

November 6, 2023

Administrator of OIRA
Office of Information and Regulatory Affairs
Office of Management and Budget
Attn: Desk Officer for SSA

Submitted via reginfo.gov.

Re: Agency Information Collection Activities: Proposed Request and Comment Request
Agency/ Docket Number: Docket No: SSA-2023-0035

Dear Acting Commissioner Kijakazi:

Thank you for the opportunity to submit comments about the burden estimates for SSA 8060-UC and SSA 820-BK. This comment is submitted on behalf of the Supplemental Security Income (SSI) Unit of Community Legal Services of Philadelphia (CLS). For nearly sixty years, CLS has assisted clients at every stage of the SSI application process, from initial applications to representation in appeals before the Pennsylvania Bureau of Disability Determination, the Social Security Office of Hearing Operations, the Social Security Appeals Council and in federal court. More broadly, CLS advocates for policy changes within both Social Security and SSI programs, including by convening two national advocacy workgroups.

I. CLS Supports SSA's Efforts to Provide Accurate Burden Estimates

CLS commends the Social Security Administration (SSA) for taking steps to properly understand the administrative burden its processes places on the people the agency seeks to serve. Such efforts support President Biden's Executive Order on Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government. As a legal service provider, CLS sees every day the importance of SSA striving to provide services equitably and effectively, especially for populations who have been historically underserved.

II. SSA Underestimates the Public Reporting Burden Related to Completing SSA 8060-UC

SSA estimates in Notice 2023-19371 published on September 8, 2023, that it takes respondents an average of 20 minutes to complete the SSA 8060-UC. We believe this is an underestimate because SSA failed to include an estimate for how long it takes respondents to travel to and from SSA Field Offices to complete these forms, or the time a respondent would wait at the Field Office before providing the form to an available staff member. SSA also does not include an estimate of the time spent by claimants to collect relevant documents necessary to complete the SSA-8060-UC, such as the deed, the mortgage balance, or a current estimate of market value available, and estimated net proceeds of sale, or contact SSA for questions or clarification.

Regarding wait times in SSA field offices and when calling SSA, in our experience as a legal service provider, contacting SSA by phone can require multiple attempts as there are often long wait times or issues with SSA's phones which can disconnect a call once connected to a SSA representative. Most times CLS advocates contact a SSA field office to address an issue they allot at least thirty minutes, as wait times of at least fifteen minutes or more are common, and the representative who answers the phone often needs to seek answers from other staff and place the caller on hold. SSA has an 800 number which is ostensibly available for general questions, but in our experience, and according to SSA's own data, the average wait time for this number is 35 minutes in 2023.¹

Wait times for walk-in service at SSA field offices vary depending on day of the month, time of day and by office depending on staffing levels. Even if a respondent has no questions about the form, they will need to wait to drop it off and ensure it has been received by SSA. CLS always recommends that individuals request a time stamped receipt when dropping off documents to SSA to provide proof in the event the document is misplaced or lost, which in our experience, happens not infrequently.

While short, SSA-8060-UC is not a self-explanatory form. The second page, titled "Important information about this agreement," provides some guidance, but it does not address all or even most questions respondents are likely to have. Respondents might seek guidance by calling SSA or researching online, which can add significant time given the challenges in contacting SSA. Even if the respondent understands what the form is asking, they will likely need to reference multiple documents or sources of info to complete it—namely the deed for the property, any mortgages or other outstanding liens, and taxes owed. These documents are necessary to provide the nature and percentage ownership of each owner of the property and the amount owed on the resource, if any. It is likely most respondents will need to verify ownership info from a deed, as the correct name for the nature of their ownership interest is often not commonly known. If the respondent does not have the deed, they will need to go to a record office for their municipality, or contact a co-owner, which could add significant time to the process of completing the form.

Understanding what the respondent is agreeing to by signing the form involves reading the dense agreement comprising the "Conditions of Agreement" in middle of the first page of the form. After reading the condition, many respondents may request clarification or ask questions as to what they are required to do and the possible outcomes for their SSI depending on how their efforts to sell proceed. This would mean calling or going into the SSA office, which as discussed above, are not quick actions. The time to navigate the conditions of signing the agreement does not appear to be included in SSA's estimate.

SSA estimates the average cost to be \$29.76, however outside the cost of travelling to and from the SSA field office, and the opportunity cost of the time spent waiting in the field office for

¹ Social Security Open Government Initiative, Social Security Administration (SSA) Monthly Data for National 800 Number Network (N8NN) Average Speed to Answer, <https://www.ssa.gov/open/data/800-number-average-speed-to-answer.html>, updated October 13, 2023, accessed November 3, 2023.

service, the most likely cost associated with completing this form is determining the estimate current value of the property at issue. To obtain an accurate estimate, most respondents will need to speak with a real estate agent or an appraiser as it is not likely they have this info on hand. Local government records and online listings are not necessarily accurate as they do not involve onsite inspections of the interior of the property or structural integrity. Even if a real estate agent will provide such information at no upfront cost, the time spent locating an agent, connecting with them, explaining to them the need for the estimate and then actually getting it once the agent has done the necessary inspection/ visit is clearly not included in the very low-cost estimate. Obtaining an accurate current market estimate is crucial to successfully complying with SSA's rules. The "Important Information About this Agreement" on the second page of the form indicates that since the respondent is agreeing to sell the resources described for the highest amount they can get on the open market, if they knowingly dispose of an agreed-upon resource for less than its current market value, the Social Security Administration will determine what the current market value was at the time of disposition and determine the amount of [the] overpayment accordingly." It is in the respondent's interest to obtain an accurate current market estimate to both support their sale price and provide documentation if SSA issues an overpayment on the basis that they believe the property was sold for less than its current market value.

