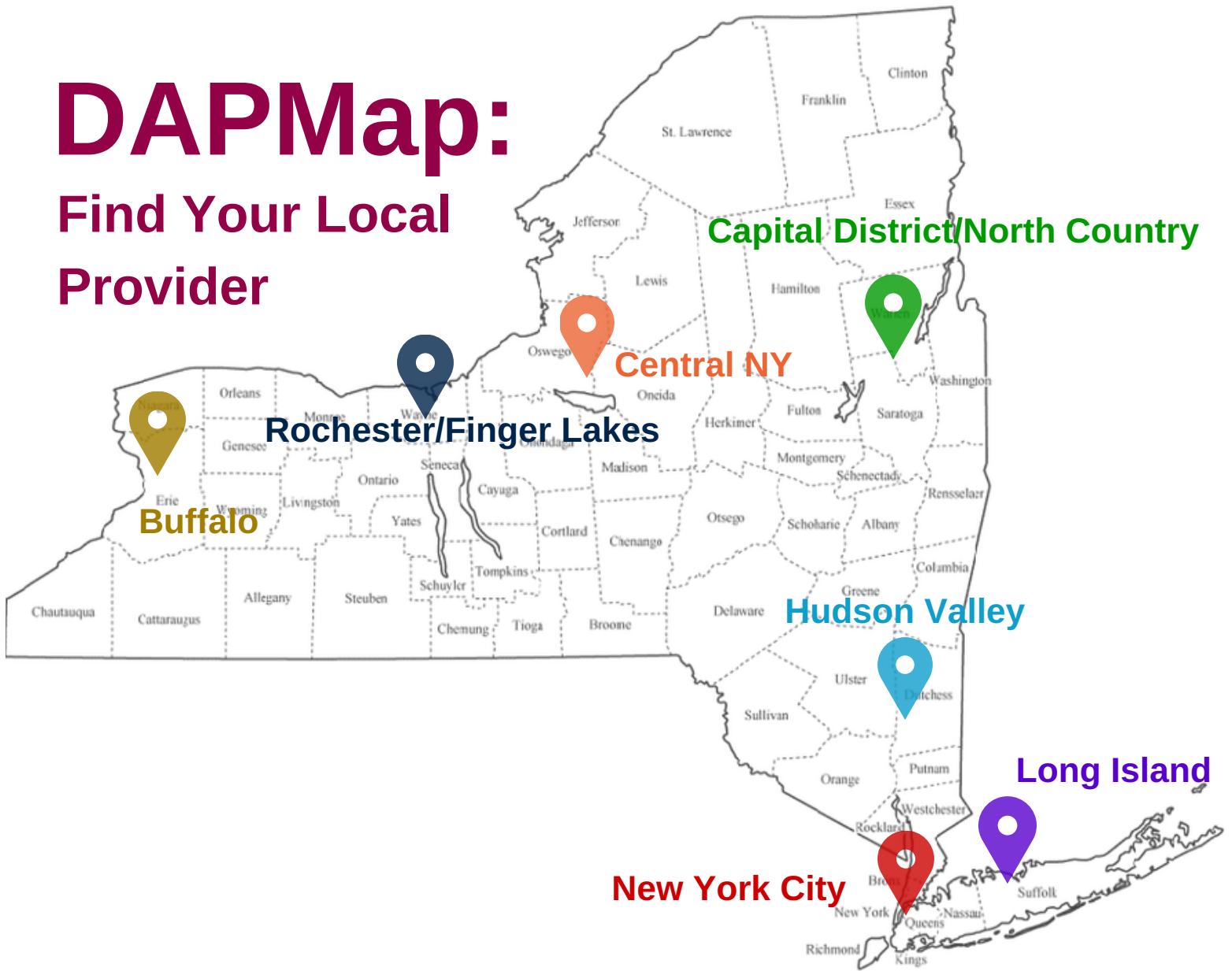


DAPMap:

Find Your Local Provider



Buffalo: Neighborhood Legal Services, Erie County DSS

Rochester/Finger Lakes: Empire Justice Center, Legal Assistance of Western New York

Central NY: Legal Aid Society of Mid New York

Capital District/North Country: Legal Aid Society of Northeastern New York

Hudson Valley: Legal Aid Society of Rockland County, Legal Services of the Hudson Valley

Long Island: Nassau/Suffolk Law Services

New York City: Legal Services NYC, The Legal Aid Society, New York Legal Assistance Group, Urban Justice Center.

Turn over for contact info and counties served for each program...

