

For Historical Reference Only**Archive Date:** 04/19/2021**Comments:** Replaced with EM-20014 SEN REV2**EM - Emergency Message** **Effective Date:** 07/10/2020**Identification**

Number: EM-20014 SEN REV

Intended Audience: All
RCs/ARCs/ADs/FOs/TSCs/PSCs/OCO/OCO-CSTs/OHO/OARO /WBDOC

Originating Office: ORDP OISP

Title: **Effect of COVID-19-Related Financial Assistance on SSI Income and Resources**

Type: EM - Emergency Messages

Program: Title XVI (SSI)

Link To Reference: See References at the end of this EM

SENSITIVE - NOT TO BE SHARED WITH THE PUBLIC**Retention Date:** July 09, 2021**Summary of Changes:**

This EM replaces a prior version issued on April 17, 2020. The revisions were substantial enough to warrant an entire re-write of the EM, but here is a brief summary of updates from the prior version:

A. Purpose – Expands the purpose of the EM to provide guidance on common types of COVID-19-related assistance payments (not just CARES Act economic impact payments).

B. Background – Provides background information on the new types of assistance payments covered in the EM.

C through I – New subsections that provide policy on the SSI income and resource treatment of each type of assistance payment, as well as procedural instructions for developing and documenting that particular payment.

J. References – Expands the list of relevant POMS references.

A. Purpose

This emergency message (EM) provides guidance on the Supplemental Security Income (SSI) income and resource

treatment of common types of disaster-related assistance individuals may receive due to the COVID-19 pandemic.

B. Background

On March 27, 2020, the President signed into law the “Coronavirus Aid, Relief, and Economic Security Act” (CARES Act), or Public Law 116-136. The CARES Act provides for several types of assistance due to COVID-19, including:

- **Economic Impact Payments (EIPs) (also known as Recovery Rebates)** – Emergency stimulus payments of up to \$1,200 per taxpayer and \$500 for each qualifying child in the household. Some taxpayers may receive less (for example, if their adjusted gross income exceeds certain limits). “Taxpayers” for this purpose also includes Social Security and/or SSI beneficiaries who did not actually pay 2018 or 2019 income taxes (or both).
- **Higher Education Emergency Relief Fund (HEERF) Payments** – Emergency financial aid grants to students for expenses related to the disruption of school operations due to COVID-19.
- **Federal Pandemic Unemployment Compensation (FPUC) Benefits** – Emergency unemployment benefits of \$600 per week for qualifying individuals who are out of work because of the COVID-19 pandemic.
- **Wage and Leave Payments under the Paycheck Protection Program (PPP)** – Small businesses affected by the pandemic are eligible to apply for forgivable PPP loans. These loans may enable employers to sustain payroll expenses for employees who might otherwise face reduced hours, temporary layoff, or job loss. Employees may benefit from their employer’s PPP participation by receiving normal wage payments, paid time off or other leave, and continued health related benefits.
- **Coronavirus Relief Fund for Tribal Governments** - An emergency payment provided to tribal governments navigating the impact of the COVID-19 outbreak. The tribes are responsible for disbursing the funds to tribal members; and using the funds to assist their tribal community with obtaining the critical resources needed to combat the virus.

Other types of COVID-19 assistance that individuals may receive, unrelated to the CARES Act, include:

- **Hazard Duty Pay / Premium Pay / Bonuses** – Some employers are offering pay increases or bonuses to their employees for work performed during COVID-19.
- **Paid Leave under the Families First Coronavirus Response Act (FFCRA)** – Effective April 1, 2020 through December 31, 2020, workers forced to be off work for certain COVID-19-related reasons may receive emergency paid sick leave or emergency paid family and medical leave under the FFCRA.

This EM provides guidance on how to treat these COVID-19-related assistance payments for SSI income and resource purposes.

C. Economic Impact Payments (EIPs) (also known as Recovery Rebates)

1. Policy

For SSI eligibility and payment determinations, EIPs received under the CARES Act do not count as income. Treat EIPs as advanced tax credits, and exclude retained EIP amounts from resources for up to 12 months following the month of receipt.

2. Instructions

Income

Accept the individual's allegation regarding the receipt of any EIPs. Document the allegation in the SSI Claim system (i.e. DROC or Person Statement).

Resources

Develop and exclude the EIP from resources only when an individual alleges receiving and retaining an amount that may affect eligibility.

When development is needed, document the EIP according to the following:

- Accept the individual's allegation regarding any retained EIP amounts. Document the allegation in the

SSI Claim system (i.e. DROC or Person Statement).

- For EIPs retained in financial institution accounts, document the SSI Claim system (i.e. DROC or Person Statement) with the individual's statement as to the date and amount of EIP-related deposits. Take action to exclude retained EIP amounts from the account balance for up to 12 months. When EIPs are commingled with other countable funds in an account, always assume that non-excluded funds are withdrawn first, leaving as much of the excluded funds in the account as possible per [SI 01130.700](#).
- When readily available, bank records reflecting transaction details may also be used to document receipt and retention of EIPs.

