JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

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 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.

Our Commitment to Justice

- We believe that to advance justice in aging, we must ensure that everyone has access to what they need as they age, without discrimination and regardless of race, gender, gender identity, sexual orientation, ability, language or country of origin.
- We push for policies that will ensure that those experiencing the greatest barriers to economic security, health care, and housing can exercise their rights and fully access the services and programs they need.

Agenda

- What is SSI?
- Who is eligible?
  - 65 or older, blind, or disabled
  - Financial eligibility (income and resource limits)
  - Other considerations

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

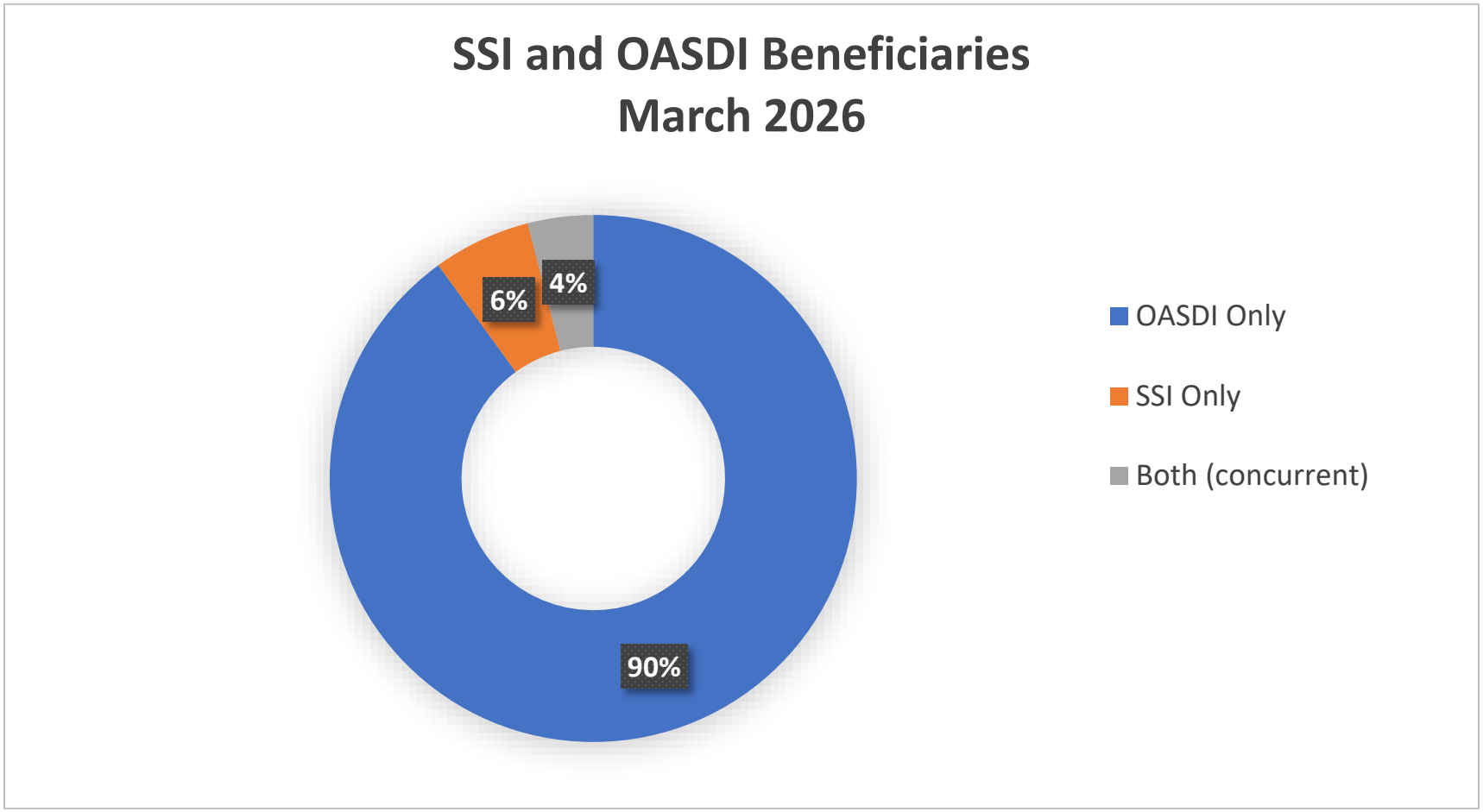
SSI

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

OASDI

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

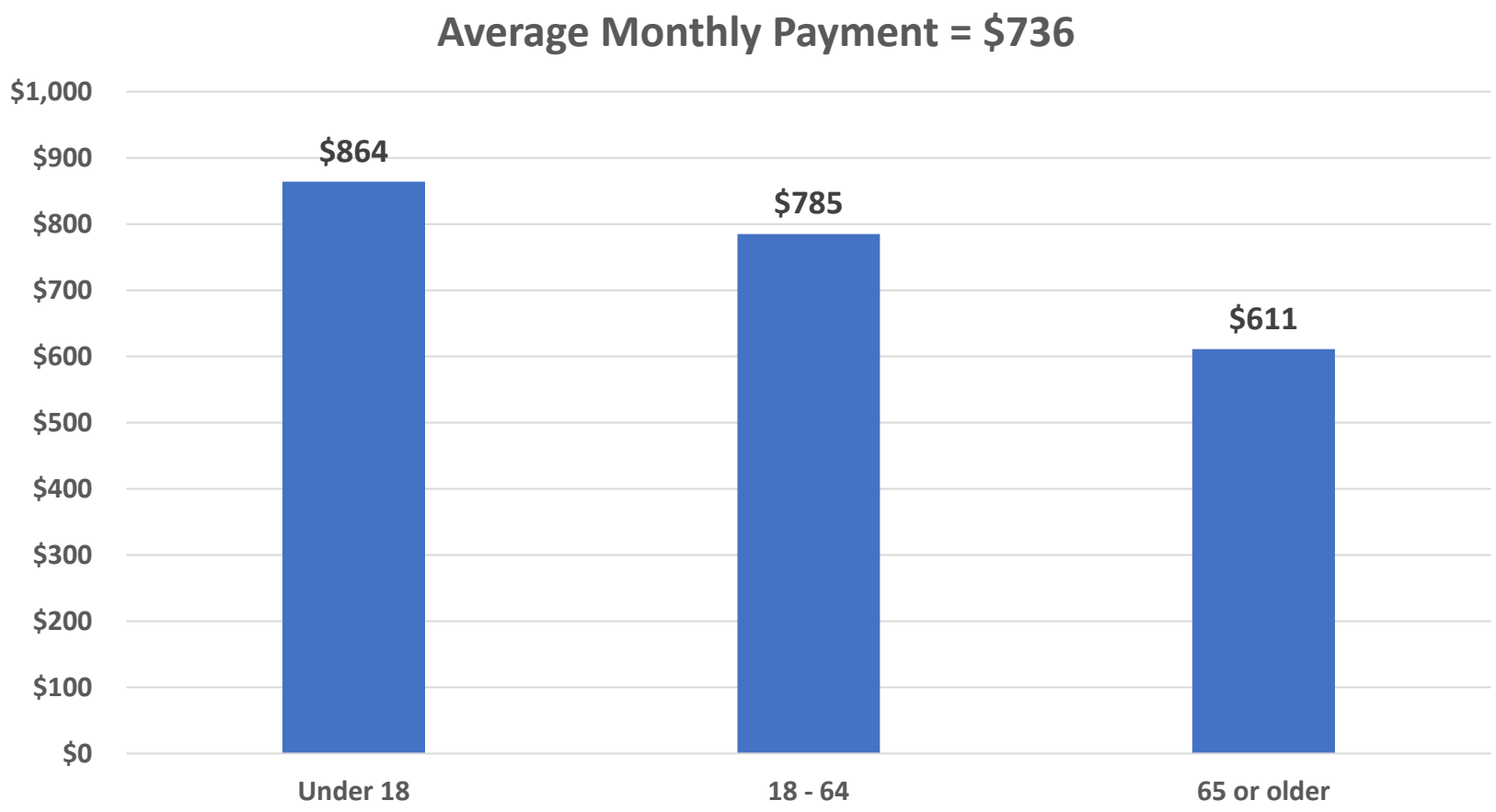
Number of Beneficiaries: SSI (7.3 million) and OASDI (71 million)



