



BARBARA B. BLUM
 Commissioner

[An Administrative Directive is a written communication to local Social Services Districts providing directions to be followed in the administration of public assistance and care programs.]

ADMINISTRATIVE DIRECTIVE

TRANSMITTAL NO.: 81 ADM-33
 [Income Maintenance]

TO: Commissioners of Social Services

- SUBJECT: 1. Pass-Through of the Federal Cost-of-Living Increase to Supplemental Security Income (SSI) Recipients, and
 2. Increase in the Personal Expense Allowance for Eligible Adult Public Assistance Recipients Who Reside in Certain Specified Residential Living Arrangements

DATE: July 14, 1981

Suggested Distribution: Income Maintenance Staff
 Medical Assistance Staff
 Social Services Staff
 SSI/SDX Coordinators

Contact Person: Any SSI questions concerning this release should be directed to Maureen Standish, SSI Program Operations Unit, by calling (800) 342-3715, extension 3-8839. Any questions concerning the increase in the personal expense allowance for adult public assistance recipients should be directed to Bruce Bushart, HR/EAF/SSI-Related Unit, extension 4-9326.

I. PURPOSE

The purpose of this directive is to advise local social services districts of Chapter 85 of the Laws of 1981 which authorizes a pass-through of the July, 1981, Federal cost-of-living increase in SSI.

This directive also advises local social services districts of an amendment to subdivision 352.8(c) of Department Regulations which provides for an increase in the personal expense allowance for certain adult public assistance recipients who reside in specified residential living arrangements.

FILING REFERENCES

Previous ADMs/INFs	Previous ADMs continued	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous References
76 ADM-68	78 ADM-66	352.8(c)	SSL 209	Bulletin 134	SSI State Manual
76 ADM-71	78 INF-21		SSL 131-o		Lee vs. Smith
77 ADM-46	79 ADM-42				
77 ADM-71	79 ADM-57				
77 INF-15	80 ADM-46				
77 ADM-138	81 INF-7				
78 ADM-53					

II. BACKGROUND

- A. Section 1617 of the Social Security Act provides that whenever benefits under Title II are increased by any percentage, the Federal amount of SSI benefits will be increased by the same percentage. Social Security benefits are generally increased yearly, in July, based upon the Consumer Price Index (CPI). The 1981 increase was set at 11.2%.

State legislation is required to authorize an actual increase in the total SSI check when State Supplementary Payments (SSP) are involved. This legislation is commonly referred to as the "pass-through" legislation.

Chapter 85 of the Laws of 1981, effective July 1, 1981, authorizes:

- the pass-through of the 11.2% cost-of-living increase in the Federal SSI benefit of \$26.70 to individuals and \$40.00 to couples,
 - an increase in the personal needs allowance for Level I, Level II and Level III Congregate Care for persons in receipt of SSI, and
 - increases in the eligibility standards for certain MA-only households.
- B. The public assistance personal expense allowance for adult public assistance recipients not residing in their own homes is established through Department Regulations. In view of a Department analysis, the costs of items covered by this personal expense allowance, and the Legislature's recent action in increasing equivalent allowances for similarly situated SSI recipients, an increase in the public assistance personal expense allowance for adult recipients residing in situations comparable to SSI Level I (Family Care) and Level II (Residential Care) Congregate Care living arrangements is both justified and necessary. Therefore, an amendment to subdivision 352.8(c) increases the personal expense allowance for adult public assistance recipients residing in the following situations (outlined in subdivision 352.8(c)) from \$17.00 to \$36.00:

Level I	Level II
<ul style="list-style-type: none">- a family type home licensed and supervised by a social services district or a family care home certified by an Office of the Department of Mental Hygiene.	<ul style="list-style-type: none">- a home for adults;- a home for the aged;- a licensed residential care facility;- a hostel for mentally retarded;- a residential facility for the mentally disabled, approved, licensed or operated by the Department of Mental Hygiene.

This increase is effective July 1, 1981.

The personal expense allowance for adult recipients residing in the following situations (outlined in subdivision 352.8(c)) will remain at \$17.00:

- a licensed boarding home or family home;
- a boarding home;
- a room and board arrangement;
- a facility supervised by the Office of Drug Abuse Services;
- an intermediate care facility (non-medicaid);
- an infirmary, nursing home or similar medical facility (non-medicaid).

III. PROGRAM IMPLICATIONS

- A. The pass-through of the Federal benefit increase establishes new SSI benefit levels (standards of need). The new amounts are shown on the attached chart. All recipients will receive an increase except those in Title XIX institutions and those converted from the AABD program whose "grandfathered" benefit level is still higher than the new SSI amount.

The increases in the SSI benefit will be fully reflected in SSI checks on July 1, 1981.

The increase in the SSI benefit will further reduce the number of SSI recipients that may currently be receiving supplemental Home Relief funds (77 ADM-138).

- B. The Personal Needs Allowance for SSI recipients in Level I Congregate Care has been increased from \$10.00 to \$36.00; for SSI recipients in Level II Congregate Care, it has been increased from \$33.33 to \$47.00; and for SSI recipients in Level III Congregate Care it has been increased from \$10.00 to \$30.00. These amounts are in addition to any income disregarded by the Social Security Administration.
- C. The personal expense allowance for those adult public assistance recipients living in situations comparable to SSI Level I and Level II Congregate Care living arrangements (outlined in subdivision 352.8(c) of Department Regulations) has been increased from \$17.00 to \$36.00.

