B. **Specific Types of Assets**

1. **Adoption assistance**

Adoption assistance is financial assistance provided to families adopting children with special needs. Adoption assistance may be state or federally funded. Federal adoption assistance is authorized by the Adoption Assistance and Child Welfare Act of 1980 *(Public Law 96-272)*. State adoption assistance is authorized by ORS 440.335.

(1) For all programs except ERDC, SNAP and TANF, treat adoption assistance as follows:

   (a) Exclude the entire amount of adoption assistance from Oregon.

   (b) Exclude the portion of adoption assistance that is for the special needs of the child when the adoption assistance is from other states. This includes needs such as special diet, special clothing, counseling and medical costs not covered under title XIX. Count the rest of the adoption assistance as unearned income.

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**NOTE**

*Children receiving adoption assistance are excluded from the TANF filing group. This means that the adoption assistance income is excluded when determining eligibility for TANF and when calculating the TANF benefit level.*

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✓ **SEE TANF-C.2, FILING GROUP.**

(2) For ERDC and TANF, exclude adoption assistance.

(3) For SNAP, adoption assistance is counted as unearned income.

For OCCS Medical, exclude adoption assistance.
2. **Agent Orange disability benefits**

   (1) For all programs except GA and GAM:

   (a) Exclude benefits from the Agent Orange Settlement Fund made by Aetna Life and Casualty Insurance Company for settling Agent Orange disability claims.

   (b) Count payments made under the Agent Orange Act of 1991, and issued by the U.S. Treasury through the Department of Veterans Affairs, as unearned income.

   (2) For GA and GAM, count all Agent Orange payments as lump-sum income (CA-A.6).

For OCCS Medical, exclude Agent Orange disability benefits.

3. **Alaska Permanent Fund Dividend**

   The Alaska Permanent Fund Dividend is issued annually to eligible Alaskan residents who apply for the payment. Out-of-state residents, except military personnel and students who claim Alaska as their residence, are not eligible unless they resided in Alaska and filed for the payment before leaving the state.

   (1) Count Alaska Permanent Fund Dividend payments as lump-sum income (CA-A.6).

For OCCS Medical, exclude Alaska Permanent Fund Dividend.
4. **Animals**

Exclude pets and animals raised as food for the financial group.

Treat income-producing animals according to the policy on income-producing property ([CA-B.4]).

For OCCS Medical, resources are not considered in eligibility determination.

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5. **Annuities; not OSIPM**

(1) For the purposes of this policy:

   (a) An annuity does not include benefits that are set up and accrued in a regularly funded retirement account while an individual is working, whether maintained in the original account or used to purchase an annuity, if the Internal Revenue Service recognizes the account as dedicated to retirement or pension purposes. (The treatment of pension and retirement plans is covered in [CA-B.53]).

   (b) In this section of policy only: “Child” means a biological or adoptive child who is:

      (A) Under age 21; or

      (B) Any age and meets the Social Security Administration criteria for blindness or disability.

   (c) “Commercial annuities” mean contracts or agreements (not related to employment) by which an individual receives annuitized payments on an investment for a lifetime or specified number of years.

(2) An annuity is counted as a resource if:

   (a) The annuity does not make regular payments for a lifetime or specified number of years; or

   (b) The annuity does not qualify for exclusion as a resource under subsection (4)(c) of this rule.

(3) If an annuity is a countable resource under this rule, the cash value is equal to the amount of money used to establish the annuity, plus any additional payments used to fund the annuity, plus any earnings, minus any regular
payments already received, minus any early withdrawals and minus any surrender fees.

(4) Commercial annuities and payments from such annuities are counted as follows:

(a) In all programs except OSIP, OSIPM and QMB, annuity payments are counted as unearned income to the annuitant.

(b) In the OSIP and QMB programs:

(A) For a client in a nonstandard living arrangement (OAR 461-001-0000), if a client or the spouse of a client purchases or transfers an annuity prior to January 1, 2006, the transaction may be subject to the rules on resource transfers at OAR 461-140-0220 and following. For an annuity that is not disqualifying but meets the criteria of OAR 461-140-0220, or for a client in a standard living arrangement, the annuity payments are counted as unearned income to the annuitant.

(B) If a client or the spouse of a client purchases an annuity on or after January 1, 2006, the annuity is counted as a resource unless it is excluded under paragraph (C) of this subsection.

(C) An annuity described in paragraph (B) of this subsection is excluded as a resource if the criteria in subparagraphs (i), (ii), and (iii) of this paragraph are met, except that if an unmarried client is the annuitant, the requirements of subparagraph (iv) of this paragraph must also be met and if a spouse of a client is the annuitant, the requirements of subparagraph (v) of this paragraph must also be met.

(i) The annuity is irrevocable.

(ii) The annuity pays principal and interest out in equal monthly installments within the actuarial life expectancy of the annuitant. For purposes of this subparagraph, the actuarial life expectancy is established by the actuarial tables of the Office of the Chief Actuary of the Social Security Administration.

(iii) The annuity is issued by a business that is licensed and approved to issue commercial annuities by the state in which the annuity is purchased.

SEE APD WORKER GUIDE #E.1, TREATMENT OF ANNUITIES.
(iv) If an unmarried client is the annuitant, the annuity must specify that upon the death of the client, the first remainder beneficiary is either of the following:

(I) The department, for all funds remaining in the annuity up to the amount of medical benefits provided on behalf of the client.

(II) The child of the client, if the department is the next remainder beneficiary (after this child), up to the amount of medical benefits provided on behalf of the client, in the event that the child does not survive the client.

(v) If a spouse of a client is the annuitant, the annuity must specify that, upon the death of the spouse of the client, the first remainder beneficiaries are either of the following:

(I) The client, in the event that the client survives the spouse; and the department, in the event that the client does not survive the spouse, for all funds remaining in the annuity up to the amount of medical benefits provided on behalf of the client.

(II) A child of the spouse and the client in the event that this child does not survive the spouse.

(D) If an annuity is excluded under paragraph (C) of this subsection, annuity payments are counted as unearned income.

(c) For OSIPM, see CA-B.6.

NOTE

For OSIP, OSIPM and QMB, the purchase of an annuity or transfer of an annuity prior to January 1, 2006, may be subject to transfer of resource policies. Refer to APD-WG E.1 to determine if the annuity will pay out over the client’s life expectancy based on the client’s age and sex.

SEE OARS 461-140-0210 THROUGH 461-140-0300 REGARDING TRANSFER OF RESOURCES.

For OCCS Medical, taxable annuities are counted in both monthly and annual income. Exclude non-taxable annuities.
6. Annuities; OSIPM

In the OSIPM program:

(1) For the purposes of this policy:

(a) An annuity does not include benefits that are set up and accrued in a regularly funded retirement account while an individual is working, whether maintained in the original account or used to purchase an annuity, if the Internal Revenue Service recognizes the account as dedicated to retirement or pension purposes. (The treatment of pension and retirement plans is covered in CA-8.53).

(b) “Child” means a biological or adoptive child who is:

   (A) Under age 21; or

   (B) Any age and meets the Social Security Administration criteria for blindness or disability.

(c) “Commercial annuity” means a contract or agreement (not related to employment) by which an individual receives annuitized payments on an investment for a lifetime or specified number of years.

(2) An annuity that does not make regular payments for a lifetime or specified number of years is a resource.

(3) When a client applies for medical benefits, both initially and at periodic redetermination (see OARs 461-115-0050 and 461-115-0430), the client must report any annuity owned by the client or a spouse of the client.

(4) By signing the application for assistance, a client and the spouse of a client agree that the department, by virtue of providing medical assistance, becomes a remainder beneficiary as described in sections (8) and (10) of this rule, under any commercial annuity purchased on or after February 8, 2006.

(5) If the department is notified about a commercial annuity, the department will notify the issuer of the annuity about the right of the department as a preferred remainder beneficiary, as described in sections (8) and (10) of this rule, in the amount of medical assistance provided to the client.
(6) For a client in a nonstandard living arrangement (OAR 461-001-0000), if a client or the spouse of a client purchases or transfers a commercial annuity prior to January 1, 2006, the transaction may be subject to the rules on resource transfers at OAR 461-140-0220 and following. For an annuity that is not disqualifying but meets the requirements in OAR 461-140-0220, the annuity payments are counted as unearned income to the annuitant.

(7) Sections 8 and 9 of this rule apply to a commercial annuity if:

(a) The client is in a nonstandard living arrangement (See OAR 461-001-0000), and the client or the spouse of the client purchases an annuity from January 1, 2006, through June 30, 2006; or

(b) The client is in a standard living arrangement (See OAR 461-001-0000), and the client or the spouse of a client purchase an annuity on or after January 1, 2006.

(8) A commercial annuity covered by section (7) of this rule is counted as a resource unless the annuity is excluded by meeting the following requirements:

(a) If an unmarried client is an annuitant, the annuity must meet the requirements of subsection (8)(c) of this rule, and the annuity must specify that upon the death of the client, the first remainder beneficiary is either of the following:

   (A) The department, for all funds remaining in the annuity up to the amount of medical benefits provided on behalf of the client.

