

327.010	Authority for State Supplement Program
327.100	Overview of State Supplement Program
327.110	Definitions
327.120	Eligibility for State Supplement Program
327.130	Eligibility for Other Programs; Treatment of SSP Payments in Other Programs
327.140	Fair Hearings and Notices
327.150	Verifications
327.200	Overview of Categorical Eligibility
327.210	Eligibility Categories
327.220	State Living Arrangements
327.230	Residence
327.300	Overview of Financial Requirements
327.310	Income
327.320	Resources
327.330	Payment Standards
327.340	Date Benefits Begin
327.350	Timing and Method of SSP Benefit Payments
327.360	Minimum Monthly Payment
327.370	Designated Payees and SSA Representative Payees
327.380	Determination of Continuing Eligibility
327.390	Eligibility Requirements for Special Benefits – Aged and Disabled

327.010 Authority for State Supplement Program

The Supplemental Security Income (SSI) program is administered by the Social Security Administration (SSA) to provide financial assistance to eligible aged, disabled and blind individuals. States have the option to provide additional assistance through the State Supplement Program (SSP). The Commonwealth has opted to provide this additional assistance.

The SSP is authorized under Chapter 6, section 131 and M.G.L. c 118A and applicable federal law pertaining to the SSI program and agreements with the Commissioner of Social Security.

106 CMR 327.000 is promulgated and implemented in accordance with M. G. L. c 30A, and in accordance with applicable General Laws of the Commonwealth.

327.100 Overview of State Supplement Program

SSP provides state-funded financial assistance to individuals who receive SSI or who do not qualify for SSI due to income in accordance with 106 CMR 327.120. No other individuals are eligible for SSP.

The State Supplement Program provides financial assistance to blind individuals through the authority of the Massachusetts Commission for the Blind and to aged and disabled individuals through the authority of the Department of Transitional Assistance.

SSP recipients must meet program criteria as specified in 106 CMR 327.000. Such criteria is based on and should be interpreted in accordance with applicable Social Security law, regulations and relevant sub-regulatory materials, such as Social Security Rulings (SSRs), Program Operations Manual System (POMS), and Emergency Messages (EMs). In accordance with federal law, payment levels are based on Eligibility Category, State Living Arrangement and by whether the recipient is considered an individual or a member of an eligible couple. See 20 CFR 416, Subpart T.

327.110 Definitions

The following words and terms, when used in 106 CMR 327.000, have the following meanings, unless the context otherwise requires.

- (A) Countable income: As defined in 20 CFR 416.1104.
- (B) Eligible Individual: An aged, disabled or blind individual who meets all SSI eligibility requirements. See 20 CFR 416.120.
- (C) Eligible Couple: An eligible individual and his or her eligible spouse who are living in the same household. See 20 CFR 416.1801.
- (D) Federal Benefit Rate (FBR): As defined in 20 CFR 416.1101.
- (E) Representative Payee: As defined in 20 CFR 416.601.
- (F) Resources: As defined in 20 CFR 416.1201, et seq.
- (G) Supplemental Security Income (SSI): As defined in 20 CFR 416.101.
- (H) State Supplement Program (SSP): As defined in 106 CMR 327.000, the program which provides a state-funded cash payment to an individual eligible for SSI or who would be eligible for SSI except for income. See 20 CFR 416, Subpart T.
- (I) SSP-only: A designation for a recipient that is ineligible for SSI solely based on income but receives SSP.

327.120 Eligibility for State Supplement Program

An application for SSI serves as an application for SSP. There is no separate SSP application. Eligibility for SSP must be preceded by an eligibility determination for SSI. The Department is bound by the decision and action taken by SSA on the SSI eligibility determination. Individuals may be eligible for SSP if they are either:

- (A) determined eligible for SSI; or
- (B) determined ineligible for SSI solely due to income, but their countable income is less than the combined FBR and the appropriate SSP payment.

327.130 Eligibility for Other Programs; Treatment of SSP Benefits in Other Programs

Recipients of SSP benefits are ineligible for TAFDC and EAEDC benefits.

All income of an SSP recipient, including SSP benefits, is non-countable in determining eligibility for TAFDC and EAEDC benefits for other household members.

