# Supporting Statement for Regulatory Changes to Expand the Definition of a Public Assistance Household

# 20 CFR 416.1100, 416.1102, 416.1104, 416.1110, 416.1120, 416.1130-416.1148,

# 416.1160-416.1161, 416.1201

**OMB No. 0960-NEW**

1. **Justification**
2. **Introduction/Authoring Laws and Regulations**

We administer the SSI program, which provides monthly payments to: (1) adults and children with a disability or blindness; and (2) adults aged 65 or older. Eligible individuals must meet all the requirements in the *Social Security Act (Act)*, including having resources and income below specified amounts. Since SSI is a needs-based program for those with limited income and resources, SSA must consider the amount of income an applicant or recipient has when determining whether that person is eligible to receive SSI payments. If the individual is eligible, their income is also a factor when SSA calculates the amount of their monthly SSI payments.

Specifically, once SSA determines an individual is eligible for SSI, SSA determines the individual’s monthly payment amount under section *20 CFR 416.1104* of the *Code of Federal Regulations (CFR)* by subtracting the individual’s countable monthly income from the Federal benefit rate (FBR), which is the monthly maximum Federal SSI payment. As per section *20 CFR 416.1100*, generally, the more income an individual has, the less their SSI payment will be. Per section *20 CFR 416.1201*, under the SSI program, resources are cash or other liquid assets or any real or personal property that an individual (or spouse, if any) owns and could convert to cash to be used for their support and maintenance. Income, on the other hand, is anything the SSI applicant or recipient receives in cash or in-kind that can be used to meet food and shelter needs, as explained in section *20 CFR 1102*. Applicants’ and recipients’ resources may affect their SSI eligibility, while their income may affect both their SSI eligibility and payment amounts. The *Act* in section *42 USC 1382a*, and our regulations in section *416.1110* defines income as “earned,” such as wages from work, and in section *416.1120* defines all income that is not earned as “unearned,” (e.g., gifted cash or in-kind support and maintenance (ISM)).

Under our current regulations in section *20 CFR 416.1130(b)*, ISM means any food or shelter that is given to an individual or that the individual receives because someone else pays for it. Like other forms of income, ISM can reduce the amount of an applicant’s or recipient’s monthly SSI payment. Because ISM requires that applicants or recipients receive food, shelter, or both, by definition, ISM does not apply if applicants or recipients live alone and pay for their own food and shelter, or if they live with other people and pay their pro rata share of the food and shelter expenses for the household, among other stipulation we mention in sections *20 CFR 416.1130 – 416.1148*.

In addition to counting ISM that an applicant or recipient receives, the current SSI program deems a portion of the income of certain individuals to the SSI applicant or recipient under section *42 U.S.C. 1382c(f)* of the *Act* and as codified under *20 CFR 416.1160*. When our deeming rules apply, it does not matter whether the other person’s income is actually available to the applicant or recipient. However, our current regulations in section *416.1161(a)* and *(b)* exclude from the deemed income of an ineligible spouse or parent any public income‑maintenance (PIM) payments and any income used to compute this payment. This exclusion also applies to the income of an ineligible spouse or parent when used to compute a PIM payment of someone else. Section *416.1142(a)* defines what we consider a public assistance household and lists PIM payments. This policy is based on the idea that if the other individuals in the household are receiving PIM payments, they need their income (and resources) for their own needs and therefore cannot support the SSI recipient.

SSA published the Notice of Proposed Rule Making to Expand the Definition of a Public Assistance Household which proposes two changes to our current regulations. First, we propose to clarify that the definition of the term “public assistance household” applies only for the purposes of SSA’s programs. Second, we propose to revise our definition of public assistance (PA) household in section *20 CFR 416.1142(a)* by adding the Supplemental Nutrition Assistance Program (SNAP) to the existing list of qualifying PIM programs to better reflect the current public benefits and streamline claims processing for more SSI applicants and recipients. We expect these revisions to *20 CFR 416.1142(a)* will allow for deeming in certain situation when it comes to PA households.

Note: Under the proposed rule, we are asking the public for input on changing the definition of public assistance household to include households in which “any” other household member receives public assistance, rather than “every” household member. The agency will then determine as to whether we include this specific revision in the final rule.

While the proposed rule will not require any revisions to our existing information collections, the application of the revisions to these rules may cause a burden change to our currently approved information collections under the following information collection requests: 0960‑0174, the SSA-8006, Statement of Living Arrangements, In‑Kind Support and Maintenance; 0960-0456, the SSA-8011, Statement of Household Expense and Contributions; and 0960-0529, the SSA-5062, Claimant Statement about Loan of Food or Shelter, and the SSA‑L5063-F3, Statement about Food or Shelter Provided to Another. We anticipate a small burden reduction per response for the SSA‑8006 (0960-0174) as respondents will not need to develop the responses about their household. In addition, we anticipate a 50% reduction in the number of respondents based on those who indicate they are part of a Public Assistance Household and who may not need to complete the follow-up forms SSA-5062, SSA‑L5063, SSA-8006, and SSA‑8011. We are submitting a combined information collection request to show the burden reduction for this proposed rule. Upon OMB’s approval of the final rule, we will adjust the figures associated with the current information collections for these forms to reflect the new burden.

