

**9500.1223 EXCLUDED INCOME.**

Subpart 1. **Evaluation of income.** The county agency must determine income available to members of an assistance unit to determine program eligibility and the assistance amount. Income available to members of an assistance unit includes all nonexcluded income whether received by assistance unit members or filing unit members who are not members of the assistance unit when that income is deemed available to members of the assistance unit.

Subp. 2. **Excluded income of all filing unit members.** The county agency shall exclude items A to AA from the income of all filing unit members:

- A. food stamps or food support;
- B. United States Department of Housing and Urban Development (HUD) refunds or rebates for excess rents charged and HUD relocation and rehabilitation funds;
- C. rental security deposit refunds to the client whether paid by the client or by emergency assistance or emergency general assistance;
- D. benefits under title IV and title VII of the Older Americans Act of 1965;
- E. all Volunteers in Service to America (VISTA) payments;
- F. title I loans or grants through the Minnesota Housing Finance Agency;
- G. payments for basic care, difficulty of care, and clothing allowance received for providing family foster care under parts 9545.0010 to 9545.0260 or adult foster care under parts 9555.5105 to 9555.6265;
- H. work and training allowances received from county agency social services programs that are not classified as wages subject to FICA withholding;
- I. reimbursement for employment training received through the Job Training Partnership Act;
- J. reimbursement for out-of-pocket expenses incurred while performing volunteer services, jury duty, or employment;
- K. loans, whether from private, public, or governmental lending institutions, governmental agencies, and private individuals provided the filing unit member documents that the lender expects repayment. This exclusion does not include education loans on which payment is deferred;
- L. state and federal income tax refunds including Minnesota property tax refunds and the earned income tax credit;
- M. funds received for reimbursement, replacement, or rebate of personal or real property when these payments are made from public agencies, awarded by a court, solicited

through public appeal, or made as a grant by a federal agency subsequent to a presidential declaration of disaster;

N. payments issued by insurance companies which are specifically designated as compensation to a member of an assistance unit for partial or total permanent loss of function or body part or insurance payments specified under Minnesota Statutes, section 256.74, subdivision 1, clause (7);

O. reimbursements for medical expenses which cannot be paid by medical assistance;

P. payments by the vocational rehabilitation program administered by the state under Minnesota Statutes, chapter 129A, except those payments that are for current living expenses;

Q. in kind income, as defined in part 9500.1206, subpart 16a, except for payments made for room, board, tuition, or fees by a parent on behalf of a single adult applicant who is enrolled as a full-time student in a postsecondary institution;

R. assistance payments to correct underpayments in a previous month;

S. payments to an applicant or recipient issued under part 9500.1261, 9500.2800, or 9500.2820 for emergency or special needs; however, an initial month's grant may be reduced by the amount of emergency assistance issued to cover that month's needs;

T. nonrecurring cash gifts, such as those received for holidays, birthdays, and graduations, not to exceed \$30 per filing unit member in a calendar quarter;

U. tribal settlements excluded under Code of Federal Regulations, title 45, section 233.20(a)(4)(ii)(e), (k), and (m);

V. any form of energy assistance payment made by the Low Income Home Energy Assistance Program, payments made directly to energy providers by other public and private agencies, benefits issued by energy providers when the Minnesota Department of Employment and Economic Development determines that those payments qualify under Code of Federal Regulations, title 45, section 233.53, and any form of credit or rebate payment issued by energy providers;

W. the first \$50 of child support received;

X. proceeds from the sale of real or personal property;

Y. payments made from state funds for subsidized adoptions under Minnesota Statutes, section 259.67;

Z. interest payments and dividends from property that is not excluded from and does not exceed the \$1,000 limit under part 9500.1221, subpart 2; and

AA. income that is otherwise specifically excluded from MFIP consideration in federal law, state law, or federal regulation.

Subp. 3. **Additional income exclusions, filing unit member who is not a member of assistance unit.** In addition to the income exclusions in subpart 2, the county agency shall exclude the following income of a filing unit member who is not a member of the assistance unit:

A. income that was excluded, disregarded, or allocated in the calculation of a public assistance grant unless the allocation was to meet the needs of persons in the general assistance unit;

B. benefits from the Retirement, Survivors, and Disability Insurance program and any income based on a disability that is received by the parent or parents of a single adult applicant or recipient;

C. income of a stepparent or of a sibling of a single adult applicant or recipient;

D. an amount equal to the standards assigned to filing unit members who are not in the general assistance unit in part 9500.1231, subpart 6, item A; and

E. child support, spousal support, or other payments to meet the needs of a person who lives outside of the household who is or could be claimed as a dependent for federal personal income tax liability or for whom payment is required by court order.

Subp. 4. [Repealed, 32 SR 1437]

Subp. 5. **Additional income exclusions, assistance unit consisting of individuals who are not members of a family.** In addition to the income exclusions in subpart 2, the county agency shall exclude the following costs from the income of filing unit members when the assistance unit consists of individuals who are not members of a family:

A. the first \$50 of earned income for each individual who receives earned income;

B. the cost of transportation to and from employment which is not reimbursed, based on the lesser of the actual cost, or the amount allowed for the use of a personal car in the United States Internal Revenue Code for a maximum of 100 miles per day;

C. a meal allowance of \$2 for each day that the individual has a break for a meal during work hours and eats a meal at work, unless the individual can establish that higher costs are both necessary and reasonable;

D. the cost incurred by an applicant or paid by a recipient for uniforms, tools, and equipment which are necessary to accept or retain a job;

E. mandatory payments or deductions from pay for insurance premiums, union dues, association dues, retirement contributions, FICA, state and federal personal income tax withholding, not to exceed the amount specified in the state or federal tax withholding

tables for an individual with the same income and number of dependents as the applicant or recipient;

F. other work expenses required for employment and approved by the county agency;

G. stipends received from the displaced homemaker services program; and

H. in addition to the \$50 specified in item A, up to \$150 per month from the earnings of a resident of a facility licensed under parts 9520.0500 to 9520.0690 or a resident of a supervised apartment with services funded under parts 9535.0100 to 9535.1600 for whom discharge and work are part of a treatment plan, provided that the disregarded sum is placed in a separate savings account by the resident.

**Statutory Authority:** *MS s 14.388; 256D.01; 256D.04; 256D.051; 256D.06; 256D.08; 256D.09; 256D.111*

**History:** *15 SR 1842; L 1994 c 483 s 1; L 1994 c 631 s 31; L 2003 1Sp14 art 1 s 106; L 2005 c 112 art 2 s 41; L 2006 c 212 art 1 s 25; 32 SR 1437*

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