327.140 Fair Hearings and Notices

An applicant or recipient receiving a Department decision related to his or her SSP benefits has the right to request a fair hearing under 106 CMR 343.000. All SSP benefits-related notices will meet the Adequate Notice requirements of 106 CMR 343.200. Decisions and actions of SSA regarding SSI benefits shall be exclusively subject to SSA jurisdiction and shall not be grounds for appeal under 106 CMR 343.000.

327.150 Verifications

The SSP recipient must cooperate in verifying all categorical and financial eligibility requirements. This includes complying with the disability determination process unless good cause exists. See 106 CMR 701.380.

327.200 Overview of Categorical Eligibility

In addition to the requirements in 106 CMR 327.000, an individual must meet all other SSI categorical requirements.

327.210 Eligibility Categories

An individual must be in one of the following SSI categories to be eligible for SSP. If an individual is eligible under more than one category, the category which provides the highest payment level will be used.

- (A) Aged: Age 65 or older
- (B) Disabled: Disabled in accordance with 20 CFR Part 416, Subpart I. If disability has not been determined by SSA, disability will be determined by the agency or organization under agreement with the Department to provide disability evaluation services.
- (C) Blind: Determined to be blind in accordance with 20 CFR Part 416, Subpart I. If blindness has not been determined by SSA, blindness will be determined by the agency or organization under agreement with the Department to provide disability evaluation services.

327.220 State Living Arrangements

An individual's benefit amount will be affected by their living arrangement.

- (A) State Living Arrangement A: Full Cost of Living
 - (1) State Living Arrangement A shall include an individual who is in Federal Living Arrangement A and is:
 - (a) Living Alone: included in those who live alone are people who rent a room in a commercial rooming house which does not provide board or who live in a hotel. Also, those who rent only a room in a private residence will be considered living alone. The person renting only a room must not use the residential kitchen facilities for preparation of meals.
 - (b) Living only with his or her SSI or SSP eligible spouse.
 - (c) Living only with his or her SSI or SSP eligible spouse and his or her SSI or SSP ineligible children none of who receives public income maintenance payments.
 - (d) Living only with his or her SSI or SSP ineligible spouse and/or his or her SSI or SSP ineligible children, none of whom receives public income maintenance payments.

For the purposes of 106 CMR 327.220(A)(1)(a) through (d), foster children placed with anyone other than their parents are not considered to be living with the foster parent.

- (2) State Living Arrangement A shall include an individual who is in Federal Living Arrangement C if none of the people with whom he or she is living receives public income maintenance payments.
- (3) State Living Arrangement A shall include an individual who does not meet the definitions in 106 CMR 327.220(A)(1) or (2) above if he or she (or he or she and his or her spouse) are paying at least two-thirds of the household's expenses. Public income maintenance payments received by an SSI or SSP ineligible spouse cannot be used to determine the contribution to the household's expenses.
- (4) State Living Arrangement A shall include an individual living in a public congregate housing development funded through M.G.L. c 121B, sections 38 through 41A, or sections 42 through 44A (originally known as St. 1954, c 667 and St. 1966 c. 707) and as provided by the Commonwealth in a list to be updated as necessary, of such public congregate housing developments.

A child is one who meets the SSI definition of child.

A public income maintenance payment is a payment from any of the following programs: SSI, TANF TAFDC, Refugee Act of 1980, Disaster Relief Act of 1974, general assistance programs of the Bureau of Indian Affairs, Veterans Administration benefits based on need, or any State or local governmental assistance program based on need.

(B) State Living Arrangement B: Shared Living Expenses

- (1) State Living Arrangement B shall include an individual not found to be living in the household of another under Federal rules and not meeting the criteria for State living arrangements A, E or G.
- (2) State Living Arrangement B shall include those living in group-care facilities where Medicaid is paying 50% or less of the cost of care, foster homes, commercial boarding homes or other facilities which do not meet the criteria for living arrangement E or congregate housing defined in Living Arrangement A in 106 CMR 327.220(A)(4) above.
- (3) State Living Arrangement B shall include transient individuals, homeless individuals, and residents of public emergency shelters.

