

TO: Kilolo Kijakazi, Acting Commissioner of Social Security Administration
Dawn Wiggins, Associate Commissioner, Office of Income Security Programs

FROM: Amy Marinacci, Legal Council for Health Justice
On Behalf of the National Coalition of Social Security & SSI Advocates

DATE: August 2, 2022

RE: Advocates' Proposal to Expand SSI's In-Kind Support and Maintenance Exclusions

SSA can reduce the impact of In-Kind Support and Maintenance ("ISM") SSI benefit reductions as well as ease and standardize program administration by expanding existing exclusions to complex and punitive ISM rules. Current SSA policy instructions on living arrangements and ISM is extraordinarily complex, requiring 250 single-spaced pages of instructions to implement.¹ Yet, for all the program time these complex ISM calculations require, only nine percent of cases result in an actual benefit reduction, and both overpayments and underpayments commonly result from misapplication of these complex rules.²

Proposed changes would also advance equity in accordance with President Biden's Executive Order. SSA has already recognized that adjusting ISM rules to increase the tolerance from \$5 to \$20 will advance equity by reducing burdens on claimants and potentially increasing benefit amounts for those relying on SSI.³ We propose the following changes which would build on SSA's initial step in the ISM arena:

1. **Revise the outdated regulatory definition of public assistance households ("PA Households") to include households where one or more members receive assistance from needs-based programs including: SNAP, Medicaid, federal housing assistance, and LIHEAP.** SSA has not revised this definition in over 40 years, during which time the availability of cash assistance for low-income families and individuals has declined sharply. This proposed change would ensure that ISM rules do not reduce the overall income of already struggling low-income households who have been determined eligible for subsistence-level support by other poverty-reduction programs.
2. **Expand the definition of ISM that has no market rate value – and is thus not countable ISM – to include people who stay with friends or family whose households are already at capacity, and for which there is no rental market.** This could be accomplished within existing regulatory framework. SSA already recognizes that "free" shelter in form of a car or abandoned building has no market value and is not countable ISM. Similarly, there is no "market value" to a non-private room or couch in an overcrowded unit. SSA should determine by sub-regulatory guidance that people in overcrowded housing are also receiving non-countable ISM because a shared bedroom or couch in the living room has no market rate value.

¹ Social Security Advisory Board, SSI Statement: The Complexity of In-Kind Support and Maintenance, p.5, available at: <https://www.ssab.gov/research/ssi-statements/> (last accessed July 6, 2022)

² Id. at 6

³ [Equity Action Plan in Agreement with EO 13985 \(ssa.gov\)](https://www.ssa.gov/open/materials/SSA-EO-13985-Equity-Action-Plan.pdf) available at: <https://www.ssa.gov/open/materials/SSA-EO-13985-Equity-Action-Plan.pdf> (last accessed July 6, 2022)

3. **Revise and Apply Business Arrangement Rule Now in Effect in IL, IN, and WI, Nationwide - Exclude SSI recipients from ISM rules when they pay at least One-Third of the SSI Benefit Rate towards Housing Costs.** The statute itself limits ISM benefit reduction to one-third of the benefit rate, even when the market value of the ISM exceeds that limit, indicating that two-thirds of the benefit rate is intended to meet basic non-housing needs.
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I. **Public Assistance Households Should Include Today's Primary Needs-Based Public Assistance Programs: SNAP, Medicaid, Federal Housing Assistance, and LIHEAP.**

- **Fewer Low-Income Households Receive Cash Public Assistance Today Compared to 1980**

SSA has long exempted public assistance households from ISM reductions, but SSA has not reevaluated the definition of public assistance household ("PA household") in over 40 years. Revising the definition of PA household in 20 C.F.R. § 416.1142 to better reflect the nature of needs-based assistance now available, will ensure that SSI benefits are not reduced by ISM for members of the very lowest income households receiving needs-based support from other federal programs. Additionally, requiring only that one or more household members receive public assistance – as opposed to requiring that all household members receive public assistance – will ensure that low-income households with members who are categorically ineligible for any type of cash assistance will not fall beyond the scope of this exclusion.

