

What You Need to Know about SSI



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- <http://www.nlrc.aoa.gov/>
- Collaboration developed by the Administration for Community Living/ Administration on Aging between the National Consumer Law Center, National Senior Citizens Law Center, American Bar Association Commission on Law and Aging, Center for Elder Rights Advocacy, and the Center for Social Gerontology
- See upcoming trainings, conferences, and webinars
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Presenter – Kate Lang

- Joined NSCLC's Income Team in December 2012 as a staff attorney in the Washington, DC office, to work on Social Security and Supplemental Security Income-related issues.
- She was formerly a staff attorney at the Maryland Legal Aid Bureau where she was an advocate for low-income older adults and persons with disabilities.



Presenter –Gerald McIntyre

- Directing attorney at the National Senior Citizens Law Center in Los Angeles, CA where he has worked on Social Security and SSI issues since 1993.
- Gerald McIntyre has more than 30 years of experience in legal services advocacy.
- He has worked as a staff attorney at Bronx Legal Services; as Executive Director of Southern Tier Legal Services in Bath, NY; and as a lecturer and staff attorney at Cornell Law School.





NSCLC

National Senior Citizens Law Center

Protecting the Rights of Low-Income Older Adults

The top of the page features a collage of five blue-tinted photographs. From left to right: a woman's face, two people in a doorway, a woman holding a cat, an elderly man's face, and two elderly women smiling together. The NSCLC logo is overlaid on the first photo.

NSCLC

National Senior Citizens Law Center

The National Senior Citizens Law Center is a non-profit organization whose principal mission is to protect the rights of low-income older adults. Through advocacy, litigation, and the education and counseling of local advocates, we seek to ensure the health and economic security of those with limited income and resources, and access to the courts for all. For more information, visit our Web site at www.NSCLC.org.

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What You Need to Know About SSI

Kate Lang, Staff Attorney
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SSI = Supplemental Security Income

- Nationwide federal assistance program administered by Social Security Administration (SSA)



- Strictly need based – a “means-tested” program
- Provides subsistence level income for aged, blind, or disabled individuals

Today's Webinar Topics

1. How do SSI and Social Security benefits compare?
2. Who qualifies for SSI benefits?
3. What are the eligibility rules?
4. How can the SSI program be improved?

How do SSI and Social Security benefits compare?

Supplemental Security Income (SSI) v.
Old Age, Survivors and Disability Insurance (OASDI)

- Both cash benefits programs administered by Social Security Administration (SSA)
- Medical eligibility is determined in same manner for disability benefits in both (same disability standard)

BUT otherwise two completely different programs.

OASDI v. SSI

OASDI

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

SSI

- Funded by general fund taxes
- Strictly need based – “means-tested” program

Who qualifies for SSI benefits?

An individual with limited income and resources who resides in one of the 50 states, District of Columbia, or Northern Mariana Islands, and is:

- Blind or disabled, or
- Aged 65 or older.

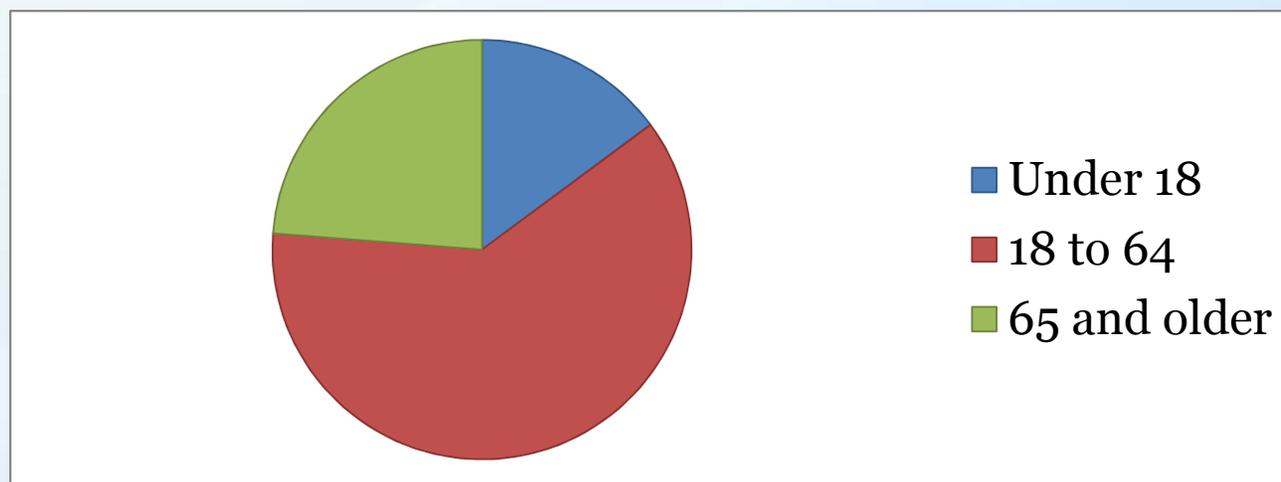
8.3 million people currently receive SSI benefits (March 2013)