1. **Description of Collection**

As mentioned above, under section *20 CFR 416.1130* of this rule, we propose to expand the definition of “public assistance household” to include SNAP, which we anticipate will decrease deeming of income for more respondents under our revised ISM regulations. This proposed policy will better reflect current means-tested benefit programs and will simplify the development of living arrangements and ISM policies. In addition, this proposal will also allow for higher benefit payments to recipients, and therefore supports our goal of enhancing equality in the programs we administer for all applicants and recipients.

Under the Notice of Proposed Rule Making to Expand the Definition of a Public Assistance Household, we anticipate a 50% reduction in the number of respondents based on those who indicate they are part of a Public Assistance Household and who may not need to complete the follow-up forms SSA-L5062, SSA‑L5063, SSA-8006, and SSA‑8011. We also anticipate a small burden reduction per response for the SSA-8006 (0960-0174) as respondents will not need to develop the responses about their household.

Respondents are applicants for, or recipients of, Social Security disability benefits (SSDI); SSI payments; or their representatives.

1. **Use of Information Technology to Collect the Information**

SSA collects the information for the PA household through a personal interview during which an SSA technician enters the information directly into our SSI Claims System using that modality for the information collections mentioned above. We discuss this, as well as the agency’s expected efforts to create electronic means for the public to submit this information, in more detail under the specific OMB documentation for each of these information collections.

1. **Why We Cannot Use Duplicate Information**

The nature of the information we collect and the manner in which we collect it precludes duplication. SSA does not use another collection instrument to obtain similar data.

1. **Minimizing Burden on Small Respondents.**

This collection does not significantly affect small businesses or other small entities.

1. **Consequence of Not Collecting Information or Collecting it Less Frequently**

If SSA did not collect the information on the SSA-8006 (OMB No. 0960-0174) there would be a high risk of incorrect SSI eligibility and payment determinations. SSA collects the information on an as needed basis to determine the correct SSI payments. Collecting the information less frequently would increase the risk of making incorrect payments. Because we collect this information on an as needed basis, we cannot collect it less frequently. There are no technical or legal obstacles to burden reduction.

1. **Special Circumstances**

There are no special circumstances that would cause SSA to conduct this information collection in a manner inconsistent with *5 CFR 1320.5*.

1. **Solicitation of Public Comment and Other Consultations with the Public**

SSA published a notice of proposed rulemaking (NPRM) in the Federal Register on September 29, 2023, at 88 FR 67148. If we receive any public comments pertaining to our time estimate or the collection of this information, we will share them with OMB.

1. **Payment or Gifts to Respondents**

SSA does not provide payments or gifts to the respondents.

1. **Assurances of Confidentiality**

SSA protects and holds confidential the information it collects in accordance with *42 U.S.C. 1306, 20 CFR 401* and *402, 5 U.S.C. 552* (Freedom of Information Act), *5 U.S.C. 552a (Privacy Act of 1974*), and OMB Circular No. A-130.

1. **Justification for Sensitive Questions**

These information collections do not contain any questions of a sensitive nature.

1. **Estimates of Public Reporting Burden**

The chart below shows the updated burden information we expect for the public reporting requirements due to the proposed rule:

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **OMB #; Form #; CFR Citations** | **Number of Respondents**  | **Frequency of Response**  | **Current Average Burden Per Response (minutes)** | **Current Estimated Total Burden (hours)** | **Anticipated New Number of Respondents Under Regulation** | **Anticipated New Burden Per Response Under Regulation (minutes)** | **Anticipated Estimated Total Burden Under Regulation (hours)** | **Estimated Burden Savings (hours)** |
| 0960-0174SSA-8006 (Paper Form) | 12,160 | 1 | 7 | 1,419 | 12,160 | 6 | 1,216 | 203 |
| 0960-0174 SSA-8006 (SSI Claims System) | 109,436 | 1 | 7 | 12,768 | 109,436 | 6 | 10,944 | 1,824 |
| 0960-0456SSA-8011-F3(Paper Form) | 21,000 | 1 | 15 | 5,250 | 10,500 |  | 2,625 | 2,625 |
| 0960-0456Personal Interview(SSI Claims System) | 398,759 | 1 | 15 | 99,690 | 199,380 |  | 49,845 | 49,845 |
| 0960-0529SSA-5062(Paper version) |  29,026 | 1 | 30 |  14,513 | 14,513 |  | 7,257 | 7,256 |
| 0960-0529SSA-5062 (SSI claim system) |  29,026 | 1 | 20 |  9,675 | 14,513 |  | 4,838 | 4,837 |
| 0960-0529SSA-L5063(Paper version) |  29,026 | 1 | 30 |  14,513 | 14,513 |  | 7,257 | 7,256 |
| 0960-0529SSA-L5063 (SSI claim system) |  29,026 | 1 | 20 |  9,675 | 14,513 |  | 4,838 | 4,837 |
| **Totals** | **657,459** |  |  | **167,503** |  **389,528** |  | **88,820** | **78,693** |

