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Effective Dates: 05/08/2024 - Present (View History) TN 119 (05-24)

SI 00835.050 Living Arrangement Changes for Victims of Presidentially Declared Disasters

CITATIONS: 20 CFR § 416.1124(c) (5); 20 CFR § 416.1150

A. Policy — In-Kind Support and Maintenance (ISM) Exclusions for Victims of Presidentially Declared Disasters

1. In-Kind Support and Maintenance Exclusion

Support and maintenance in cash and in-kind regardless of the source is excluded from income and the value of one-third reduction (VTR) does not apply to a victim of a presidentially declared disaster (PDD) who meets the criteria in SI 00830.620B.

2. Time Limit on the In-Kind Support and Maintenance Exclusion

This exclusion does not have a specific time limit. The exclusion of support and maintenance from income:

- **begins** the day the individual leaves the permanent living arrangement; and
- **ends** the last day of the month in which they return to the permanent living arrangement **or** establishes a new permanent living arrangement.

NOTE: The first-of-the-month (FOM) rule is used to evaluate ISM received before the absence began. (See SI 00835.500 for FOM Residence and ISM Determinations.)

3. **Other Disaster Assistance Excluded from Income**

   Other disaster assistance, including support and maintenance, is excluded from income without time limit if it is provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act or under another Federal statute because of the disaster, or if it is provided by a state or local government, or by a disaster assistance organization.

   Assistance provided by these agencies and organizations continues to be excluded even after the individual returns to their permanent living arrangement or establishes a new permanent living arrangement (See SI 00830.620B.2. for other disaster assistance excluded from income.).

4. **Temporary Absence Policy Does Not Apply**

   The policy for temporary absences from a Federal living arrangement (FLA) in SI 00835.040 does not apply to individuals displaced by a presidentially declared disaster when determining the individual's living arrangement and ISM.

5. **Retrospective Monthly Accounting (RMA)**

   RMA applies to support and maintenance that was counted as income prior to evacuation. For example, if an individual evacuates the permanent living arrangement on 8/10/2006, the countable ISM received 7/1/2006 through 8/9/2006 usually counts as income for the September and October SSI checks, respectively.

6. **Household Composition Changes**

   SSI beneficiaries affected by a presidentially declared disaster may have a change in their household composition. SSI beneficiaries who are in a:

   - **shelter established for disaster victims or who are homeless** are considered transient and no longer a member of a household following the first-of-the-month (FOM) rule.

If considered transient, members of an eligible couple are treated as eligible individuals, an eligible individual with an ineligible spouse is no longer considered living in the household with the spouse, and eligible children are no longer considered living in a household with their parents or other custodians using the FOM rule. (See SI 00835.060 for Transients, Homeless Individuals, and LA/ISM Determinations and SI 00835.500 for FOM Residence and ISM Determinations.)

REMINDER : Deeming does not apply when the individual does not live in a household. (See SI 01310.140 for Deeming Concept – Household.)

- **private residence or commercial establishment** continue to be members of a household. For this purpose, a commercial establishment includes a hotel or motel.

B. List of Living Arrangement and ISM Changes

The procedures to process living arrangement and ISM changes most commonly experienced by victims of presidentially declared disasters are located in the following subsections.

- SI 00835.050C , Considering Individual's Intentions When Applying the In-Kind Support and Maintenance (ISM) Exclusion
- SI 00835.050D , Determining ISM When the Individual Returns to a Permanent Living Arrangement
- SI 00835.050E , Development Assumptions for Living Arrangements and Excluding ISM
- SI 00835.050F , Determining the State of Residence for Medicaid and State Supplement Payment (SSP) Purposes
- SI 00835.050G , Individual Returns to the Permanent Living Arrangement in the Month of Absence or the Following Month
- SI 00835.050H , Individual is in a Long-Term Absence from the Permanent Living Arrangement
- SI 00835.050I , Individual Returns to or Establishes a Permanent Living Arrangement

C. Procedure — Considering Individual's Intentions When Applying the In-Kind Support and Maintenance (ISM) Exclusions for Victims of Presidentially Declared Disasters

To correctly apply the ISM disaster exclusion, determine the individual's intent regarding their permanent living arrangement and evaluate their current circumstances.

1. **Individual Intends to Return to Prior Living Arrangement**

   Do not charge any support and maintenance as income or apply FLA: B while an individual who meets the criteria in SI 00830.620B is absent from a permanent living arrangement.

   EXAMPLE 1 : **Return to permanent living arrangement in the same or following month**

   The case facts for Mark Hollenback, an SSI beneficiary, are:

   - 8/1/2005 - Mark Hollenback was in FLA: B in their permanent living arrangement.
   - 8/29/2005 - Mark leaves their permanent living arrangement due to Hurricane Katrina and stays in a succession of shelters.
   - 9/23/2005 - Mark returns to their permanent living arrangement where Mark receives all food and shelter free from the household.

   The claims representative (CR) correctly determines:

   - Mark Hollenback is not temporarily absent from their permanent living arrangement as described in SI 00835.040C. because Mark left due to a presidentially declared disaster.
   - 8/2005 and 9/2005 – Mark is FLA: A because the absence is not considered temporary.
   - 8/2005 - ISM received before evacuation is valued at the presumed maximum value (PMV.)
   - 9/2005 – Mark has no countable ISM because it is excluded disaster assistance.
   - 10/2005 – first full month back in permanent living arrangement. ISM that Mark receives is countable income.
   - Any support and maintenance that is “other disaster assistance” continues to be excluded (See SI 00835.050A.3.)

   EXAMPLE 2 : **Long term absence from a permanent living arrangement**

   The case facts for Maybell Desmund, an SSI beneficiary are:

   - 3/1/2006 – Maybell Desmund is FLA: B in an adult child's home
   - 3/25/2006 – Maybell leaves their permanent living arrangement due to a presidentially declared disaster and moves into the home of Maybell's sibling who provides Maybell with free food and shelter. Maybell states that their intent is to return home “someday” but does not know when.

The CR correctly determines that:

- 3/2006 and continuing – Maybell Desmund is FLA: A. FLA: B is not applicable because Maybell did not receive food and shelter from their adult child's home for the entire month and the food and shelter from their sibling is considered disaster assistance.
- 3/1/2006 – 3/24/2006 - ISM received in their adult child's home before the absence is valued at the PMV
- 3/25/2006 and continuing – Maybell has no countable ISM because the food and shelter from their sibling is considered disaster assistance.

2. Individual is Undecided About Intent to Return to Prior Living Arrangements

If the individual indicates that they are undecided about whether or when they will return home:

- assume that they continue to be absent from their prior living arrangement and has not established a new permanent living arrangement;
- do not pressure the individual to state their intention (due to the trauma experienced by the victims, it is likely that many individuals will be undecided about their plans for the near future);
- continue to exclude support and maintenance as disaster assistance;
- advise the individual to notify SSA when they return to the permanent living arrangement or establishes a new permanent living arrangement; and
- see SI 00835.050F. for state of residence considerations.