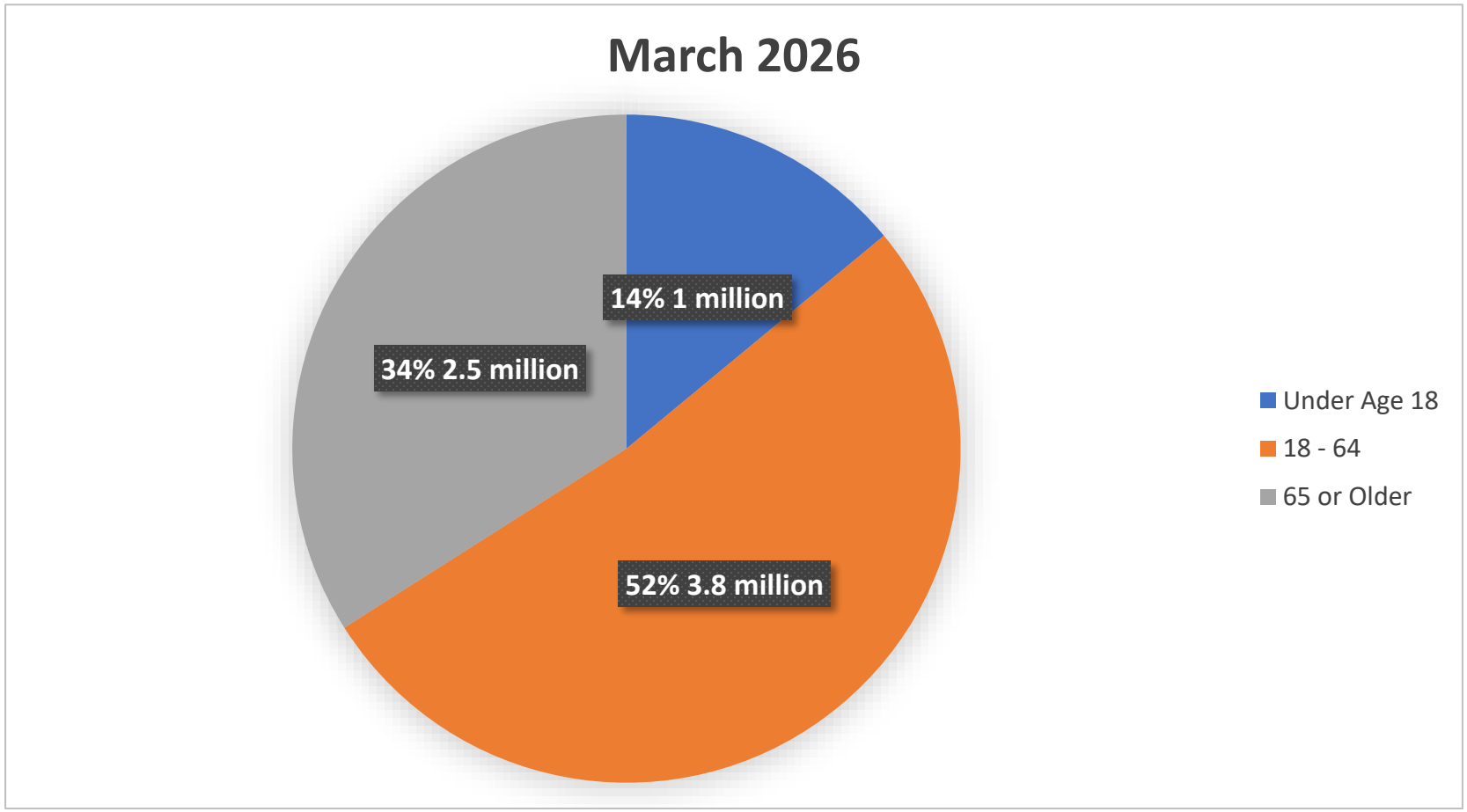
Supplemental Security Income (SSI)

- Federal program administered by the Social Security Administration (SSA)
- “Means-tested” program
- Subsistence level income for people who are aged, blind, or have disabilities
- Automatic eligibility for Medicaid in most states

2026 SSI Federal Benefit Rate (monthly) = $994/individual, $1,491/couple



7.3 Million People Currently Receive SSI Benefits



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

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 and Residence
  - U.S. citizen, or in one of certain categories of immigrants
  - Live in the 50 states, DC, or the Northern Mariana Islands

Income – What Counts?