   (B) The child of the client, if the department is the next remainder beneficiary (after this child), up to the amount of medical benefits provided on behalf of the client, in the event that the child does not survive the client.

(b) If a spouse of a client is the annuitant, the annuity must meet the requirements of subsection (8)(c) of this rule, and the annuity must specify that, upon the death of the spouse of the client, the first remainder beneficiaries are either of the following:

   (A) The client, in the event that the client survives the spouse; and the department, in the event that the client does not survive the spouse, for all funds remaining in the annuity up to the amount of medical benefits provided on behalf of the client.

   (B) A child of the spouse; and the client in the event that this child does not survive the spouse.
(c) An annuity covered by section (7) may not be excluded unless the annuity meets all of the following requirements:

(A) The annuity is irrevocable.

(B) The annuity pays principal and interest out in equal monthly installments within the actuarial life expectancy of the annuitant. For purposes of this paragraph, the actuarial life expectancy is established by the actuarial tables of the Office of the Chief Actuary of the Social Security Administration.

(C) The annuity is issued by a business that is licensed and approved to issue a commercial annuity by the state in which the annuity is purchased.

(9) If an annuity is excluded as a resource under section (8) of this rule, the annuity payments are counted as unearned income. If an annuity is a countable resource under section (8) of this rule, the cash value is equal to the amount of money used to establish the annuity, plus any additional payments used to fund the annuity, plus any earnings, minus any regular monthly payments already received, minus early withdrawals and minus any surrender fees.

(10) This section lists the requirements for a commercial annuity purchased by the client or the spouse of the client on or after July 1, 2006, when a client is in a nonstandard living arrangement, and the annuity names the client or the community spouse as the annuitant. Annuities that meet all of the requirements of this section are counted as unearned income to the annuitant. The treatment of annuities that do not meet all requirements of this section is covered in sections (11) and (12) of this rule.

(a) The annuity must comply with one of the following paragraphs:

(A) The first remainder beneficiary is the spouse of the client, and in the event that the spouse transfers any of the remainder of the annuity for less than fair market value, the department is the second remainder beneficiary for up to the total amount of medical benefits paid on behalf of the client.

(B) The first remainder beneficiary is the annuitant’s child, and in the event that the child or a representative on behalf of the child transfers any of the remainder of the annuity for less than fair market value, the department is the second remainder beneficiary for up to the total amount of medical benefits paid on behalf of the client.
(C) The first remainder beneficiary is the department for up to the total amount of medical benefits paid on behalf of the client.

(b) The annuity must be irrevocable and nonassignable.

(c) The annuity pays principal and interest out in equal monthly installments within the actuarial life expectancy of the annuitant. For purposes of this subsection, the actuarial life expectancy is established by the actuarial tables of the Office of the Chief Actuary of the Social Security Administration.

(d) The annuity is issued by a business that is licensed and approved to issue a commercial annuity by the state in which the annuity is purchased.

(11) If the client is the annuitant and a commercial annuity does not meet all of the requirements of section (10) of this rule, or the spouse of the client is the annuitant and a commercial annuity does not meet the requirements of subsection (10)(a) of this rule, there is a disqualifying transfer under OAR 461-140-0210 and following. See OAR 461-140-0296(5) and (6) for calculation of the disqualification period.

(12) Regardless of whether a commercial annuity is a disqualifying transfer of resources, if the annuity does not meet all of the requirements of section (10) of this rule, the annuity is counted as a resource with cash value equal to the amount of money used to establish the annuity, plus any additional payments used to fund the annuity, plus any earnings, minus any regular monthly payments already received, minus early withdrawals, and minus any surrender fees.

7. **Approved accounts; OSIP-EPD and OSIPM-EPD**

Persons participating in the OSIP- or OSIPM-Employed Persons with Disabilities Program are allowed to set moneys aside in an approved account.

(1) All moneys in an approved EPD account are excluded as income or a resource during the determination of eligibility. However, the exclusion can only be made if the account has been designated as an Approved Account and approved as such by the local branch prior to the eligibility determination.
(2) Moneys deposited in the approved account that the client wants to be considered as an Employment and Independence Expense to be used as a deduction from countable income must be approved by the branch prior to the deposit being made.

(3) If moneys from the approved account are used for a purpose not consistent with the definition of approved account in OAR 461-001-0035, the client may be prohibited from utilizing an approved account for the next 12 months for the purposes of the determination of eligibility.

For OCCS Medical, resources are not considered in eligibility determination.

### Approved Accounts; OSIP-EPD and OSIPM-EPD Rule

| 461-145-0025 | Approved Accounts; OSIP-EPD and OSIPM-EPD |

### 8. Bank account

A bank account includes a money market account and an account in a financial institution.

Money in a bank account belonging to one or more members of the financial group is generally counted as a resource unless excluded in [CA-A.2](#) or OAR 461-140-0020.

(1) Money in a bank account is excluded as a resource when:

   (a) In an approved account excluded under OAR 461-145-0025; or

   (b) A burial fund excluded under OAR 461-145-0040;

   (c) A designated bank account is an *excluded* asset for OSIP-IC or OSIPM-IC if:

      (A) The account is designated to receive program benefits by direct deposit through electronic funds transfer; and

      (B) The benefit funds are not commingled with other assets of the client.

### Availability of Resources Rule

| 461-140-0020 | Availability of Resources |

- (d) Funds from excluded income if excluded as a resource under OAR 461-140-0070.
- (e) An Individual Education Account if excluded under OAR 461-145-0145.
- (f) Money for a plan for self-support if excluded under OAR 461-145-0405.
(g) Proceeds from the sale of a home if excluded as a resource under OAR 461-145-0460.

(2) Interest and dividends earned on funds in a bank account are counted as unearned income, unless the account is excluded as a resource under section (1).

For OCCS Medical, resources are not considered in eligibility determination.

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(3) For all programs except OSIP-IC, treat bank accounts held jointly with people not in the financial group as follows:

(a) For SNAP, count all funds in the account unless the client proves some or all are not available. Count the available amount.

(b) For all other programs, count only those funds contributed to the account by the client. Exclude other funds unless there is clear evidence they are available to the client.

BE SURE TO REVIEW OAR 461-140-0070 ON EXCLUDED RESOURCES BEFORE DETERMINING THE AVAILABILITY OF FUNDS.

9. **Burial arrangements and burial fund**

Burial arrangements may include prepaid arrangements that make allowance for burial costs. They are generally made with a licensed funeral director, burial insurance or burial trust funds designating a funeral director as the beneficiary. Burial arrangements do not include a burial space.

Burial space is covered in CA-B.10 or OAR 461-145-0050 – Burial Space and Merchandise.

Burial funds are an identifiable fund set aside for a client’s burial costs. A burial fund does not include a burial space.

(1) A burial arrangement is treated as follows:

(a) For ERDC, REF, REFM, SNAP and TANF, exclude the equity value of one prepaid burial arrangement for each member of the filing group.

(b) For grandfathered OSIP and OSIPM clients, exclude up to $1,000 combined equity value of burial arrangements with a licensed funeral director (plus accrued interest) and life insurance policies. Count the amount of
combined cash and equity value of all life insurance and burial arrangements that is over $1,000 as a resource.

(c) For all remaining programs, treat a burial arrangement the same as a burial fund.

(2) A burial fund is treated as follows:

(a) For GA, OSIP, OSIPM and QMB:

(A) A burial fund can only be established from cash, bank accounts, burial contracts, stocks, bonds or life insurance policies.

(B) Burial funds cannot be excluded if they are commingled with nonburial-related assets. The amount set aside for burial must be in a separate account to be considered excluded from resource consideration.

(C) The burial fund may be established only from the countable resources of the client (such as cash, burial contracts, bank accounts, stocks, bonds or life insurance policies). A burial fund may be established if the countable resources of the client exceed allowable limits. A burial fund exclusion applies only if the burial fund makes the client ineligible due to excess resources.

(D) The following calculation determines the exclusion for a burial fund:

(i) Exclude up to $1,500 of a burial fund from resources for each of the following:

(I) The client.

(II) The client’s spouse.

(ii) Subtract both the following from the amount each client may set aside for a burial fund:

(I) The face value of life insurance policies owned by the client that have already been excluded from resources.

(II) The amount in an irrevocable burial trust or any other irrevocable arrangement to cover burial costs.

(E) Exclude all interest earned on excluded burial funds or increases in the value of excluded burial arrangements if left in the fund.

(b) For all other programs, the value of the burial fund is counted as a resource.
There is no penalty or overpayment for the time period during which the burial arrangement or burial fund existed if a client:

(a) Canceled an excluded burial arrangement, or
(b) Used excluded burial funds for any purpose other than burial costs.

**NOTE**

From September 27, 1987, to November 5, 1989, Oregon state law prohibited establishing irrevocable burial trust funds. Burial trust funds established on or after November 5, 1989, may be irrevocable.

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For OCCS Medical, resources are not considered in eligibility determination.