D. Procedure — Determining ISM When the Individual Returns to Their Permanent Living Arrangement or Establishes a New Permanent Living Arrangement

Use the following rules to process a change of address/living arrangement when an individual reports that they are in a permanent living arrangement following an absence due to a presidentially declared disaster.

1. Individual Returns to Their Permanent Living Arrangement

Accept an individual's statement, without further development, that they have returned to their permanent living arrangement. Develop the living arrangement following the normal rules for sequential development of living arrangements in SI 00835.001 .

2. **Individual Establishes New Permanent Living Arrangement**

   Accept an individual's statement, without further development, that they have established a new permanent living arrangement and does **not** intend to return to their prior living arrangement. Develop the new living arrangement following the normal rules for sequential development of living arrangements in SI 00835.001 .

   NOTE : Do not determine that an individual's living arrangement is permanent based solely on their decision not to return to their prior permanent living arrangement. The individual may still be living in temporary quarters (e.g., in a shelter, or a motel, or with relatives) and the ISM received as disaster assistance continues to be excluded from income.

3. **Support and Maintenance from Disaster Assistance**

   Follow normal rules for determining ISM and applying the VTR (FLA: B) when the individual returns to their permanent living arrangement or establishes a new permanent living arrangement.

   - Continue to exclude from countable income other disaster assistance received by the individual after they establish a new permanent living arrangement (See SI 00835.050A.3.).
   - Count ISM received as income beginning the first full calendar month after they return to a permanent living arrangement unless it is excludable as other disaster assistance as described in SI 00835.050A.3. (See the examples in section SI 00835.050C.1.)

E. Procedure — Assumptions for Developing Living Arrangements and Excluding ISM for Individuals Who Are Absent from Their Permanent Living Arrangement Due to a Presidentially Declared Disaster

Use the following assumptions to exclude ISM and process address and living arrangement changes for SSI claimants and beneficiaries who are absent from their permanent living arrangement due to a presidentially declared disaster.

1. **Living in House/Apartment/Mobile Home**

   Assume any support and maintenance received by the household is disaster assistance excluded from income.

2. **Living in a Room in a Private Residence**

   Assume that any support and maintenance received by the household is disaster assistance excluded from income.

3. **Living in the Household of Another Person**

   Assume that an individual displaced by a presidentially declared disaster is **not** living in a household of another person (i.e., **FLA: B does not apply**).

   Assume that any support and maintenance received by the individual is disaster assistance excluded from income.

4. **Living in Room in a Commercial Establishment (e.g., Staying in a Hotel/Motel)**

   Assume that any support and maintenance received by the household is disaster assistance excluded from income.

5. **Transients or Homeless**

   Assume that any support and maintenance received by the individual is disaster assistance excluded from income. Disaster victims who are transient or homeless may be living in shelters, automobiles, tent cities, military bases, churches, arenas, community centers, or any other facility established for victims of the disaster.

F. Procedure — Determining the State of Residence for Medicaid and State Supplement Payment (SSP) Purposes for Disaster Victims

The state of residence is the state where an individual resides with intentions to remain permanently or for an indefinite period. This section provides guidance for applying the existing state of residence policy in SI 01410.030 to the special circumstances of individuals who may be unable to return home for a long time because of a presidentially declared disaster.

NOTE: The SSI living arrangement and state of residence for Medicaid and SSP purposes are separate determinations. A change in SSI living arrangement does not automatically result in a change in the state of residence for Medicaid or SSP.

1. **What to Consider in a State of Residence Determinations**

   To make a state of residence determination, the interviewer must consider the facts in the specific case including the individual's:

   - intentions;
   - current living circumstances, and
   - plans for the future.

2. **Displaced Individual Intends to Stay in the New State Permanently**

   If the individual displaced by the disaster is physically residing in a new state and alleges that they intend to reside in the new state **permanently** , the new state is their state of residence for Medicaid and SSP purposes.

3. **Displaced Individual Intends to Return to the Home State**

   If the displaced individual is physically residing in a new state and alleges that they intend to return to the home state, develop this allegation. Some displaced individuals may hope to return home in the future but not be physically or financially able to do so.

   a. **Displaced Individual has a Plan to Return to Home State**

      If the displaced individual intends to return to the home state and has a definite plan to return to the home state, the individual's home state remains the state of residence for Medicaid and SSP.

   b. **Displaced Individual Unable to Return to Home State**

      Determine that a displaced individual who hopes to return to the home state is a resident of the new state if they:

      - are unable to return due to health, financial, or other reasons; and

- does not have a definite plan and date to return; and
- intends to reside indefinitely in the new state.

EXAMPLE 1 : Rufus Smith is displaced by a presidentially declared disaster and tells the CR that they intend to return to their home state in 3 months.

The CR determines that Rufus Smith's state of residence continues to be their home state.

EXAMPLE 2 : Ryan Engle is displaced by a presidentially declared disaster and tells the CR that Ryan hopes to return to their home state in the future, but due to Ryan's chronic medical problems Ryan is unable to travel and is unable to make the necessary arrangements to find a place to live in their home state.It is Ryan's intent to stay in the new state pending an improvement in their health.

The CR correctly determines that Ryan is likely to be living in the new state indefinitely and determines that Ryan's state of residence is the new state.

EXAMPLE 3 : Samuel Hamilton is displaced by a presidentially declared disaster and tells the CR that Samuel will return to their home state on the first of the following month. Although Samuel indicates medical and financial problems, Samuel has definite plans to return to their home state.

The CR correctly determines that Samuel does not intend to live in the new state for an indefinite period and that Samuel continues to be a resident of their home state.

4. **Displaced Individual is Undecided about Returning to the Home State.**

Due to the trauma caused by the disaster, some displaced individuals may not have any concrete plans for the future. The individual may not know whether they will return to the home state or become a permanent resident of the new state. If the individual is undecided about whether to return to the home state and declares intent to remain in the new state indefinitely, determine the individual is a resident of the new state.

EXAMPLE : Marie Applewhite indicates that they are homesick and wants to return home some day. However, Marie is concerned about future storms and disruption to public services and the availability of suitable housing. Marie doesn't know if they will ever go back home and intends to stay in the new state for the foreseeable future. The CR determines that Marie's state of residence is the new state because Marie has no definite plans to return to the home state.