In 1980 SSA acknowledged that if all members of a household received public assistance, it would not consider that SSI beneficiaries received any in-kind and support and maintenance from the other household members. It recognized that "other agencies have determined that these individuals need all their income for their needs." 45 Fed Reg. 65542 (Oct. 3, 1980). In short, this exception to ISM allowed the poorest families to avoid the one-third benefit reduction. At that time, it added to the list of programs that provided public assistance cash payments, including assistance programs provided by State and local governments – chiefly AFDC (now TANF) and General Assistance (GA) programs for adults without minor children. *Id.*

Since SSA established these rules more than 40 years ago, receipt of cash assistance has become a less reliable indicator of poverty and has been effectively eliminated for millions of desperately poor people. Among households with minor children, in 1979, 82% of poor families had received AFDC, but by 2014 only 24% of poor families received TANF.⁴ AFDC/TANF cash welfare program caseloads have declined by 84% since 1980: from 10,597,443 people in October 1980 to just 1,725,484 people in September 2021.⁵ Similarly, the number of states with GA programs providing even minimal cash assistance to adults

⁴ "TANF Weakening as a Safety Net" available at: <https://www.cbpp.org/blog/tanf-weakening-as-a-safety-net> (last accessed July 20, 2022); "Why Does Cash Welfare Depend on Where You Live?" available at: https://www.urban.org/sites/default/files/publication/90761/tanf_cash_welfare_final2_1.pdf (last accessed July 20, 2022).

⁵ "Caseload Data 1980 (AFDC Total)" available at: <https://www.acf.hhs.gov/ofa/data/caseload-data-1980-afdc-total> and "TANF Caseload Data 2021" available at: <https://www.acf.hhs.gov/ofa/data/tanf-caseload-data-2021> (last accessed July 20, 2022)

without minor children, has fallen from 38 to 25.⁶ Of these state GA Programs, many assist limited populations of childless adults such as those over 55, or those with a disability and are thus not widely available to childless low-income people at large.⁷

As a result, SSI beneficiaries who would have previously avoided ISM reductions as members of public assistance households receiving AFDC/TANF or GA are no longer exempt from ISM rules because they live in households with people who are ineligible to receive any cash assistance, even though they may have no income. Many of these households are as - if not more - impoverished than those considered eligible for cash assistance in states with GA programs or more generous TANF policies. Unlike households where one or more members may have sufficient income to help the SSI beneficiary, these household members do not have sufficient income to support the SSI beneficiary. The ISM rules are applied to them, although the members of many of these households may be receiving other non-cash needs-based public assistance benefits such as SNAP, Medicaid, federal housing assistance, and LIHEAP.

THE SHRINKING AVAILABILITY OF CASH PUBLIC ASSISTANCE

Consider 66-year old grandmother Ms. Jones who lives with her 40-year old daughter, and her two minor grandchildren, aged 4 and 17 in Pennsylvania. SSI and TANF (\$403/month for a mother with 2 children) are the household's only income. Currently, SSA need only document that all other members of the household receive TANF to determine Ms. Jones' eligibility for the full \$841 benefit rate. SSA need not delve into the amounts of each of the 10 possible household operating expenses required to develop for possible ISM. However, when the oldest child ages out of TANF, she becomes categorically ineligible for any cash public assistance (PA recently eliminated General Assistance) and the family loses its PA household status as it drops deeper into poverty due to a TANF grant reduction to \$316/month.

Under current rules, because the 18-year old grandchild is no longer receiving public assistance, SSA must verify that Ms. Jones pays her pro rata share of the household's operating expenses, or Ms. Jones faces a reduction of up to \$280/month in her SSI. If the full one-third reduction is applied, her household drops even deeper into poverty with a combined income of just \$877/month or just 37.9% of FPL. A similar income cliff would occur if the adult daughter reached her 60-month lifetime limit for receipt of TANF. However, all members of the household remain eligible to receive SNAP and Medicaid, even when a grandchild ages out of TANF or the family reaches its lifetime TANF limit.

If SSA amends its definition of public assistance to include SNAP and Medicaid, and/or requires only that one or more household members receive public assistance (rather than all members) Ms. Jones and the rest of her family will not face further reduction of income if one or more of its members loses eligibility for ever-shrinking cash assistance programs.

Changing regulatory language from "income maintenance payments" to "needs-based cash, nutrition, health, or housing assistance" would capture a larger group of non-cash assistance programs under the umbrella of "public assistance household." SSI beneficiaries living in households where other members receive these needs-based benefits would thus avoid draconian ISM reductions. Similarly, changing

⁶ "State General Assistance Programs Very Limited in Half the States and Nonexistent in Others, Despite Need" available at: <https://www.cbpp.org/research/family-income-support/state-general-assistance-programs-very-limited-in-half-the-states> (last accessed July 20, 2022)

⁷ Id.

regulatory language from “a public assistance household is one in which every member receives...” to “a public assistance household is one in which any member receives...” will capture more low-income families, some of whom include family members who are categorically ineligible for such programs.