**Burial Arrangements and Burial Fund Rule**

461-145-0040 — Burial Arrangements and Burial Fund

10. **Burial space and merchandise**

For the purpose of this rule, burial spaces include conventional gravesites, crypts, mausoleums, urns, niches, burial vaults, and other repositories that are traditionally used for the remains of deceased individuals. Burial spaces also include headstones, the opening and closing of the gravesite and the reasonable and necessary improvements or additions to such spaces. Burial merchandise includes, but is not limited to, urns, caskets, liners, headstones, markers, plaques and foundations.

1. In the ERDC, REF, REFM, SNAP, and TANF programs, exclude as a resource the equity value (see OAR 461-001-0000) of all burial space or merchandise for each member of the financial group (see OAR 461-110-0530). For burial space and merchandise that serves the same purpose, only one item per person is excluded.

2. In the OSIP, OSIPM and QMB-DW programs, exclude as a resource the equity value (see OAR 461-001-0000) of all burial space or merchandise if owned by the client and designated for the client, the spouse (see OAR 461-001-0000) of the client, minor and adult children, siblings, parents, and the spouse of any of...
these individuals. For burial space and merchandise that serves the same purpose, only one item per person is excluded.

### NOTE

**Examples of serving the same purpose:**
- A casket and an urn;
- A gravesite and a crypt;
- A headstone and a plaque.

**Examples of not serving the same purpose:**
- A casket and liner;
- A gravesite and a headstone;
- Opening/closing of gravesite and a gravesite.

For OCCS Medical, resources are not considered in eligibility determination.

### Burial Space and Merchandise Rule

461-145-0050 — Burial Space and Merchandise

11. **Capital assets**

Capital assets are property that contribute toward earning self-employment income, including microenterprise, either directly or indirectly. Capital assets generally have a useful life of over one year and a combined value of $100 or more.

- SEE WORK-RELATED EQUIPMENT AND INVENTORY FOR MORE INFORMATION (CA-B.87).

For OCCS Medical, resources are not considered in eligibility determination.

### Work-Related Capital Assets, Equipment, and Inventory Rule

461-145-0600 — Work-Related Capital Assets, Equipment, and Inventory

12. **Cash**

In the month of receipt, cash is counted as income unless the source of the cash qualifies for an exclusion under another rule.
After the month of receipt, count cash (including cash on hand, cash in a safe deposit box, and cash held by others) as a resource, unless the source of the cash qualifies as an excluded resource under another rule.

Count as a resource foreign currency that can be converted to U.S. currency. The value of foreign currency is its value in U.S. currency, determined by the current exchange rate.

The treatment of a check is based on the source of the funds.

For OCCS Medical, resources are not considered in eligibility determination.

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13. **Child support and cash medical support**

(1) Child support and cash medical support paid by a noncustodial parent for a dependent child or minor parent in the financial group (see OAR 461-110-0530) are considered income of the dependent child or minor parent, whether the support is paid voluntarily or in accordance with an order to pay child support.

(2) “Pass-through” means child support, up to $50 per dependent child or minor parent per financial group per month and not to exceed $200 per financial group per month, that is sent to the client before any remaining amount of current child support is withheld by the State. Pass-through includes current child support only.

“Disregard” means child support, up to $50 per dependent child or minor parent per financial group per month and not to exceed $200 per financial group per month, that is not counted as income of the client. Disregard includes current child support only.

**Example:** A filing group has two children; one of whom is receiving child support. The family is only eligible for a $50.00 disregard as there is only one child receiving support in the filing group.

(3) In the ERDC program, child support is considered countable unearned income if it is received by the financial group or is countable under OAR 461-145-0280. Otherwise it is excluded.
(4) In the SNAP program, child support and cash medical support are treated as follows:

(a) Child support payments the group receives that must be assigned to the department to maintain TANF eligibility are excluded, even if the group fails to turn the payments over to DCS.

(b) Child support payments received by a filing group (see OAR 461-110-0370) with at least one member working under a TANF JOBS Plus agreement are excluded, except:

(A) It is considered countable unearned income in the calculation of the wage supplement; and

(B) Any pass-through pursuant to section (2) above is considered countable unearned income.

(c) All other child support, including any pass-through pursuant to section (2) above, is considered countable unearned income.

(d) Cash medical support is considered countable unearned income except to the extent it is used to reimburse (see OAR 461-145-0440) an actual medical cost.

(e) Payments made by a noncustodial parent to a third party for the benefit of the financial group are treated in accordance with OAR 461-145-0280.

(A) Payments made to a third party which should legally be made directly to a member of the financial group (see OAR 461-110-0530) are counted as unearned income.

(B) Payments made to a third party which are not legally obligated to be made directly to a member of the financial group and the financial group does not have the option of taking, and payments made to a third party which are court ordered are excluded.

(5) Except as otherwise provided in section (5) of this rule, in the TANF program:

(a) In determining initial eligibility, except for disregard pursuant to section (2) above, child support received by the DCS is considered countable unearned income, if continued receipt of the child support is reasonably anticipated. These payments are excluded when determining the benefit amount.

(b) In determining ongoing eligibility, except for clients working under a TANF JOBS Plus agreement and except for child support passed through to the client and disregarded pursuant to section (2) above, child support received by the DCS is considered countable unearned income, if
continued receipt of the child support is reasonably anticipated. These payments are excluded when determining the benefit amount.

(c) For clients working under a TANF JOBS Plus agreement:

(A) Child support is excluded in determining *countable* income.

(B) Child support is excluded when calculating the TANF portion of the benefit equivalency standards.

(C) All child support paid directly to the client is considered *countable* unearned income in the calculation of the wage supplement.

(d) All other child support payments:

(A) Paid directly to the *financial group* that are turned over to DCS are considered countable unearned income except for any amount of pass-through and disregard pursuant to section (2).

(B) Paid directly to the *financial group* that are not turned over to DCS are considered *countable* unearned income.

(C) Paid to a third party for the benefit of the *financial group* are considered countable unearned income. This includes but is not limited to payments made by a noncustodial parent to a third party for rent, mortgage, utilities or child care.

(e) Cash medical support is excluded in determining *countable* income.

(6) In the OSIP, OSIPM and QMB programs, all child support and cash medical support paid to the *financial group* are considered *countable* unearned income. Child support and cash medical support paid by the *financial group* are not deductible from income.

(7) In the SFPSS program, notwithstanding section (5) above, for ongoing eligibility and benefit determination:

(a) Except for *disregard* pursuant to section (2) above, child support is considered *countable* unearned income.

(b) Cash medical support is excluded in determining *countable* income.

(c) Payments made by a noncustodial parent to a third party for the benefit of the *financial group* are considered *countable* unearned income. This includes but is not limited to payments made by noncustodial parent to a third party for rent, mortgage, utilities or child care.
(8) For ongoing eligibility and benefit determination for TANF clients in a two-parent household:

(a) Except for disregard pursuant to section (2) of this rule, child support is considered countable unearned income.

(b) Cash medical support is excluded in determining countable income.

(c) Payments made by a noncustodial parent to a third party for the benefit of the financial group are considered countable unearned income. This includes but is not limited to payments made by a noncustodial parent to a third party for rent, mortgage, utilities or child care.

(d) For a filing group (see OAR 461-110-0330) with at least one member working under a TANF JOBS Plus agreement:

(A) Child support is excluded in determining countable income.

(B) Child support is excluded when calculating the TANF portion of the benefit equivalency standards.

(C) All child support paid directly to the client is considered countable unearned income in the calculation of the wage supplement.

For OCCS Medical, exclude child support, cash medical support, and any other support from absent parent in monthly and annual income.

### General Definitions Rule

**410-200-0015 (51) and (52)** — General Definitions

### Child Support and Cash Medical Support Rule

**461-145-0080** — Child Support and Cash Medical Support

14. **Contributions**

Contributions are monies not gifts or winnings (CA-b.30) given voluntarily to a financial group member by someone who is not in the group.

(1) For all programs except SNAP and as provided in (3), count contributions as unearned income.

(2) For SNAP, count contributions as unearned income. However, exclude cash contributions from charitable sources if all the following are true:

(a) The contribution is from a private, nonprofit charitable organization.

(b) The contribution is based on need.
(c) The contribution does not exceed $300 per quarter.

FOR NONCASH CONTRIBUTIONS, REFER TO CA-B.41 OR OAR 461-145-0280 (IN-KIND INCOME).

SEE CA-B.66 FOR INFORMATION ON HOW TO TREAT REFUGEE RESETTLEMENT GRANTS.

For OCCS Medical, exclude contributions from private, non-profit charitable organizations, and money from others in monthly and annual income.

General Definitions Rule
410-200-0015 (51) and (52) — General Definitions

Contributions Rule
461-145-0086 — Contributions

15. Corporations and business entities

(1) Identifying corporations

(a) A closely held corporation is usually incorporated by one or a small number of owners. For example, a farmer or a farming family incorporates their farming business.

NOTE

The owner of a closely held corporation will have legal documents showing the date the business was incorporated.

(b) A Subchapter S-corporation is incorporated under Chapter S of the Internal Revenue code. Each shareholder is responsible to file his or her own taxes on the profits the corporation distributes. For example, a law firm or other partnership may incorporate their business under Chapter S.

