NEW YORK BREAST CANCER LEGAL RESOURCE GUIDE

SSI: Protecting Your Benefits

LEGAL WELLNESS INSTITUTE at THE FAMILY CENTER

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A breast cancer diagnosis can affect your ability to work. If your income and resources (assets) are very low, Supplemental Security Income (SSI) may be available to help you meet basic needs during treatment and recovery.

SSI has strict limits on income and savings, and your eligibility is checked every month. Many people lose their benefits not because they stopped qualifying, but because a form went unanswered or a change went unreported. This guide explains the most common problems, and how to avoid them.

This guide is about SSI. Other Social Security benefits — including Social Security Disability Insurance (SSDI), retirement benefits, and survivors benefits — follow different rules. Many of the rules described here do not apply to those programs. If you are not sure which benefit you receive, your award letter or your local SSA office can tell you.

What is SSI?

SSI is a federal benefit for people who are disabled, blind, or 65 or older, and who have very limited income and savings. It is based on financial need, not on your work history.

In 2026, the maximum federal payment is $994 per month for an individual and $1,491 for a couple. New York adds a State Supplement of $87 per month if you live alone, or $23 per month if you live with others.

To qualify, you must also stay under a strict resource limit: $2,000 if you are single, or $3,000 for a couple. These limits have not changed since 1989.

Your eligibility is reviewed every month. This means you need to pay special attention to staying under the limits and keeping SSA informed when things change.

The dollar amounts in this guide are current as of 2026. Most of them change each year.

Why Do People Lose SSI?

Most people who lose SSI do not lose it because their medical condition improved. They lose it because of paperwork, or because something in their life changed and SSA was not told in time. The rest of this guide covers the most common situations.

What Paperwork Will SSA Send Me?

From time to time, SSA will ask you to confirm your income, your resources, and your medical condition. These reviews are routine, but they have deadlines, and missing one can stop your benefits.

SSA may also schedule a medical appointment for you, called a “consultative examination.” If you are asked to attend one, it is important to go, or to call and reschedule if you cannot make it.

Open every letter you receive from SSA, even when it looks routine, and respond by the date it gives. If a form is confusing or you are not sure what is being asked, your local SSA office can help, and so can a free legal services program.

What Changes Do I Have to Report?

You must tell SSA when something changes, including:

- Your income, including wages, gifts, and other benefits
- Your savings, property, or other resources
- Your address
- Your living arrangement, including who lives with you and who pays for housing
- Whether you start or stop working

REMEMBER: Most changes must be reported by the 10th day of the month after the change. Wages must be reported by the 6th day of the month.

If you do not report a change, SSA will usually find out later. When that happens, SSA may decide it paid you more than you were entitled to and ask you to pay the money back. This is called an overpayment. Unreported changes can also lead to penalties, or to an allegation of fraud.

How Does SSA Check My Information?

When you apply for SSI, you give SSA permission to review your financial records, including accounts you did not tell them about. SSA also compares its records against information from other government agencies and private sources.

If you do not hear from SSA after something changes, it does not mean the change went unnoticed. It often means the issue will surface later — and by then, the overpayment may be much larger.

What if I Want to Work?

Working does not automatically end your benefits.

If you are able to return to work during or after treatment, there are programs designed to let you try. If you receive SSI:

- Not all of your earnings count. Roughly half of your wages are excluded when SSA calculates your payment.
- Section 1619(b) may allow you to keep Medicaid even after your cash benefit stops.
- Ticket to Work and PASS plans can help you work toward a job goal.

Tell SSA when you start or stop working, and keep your pay records.

Can I Keep Money or Property for Someone Else?

No. If money or property is in your name, SSA counts it as yours, even when you are only holding it for someone else.

This may come up after a diagnosis, when friends and family want to help. Keep the following in mind:

- Do not let someone add your name to their bank account, car title, or other property.
- Do not be the person who collects money for a group, such as for a family trip or a funeral.
- If people want to raise money to help with your expenses, talk to an attorney first about how to receive help while protecting your benefits.

Joint accounts are especially risky. If your name is on an account, SSA may assume the money is yours unless you can prove otherwise.

Does Life Insurance Affect My SSI?

It can. Some life insurance policies build a “cash value” — an amount you could borrow against or cash out. SSA counts that cash value as a resource, and it counts toward your $2,000 limit.

There is an exclusion, but it rarely helps. If the combined face value of all the policies you own on your own life is $1,500 or less, the cash value does not count. In practice, policies with a face value that low are very unusual, so for most people with whole life insurance, the cash value will count.

Term life insurance generally does not build cash value, and is not counted when adding up that $1,500.

If you have a life insurance policy and receive SSI, talk to an attorney before making any changes to it.

What if I Receive a Large Sum of Money?

A one-time payment — an inheritance, a legal settlement, or a gift — is called a lump sum.

SSA treats a lump sum as income in the month you receive it, and as a resource in every month afterward. A single payment can therefore affect you twice: once if it puts you over the income limit that month, and again in any later month when your total resources are above $2,000.

Timing matters a great deal here. If you know money may be coming, talk to an attorney before it arrives. There are far more options available beforehand than afterward.

How Can I Protect My Benefits if I Expect Money?

Here are three tools that may help. It is a good idea to talk with a lawyer about which tool(s) might work best for your unique circumstances.

- **Spending down.** Using the money within the same month on things you are allowed to own, or on your own needs. Keep every receipt.
- **An ABLE account.** A special savings account for people whose disability began before a certain age. Starting in 2026, you may be eligible if your disability began before age 46. Up to $20,000 (current as of 2026) can be added to the account each year, and you can hold up to $100,000 in an ABLE account without it counting toward your SSI resource limit.
- **A Supplemental Needs Trust.** A trust that can hold money for your benefit without counting against the limit.

IMPORTANT: Do not give the money away. Transferring money or property for less than it is worth can make you ineligible for SSI for up to three years, even though you no longer have the money.

If you are a breast cancer patient or survivor in NYC and have questions about SSI, or if you have other legal needs, contact the **Legal Wellness Institute** at **718.789.3841 x 150** or **LWI@thefamilycenter.org** to see if you are eligible for legal assistance through the Maite Aquino Program or the Judge Judith Kaye Project.