

9500.1206 PROGRAM DEFINITIONS.

Subpart 1. **Scope.** As used in parts 9500.1200 to 9500.1261, the following terms have the meanings given them.

Subp. 1a. **Actual availability.** "Actual availability," when used in reference to income or property, means that which is in hand or can be readily obtained for current use.

Subp. 2. **Adult child.** "Adult child" means a person aged 18 years or older who resides with at least one parent.

Subp. 3. **Advanced age.** "Advanced age" means the condition that applies to an applicant or recipient who is age 55 or older and whose work history shows a marked deterioration compared to the applicant's or recipient's work history before age 55 as indicated by decreasing occupational status, reduced hours of employment, or decreased periods of employment.

Subp. 4. [Repealed, 32 SR 1437]

Subp. 4a. **Affidavit.** "Affidavit" means a written declaration made under oath before a notary public or other authorized officer.

Subp. 4b. **Appeal.** "Appeal" means a written statement from an applicant or recipient that requests a hearing or expresses dissatisfaction with a county agency decision that can be challenged under Minnesota Statutes, section 256.045 and part 9500.1211, subpart 4.

Subp. 5. **Applicant.** "Applicant" means a person who has submitted an application for general assistance to a county agency and whose application has not been approved, denied, or voluntarily withdrawn.

Subp. 5a. **Application.** "Application" means the action by which a person shows in writing a desire to receive assistance by submitting a signed and dated form prescribed by the commissioner to the county agency.

Subp. 6. **Assistance standard.** "Assistance standard" means the amount established by the commissioner under Minnesota Statutes, section 256D.01, to provide for an assistance unit's basic subsistence needs.

Subp. 6a. **Assistance unit.** "Assistance unit" means a person or group of persons who are applying for or receiving assistance and whose needs are included in the calculation of a general assistance payment.

Subp. 6b. **Authorized representative.** "Authorized representative" means a person who is authorized in writing by an applicant or recipient to act on that applicant's or recipient's behalf in matters involving general assistance or emergency general assistance, including submitting applications, making appeals, and providing or requesting information. An authorized representative may exercise the same rights and responsibilities on behalf of the person being represented as an applicant or recipient.

Subp. 7. [Repealed, 10 SR 2322]

Subp. 7a. **Basic needs.** "Basic needs" means the minimum personal requirements of subsistence and are restricted to:

- A. food;
- B. clothing;
- C. shelter;
- D. utilities; and

E. other items of which the loss, or lack of, is determined by the county agency to pose a direct, immediate threat to the physical health or safety of the applicant or recipient.

Subp. 7b. **Budget month.** "Budget month" means the calendar month from which a county agency uses the income or circumstances of an assistance unit to determine the amount of the assistance payment for the payment month.

Subp. 8. **Commissioner.** "Commissioner" means the commissioner of the Department of Human Services or a designated representative.

Subp. 8a. **Corrective payment.** "Corrective payment" means an assistance payment made to correct an underpayment.

Subp. 9. **Costs or disbursements.** "Costs" or "disbursements" means a qualified provider's actual out-of-pocket expenses incurred for the provision of special services to an applicant or recipient.

Subp. 9a. **Countable income.** "Countable income" means gross income minus allowable exclusions, deductions, and disregards.

Subp. 9b. **County agency.** "County agency" has the meaning given in Minnesota Statutes, section 256D.02, subdivision 12.

Subp. 10. [Repealed, 10 SR 2322]

Subp. 11. **Department.** "Department" means the Department of Human Services.

Subp. 11a. **Developmental disability.** "Developmental disability" means the condition of a person who has demonstrated deficits in adaptive behavior and intellectual functioning which is two or more standard deviations below the mean of a professionally recognized standardized test and the condition severely limits the person in obtaining, performing, or maintaining suitable employment.

Subp. 12. **Director of the county agency.** "Director of the county agency" means the director of the county agency or the director's designated representative.

Subp. 12a. **Diversionsary work program or DWP.** "Diversionsary work program" or "DWP" has the meaning given in Minnesota Statutes, section 256J.95.

Subp. 12b. **Documentation.** "Documentation" means a written statement or record that substantiates or validates an assertion made by a person or an action taken by a county agency.

Subp. 12c. **Earned income.** "Earned income" means compensation from lawful employment or lawful self-employment, including salaries, wages, tips, gratuities, commissions, earnings from self-employment, incentive payments from work or training programs, payments made by an employer for regularly accrued vacation or sick leave, earnings under title I of the Elementary and Secondary Education Act, employee bonuses and profit sharing, jury duty pay, picket duty pay, and profit from other lawful activities which accrues as a result of the individual's effort or labor. Earned income does not include returns from capital investment or benefits that accrue as compensation for lack of employment.

