April 2021

Updates on COVID-19 Stimulus Payments and Unemployment Benefits; FAQs and overview on its impact on government assistance programs and public benefits eligibility.

1. Federal Stimulus Funds Impact on Benefits Eligibility

The State OTDA and the State Department of Health have clarified that the Federal Pandemic Unemployment Compensation (FPUC) supplement of $300/week as well as the $600 and now $1400 economic impact payments are **excluded** from consideration as income for the purposes of calculating SNAP, Cash Assistance and HEAP benefits, as well as for Medicaid. In addition, any lump sum received under FPUC, if received retroactively, is excluded as income and therefore is not subject to the lump sum provisions for these benefits.

However, the State treats regular State Unemployment Insurance Benefits (UIB) as income in calculating benefits eligibility in the same way that it was treated prior to the pandemic. The exclusion only applies to Federal supplement and stimulus payments.

2. Economic Income Payment (EIP) Exemption Expiring June 2021

The initial $1,200 CARES/Economic Income Payment (EIP) and the second $600 EIP are both excluded as resources for Medicaid and SSI for 12 months from receipt. Many exemption periods for the first $1,200 payment will expire June 2021. If individuals exceed the $2,000 SSI resource limit or the Medicaid resource limit of $15,900, they may lose their benefits. Care managers should be assisting individuals with staying below SSI or Medicaid resource limits.

While these funds are not personal allowance monies, if a person is living in an OPWDD certified residence, the funds can be treated as such. The OPWDD personal allowance manual can be used to assist with spending ideas and restrictions.

3. Will the stimulus payment affect eligibility for Public Assistance, Medicaid, SNAP, or Section 8 benefits (or other?)

- **Medicaid**. The payment does not count as “income” for Medicaid. If you are age 65+, blind, or disabled, it also will not count as a “resource” for 12 months after you receive it. In other words, it will not affect your Medicaid eligibility.
- **SSI and SSD**. SSI will not consider economic impact payments as income for SSI recipients, and the payments are excluded from resources for 12 months.
- **Public Assistance**. Stimulus payments are not counted as income for the purposes of Public Assistance. Receipt of the payment is not subject to the lump sum provisions. The
payment will be excluded as a resource in the month received and the 12 months from the date of receipt. Any remaining funds after that will be counted as a non-exempt resource.

- **SNAP (Food Stamps).** Stimulus payments are not counted as income for the purposes of SNAP. They are an exempt resource in the month received and in the 12 months from the date of receipt. Any remaining funds after that will be counted as a non-exempt resource.

- **VA Benefits.** The economic impact payment does not count as income or assets for VA purposes. It is important that the check be spent within 12 months of receiving it, because any remaining stimulus money will be considered an asset.

- **Section 8.** Because the stimulus payment is not income, it should not affect someone’s Section 8 share.

- **Emergency Assistance.** For Emergency Assistance to Families (EAF), Emergency Safety Net Assistance (ESNA), and Emergency Assistance to Adults (EAA), stimulus checks are not counted as income or as a resource for 12 months from the date of receipt, in determining an individual’s eligibility for emergency assistance, which includes rent arrears grants.

**UPDATES: UNEMPLOYMENT BENEFITS AND THIRD STIMULUS PAYMENT**

1. **COVID-19 Unemployment Benefits Extension 2021**
   - An extension through September 6, 2021 for people already receiving unemployment benefits.
   - Automatic, additional payments of $300 per week until September 6, 2021 to everyone qualified for unemployment benefits.
   - Extension of the Pandemic Unemployment Assistance (PUA) program for self-employed or gig workers

2. **UPDATED RULES IN NEW YORK FOR PARTIAL UNEMPLOYMENT IN EFFECT JANUARY 18, 2021**
   Governor Cuomo announced on January 18, 2021 new measures for the eligibility and payment of partial unemployment benefits. Under this new system, unemployed New Yorkers can work up to seven days per week and still receive some unemployment benefits if they work fewer than 30 hours and earn no more than $504 in gross pay.

   The changes will go into effect for work done on or after Monday, January 18, 2021, which unemployed New Yorkers certify for starting on Sunday, January 24, 2021.

   The new method of calculating partial benefits is outlined below:
   - New Yorkers who work between zero and four hours in a week and earn no more than $504 will receive their full unemployment benefit;
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- New Yorkers who work between four and ten hours in a week and earn no more than $504 will receive 75 percent of their unemployment benefit;
- New Yorkers who work between ten and 20 hours in a week and earn no more than $504 will receive half of their unemployment benefit;
- New Yorkers who work between 20 and 30 hours in a week and earn no more than $504 will receive 25 percent of their unemployment benefit;
- New Yorkers who work over 30 hours in a week, regardless of earnings, will not receive any of their unemployment benefits.

New Yorkers will still be required to submit weekly certifications online or over the phone to receive their benefits each week. Claimants should know that, for the time being, they will still be asked how many “days” they worked in the previous week. Claimants should add up the total number of hours they worked in that previous week and use the following guidelines for reporting “days” worked:

- New Yorkers who work between zero and four hours in a week should report zero days worked
- New Yorkers who work between four and ten hours in a week should report one day worked
- New Yorkers who work between ten and 20 hours in a week should report two days worked
- New Yorkers who work between 20 and 30 hours in a week should report three days worked
- New Yorkers who work over 30 hours in a week should report four days worked

3. Third Economic Impact Payment Eligibility Overview (March 2021)

- Filed a 2020 tax return.
- Filed a 2019 tax return if the 2020 return has not been submitted or processed yet.
- Did not file a 2020 or 2019 tax return but registered for the first Economic Impact Payment using the special Non-Filers portal last year.
- Are federal benefit recipients as of December 31, 2020, who do not usually file a tax return and received Social Security and Railroad Retirement Board benefits, Supplemental Security Income (SSI) and Veteran benefit recipients in 2020. Majority should have already received their 3rd stimulus payments in March.