Age of recipients:

Under 18 – 1.3 million

18 to 64 – 4.9 million

65 or older – 2.1 million

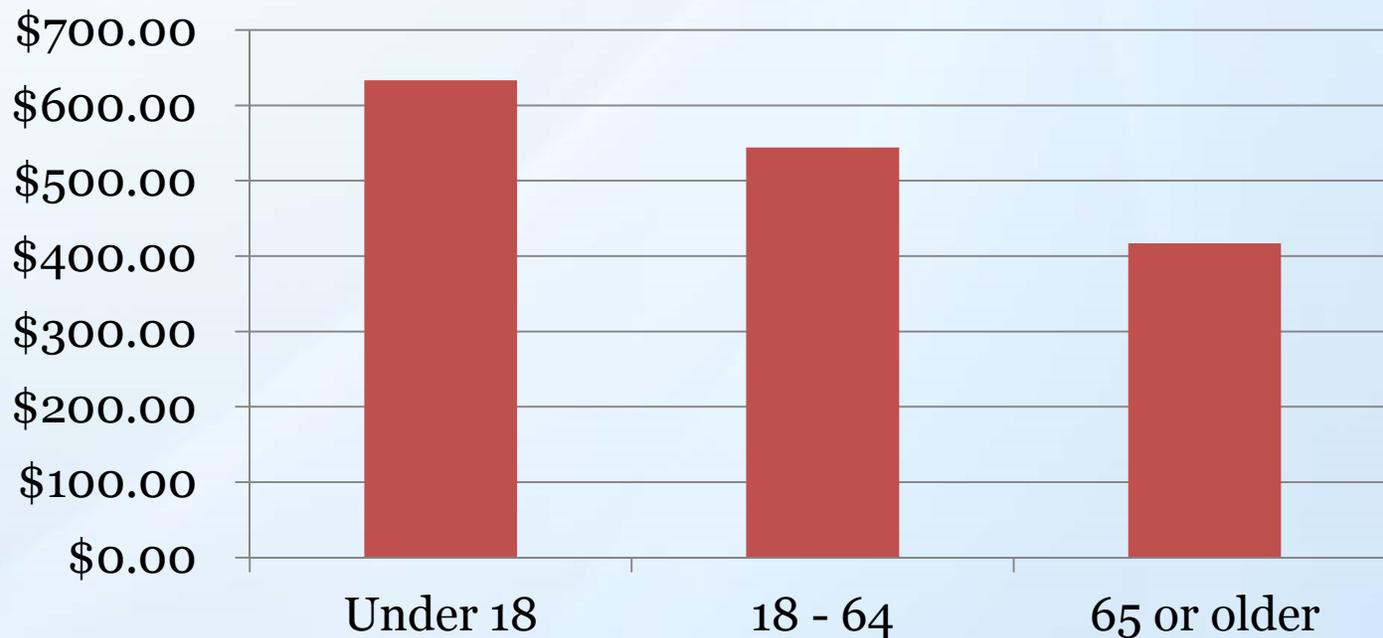


SSI recipient characteristics

- Majority (54%) are women
- 2/3 of aged recipients (65 and older) are women
- More than 1/3 of those applying based on age have a primary language other than English
- People of color rely disproportionately on SSI

In 2013, Federal Benefit Rate = \$710/month (\$1,066/month for eligible couple)

Average monthly payment is \$527.50
Average amount is affected by other income or state supplements



What are the eligibility rules?