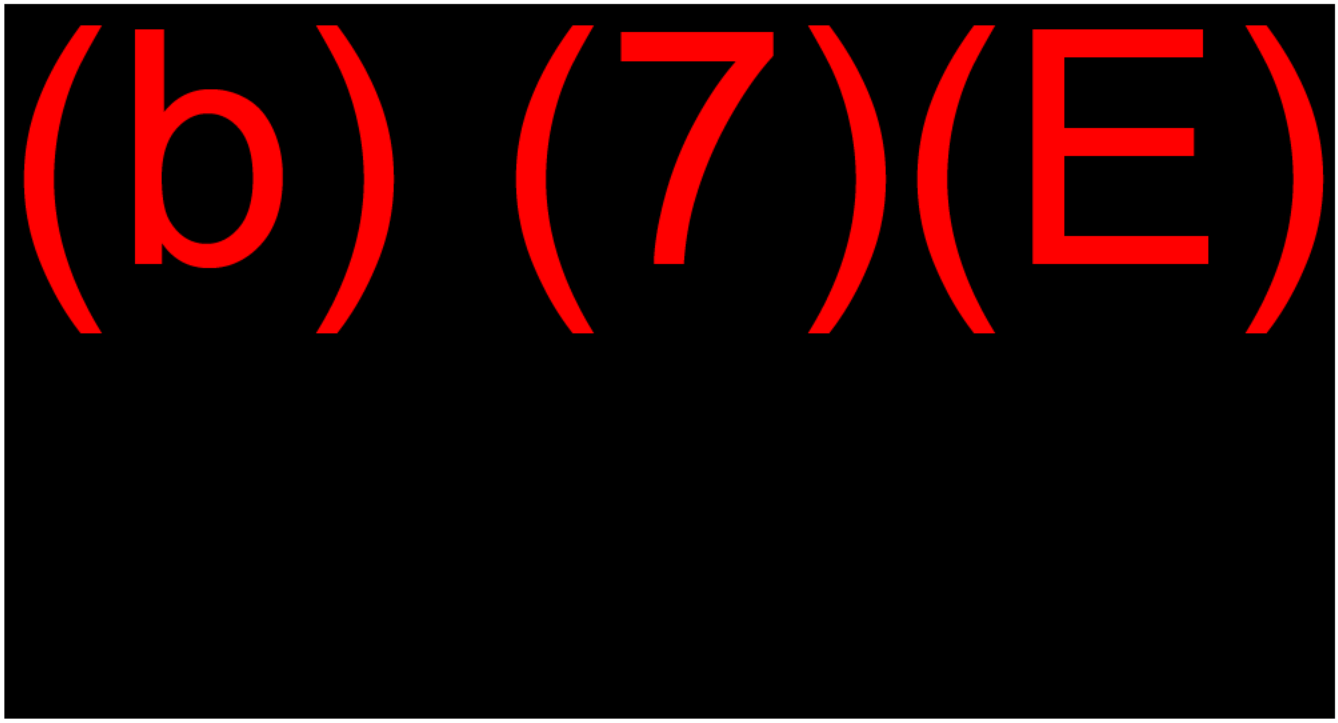
G. Procedure — Address and/or Living Arrangement Changes Involving a Return to the Permanent Living Arrangement in the Month the Absence Began or the Following Month

Use the following procedures to process changes of address and/or living arrangements for an individual who returned to their permanent living arrangement in the month the absence began or the following month.

1. Summary

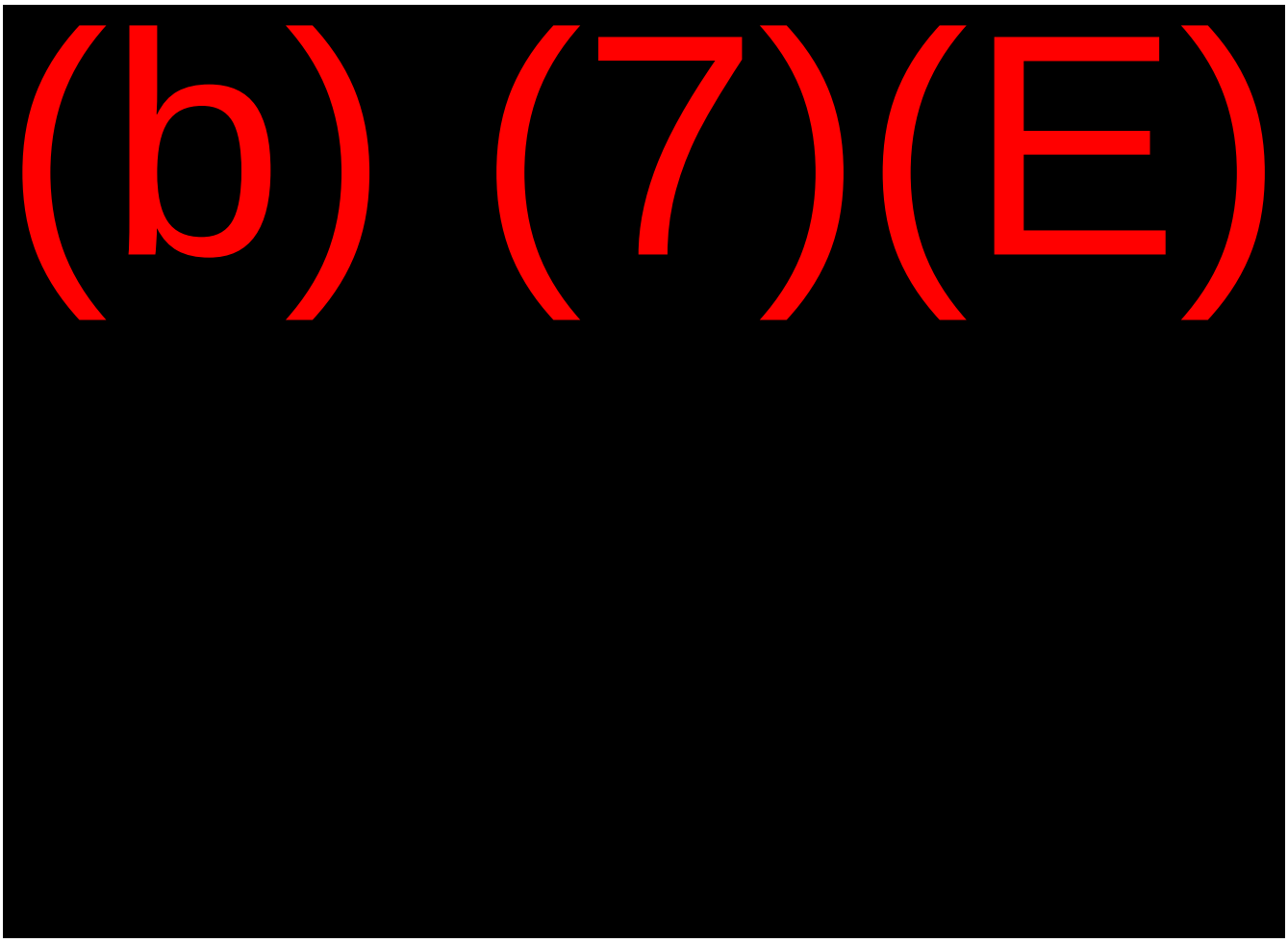
For the period that an evacuee who meets the criteria in SI 00830.620B. is away from the permanent living arrangement, all support and maintenance received in cash and in-kind is excluded from income and the VTR (i.e., FLA: B) does not apply. (See Example 1 in SI 00835.050C.1.)