(c) Other corporations include companies that sell stock to investors. Proctor & Gamble, AT&T and Starbucks are examples of businesses that sell stock to investors. Owning stock in a corporation does not make the individual self-employed.
(2) When a client’s corporation is considered self-employment

For SNAP, the owner or shareholders of a corporation are not self-employed. For all other programs, the owner of a corporation is considered self-employed if they meet self-employment criteria listed per OAR 461-145-0910.

(3) Treatment of income

(a) If an individual works for the corporation, he is considered an employee of the corporation. Treat the profits distributed to shareholders of a closely held or Subchapter S-corporation as earned income if they are employees of the corporation. If profits for the current year are expected to be similar to the prior year, treat the profits reported on the most recent IRS 1040 as periodic income (CA-A.7).

(b) If a shareholder of a corporation is not an employee of the corporation and not receiving a salary, count any dividends as unearned income.

(c) In the SNAP program, income from business entities and corporations is treated as follows:

(A) If a client is actively working in a corporation, the income is treated as earned income.

(B) If a client is actively working in an unincorporated business entity, refer to CA-C.1 to determine if the income is treated as earned or as self-employment.

(C) If a client is no longer actively working to produce the income, the income is treated as unearned.

(D) Income from a limited liability company is treated as follows:

(i) If a client is a member or a manager member and owner, the income is treated as self-employment income.

(ii) If a client is a manager and owner of the LLC but not a member, the income is treated as earned income.
(iii) If a client is a manager but not an owner of the LLC, the income is treated as earned income.

(d) If a client owns stock in a corporation, the value of the stock is a countable resource. However, if ownership of the stock is necessary for the client to be employed by the corporation, the resource is excluded.

**Example 1:** A farmer incorporates his farm, is the sole owner and worker and all of the corporation’s assets are related to the farming operation. The farmer’s stock in the corporation is essential to his employment. Therefore, the equity value of his stocks is not counted as a resource.

**Example 2:** An attorney has stock in a Subchapter S-corporation. The ownership of this stock may or may not be required as a condition of his employment for that corporation. If the ownership is required, the equity value of his stocks is not counted as a resource. If ownership is not required, the equity value of his stocks is counted as a resource.

For OCCS Medical, income from Corporations and Business Entities are counted in both monthly and annual income.

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(4) Corporation expenditures benefiting a principal

In the OSIP, OSIPM, QMB and SNAP programs, an expenditure by a business entity or corporation that benefits a principal, such as a car or housing payment, is considered available when the expenditure is made. For purposes of this rule, a principal is a person with significant authority in a business entity or corporation, including sole proprietor, a self-employed person (see OAR **461-145-0910**), a partner in a partnership, a member or manager of a limited liability company and an officer or principal stockholder of a closely held corporation.
(5) Corporate assets

Except in cases where the owners of corporations are considered to be self-employed, assets held and owned by the corporation are not considered the client’s assets.

SEE CA-B.64.

16. Disability benefit

(1) This policy covers public and private disability benefits, except the following:

(a) Agent Orange disability benefits (covered in OAR 461-145-0005 or CA-B.2).

(b) Radiation Exposure Compensation Act payments (covered in OAR 461-145-0415 or CA-B.58).

(c) Social security based on disability or SSI (covered in OAR 461-145-0490 and OAR 461-145-0510 or in CA-B.69 and CA-B.72).

(d) Veterans’ benefits (covered in OAR 461-145-0580 or CA-B.82).

(e) Workers’ compensation (covered in OAR 461-145-0590 or CA-B.86).

(2) For each disability payment covered under this policy:

(a) If received monthly or more frequently:

(A) In the ERDC, REF, REFM, SNAP and TANF programs, income from employer-sponsored disability insurance is counted as earned income (see OAR 461-145-0130 or CA-B.21) if paid to a client who is still employed while recuperating from a temporary illness or injury.

(B) Except as provided in paragraph (A) of this subsection, the payment is counted as unearned income.

(b) All payments other than those in subsection (a) of this section are counted as periodic or lump-sum income (see OAR 461-140-0110 and OAR 461-140-0120 or CA-A.6 and CA-A.7).

For OCCS Medical Disability Benefits covered in this section:

(1) If the disability benefit is from an employer-sponsored insurance plan and the individual paid premiums for this disability insurance on a pre-tax basis; OR their
employer paid the premium for them, the portion of the disability payment that is taxable is counted for both monthly and annual income.

(2) If the disability benefit is not from an employer sponsored insurance plan, then the payments are excluded for monthly and annual income.

**General Definitions Rule**

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17. **Disaster relief**

A *major disaster* is any natural catastrophe such as a hurricane or drought, or, regardless of cause, any fire, flood or explosion which the President determines causes damage of sufficient severity and magnitude.

An *emergency* is any occasion or instance for which the President determines that federal assistance is needed to supplant state and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe.

*Disaster Unemployment Assistance* is emergency assistance authorized under P.L. 100-107 and received by individuals who are unemployed as a result of a major disaster. Individuals receiving *Disaster Unemployment Assistance* are not eligible for other unemployment compensation and cannot receive both at the same time. Payments are limited to 26 weeks.

(1) Except as otherwise stated in Sections (2) to (6) or in OAR 461-140-0070, the following payments precipitated by an emergency or major disaster, are not counted as income or resources when determining eligibility for or benefit levels.

(a) Payments received under the Disaster Relief Act of 1974 (P.L. 93-288, Section 312(d)) as amended by the Disaster Relief and Emergency Assistance Amendments of 1988 (P.L. 100-707, Section 105(i)).

(b) Disaster assistance comparable to subsection (a) of this section provided by states, local governments, and disaster assistance organizations.

(c) Payments from the Federal Emergency Management Agency (FEMA).

(d) Individual and Family Grant Assistance program (IFG).

(e) Grants or loans by the Small Business Administration (SBA).
(f) Voluntary disaster assistance organizations, such as the Red Cross.

(g) Private insurance payments for losses due to a *major disaster* such as flood, wind, land movement.

(2) Government payments designated for the restoration of a home damaged in a disaster are excluded as income or resources in the month of receipt and as a resource in subsequent months, if the household is subject to a legal sanction if the funds are not used as intended.

(3) Each payment made to farmers under the Disaster Assistance Act of 1988 *(Public Law (P.L.) 100-387)* for crop losses or failure in a disaster is excluded.

(4) Income received from public and private organizations by individuals working in disaster relief efforts and funded under a National Emergency Grant by WIA Title 1 *(P.L. 105-220)* is excluded. An individual is eligible under this funding source if he or she is a dislocated worker, a long-term unemployed individual, or is temporarily or permanently laid off as a consequence of the disaster. Eligibility under this funding source is limited to a period of up to six months per disaster.

(5) *Disaster Unemployment Assistance* is excluded as both income and a resource.

(6) Payments for flood mitigation received by a homeowner under the National Flood Insurance Act of 1968, as amended by *P.L. 109-64*, are not counted as income or resources.

For OCCS Medical, exclude all Disaster Relief payments for monthly and annual income, except for Disaster Unemployment Compensation, which is counted.

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18. **Disqualifying income; SNAP**

SNAP benefits received by TANF recipients may not increase when the TANF cash payment ends or is reduced due to a penalty. Eligibility for and the level of SNAP benefits is determined as if the client were receiving benefits without the reduction in TANF benefits due to the penalty.

✔️ **SEE SNAP-G.14 FOR MORE INFORMATION ON DQI INCOME.**
TANF disqualifying income is the difference between the TANF cash payment prior to the penalty and the TANF cash payment once the penalty is imposed.

The disqualifying TANF income is counted as unearned income when the TANF cash payment is reduced due to any of the following reasons:

1. Failure to pursue assets per OAR 461-120-0330.
2. Failure to help the department obtain child support from a noncustodial parent per OAR 461-120-0340.
3. Failure to obtain medical coverage per OAR 461-120-0345.
4. Failure to comply with requirements of the employment programs imposed under OAR 461-130-0330.
5. Failure to seek treatment for substance abuse or mental health evaluation and treatment under OAR 461-135-0085.
6. TANF intentional program violation (IPV) imposed under OAR 461-195-0621.
7. Repayment of a TANF client-caused or IPV overpayment as defined in OARs 461-195-0501 and 461-195-0601. Do not include repayment on an overpayment resulting from aid paid pending due to a hearing request.

Once imposed, the disqualifying income ends when the TANF penalty is lifted, the household becomes ineligible for TANF for other reasons, the overpayment is repaid or if the TANF cash case has been closed for at least 12 months.

For OCCS Medical disqualifying income is not considered in eligibility determination.

**Disqualifying Income; SNAP Rule**

461-145-0105 — Disqualifying Income; SNAP

19. **Dividends, interest, royalties**

1. In the OSIP, OSIPM, and QMB programs:
   a. Unless otherwise stated in chapter 461 of the Oregon Administrative Rules, dividends and interest earned on mutual funds and securities, including stocks, bonds, educational savings bonds, and certificates of deposit (CDs), are excluded as income. Interest earned on other assets is treated according to the rule for that asset.
   b. Royalties include compensation paid to the owner for the use of property, usually copyrighted material or natural resources, such as coal, oil, or
natural gas, which normally are extracted from the ground. Except as provided in paragraphs (A) and (B) of this subsection, royalties are treated as unearned income.

