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| LOCAL COMMISSIONERS MEMORANDUM |  
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Transmittal No: 90 LCM-189

Date: November 26, 1990

Division: Adult 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 (available on line)  
Attachment II - Sample Letter (available on line)  
Attachment III - SSI Chart (not available on line)

Chapter 204 of the Laws of 1990 authorized an increase in the state supplementation payment for Supplemental Security Income (SSI) recipients residing in Level I Congregate Care facilities. As a result of this law, effective January 1, 1991, the state supplementation rate for SSI recipients living in these facilities will increase by \$17.52 per month for an individual and \$35.04 per month for a couple. In addition, Chapter 685 of the Laws of 1990 authorized a pass-through of the January 1, 1991 federal cost-of-living increase given to SSI recipients. The January 1, 1991 federal SSI increase has been set at 5.4% or \$21.00 per month. The law also increases the minimum Personal Needs Allowance (PNA) for residents of certified Congregate Care facilities.

As a result of these laws, effective January 1, 1991 the monthly benefit for SSI recipients in Family-type Homes for Adults in New York City, Nassau, Suffolk and Westchester counties will be \$673.48 for individuals and \$1,346.96 for couples. In all other districts, the monthly benefit for SSI recipients residing in Family-type Homes for Adults will be \$635.48 for individuals and \$1,270.96 for couples. The minimum personal needs allowance for all residents will be \$80.00 a month. We have been advised that the increase will be included in the resident's January check.

In accordance with Section 352.8 of the Department's regulations, local districts are required to provide an allowance for the care and maintenance of Home Relief (HR) 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 HR residents of this increase. The notification should include the following reminder:

- 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.
  
- o Section 131-o of the Social Services Law and Section 485.12 of the Department's regulations 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 your Adult Services program representative at 1-800-342-3715 as follows:

Irv Abelman, 1-800-342-3715, ext. 432-2980 or (212) 804-1247  
Kathleen Crowe, 1-800-342-3715, ext. 432-2996  
Marsha Ross Meyers, 1-800-342-3715, ext. 432-2997  
Janet Morrissey, 1-800-342-3715, ext. 432-2864

Sincerely,

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Judith Berek  
Deputy Commissioner  
Division of Adult Services

SAMPLE LETTER

Dear Operator:

Chapter 204 of the Laws of 1990 authorized an increase in the state payment portion of the Supplemental Security Income (SSI) rates for SSI recipients residing in Family-type Homes for Adults. In addition, Chapter 685 of the Laws of 1990 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 State Department of Social Services that the increases will be available in the resident's January check. Also, regulations of the State Department of Social Services require that Home Relief (HR) recipients receiving care in Family-type Homes receive the same payment level as SSI recipients rounded down to the next whole dollar. Therefore, any HR 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 couples. The monthly benefit for HR recipients in Family-type Homes for Adults will be \_\_\_\_\_ for individuals without other income and \_\_\_\_\_ for 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, 1991, the monthly minimum personal needs allowance will be \$80.00 for residents in Family-type Homes for Adults. Residents who have other sources of income in addition to SSI will be entitled to the \$80.00 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 Section 485.12 of the Department's regulations.

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.

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

Sincerely,

ATTACHMENT II

SAMPLE LETTER

Dear Supplemental Security Income Resident:

Two recent laws provide for an increase in the State Supplement of your Supplemental Security Income (SSI) monthly payment as well as a Federal cost-of-living adjustment to your (SSI) monthly payment. The law also provides for an increase in the personal needs allowance. Effective January 1, 1991 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 \$80.00 must be yours for a Personal Needs Allowance.

Admission Agreement Changes

The operator of the facility where you live may increase the rate you are charged effective January 1, 1991.

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 operator or call \_\_\_\_\_, the family-type home coordinator in your local department of social services at \_\_\_\_\_.

Sincerely,