



RESOLUTION NO. 200041

Introduced January 23, 2020

Councilmembers Gym, Green, Parker, Brooks, Gauthier and Domb

RESOLUTION

Urging the Social Security Administration (SSA) to withdraw its proposed rule to review disability benefit eligibility every two years, which would put thousands of people in danger of losing their benefits over the next ten years in the City of Philadelphia, and millions of people at risk across the United States, and expressing opposition to the proposed rule as inhumane and contrary to public health.

WHEREAS, The Social Security Disability program has served as an invaluable protection for people with serious life-altering disabilities since its creation. Over 133,000 Philadelphians currently rely on Social Security Disability benefits to afford their basic food, shelter, utilities, and necessities of life, including over 16,000 children. Countless more Philadelphia residents are in need of these benefits or are awaiting review of their application; and

WHEREAS, Under current law, it can take years to qualify for disability benefits according to stringent procedures and rules, with more than sixty percent of applicants initially denied. Even after qualification, people face continuing disability reviews (CDRs), or routine reviews to see if they still meet the disability standard. If medical improvement is expected, SSA will review the claim in six to eighteen months. If medical improvement is deemed possible, SSA will review the claim every three years. If medical improvement is not expected, SSA will review the claim every five to seven years; and

WHEREAS, On November 16, 2019, the Social Security Administration released a Notice of Proposed Rulemaking – a new proposed regulation. The proposed rule would change how often most people receiving Social Security disability benefits would have their disabilities reviewed; and

WHEREAS, Under the proposed rule, SSA would review most people every two years, regardless of the severity or permanency of their disability. SSA plans to conduct an additional 1.1 million full medical reviews over the next ten years, and an additional 1.5 million smaller-scale reviews, over and above their normal CDR reviews; and

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WHEREAS, Altogether, SSA would conduct 19.3 million reviews in the next decade. Disability policy experts calculate that 2.6 million people could be at risk of losing benefits due to this new policy; and

WHEREAS, The proposed rule would disproportionately harm two groups of people: adults nearing retirement age and children. It would also affect people with serious behavioral health conditions, and people who have cancer and HIV; and

WHEREAS, Disturbingly, the SSA relies on a study that terminating SSI benefits of children with disabilities deters other family members from applying for other Social Security benefits to which they are entitled. Apparently targeting children in this way, to harm their family members and caretakers, is unconscionable and contrary to Congressional intent; and

WHEREAS, The CDR process is burdensome and difficult to navigate, with only 5% of people in Pennsylvania having access to legal representation when initially facing these burdensome reviews. People who undergo full medical reviews must fill out extensive paperwork and provide medical evidence. In some cases, they must visit SSA doctors. If they miss a step, their benefits can be cut off for supposed non-cooperation. Throughout the process, the threat of losing needed income hangs over their heads. For people with conditions like anxiety or depression, the process exacerbates existing disabilities. More frequent disability reviews will undoubtedly cause even more harm to these vulnerable individuals; and

WHEREAS, Even worse, SSA regularly does not follow the law for CDRs. In conducting CDRs, SSA is supposed to look at whether people have “medically improved” – a very specific legal standard. Advocates have been complaining to SSA for years that it does not follow its own law for CDRs. More frequent CDRs mean that SSA has more opportunities to disregard the law; and

WHEREAS, SSA has tried to use CDRs to terminate large groups of people once before, with disastrous results. Between 1981 and 1984, SSA undertook mass eligibility reviews of disability benefits recipients with the goal of saving money, and nearly 485,000 recipients were cut off (judges later reinstated about 60% of the recipients). After a massive public outcry, Congress forced SSA to adopt the “medical improvement” standard for CDRs; and

WHEREAS, SSA refuses to say how many people it expects to cut off benefits due to the proposed rule, despite inquiries by advocates and policymakers; and

WHEREAS, SSA plans to conduct 2.6 million more CDRs over the next ten years, and SSA expects to pay people \$2.6 billion fewer in disability benefits as a result. Altogether, 2.6 million people could be at risk of losing benefits. Based on the existing CDR cut-off rate, hundreds of thousands of people will stop receiving disability benefits as a result of this new rule; and

WHEREAS, SSA already struggles to manage its existing caseload. People can wait months to have their initial applications reviewed and years for hearings with judges to plead their cases. During this time, people with serious disabilities are forced to go without urgently-needed funds.

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The proposed rule would push more people into the system, likely slowing it down for everyone; and

WHEREAS, SSA plans to spend an additional \$1.8 billion on administration under the new rule, to provide infrastructure to conduct an additional 2.6 million reviews over ten years. But disability experts doubt whether even that huge increase in federal spending will be enough to prevent new slowdowns in SSA review processes. Additionally, this is a gross misuse of resources that could otherwise be used for real improvements to the system; and

WHEREAS, The proposed rule, if implemented, would cause significant human suffering on the part of Philadelphians who depend on these crucial benefits. It would also impose financial and administrative burden on our City and state governments, ranging from increased shelter demand to need for emergency food and utility resources; and

WHEREAS, Together, our voices must amplify the need to protect people with disabilities and defend the core purpose of our lifesaving Social Security system. The Social Security Administration will accept public comments on the proposed rule change until January 31, 2020; and

WHEREAS, Philadelphia must continue to stand against policies and rules that threaten the health and safety of its residents; now, therefore, be it

RESOLVED, THAT THE COUNCIL OF THE CITY OF PHILADELPHIA, Urges the Social Security Administration to withdraw its proposed rule to review disability benefit eligibility every two years, which would put thousands of people in danger of losing their benefits over the next ten years in the City of Philadelphia, and millions of people at risk across the United States, and expressing opposition to the proposed rule as inhumane and contrary to public health.

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