- Royalties received as part of a business or trade are treated in accordance with OAR 461-145-0915;

- Royalties received by an individual in connection with any publication of the individual’s work are treated as earned income (see OAR 461-145-0130).

2. In all programs except the OSIP, OSIPM, and QMB programs:

   a. Dividends are counted as unearned income.

   b. Interest income is counted as unearned income.

   c. Royalties are counted as unearned income, except that royalties are counted as earned income if the client is actively engaged in the activity from which the royalties are accrued.

For OCCS Medical, Royalties and Dividends, not including self-employment dividends are counted for both monthly and annual income.

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20. Domestic Volunteer Services Act (VISTA, RSVP and Small Business Act (SCORE, ACE))

   (1) Treat payments under (title I of P.L. 93-113 Domestic Volunteers Service Act of 1973) including VISTA, University Year for Action and Urban Crime Prevention Program as follows:

      (a) For all other programs except ERDC, GA, GAM, REF, REFM and TANF:

          (A) Exclude VISTA payments if the individual is receiving program benefits when they join VISTA. Continue to exclude the payments until the individual has a break in receiving benefits of more than one month.

          (B) Count VISTA payments as earned income for individuals who joined VISTA before applying for program benefits.
(b) For ERDC, exclude these payments unless the total value of all VISTA compensation is equal to or greater than compensation at the state minimum wage. If so, count as earned income.

(c) For GA and GAM, count VISTA payments as unearned income.

(d) In the REF, REFM, and TANF programs, the value of the educational award is excluded; all remaining payments count as earned income.

**NOTE**

*Individuals join VISTA as of the date they take the oath. If the individual has a previous VISTA contract and received SNAP benefits in another state, use the date they begin the new assignment in Oregon.*

*VISTA was created in 1973 under the DVSA. In 1993 when the NCSTA was signed, AmeriCorps was created, and VISTA was incorporated into AmeriCorps. There are three types of AmeriCorps – AmeriCorps State and National, AmeriCorps NCCC and AmeriCorps VISTA. All references in this section to VISTA mean AmeriCorps VISTA. For the other AmeriCorps programs see B.52 and OAR 461-145-0365.*

(2) Exclude title II of Domestic Volunteer Services Act (P.L. 93-113) payments (National Older Americans Volunteer Programs), which include:

(a) Retired Senior Volunteer Program (RSVP) Title II, Section 201.

(b) Foster Grandparent Program Title II, Section 211.

(c) Older American Community programs.

(d) Senior Companion program.

(3) Exclude payments under 15 USC 637(a)(1)(the Small Business Act), which include:

(a) Service Corps of Retired Executives (SCORE; and

(b) Active Corps of Executives (ACE).

For OCCS Medical, exclude Domestic Volunteer Services Act payments, both title I and title II, for monthly and annual income.

**General Definitions Rule**

410-200-0015 (51) and (52) — General Definitions
21. **Earned income; defined**

Earned income is income received in exchange for an individual’s physical or mental labor. Earned income includes, all of the following:

1. Compensation for services performed, including wages, salaries, per-diem, commissions, tips, representative payee fees, sick leave, vacation pay, draws or the sale of one’s blood or plasma. This also includes Health Engagement Model (HEM) payments or other similar payments.

   ☑ **FOR A MILITARY BASIC PAY EXCLUSION, SEE CA-B-48.**

For SNAP, use the Gross Wage field amount for In-Home Service Home Care Workers. This amount can be found on the In-Home Service Wage Detail screens. Do not count any mileage reimbursement, as this is not part of the HCWs income.

2. Income from on-the-job training, paid job experience, JOBS Plus work experience or Welfare-to-Work work experience.

3. In-kind income, when the client is an employee of the person providing the in-kind income and the income is in exchange for work performed by the client.

   ☑ **SEE DEFINITION OF IN-KIND INCOME IN CA-B-41 OR OAR 461-145-0280.**

**NOTE**

*Earned in-kind income may include rent or utilities credit that a client receives in exchange for work performed. To determine the amount, subtract the amount the client pays for rent from the amount the dwelling usually rents for. For example, the rent is $550, but the client pays only $100 because of work done for the landlord. The earned in-kind income is $450 ($550 - $100).*

4. For self-employment, gross receipts and sales, including mileage reimbursements, before costs.
(5) In:

(a) The SNAP program, *cafeteria plan* (see OAR 461-001-0000) benefits and funds placed in a flexible spending account.

(b) All programs except the SNAP program, *cafeteria plan* benefits that an employee takes as cash as well as funds placed in a flexible spending account.

**NOTE**

*A cafeteria-style benefit is an amount above base earnings that can be spent on a limited menu of options, usually related to health insurance. Unspent dollars are added to gross wages when the employee’s selected option costs less than the full cafeteria benefit amount.*

**NOTE**

*Health insurance purchased with flexible benefits must be assigned to the department, per OAR 461-120-0315.*

(6) Income from work-study. For how to treat income from work-study, see [CA-B.24](#) on Educational income.

(7) Income from profit sharing that the client receives monthly or periodically.

(8) The fee for acting as an individual’s representative payee, as long as the individual is not included in the filing group.

(9) In the OSIP, OSIPM, QMB and SNAP programs, an expenditure by a business entity that substantially benefits principal (see OAR 461-145-0088).

**Earned Income; Defined Rule**

461-145-0120 — Earned Income; Defined

22. **Earned income; treatment**

All earned income not specifically identified below is counted as earned income.
(1) Treat JOBS Plus income as follows:

(a) For all programs, client wages received under the Oregon Employment Department UI JOBS Plus or the Tribal TANF JOBS Plus programs are counted as earned income.

(b) For all programs except SNAP and TANF, count the JOBS Plus income from TANF-PLS as earned income.

(c) For all programs except TANF, count the JOBS Plus income from NCP-PLS as earned income.

(d) For SNAP:

   (A) When JOBS Plus income is earned by TANF-PLS clients:

      (i) Count it as earned income in determining initial SNAP eligibility.

      (ii) Exclude it in determining ongoing eligibility.

   (B) Count as earned income any TANF-PLS JOBS Plus wages received after the month that the client last worked under a JOBS Plus agreement.

(e) For TANF:

   (A) When JOBS Plus income is earned by NCP-PLS clients, count it as earned income in determining initial TANF eligibility.
(B) When determining the need for TANF supplements for TANF-PLS clients, treat the income as follows:

(i) Exclude it in determining the countable income limit and in calculating the benefit equivalency standards.

(ii) Count it as earned income in calculating the wage supplement.

SEE ES-B.15 FOR MORE ON TANF JOBS PLUS AND ES-B.16 FOR CALCULATING THE TANF SUPPLEMENT.

(C) Count as earned income any JOBS Plus wages received after the month that the client last worked under a JOBS Plus agreement.

NOTE

When a JOBS Plus client whose selection is based on receiving UI is eligible for TANF or SNAP, switch them to TANF-PLS. TANF clients are a higher priority for JOBS Plus selection.

(2) Treat Welfare-to-Work work experience income as follows:

(a) For REF, REFM and TANF, exclude the first $260 earned per month. Count the remainder as earned income.

(b) For SNAP count all Welfare-to-Work income as earned income.

(3) For ERDC, exclude all earned income of children.

(a) For ERDC, a child must be in the care and custody of the caretaker. They do not need to have a biological or legal relationship to the caretaker. The child must be:

(A) Under the age of 18; or

(B) Under the age of 19 and in secondary school or vocational training at least half time.

(4) For SNAP, exclude:

(a) A cafeteria plan benefit, including flexible spending plans, that an employee cannot elect to receive as cash which is designated and used to
pay for child care, medical care, or health insurance unless it is reimbursed by the department; or allowed as an earned income deduction.

**NOTE**

In SNAP, cafeteria plan benefits taken as cash or used to pay for a service paid by the department are counted as earned income. The intent is not to allow “double-dipping” by the client; that is, being reimbursed twice for the same cost.

(b) The earned income of an individual under age 18 if they are under the parental control of another member of the household and:

- **PARENTAL CONTROL IS DEFINED IN SNAP-C.3.**

  (A) Attending elementary or high school;
  (B) Attending GED classes recognized by the local school district;
  (C) Completing home-school elementary or high school classes recognized by the local school district; or
  (D) Too young to attend elementary school.

(c) In-kind earned income, except as provided in section (7).

**SEE CA-B.21 FOR A DEFINITION OF EARNED INCOME AND CA-B.41 FOR IN-KIND INCOME.**

For OCCS Medical, Earned Income, as defined is counted in monthly and annual income.
(d) Any amount deducted from base pay for future educational costs under P.L. 99-576, 100 Stat. 3248 (1986), for clients on active military duty.

(e) Income remaining after the month of receipt is a resource.

(5) For REF, REFM and TANF programs;

(a) Exclude the earned income of the following financial group members in the month of receipt. Count any money remaining after the month of receipt as a resource.

(A) Dependent children under age 19, or minor parents (under age 18), who are full-time students in grade 12 or below (or the equivalent level of vocational training, GED courses or home schooling approved by the local school district).