2. Systems Input and Documentation



- **Accept any documentation** that the individual provides for the living arrangement (e.g., rental liability, current market value). If no documentation is available, accept the individual's allegation without further development.





- **Remind beneficiaries** to report future changes in address and living arrangements.

H. Procedures — Address and/or Living Arrangement Changes Involving a Long-Term Absence from the Permanent Living Arrangement

Use the following procedures to exclude ISM and process changes of address and living arrangements for an individual in a long-term absence who meets the criteria in SI 00830.620B.

REMINDER: Do not change the state of residence unless the individual meets the requirements in SI 00835.050F. If the individual does not meet these requirements, the state of residence continues to be the home state (i.e., the state of permanent residence).

1. State of Residence Determination

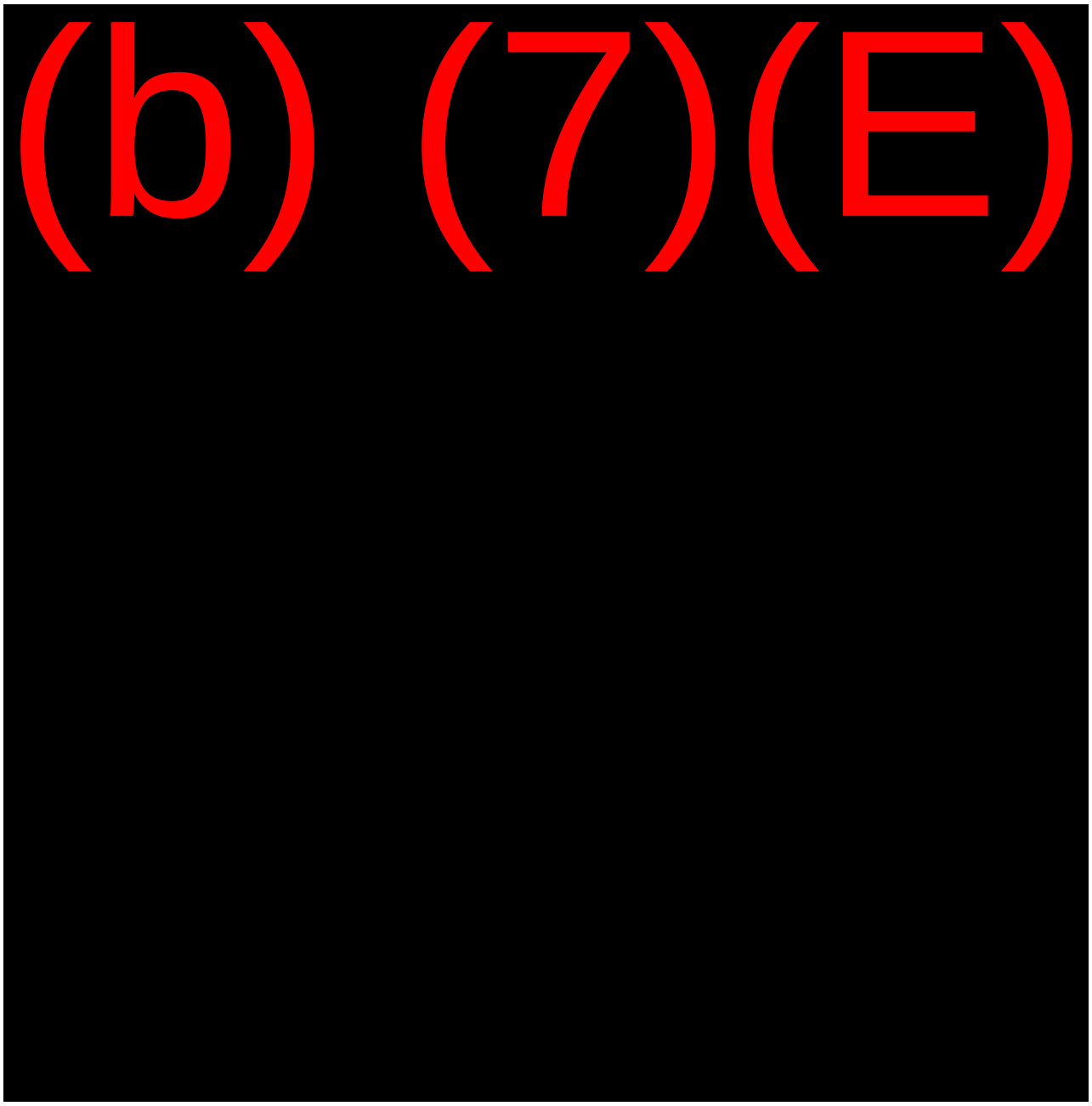
No documentation is required for the state of residence determination.

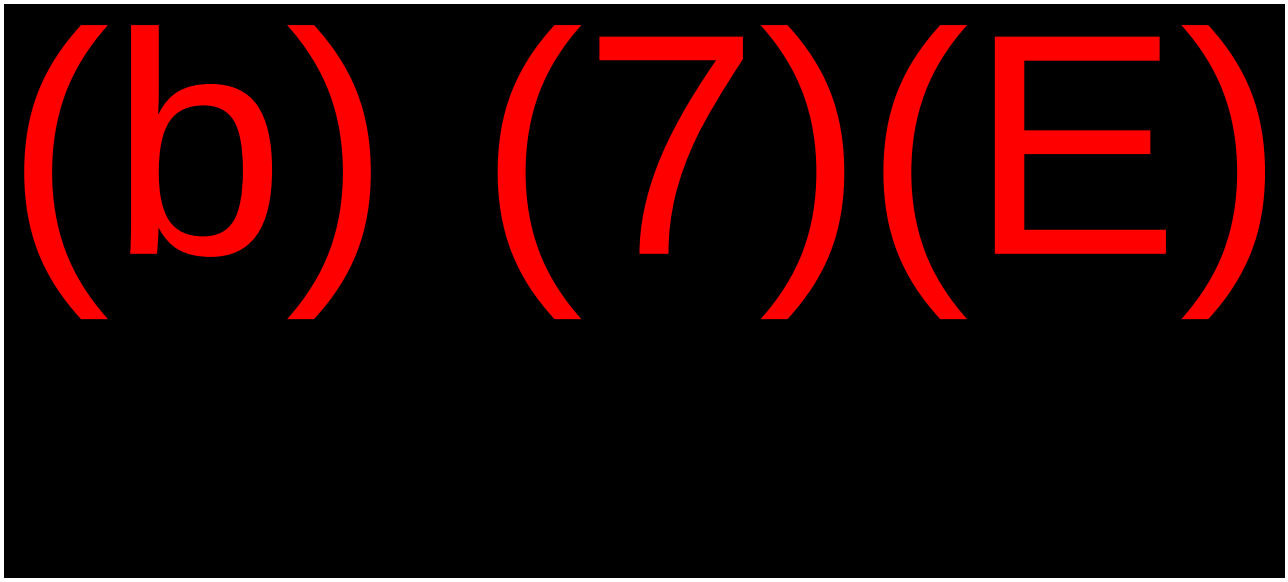
2. Individual is Currently in a Household (i.e., Not Transient or Homeless or in an Institution)