Individual who is age 65 or older, blind or disabled, and:

- Has very limited income;
- Has limited resources (under \$2,000 for individual, \$3,000 for couple); and
- Is a U.S. citizen, or in one of certain categories of immigrants.

Eligibility rules – income

What is income?

Anything received, in cash or in-kind, that can be used to meet needs for food and shelter

What is NOT income?

Income tax refunds, grants or scholarships to pay tuition, loans, money someone else spends to pay expenses other than food or shelter (e.g., utility or medical bills)

Eligibility rules – income

- Unearned income – \$20/month unearned income disregard
- Earned income – \$65/month earned income disregard; only half of remaining earned income counted

Eligibility rules – in-kind support

In-kind support and maintenance – food and/or
shelter at less than market rate

Eligibility rules – resources

What is a resource?

Anything available to use for support and maintenance

Excluded resources:

- Home SSI recipient lives in and 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

Eligibility rules – deeming

Income and resources of others may be “deemed” to SSI recipient:

- Spouse (living with recipient)
- Parent of child under 18 (living with recipient)
- Sponsor of immigrant

No others count towards deeming

Eligibility rules – 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).

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.

Eligibility rules – institutionalization

Not eligible for SSI if living in correctional facility
(prison or jail) for full calendar month

Eligibility rules – medical coverage

In most states, SSI recipients are automatically eligible for Medicaid as soon as they are eligible for SSI

11 exceptions: Connecticut, Hawaii, Illinois, Indiana, Minnesota, Missouri, New Hampshire, North Dakota, Ohio, Oklahoma, and Virginia

Eligibility rules – disability standards

ALL SSI recipients must comply with the above eligibility rules on non-medical criteria

Those receiving SSI on basis of blindness/disability must ALSO meet medical standards

Eligibility rules – disability standards

For an adult (18 – 64):

- **Medically determinable** physical or mental impairment(s)
- Preventing from working
- Expected to last at least 12 months/ to result in death

For a child (under 18):

- **Medically determinable** physical or mental impairment(s)
- Resulting in marked and severe functional limitations
- Expected to last at least 12 months/ to result in death

Eligibility rules – disability standards

For adults (ages 18 – 64), 5 step evaluation process:

STEP 1: Is claimant working?

Is claimant doing “substantial gainful activity”?
(earning average of \$1,040 per month, in 2013)

IF YES, **NOT DISABLED**

IF NO, go to STEP 2

Eligibility rules – disability standards

STEP 2: Is claimant's medical condition "severe"?

"severe" = interferes with basic work-related
activities

IF NO, **NOT DISABLED**

IF YES, go to STEP 3

Eligibility rules – disability standards

STEP 3: Is claimant's medical condition found in Listings?

Listings = catalog of medical conditions for major body systems, with criteria of when condition is so severe it is automatically disabling

IF YES, **DISABLED**

IF NO, go to STEP 4

Eligibility rules – disability standards

STEP 4: Can claimant do any previous job?

15 year “look back” period

IF YES, **NOT DISABLED**

IF NO, go to STEP 5

Eligibility rules – disability standards

STEP 5: Can claimant do any other job?

consider vocational factors: age, education, past work experience and any transferable skills

IF YES,

NOT DISABLED

IF NO,

DISABLED

Eligibility rules – fact pattern

What happens when a new SSI claim is approved after a lengthy appeal process, and the individual is awarded substantial retroactive benefits?

How can the SSI program be improved?

H.R. 1601: The SSI Restoration Act

Introduced by Rep. Raul Grijalva (D-AZ) on April 17, 2013

Would strengthen SSI by updating eligibility rules; some have not changed since 1972 when signed into law

SSI Restoration Act

- Increase General Income Disregard from \$20 to \$110 per month
- Increase Earned Income Disregard from \$65 to \$357 per month
- Update resource limit \$2,000 (\$3,000 for eligible couple) to \$10,000 (\$15,000 for eligible couple)
- No longer count in-kind support and maintenance as income
- Repeal penalty for transfer of resource

Other Improvements

- Increase Federal Benefit Rate
- Provide federal match for state supplementation
- Eliminate time limits on benefits for humanitarian immigrants

QUESTIONS?

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