(B) Dependent children under age 18 who are part-time (as defined by the institution) students in grade 12 or below (or the equivalent level of vocational training, GED courses, or home schooling approved by the local school district) and are not employed full time.

(C) Dependent children too young to be in school.

(b) Income remaining after the month of receipt is a resource.

(c) In-kind earned income is excluded (see CA-B.41 and CA-B.68).

(6) For REF, REFM and TANF, exclude all in-kind income except unearned third-party payments.

(7) In the SNAP Program, earned in-kind income (CA-B.41) is excluded unless it is an expenditure by a business entity that benefits a principal (CA-B.15). If it benefits a principal, it is treated as countable earned in-kind reimbursement (CA-B.64).

(8) In all programs except for an OSIPM client in nonstandard living arrangement (see OAR 461-001-0000), the income of a temporary employee of the U.S. Census Bureau employed to assist in taking the census is excluded.

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23. **Earned Income Tax Credit (EITC)**

Earned Income Tax Credit (EITC) are federal and state tax programs for low-income families. EITC may be received in one of two ways:

- As an advance in the employee’s paycheck;
• As one annual payment received at the time of the normal income tax returns.

The EITC is excluded from assets (see OAR 461-001-0000) in the month of receipt and then for a maximum of 12 calendar full months starting with the month following the month of receipt of the refund or payment. All funds remaining after the 12-month period are counted as a resource.

For OCCS Medical, exclude the Earned Income Tax Credit in monthly and annual income.

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24. **Educational income**

(1) Educational income is income designated specifically for educational expenses. To be considered educational income, the income must be given to one of the following:

(a) A student at a recognized institution of post-secondary education. Post-secondary education is education offered by institutions primarily to individuals age 18 or older. Admission may or may not require a high school diploma or equivalent.

(b) A student at a school for people with disabilities.

(c) A student in a vocational education program.

(d) A student in a program that provides for completion of secondary school diploma or the equivalent.

**SEE MP-WG #14 AND OAR 461-145-0150 FOR MORE ON EDUCATIONAL INCOME.**

(2) To determine the amount of educational income to exclude, use education expenses listed in the financial aid award letter unless one of the following is true:

(a) The information is not available in the award letter, or the student provides verification of amounts different from those listed in the award letter. In these situations, use the verified amounts from the student.
NOTE

Do not require additional verification if the amounts are listed in the award letter (unless the student wants to use different amounts and can verify those amounts).

(b) The student receives child care benefits (i.e., ERDC or other child care subsidies). In that situation, exclude from educational income the amount the student actually pays for child care (e.g., the ERDC copay) instead of the amount shown in the award letter.

(c) The student states actual transportation costs exceed the amount allowed for the expense in the award letter. In that situation, calculate the number of commuting miles to and from school and multiply by $0.20. Exclude the calculated amount or the amount from the award letter, whichever is greater.

NOTE

If a SNAP client begins receiving ERDC, remember to recalculate SNAP educational income because the exclusion for child care expenses has changed.

(3) Exclude the following items:

(a) Educational income authorized by the Carl D. Perkins Vocational and Applied Technology Education Act, Title IV of the Higher Education Act, or made available by the Bureau of Indian Affairs (BIA).

(b) All income from educational loans.

(4) Exclude the cost of the following items from remaining educational funds (including non-title IV work study):

(a) Tuition, mandatory fees, books and supplies, transportation, required rental or purchase of equipment or materials charged to students enrolled in a specific curriculum, other miscellaneous personal expenses (except room and board) and loan originator fees and insurance premiums required to obtain an educational loan.
(b) Additionally, for all programs except ERDC, exclude dependent care costs.

**SEE SNAP-E.3 AND SNAP-G.20 OR OAR 461-160-0430 FOR INFORMATION ON SNAP DEPENDENT CARE DEDUCTIONS FOR STUDENTS.**

**FOR ERDC, REFER TO OAR 461-150-0060 FOR BUDGETING EDUCATIONAL INCOME.**

**FOR ERDC AND SNAP, USE THE EDUCATIONAL INCOME CALCULATION FOR ERDC AND FOOD STAMPS WORKSHEET (DHS 7351).**

**NOTE**

*The DHS 7351 is not used for calculating medical eligibility.*

(5) For a participant in the Parents as Scholars (PAS) component of the JOBS program who is approved for PAS pursuant to OAR 461-190-0199, exclude all remaining educational funds, including those funds intended for room and board.

(6) For all programs, after allowing exclusions, treat the remaining income as follows:

(a) Count work study, fellowships and teaching-assistant income not excluded per section (3) or (4) of this rule as earned income. This may include work study provided through the VA program or other educational programs.

(b) For all programs, count other educational income (grants, Montgomery GI Bill [VA Chapters 30, 32, 35, 1606 or 1607, Veterans Retraining Assistance Program (VRAP)], Post 9-11 (9/11) GI Bill [VA Chapter 33], etc.) by prorating it over the period it is intended to cover, then begin counting the prorated amount in the first month of the period if the client has already received the income. If income has not been received, begin counting the prorated amount in the month of the period it is expected to be received.

**SEE CA-B.82 OR OAR 461-145-0580 FOR MORE ON VETERANS’ BENEFITS INCLUDING HOUSING STIPENDS.**
(7) Count the VA Chapter 31 subsistence allowance according to CA-B.82. When participating in this program, the VA pays all tuition, books and fees. All education costs are provided for the student except transportation and child care.

(8) Clients may be attending school under the displaced workers program. In this instance, the student will continue to receive weekly UC benefits while attending school. Treat Displaced Worker payments the same as UC benefits.

✔️ SEE CA-B.79 OR OAR 461-145-0550.

For OCCS Medical, exclude Education Income, for monthly and annual income, except for Non-Title IV (not loans) educational income, which is excluded monthly.

General Definitions Rule
410-200-0015 (51) and (52) — General Definitions

Educational Income Rule
461-145-0150 — Educational Income

25. Energy assistance

For all programs, exclude all energy assistance payments or allowances made under any federal, state or local law (P.L. 96-249). These payments include:

(a) Energy assistance payments provided through a Department of Health and Human Services Low-Income Assistance Program.

(b) Energy assistance payments provided through the Low-Income Energy Assistance Act of 1981 under P.L. 97-35, Section 2605(F) (LIEAP).

✔️ SEE CA-B.33 OR OAR 461-145-0230, ON HOW TO TREAT UTILITY PAYMENTS RECEIVED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE RURAL HOUSING SERVICE.

For OCCS Medical, exclude Energy Assistance for monthly and annual income.

General Definitions Rule
410-200-0015 (51) and (52) — General Definitions

Energy Assistance Payments Rule
461-145-0170 — Energy Assistance Payments
26. **Family Abuse Prevention Act (FAPA) payments**

FAPA payments are court-ordered payments to victims of domestic violence made under authority of ORS 107.718(1)(h). A payment is considered available when actually received by the victim of abuse.

For all programs, the first $2,500 is excluded. The excess above $2,500 is counted as a resource.

For OCCS Medical, exclude Family Abuse Prevention Act (FAPA) payments for monthly and annual income.

### General Definitions Rule

**410-200-0015 (51) and (52)** — General Definitions

### Family Abuse Prevention Act (FAPA) Payments Rule

**461-145-0175** — Family Abuse Prevention Act (FAPA) Payments

27. **Floating homes and houseboats**

   (1) Floating homes and houseboats are treated in the same manner as real property under OAR 461-145-0420.

   ✔️ **SEE CA-B.60 FOR REAL PROPERTY.**

   (2) Floating homes and houseboats are subject to OARs 461-145-0220 and 461-145-0250 if applicable.

   ✔️ **SEE CA-B.32 FOR HOME OR CA-B.34 FOR INCOME PRODUCING PROPERTY.**

For OCCS Medical, resources are not considered in eligibility determination.

### Floating Homes and Houseboats Rule

**461-145-0185** — Floating Homes and Houseboats
28. **Food programs; other than the SNAP Program**

   (1) For all programs, exclude the following:

   (a) Benefits from the Special Supplemental Food Program for Women, Infants and Children (WIC). Also, exclude WIC demonstration project coupons that may be exchanged for food at farmers’ markets.

   (b) The value of supplemental food assistance under the Child Nutrition Act and the National School Lunch Act. This includes the Special Milk Program, School Breakfast Program, the Summer Food Service Program, the Commodity Program and the Child and Adult Food Program.

   **NOTE**

   This exclusion does not apply to providers.

   ![NOTE]

   (c) Benefits from the WIC Farm Direct Nutrition Program (OAR 333-052-0030).

   **WIC Farm Direct Nutrition Program; Program Overview Rule**

   333-052-0030 — WIC Farm Direct Nutrition Program; Program Overview

   (d) Nutrition Assistance Program benefits received in Puerto Rico, American Samoa or the Commonwealth of the Northern Mariana Islands.

   (2) SNAP clients receiving Tribal Food Distribution Program products are not eligible to receive SNAP in the same month per OAR 461-165-0030. For all other programs, Tribal Food Distribution Program benefits are excluded.