- **SSA Has Wide Discretion in Defining Public Assistance Households**

The Social Security Act puts no parameters on the programs the Commissioner may designate as “public assistance households.” There is nothing in the Statute that limits “public assistance” or “public assistance household” to require receipt of *cash* assistance or “income maintenance payments,” the current regulatory language. Indeed, in 2022 most needs-based assistance to low-income families is provided by SNAP and Medicaid. Arguably, SNAP is an “income maintenance payment” under the current regulatory scheme as it is a payment issued monthly as non-cash voucher redeemable for food. Practically speaking, SNAP is income-maintenance as it frees up cash income that would otherwise be spent on food for other basic needs including: rent, utilities, and transportation. Similarly, Medicaid allows low-income households to use scarce cash dollars to pay for other basic needs.

- **Congress has Already Indicated that other Needs-Based Governmental Assistance Should Not Affect SSI Benefit Amounts When Received Directly by SSI Claimants.**

Federal law excludes the value of SNAP, federal housing assistance, and LIHEAP received by SSI claimants directly when determining the financial eligibility and benefit level of SSI claimants who receive such assistance. 7 USC § 2017(b); 42 USC § 1382a(b). This indicates clear Congressional intent that receipt of such assistance should not impact an SSI recipient’s benefit amount. Though Medicaid assistance is not included in such list, it is likely because it is health insurance and health care is neither received as cash reimbursement nor assistance for food or shelter-related costs, the subject of ISM. If receipt of assistance of these programs by the SSI claimant does not affect her grant, receipt of such programs by other household members similarly indicates that these other household members already require their full income to meet their most basic needs, and are thus unable to contribute to the support of the SSI claimant. These households should be excluded from ISM rules.

- **Public Assistance Households Should Include Those with One or More Members Receiving SNAP, Medicaid, Federal Housing Assistance and/or LIHEAP.**

SNAP, Medicaid, Federal Housing Assistance, and LIHEAP are all needs-based assistance programs. Most SNAP households are subject to a gross income limit of 130% of the Federal Poverty Level (“FPL”) and all SNAP households are subject to a net income limit of no more than 100% of the FPL.⁸ In the 38 states that have expanded Medicaid eligibility to all low-income families, households are subject to a gross income test of 138% of the FPL.⁹ In non-expansion states, eligibility for Medicaid varies but is far below 100% of the FPL. SNAP and Medicaid are the cornerstones of public assistance for low-income families, as cash assistance through AFDC/TANF and GA programs has greatly diminished over the last 40 years, and are no longer a good indicator of poverty. Over 35 million people received SNAP in 2019.¹⁰ Over 80

⁸ “SNAP Special Rules for the Elderly or Disabled” available at: <https://www.fns.usda.gov/snap/eligibility/elderly-disabled-special-rules> (last accessed July 20, 2022).

⁹ HealthCare.gov Glossary “Federal Poverty Level (FPL)” available at: <https://www.healthcare.gov/glossary/federal-poverty-level-fpl/> (last accessed July 20, 2022)

¹⁰ “Yearly trends in SNAP participants, unemployment, and poverty” available at: <https://www.fns.usda.gov/yearly-trends> (last accessed July 20, 2022)

million people are enrolled in Medicaid as of March 2022.¹¹ Among households with SSI income in 2019, 59.7% also received SNAP, 82% also received Medicaid/CHIP, 23% also received rental subsidies, and 17.9% also received energy aid.¹² Only 3.6% of households with SSI income also receive TANF.¹³ All of these households receive significant support from SNAP and Medicaid to meet basic needs. People living in a household that receives any of today's primary social safety net programs should not be subject to ISM rules and face possible benefit reduction.

Though not entitlement programs as SNAP and Medicaid are, federal housing assistance and LIHEAP provide assistance in meeting housing costs to families in need and should be included in the definition of public assistance households. Federal housing assistance is a collection of needs-based programs that subsidize low-income families' housing costs. There are several types of assistance, including: public housing owned and operated by local public housing authorities, housing choice voucher programs that provide rental subsidies for tenants to rent in the private housing market, and project-based developments that provide reduced rents to eligible tenants. Eligibility for a housing choice voucher is limited to households at or below 50% of the median area income and eligibility for public housing is limited to households at or below 80% of the area median income.¹⁴ The amount of rent charged under these programs is typically 30% of the household's adjusted monthly income.¹⁵ LIHEAP is a needs-based program that helps low-income households pay heating and cooling costs; financial eligibility is limited to households at or below 150% of the Federal Poverty Line ("FPL").¹⁶ Any household that receives federal housing assistance or has received LIHEAP in the last 12 months should be included as a public assistance household.