- 4) State Living Arrangement B shall include those living in a commercial boarding house, foster home or halfway house.
- (C) State Living Arrangement C: Living in the Household of Another
 - (1) State Living Arrangement C shall include an individual or couple living in the household of another and determined by the Social Security Administration to be receiving sufficient support to necessitate a reduction of one-third in the Federal SSI benefit rate.
- (D) State living Arrangement E: Domiciliary Care
 - (1) State Living Arrangement E shall include an individual residing in a licensed rest home where he or she pays a fixed rate. The total payment, combined SSI and SSP, includes an allowance for personal needs. Specifically excluded from this category are persons institutionalized in Title XIX facilities or in a public institution when the individual is not being charged for his or her care.
- (E) State Living Arrangement F: Medicaid Facilities
 - (1) State Living Arraignment F shall include an individual residing in a medical facility where Medicaid pays more than 50% of the cost of care.
- (F) State Living Arrangement G: Assisted Living
 - (1) State Living Arrangement G shall include individuals certified by the Commonwealth to be residing in an assisted living residence (ALR) served by a certified Group Adult Foster Care (GAFC) provider who is not receiving assistance under any other federal or state rental assistance program and who pays a fixed, non-separable fee for rent and supportive services, other than medically necessary services reimbursed by Medicaid.

327.230 Residence

The SSP recipient must be living in Massachusetts, with the intention of making his or her home in Massachusetts, but is not required to maintain a permanent residence or fixed address.

327.300 Overview of Financial Requirements

An eligible SSP recipient must meet all financial requirements.

327.310 Income

The amount of income an individual has is a factor in determining eligibility for the SSP. How and which types of income are counted is determined in accordance with 20 CFR 416, Subpart K.

327.320 Resources

Resource limitations and which resources are countable are determined by SSA in accordance with 20 CFR 416, Subpart L.

327.330 Payment Standards

Payment amounts are based on Eligibility Category, State Living Arrangement, whether the recipient is eligible as an individual or as a member of an eligible couple and amount of countable income.

If countable income exceeds the FBR, the amount exceeding the FBR is deducted from the SSP payment standard.

Payment Standards are available on the internet at www.mass.gov/dta under the heading Key Resources/Program Eligibility Charts and Tables/SSI Program Payment Charts. Paper copies are available upon request.

327.340 Date Benefits Begin

SSP benefit payments will begin as of the date SSI payments begin. For SSP-only eligible recipients, SSP benefit payments will begin as of the first day of the month following the date of the SSI application.

327.350 Timing and Method of SSP Benefit Payments

SSP benefits are paid once a month. The Department shall determine the method of payment.

327.360 Minimum Monthly Payment

The minimum monthly payment for the SSP is \$1.00. If the payment amount is greater than zero but less than \$1.00, a payment of \$1.00 will be issued.

327.370 Designated Payees and SSA Representative Payees

- (A) A Designated Payee is a third party appointed by the Department to receive SSP benefit payments when the recipient is unable to manage or direct the management of benefit payments in his/her own interest.
- (B) The SSP benefits of a recipient whose benefits have been paid to an SSA Representative Payee will be paid to the same individual. For SSP purposes, this individual will be known as a Designated Payee.
- (C) Benefits for an SSP recipient under the age of 18 must be paid to a Designated Payee.

327.380 Determination of Continuing Eligibility

An eligibility review is a periodic review of a recipient's circumstances in relation to the eligibility requirements of each program. An eligibility review is necessary to establish that a recipient remains eligible to receive assistance. The focus of the eligibility review process is on those factors of eligibility that are potentially subject to change. A recipient's eligibility shall be reviewed as determined by the Department.

327.390 Eligibility Requirements for Special Benefits – Aged and Disabled

(A) Standards for Special Benefits

106 CMR 327.390 outlines the circumstances and situations in which the Department may authorize payment for special benefits for SSI and SSP recipients.

(1) Special Benefits

The Department may authorize payment for recipients for moving expenses within the State and may replace specific items when the loss of these items is the result of: a natural disaster or a fire in the recipient's dwelling which is beyond the control of the recipient.

All available resources, such as insurance, SNAP benefits and funds from relief agencies (*e.g.*, the Federal Emergency Management Agency and the Red Cross) must be utilized as replacement of the unsalvageable items before the Department can authorize payment.

(2) Burial

The Department may authorize payment for burial expenses for recipients in accordance with the policy stated in 106 CMR 705.700.