   **Concurrent and Duplicate Program Benefits Rule**

   461-165-0030 — Concurrent and Duplicate Program Benefits

   ![SEE SNAP-J.2 FOR INFORMATION ON TRIBAL FOOD DISTRIBUTION PROGRAMS.]

   For OCCS Medical, resources are not considered in eligibility determination.
29. Foster care/guardianship assistance payment

Foster care is when an individual is placed in the home of relatives or other individuals or families by a federal, state or local governmental foster care program. This could be child or adult foster care.

Guardianship Assistance payments are made by Child Welfare, for children under age 18, when a person has agreed to be the guardian of the child. These payments are authorized under a foster care waiver.

A foster care payment is:

(1) The payment the foster care provider receives from the foster care program, and

(2) For adults in foster care, this also includes their room and board payment and any service payment the client is required to pay the provider.

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**NOTE**

An adult in foster care is required to pay the room and board part of the foster care payment. Children in foster care do not make this separate payment.

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**NOTE**

Per TANF-C.4 and OAR 461-110-0630, parents in foster care for whom foster care payments are being made cannot have their needs counted for TANF.
Proctor care administered by or under contract to a state agency is a form of foster care. Treat these situations and income the same as foster care.

Child Welfare foster care payments pay the costs necessary for providing care for the child. The entire payment is designated by CAF CW to provide for the child’s room and board, personal incidentals, and special needs. The provider does not receive additional compensation for their service as a child foster care provider.

Treat foster care/guardianship assistance payments as follows:

1. For all programs except ERDC, REF, REF, SNAP and TANF:
   a. If the provider of foster care/guardianship is in the financial group:
      A. Exclude the amount the placement agency identifies as room and board, clothing and personal incidental needs (including recreational expenses) of the foster care/guardianship assistance client.
      B. Exclude the amount designated for special need items of the foster care/guardianship assistance client.
      C. Count the remaining amount as earned income.
   b. If the provider of foster care/guardianship is not in the financial group, exclude the foster care payments.

2. For ERDC, exclude foster care and guardianship payments.

SEE SNAP-C.4 REGARDING INCLUDING OR EXCLUDING THE FOSTER CARE PERSON FROM THE SNAP FILING GROUP.
(3) For SNAP, count the payments for foster care or guardianship assistance as follows:

(a) If the person receiving the foster care or assistance is a member of the household group, but not the filing group, exclude the income.

(b) If the person receiving the foster care or assistance is a member of the filing group, count the payment from the foster care program as unearned income for the care provider.

NOTE

Do not count the room and board or service payment as income that the foster care recipient is paying to the provider when they are in the same filing group. This is because foster care person’s income has been counted already and income that changes hands between financial group members is not counted.

(c) If the person receiving the foster care or assistance is not a member of the household group, count the payment (both parts) as self-employment income for the foster care provider.

(4) For REF, REM and TANF, count the payments for foster care or guardianship as follows:

(a) If the person receiving adult foster care or assistance is a member of the household group but not the filing group, exclude the income.

(b) If the person receiving adult foster care or assistance is a member of the filing group, count the payment from the foster care program as unearned income for the care provider.

(c) For children in foster care, exclude the payments or benefits.

For OCCS Medical, Foster Care Payments and Guardianship Assistance are treated as follows:

(1) If the income is being received for a child, the payments are excluded for monthly and annual income

(2) If the income is being received for an adult, and the individual receiving the income cares for 6 or more qualified foster individuals, the payments are counted for monthly and annual income.
30. **Gifts and winnings**

*Gifts* are items given to or received by an individual on or for a special occasion, such as a holiday, birthday, graduation, wedding, etc. They are not given or received on a regular basis.

*Winnings* are prizes given to an individual in a contest, game of chance or similar event. *Winnings* in the form of money may be distributed periodically (e.g., monthly) or in a lump-sum.

1. Gifts and winnings in the form of either a gift card or certificate are excluded.
2. For employment related items, see [CA-B.21](OAR 461-145-0130).
3. For all programs except ERDC, treat in-kind gifts and winnings according to policy for the specific type of asset. Treat gifts and winnings in the form of money as periodic or lump-sum income. (OAR 461-140-0110 and OAR 461-140-0120).
4. For ERDC, exclude all gifts and winnings.

For OCCS Medical, Gifts are excluded for monthly and annual income, Winnings are counted.

31. **Groundfish disaster benefits**

People working in the commercial fishing industry may qualify for Groundfish Disaster benefits. These benefits are disbursed through the Oregon Employment Department to persons involved in the commercial fishing industry in Oregon’s coastal communities.
To qualify for Groundfish Disaster benefits, a groundfisher must be working with the Oregon Employment Department as a displaced worker. They must also commit to not return to work in the commercial fishing industry.

The groundfisher eligible for these benefits may receive assistance for up to nine months. The monthly payments can be as much as $1,500 for a family or $1,000 for an individual. The payments may be less if the person is receiving unemployment compensation.

Groundfish Disaster benefits are counted as unearned income for all programs.

For OCCS Medical, resources are not considered in eligibility determination.

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### 32. Home

#### Home defined

A home is the place where the filing group lives. A home can be a house, boat, trailer, mobile home or other habitation. A home also includes the following:

1. Land on which the home is built and contiguous property.
   
   (a) For all programs except GA, GAM, OSIP, OSIPM, QMB and SNAP property must meet all the following criteria to be considered contiguous property:

       (A) It must not be separated by land owned by people outside the financial group.

       (B) It must not be separated by public rights-of-way, such as roads.

       (C) It must be property that cannot be sold separately from the home.

   (b) For the GA, GAM, OSIP, OSIPM, QMB and SNAP programs, contiguous property is property not separated by land owned by people outside the financial group. In addition:

       (A) Contiguous property may be separated by public rights-of-way, such as roads; and

       (B) Property is contiguous even when it can be sold separately from the home.
(2) Other dwellings on the land surrounding the home that cannot be sold separately from the home.

(3) Additionally, for SNAP, land that the financial group is building, or plans to build, their home on.

**Exclusion of home and other property**

(1) For a client who has an initial month (defined in OAR 461-001-0000) of long-term care or waivered services on or after January 1, 2006:

(a) For purposes of this subsection:

   (A) “Child” means a biological or adoptive child who is

      (i) Under age 21; or

      (ii) Any age and meets the Social Security Administration criteria for blindness or disability.

(b) The value of a home is excluded if the financial group occupies the home and has equity in the home of $500,000 or less.

(c) The home is countable as a resource if the client has equity in the home of more than $500,000, unless one of the following requirements is met:

    (A) The spouse of the client occupies the home.

    (B) The child of the client occupies the home.

    (C) The client is legally unable to convert the equity value in the home to cash.

    (D) The home equity is excluded under OAR 461-145-0250.

(2) For all other financial groups, the value of a home is excluded when the home is occupied by any member of the financial group.

(3) In the SNAP program only, exclude the value of a home when it is occupied by the financial group. Additionally, for SNAP, exclude the value of land the group is building, or plans to build, their home on. If the SNAP financial group owns (or is buying) the home they live in and has separate land they intend to build on, only exclude the home in which they live. Treat the land they intend to build on as real property ([CA-B.60](#)) or OAR 461-145-0420.
Exclusion during temporary absence

If the value of the home is excluded above, the value of a home remains excluded in each of the following situations:

(1) In all programs except GA, GAM, OSIP, OSIPM and QMB during the temporary absence of all members of the financial group from the property, if the absence is due to illness or uninhabitability from casualty or natural disaster, and the group intends to return home.

(2) For SNAP, if the financial group’s absence is due to employment or training for future employment.

(3) For GA, GAM, OSIP, OSIPM and QMB, if the client’s absence is due to receiving care in a medical institution and one of the following is true:

   (a) The absent client is a single adult who has provided convincing evidence that they will return to the home. The evidence must reflect the subjective intent of the client, regardless of the client’s medical condition. A written statement from a competent client is sufficient to prove the intent.

   SEE OAR 461-160-0630 FOR MORE INFORMATION.

   Review this at each redetermination after the client has been absent from the home for six consecutive months.

   (b) The home remains occupied by the client’s spouse, child or a relative dependent on the client for support. For the purposes of this paragraph, the home is considered occupied when it is temporarily vacant but the home expenses are maintained and the individual intends to return.

   FOR NONEXCLUDED HOMES, SEE CA-B.60 OR OAR 461-145-0420.

(4) For REF, REFM and TANF, if all members of the financial group are absent due to one of the following:

   (a) The members are employed in seasonal employment, and intend to return to their home when the employment ends; or

   (b) The members are searching for employment and the search requires the filing group to relocate away from their home. Exclude the home for up to six months from the last date all members left their home to search for
employment. After the six months, if a member of the financial group does not return, the home is no longer excluded.

**NOTE**

*If a home is sold or transferred, review the transaction to determine its effect on the client’s eligibility.*

For OCCS Medical, resources are not considered in eligibility determination.

### Home Rule

461-145-0220 — Home

33. **Housing and Urban Development (HUD)**

(1) Treat payments from HUD made to a third party as follows:

   (a) For EA, ERDC, GA, GAM, OSIP, OSIPM, QMB and SNAP, exclude these payments.