Access to Financial Institutions (AFI) Considerations

AFI responses may include EIPs in first of the month balances. When processing initial claims or post entitlement events involving AFI verifications, pay special attention to months in which reported balances contribute to a determination of excess resources. Just as you would screen these months for early-deposited payments, tax returns, or any other excludable funds, you must now also consider retained EIP amounts as a potential exclusion subject to the instructions section above.

D. Higher Education Emergency Relief Fund (HEERF) Payments

1. Policy

For SSI eligibility and payment determinations, HEERF payments received under the CARES Act do not count as income. Retained HEERF amounts are permanently excluded from resources.

2. Instructions

Accept the individual's allegation regarding HEERF assistance received. Document the allegation in the SSI Claim system following instructions in [SI 00830.620D](#).

Develop and exclude the HEERF assistance from resources only when an individual alleges receiving

and retaining an amount that may affect eligibility, following instructions in [SI 01130.620B](#).

E. Federal Pandemic Unemployment Compensation (FPUC) Benefits

1. Policy

For SSI eligibility and payment determinations, FPUC benefits received under the CARES Act count as unearned income. Any FPUC benefit amounts retained into the month following the month of receipt count as a resource.

2. Instructions

Follow existing instructions in [SI 00830.230](#) to document unemployment insurance benefits.

Reminder: Continue to follow the instructions in [EM-20010 SEN REV 5](#) regarding adverse actions.

F. Continued Wage and Leave Payments under the Paycheck Protection Program (PPP)

1. Policy

Wage payments, paid time off or other leave, and continued health related benefits received by employees under the PPP follow normal income policy and are generally considered wages or a continuation of wages. See [SI 00820.005](#) for the treatment of sick pay.

2. Instructions

Follow existing instructions in [SI 00820.135](#), [SI 00820.140](#), and [SI 00820.143](#) to document wage information. Special documentation is not required for wage payments or paid leave attributable to PPP loans.

Reminder: Continue to follow the instructions in [EM-20010 SEN REV 5](#) regarding adverse actions.

G. Coronavirus Relief Fund for Tribal Governments

1. Policy

For SSI eligibility and payment determinations, funds disbursed by tribal governments to tribal members are treated as unearned income, and as a resource in the month following the month of receipt, unless an exclusion applies under current SSI policy.

EXAMPLE: An exclusion may apply when a tribe creates a needs-based program following the requirements within [SI 00830.175](#).

2. Instructions

Follow existing instructions in [SI 00830.010](#) and [SI 00830.005](#) to document the receipt of unearned income.

Reminder: Continue to follow the instructions in [EM-20010 SEN REV 5](#) regarding adverse actions.

H. Hazard Duty Pay / Premium Pay / Bonuses

1. Policy

For SSI eligibility and payment determinations, hazard pay and other premium wage payments due to the pandemic are subject to normal SSI income counting rules and treated as wages. For the treatment of such payments in making SGA determinations, see [AM-20016](#).

2. Instructions

Follow existing instructions in [SI 00820.135](#), [SI 00820.140](#), and [SI 00820.143](#) to document wage information.

Reminder: Continue to follow the instructions in [EM-20010 SEN REV 5](#) regarding adverse actions.

I. Paid Leave under the Families First Coronavirus Response Act (FFCRA)

1. Policy

Emergency sick leave or family leave paid under the FFCRA by the employer or by a third party (i.e. insurance company) based solely on employer's contributions is considered wages.

2. Instructions

Follow existing instructions in [SI 00820.005](#) to document emergency paid sick leave or emergency paid family leave received under the FFCRA.

Reminder: Continue to follow the instructions in [EM-20010 SEN REV 5](#) regarding adverse actions.

J. References

[AM-20016](#) Policies and Procedures for Determining Countable Earnings for Substantial Gainful Activity (SGA) Decisions

[EM-20010 SEN REV 5](#) Disaster Procedures – COVID-19 Pandemic – One Time Instruction

[SI 00820.005](#) Sick Pay

[SI 00820.135](#) Wage Verification and Reported Wages Over \$65 per Month

[SI 00820.140](#) Wage Verification - \$65 or Less

[SI 00820.143](#) Monthly Wage Reporting

[SI 00830.005](#) General Rules for Developing Unearned Income

[SI 00830.010](#) When to Count Unearned Income

[SI 00830.060](#) Federal Tax Refunds and Advanced Tax Credits for SSI Income Purposes

[SI 00830.175](#) Assistance Based on Need (ABON)

[SI 00830.230](#) Unemployment Insurance Benefits

[SI 00830.620](#) Disaster Assistance - Presidentially-Declared Disaster

[SI 01110.001](#) Role of Resources

[SI 01110.100](#) Distinction Between Assets and Resources

[SI 01110.600](#) First-of-the-Month (FOM) Rule for Making Resource Determinations

[SI 01120.005](#) Distinguishing Resources from Income

[SI 01130.620](#) Disaster Assistance

[SI 01130.676](#) Federal Tax Refunds and Advanced Tax Credits for SSI Resources

[SI 01130.700](#) Identifying Excluded Funds That Have Been Commingled With Nonexcluded Funds

[SI 01140.010](#) Resource Verification

[SI 01140.200](#) Checking and Savings Accounts

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Link to this document:

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