II. Expand the Definition of ISM Without Fair Market Value that is not Countable ISM

ISM reductions don't apply to claimants who receive ISM that has no fair market value. Currently, market rental value is defined as "price of an item *on the open market* in your locality." 20 CFR § 416.1101. POMS already recognizes that not all ISM has market value. POMS SI 00835.060(B)(2) ("Although a homeless individual may receive food or shelter that he or she has not paid for, that food or shelter may have no value. Examples of ISM of no value include[s] ... shelter which has no market value (such as sleeping in abandoned building, in a park, or in a vehicle). Receipt of such items would not result in countable ISM").

SSI claimants who are taken in by family or friends and sleep in shared bedrooms or living areas also receive ISM without market value. While there is some (albeit limited) market for renting a private room within a home, there is no market for renting a couch, or doubling-up in an already occupied room. Once an SSI claimant moves out, invariably that couch or bed in a shared bedroom is not posted

¹¹ "March 2022 Medicaid & CHIP Enrollment Data Highlights" available at: <https://www.medicaid.gov/medicaid/program-information/medicaid-and-chip-enrollment-data/report-highlights/index.html> (last accessed July 20, 2022)

¹² "Who Is Receiving Social Safety Net Benefits?" available at: <https://www.census.gov/library/visualizations/interactive/social-safety-net-benefits.html> (last accessed July 20, 2022)

¹³ Id.

¹⁴ "Housing Choice Vouchers Fact Sheet" available at: https://www.hud.gov/topics/housing_choice_voucher_program_section_8#hcv02 and "HUD's Public Housing Program" available at: https://www.hud.gov/topics/rental_assistance/phprog (last accessed July 20, 2022)

¹⁵ Id.

¹⁶ "Low Income Home Energy Assistance Program (LIHEAP)" available at: <https://www.benefits.gov/benefit/623> (last accessed July 20, 2022)

for rental on the open market. While such accommodations have value to the claimant, in that they are better off sleeping inside than on the street, they do not have a “market value.” As such, they can be excluded from application of the ISM rules under current regulations, with sub-regulatory guidance. ISM rules should not apply to SSI claimants who are staying as an “extra” household member either doubled-up in an already-occupied bedroom or in living room on a couch.

SSA could identify people who receive ISM with no fair market value by asking two simple questions: the number of bedrooms and the number of people in the household. SSA could then apply a simple rule for housing size adequacy similar to those adopted by Public Housing Authorities when determining unit size. See 24 CFR § 982.402 (HUD regulations describing housing subsidy standards, including appropriate family unit size). The proposed change would not eliminate ISM reduction for SSI claimants who live with well-off family or friends able to provide a private room or in-law apartment that could be rented on the open market. But families who are already at capacity who take in loved ones to keep them off the streets should not see their loved ones’ SSI reduced as a result.

COUCH SURFING IN OVERCROWDED HOUSEHOLD

Mr. Thompson was approved for SSI in June 2022 after a 2-year appeal process, during which he spent down his meager savings and survived on SNAP and Medicaid. He lost his apartment shortly after applying and had no permanent residence during for 20 months, bouncing between family’s couches, the streets, and shelters, staying no more than 2-3 months at any one location at any given time. His family could not afford to help him pay his rent to keep his place, but instead took him into their homes to keep him off the street.

While he can’t provide exact dates, Mr. Thompson estimates he stayed with his sister, her partner and 2 children on the couch in their 2 BR apartment 3 times during that period: for about 6 weeks from mid-November 2020 through early January 2021, September-October 2021, and from mid-January 2022 through March 2022. He agreed to contribute \$300 per month to stay with them but only paid it for the first month, promising to repay them once his SSI case was approved. He also stayed on his mother’s couch in her 1 BR home where she lives alone and has only Social Security Retirement income for a few weeks at a time 4 times, giving her his last \$200 to contribute to expenses the first time he stayed, and promising to “pay her back what he could” once his SSI was approved. He had 4 brief stays in homeless shelters and slept outside for a few weeks. Thus, in this 20-month period, his living arrangement changed more than a dozen times.