a. Summary

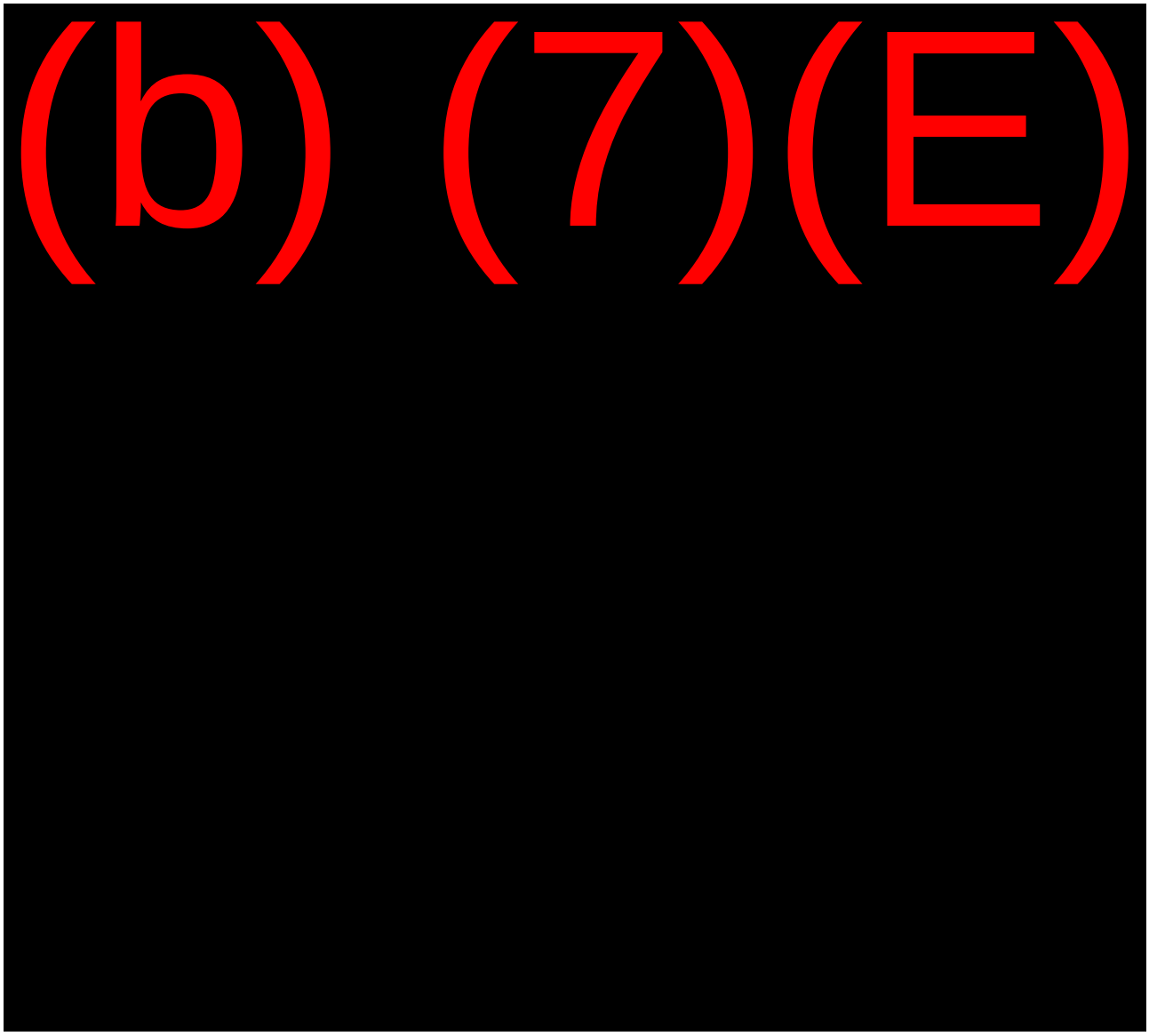
The individual is in a long-term absence when they intend to return to the permanent living arrangement but will not return in the same calendar month they left or in the following month. An individual who has not returned to the permanent living arrangement may have obtained shelter in a house, apartment, mobile home, a room in a private home, or a room in a hotel any place in the United States. On the system, it is necessary to change the living arrangement, ensure that FLA: B is not applied and that ISM is excluded for an individual who is absent from their permanent living arrangement due to the presidentially declared disaster.

b. Systems Input and Documentation





- **Accept any documentation** that the individual provides for the living arrangement (e.g., rental liability, current market value). If no documentation is available, accept the individual's allegation without further development.



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- **Remind beneficiaries** to report future changes in address and living arrangements. Explain that it is very important that they report when they have returned to their permanent residence or they have established a new permanent residence.

3. Individual is Currently Transient or Homeless

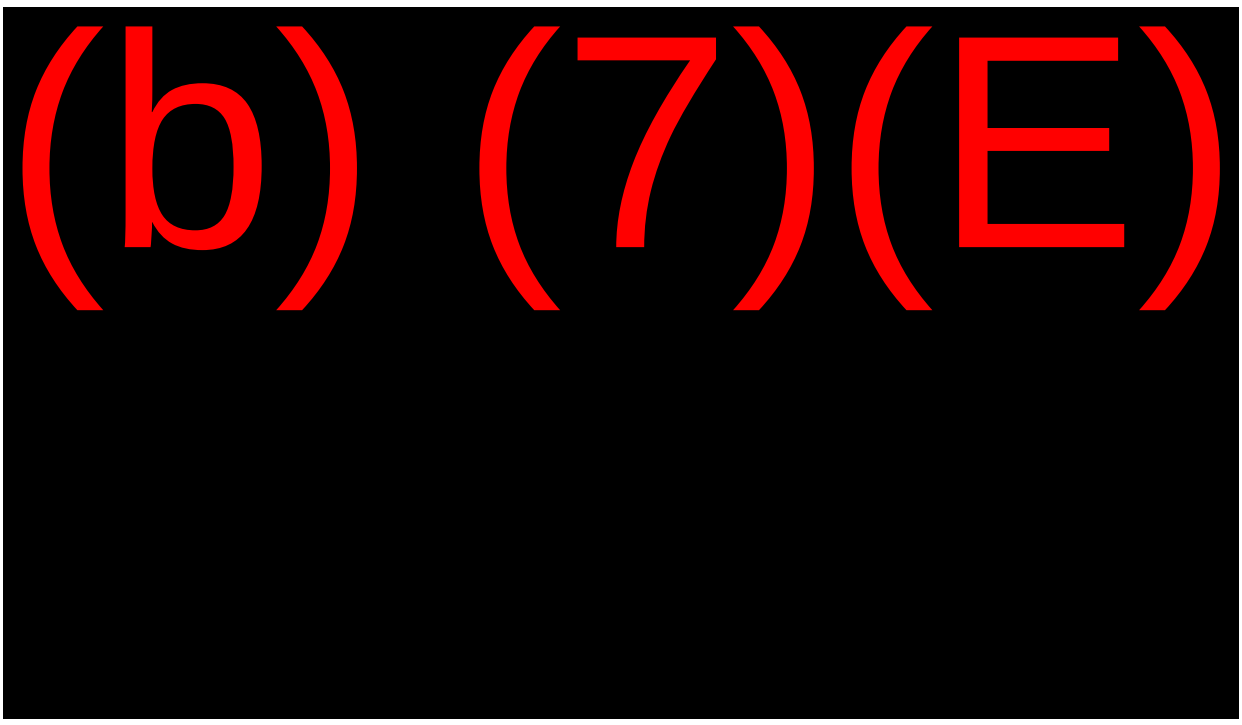
a. Summary

An individual who is now transient or homeless is no longer considered to be in a household and any support and maintenance they receive is disaster assistance and excluded from income.

