

Supplemental Security Income (SSI) Basics

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Housekeeping

- All on mute. Use Questions function for substantive questions and for technical concerns.
- Problems getting on the webinar? Send an e-mail to NCLER@acl.hhs.gov.
- Written materials and a recording will be available at NCLER.acl.gov. See also the chat box for this web address.

About NCLER

The National Center on Law and Elder Rights (NCLER) provides the legal services and aging and disability communities with the tools and resources they need to serve older adults with the greatest economic and social needs. A centralized, one-stop shop for legal assistance, NCLER provides Legal Training, Case Consultations, and Technical Assistance on Legal Systems Development. Justice in Aging administers the NCLER through a contract with the Administration for Community Living's Administration on Aging.

About Justice in Aging

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.

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, “means-tested” program

OASDI

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

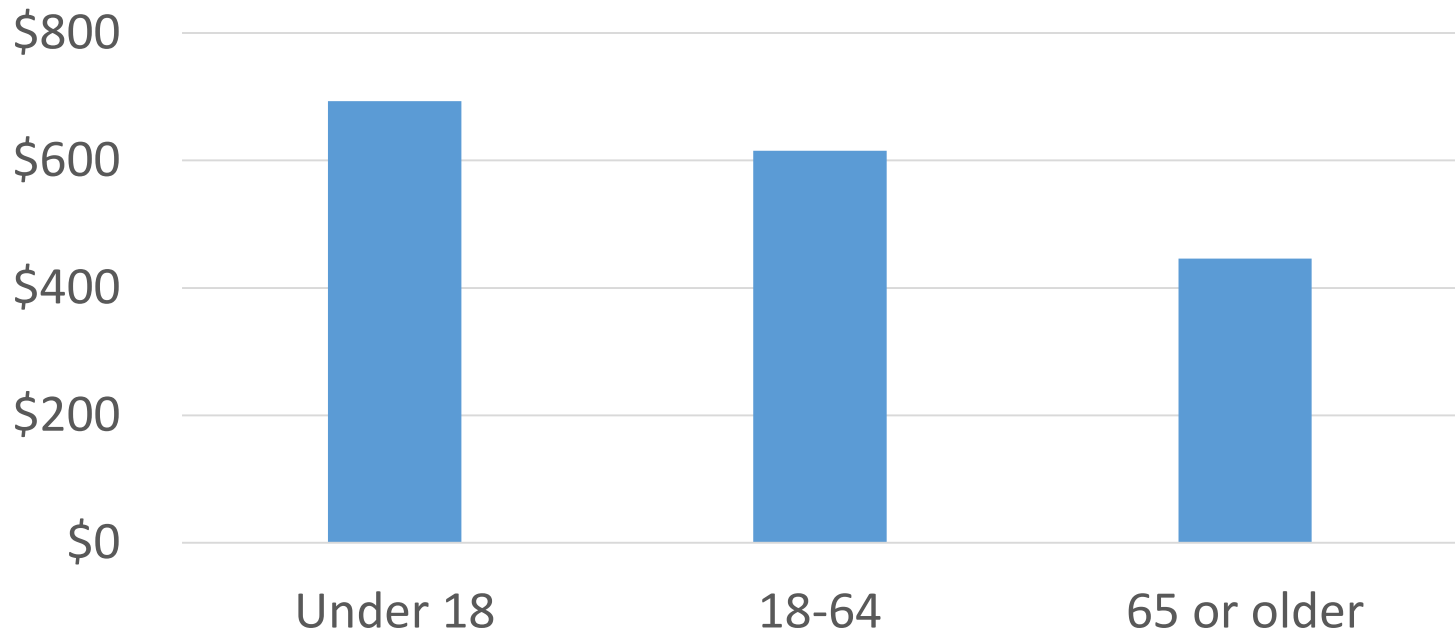
Supplemental Security Income (SSI)

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

2021 Monthly Max Fed SSI Payment
\$794 (individual) or \$1,191 (couple)

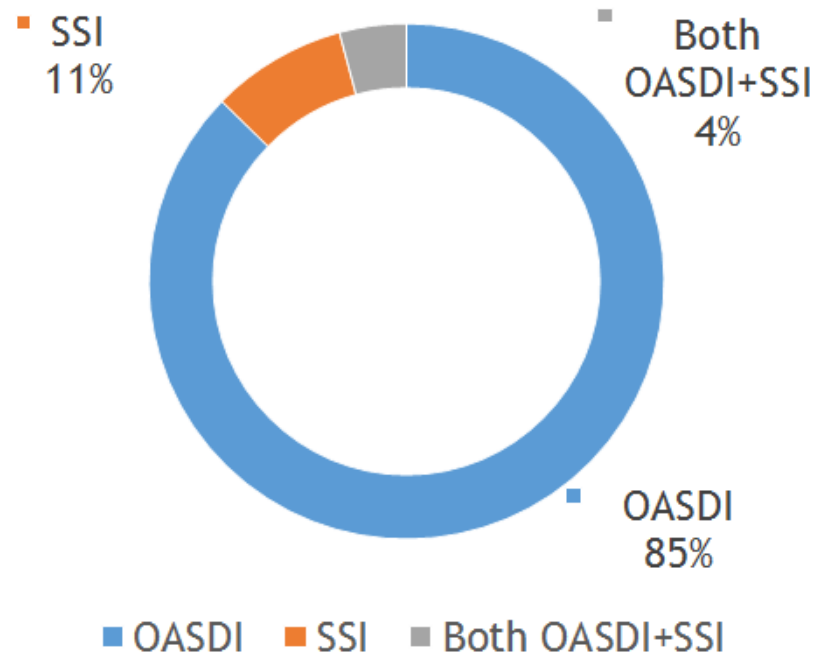
2021 Federal Benefit Rate (monthly) =
\$794/individual, \$1,191/couple

