Topics in SSI – Housing Security, Understanding In-Kind Support and Maintenance, and Navigating the POMS

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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

- 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 trainings@justiceinaging.org.
- Find materials for this training and past trainings by searching the Resource Library, justiceinaging.org/resource-library. A recording will be posted to Justice in Aging's Vimeo page at the conclusion of the presentation, vimeo.com/justiceinaging.
Agenda

• **Housing Security**: Understanding the housing affordability and homelessness crisis for low-income older adults and people with disabilities, including SSI recipients

• **The ABCs of ISM**: Understanding the concept of “in-kind support and maintenance,” where SSI benefits are reduced if individuals receive help with food or shelter costs

• **Navigating the POMS**: Learning tips to more easily find relevant policy guidance
Housing Security
Housing Affordability Crisis for Older Renters

• Extremely low-income (ELI) renters more likely to be at least 62 or have a disability.
  • Older Black, Latino, Asian, and Native American households are about 3 times more likely to be ELI renters than older white households.

• Over half of older renter households are housing cost burdened (spending more than 30% on rent), and almost 1 in 3 have a severe cost burden (spending over 50% on rent).
Housing Affordability Crisis for SSA Benefit Recipients

As of September 2022:

- Maximum Federal SSI Benefit: $841/month
  - Federal Poverty Level (Household of 1): $1,133/month

- Average SSD Benefit: $1,363/month
- Average SS Retirement Benefit: $1,628/month

National Average Rent:

- One-bedroom: $1,105/month
- Two-bedroom: $1,342/month
Other Housing Barriers

• Very few affordable housing units
• Federal rental assistance is not an entitlement
  • Only about 23% of SSI and 11% of SSD recipients live in households receiving housing assistance
• Lack of accessible housing, housing with supports and services
• Housing discrimination
  • Alleged disability discrimination in over 54% of housing discrimination cases filed nationally
Homelessness Crisis for Older Adults

• Homeless population 65+ estimated to triple by 2030; fastest growing age group

• Older adults overrepresented among individuals experiencing chronic homelessness
Hidden Homelessness

• “Doubling Up”: Living with others because of economic hardship or housing loss

• Around 75% of SSI recipients live with others
  • Vast majority live with other adults
  • Over 50% live in households of 3 or more people
Why Living Arrangements Matter for SSI

• SSI recipients can have their benefits reduced by up to 1/3 depending on their living arrangements

• About 9% of SSI recipients receive ISM reductions -- 720,000 people
The ABCs of ISM
Key Takeaways

• Within the SSI program, in-kind support and maintenance (ISM) is a concept with its own distinct set of rules.

• The rules that define a “household” provide an important baseline for understanding ISM scenarios.

• These “household” definitions are often distinct from similar concepts found elsewhere in the SSI rules.
What is ISM?

• In-kind support and maintenance (ISM) is:
  • unearned income
  • received by an SSI applicant or recipient in the form of food and/or shelter
  • from anyone living within or outside their household.

• SSI benefits reduced by up to $300.33 (1/3 of the Federal Benefit Rate + $20)

• SI 00835.000 Living Arrangements and In-Kind Support and Maintenance
Exceptions

• MAJOR EXCEPTION: food or shelter based on need provided by nonprofits; HUD subsidies

• Items provided with the understanding that the individual will later repay do not constitute ISM. This is a loan.

• SI 00835.482 Loans of In-Kind Support and Maintenance
Questions

• What is a “household” for ISM?
• What is the difference between being in your own household and being in the household of another?
• What is the difference between inside ISM and outside ISM?
• What does “residence” mean in the context of ISM?
• What if you are homeless?
ISM Household

• “A household is a personal place of residence in which the individuals share common living quarters and who function as a single economic unit.”

• Can have multiple households in a single residence.

• Different from deeming

• [SI 00835.020 Definitions of Terms SI 00835.120 Rental Liability as LA Basis (Section E: Procedure — Room Rental In A Private Dwelling)]
Household Example

• SSI child, parent of SSI child, and partner of parent live in the same residence.
  • Deeming from parent to SSI child. No ISM from parent to child, as parent’s income is already taken into account through deeming.
  • No deeming from parent’s partner to SSI child.
  • Partner functions as a separate economic unit.
    Household = SSI child and parent
  • Everyone is part of a single economic unit.
    Household = SSI child, parent, and partner
ISM Reduction Amount

• Value of the One-Third Reduction (VTR) is used when the individual lives in the household of another and that person provides the individual with both food and shelter. **SI 00835.200**

• Presumed Maximum Value (PMV) is used when the individual receives ISM but the VTR does not apply (for example, individual lives in their own household). **SI 00835.300**
  • 1/3 of the Federal Benefit Rate + $20
  • Rebuttable
Own Household vs. Household of Another

- **Own household**: Individual owns the shelter, rents the shelter, pays a pro rata share of the household operating expenses, lives in a public assistance household, or is in noninstitutional care.