Subp. 12d. **Earned income tax credit.** "Earned income tax credit" means the payment that can be obtained by a qualified low-income person from an employer or from the United States Internal Revenue Service under United States Code, title 26, section 32.

Subp. 12e. **Emergency.** "Emergency" means a situation that causes or threatens to cause a lack of a basic need item when there are insufficient resources to provide for that need.

Subp. 12f. **Encumbrance.** "Encumbrance" means a legal claim against real or personal property that is payable upon the sale of that property.

Subp. 12g. [Repealed, 32 SR 1437]

Subp. 12g. **Equity value.** "Equity value" means the amount of equity in real or personal property owned by a person. Equity value is determined by subtracting any outstanding encumbrances from the fair market value of the real or personal property.

Subp. 12h. **Fair hearing or hearing.** "Fair hearing" or "hearing" means the department evidentiary hearing conducted by an appeals referee to resolve the issues specified in part 9500.1211, subpart 4.

Subp. 12i. [Repealed, 32 SR 1437]

Subp. 12j. [Repealed, 32 SR 1437]

Subp. 12k. **Federal Insurance Contributions Act or FICA.** "Federal Insurance Contributions Act" or "FICA" means the federal law under United States Code, title 26, sections 3101 to 3126, that requires withholding or direct payment of income to the federal government.

Subp. 13. [Repealed, 32 SR 1437]

Subp. 13a. **Filing unit.** "Filing unit" means a person or persons who reside together and whose income and value of resources must be used to determine the eligibility and benefit level of an assistance unit. The filing unit must include:

- A. the applicant;
- B. the applicant's spouse;

C. the applicant's family; and

D. the natural or adoptive parents of a single adult applicant or recipient and the minor children of those parents.

Subp. 14. **Full-time student.** "Full-time student" means a person who is enrolled in a graded or ungraded primary, intermediate, secondary, commissioner of education-selected high school equivalency preparatory, trade, technical, vocational, or postsecondary school, and who meets the school's standard for full-time attendance.

Subp. 14a. **General assistance.** "General assistance" means the program authorized under Minnesota Statutes, sections 256D.01 to 256D.21 and parts 9500.1200 to 9500.1272.

Subp. 15. **Good cause.** "Good cause" means a reason for taking an action or failing to take an action that is reasonable and justified when viewed in the context of surrounding circumstances including: illness of the person, illness of another family member that requires the applicant's or recipient's presence, a family emergency, the inability to obtain transportation or adequate child care, or a conflicting obligation which has been determined by the county agency to be reasonable or justified.

Subp. 15a. **Gross income.** "Gross income" means the total amount of cash or in-kind payment or benefit, whether earned or unearned, before any withholdings, deductions, or disregards, paid to, or for the benefit of, a person, including income specified in Minnesota Statutes, section 256D.02, subdivision 8. Gross income does not include personal property previously established as a resource, subject to the limitations under part 9500.1221.

Subp. 15b. **Gross receipts.** "Gross receipts" means the money received by a self-employed person before the expenses of self-employment are deducted.

Subp. 15c. **Homestead.** "Homestead" means the house owned and occupied by a member of the filing unit as the member's dwelling place together with all contiguous land on which the house is situated and other appurtenant structures.

Subp. 15d. **Household report form.** "Household report form" means a form prescribed by the commissioner on which a recipient reports information to a county agency about income and other circumstances.

Subp. 16. [Repealed, 32 SR 1437]

Subp. 16a. **In-kind income.** "In-kind income" means income, benefits, or payments that are provided in a form other than money or liquid assets, and which the applicant or recipient cannot legally require to be paid in cash to the applicant or recipient, including goods, produce, services, privileges, or third-party payments made on behalf of a person for whom the income is intended.

Subp. 17. **Interim assistance.** "Interim assistance" means the total amount of general assistance and housing support provided for a recipient to cover the period for which a payment of another maintenance benefit is made. The amount of general assistance and GRH considered interim assistance is limited to the total amount the monthly payments for the assistance unit would have

been reduced if the other maintenance benefits had been paid at the time of their accrual. The interim assistance period begins with the month of application for general assistance or GRH or the first month of eligibility for the other maintenance benefits, whichever is later.

Subp. 18. **Interim assistance agreement.** "Interim assistance agreement" means the agreement in which the general assistance applicant or recipient agrees to reimburse the county agency for the amount of general assistance or housing support provided during the period when eligibility for another maintenance benefit program is being determined. The agreement must require reimbursement to the county agency only when the general assistance applicant or recipient is found eligible for another maintenance benefit program and the initial payment of those other maintenance benefits has been made.

Subp. 18a. **Job Training Partnership Act.** "Job Training Partnership Act" means the Job Training Partnership Act authorized under Public Law 97-300 and its successor programs.