Payments of $1400 ($2800 for a joint return) are being issued to individuals whose adjusted gross income (AGI) does not exceed:

- $150,000 if married and filing a joint return or if filing as a qualifying widow or widower
Those eligible will automatically receive an Economic Impact Payment of up to $1,400 for individuals or $2,800 for married couples, plus $1,400 for each dependent. **Unlike EIP1 and EIP2, families will get a payment for all their dependents claimed on a tax return, not just their qualifying children under 17.** Payment amounts are reduced for filers with incomes above those levels.

Individuals can use the IRS Get My Payment Tool to track the status of a payment at [irs.gov/getmypayment](http://irs.gov/getmypayment).

**Payment Disbursement**

Payments were disbursed via direct deposit, physical check, or prepaid card. For those receiving government benefits (SSDI, SSI, VA), their payments would have been disbursed in the same way they currently receive benefits.

Individuals and families should have received automatic payments if they:

- Meet the income eligibility and filed a 2019 tax return or registered for the first-round stimulus payment using the IRS Non-Filer Tool; or
- Receive one or more of the federal benefits below and are not required to file a tax return:
  - Veterans Affairs (VA) disability compensation and Pension benefits
  - Social Security Administration (SSA) benefits (includes retirement and Social Security Disability Income (SSDI))
  - Supplemental Security Income (SSI)
  - Railroad Retirement Board (RRB) benefits
  - Survivors’ benefits (VA, SSA, RRB).

**What if a person has not yet received their payment and believe they are eligible?**

Answer: Individuals and families would NOT have received an automatic payment if they did not file a 2019 tax return or did not register for the first-round payment using the IRS Non-Filer Tool. Individuals and families who do not usually file taxes because they are not required to do so, and do not receive SSA, RRB, SSI, or VA Compensation and Pension benefits should file a **2020 tax return by May 17, 2021** and claim the Recovery Rebate Credit.
UPDATES: FAQ SOCIAL SECURITY, INCLUDING DISABILITY, RETIREMENT AND SSI

1. What are the new Supplemental Security Income (SSI) Benefit and Personal Allowance Amounts for 2021 for SSI recipients and those living in a OPWDD certified Residence?

Answer: Effective 1/2021- The new SSI Benefit and Personal Allowance amounts have been distributed on the OPWDD website. Please see below.

2. What happens if a person receives a notice from SSA indicating an increase in SS/SSI benefits due to COLA?

Answer: Cost-Of- Living Adjustment also known as COLA is increased every year in for Social Security and Supplemental Security Income (SSI) benefits keep pace with inflation. COLA for 2021 is 1.3 percent for Social Security benefits and SSI payments. Social Security benefits increased by 1.3 percent which began in December 2020 benefits, which are payable in January 2021. Federal SSI payment levels also increased by 1.3 percent effective for payments made for January 2021. There is no action to be taken once a notice is received.


3. Are Social Security offices remaining closed?

Answer: Social Security offices are still closed to the public and all services are being conducted by phone and online. Individuals who cannot complete their Social Security business online should call their local offices directly. The numbers can be found by zip code on the SSA locator office website: https://secure.ssa.gov/ICON/main.jsp

4. Are Social Security benefits still being disbursed to individuals?

Answer: Yes, all Social Security benefits including SSI, Disability, Retirement etc are continuing to be paid out normally which typically occurs the 3rd of every month. Make sure to keep a copy of your SS award letter for your records.
5. What happens if a person receives a denial of a disability notice from Social Security Administration?

Answer: If they receive a denial of a disability application, they can file for a reconsideration or a hearing request by contacting SSA directly at 1 (800) 772-1213 or calling their local SSA office.

One can also visit the SSA website: [https://www.ssa.gov/forms/ssa-561.html](https://www.ssa.gov/forms/ssa-561.html) to download the paper format of the reconsideration form, where to send it and more information on a hearing request.

6. What happens if a person receives a suspension of benefits or overpayment notice from Social Security Administration?

To Note: Social Security has started to process new suspensions and overpayments collections.

Answer: Should one get a notice that their benefits are currently being terminated or suspended but think they are eligible for benefits, please have them contact SSA by phone to request a consideration or reinstatement of benefits. These cases are still being processed by staff at the local office level.

For SSI recipients who receive a suspension of benefits or overpayment notice from Social Security Administration, the same rules above apply however they should expect to receive a notice from HRA/LDSS, Stenson Application (Former SSI Beneficiary Packet) to re-determine Medicaid eligibility. As per the COVID-19 DOH regulations Stenson Applications for Former SSI Recipients also apply for the automatic renewal extension for medicaid coverage therefore, a Stenson application is not required to be submitted at this time. If medicaid coverage is terminated, please call the NYC HRA Helpline 1-888-692-6116 for reopening of the case or your LDSS office if you reside outside of the NYC region.

7. If a person lives in a nursing home or certified facility, receives SSI, SS benefits and qualified for the EIP/Stimulus payments, does the provider/organization keep the EIP/Stimulus payments?

Answer: The payments are intended for the recipients ONLY, even if a nursing home or other facility or provider receives the person's payment, either directly or indirectly by direct deposit or check. Simply the answer is no. It is important for the individual to discuss this with their representative payee.

8. What if I want to go to a SSA local office to have an in-person hearing?

Answer: SSA is still holding hearings by phone currently, and soon by web video. If you want to have an in-person hearing, you need to let SSA know that you do not want a phone hearing. You can do this by contacting SSA directly or contacting your local SSA office.

Online Resources:
https://www.irs.gov
https://www.nylag.org/covid19/

Any questions please feel free to reach out to,

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