- Anything received, in cash or in-kind, that can be used to meet needs for food or shelter
- General types of income:
  - Wages ("earned income")
  - Income that is not wages ("unearned income")
  - "In-kind support and maintenance" (ISM)

Income – What **Does Not** Count?

- Income tax refunds, scholarships, loans
- Direct payments by someone else for expenses other than shelter (e.g. medical bills, auto insurance)
- Food stamps (SNAP), home energy assistance
- Income disregards

Wages (Earned Income)

Not Wages (Unearned Income)

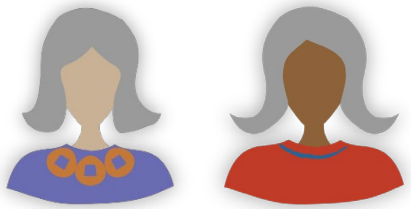
In-Kind Support and Maintenance

- Shelter that someone else gives or pays for

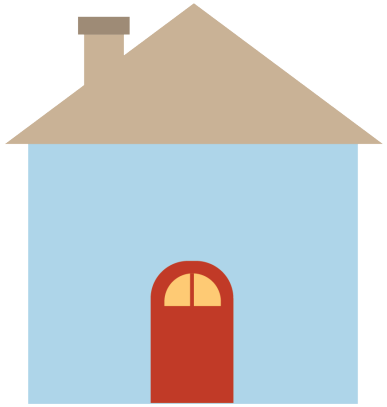
To learn more – SSI: In-Kind Support Rules – Justice in Aging

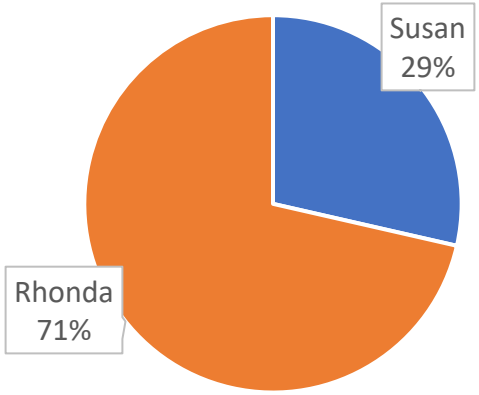
In-Kind Support and Maintenance (Example: Susan and Rhonda)

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



$1,400 Rent





Susan pays: $400

Rhonda pays: $1000

ISM Example: What Is Deducted From Susan's SSI Benefit?

- Susan's "fair share" of the rent would be half, or $700
- Susan instead pays $400, so SSA considers her to be receiving **$300** of in-kind support and maintenance
- BUT, SSA will actually deduct $280 from her SSI benefit
  - (Wait a minute… why not $300?)

2024 changes make ISM less burdensome
Overpayments, In-Kind Support, and Operational Impacts - How Current SSA Policies Could Affect Your Clients – Justice in Aging

Resources

- What is a resource?
  - Anything available to use for support and maintenance

Resource Limit

- 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

- Home the 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
- Federal tax refunds, up to 12 months after receipt

Transfer Penalty

- 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: Older adult 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

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).

Payment Considerations

- Out of the country for a full calendar month, or for 30 consecutive days or more
  - Payment stops in subsequent months until person has returned for 30 consecutive days
- In prison or jail for a full calendar month
  - Payment stops
- In a hospital, or skilled nursing or other medical facility where Medicaid pays for more than half of the cost of care for a full calendar month
  - Limited to SSI payment of $30 per month

Disability Standards

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

Definition of Disability

- **For an adult (18 – 64 years old):**
  - **Medically determinable** physical and/or mental impairment(s)
  - Preventing from working
  - Expected to last at least 12 months / to result in death
- Substantial Gainful Activity (2026): $1,690 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. Does claimant's medical condition meet or equal a Listing?
4. Can claimant do any previous job (5 year look back)?
5. Can claimant do any other job in national economy?