- **Household of another**: The conditions above do not apply.
Own Household Example

- SSI recipient lives with a sibling.
  - SSI recipient contributes to the food and shelter costs as they are able. The amount they pay is less than their fair share. SSI recipient lives in the **household of another**.
  - SSI recipient pays a pro rata share of the food and shelter costs. SSI recipient is in their **own household**. SI 00835.160
  - Sibling also receives SSI. This is a public assistance household, and SSI recipient is in their **own household**. SI 00835.130
  - SSI recipient rents a room from sibling. SSI recipient has rental liability and is in their **own household**. SI 00835.120
Inside vs. Outside ISM

• **Inside ISM**: food or shelter provided to an individual through the contributions of other household members toward household operating expenses.
  
  SI 00835.340

• **Outside ISM**: food or shelter provided to household members and paid for by a source outside the household.
  
  SI 00835.350
Outside ISM Example

- SSI recipient lives alone and owns the home.
- SSI recipient’s parent pays part of the mortgage and/or property taxes.
- SSI recipient is:
  - In their own household (owns the shelter)
  - But receiving outside ISM from the parent
ISM and “Residence”

• “Residence” concept for SSI eligibility
  • Residency in the U.S. [GN 00303.740](#)
  • Residence in a particular state to determine eligibility for a state supplement. [SI 01410.030, SI 01410.040](#)

• “Residence” concept for ISM
  • The location of abode or dwelling place; a place where a person makes his/her home.
  • Synonymous with “permanent living arrangement.” A temporary absence from an individual’s permanent place of residence does not constitute a change in living arrangement. [SI 00835.040](#)
“Transient”

- An individual who has no fixed place of domicile and who is neither a member of a household nor a resident in an institution.
- Transients are considered to have no permanent living arrangement.
- ISM of no value does not result in countable ISM.
- ISM is countable from every place the individual lives during the month.

- **SI 00835.060**
Advocacy Tips

• Understand the current living arrangement in SSI terms.
• Consider if it makes sense to change the living arrangement going forward.
• Remember that a loan is not ISM.
Navigating the POMS
What is the POMS?

• Program Operations Manual System (POMS)

• Sub-regulatory policy guidance issued by SSA. The go-to resource for the people who work in the local Social Security office.

• https://secure.ssa.gov/apps10/
Goals in Navigating the POMS

• Find the exact POMS that answers your question
• Find the general area of the POMS that may answer your question
• Determine if there are adjacent issues to be concerned about
Overarching Structure

• Guidance is organized by program or category. The program/category abbreviation is part of the POMS citation.
  • SI – SSI
  • DI – Disability, both SSDI and SSI disability
  • RS – Retirement and Survivors
  • GN – General, includes many of the overpayment and waiver rules
  • HI – Health insurance (Medicare)
POMS Homepage

This section of the SSA Program Policy Information Site contains the public version of the Program Operations Manual System (POMS). The POMS is a primary source of information used by Social Security employees to process claims for Social Security benefits. The public version of POMS is identical to the version used by Social Security employees except that it does not include internal data entry and sensitive content instructions.

Please note that this document is intended for SSA employees. It contains technical terms and instructions that will be unfamiliar to you. If you have difficulty understanding these materials, please click on this link to the Social Security Handbook, which is written in plain language for use by the public.

Page Contents

- **Table of Contents** - Browse to find information.
- **Recent Changes** - Recent updates that have been incorporated into the Program Operations Manual System.
# POMS Table of Contents

## Program Operations Manual System (POMS)

### Table of Contents

- **RM** - Records Maintenance
- **GN** - General
- **RS** - Retirement and Survivors Insurance
- **DI** - Disability Insurance
- **SI** - Supplemental Security Income
- **HI** - Health Insurance
- **NL** - Notices, Letters and Paragraphs
- **VB** - Special Veterans Benefits
- **PR** - Title II Regional Chief Counsel Precedents
- **PS** - Title XVI Regional Chief Counsel Precedents
- **SL** - State and Local Coverage Handbook
- **DX** - Data Exchange
POMS Navigation