Provider Contact Information and Counties Served

Neighborhood Legal Services (Buffalo)

Chautauqua, Erie, Genesee, Niagara, Orleans and Wyoming Counties
nls.org; Batavia: (585) 343-5450, Buffalo: (716) 847-0650, Niagara Falls: (716) 284-8831

Erie County DSS (Buffalo)

Erie County
erie.gov, (716) 858-2270

Empire Justice Center (Rochester/Finger Lakes)

Monroe County
empirejustice.org, (585) 434-4060

Legal Assistance of Western New York (Rochester/Finger Lakes)

Allegany, Cattaraugus, Chemung, Livingston, Ontario, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne and Yates Counties
lawny.org, (315) 781-1465

Legal Aid Society of Mid New York (Central NY)

Broome, Cayuga, Chenango, Cortland, Delaware, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego and Otsego Counties
lasmny.org; general intake: (877) 777-6152, DAP program information: (315) 703-6605

Legal Aid Society of Northeastern New York (Capital District/North Country)

Albany, Clinton, Columbia, Essex, Franklin, Fulton, Greene, Hamilton, Montgomery, Rensselaer, Saratoga, Schenectady and Schoharie Counties
lasnny.org; Albany: (518) 462-6765, Amsterdam: (518) 842-9466, Canton: (315) 386-4586, Plattsburgh: (518) 563-4022, Saratoga Springs: (518) 587-5188

Legal Aid Society of Rockland County (Hudson Valley)

Rockland County
legalaidrockland.org, (845) 634-3627 or (800) 454-3627

Legal Services of the Hudson Valley (Hudson Valley)

Dutchess, Orange, Putnam, Sullivan, Ulster and Westchester Counties
lshv.org; (877) 574-8529

Nassau/Suffolk Law Services (Long Island)

Nassau and Suffolk Counties
nslawservices.org; Hempstead: (516) 292-8100, Islandia: (631) 232-2400, Riverhead: (631) 369-1112

Legal Services of New York City (New York City)

legalservicesnyc.org, (917) 661-4500

New York Legal Assistance Group (New York City)

nylag.org, (212) 613-5000

The Legal Aid Society (New York City)

legal-aid.org, (212) 577-3300; Access-to-Benefits Hotline: (888) 663-6880

Urban Justice Center (New York City)

urbanjustice.org, (646) 602-5600

For more information on the Disability Advocacy Program, contact Kristin Brown Lilley at Empire Justice Center, 518-935-2844 or kbrown@empirejustice.org.

2021 SSI and SSP Maximum Monthly Benefit Levels Chart (reflects the 1.3% federal COLA increase, effective January 1, 2021)

Fed L/A Code	State Supp Code	New York State Living Arrangement	Federal Benefit/ Individual	State Benefit/ Individual	Total Benefit/ Individual ¹	Federal Benefit/ Couple	State Benefit/ Couple	Total Benefit/ Couple ¹
A	A	Living Alone	\$794	\$87	\$881	\$1,191	\$104	\$1,295
A, C	B	Living with Others	\$794	\$23	\$817	\$1,191	\$46	\$1,237
B	F	Living in the Household of Another ²	\$529.34	\$23	\$552.34	\$794	\$46	\$840
A	C	Congregate Care Level 1- <i>Family Care</i> NYC, Nassau, Rockland, Suffolk and Westchester Counties	\$794	\$266.48	\$1,060.48	\$1,191	\$929.96	\$2,120.96
A	C	Congregate Care Level 1- <i>Family Care</i> Rest of State	\$794	\$228.48	\$1,022.48	\$1,191	\$853.96	\$2,044.96
A	D	Congregate Care Level 2- <i>Residential Care</i> NYC, Nassau, Rockland, Suffolk and Westchester Counties	\$794	\$435	\$1,229	\$1,191	\$1,267	\$2,458
A	D	Congregate Care Level 2- <i>Residential Care</i> Rest of State	\$794	\$405	\$1,199	\$1,191	\$1,207	\$2,398
A	E	Congregate Care Level 3- <i>Enhanced Residential Care</i>	\$794	\$694	\$1,488	\$1,191	\$1,785	\$2,976
D	Z	Title XIX (Medicaid Certified) Institutions ³	\$30	\$0 ⁴	\$30	N/A	N/A	N/A
A	Z	See Next Page ⁵	\$794	\$0	\$794	\$1,191	\$0	\$1,191

¹ The combined Federal and State SSI benefit provided to eligible individuals and eligible couples with no countable income.

² The *Living in the Household of Another's* Category includes recipients whose federal benefit has been reduced by the "value of 1/3 reduction" (VTR) due to the federal determination that they are both: a) Living in someone else's household; *and, b)* receiving some amount of free or subsidized food and shelter (room and board).

³ Applies when an SSI recipient is residing in a medical facility, is not expected to return home within 90 days, and Medicaid is paying for at least 50% of the cost of care.

⁴ Recipients in nursing homes licensed by DOH receive an additional monthly grant of \$25 issued by OTDA called a State Supplement Personal Needs Allowance (SSPNA). Residents of other medical facilities receive a SSPNA of \$5.

⁵ No State supplement is provided: a) when a SSI recipient is residing in a private medical facility and Medicaid is paying for less than 50% of the cost of care, or b) when a recipient resides in certain publicly operated residential facilities that serve fewer than 16 residents, or c) when a recipient resides in a public emergency shelter for 6 calendar months during a 9-month period.

