



October 13, 2023

Social Security Administration

Submitted Online via <https://www.regulations.gov>

Re: Notice of Proposed Rulemaking: Docket No. SSA-2023-0010
Expansion of Rental Subsidy Policy for SSI

Dear Acting Commissioner Kijakazi:

We write to you on behalf of LeadingAge and the National Alliance to End Homelessness (herein referred to as the Alliance) in response to the U.S. Social Security Administration's (SSA's) Request for Public Comment on *Expansion of the Rental Subsidy Policy for Supplemental Security Income (SSI) Applicants and Recipients*.

LeadingAge represents more than 5,000 nonprofit aging services providers and other mission-minded organizations that touch millions of lives every day. Alongside our members and 38 state partners, we use applied research, advocacy, education, and community-building to make America a better place to grow old. Our membership encompasses the entire continuum of aging services, including skilled nursing, assisted living, memory care, affordable housing, retirement communities, adult day programs, community-based services, hospice, home-based care.

The Alliance, a leading national voice on the issue of homelessness, is a nonpartisan, nonprofit organization. Our sole purpose is to end homelessness in the United States. We use research and data to find solutions to homelessness; we work with federal and local partners to create a solid base of policy and resources that support those solutions; and then we help communities implement them.

LeadingAge and the Alliance strongly support the proposed rule, under which the SSA would change its standard for what is considered a "rental subsidy" when SSI recipients are getting help with housing from friends/family or other informal supports. Once finalized, this proposed rule would apply nationwide the "rental subsidy exception" currently in place in seven states. A nationwide rental subsidy exception will help SSI beneficiaries, among the lowest income people in the United States, retain more of their federal SSI benefit and help prevent and end homelessness in the United States.

The nation faces a shortage of [more than 7.3 million homes](#) affordable and available for renters with extremely low incomes (that is, incomes below 30% of area median). The U.S. Department of Housing and Urban Development's most recent *Worst Case Housing Needs: 2023 Report to Congress* highlights a record 8.53 million households with "worst case housing needs," very low income renter household spending more than half of their incomes for rent. Of the 8.53 million worst case housing needs in the country, 2.35 million are older adult households, an increase of one million older adult households since 2009. In 2009, 19% of all worst-case housing needs households were older adults; by 2021, 28% were.

These are households spending much more than they can afford on housing and waiting lists for affordable housing can be years long. These households are on the brink of homelessness.

Homelessness impacts people of all ages, races and ethnicities, physical and cognitive abilities, and gender identities and sexual orientations. The impact of federal, state, and local policies and practices that led to discriminatory practices against people of color and marginalized groups shows up in federal homelessness data. As the older adult population has increased so has the number of older adult households with severe housing problems. For example, it is likely that many older adult SSI recipients, who receive an average monthly SSI benefit of \$553.16, struggle to afford rental housing.

Not surprisingly, the U.S. Department of Housing and Urban Development indicates that older adults—who face the same rising housing costs as everyone else, but often with fixed incomes and rising health needs—are one of the fastest-growing groups of people experiencing homelessness.

Additionally, the U.S. Department of Health and Human Services' Administration on Community Living's 2021 *Profile of Older Americans* report indicates that five million adults aged 65 and older lived below the poverty level, with another 2.6 million classified as "near poor" (income between the poverty level and 125% of this level). Because poverty and homelessness are intricately linked, this proposed rule is a step forward in acknowledging that housing is a basic human right and essential for a life with dignity.

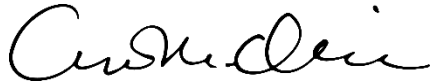
We applaud SSA's invitation to provide feedback on how to improve access to public benefit programs. LeadingAge and the Alliance are in support of the proposed rule to extend the In-Kind Support and Maintenance (ISM) rental subsidy exception for SSI applicants and recipients nationwide. Specifically, we support the proposed regulation because:

- a. It will help ensure that SSI recipients are able to keep as much of their monthly benefit as possible. SSI benefits are very modest. The current maximum 2023 federal monthly benefits are \$914 for an individual and \$1,371 for couples. The average monthly SSI payment for people 65 and older is \$553.16.
- b. It is a meaningful step in updating SSI financial rules. The current lack of uniformity in the "business arrangement" definition disadvantages SSI applicants and recipients who do not live in the seven states where the rental subsidy exception is currently applied. The proposed regulation would create one consistent set of rules for SSI recipients everywhere, thus addressing the current equity issue and supporting the goals of the [Administration's Executive Order Advancing Equity Through the Federal Government](#).
- c. It will help ensure that SSI recipients are not punished for being poor and accepting support from family and friends to help them meet their basic needs. Currently, only SSI recipients in the seven excepted states are not punished for accepting help with their housing costs.
- d. It will save taxpayers' money, free up SSA's staff time to administer the SSI program equitably and reduce paperwork and stress for people on SSI. SSA predicts that the regulation would save \$10 million in taxpayer dollars over ten years and spare SSI recipients thousands of hours of paperwork time. Since recipients are required to [keep the SSA updated](#) about changes in their circumstances, such as help with a place to live or food to eat, a consistent application of the definition of "business arrangement"

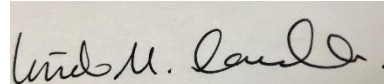
based on the presumed maximum value rather than the current market rental value would not only ensure that all SSI applicants and recipients, regardless of where they reside, would have the same policy applied to them regarding the definition of a “business arrangement,” but also that SSA staff would not expend time applying different policy based on where a recipient resides.

We urge SSA to move quickly to finalize and implement the proposed regulation.

Sincerely,



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