

NEW YORK STATE
 DEPARTMENT OF SOCIAL SERVICES
 40 NORTH PEARL STREET, ALBANY, NEW YORK 12243



CESAR A. PERALES
 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.: 83 ADM-66
 [Income Maintenance]

TO: Commissioners of Social Services

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

DATE: December 20, 1983

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

CONTACT PERSON: Any questions concerning this release should be directed to Sandy Borrelli, Division of Income Maintenance, by calling (800) 342-3715, ext. 3-8839.

I. PURPOSE

The purpose of this directive is to advise local social services districts that as part of P.L. 98-21, the Social Security Amendments of 1983, the usual July 1 cost-of-living adjustment (COLA) for Social Security and SSI benefits is delayed until January 1, 1984 with future adjustments to occur every January thereafter.

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 based on the Consumer Price Index (CPI). The 1984 increase was set at 3.5%.

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 71 of the New York State Laws of 1983, effective July 1, 1983, authorizes:

FILING REFERENCES

Previous ADMs/INFs	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous Reference
76 ADM-68	78 INF-21			
76 ADM-71	79 ADM-42	SSL 209		SSI State Manual
77 ADM-46	79 ADM-57	SSL 131-0		Source Book
77 ADM-71	80 ADM-46	P.L. 98-21		Section XXIV-A
77 INF-15	81 INF-7			Section XII-D-6.1
77 ADM-138	81 ADM-33			
78 ADM-53	82 ADM-31			
78 ADM-66	82 ADM-43			
	83 ADM-35			
	83 ADM-36			

DSS-296 (REV. 8/82)

- the pass-through of the cost-of-living increase in the Federal SSI benefit to all SSI recipients including those receiving mandatory state supplementary payments. This increase amounts to \$9.70 to individuals and \$15.60 to couples. For recipients residing in congregate care facilities, the couples' benefit is double the individual benefit amount or \$9.70 each.
- an increase in personal needs allowance for SSI recipients residing in Level I, Level II and Level III Congregate Care, 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 except those in Title XIX facilities will receive an increase.

The increase in the SSI benefit will be fully reflected in SSI checks on January 1, 1984.

- B. The Personal Needs Allowance for SSI recipients in Level I Congregate Care will increase from \$43 to \$45. The Personal Needs Allowance for SSI recipients in Level II Congregate Care has been increased from \$53 to \$55. The Personal Needs Allowance for SSI recipients in Level III Congregate Care has been increased from \$33 to \$35. These amounts are in addition to any income disregarded by the Social Security Administration.
- C. The impact of the increase on income eligibility for medical assistance in certain cases 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. Districts must identify all individuals receiving Home Relief supplementation and rebudget the cases in accordance with instructions set forth in 77 ADM-138. As a result of retrospective budgeting, the new standard of need (SSI benefit increase) should be budgeted effective January 1st for new applicants and those HR recipients who will become ineligible for supplementation due to the January SSI increase. For those HR recipients who will remain eligible for SSI but will receive a reduced supplemental HR grant, budgeting will be done retrospectively. In these cases the March 1, 1984 HR check will be reduced thus reflecting the increased SSI income.

In rebudgeting these cases, districts must use the standard of need summarized below. This updates the standard of need set forth on page 8 of 83 ADM-36. This updated 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>Supplemental Code (SDX)</u>
Living Alone	\$ 374.91	\$ 548.03	A
Living with Others*	322.24	499.03	B, F

*This category 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 benefits (\$104.67 for an individual and \$157.33 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. Home Relief Payments for Individuals Living in Congregate Care Facilities

Effective July 1, 1983, in accordance with newly revised Department regulation 352.8, local districts shall provide an allowance for care in a congregate care Level I or Level II facility equal to the corresponding SSI rate for that facility. This SSI equivalent rate includes both payment for the cost of care and an allowance to meet personal needs of the residents.

The attached "SSI Benefit Levels: Effective January 1, 1984" chart shows the amount of benefits an HR recipient living in a congregate care facility and having no income would receive. At the bottom of the chart, under "Additional Notes," the PNA amounts are specified.

C. Notification of New Benefit Levels to Facility Operators

Local social services commissioners have received 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 care facilities have also been notified. Both letters were dated May 20, 1983.

V. WMS SUPPORT

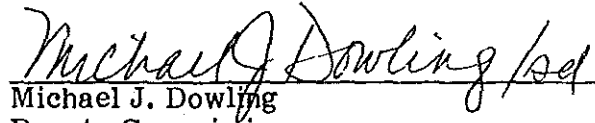
WMS will assist rebudgeting of PA and FS cases affected by the SSI increase by the following:

- o An extract in early December identifying Congregate Care cases affected by this increase in both the personal needs allowance and the amount paid for care provided.
- o An extract in early December identifying Food Stamp and Supplemental HR cases potentially ineligible due to the SSI increase.
- o A "Federal Benefit Increase" Mass Rebudgeting/Reauthorization in January, 1984 of Food Stamp and Supplemental HR cases.

Forthcoming ABEL Transmittals will explain these in detail.

VI. EFFECTIVE DATE

This directive is effective January 1, 1984.

A handwritten signature in cursive script, reading "Michael J. Dowling", is written over a horizontal line.

Michael J. Dowling
Deputy Commissioner
Division of Income Maintenance

SSI BENEFIT LEVELS: EFFECTIVE January 1, 1984

FED LA 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	314.00	472.00	60.91	76.03	374.91	548.03
A,C	B	Living with Others	314.00	472.00	8.24	27.03	322.24	499.03
(B)	(F)	Living in Household of Another ^{1/})	(209.34)	(314.67)			(217.58)	(341.70)
A	C	Level I - Family Care						
		a) DSS Certified Family Type Homes						
		b) OMH or OMRDD Certified Family Care Homes						
		New York City	314.00	472.00	123.96	403.92	437.96	875.92
		Rest of State	314.00	472.00	85.96	327.92	399.96	799.92
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	314.00	472.00	324.86	805.72	638.86	1,277.72
		Rest of State	314.00	472.00	294.86	745.72	608.86	1,217.72
A	E	Level III - Schools for the Mentally Retarded						
		New York City	314.00	472.00	482.96	1,121.92	796.96	1,593.92
		Rest of State	314.00	472.00	458.96	1,073.92	772.96	1,545.92
D	Z	Title XIX (Medicaid Certified) Institutions ^{2/})	25.00	50.00	^{3/}	^{3/}	^{3/}	^{3/}
A	Z	(See ^{4/} below)	314.00	472.00	0	0	314.00	472.00

^{1/} The "living with others" category includes recipients whose federal benefit has been reduced by the "value of 1/2 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 \$104.66 for an individual and \$157.33 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 based residential facilities.

Additional Notes: 1) The minimum personal needs allowance for Level I is - \$45 for Level II - \$55 and Level III - \$35.

2) An essential person receives \$157.00.