



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.: 82 ADM-43
 [Income Maintenance]

TO: Commissioners of Social Services

SUBJECT: Pass-through of the Federal Cost-of-Living Increase to Supplemental Security Income (SSI) Recipients

DATE: July 23, 1982

SUGGESTED DISTRIBUTION: Income Maintenance Staff
 Medical Assistance Staff
 Social Services Staff
 SSI/SDX Coordinators

CONTACT PERSON: Any questions concerning this release should be directed to Maureen Standish, SSI Program Operations Unit, by calling (800) 342-3715, extension 3-8839.

I. PURPOSE

The purpose of this directive is to advise local social services districts of Chapter 87 of the Laws of 1982 which authorizes a pass-through of the July, 1982 Federal cost-of-living increase in SSI.

II. BACKGROUND

Section 1617 of the Social Security Act provides that whenever benefits under Title II are increased by any percentage, the Federal amount of the 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 1982 increase was set at 7.4%.

FILING REFERENCES

Previous ADMs/INFs	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous Reference
76 ADM-68	78 ADM-66	SSL 209		SSI State Manual
76 ADM-71	78 INF-21	SSL 131-o		Lee vs. Smith
77 ADM-46	79 ADM-42			Source Book
77 ADM-71	79 ADM-57			XXIV-A
77 INF-15	80 ADM-46			
77 ADM-138	81 INF-7			
78 ADM-53	81 ADM-33			
82 ADM-31				

DSS-206 (Rev. 5/78)

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 87 of the Laws of 1982, effective July 1, 1982, authorizes:

- the pass-through of the 7.4% cost-of-living increase in the Federal SSI benefit. This increase amounts to \$19.60 to individuals and \$29.40 to couples;
- an increase in state supplementation for couples in Level I, Level II, and Level III Congregate Care so that the SSI rate for couples in Congregate Care is double that for an individual in Congregate Care.
- an increase in personal needs allowance for Level I and Level II Congregate Care for persons in receipt of SSI, and
- increases in the eligibility standards for certain MA-only households.

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, 1982.

- B. The Personal Needs Allowance for SSI recipients in Level I Congregate Care has been increased from \$36 to \$40. The Personal Needs Allowance for SSI recipients in Level II Congregate Care has been increased from \$47 to \$50. The Personal Needs Allowance for SSI recipients in Level III Congregate Care remains at \$30. These amounts are in addition to any income disregarded by the Social Security Administration.
- C. 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 are required to provide Home Relief funds to those SSI recipients eligible for such supplementation. Effective July 1, 1982,

districts 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 5 of 81 ADM-33. This same standard of need should be used in determining eligibility of any new applicants for supplemental Home Relief.

It should be noted that, as a result of the court decision in Rosenfeld v. Blum (82 ADM-31), local districts cannot automatically presume the availability of income, including in-kind income, based upon a determination of the Social Security Administration. A separate determination of the availability of such in-kind income must be made by the local district.

SSI STANDARD OF NEED
(Total SSI Benefit)

<u>Living Arrangement</u>	<u>Individual</u>	<u>Couple</u>	<u>Supplement Code (SDX)</u>
Living Alone	\$347.51	\$505.88	A
Living with Others*	\$294.84	\$456.88	B, F

*This includes individuals who have been determined by the Social Security Administration, according to Federal rules, to be in receipt of in-kind income equal to one third of the Federal SSI benefit (VTR) (\$94.76 for an individual and \$142.13 for a couple). However, for purposes of Home Relief supplementation, the availability of this in-kind income, as with all other in-kind income, must be evaluated in accordance with Department guidelines.

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

B. Notification of New Benefit Levels to Facility Operators

Local social services commissioners have been sent a letter from the Division of Adult Services regarding notification to family-type home operators of the new SSI benefit levels. Residents and operators of DSS certified Level II adult residential care facilities have also been notified.

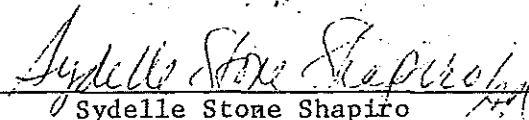
V. ADDITIONAL INFORMATION

Because of the implementation, on April 1, 1982, of Retrospective Monthly Accounting in the SSI Program, when an individual receives both SSI and Title II benefits, that individual will receive the full SSI and Title II increase July 1, 1982. Since the SSI benefit for July and August will be based upon the Title II benefit in prior months, the SSI benefit will not be adjusted to reflect the increased Title II until September.

An Informational Letter on Retrospective Monthly Accounting in the SSI program will be issued separately.

VI. EFFECTIVE DATE

This directive is effective July 1, 1982.



Sydelle Stone Shapiro
Deputy Commissioner
Division of Income Maintenance

SSI BENEFIT LEVELS: EFFECTIVE July 1, 1982

FED L/A CODE	STATE SUPP. CODE	LIVING ARRANGEMENT	FEDERAL BENEFIT RATE		STATE SUPPLEMENTATION RATE		COMBINED PAYMENT LEVEL	
			IND.	COUPLE	IND.	COUPLE	IND.	COUPLE
A	A	Living Alone	284.30	426.40	63.21	79.48	347.51	505.88
A, C	B	Living with Others	284.30	426.40	10.54	30.48	294.84	456.88
(B)	(F)	(Living in Household of Another ^{1/})	(189.54)	(284.27)			(200.08)	(314.75)
A	C	Level I - Family Care						
		a) DSS Certified Family Type Homes						
		b) OMH or OMRDD Certified Family Care Homes						
		New York City	284.30	426.40	126.26	394.72	410.56	821.12
		Rest of State	284.30	426.40	88.26	318.72	372.56	745.12
A	D	Level II - Residential Care						
		a) DSS Certified Adult Care Facilities						
		b) OMH, OMRDD, or DAAA Certified Community Residences						
		New York City & Nassau County	284.30	426.40	327.16	796.52	611.46	1,222.92
		Rest of State	284.30	426.40	297.16	736.52	581.46	1,162.92
A	E	Level III - Schools for the Mentally Retarded						
		New York City	284.30	426.40	485.26	1,112.72	769.56	1,539.12
		Rest of State	284.30	426.40	461.26	1,064.72	745.56	1,491.12
D	Z	Title XIX (Medicaid Certified) Institutions ^{2/}	25.00	50.00	^{3/}	^{3/}	^{3/}	^{3/}
A	Z	(See ^{4/} below)	284.30	426.40	0	0	284.30	426.40

^{1/} The "living with others" category includes recipients whose federal benefit has been reduced by the "value of 1/3 reduction (VTR)" due to the federal determination that they are: a) living in someone else's household, and b) receiving some amount of both free food and free shelter (support and maintenance). The VTR is \$94.76 for an individual and \$142.13 for a couple.

^{2/} Applies when the recipient spends a full calendar month in the Institution and Title XIX (Medicaid) pays for **at least** 50% of the cost of care.

^{3/} Recipients in certain Title XIX Institutions (those licensed by the Health Department) receive an additional grant of \$15 per month called a State Supplemental Personal Needs Allowance (SSPNA). The SSPNA check is issued directly to the recipient by the NYS Department of Social Services.

^{4/} Applies when the recipient spends a full calendar month in a Title XIX Institution and Medicaid pays for **less than** 50% of the cost of care, or when the recipient resides in certain publicly operated community residences which serve no more than 16 residents (Keyes facilities).

Additional Notes: 1) The minimum personal needs allowance for Level I is \$40, for Level II - \$50 and Level III - \$30.

2) An essential person receives \$142.50.