

CLASP

The Center for Law and Social Policy

November 28th, 2023

Submitted online via <https://www.regulations.gov>

Social Security Administration
6401 Security Boulevard

Re: Notice of Proposed Rulemaking: Docket No. SSA-2023-0015
Expanding the Definition of a Public Assistance Household

Dear Acting Commissioner Kijakazi:

We are writing in response to the “Notice of Proposed Rulemaking: Expanding the Definition of a Public Assistance Household.” The Center for Law and Social Policy (CLASP) is a national, nonpartisan, anti-poverty advocacy organization advancing policy solutions at the legislative and administrative level to improve economic prosperity for individuals and families with low incomes. We support that this rule would simplify the Supplemental Security Income (SSI) eligibility process for recipients, and that it would reflect changes to our nation’s safety net system in recent decades.

The proposed rule would expand the definition of a public assistance household for SSI recipients and for recipients of other Social Security programs. Under current regulations, if an SSI applicant or recipient lives in a public assistance household, they are not considered to be receiving in-kind support and maintenance (ISM) from the other people in the household. If an SSI recipient is deemed to be receiving ISM, this can reduce the monthly SSI payment the individual would receive. The Social Security Administration (SSA) defines a public assistance household “as one in which every member of the household receives a PIM [public income maintenance] payment under at least one of the following,” and includes qualifying programs such as Temporary Assistance for Needy Families (TANF) and SSI, among other programs. The proposed rule would add the Supplemental Nutrition Assistance Program (SNAP) to the list of qualifying programs. We support adding SNAP to this list of programs because it targets people living in poverty, and because doing so would reduce complexity within the SSI program.

The proposed rulemaking summarizes that the public assistance household policy “is based on the idea that if the other individuals in the household are receiving a PIM payment, they need their income (and resources) for their own needs and therefore cannot support the SSI applicant or recipient.” SNAP recipients need their income and resources to support themselves and their needs. SNAP is a means-tested benefit that is targeted to individuals who have difficulty making ends meet, often temporarily. It’s reasonable to assume that someone who is income-eligible for SNAP would have difficulty at that time supporting any other person in their household who is an SSI applicant or recipient.

As the preamble states, the means-tested public benefit landscape in our nation has changed dramatically since lawmakers implemented the SSI program in 1974. At the time of SSI’s implementation, Aid to Families with Dependent Children (AFDC) provided an entitlement to families with children living

in poverty. Lawmakers replaced AFDC with the TANF program in 1996, which is a block grant given to states to support needy families with children, among other purposes. The TANF block grant is not adjusted for inflation and has not been increased since 1996. Due in part to the transition from an entitlement to a block grant, there has been a dramatic decrease in caseloads of families receiving monthly cash assistance. TANF caseloads have declined throughout the program's existence, and in recent years, many of the households receiving TANF benefits are 'child-only' families, meaning that adults are not receiving cash assistance.¹ In 2020, for every 100 families with children living in poverty, only 21 received TANF monthly cash assistance.² As the preamble states, there was an 82 percent decrease in cash assistance recipients (representing AFDC and TANF cash assistance recipients) between 1980 and 2022.³

The decline in families with children receiving monthly TANF benefits is not necessarily due to a decrease in financial hardship among families over time but can be due to families not applying to the program due to stigma and due to the small monthly benefit available in some states, and due to the burdensome work requirement and time limit policies, among other reasons.⁴

Meanwhile, SNAP has expanded in the decades since SSI was implemented. As the preamble explains, food stamps only began being offered nationwide in 1974 – the same year that SSI was implemented by lawmakers. SNAP reaches more individuals who are eligible for benefits when compared to the TANF cash assistance program. The United States Department of Agriculture estimated in Fiscal Year 2019 that 82 percent of all eligible people received SNAP benefits.⁵

Given this dramatic shift in the public benefit landscape, it makes sense for SNAP to be added to the list of programs that qualifies a household as being a public assistance household. We strongly support this change. In addition, SNAP has low variability across states within its eligibility requirements, making it easier to administer for SSA, while also being a program that effectively targets families with low incomes.

This proposed rule would also reduce administrative burden for SSI applicants and recipients, as well as for SSA employees, by reducing the number of households that can be considered as receiving ISM from family and friends. Once it has been confirmed that an SSI recipient is living in a public assistance household, that individual is not required to provide expense information for costs such as food and rent each month to SSA. This expense reporting process can be confusing, time-consuming, and intimidating for SSI recipients each month, especially because it can result in monthly benefit reductions or in unintentional overpayment of benefits to recipients. Reducing the number of people facing ISM

¹ Elizabeth Lower-Basch and Ashley Burnside, "TANF 101: Cash Assistance," Center for Law and Social Policy (CLASP), updated July 2022, <https://www.clasp.org/publications/report/brief/tanf-101-cash-assistance/>.

² Aditi Shrivastava and Gina Azito Thompson, "TANF Cash Assistance Should Reach Millions More Families to Lessen Hardship," Center on Budget and Policy Priorities, updated February 2022, <https://www.cbpp.org/research/family-income-support/cash-assistance-should-reach-millions-more-families>.

³ Federal Register, "Expand the Definition of a Public Assistance Household," September 2023, <https://www.federalregister.gov/documents/2023/09/29/2023-21550/expand-the-definition-of-a-public-assistance-household>.

⁴ Elizabeth Lower-Basch and Ashley Burnside, "TANF 101: Cash Assistance," Center for Law and Social Policy (CLASP), updated July 2022, <https://www.clasp.org/publications/report/brief/tanf-101-cash-assistance/>.

⁵ Food and Nutrition Service, U.S. Department of Agriculture, "Reaching Those in Need: Estimates of USDA's SNAP Program Participation Rates in 2019," updated November 2023, <https://www.fns.usda.gov/research/snap/estimates-program-participation-rates-2019>.

requirements will make the program easier to access for recipients, and easier to administer for the agency.

We are supportive of SSA exploring other public benefit programs that could be added to the list for public assistance households in future rulemaking, such as the Special Supplemental Nutrition Program for Women, Infant and Children (WIC) program and Medicaid health benefits.

Finally, we are also supportive of the proposed policy change that would change the definition of a public assistance household to include households where *any* other household member receives public assistance, compared to current regulation which states that *every* household member must be receiving public assistance benefits. Under current law, some family members may be left out of receiving benefits like TANF or SNAP even if they are financially eligible for the benefits due to factors such as immigration status or being previously convicted of certain drug-related felonies,⁶ among other reasons. Mandating that every member of the household must receive the benefit to allow the SSI applicant and/or recipient to be considered as residing in a public assistance household risks many needy households being left out of the classification due to reasons outside of their financial eligibility.

We strongly support the proposed rule because it would reduce administrative burden for SSI applicants and recipients, and because it would update the list of eligible public benefit programs to align with the current landscapes of our nation's safety net benefits.

Sincerely,

Ashley Burnside
Senior Policy Analyst at the Center for Law and Social Policy (CLASP)
aburnside@clasp.org

⁶ Ashley Burnside, "No More Double Punishments: Lifting the Ban on SNAP and TANF for People with Prior Felony Drug Convictions," Center for Law and Social Policy (CLASP), updated April 2022, <https://www.clasp.org/publications/report/brief/no-more-double-punishments/>.