Program Operations Manual System (POMS)

Chapter List for Supplemental Security Income

- SI - Supplemental Security Income
- SI 005: Eligibility
- SI 006: The SSI Application Process
- SI 008: Income
- SI 011: Resources
- SI 013: Deeming
- SI 014: State Supplementary Payments
- SI 017: Medicaid Eligibility
- SI 018: Supplemental Nutrition Assistance Program (SNAP)
- SI 020: Benefits and Payments
- SI 021: Title XVI (SSI) Underpayments
- SI 022: Overpayments
- SI 023: Posteligibility Events
- SI 029: State Financial Management
- SI 040: Administrative Review, Appeals and Finality - SSI
SI 00835: Living Arrangements and In-Kind Support and Maintenance

- SI 00835.000: Living Arrangements and In-Kind Support and Maintenance - Table of Contents
- SI 00835.001: Introduction to Living Arrangements and In-Kind Support and Maintenance
- SI 00835.005: Flowchart for Sequential Development of Living Arrangement (LA) and In-Kind Support and Maintenance (ISM) Instructions
- SI 00835.020: Definitions of Terms Used in Living Arrangements (LA) and In-Kind Support and Maintenance (ISM) Instructions
- SI 00835.040: Temporary Absence from a Federal Living Arrangement (LA)
- SI 00835.041: Temporary Absence from a Federal Living Arrangement (LA) for Reasons Other than School Attendance or Confinement in a Medicaid Facility
- SI 00835.042: Temporary Absence of a Child from a Federal Living Arrangement Due to School Attendance
- SI 00835.043: Temporary Absence from a Federal LA Due to Confinement in a Medicaid Facility
- SI 00835.060: Transients, Homeless Individuals, and LA/ISM Determinations
- SI 00835.100: Living in Households
- SI 00835.110: When Home Ownership is the Living Arrangement (LA) Basis
- SI 00835.115: In-Kind Support and Maintenance Evaluation for Homes in Foreclosure
- SI 00835.120: Rental Liability as LA Basis
- SI 00835.130: Public Assistance Households
- SI 00835.140: Separate Consumption
- SI 00835.150: Separate Purchase of Food
- SI 00835.160: Sharing
- SI 00835.170: Earmarked Sharing
- SI 00835.200: The One-Third Reduction Provision
- SI 00835.210: The One-Third Reduction Provision and Deeming
Anatomy of a POMS

• Date last updated at upper left
• May include citations to underlying regulations and statute
• Often include links to related POMS
• Some POMS will have additional region-specific instructions
POMS Example

Program Operations Manual System (POMS)

Effective Dates: 05/22/2020 - Present

DI 10505.015 Averaging Countable Earnings

A. Background

Section §404.1574(b)(2) of agency regulations requires us to determine countable earnings from work activity as substantial gainful activity (SGA) if they average more than the SGA threshold amounts. For the tables of SGA earnings, see DI 10501.015. Do not average earnings simply because it is or is not advantageous to the beneficiary. Section §404.1574a states we will average earnings if:

- an employee or self-employed person’s work was continuous; without significant change in work patterns or earnings;

- there has not been a change in the SGA level; and

- monthly earnings fluctuate from above to below the SGA threshold.
Search Engine Tips

• Use an outside search engine, not the embedded Search feature

• Search terms
  • Use “POMS” – not a real word, and thus will help to restrict the results to POMS
  • Use the program or category identifier (SI, DI, GN, RS, HI)
  • Use SSA-specific wording if you know it
Search Example

• What is considered an Impairment Related Work Expense?
  • Search term: POMS DI Impairment Related Work Expense
  • DI 10520.000 Impairment-Related Work Expenses (IRWE)
Another Search Example

• How does SSI treat a bank account that an SSI recipient has permission to use in certain circumstances but that actually belongs to another person?
  • Search term: POMS SI bank resource ownership
  • SI 01120.010 Factors That Make Property a Resource
  • SI 01140.200 Checking and Savings Accounts
Use the Table of Contents to Cross-Check Results

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Prior Versions of the POMS

• Use the Internet Archive (Wayback Machine) to check for prior versions
  https://archive.org/web/

• The Internet Archive is a nonprofit library that archives web history, including over 700 billion webpages

• The Internet Archive maps the number of times a webpage was crawled by the Wayback Machine, not how many times the webpage was actually updated
Internet Archive Main Page

Explore more than 760 billion web pages saved over time

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