Appeals Process

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

Additional Resources

- Social Security Act: 42 U.S.C. §§ 1381-1383f
- SSI Regulations: 20 C.F.R. §§ 416.101 – 2227
- Program Operations Manual System (POMS)
- Understanding Supplemental Security Income Guide (SSA)
- Justice in Aging SSI Resources

Federal Legislation to Modernize SSI

- SSI Savings Penalty Elimination Act
  - S. 1234/H.R. 2540
- SSI Equality Act
  - H.R. 4814
- SSI Restoration Act
  - S. 4001/H.R. 7828
- SSI Savings and Efficiency Act
  - H.R. 8298

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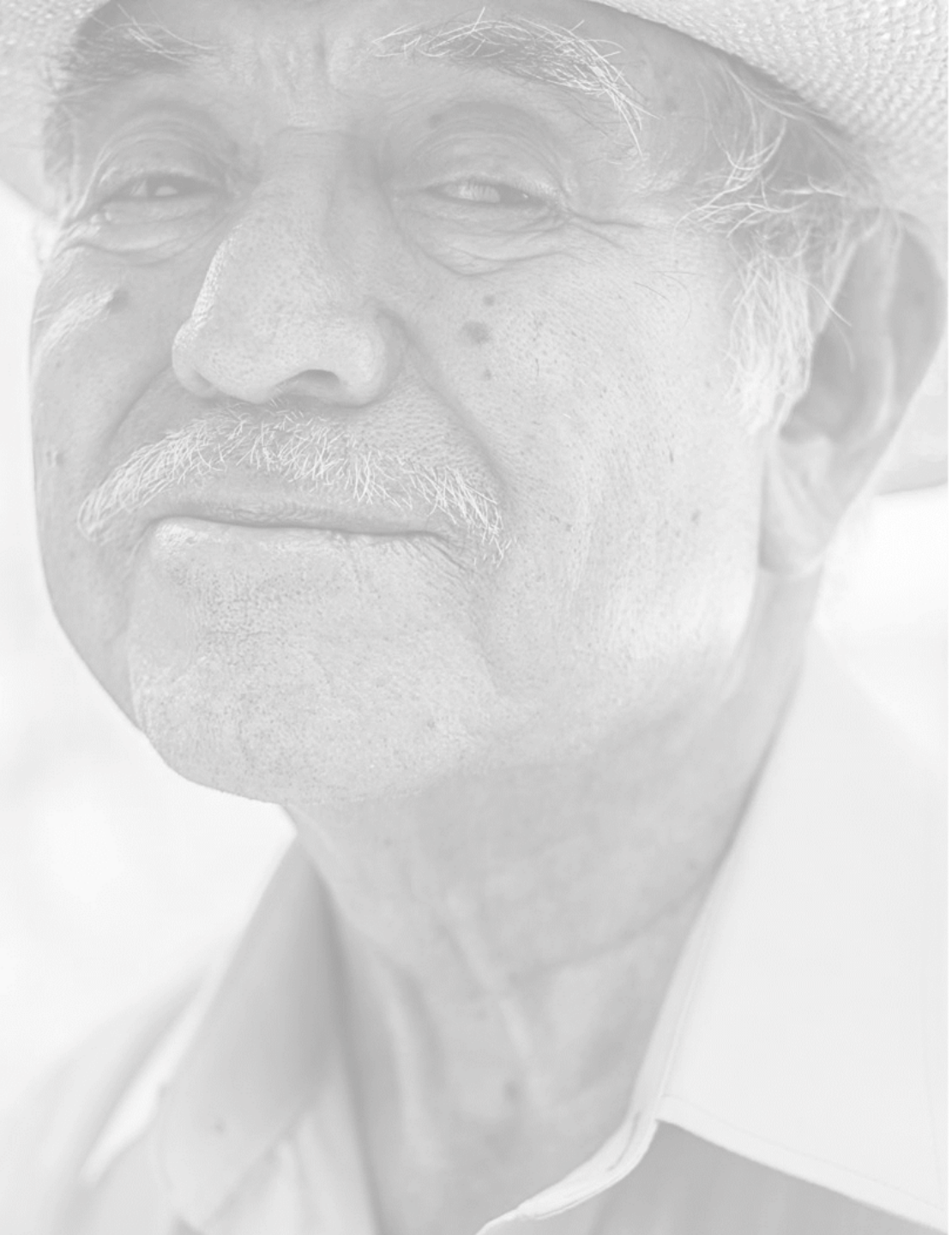

Questions?

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