

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

SSI ACCESS SERIES

Ensuring Access to Assistance from State and Local Governments and Nonprofits

The Supplemental Security Income (SSI) program exists to provide vital assistance to extremely low-income people who cannot work due to age or disability. This includes those who worked extremely low-wage jobs that didn't allow them to save and older adults whose Social Security benefits are minimal. The maximum federal benefit is just \$841 a month for an individual, which is supposed to cover rent, utilities, food, and other basic needs. Not only is the monthly benefit too low, but there are strict eligibility rules that keep people from being able

to fully access the SSI benefit. To ensure access to SSI for those who have been systematically denied access to wealth because of their race, gender, disability, immigration status, sexual orientation, gender identity, or other characteristics, policymakers must consider where current policies cause barriers to access. This series of briefs highlights areas where SSI policies should be improved, and offers specific proposals that can help reduce senior poverty and advance equity and inclusion for historically marginalized communities.

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In addition to their SSI benefit, SSI beneficiaries may also receive help in cash or in-kind from state and local governments and private entities. Examples include a food pantry providing food and groceries to members of the community facing hunger, or a local government offering rental assistance to low-income residents. SSI beneficiaries are often concerned that receiving other assistance may cause them to lose their SSI benefit, as the general SSI rule is that anything received, in cash or in-kind, that can be used to meet needs for food or shelter is considered income, unless it falls into a defined exclusion. SSI rules do provide explicit exclusions in certain circumstances to ensure that beneficiaries can safely receive other assistance to meet their basic needs without losing their SSI benefits. These SSI exclusions also provide certainty to state and local governments and nonprofits, allowing them to layer their assistance on top of the foundation of the SSI benefit, in order to provide the additional help that certain SSI seniors and people with disabilities need to thrive. To ensure that SSI beneficiaries have maximum access to these

other forms of assistance, policymakers should re-examine and expand these SSI exclusion rules to make them easier to use and more reflective of the current and future landscape of assistance from state and local governments and nonprofits.

HOW IT WORKS

Currently, the Social Security Administration (SSA) considers the source of funding for a program as a key factor in determining whether assistance from that program is excluded for SSI eligibility. Some common types of assistance that can be excluded are state-funded income assistance, assistance from charitable organizations, medical and social services, and emergency assistance such as the federal and state stimulus payments provided during the pandemic.

Assistance that is based on need and is fully funded by a state or a subdivision of a state should be excluded from the calculation of a person's income as [assistance based on need \(ABON\)](#). Examples of ABON include a state-funded supplement to the federal SSI benefit, or a nutrition benefit that is fully funded by a state or local government. While ABON will not count as income when received, any cash benefits that are retained in the following month would count toward the SSI resource limit.

Another type of potentially excluded income is assistance provided by nonprofits and charitable organizations. SSA assesses this exclusion under a category it calls the [Home Energy Assistance and Support and Maintenance Assistance \(HEA/SMA\)](#). The Home Energy Assistance exclusion covers assistance provided by a utility or supplier for heating or cooling a home and can be used to exclude help provided by a utility company or supplier, such as discounts on electric bills for low-income households. Support and Maintenance Assistance excludes cash or in-kind assistance provided by a nonprofit. SMA is used to exclude help from nonprofits such as food and groceries from food banks and food pantries, or rental assistance that is provided by a nonprofit. As with ABON, HEA and SMA assistance must be based on need.

[Medical and social services](#) are not income for SSI purposes, and thus do not count against SSI eligibility in any circumstance. In addition, cash and in-kind items received in conjunction with medical and social services are not considered income for SSI purposes. For example, this exception could apply to supplemental nutrition benefits offered by a health plan for medically fragile plan members.

During the pandemic, many programs were created to provide direct financial assistance to those impacted by the pandemic, including SSI beneficiaries. Under [guidance issued by the Social Security Administration](#), pandemic-related financial assistance such as the three federal stimulus payments issued in 2020 and 2021 and similar state stimulus payments do not count as income for SSI and do not count as a resource for as long as the individual saves the payments. While these exclusions are limited to certain benefits, they have provided a way to exclude significant cash payments received during the pandemic. Importantly, pandemic-related financial assistance is excluded from counting as an SSI resource indefinitely. In other words, the excluded payments will never count as a resource, for as long as the individual holds onto them.

