



NATIONAL ORGANIZATION OF
SOCIAL SECURITY CLAIMANTS'
REPRESENTATIVES
ESTABLISHED 1979

October 23, 2023

Faye Lipsky
Federal Register Liaison
Office of Legislation and Congressional Affairs
Social Security Administration
6401 Security Blvd.
Baltimore, MD 21235

Submitted via Regulations.gov

RE: Expansion of the Rental Subsidy Policy for SSI Applicants and Recipients
Docket No. SSA-2023-0010

Dear Director Lipsky:

These comments are submitted on behalf of the National Organization of Social Security Claimants' Representatives (NOSSCR), a specialized bar association for attorneys and advocates who represent Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) claimants throughout the adjudication process and in federal court.

NOSSCR supports these proposed changes for the nationwide implementation of the In-Kind Support and Maintenance (ISM) rental subsidy exception. We applaud the agency's efforts to preserve the benefits of our nation's most vulnerable citizens. We encourage the agency to institute more of these commonsense protections for disability benefit recipients.

I. These proposed changes promote equity and allow SSI to better serve its intended purpose

We agree that implementing this exception nationwide will promote equity by ensuring that all SSI-recipients are treated the same, regardless of their state of residence. A quick search of rent nationwide reveals that it is virtually impossible for an SSI recipient to pay fair market value in rent even if receiving the maximum SSI benefit. After rent is paid, the individual has nothing left for food or other basic necessities. The expansion of the exception stated within these proposed changes would allow vulnerable individuals to better provide for their basic needs, which matches the stated purpose of the SSI program.

II. Administrative simplification must be the priority for applicants and recipients to understand the rules and for SSA staff to properly apply them

Implementing this rule would allow for program uniformity, reducing the burden on agency staff and simplifying the process. But we also encourage the agency to go further to ensure true program efficiency. Current policy requires SSI-recipients to furnish a copy of their rental agreement or lease for SSA to verify their payment amount. Should they be unable to furnish such a document, SSA requires verbal

confirmation from the landlord verifying the rent amount. None of these modalities are universally practicable—many rental agreements are not reduced to writing, and many landlords are not comfortable fielding calls from the government regarding the rates they charge for the living accommodations they provide. We urge SSA to continue their simplification of this process to match the realities of people’s living situations by eliminating this verification process. If SSA does continue to require documentation of rent, SSA should accept proof of rent payment, no matter its format, to establish both the rental agreement and amount.

III. Additional universal simplification and modernization would benefit everyone

SSI payments are the sole means of survival for millions of low-income Americans with disabilities. These benefits are used to meet the most basic needs. Any reduction to the already modest SSI payments has a significant and potentially disastrous impact on the SSI recipient.

SSA considers only the market value of assets—the amount a claimant could obtain in a “quick sale” context. However, when considering in-kind support values of sleeping arrangements such as a spare couch or extra bedroom, SSA routinely violates this market-value approach. If a sleeping arrangement cannot be marketed, whether because it is personal to the claimant (normally, as family), because it is barred by a lease, or because it is otherwise not comparable to a living arrangement on the open market—it should be presumed as having no value for SSI purposes and should not result in a benefit reduction. NOSSCR asks that SSA continue to address the SSI ISM rules, correcting this flawed current approach.

In addition to making meaningful changes to the SSI ISM rules, NOSSCR urges SSA to modernize the processes and systems used to make ISM determinations and calculations. We note that SSA has yet to release a universal online SSI application, which NOSSCR and the advocacy community have been urging the agency to do for years. SSA’s failure to modernize SSI processes results in increased delays, errors, and wasted resources, which frustrates the agency’s stated objectives while simultaneously harming those vulnerable citizens who rely upon these programs for basic necessities. As an immediate step, SSA must resume honoring faxed SSI applications.

Thank you for your consideration of these comments.

Sincerely,



David Camp
Interim Chief Executive Officer