SSI and Home Relief Personal Allowances

	<u>SSI</u>	<u>Home Relief</u>
Level I	36*	36
Level II	47*	36
Level III	30*	NA
**Other	NA	17

*Plus any income disregarded by the Social Security Administration.

**Home relief recipients in a licensed boarding home or family home, a boarding home, a room and board arrangement, a facility supervised by the Office of Drug Abuse Services, an intermediate care facility, an infirmary, a nursing home or similar medical facility.

- D. The impact of the increase in MA-only eligibility standards and the impact of the pass-through on the medicare buy-in list will be covered in a separate administrative directive.

IV. REQUIRED ACTION

A. Supplemental Home Relief Cases

1. Because of a 1977 court decision (Lee vs. Smith), local districts with high shelter maximums were required to provide Home Relief funds to those SSI recipients eligible for such supplementation. As cost-of-living increases have been passed-through to SSI recipients, the number of SSI recipients eligible for such Home Relief supplementation has been greatly reduced.

Effective July 1, 1981, you must identify all individuals receiving Home Relief supplementation and rebudget the cases in accordance with instructions set forth in 77 ADM-138. In rebudgeting these cases, districts must use the new SSI standard of need summarized below. This updates the standard of need set forth on page 2 of 80 ADM-46. This same standard of need should be used in determining eligibility of any new applicants for supplemental Home Relief.

SSI STANDARD OF NEED
(Total SSI Benefit)

<u>Living Arrangement</u>	<u>Individual</u>	<u>Couple</u>	<u>Supplement Code (SDX)</u>
Living Alone	\$327.91	\$476.48	A
Living with Others	\$275.24	\$427.48	B
Living in the Household of Another*	\$275.24	\$427.48	F

*Living with others with in-kind income. The maximum cash benefit is \$187.01 for an individual and \$295.15 for a couple. The value of in-kind income (\$88.23 and \$132.33) brings this total to a standard of need of \$275.24 and \$427.48, respectively.

2. Recipients must be notified in writing of any termination of assistance and their rights to a Fair Hearing.

B. Notification of New Benefit Levels to Facility Operators

Local social services districts have already received instructions, in a separate letter from the Division of Adult Services, regarding notification to family home and residential care operators informing them of the new SSI benefit levels and the increase in the personal needs allowance for SSI recipients.

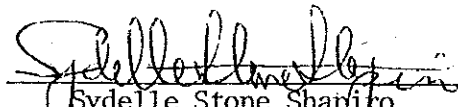
C. Those eligible public assistance applicants/recipients residing in situations comparable to SSI Levels I and II currently receiving the \$17.00 personal expense allowance who remain otherwise eligible should be rebudgeted for the increased amount (\$36.00). Where appropriate, local social services districts shall notify proprietors of the increase in the personal expense allowance from \$17.00 to \$36.00 for eligible public assistance recipients.

V. ADDITIONAL INFORMATION

Due to the small number of Home Relief recipients eligible for the personal expense allowance increase, WMS/ABEL will not support the budgeting of these cases at this time. The Bottomline budget can be used to include such cases on WMS.

VI. EFFECTIVE DATE

This directive is effective July 1, 1981.



 Sydelle Stone Shapiro
 Deputy Commissioner
 Division of Income Maintenance

SSI BENEFIT LEVELS: EFFECTIVE July 1, 1981

Fed L/A Code	State Supp. Code	Living Arrangement	Federal Benefit		State Supplement		Total Benefit	
			Ind.	Couple	Ind.	Couple	Ind.	Couple
A	A	Living Alone	264.70	397.00	63.21	79.48	327.91	476.48
A,C	B	Living with Others	264.70	397.00			275.24	427.48
B	F	Living in Household of Another*	176.47	264.67	10.54	30.48	187.01	295.15
<u>Level I - Family Care</u>								
A	C	a) DSS Certified Family Type Homes and Foster Care for Adults						
		b) OMH-OMRDD Certified Family Care Homes						
		New York City	264.70	397.00	126.26	384.92	390.96	781.92
		Rest of State	264.70	397.00	88.26	308.92	352.96	705.92
<u>Level II - Residential Care</u>								
A	D	a) DSS Certified Residential Care Facilities for Adults						
		b) OMH-OMRDD Certified Community Residences						
		New York City & Nassau	264.70	397.00	327.16	786.72	591.86	1,183.72
		Rest of State	264.70	397.00	297.16	726.72	561.86	1,123.72
<u>Level III - School for the Mentally Retarded</u>								
A	E	New York City	264.70	397.00	485.26	1,102.92	749.96	1,499.92
		Rest of State	264.70	397.00	461.26	1,054.92	725.96	1,451.92
D	Z	Title XIX Institution**	25.00	50.00	0	0	25.00	50.00

*Not a separate State Payment Level (SPL). Refers to people receiving both support and maintenance (food and shelter) whose federal benefits have been reduced by one-third.

**A federal benefit of \$264.70 for individuals or \$397.00 for couples applies to priv. fac. where Title XIX pays less than 50 percent of the cost of care or when the people reside in a public community residence with a capacity of 16 or less.

These situations are rare and involve no State Supplement.

ADDITIONAL NOTES: 1) Minimum personal needs allowance for Level I \$36, Level II \$47, Level III \$30.

2) Essential person receives \$ 132.60