

## INCOME

### LIF DISREGARDS

*FEDERAL RELOCATION ASSISTANCE* - Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

*FOSTER PARENT PAYMENTS* - Payments received for a child boarded out in the home of a recipient by an agency or a relative of the child.

*FOOD STAMPS* - The value of food stamps.

*FREE MEALS* - The value of free meals, other than school meals, except when more than one meal a day is furnished or when the A/R receives an allowance for meals away from home.

*GARDEN PRODUCE OR LIVESTOCK* - The value of produce from a garden or livestock when used exclusively by the A/R and members of his/her household.

*GI BILL DEDUCTION* - That portion of a military person's pay which is deducted by mandate to help fund the GI Bill.

*HOUSING AND URBAN DEVELOPMENT (HUD) COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS;*

***INCOME TAX REFUNDS – Any income tax refund received by an A/R is disregarded in the month received and considered an exempt resource in the following month.***

*INDIVIDUAL DEVELOPMENT ACCOUNTS* – These accounts are trusts which allow recipients to set aside funds, outside of the resource limits, for the purposes of post-secondary education at an eligible educational institution, first home purchases and business capitalization.

Eligible educational institution means:

- (a) an institution described in section 481(a)(1) or 1201(a) of the Higher Education Act of 1965 as such sections were in effect on August 26, 1996; or

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- (b) an area vocational education school as defined in subparagraph (C) or (D) section 521(4) of the Carl D. Perkins Vocational and Applied Technology Education Act as such sections were in effect on August 26, 1996.

Post-secondary educational expenses means:

- (a) tuition and fees required for the enrollment or attendance of a student of an eligible education institution; or
- (b) fees, books, supplies, and equipment required for courses of instruction at an eligible education institution.

Qualified acquisition costs means the cost of acquiring, construction, or reconstructing a residence. The term includes any usual or reasonable settlement, financing or other closing cost.

Qualified business means any business that does not contravene any law or public policy.

Qualified business capitalization expenses are qualified expenditures for the capitalization of a qualified business pursuant to a qualified plan.

Qualified expenditures are expenditures included in a qualified plan, including capital, plant, equipment, working capital, and inventory expenses.

Qualified first-time homebuyer is a taxpayer (and, if married, the taxpayer's spouse) who has no present ownership interest in a principal residence during the 3-year period ending on the date of acquisition of the principal residence.

Date of acquisition means the date of entry into a binding contract to acquire, construct, or reconstruct the principal residence.

Qualified plan means a business plan which:

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- (a) is approved by a financial institution, or by a nonprofit loan fund having demonstrated fiduciary integrity; and
- (b) includes a description of services or goods to be sold, a marketing plan, and projected financial statements; and
- (c) may require the individual to obtain the assistance of an experienced entrepreneurial advisor.

Qualified principal residence is a principal residence (within the meaning of Section 1034 of the Internal Revenue Code of 1986), the qualified acquisition costs of which do not exceed 100% of the area purchase price applicable to such residence (determined in accordance with paragraphs (2) and (3) of section 143 (e) of the Internal Revenue Code).

*INSURANCE PAYMENTS* - Moneys from insurance payments for the purpose of repairing or replacing a disregarded resource, which was lost, damaged or stolen, are disregarded. Any interest received from such payments is also disregarded. If the A/R uses the insurance money to purchase a countable resource, the value of the countable resource is considered immediately.

*JOB CORPS* - Money received by a family based on the enrollment of a child in the Job Corps;

*JOB TRAINING PARTNERSHIP ACT (JTPA)* - Income (earned or unearned) derived through participation in a program carried out under the JTPA and paid to a dependent minor. Earned income is disregarded for only one six month period per calendar year. Further discussion of JTPA payments can be found in the Public Assistance Source Book.

Payments for supportive services paid under JTPA to any A/R to defray costs attributable to training such as transportation, meals, childcare, etc.

*NATIVE AMERICAN PAYMENTS* -

Seneca Nation Settlement Act payments made by the State and Federal governments, under P.L. 101-503, to the Seneca Nation.

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Distribution to Native Americans of funds appropriated in satisfaction of judgments of the Indian Claims Commission or the United States Court of Federal Claims. This includes up to \$2,000 per year of income for interests of individual Native Americans in trust or restricted lands, from funds appropriated in satisfaction of the Indian Claims Commission or the United States Court of Federal Claims; Alaskan Native Claims Settlement Act (ANCSA) distributions - The following distributions from a native corporation formed pursuant to ANCSA are disregarded as income or resources:

- a. cash, to the extent that it does not, in the aggregate, exceed \$2,000 per individual per year;
- b. stock;
- c. a partnership interest;
- d. land or an interest in land; and
- e. an interest in a settlement trust;

*NYS DEPARTMENT OF LABOR PAYMENTS* - Payments from Youth Education, Employment and Training Programs (Department of Labor programs).

*OVERPAYMENTS* - The amount of income that is withheld to recover a previous overpayment is not income if the individual received Medicaid at the time of the overpayment and the overpayment amount was included in determining the individual's Medicaid eligibility.

*PERSECUTION PAYMENTS* - Benefits received by eligible Japanese-Americans, Aleuts, or Pribilof Islanders under the Civil Liberties Act of 1988, the Wartime Relocation of Civilians Law, and the Aleutian and Pribilof Islands Restitution Act.

