

Access to SSI – Ensuring Access to Assistance from State and Local Governments and Nonprofits

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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 fighting for people who have been marginalized and excluded from justice, such as women, people of color, LGBTQ+ individuals, and people with limited English proficiency.

Housekeeping

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Key Takeaways

- Assistance provided by state and local governments and nonprofits can be excluded from counting against SSI eligibility in certain circumstances.
- These SSI exclusions should be re-examined and expanded to make them easier to use and more reflective of the current and future landscape of assistance from state and local governments and nonprofits.

SSI Concept of Income and Resources

- Generally speaking, things will count as income or resources for SSI eligibility unless they are specifically excluded or exempted.
- Exclusions matter, both income exclusions and resource exclusions.

In-Kind Support and Maintenance

- Benefits are reduced when an SSI recipient receives help with food or shelter.
- This kind of assistance can help older adults and people with disabilities who receive sub-poverty level SSI benefits to pay for things like groceries or rent.

Eliminating the In-Kind Support and Maintenance Rules

- Would generally allow more people to receive the full SSI benefit.
- Would also help resolve some specific issues, such as the “support and maintenance assistance” exclusion, by simply allowing this kind of assistance without need of a certification.

Exclusion for Assistance From Nonprofits and Utility Companies

- Income exclusion for need-based home energy assistance and assistance provided by nonprofits:
 - **Home Energy Assistance (HEA)**
Assistance provided by a utility or supplier for heating or cooling a home.
 - **Support and Maintenance Assistance (SMA)**
Cash or in-kind assistance provided by a private nonprofit. Must be certified by the appropriate State agency.
- [SI 00830.605](#), [SI SEA00830.605](#)

Simplifying the Certification Process for Nonprofits

- 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.
- Especially important for smaller nonprofits that have fewer resources to navigate this administrative process.

Exception for Medical and Social Services

- Medical and social services are not income for SSI purposes, and thus do not count against SSI eligibility in any circumstance.
- Cash and in-kind items received in conjunction with medical and social services are not considered income for SSI purposes.
- [SI 00815.050](#)

Ensuring that These Exceptions Remain Up to Date

- Programs are increasingly being developed to address the social determinants of health (health related social needs).
- Ensure that the rule on medical and social services stays up to date and appropriately exempts medical and social supports such as housing, nutrition, and other items.

Exclusion for Programs Fully Funded by a State or Locality

- Assistance that is based on need (ABON) and is fully funded by a state or a subdivision of a state is excluded from income for SSI eligibility.
- Examples: a state-funded supplement to the federal SSI benefit, or a nutrition benefit that is fully funded by a state or local government.
- [SI 00830.175](#), [20 CFR 416.1124\(c\)\(2\)](#)

Allowing Exclusions for Programs that Include Public and Private Funding

- More programs are being developed, sometimes funded with a mix of public and private dollars.
- SSI exclusions should be flexible enough to provide exclusions for projects with both mixed and unmixed funds.

Exclusion for Assistance Provided During Emergencies

- Pandemic-related financial assistance does not count as income and does not count as a resource for as long as the individual saves the payments.
- While limited to certain benefits, this has provided a way to exclude significant cash payments received during the pandemic.
- [EM 20014 REV 5](#), [EM 21050 REV 3](#)

Facilitating Exclusions for Assistance Provided During Future Emergencies

- Ensure prompt issuance of guidance during similar emergencies in the future.
- This gives beneficiaries time to plan how to spend the payment, without risking the loss of their SSI benefits.

Questions?

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