Under current rules, at enormous administrative time and expense, the Field Office must develop ISM (and whether he had a loan for ISM) for each of these 7 separate stays, and inquire and document the 10 household operating cost variables for each period. This involves Mr. Jones obtaining rent/mortgage statements and several utility bills (electric, gas, property tax, water, sewer) from his sister and mother for each of the short-term stays, to determine whether he paid (or had a loan to pay) his pro rata share of household costs. Under our proposal, this would be unnecessary, as the agency could instead quickly determine that any ISM he did receive had no market value, as each household was already at its capacity before he came to stay.

III. Exclude SSI Claimants Who Pay at Least One-Third of the SSI Benefit Rate towards Housing Costs from ISM Reductions

ISM rules do not apply to claimants with a business arrangement. 20 CFR § 416.1130(b). In general, a business arrangement exists when the amount of rent required to be paid equals or exceeds the “fair market rental value” which is then determined by calculating the pro rata share of household operating expenses. However, in Illinois, Indiana and Wisconsin, a business arrangement exists when the amount of rent required equals or exceeds the presumed maximum value (“PMV”). PMV equals one-third the federal benefit rate plus the amount of the general income exclusion. 20 CFR § 416.1140(a)(1). In 2022, the PMV equals \$300. This means that SSI claimants who pay at least the PMV in rent are not subject to ISM reduction. We suggest that SSA revise the rule currently in place in Illinois, Indiana, and Wisconsin to include those who pay at least the PMV in any shared household cost (not just rent) and then apply the revised rule nationwide.

- **Revise Illinois, Indiana, and Wisconsin’s Business Arrangement Rule to Include Payment of PMV of any Shared Household Operating Expense**

SSI claimants in low-income households pitch in for common household expenses, but may not contribute the same amount, in the same manner every month. Some may not pay “rent” but may establish gas, electric, computer and/or phone service in their name and pay those bills each month. As long as the SSI recipient is paying for shared household operating costs, those costs should be considered when determining how and whether she is contributing to the household. To require otherwise means that SSI recipients would elevate form over substance, as the mere re-arranging of payment of household expenses (without changing the actual payments made by each party) would alter the ISM determination.

- **Apply Revised Business Arrangement Rule Nationwide to Eliminate Regional Differences and Equalize Treatment of People on Federal Housing Assistance with those Relying on Family as they Await Housing Assistance.**

It is near-impossible for a single SSI recipient with no other income or outside support to pay fair market rent throughout the US, as fair market rents have skyrocketed nationwide. With SSI grants being less than the rent for a 1-bedroom apartment in much of the country, SSI claimants often must live with others to make ends meet, or get additional help to pay their rent. For example, fair market rent (FMR) for a 1-bedroom apartment in the Chicago-Metro area is \$1,161 – more than \$300 over the full SSI benefit rate. This is not just a big city issue. In smaller cities in Illinois such as Rockford and Springfield, FMR for a 1BR still represents more than 75% of the full SSI rate (\$635/month and \$681/month respectively); nowhere in Illinois is FMR for a 1 BR less than two-thirds of the full SSI benefit rate.¹⁷

For those SSI claimants fortunate to receive federal housing assistance, the value of which is excluded from their countable income by the Social Security Act, they pay about \$250/month in rent and retain about 70% of their income to meet non-rent expenses. But federal housing assistance is limited and often unavailable; 3 of 4 eligible households do not receive housing assistance.¹⁸ In Chicago, the

¹⁷ “FY 2022 Fair Market Rent Documentation System: The FY 2022 Illinois FMR Summary” available at: https://www.huduser.gov/portal/datasets/fmr/fmrs/FY2022_code/2022state_summary.odn (last accessed July 20, 2022)

¹⁸ “National Comprehensive Housing Market Analysis” available at: <https://www.huduser.gov/portal/publications/pdf/National-CHMA-20.pdf> (last accessed July 20, 2022)

Housing Choice Voucher Waitlist has not been open for interested persons since 2014, at which time 75,000 people were added to the list.¹⁹ Chicago's Public Housing and project-based rental assistance currently have wait times of up to 25 years.²⁰ As a result, many low-income eligible people must either live with others or cobble together support from family and friends to help pay their rent each month. These SSI claimants often dedicate upwards of 50-75% of their monthly SSI income towards housing costs, whether they are in a shared or independent living arrangement. If SSA applies the business arrangement rule currently in place in Illinois, Indiana, and Wisconsin nationwide, SSI claimants who receive help from family or friends to pay their rent or their pro rata share of household operating expenses, will be treated the same as their counterparts who are fortunate enough to receive federal housing assistance; as long as they contribute at least the PMV to their housing costs.