Following the first of the month rule, members of an eligible couple are treated as eligible individuals, an eligible individual with an ineligible spouse is not considered living in the household with the spouse, and eligible children are no longer considered living in a household with their parents or other custodians.

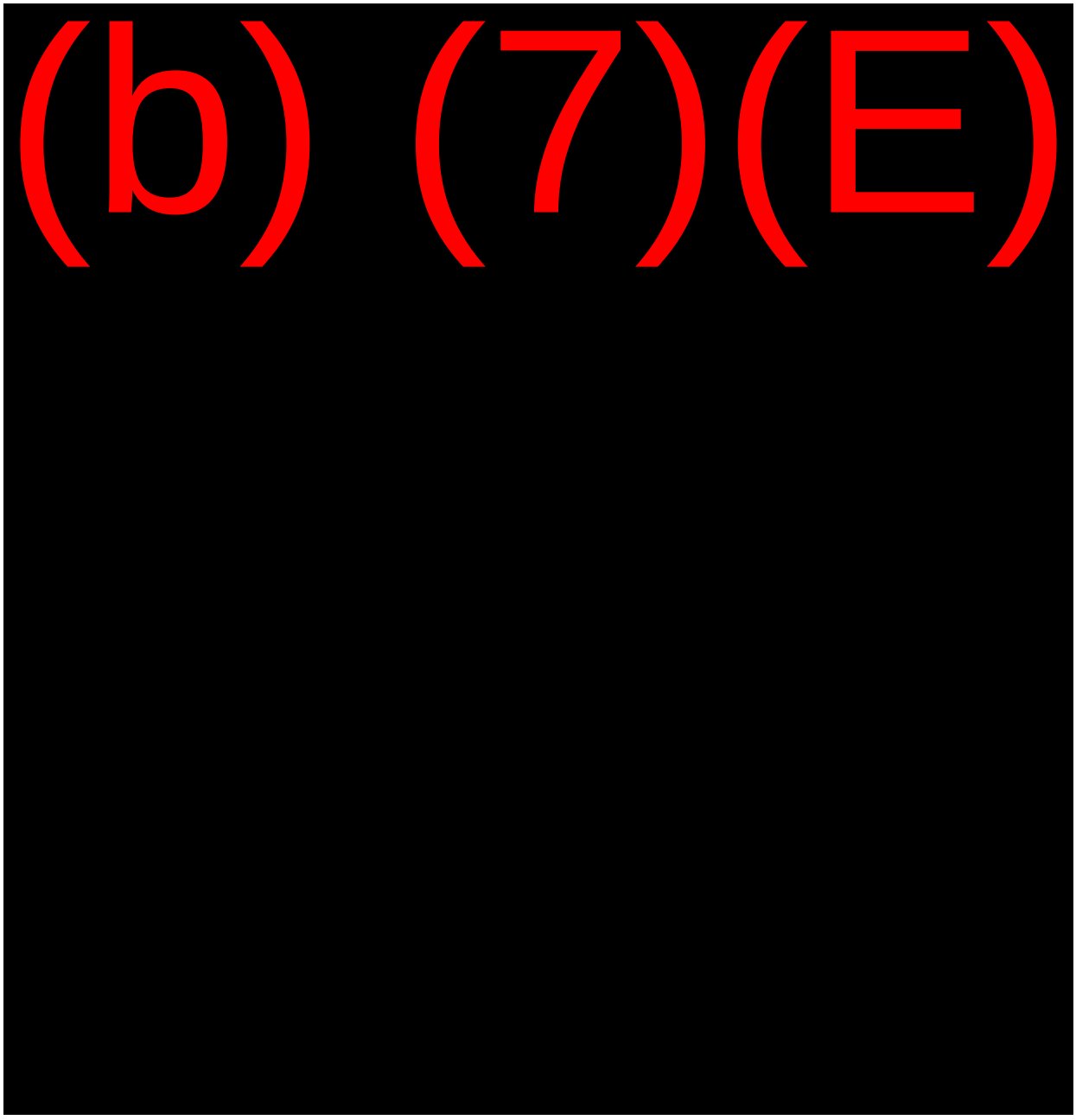
REMINDER : Deeming does not apply when the individual does not live in a household. (See SI 01310.140 for Deeming Concept – Household.)

b. Systems Input and Documentation





- **Accept any documentation** that the individual provides for the living arrangement. If no documentation is available, accept the individual's allegation without further development.



- **Remind beneficiaries** to report future changes in address and living arrangements. Explain that it is very important that they report when they have returned to their permanent residence or they have established a new permanent residence.

4. **Individual Is No Longer Living in an Institution and Currently Has No Permanent Living Arrangement**

    a. **Summary**

    (b) (7)(E) (b) (7)(E) Determine the effective month of the change following normal SSI rules.

    For example, if the individual was discharged, released, or left a medical treatment or penal facility during August 2006, the first month of FLA: A is August 2006. Food and shelter received while in a medical treatment facility is not countable ISM. However, food and shelter received while in a penal facility is countable ISM valued using the PMV rule. The food and shelter received by the eligible individual during an absence from a permanent living arrangement is disaster assistance and is not countable ISM.

    b. **Systems Input and Documentation**

    - Use the appropriate input procedure in SI 00835.050H.2. or SI 00835.050H.3.
    - Accept any documentation that the individual provides for admission, discharge, and release dates and Medicaid (or private insurance if an eligible child) payment of medical services. If, due to the disaster, no documentation is available from the medical or penal facility, accept the individual's allegation.

5. **Individual Is Currently an Inpatient in a Medical Treatment Facility (e.g., Hospital, Nursing Home)**

    a. **Summary**

    Follow normal SSI rules to determine the living arrangement. An evacuee who is staying in a medical treatment facility used specifically as a shelter for evacuees rather than as a medical treatment facility is in FLA: A with no ISM.