Minimum Monthly Personal Needs Allowance	
Congregate Care Level 1	\$152
Congregate Care Level 2	\$176
Congregate Care Level 3	\$210
Limits on Countable Resources	
Individuals	\$2,000
Couples	\$3,000

Statutory References: Chapter 56 of the Laws of 2020

Social Security

Program Operations Manual System (POMS)

TN 76 (12-14)

SI 00835.115 In-Kind Support and Maintenance Evaluation for Homes in Foreclosure

A. Background For Evaluating In-Kind Support And Maintenance (ISM) For Homes In Foreclosure

Foreclosure is a process through which the lender or mortgagee seeks to regain property, because the borrower has defaulted on payments. Due to economic conditions, home foreclosures are affecting many people across the country. A foreclosure indicates a possible change in living arrangements (LA). The Social Security Administration is responsible for developing and documenting living arrangement (LA) changes and evaluating if ISM exists on a month-to-month basis.

B. Purpose For Developing ISM When A Foreclosure Takes Place

We consider as ISM the receipt of food, shelter, or both, and count the value as unearned income that we use to determine Supplemental Security Income (SSI) eligibility and payment amount. Therefore, when an individual reports a change in their LA, we evaluate whether he or she receives ISM.

NOTE: Refer to "Resource Evaluation for Real Property in Foreclosure" in section SI 01130.120, for development and documentation instructions regarding the resource treatment of homes in foreclosure.

C. Treatment Of LA And ISM In Foreclosure Situations

When an eligible individual, or a member of the eligible individual's household, alleges that the real property is in foreclosure (or heading towards foreclosure) proceed to evaluate each case accordingly.

1. Claimant's LA basis as the homeowner

While a foreclosure is pending and the claimant continues to live in the home, the LA basis continues to be home ownership, as described in "When Home Ownership is the Living Arrangement (LA) Basis, in section SI 00835.110." For purposes of determining ISM, assume that the claimant:

- retains an ownership interest in the home; and
- has responsibility to pay the mortgage until the foreclosure is final.

NOTE: Develop LA and ISM following the normal rules for sequential development of LA in SI 00835.001.

After the foreclosure is final, the claimant no longer has an ownership interest in the home. At that time, develop the claimant's new LA.

2. Treatment of ISM if the homeowner is delinquent on the mortgage payments

Do not charge ISM due to nonpayment of the mortgage for the period that the claimant was in arrears on the mortgage payment because the obligation to pay is still applicable.

EXAMPLE: Mr. Smith is applying for SSI and tells us that he has a monthly mortgage payment of \$500.00 and that he has not paid it since March 2012. Foreclosure has not occurred, so he still has a legal obligation to pay the mortgage and no one has paid the mortgage for him. ISM would not apply in this situation because nobody is paying the mortgage payments for Mr. Smith and he still has a legal obligation to make payments on the mortgage. Therefore, the unpaid mortgage payments do not result in ISM for Mr. Smith.

3. Treatment of ISM after the foreclosure has taken place and the claimant is still residing in the home

When a foreclosure is final, the occupant is usually given a period of time to exit the residence. The claimant is no longer required to pay the mortgage payments and is given a date by the court or mortgage company to exit the home. During this period, the mortgage company might not require any payment (rent) for use of the home. Do not charge ISM for use of the house during this period if the mortgage company does not require a payment.

D. Document Home Ownership And Foreclosure When The Claimant Resides In The Home

Accept and document the claimant's allegation of home ownership (principal place of residence) and foreclosure on a report of contact (DROC) screen or paper Form SSA-5002 (Report of Contact) without additional development unless the case facts are conflicting or otherwise raise a question about home ownership or foreclosure.

1. Document homeownership

If the case facts raise a question about home ownership or the claimant's allegation is inconsistent with information in the file:

- a. Verify the home ownership allegation following the instructions in SI 01130.100;
- b. Document the claimant's allegation and the determination about homeownership on a DROC screen or a paper Form SSA-5002; and fax paper documentation to the electronic folder (EF) or the Non-disability Repository for Evidentiary Documents (NDRED).

2. Document foreclosure

Use the claimant's allegation to document when the foreclosure process began, the current stage of the process, or when the foreclosure process ended. If the claimant is unable to provide information about the foreclosure or the claimant is unable to provide court or lender documents, document the file accordingly:

- a. Contact the lender or another knowledgeable source to verify the foreclosure;
- b. Document the foreclosure information and determination on the DROC screen or a paper Form SSA-5002;
- c. Document information about when the foreclosure process began; and
- d. Document the current stage of the process, or when the foreclosure process ended; and fax paper documentation to EF or to NDRED.

E. References

- SI 00835.001 Introduction to Living Arrangements and In-Kind Support and Maintenance
- SI 00835.110 When Home Ownership is the Living Arrangement (LA) Basis
- SI 00835.465 ISM and Households – Household Costs

- SI 01130.100 The Home Exclusion

- SI 01130.120 Resource Evaluations for Real Property in Foreclosure

To Link to this section - Use this URL:

<http://policy.ssa.gov/poms.nsf/lnx/0500835115>

SI 00835.115 - In-Kind Support and Maintenance Evaluation for Homes in Foreclosure

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