Average monthly payment was \$585



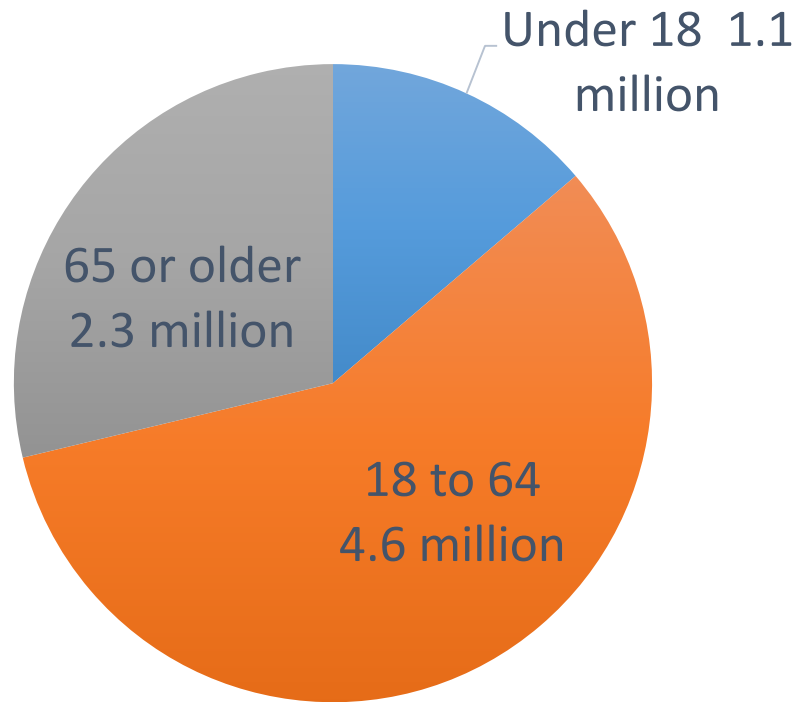
Number of Recipients SSI (8.1 million) and OASDI (64 million)

SSI and OASDI Recipients



January 2020

8.3 Million People Currently Receive SSI Benefits



January 2020

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

SSI Applications During COVID-19

- In January 2021, SSI awards were the lowest monthly awards for older adults in the reported history of SSI program
 - Approximately 37,000 awards vs. 48,000 in January 2020
- Causes of significant decrease in applications
 - Closure of SSA field offices
- Populations primarily affected: older adults and people with Limited English Proficiency (LEP)

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



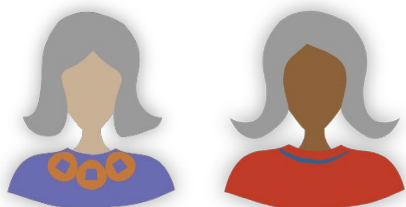
In-Kind Support & Maintenance

- Food/shelter that someone else pays for
- SSI benefits reduced by up to \$284.66 (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)

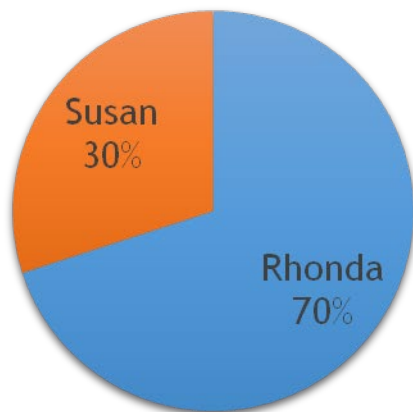
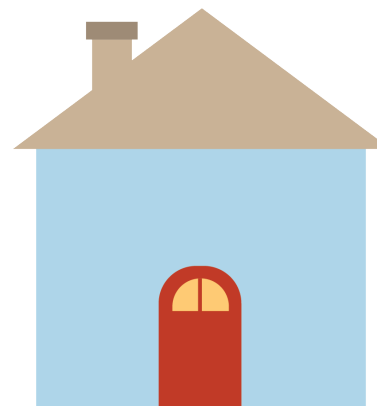
Susan (SSI Recipient) and
Rhonda (Roommate/Friend)



Rent (\$1,000)



\$1,000 Rent



Susan Pays: \$300
Rhonda Pays: \$700

ISM 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



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

- 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: 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

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 → 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 (2021): \$1,310 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

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

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