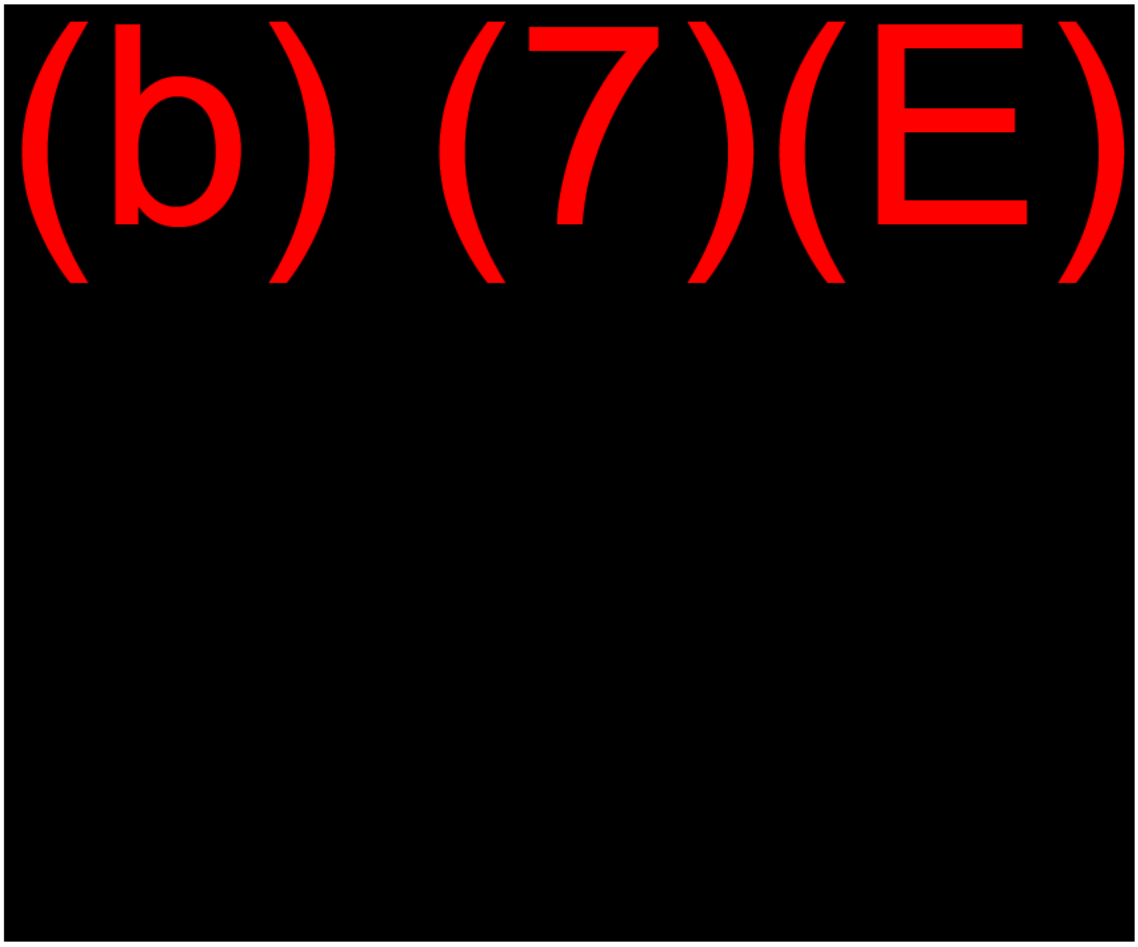
    An evacuee who is receiving medical services in a medical treatment facility could be FLA: D starting the first full calendar month that Medicaid (or

private insurance for an eligible child) is responsible for more than 50 percent of the person's care.

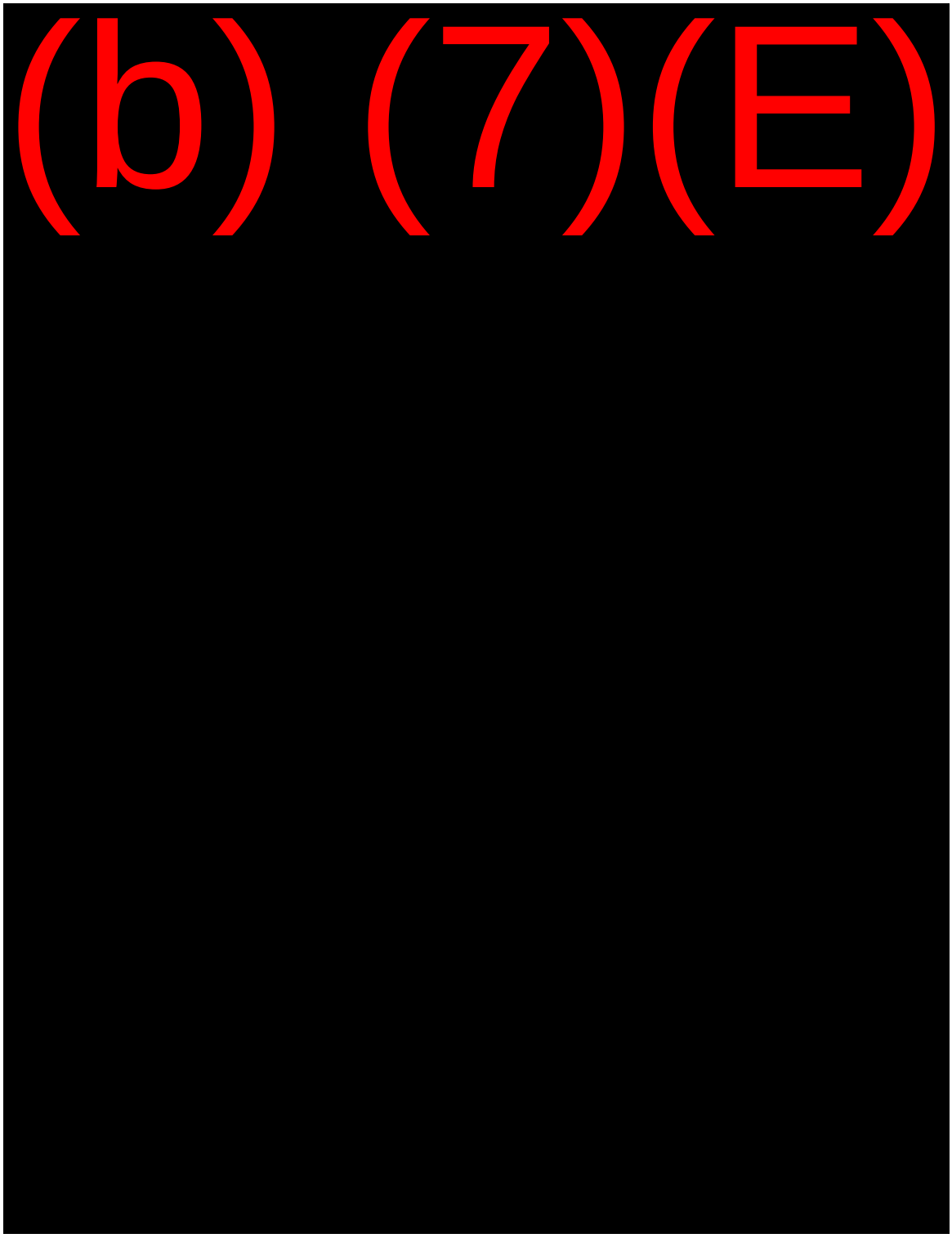
REMINDER: Develop whether the individual is eligible for continuation of benefits based on temporary institutionalization (TI). Develop TI following the instructions in SI 00520.140 .

