SSI benefit
  - (Wait a minute... why not \$200?)



## Income: What Does Not Count?

- Income Disregards
- Income tax refunds, scholarships, loans
- Direct payments by someone else for expenses other than food or shelter (e.g. medical bills, auto insurance)
- Food stamp benefits, government home energy assistance



### Resources

#### What is a resource?

 Anything available to use for support and maintenance









#### Resources

Resource Limit (the maximum allowed value of a person's resources):

- Under \$2,000 for an individual
- Under \$3,000 for a couple



#### **Excluded Resources**

#### **Excluded resources:**

- Home SSI recipient lives in and the land it is on
- Household goods and personal property
- One vehicle
- Burial plot
- Burial funds and/or life insurance (up to \$1,500)
- Retroactive SSA benefits up to 9 months after receipt



#### Transfer Rules

- Action: Transfer of resources for less than market value
  - Transfer of cash also counts
- Transfer period: Transfer occurring any time in the prior 36 months
- Consequence: Ineligibility for up to 36 months, depending on the value of the transfer
- Example: Senior with an extra car that puts them over the resource limit can't give it to their child for free or will become ineligible for SSI



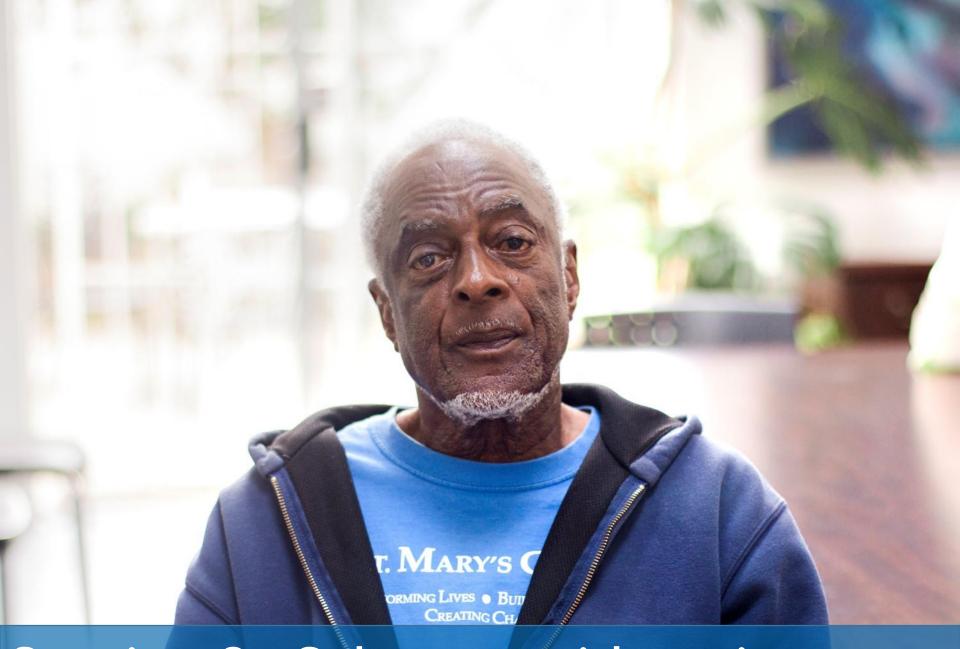
## Deeming of Income/Resources

Person eligible for SSI living with specific person not eligible for SSI:

- Spouse (living with recipient)
- Parent of child under 18 (living with recipient)
- Sponsor of immigrant

No others count towards deeming





Section 3: Other considerations

## **Immigration Status**

#### Some non-citizens may be eligible for SSI:

- Lawfully residing in U.S. on Aug. 22, 1996, and blind or disabled;
- Lawfully residing in U.S. and receiving SSI on Aug. 22, 1996;
- Lawfully admitted for permanent residence with 40 or more quarters of work in U.S.;
- Active duty military, veteran or spouse of veteran;
- Refugees, asylees and certain humanitarian immigrants (7 year limit on benefits).



## Other Conduct/Eligibility Rules: Presence

If absent from the country for a full calendar month, or for 30 consecutive days or more  $\rightarrow$  No longer eligible in subsequent months until return for 30 consecutive days.



# Other Conduct/Eligibility Rules: Institutionalization

- Not eligible for SSI if living in correctional facility (prison or jail) for full calendar month
- Limited to \$30/month if staying in hospital/skilled nursing facility/other medical facility where Medicaid pays more than half of cost of care



## Disability Standards

- ALL SSI recipients must comply with non-medical criteria
- Those receiving SSI on the basis of blindness/disability must ALSO meet medical standards



## Definition of Disability

#### For an adult (18 - 64 years old):

- Medically determinable physical or mental impairment(s)
- Preventing from working
- Expected to last at least 12 months / to result in death

Substantial Gainful Activity (2017): \$1,170 monthly

Parallel process for children, except focused on functional limitations, not ability to work



## Disability Determination Process (for adults)

- 1: Is claimant working?
- 2: Is claimant's medical condition
- "severe"?
- 3: Is claimant's medical condition found in the Listings?
- 4: Can claimant do any previous job?
- 5: Can claimant do any other job?



## **Appeals Process**

- 1. Reconsideration
- 2. Administrative Law Judge hearing
- 3. Review by the Appeals Council
- 4. Federal court review



### Conclusion

It is vital for advocates to understand the complex rules in the SSI program, to ensure that the clients who rely on these benefits for their economic security are receiving and continue to receive the full amount to which they are entitled.



## Additional Resources and Citations

- Social Security Act: 42 U.S.C. §§ 1381-1383f
- SSI Regulations:
   20 C.F.R. §§ 416.101 2227
- Program Operations Manual System (POMS): <a href="https://secure.ssa.gov/apps10/poms.nsf/partlist">https://secure.ssa.gov/apps10/poms.nsf/partlist</a>
- Social Security Administration: <a href="https://www.ssa.gov/">https://www.ssa.gov/</a>
- Understanding Supplemental Security Income Guide: www.ssa.gov/ssi/text-understanding-ssi.htm
- Justice in Aging SSI Resources: <a href="https://www.justiceinaging.org">www.justiceinaging.org</a>
   SSI Factsheet:

http://www.justiceinaging.org/wpcontent/uploads/2017/03/F\_SSI-Fact-Sheet-2017.pdf

#### Case Consultations

 Case consultation assistance is available for attorneys and professionals seeking more information to help older adults. Contact NCLER at <a href="MCLER@justiceinaging.org">MCLER@justiceinaging.org</a>



