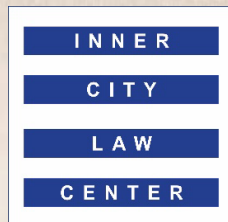


June 21, 2023

Ask An Attorney HDAP Monthly Meeting



CHANGEWELLPROJECT

PARTNERING TO STRENGTHEN COMMUNITY SYSTEMS

Agenda

A close-up photograph of a person's hand holding a blue and white ballpoint pen, poised to write on a spiral-bound notebook. The notebook is open, and the spiral binding is visible. In the background, a laptop is partially visible on a wooden desk. The image is overlaid with a semi-transparent grey bar at the bottom, which contains the agenda text.

Focus Topic of the Month: How Marriage Impacts HDAP Public Benefits

Questions and Answers

Reminder: Benefits Helpline

You are cordially invited to a discussion of:

Marriage & Public Benefits

- The "Marriage Penalty"*
- Hold out marriages*
- Spousal deeming*

- Light Q&A to follow presentation*



The Marriage Penalty

- Payment rates are NOT doubled for couples!
- SSA's rationale is that couples can live more efficiently, cheaply than a single person

<u>SSI</u> Living Arrangement	<u>Monthly Payment</u>	
	Single Person	Eligible Couple
Independent Living Status	\$1,133.73	\$1,927.62
Independent Living, No Cooking Facilities	\$1,251.74	\$2,163.65
Living in the Household of Another	\$833.89	\$1,477.83
Non-medical out-of-home care	\$1,492.82	\$2,985.64

Resource Limits for Couples

Limits and exemptions are NOT doubled for couples!



SSI Asset / Exemption	Single Person	Eligible Couple
General resource limit	\$2,000	\$3,000
Vehicle (if used for Client's regular transport)	Only 1 vehicle is exempt	Only 1 vehicle is exempt
Home (if Client lives there)	Only 1 home is exempt	Only 1 home is exempt

Holding Out as Married

- An SSI applicant or recipient does not need to be legally married for SSA to treat them as married.
- SSA considers two people married for SSI purposes if they are “living together in the same household and holding themselves out as a married couple to the community in which they live.”
[POMS SI 00501.150](#)
- A couple holding out as married is subject to the same payment standards and resource limits as a married couple (see previous two slides).



How to Tell if Someone is Holding Out as Married

- **SSA-8000-BK Application for SSI, Question 6(c):**

(c) Are you and another person living together in the same household and presenting to others or the community as a married couple?

YES If YES, provide the date holding out began _____, then go to (d)*

NO Go to #7

- **To figure out if a hold out marriage exists, SSA may request form SSA-4178, Marital Relationship Questionnaire and/or ask:**

- **How do you introduce the other person to friends, relatives, or others?**

- **How is mail addressed to you and to the other person?**

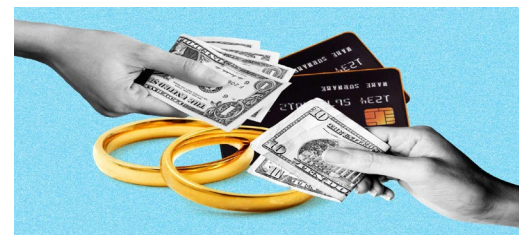
- **Are there any bills, installment contracts, tax returns, or other papers showing you as spouses?**

- **Is the place where you live owned or rented by both of you or only one?**

Spousal Deeming

[POMS SI 01320.400](#)

- Spousal deeming is when SSA counts some of an otherwise *ineligible** spouse's income to see if someone still qualifies for SSI.
(e.g. *one spouse is aged or disabled, the other is not)
- There is a multi-step process to figure out if a Client's spouse has income to deem (see next slide).
- When there is NO spousal income to deem, treat Client as a single person
- When there IS spousal income to deem, treat Client as an eligible couple and apply the couples payment rates and asset limits.



Applying Spousal Deeming Pt. 1

[POMS SI 01320.400](#)

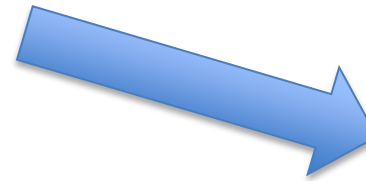
- 1) Figure out the ineligible spouse's income, counting both earned and unearned income.
 - Income that would normally be excluded from SSI is also excluded here, for a complete list of exclusions to spousal deeming income see [POMS SI 01320.100](#)

- 2) Apply the ineligible child allocation for *each* of the couple's minor children who live at home and do NOT receive SSI/ public benefits themselves.
 - The Child Allocation = Couple's federal benefit rate (FBR) – Single person's federal benefit rate.
 - **For 2023 the Allocation is \$457** = (\$1,371 – \$914)
 - Note: The FBR does is lower than the California SSI rate due to California's Optional State Supplement.
 - 2023 Couple FBR is \$1,371, single FBR is \$914

Applying Spousal Deeming Pt. 2

[POMS SI 01320.400](#)

- 3) Calculate the ineligible spouse's income after deducting any child allocation that applies.
- 4) Is the ineligible spouse's remaining income more than the difference between the couple's federal benefit rate minus the single's federal benefit rate (\$457 in 2023)?



- 4a) YES, more than \$457/mo in 2023
- Treat as eligible couple
 - Combine income
 - Use couple's payment rates
 - Use couple's resource limits

- 4a) NO, less than \$457/mo in 2023
- Treat as single person
 - Do not combine income
 - Use single's payment rates
 - Use single's resource limits



Do Not Be Afraid of Spousal Deeming!

- There is no need to figure out spousal deeming if both spouses are potentially eligible for SSI. The couple's rates & rules already apply.
- The couple's rates & rules will apply to the vast majority of married HDAP Clients.
- If spousal deeming does not apply it is usually because:
 - Very low-income, but not disabled or aged spouse and/or
 - Many dependent minor children at home



Asking for Help

We are here to help with your specific questions about SSI/SSDI and CAPI Benefits Advocacy.



HDAP Benefits Support Request

Please submit your question to Inner City Law Center for support on a Social Security or CAPI benefits question. We welcome general eligibility questions, questions about Social Security or CAPI program rules or procedures, and questions about application forms. This form is for HDAP (Housing & Disability Advocacy Program) grantees: including County staff, HDAP staff from tribal communities, and contracted community organizations.

Please visit:

<http://www.changewellproject.com/benefits-helpline>