Subp. 18b. **Legal custodian.** "Legal custodian" means a person who has been granted legal custody of a minor child by a court; or, if assistance is being requested for the minor child, a person who is defined as an eligible relative caretaker of the minor child under MFIP requirements in Minnesota Statutes, section 256J.08, subdivision 11.

Subp. 18c. **Liquid assets or liquid resources.** "Liquid assets" or "liquid resources" means personal property in the form of cash or other financial instruments that are readily convertible to cash.

Subp. 18d. **Liquidate.** "Liquidate" means to convert real or personal property into cash or other financial instruments that are readily convertible to cash. The conversion can be by sale or by borrowing using the nonliquid real or personal property as security for a loan.

Subp. 19. [Repealed, 15 SR 1842]

Subp. 19a. **Local labor market.** "Local labor market" means the geographic area in which a registrant can reasonably be expected to search for suitable employment. The geographic area must be limited to an area within two hours' round trip of the registrant's residence, exclusive of time needed to transport the registrant's children to and from child care.

Subp. 19b. **Lump sum.** "Lump sum" means nonrecurring income that is not excluded in part 9500.1223.

Subp. 19c. [Repealed, 32 SR 1437]

Subp. 20. [Repealed, L 2005 c 159 art 5 s 12]

Subp. 20a. [Repealed, 32 SR 1437]

Subp. 21. **Mental illness.** "Mental illness" means the condition of a person who has a psychological disorder resulting in behavior that severely limits the person in obtaining, performing, or maintaining suitable employment.

Subp. 22. [Renumbered subp 11a]

Subp. 22a. **Minnesota family investment program or MFIP.** "Minnesota family investment program" or "MFIP" means the assistance program authorized in Minnesota Statutes, chapter 256J.

Subp. 22b. **Minnesota supplemental aid or MSA.** "Minnesota supplemental aid" or "MSA" means the program established under Minnesota Statutes, sections 256D.33 to 256D.54.

Subp. 23. **Minor child.** "Minor child" means a person who is under the age of 18; or if age 18, who is a member of a family assistance unit and who is enrolled as a full-time student in an accredited high school and who is expected to graduate by age 19.

Subp. 23a. **Month.** "Month" means a calendar month.

Subp. 24. **Negotiated rate.** "Negotiated rate" means the amount a county agency will pay on behalf of recipients living in a room and board, boarding care, supervised living, or adult foster care arrangement.

Subp. 24a. **Nonrecurring income.** "Nonrecurring income" means a form of income that is:

- A. received only one time or is not of a continuous nature; or
- B. received in a prospective payment month but is no longer received in the corresponding retrospective payment month.

Subp. 24b. **Occupational or vocational literacy program.** "Occupational or vocational literacy program" means a program providing literacy training which emphasizes specific language and reading skills needed to perform in employment, complete employment training programs, or complete work readiness programs.

Subp. 25. **Other maintenance benefits.** "Other maintenance benefits" means any of the following:

- A. workers' compensation benefits as provided by Minnesota Statutes, chapter 176 and rules adopted thereunder;
- B. unemployment compensation benefits as provided by Minnesota Statutes, sections 268.07 to 268.23 and rules adopted thereunder;
- C. railroad retirement benefits as provided by United States Code, title 45, sections 231 to 231s;
- D. veteran's disability benefits as provided by United States Code, title 38, sections 301 to 363;
- E. any benefits provided by the Social Security Administration under United States Code, title 42; or
- F. other sources identified by the county agency that provide periodic payments that can be used to meet basic needs and that, if received, would reduce or eliminate the need for general assistance.

Subp. 25a. **Overpayment.** "Overpayment" means that portion of an assistance payment which is greater than the amount for which an assistance unit is eligible, resulting from a calculation error, a client reporting error, a misapplication of existing program requirements by a county agency, or changes in payment eligibility that cannot be affected due to notification requirements.

Subp. 25b. **Parent.** "Parent" means a child's biological or adoptive parent who is legally obligated to support that child.

Subp. 25c. **Participation in a literacy program.** "Participation in a literacy program" means to receive instruction and complete assignments as part of a literacy program in accordance with the schedule or plan established by the literacy training program provider.

Subp. 25d. **Payment month.** "Payment month" means the calendar month for which the county agency issues an assistance payment.

Subp. 25e. **Permanent employment.** "Permanent employment" means suitable employment that is not, by description, of limited duration.

Subp. 25f. **Personal property.** "Personal property" means an item of value that is not real property. Personal property includes, but is not limited to, the value of a contract for deed held by a seller, assets held in trust on behalf of members of an assistance unit, cash surrender value of life insurance, value of a prepaid burial, savings account, value of stocks and bonds, and value of retirement accounts less any costs and penalties for early withdrawal.

Subp. 26. **Potentially eligible.** "Potentially eligible" means that the county agency has determined that the applicant or recipient shows circumstances which appear to meet the eligibility requirements of another maintenance benefit program.

