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| LOCAL COMMISSIONERS MEMORANDUM |  
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Transmittal No: 01 OCFS LCM-4

Date: March 16, 2001

Division: Office of Children  
and Family Services

TO: Local District Commissioners

SUBJECT: Supplemental Security Income (SSI) Cost of Living  
Adjustment for Family Type Home for Adults Residents

ATTACHMENTS: Attachment I - Sample Letter  
Attachment II - Sample Letter  
Attachment III - SSI Chart

Chapter 470 of the Laws of 2000 authorized a pass-through of the January 1, 2001 federal cost-of-living increase given to SSI recipients. The January 1, 2001 federal SSI increase has been set at 3.5% or \$18.00 per month. The law also increases the minimum Personal Needs Allowance (PNA) for residents of certified Congregate Care facilities.

As a result of this law, effective January 1, 2001 the monthly benefit for SSI recipients in Family Type Homes for Adults in New York City, Nassau, Rockland, Suffolk and Westchester counties will be \$796.48 for individuals and \$1,592.96 for married couples. In all other districts, the monthly benefit for SSI recipients residing in Family Type Homes for Adults will be \$758.48 for individuals and \$1,516.96 for married couples. The minimum personal needs allowance for all residents has been increased to \$102.00 a month. We have been advised that the increase will be included in each resident's January check.

In accordance with 18 NYCRR 352.8, local districts are required to provide an allowance for the care and maintenance of Safety Net recipients in a Level I facility equal to the corresponding SSI benefit level for residents in the home, rounded down to the next whole dollar.

As part of your responsibility to supervise the Family Type Home for Adults program, you are required to identify all operators of certified Family Type Homes for Adults within your jurisdiction and immediately inform them and their SSI and Safety Net residents of this increase. The written notification should include the following reminders:

- o If an operator intends to increase the rate charged to residents, he/she is required to give residents a written notice specifying the new rate at least thirty (30) days prior to the date of the increase. If a resident voluntarily agrees in writing to the increase, the operator may increase the rate with less than thirty days notice. However, in either case the operator is required to amend the admission agreement prior to instituting the rate increase.
- o Section 131-o of the Social Services Law and the applicable regulations, found at 18 NYCRR 485.12 set forth penalties for misappropriating or retaining a resident's personal allowance.

Attached for your information is a chart containing the SSI increases and copies of model letters which may be sent to operators and SSI residents. If you have any questions about this matter, please have your staff contact Richard Piche at (518) 474-9445. Thank you for your cooperation.

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Donald K. Smith  
Deputy Commissioner

## SAMPLE LETTER

Dear Operator:

Chapter 470 of the Laws of 2000 authorized a pass-through of the Federal Supplemental Security Income (SSI) cost of living adjustment to most SSI recipients residing in Family Type Homes for Adults. We have been advised by the New York State Office of Children and Family Services that the increases will be available in each resident's January check. Also, regulations of the New York State Office of Children and Family Services require that Safety Net recipients receiving care in Family Type Homes receive the same payment level as SSI recipients rounded down to the next whole dollar. Therefore, any Safety Net residents receiving care in your home will receive the same increases as SSI recipients rounded down.

The monthly benefit for SSI recipients in Family Type Homes for Adults will be \_\_\_\_\_ for individuals without other income and \_\_\_\_\_ for married couples. The monthly benefit for Safety Net recipients in Family Type Homes for Adults will be \_\_\_\_\_ for individuals without other income and \_\_\_\_\_ for married couples. This is the SSI benefit rounded down to the next whole dollar.

The law also provides for an increase in the personal needs allowance. Effective January 1, 2001, the monthly minimum personal needs allowance will be \$102.00 for residents in Family Type Homes for Adults. Residents who have other sources of income in addition to SSI will be entitled to the \$102.00 minimum, plus any income disregarded by Social Security. Penalties for retaining or misappropriating a resident's personal allowance are set forth in Section 131-o of the Social Services Law and 18 NYCRR 485.12.

If you intend to increase the rate you charge residents, you are required to give residents a written notice specifying the new rate thirty (30) days prior to the date of the increase. If a resident voluntarily agrees in writing to the increase, you may increase the rate with less than thirty (30) days notice. However, in either case you are required to amend the resident's admission agreement, prior to instituting the rate increase.

If you have any questions about this matter, please contact \_\_\_\_\_.

Sincerely,

## SAMPLE LETTER

Dear Supplemental Security Income Resident:

A recent law provides for a Federal cost-of-living adjustment to your Supplemental Security Income (SSI) monthly payment. The law also provides for an increase in the personal needs allowance. Effective January 1, 2001 if you receive SSI and no other income and live in a Family Type Home, in most cases you will receive a monthly check for \_\_\_\_\_. Of this amount, at least \$102.00 must be yours for a Personal Needs Allowance.

Admission Agreement Changes

The operator of the home where you live may increase the rate you are charged effective January 1, 2001.

In order to do this, the operator is required to give you thirty (30) days written notice prior to the date of the rate change and amend your admission agreement. The operator may increase the rate without the thirty day notice if you voluntarily agree to such a rate increase in writing. Either way, your admission agreement should be amended to reflect this rate increase, and you should receive a copy of this amendment to your admission agreement.

Regardless of the amount of the rate increase specified by the operator of your home, you will still be entitled to the minimum personal needs allowance as described above. By law, the operator may not accept any of your personal allowance or any disregarded income to pay for the services the home must provide by law and regulation.

If you have any questions about this increase, you should ask your Family Type Home operator or call \_\_\_\_\_, the Family Type Home Coordinator in your local department of social services at \_\_\_\_\_.

Sincerely,

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 | THE SSI BENEFIT LEVELS EFFECTIVE JANUARY 1, 2001 |  
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The January 1, 2001 Federal COLA in RSDI (Social Security) and SSI Benefits has been set at 3.5%.

	<u>INDIVIDUAL</u>	<u>MARRIED COUPLE</u>
Living alone	\$617.00	\$ 900.00
Living with others	553.00	842.00
(Living in HH of another)	(376.34)	(576.67)
Level I Family Care		
(NYC, Nass., Suff., West.,Rock.)	796.48	1,592.96
(Rest of State)	758.48	1,516.96
Level II Residential Care		
(NYC, Nass., Suff., West.,Rock.)	965.00	1,930.00
(Rest of State)	935.00	1,870.00
Level III Schools for the Mentally Retarded		
(NYC, Nass.,Suff.,West.,Rock.)	1,012.96	2,025.92
(Rest of State)	988.96	1,977.92
Title XIX (Medicaid certified) Institutions	35.00	70.00
PNA Level I	\$102	
Level II	119	
Level III	82	