Payments made to individuals because of their status as victims of Nazi persecution, including: German Reparation Payments; Austrian Reparation Payments made pursuant to sections 500-506 of the Austrian General Social Insurance Act; and Netherlands Reparation Payments based on Nazi, but not Japanese, persecution.

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*PREVENTATIVE HOUSING SERVICE* - Payments provided as a preventive housing service under 18 NYCRR 423.4(l).

*RADIATION EXPOSURE COMPENSATION TRUST FUND PAYMENTS* – Payments for injuries or deaths resulting from exposure to radiation from nuclear testing and uranium mining.

*ROOM AND/OR BOARD* - The first \$60 per month of any income from each boarder and the first \$15 per month from each roomer (lodger). If the A/R can document that the actual expenses incurred in providing the room for the roomer, exceeds \$15 per month, or that the actual expenses incurred in providing room and board for a boarder exceeds \$60 per month, then the actual documented expenses are disregarded (see page 126).

*STUDENTS - Earned Income* - Student earned income as described below:

If the under 21 A/R is not employed full-time, all earned income is disregarded whether the A/R is a full or part-time student.

If the under 21 A/R is employed full-time, the treatment of earned income depends on whether the A/R is a full or part-time student.

If the A/R is a full-time student all earned income is disregarded for a six-month period per calendar year. Thereafter, such income becomes countable.

If the A/R is a part-time student all earned income is countable.

**NOTE:** Summer employment is seasonal and not considered full-time employment.

**Graduate Educational Grants or Scholarships** - Educational grants, fellowships or scholarships for a graduate student, obtained and used for educational purposes only. This precludes their use for meeting current living expenses, and the student must attest to this in writing on the state prescribed form.

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When an A/R is in receipt of a graduate assistantship, the local district receives verification from the financial aid office involved to determine if the assistantship is considered employment or an educational grant. If the assistantship is a grant, it is treated as outlined in the previous paragraph. When the assistantship is considered employment, the A/R receives any appropriate earned income disregards (see pages 144 to 147) but, additional deductions for educational expenses are not allowed.

**School Meals** - The value of free school meals;

**Student Loans** - Student loans received by a graduate or undergraduate student.

**Undergraduate Educational Grants, Scholarships or Work-Study** - Educational grants, scholarships, fellowships or work-study for undergraduate students.

**NOTE:** This does not apply to V.A. Educational Grants which are part of the G.I. Bill and which provide a monthly allowance for support while veterans are enrolled in school. Only specific education-related expenses such as tuition, books, school fees, transportation, etc., are exempt for recipients of G.I. Bill educational money. The remainder is considered available unearned income in determining eligibility for Medicaid.

*SUPPORT PAYMENTS* - The first \$50 of current support payments in any month including support payments collected and paid to the family by the local district.

***TRADE READJUSTMENT ALLOWANCE (TRA) – TRA benefits are paid as part of Unemployment Benefits (UIB). When an A/R loses his/her job as the result of import competition, s/he may qualify for a TRA allowance. When an A/R is receiving a TRA allowance, as part of his/her UIB, for transportation and/or books for the purpose of attending training, the TRA benefit is exempt.***

*U.S. CENSUS* - Earnings from census employment.

***VIETNAM VETERANS – Agent Orange Settlement fund –*** Payments from the Agent Orange Settlement Fund or any other fund established pursuant to the Agent Orange product

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liability litigation, and payments from court proceedings brought for personal injuries sustained by veterans resulting from exposure to dioxin or phenoxy herbicide in connection with the war in Indochina in the period of January 1, 1962 through May 7, 1975.

**Children** - Monthly allowances paid to certain Vietnam veteran's children with Spina Bifida.

*VISTA* - Payments received by VISTA volunteers under Part A of Title I of Public Law 93-113 (*VISTA*) are disregarded as income and resources in determining eligibility and degree of need, provided that all of the *VISTA* payment is to be counted as income when the Director of the ACTION agency determines that the value of all such payments, adjusted to reflect the number of hours such volunteers are serving, is equivalent to or greater than the minimum wage.

*VOLUNTEER PROGRAM PAYMENTS* - Payments received by participants in volunteer programs under Title II of P.L. 93-113 (Domestic Volunteer Services Act of 1973). These include: retired senior volunteer, foster grandparent, senior companion and senior health aid programs. Payments made in the form of stipends, allowances and/or reimbursements for incurred expenses are disregarded when determining Medicaid eligibility.

Payments received by participants in volunteer programs established under Title III of P.L. 93-133. These include the Service Corps of Retired Executives (*SCORE*) and the Active Corps of Executives (*ACE*) programs.

*WOMEN, INFANTS AND CHILDREN (WIC)* - The value of benefits under the *WIC* program. and

*WORK EXPENSE* - \$90 work expense from earned income (see page 144).

<b>References:</b>	SSL Sect.	366.2 366.3
	Dept. Reg.	352.22 360-4.6(a)(1) 360-4.6(a)(3)

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ADMs	OMM/ADM 97-2 97 ADM-23 94 ADM-10 92 ADM-43 92 ADM-42 92 ADM-32 92 ADM-11 90 ADM-3 84 ADM-21 84 ADM-1 81 ADM-38
INFs	95 INF-30 94 INF-7 90 INF-33
LCM	95 LCM-53 92 LCM-120
GIS	98 MA/017 98 MA/016 97 MA/022 95 ES/DC006

**Interpretation:**

The source and amount of income disregards are documented in the case record and a notation is made that this income is not to be considered in determining eligibility for Medicaid.