Subp. 26a. [Repealed, 32 SR 1437]

Subp. 26b. **Probable fraud.** "Probable fraud" means the level of evidence that, if proven as fact, will establish that assistance has been wrongfully obtained.

Subp. 26c. **Prospective budgeting.** "Prospective budgeting" means a method of determining the amount of assistance in which the budget month and payment month are the same.

Subp. 26d. [Repealed, L 2005 c 159 art 5 s 12]

Subp. 27. [Repealed, L 2005 c 159 art 5 s 12]

Subp. 28. [Repealed, 10 SR 2322]

Subp. 28a. **Real property.** "Real property" means the land itself and all buildings, structures, and improvements, or other fixtures on it, belonging or appertaining to the land, and all mines, minerals, fossils, and trees on or under it.

Subp. 28b. **Reasonable compensation.** "Reasonable compensation" means the value received in exchange for property transferred to another owner which equals or exceeds the seller's equity in the property, reduced by costs incurred in the sale.

Subp. 28c. **Recipient.** "Recipient" means an individual currently receiving, or suspended for one month from receiving, general assistance. Recipient includes any person whose needs are included in the payment to an assistance unit.

Subp. 28d. **Redetermination of eligibility.** "Redetermination of eligibility" means the process by which information is collected periodically by a county agency and used to determine a recipient's continued eligibility for assistance.

Subp. 28e. **Reside with.** "Reside with" means to share living quarters such as living rooms, bedrooms, or kitchens. Entrances, laundry rooms, and bathrooms are not considered living quarters.

Subp. 29. **Responsible relative.** "Responsible relative" means the spouse of an applicant or recipient, the parent of an applicant's or recipient's minor child if residing together as a family, the parent of a minor child who is an applicant or recipient, or the parent of an adult child who resides with the parent and is an applicant or recipient.

Subp. 29a. **Retrospective budgeting.** "Retrospective budgeting" means a method of determining the amount of assistance an assistance unit will receive in which the payment month is the second month after the budget month.

Subp. 29b. **Social services.** "Social services" means the services included in a county's community social services plan which are administered by the county board.

Subp. 30. **SSI or Supplementary Security Income.** "SSI" or "Supplementary Security Income" means the Supplemental Security Income program administered by the Social Security Administration under United States Code, title 42, sections 1381 to 1383c.

Subp. 31. [Repealed, 15 SR 1842]

Subp. 32. **Suitable employment.** "Suitable employment" means a job within the local labor market that:

- A. meets existing health and safety standards set by federal, state, or local regulations;
- B. is within the physical and mental ability of a person;
- C. provides a gross weekly income equal to the federal or state minimum wage applicable to the job for 40 hours per week, or a monthly income which, after allowable exclusions, deductions, and disregards would exceed the standard of assistance for the assistance unit, whichever is less; and
- D. includes employment offered through the Job Training Partnership Act, Minnesota Employment and Economic Development Act, and other employment and training options, but does not include temporary day labor.

Subp. 32a. [Repealed, 32 SR 1437]

Subp. 32b. **Underpayment.** "Underpayment" means an assistance payment, resulting from a calculation error, a client reporting error, or a misapplication of program requirements by a county agency, which is less than the amount for which an assistance unit is eligible.

Subp. 32c. **Unearned income.** "Unearned income" means income received by a person which does not meet the definition of earned income. Unearned income includes interest, dividends, unemployment compensation, disability insurance payments, veterans benefits, pension payments, return on capital investments, insurance payments or settlements, and severance payments.

Subp. 32d. **Vendor.** "Vendor" means a provider of goods or services.

Subp. 32e. **Vendor payment.** "Vendor payment" means a payment made by a county agency directly to a vendor.

Subp. 32f. **Verification.** "Verification" means the process a county agency must use to establish the accuracy or completeness of information from an applicant, recipient, third-party, or other source as that information relates to an assistance unit's eligibility for general assistance or the amount of a monthly assistance payment.

Subp. 33. **Vocational specialist.** "Vocational specialist" means a counselor of the Department of Employment and Economic Development or Division of Vocational Rehabilitation, or another similarly qualified person who advises persons about occupational goals and employment.

Statutory Authority: *MS s 14.388; 256.05; 256D.01; 256D.04; 256D.051; 256D.052; 256D.05; 256D.06; 256D.08; 256D.09; 256D.101; 256D.10; 256D.111*

History: *9 SR 593; 10 SR 1715; 11 SR 134; 13 SR 1688; 13 SR 1735; 15 SR 1842; L 1994 c 483 s 1; L 2003 1Sp14 art 11 s 11; L 2005 c 56 s 2; L 2005 c 112 art 2 s 41; L 2005 c 159 art 5 s 12; L 2006 c 212 art 1 s 25; 32 SR 1437; L 2017 1Sp5 art 10 s 7*

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