As noted above, if the respondent does not have a copy of the deed, they may also need to pay a fee to obtain a copy of the deed from a recording office, and the cost of traveling to and from the office if they are unable to request this online or over the phone. In sum, we believe SSA is significantly underestimating the average time burden and cost associated with completing SSA-8060-UC.

III. SSA Underestimates the Public Reporting Burden Related to Completing SSA 820-BK Work Activity Report (Self-Employed)

0960-0598

SSA estimates in Notice 2023-19371 published on September 8, 2023, that it takes respondents who go to a SSA field office an average of 30 minutes to complete the SSA-820-BK, along with a wait time of 24 minutes. For respondents who call SSA by phone to complete the SSA-820-BK, SSA estimated it takes an average of 30 minutes, along with a wait time of 19 minutes. SSA estimates that it takes respondents an average of 30 minutes to complete the SSA 820-BK by paper. For respondents who complete the form online, SSA estimates the SSA-820-BK takes 30 minutes to submit.

As noted above for the SSA-8060-UC, SSA does not provide an estimate for how long it takes respondents to travel to and from SSA Field Offices to complete these forms. SSA also does not include an estimate of the time spent by claimants to collect relevant documents necessary to complete the SSA-820-BK, such as business records, bank statements, and tax records, expenses related to items needed to help the respondent work, or to contact SSA for questions or clarification.

In our experience as a legal service provider, the wait times SSA provided for respondents seeking field office service and phone service seem very low given the volume of calls and visitors to field offices SSA experiences. According to SSA's own data, the average wait time in 2023 when calling the agency's 800 number is 35 minutes,² which is greater than the time included in this burden estimate. Moreover, the estimated 19-minute wait time does not take into account the frequency of dropped calls due to issues with SSA's phone system. It also does not factor in that after waiting for 19 minutes many respondents will give up or need to hang up and call again later, which significantly adds to their wait time. When call volume is particularly high, SSA's phone system will sometimes initiate a "polite disconnect," where the caller on hold is told to call again later and the call is ended.

The estimate to complete the SSA-820-BK online seems low given the process involved with accessing the form in this manner. Before a respondent can even start filling out the form, they must provide their email address, wait to receive an email from adobesign@adobesign.com with a link and instructions on how to access the form. The link expires in 15 calendar days. If the link expires before the respondent completes the form, they must return and request a new link. The form must be signed and submitted in a single session otherwise the information entered will be lost and the respondent will have to start over. SSA's estimate does not consider the additional instructions a respondent must read to engage with the online form, or the extra steps required to access the form in this manner as opposed to the paper version.

The SSA-820-BK is a long form with a lot of text for the respondent to read. Successfully completing it requires the respondent to gather a number of supporting documents. In our experience as a legal service provider, when working with a client who needs to complete this form, we review it first to determine what information is needed and then figure out how to obtain the information, before we even start to fill it out. This is additional time that is not considered with the 30-minute estimate.

Depending on the respondent's employment history and specific situation, SSA may ask for employment information for multiple years. This can require respondents to obtain records that are not as easily accessible as current records, such as bank statements and tax records, which significantly adds to the time to complete the form.

For respondents who have impairment related work expenses not reimbursed by their health insurance, completing the form requires providing the cost of the item(s) and the date the item was paid for, which can add significant time to the completion time depending on the number of items and how available this information is to the respondent. Many respondents will have to spend considerable time going through their expenses to identify these costs, locating receipts, calculating the monthly expenses, etc. What constitutes an impairment related work expense is not necessarily a well understood concept as defined by SSA, so many respondents may need

² Social Security Open Government Initiative, Social Security Administration (SSA) Monthly Data for National 800 Number Network (N8NN) Average Speed to Answer, <https://www.ssa.gov/open/data/800-number-average-speed-to-answer.html>, updated October 13, 2023, accessed November 3, 2023.

time to research this on their own or may seek guidance from SSA by going into a field office, calling the office directly, or by calling the 800 number. These steps add considerable time for a respondent's successful completion of the form.

SSA estimates the average cost to be \$12.81, however outside the cost of travelling to and from the SSA field office, and the opportunity cost of the time spent waiting in the field office for service, if a respondent chooses to complete the form in this manner, the most likely cost associated with completing this form is obtaining the necessary records. Some respondents may need to request statements from their bank, which usually involves a fee. In our experience as a legal service provider, the fee can be assessed per page, or at a flat rate, with significant variation.

IV. Steps SSA Should Take to Minimize the Administrative Burden the SSA 8060-UC and the SSA 820-BK Impose on the Public

OMB: 0960-0598

The SSA-8060-UC and SSA 820-BK are sent to both claimants who have already been adjudicated to have severe disabilities, and individuals who are applying for disability benefits. As such, it is paramount that SSA take steps to ensure that these forms are as accessible as possible. Some recommendations to improve this form include, SSA ensuring that the form is written in as clear and concise language as possible and analyzing the form for literacy level. We also recommend SSA make this form available in multiple languages. SSA collects information about literacy and limited-English proficiency status as part of its disability adjudications. SSA is aware that many of its claimants who have been found eligible for SSA benefits are limited English proficient, or lack literacy, and are not able to read these critical forms. Because the ability to respond to this form could lead to a reduction or recoupment of benefits, it is essential that SSA provide these in a language the claimant can read, whenever possible. For claimants that SSA is aware are illiterate, SSA should also be doing telephonic outreach.

Thank you for this opportunity to comment on this agency information collection activity.

Respectfully submitted,

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