REDUCING BARRIERS TO ACCESS

The SSI program should be supportive of local communities as they work to direct resources to areas of higher need. State and local governments, as well as private philanthropy partners, are developing programs to address the needs of their underserved communities, including the low-income seniors and people with disabilities who receive SSI.

Oftentimes, these programs assist communities that experience severe inequities, such as individuals experiencing homelessness, individuals exiting incarceration, or foster youth. From a policy perspective, the support these other programs provide are an unequivocal benefit to SSI beneficiaries and the mission of the SSI program, and can help reduce inequities that disproportionately affect underserved older adults and people with disabilities.

The wide range of local and regional needs results in programs being designed in multiple ways, all with the goal of supplementing existing benefits to give individuals the help they need to gain or regain stability. To ensure that the benefit of these programs reaches low-income SSI beneficiaries, it is important to have appropriate SSI exclusions for the full range of assistance available from state and local governments and nonprofits.

Policymakers and SSA should re-examine the implementation, scope and details of certain exclusions to ensure that they are being implemented effectively, and to ensure that they reflect the current and future landscape of assistance to SSI beneficiaries from other sources.

Some specific ways to help people access assistance without losing their SSI benefits include:

1. Eliminating the in-kind support and maintenance rules.

Currently, benefits are reduced when an SSI recipient receives help with food or shelter, including help from family or friends. This type of reduction is known as in-kind support and maintenance, or ISM. For the older adults and people with disabilities who live below the poverty line even when they receive the maximum SSI benefit, help with groceries or rent is critical assistance that keeps them housed and fed despite sub-poverty level benefits. Eliminating the ISM rules would allow individuals to supplement their SSI benefit with needed support from their community, without fear of losing part of their SSI benefit as a result.

Removing ISM as a basis to reduce SSI benefits would generally allow more SSI recipients to receive the full SSI benefit amount, and it would also help resolve some of the specific issues described in this issue brief. For example, if ISM were eliminated, the support and maintenance assistance (SMA) exclusion would be moot, and this type of assistance would simply be allowed without need of a certification.

2. Creating an easier certification process for nonprofits.

Advocates sometimes report confusion when trying to navigate the process of obtaining certification from SSA that a particular item of assistance will be excluded as support and maintenance assistance (SMA). Having a clearer and easier-to-follow process to obtain the SMA certification will give nonprofits the security of knowing that their help will actually reach the intended beneficiaries. This is especially important for smaller nonprofits that have fewer resources to navigate this administrative process.

3. Ensuring that the rule on medical and social services includes all appropriate exemptions.

As more programs are developed to address the social determinants of health, it will be important to ensure that the rule on medical and social services appropriately exempts medical and social supports such as housing, nutrition, and other items.

4. Allowing exclusions for programs that include public and private funding.

As more programs are funded with a mix of public and private dollars, the various SSI exclusions should be flexible enough to provide exclusions for projects with both mixed and unmixed funds. This will ensure that low-income people who receive need-based assistance are not penalized simply because the source of the funding does not meet an unnecessarily strict rule on exclusion.

5. Facilitating exclusions for financial assistance provided during future emergencies.

While SSA did provide clear guidance in July 2021 that excluded pandemic-related financial assistance, such guidance should be issued as soon as possible during similar emergencies in the future. Without prompt guidance from SSA, SSI beneficiaries must make quick decisions about spending a payment, or risk losing their SSI eligibility. With prompt and clear guidance, beneficiaries can make plans to spend the payment in the way that works best for their situation, whether it means spreading their spending over a number of months or saving the money longer term.

Allowing the broader community to provide additional help to SSI beneficiaries helps us all. The existing exclusions that allow SSI beneficiaries to receive this additional help without causing a loss of SSI eligibility are vital. To improve the SSI rules in this area now and for the future, we need to ensure that the exclusions work effectively, are accessible to state and local governments and nonprofits, and ultimately lead to lowering barriers for SSI seniors and people with disabilities when they seek the help they need to survive and thrive.