ADDRESSING REGIONAL INEQUITIES

Ms. Smith lives in Chicago and relies on SSI and early retirement as her only sources of income. Ms. Smith cannot afford her own apartment, which costs \$1,000/mo., but her 3 adult children help by each paying \$100/mo. directly to the landlord towards their mother's rent. Ms. Smith pays \$700/mo. – 83% of her income – to the landlord directly each month. The family agrees to do this until a subsidized unit becomes available for Ms. Smith. Because Ms. Smith lives in Chicago, she has a business arrangement (and is not subject to ISM) as she pays at least the Presumed Maximum Value (PMV) of \$300 in rent herself. Thus, the help her adult children provide does not affect her SSI payment as people with a business arrangement are excluded from application of ISM.

However, for people similarly situated in Denver or Los Angeles (or anywhere outside IL, IN, and WI) the \$300 provided by adult children would be countable ISM, and cause a \$280 reduction to SSI—leaving individuals in the same situation as Ms. Smith except for where they live, with only \$561/month and render them unable to keep paying a \$700 portion of the rent, let alone any other costs. If the adult children cannot afford to increase their help, those claimants will fall behind in rent and lose their homes.

IV. ISM Reforms Will Reduce both Administrative Burden and Payment Errors

Narrowing the set of SSI claimants subject to potential ISM reductions will ease program administrative burdens by eliminating the need to develop the numerous factors upon which those decisions are based, on a month-by-month basis. The Social Security Advisory Board has noted that agency POMS contain the equivalent of 250 single-spaced pages of instructions on living arrangements and in-kind support, and concluded that “even with, and perhaps because of, all the detail it is virtually impossible to attain consistency in ISM analyses.”²¹

And yet, after undergoing the complex month-by-month determination of ISM, only about 9% of cases resulted in an actual reduction in SSI benefit amount.²² Moreover, errors in these calculations were

¹⁹ “CHA Statement on Waitlist Times: June 7, 2022” available at: <https://www.thecha.org/news-media> (last accessed July 20, 2022)

²⁰ Id.

²¹ Social Security Advisory Board, SSI Statement: The Complexity of In-Kind Support and Maintenance, p.5, available at: <https://www.ssab.gov/research/ssi-statements/> (last accessed July 6, 2022)

²² Id. at p.6.

commonplace – and resulted in about 30% of improper SSI payments.²³ In FY 2019, errors in the complex ISM determinations resulted in \$246,000,000 of underpayments to beneficiaries.²⁴ For all the documentation requested of beneficiaries, and the calculations required of SSA claims representatives, these complex rules are often misapplied and result in underpayments to SSI claimants and recipients nearly as often as overpayments.

Given the scope and breadth of SNAP, Medicaid, federal housing, and LIHEAP programs, expanding the public assistance household definition to include these households will obviate the need to develop and document the household's ten operating expenses (food, rent, mortgage, property taxes, heating fuel, gas, electricity, water, sewerage, and garbage collection services) over 12 months, simply to determine if the SSI claimant pays her pro rata share. Instead, SSA will be able to ask a one simple question to document the decision that ISM does not apply: whether any members of the household receive SNAP, Medicaid, federal housing assistance, or LIHEAP. Documentation of this assistance would also be straight-forward and relatively easy to obtain either from the participant directly or through data-sharing arrangements with the administering agencies. Similarly, a few short screening questions to determine if SSI claimants are living in over-crowded living homes out of necessity will also simplify program administration for many SSI claimants. While the revision and application of the 7th circuit business rule does require documentation of housing operating costs as currently defined and thus would not simplify the program administration directly, the administrative savings generated by all of these reforms would be significant.

Respectfully submitted,

Advocacy and Training Center

ASSIST Program, Portland Oregon

Bay Area Legal Aid

Citizens Disability LLC

Community Legal Aid Society, Inc. Delaware

Community Legal Services of Philadelphia

Disability Law Center, Inc.

Empire Justice Center

Inner City Law Center

Jewish Federation of Chicago

²³ Id.

²⁴ "SSA Financial Report FY 2020: Payment Integrity" at p.27, available at https://www.ssa.gov/finance/fy20_AFR.htm (last accessed July 20, 2022)

Justice in Aging

Legal Action Chicago

Legal Aid Society of the District of Columbia

Legal Council for Health Justice

National Association of Disability Representatives

National Committee to Preserve Social Security and Medicare

New York Legal Assistance Group

Shriver Center on Poverty Law

The Arc of the U.S.

Urban Justice Center, Mental Health Project