The following chart shows the reduction in theoretical cost burdens associated with the proposed rule:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **OMB #; Form #; CFR Citations** | **Anticipated New Number of Respondents** | **Estimated Anticipated Burden Per Response from Chart Above (minutes)** | **Average Theoretical Hourly Cost Amount (dollars)\*** | **Average Combined Wait Time in Field Office and/or Teleservice Centers (minutes)\*\*** | **Anticipated Annual Opportunity Cost (dollars)\*\*\*** |
| 0960-0174SSA-8006 (Paper Form) | 12,160 | 6 | $12.81\* |  24\*\* | $109,039\*\*\* |
| 0960-0174 SSA-8006 (SSI Claims System) | 109,436 | 6 | $12.81\* | 24\*\* | $981,310\*\*\* |
| 0960-0456SSA-8011(Paper Form) | 10,500 | 15 | $29.76 | 21\*\* | $421,846\*\*\* |
| 0960-0456Personal Interview(SSI Claims System) | 199,380 | 15 | $29.76 | 21\*\* | $8,010,291\*\*\* |
| 0960-0529 SSA-5062 (Paper version) | 14,513 | 30 | $21.29\*  |  24\*\* | $432,506\*\*\* |
| 0960-0529SSA-5062 (SSI claim system) | 9,675 | 20 | $21.29\*  |  24\*\* | $288,373\*\*\* |
| 0960-0529SSA-L5063(Paper version) | 14,513 | 30 | $21.29\*  |  24\*\* | $432,506\*\*\* |
| 0960-0529SSA-L5063 (SSI claim system) | 14,513 | 20 | $21.29\* |  24\*\* | $288,373\*\*\* |
| Totals | **323,892** |  |  |  | **$10,964,244\*\*\*** |

\* We based this figure on the average DI payments based on SSA's current FY 2023 data (<https://www.ssa.gov/legislation/2023factsheet.pdf>); on the average U.S. citizen’s hourly salary, as reported by Bureau of Labor Statistics data (<https://www.bls.gov/oes/current/oes_nat.htm>).

\*\* We based this figure on the average FY 2023 wait times for field offices and hearings office, as well as by averaging both the average FY 2023 wait times for field offices and teleservice centers, based on SSA’s current management information data.

\*\*\* This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. **There is no actual charge to respondents to complete the application.**

We base our burden estimates on current management information data, which includes data from actual interviews, as well as from years of conducting this information collection, as well as anticipated changes due to the proposed rule. Per our management information data, we believe that the burdens per response for each form shown on the chart above accurately show the average burden per response for learning about the program; receiving notices as needed; reading and understanding instructions; gathering the data and documents needed; answering the questions and completing the information collection instrument; scheduling any necessary appointment or required phone call; consulting with any third parties (as needed); and waiting to speak with SSA employees (as needed). Based on our current management information data, the current burden information we provided is accurate. The total burden for this ICR is **88,820** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **$10,964,244**. SSA does not charge respondents to complete our applications.

As noted above, upon OMB approval of the final rule, we will update the burden figures in the associated information collections under 0960-0174, 0960-0456, and 0960-0529 to reflect these revised burdens.

1. **Annual** **Cost to the Respondents (Other)**

These collections do not impose a known cost burden on the respondents.

1. **Annual Cost To Federal Government**

We estimated the annual cost to the Federal government for these forms under their individual OMB numbers. We list no cost here, as we do not want to double count the cost to the government.

1. **Program Changes or Adjustments to the Information Collection Request**

The new proposed rule decreases the overall public reporting burden for these information collections. See question #12 for updated burden figures. As noted in #1 and #12 above, upon OMB approval of the final rule, we will update the burden figures in the associated information collections under 0960-0174, 0960-0456, and 0960-0529 to reflect these revised burdens.

\* Note: The total burden reflected in ROCIS is **181,823**, while the burden cited in #12 of the Supporting Statement is **88,820**. This discrepancy is because the ROCIS burden reflects the field office waiting time. In contrast, the chart in #12 of the Supporting Statement reflects actual burden.

1. **Plans for Publication Information Collection Results**

SSA will not publish the results of the information collection.

1. **Displaying the OMB Approval Expiration Date**

OMB granted SSA an exemption from the requirement to print the OMB expiration date on its program forms. SSA produces millions of public-use forms with life cycles exceeding those of an OMB approval. Since SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis), OMB granted this exemption so SSA would not have to destroy stocks of otherwise useable forms with expired OMB approval dates, avoiding Government waste.

1. **Exceptions to Certification Statement**

SSA is not requesting an exception to the certification requirements at *5 CFR 1320.9* and related provisions at *5 CFR 1320.8(b)(3)*.

1. **Collections of Information Employing Statistical Methods**

SSA does not use statistical methods for this information collection.