Legislative Request

Please cosponsor the bipartisan Marriage Access for People with Special Abilities Act (H.R. 1529) to affirm the rights of people with disabilities to have the real choice to live in the community.

- **House**: Representatives may cosponsor by contacting Jennifer Wood Rep. John Katko at jennifer.wood@mail.house.gov or 202-225-3701, or Michael Wertheimer with Rep. Bill Keating (D-MA) at michael.wertheimer@mail.house.gov or 202-225-3111.

- **Senate**: Senators are urged to support the introduction of a companion bill in the Senate.

Background and Summary

Typically, when two people who rely on Social Security Insurance (SSI) get married, they are classified as a couple and their incomes are combined for purposes of calculating benefits, thereby significantly reducing one of the spouses’ benefits or terminating that benefit altogether.

Living with an ID/DD is incredibly expensive, and there are few economies of scale that can come about when two individuals with ID/DD wish to join and create one household. Each has unique personal care needs, medical expenses, job supports and other supportive services that allow them to function independently in their communities. As a result, most adults with ID/DD cannot choose to be married without losing the necessities that allow them to function independently.

The Marriage Access for People with Special Abilities (MAPSA) Act addresses the unique challenges facing individuals with ID/DD who want to get married and who can reasonably be expected to remain on SSI for most of their adult life.

The MAPSA Act clarifies that SSI benefits for an individual with an intellectual or developmental disability (“ID/DD”) will not be affected by marital status. When determining SSI benefits for an individual with ID/DD, only their income and resources will be reviewed, and will not include those of their spouse.

Currently, Title XVI of the Social Security Act states that if “two aged, blind, or disabled individuals are husband and wife...only one of them may be an ‘eligible individual’ for purposes of SSI benefits.” The MAPSA Act amends Title XVI to allow an individual with an ID/DD who marries anyone to have
the spouse’s information disregarded for purposes of calculating benefits. The legislation also specifies that, if two individuals with ID/DDs marry, they would both be considered “eligible individuals” for purposes of determining eligibility for SSI benefits.

Further, the MAPSA Act prohibits the Secretary of Health and Human Services from waiving income and eligibility determination systems for determining eligibility for Medicaid benefits specific to individuals with ID/DD. It also clarifies that individuals with ID/DD will have access to Medicaid benefits if they qualify for SSI benefits, regardless of income or assets.

**Key Messages**

→ Many individuals with intellectual and developmental disabilities want to get married. Like most adults, they fall in love and want to commit to the person that they love and become a family. Unfortunately, the marriage penalty prevents most adults with ID/DD from getting married because it will cause a reduction in crucial benefits that are already hard enough for basic food, shelter, and disability-related expenses.

→ With the rising cost of living expenses every year, the amount of SSI benefits becomes more and more inadequate. SSI beneficiaries with disabilities have the additional cost of disability-related expenses that were not taken fully into account when Congress created SSI legislation.

→ Marriage is a basic civil right. Individuals with disabilities deserve the freedom to secure the legal protections of marriage, build loving families, raise children together, and enjoy everything else that comes with the social and legal institution of marriage.

**Answers to Questions about the Marriage Access for People with Special Abilities Act**

1. **What happens when two individuals receiving benefits marry?**

Many people with disabilities receive SSI benefits if they have worked or have worked but did not accumulate enough work credits to entitle them to enough SSDI to live on that money alone. When a person who receives SSI gets married, they risk losing some or all their benefits, depending on their spouse’s income. Along with SSI benefits, the disabled person might also lose their Medicaid. On average, they will lose 25 percent of their income and 25 percent of their resource or savings limit. Since SSI already puts an individual below the poverty threshold, losing a quarter of that small amount of money can be enough to sink a household.

2. **Why does the legislation only apply to SSI benefits for an individual with an intellectual or developmental disability, rather than all disabilities?**

According to the Census Bureau, there were approximately 2.1 million adults in the United States who had an intellectual or developmental disability (ID/DD) in 2010.¹ Statistics published by the

¹ https://www.census.gov/prod/2012pubs/p70-131.pdf
Institute on Disability/UCED found that, in 2016, employment rates are highest for people with hearing (51.0%) and vision disabilities (41.8%) and lowest for people with self-care (15.6%) and independent living disabilities (16.4%). Therefore, the vast majority of individuals with ID/DD will depend on SSI for the majority of their adult life, and there should be a limited budget impact on the legislation.

3. How does the current marriage issue create a disincentive to work for people with ID/DD?

Most states offer Medicaid entitlement automatically to SSI beneficiaries. However, if one partner in a marriage is willing and able to work, but the other partner is unable to work, the partner that could work might be unable to fulfill her or his potential without risking essential medical services for the spouse. Therefore, the legislation will create an incentive for adults with ID/DD to increase their skills and employment and live more independent lives.

Resources

