

SSI Resource Exclusion for the Home, Including Adjoining Property

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Those receiving or applying for Supplemental Security Income (SSI) must have resources of less than \$2,000 for an individual or \$3,000 for an eligible couple. Fortunately, the home the SSI applicant or recipient lives in is excluded from counting towards this resource limit. Any land adjoining the property where the SSI recipient lives is included in this exclusion. However, SSA sometimes counts this adjoining land as a resource when it is covered by a deed separate from the home where the SSI recipient lives. Advocates should be aware that the SSI home exclusion includes adjoining property, and watch out for improper denials and suspensions of SSI benefits.

Resources in SSI

SSI is a federal means-tested program administered by the Social Security Administration (SSA). SSI provides modest cash assistance for seniors and people with disabilities who are unable to work enough to meet their basic needs. SSI is for people who are at least 65 years old, blind, or meet the Social Security standard of disability, and who have very low income and limited assets.

SSI has many complicated financial eligibility rules, including the treatment of assets or resources. These rules can be found in the [Code of Federal Regulations](#) (CFR) and [SSA's Program Operations Manual System](#) (POMS).

Eligibility for the Supplemental Security Income (SSI) program depends, in part, on an individual or couple having countable resources that are no more than the resource limit. The resources of an SSI recipient may not exceed \$2,000 for an individual or \$3,000 for an eligible couple. The asset limits for the SSI program have not been updated since 1989. It is important to understand the SSI resource rules; if the value of an individual's resources are too high, they will not be eligible for SSI, even if they meet all the other eligibility criteria.

A resource is defined as cash or other liquid assets or any real or personal property that an individual owns and could convert to cash to be used for their support and maintenance (food or shelter).¹ Real property is land, including buildings or immovable objects attached permanently to the land.

There are a number of excluded resources that do not count toward the SSI resource limit.² **One of the most important exclusions is that the home in which the SSI recipient resides and all contiguous land are excluded regardless of value.**³

1 20 CFR 416.1104.

2 20 CFR §§416.1203-416.1204, 416.1210-416.1239, 416.1245, and 416.1247; POMS SI 01110.210 (secure.ssa.gov/apps10/poms.nsf/lnx/0501110210), September 23, 2014.

3 42 USC 1382b(a)(1); 20 CFR 416.1210(a) and 416.1212; POMS SI 01130.100 (secure.ssa.gov/apps10/poms.nsf/lnx/0501130100), February 12, 2010.

Data Matching

SSA now uses data matching with a LexisNexis product called Accurint to identify “non-home real property” owned by SSI applicants or recipients in public land records. SSA employees are not supposed to rely solely on information obtained from an Accurint match to suspend or deny SSI benefits without investigating further.⁴ However, Accurint reports sometimes indicate the individual owns property where they do not reside. It is not unusual for individuals to have their application for SSI benefits denied, or to have their SSI benefits suspended and receive an overpayment notice because of an Accurint report.

This includes instances when SSA employees do not recognize that a separately deeded property is **adjoining** the property where the individual resides, and therefore should be excluded.

SSA Policy

SSA POMS 01130.100, The Home Exclusion, states at (B)(3):

Exclusion of the home includes adjoining property and related buildings

a. Land

- » The home exclusion applies not only to the plot of land on which the home is located, but also to any adjoining land. Land that adjoins the home plot is land not completely separated from the home plot by land in which neither the individual nor his or her spouse has an ownership interest.
- » Easements and public rights of way (e.g., utility lines, roads, etc.) do not separate other land from the home plot.

b. Buildings

- » The home exclusion applies to all buildings on excluded land.

Most importantly and explicitly, Social Security Ruling (SSR) 89-3a provides:⁵

Under the Act and the implementing regulations, the home exclusion applies to any land which appertains to the home and to any other buildings located on such land. To appertain to the home, the real property must adjoin the plot on which the home is located and may not be separated from it by intervening real property that is owned by others. Where real property adjoins the plot on which the home is located and has contact with that plot, it does not matter if there is more than one document of ownership (e.g., separate deeds). Nor does it matter if the home was obtained at a different time from the rest of the real property or if the holdings are assessed and taxed separately.

This has been SSA policy for over 30 years. No one who is applying for or receiving SSI benefits should be denied these benefits because of a separately deeded property that adjoins the home where they live.

⁴ POMS SI 01140.100 (secure.ssa.gov/apps10/poms.nsf/lnx/0501140100), September 27, 2017.

⁵ ssa.gov/OP_Home/rulings/ssi/04/SSR89-03-ssi-04.html.

Helping a client with an SSI resource question? Justice in Aging provides legal professionals with advice on SSI and Social Security as part of NCLER's case consultation service. Through this service, Justice in Aging, the National Consumer Law Center, and the ABA Commission on Law and Aging provide free case consultations to legal and aging network professionals on a range of legal issues impacting older adults.

Please contact ConsultNCLER@acl.hhs.gov for free case consultation assistance. Sign up for our email list and access more resources at NCLER.acl.gov.

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