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| OCFS LOCAL COMMISSIONERS MEMORANDUM |  
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Transmittal No: 98 OCFS LCM-14

Date: December 22, 1998

Division: Development and  
Prevention Services

TO: Local District Commissioners

SUBJECT: Supplemental Security Income (SSI) Cost of Living  
Adjustment for Family Type Home for Adults Residents

ATTACHMENTS: Attachment I - Sample Letter (available on line)  
Attachment II - Sample Letter (available on line)  
Attachment III - SSI Chart (available on-line)

Chapter 58 of the Laws of 1998 authorized a pass-through of the January 1, 1999 federal cost-of-living increase given to SSI recipients. The January 1, 1999 federal SSI increase has been set at 1.3% or \$6.00 per month. The law also increases the minimum Personal Needs Allowance (PNA) for residents of certified Congregate Care facilities.

As a result of this law, effective January 1, 1999 the monthly benefit for SSI recipients in Family Type Homes for Adults in New York City, Nassau, Suffolk and Westchester counties will be \$766.48 for individuals and \$1,532.96 for couples. In all other districts, the monthly benefit for SSI recipients residing in Family Type Homes for Adults will be \$728.48 for individuals and \$1,456.96 for couples. The minimum personal needs allowance for all residents is increased \$1.00 and will be \$97.00 a month. We have been advised that the increase will be reflected in the resident's January check.

In accordance with Section 352.8 of the Department's regulations, local districts are required to provide an allowance for the care and maintenance of Safety Net Assistance (SNA) recipients in a Level I facility equal to the corresponding SSI benefit level for residents in the home, rounded down to the next whole dollar.

As part of your responsibility to supervise the Family Type Home for Adults program, you are required to identify all operators of certified Family Type Homes for Adults within your jurisdiction and immediately inform them and their SSI and HR residents of this increase. The notification should include the following reminder:

- o If an operator intends to increase the rate charged to residents, he/she is required to give residents a written notice specifying the new rate at least thirty (30) days prior to the date of the increase. If a resident voluntarily agrees in writing to the increase, the operator may increase the rate with less than thirty days notice. However, in either case the operator is required to amend the admission agreement.
  
- o Section 131-o of the Social Services Law and Section 485.12 of the Department's regulations set forth penalties for misappropriating or retaining a resident's personal allowance.

Attached for your information is a chart containing the SSI increases and copies of model letters which may be sent to operators and SSI residents. If you have any questions about this matter, please have your staff contact Janet Morrissey at (518) 474-9445. Thank you for your cooperation.

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Donald K. Smith  
Deputy Commissioner