NOTE : Continuation of benefits can apply even if the "home to which the recipient may return" is not their last permanent living arrangement. This policy recognizes that a victim of a disaster may not be able to return to the same home that had been their permanent living arrangement prior to hospitalization (SI 00520.140B.6.a.).

b. Systems Input and Documentation



- **Accept any documentation** that the individual provides for dates of admission and Medicaid payment of medical services. If no documentation is available from the medical facility, accept the individual's allegation.



- **Remind beneficiaries** to report future changes in address and living arrangements. Explain that it is very important that they report to us when they have returned to their permanent residence or they have decided to establish a new permanent residence.

I. Procedures — Address and/or Living Arrangement Changes When the Individual Returns to, or Establishes, a Permanent Living Arrangement

Use the following instructions to process address and/or living arrangement changes for an individual who returns to their permanent living arrangement or establishes a new permanent living arrangement.

1. **Individual Returns to Permanent Living Arrangement**

   - Accept the individual's statement, without further development, that they have returned to their permanent living arrangement.
   - Process the case following the instructions in SI 00835.050I.4.

2. **Individual Establishes a New Permanent Living Arrangement**

   - Consider the individual's intent to determine whether they have established a new permanent living arrangement.
   - Accept the individual's statement, without further development, that they have established a new permanent living arrangement when they **intend** to remain in the current living arrangement permanently and does not **intend** to return to their prior permanent living arrangement. At this point, the individual has established a new permanent living arrangement.
   - Process the case following the instructions in SI 00835.050I.4.

   NOTE: Instructions to determine the state of residence are in SI 00835.050F.

3. **Individual Undecided if New Living Arrangement Is Permanent**

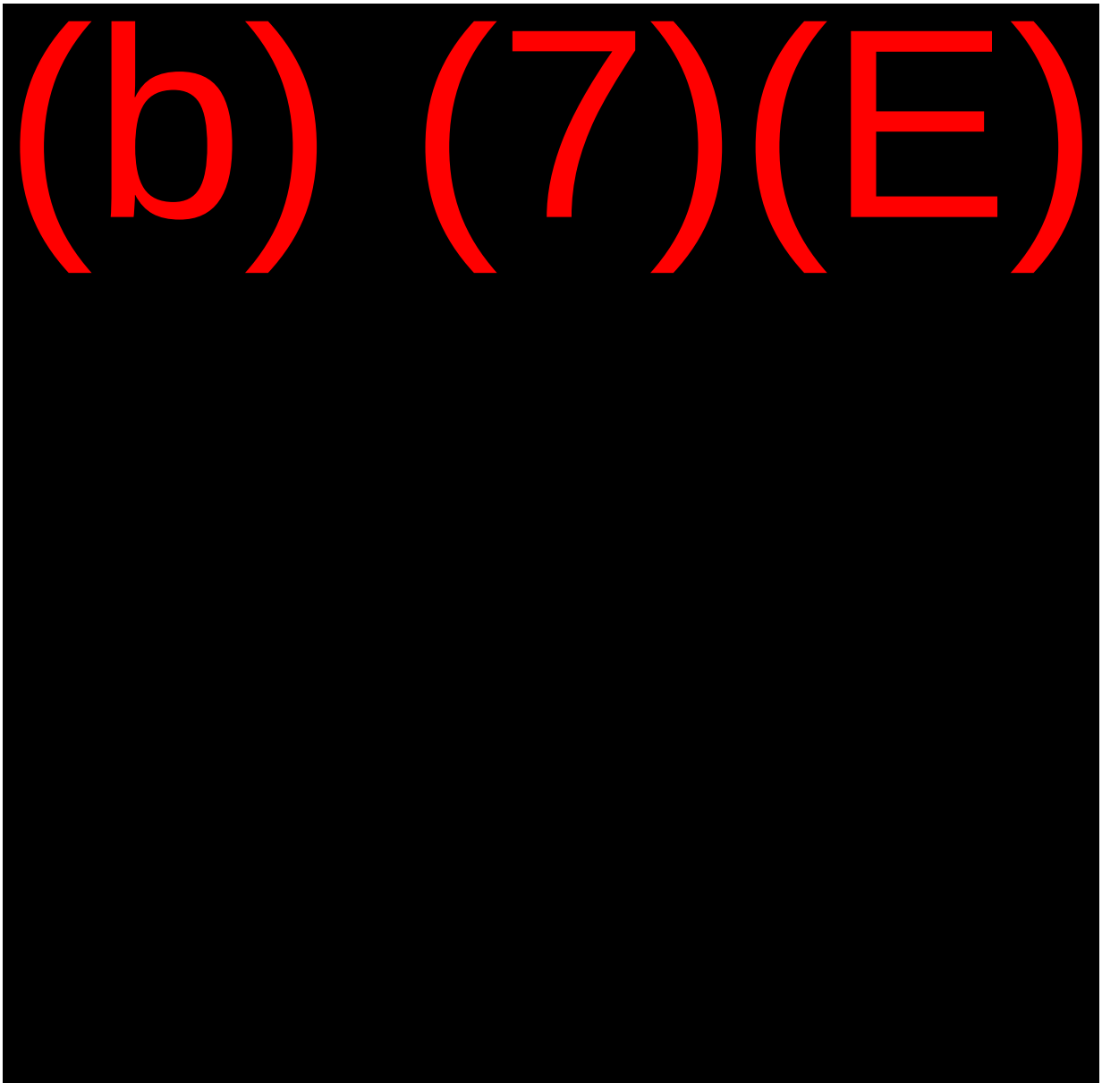
   When an individual is undecided about whether they will remain in the new living arrangement permanently:

   - Assume that an individual has **not** established a new permanent living arrangement.
   - Continue considering the individual to be in a long-term absence.
   - Process the case following the appropriate instructions in SI 00835.050H.

4. **Systems Input and Documentation**



- **Accept any documentation** that the individual provides for the living arrangement (e.g., rental liability, current market value). If no documentation is available, accept the individual's allegation without further development.



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- **Remind beneficiaries** to report future changes in address and living arrangements.

J. References

SI 00830.620 , Disaster Assistance – Presidentially Declared Disaster

SI 00835.001 , Introduction to Living Arrangements and In-Kind Support and Maintenance

SI 01130.620 , Disaster Assistance

SI 01130.630 , Cash and In-Kind Items Received for the Repair or Replacement of Lost, Damaged, or Stolen Excluded Resources

SI 01410.030 , Policy for Determining State and County of Residence

Section History

Prior Versions of Section

Additional Information

Related Instructions

Link to this section:

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