   (b) For REF, REFM and TANF use the payment in determining Shelter-in-kind income ([CA-B.68](#)).

(2) Treat HUD payments made directly to a member of the financial group, Family Investment Centers payments, as follows:

   (a) For EA, count as unearned income.

   (b) For ERDC, GA, GAM, OSIP, OSIPM and QMB, exclude these payments.

   (c) For SNAP, exclude payments for utilities. Count other payments as unearned income.

**NOTE**

*Groups who receive utility reimbursements are still eligible for the utility allowance (FUA) if they pay heating costs above the reimbursement ([SNAP-G.24](#)).*
(d) For REF, use the payment in determining Shelter-in-Kind income. If the payments are made in a lump sum, count as unearned income.

(3) Exclude the equity value of escrow accounts that are established for families participating in the Family Self-Sufficiency (FSS) program sponsored by HUD.

(4) Treat payments issued under the Cranston-Gonzalez National Affordable Housing Act, *Public Law 101-625* (Family Investment Centers) as follows:

(a) Count wages as earned income and stipends as unearned income.

(b) Exclude service payments for items such as child care, basic education, literacy or computer skills training, employment training or counseling assistance in attaining a GED, etc.

For OCCS Medical, HUD Payments issued under the Cranston-Gonzalez National Affordable Housing Act are excluded for monthly and annual income.

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34. Income-producing property

(1) Income-producing property is any real or personal property that generates income for the financial group. Examples of income-producing property are:

(a) Livestock, poultry and other animals.

(b) Farmland, rental homes (including a room or other space in the home or on the property of a member of the financial group), vacation homes, condominiums.

(c) For the SNAP Program, if an individual is receiving rent for the property they live in, do not count this as income unless it exceeds the expense for the property. Refer to *SNAP-G.24* for examples.

(2) For all programs except the TANF program, count the income from income-producing property as follows:

(a) If a financial group member actively manages the property 20 hours or more per week, treat as self-employment income. (*CA-C.1, CA-C.2* and *CA-C.3*).
(b) If a financial group member does not actively manage the property 20 hours or more per week, count as unearned income with exclusions allowed only in accordance with OAR 461-145-0920. Necessary costs are the actual costs allowable in determining countable self-employment income (CA-C.2). For SNAP financial groups with more than one income-producing property, review each property and the expenses separately to determine the countable income.

(c) For TANF, the income from income-producing property is treated as self-employment income.

NOTE

When the income from income-producing property is treated as unearned income, actual costs are allowed to offset the income. Allow the 50 percent self-employment deduction for SNAP only when the income is counted as earned income and the household has allowable costs.
NOTE

For SNAP, when a filing group is renting out rooms in their home they are not eligible for more than one deduction using the same costs. So if interest on the mortgage payment is used to reduce the income, it cannot also be allowed as a shelter cost.

(3) Treat the equity value of income-producing property as follows:

(a) For REF, REFH and TANF, count it as a resource.

(b) For EA and ERDC, exclude it.

(c) For SNAP, count as a resource unless one of the following is true:

   (A) Exclude the equity value of property that produces an annual countable income that is similar to other properties in the community with comparable market value.

   (B) Exclude the equity value of income-producing livestock, poultry, and other animals.

   (C) Exclude the equity value if selling the resource would produce a net gain to the financial group of less than $1,500.

   (D) Exclude the value of work-related property or capital assets under ca-b.87 or OAR 461-145-0600.

(d) For GA, GAM, OSIP, OSIPM and QMB, count as a resource, except as follows:

   (A) Exclude up to $6,000 of the equity value if the property produces an annual countable income of at least six percent of its equity value.

   (B) Exclude the total equity value if all the following are true:

      (i) The property is used in a trade or business of a member of the financial group as evidenced by two or more of the following:

      (I) The good faith intention of making a profit.

      (II) Its use is part of a regular occupation for a member of the financial group.
(III) Holding out to others as being engaged in the selling of goods or services.

(IV) Continuity of operations, repetition of transactions or regularity of activities.

(V) A business tax return, including forms such as Profit or Loss from Business or Profession (Schedule C), Computation of Social Security Self-Employment (Schedule SE), Farm Income and expenses (Schedule F), Depreciation and Amortization (Form 4562) or U.S. Partnership Return of Income (Form 1065).

(ii) The property is essential to the client’s self-support.

(iii) The property is in current use or, if not in use for reasons beyond the control of the financial group, there must be a reasonable expectation that the required use will resume.

For OCCS Medical, Income from Income Producing Property is counted for monthly and annual income.

### General Definitions Rule

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### Income-Producing Property; Not OSIP, OSIPM, or QMB Rule

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Examples of income-producing property for SNAP:

**Example 1:** Client reports renting out a room in her home. She receives $200 a month rent. The client is billed $500 a month for shelter (rent or mortgage) and pays separately for heating the home. This is a shared shelter situation. Subtract the $200 rent payment from the shelter costs and allow the client a shelter deduction of $300 and the FUA. There is no countable income from renting the room.

**Example 2:** Client reports renting out part of her home to two other individuals. She receives $400 a month from each. The client is billed $500 mortgage payment plus $50 a month taxes and $25 a month insurance. This is a shared shelter situation. Subtract the $400 + $400 from the client’s $575 shelter costs to leave an excess rental income of $225. Code zero shelter cost for the client and allow the FUA because she pays the heating costs. Code the $225 excess rental income as PTY. She is probably not actively working 20 hours a week at renting these two rooms, so the income is not self-
employment. The $225 can only be reduced further if there is an allowable cost. For example: $5 a month advertisement fee to the local paper regarding the room rental. In that situation the income could become $220 instead of $225. Do not allow a cost for mortgage, taxes, insurance or utilities because they have already been considered for the shelter cost and FUA determination.

Example 3: Client reports buying a motel. She lives in the manager’s apartment and manages the motel. She also does part of the maid work each day. She is actively working in the motel more than 20 hours a week. The client is not being billed separately for rent and utilities from the motel mortgage and utility bills. Do not allow the shelter cost or FUA. There are allowable costs to running this business. Code the gross income from the business as SEC.

Example 4: Client has two rental cabins on the same property as his home. He is in the process of repairing and fixing these cabins. He has rented one cabin for $500 and hopes to rent the other soon. He is doing all of the repairs himself in his spare time. He estimates he is working on the repairs about 15 hours a week. He is spending an average of $250 a month to make these repairs and he provides receipts for the past three months. The units are in sad repair and will take many more months of work. Each unit has its own utility meter and the utilities are put into the renter’s name. His mortgage payment for the full property is $1,300 a month including taxes and insurance. Deduct $750 (the $500 rent income and ongoing maintenance costs) from his full shelter amount of $1,300. Code the balance of $550 as his Shel deduction. Because his costs are more than the rental he collects, he has no property income.

Example 5: Client owns two houses. He lives in one and rents out the other for $1000 a month. Each house has its own mortgage, taxes and insurance. The renter is responsible for all utilities at the rental. Currently there are no repairs or other costs associated with renting the house. The mortgage, taxes and insurance on the rental totals $900 a month. Rental income of $1000 less allowable costs of $900 = $100 excess income. Code $100 as PTY.

35. Income-producing sales contract

An income-producing contract is an agreement between two parties where one party is to pay the other party on an ongoing basis for property or goods. A common income-producing contract exists when the client sells land or a home to another party and the other party pays the client an agreed upon monthly or periodic payment. Count the proceeds from the sales contract per CA-B.67.
For OCCS Medical, Sale of a Countable Resource is counted for monthly and annual income.

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36. **Independent living subsidies/Chafee Housing Program**

Independent Living Subsidies are payments made and services provided by Child Welfare to children ages 16 through 20. These payments also include payments under the Chafee Housing Program. The subsidies are to assist the individuals to live independently when their foster care payments were discontinued on or after the date they reached 16 years of age.

**NOTE**

*For a description of these payments, see OARs 413-030-0400 to 0455.*

1. For all programs except EA and SNAP, exclude all independent living subsidies issued by Child Welfare.

2. For EA and SNAP, count the payments as unearned income.

**NOTE**

*See Educational Income for Chafee Education and Training Grant – CA-B.24 and MP-WG #14.*

For OCCS Medical, exclude Youth Transitions Program Subsidies, including Chafee Housing Payments for monthly and annual income.
General Definitions Rule
410-200-0015 (51) and (52) — General Definitions

Youth Transitions Program Subsidies Rule
461-145-0255 — Youth Transitions Program Subsidies

37. Indian (Native American) benefits

For OCCS Medical, Tribal Benefits are counted for annual income and excluded for monthly income. The rest of this section of counting Client Assets pertains to all other programs.

Individuals enrolled as a member in a tribe or band may receive income from the tribe. The income may or may not be prescribed by law. The recipient should have documentation showing the type of payment and where it originated.

Process to determine Indian income

Anytime a client states they are Native American, determine the following:

- Name of the tribe the person has a membership;
- Name of the tribe the person has a membership;
- What benefits do they receive from the tribe or from Bureau of Indian Affairs (BIA);
- Ask if they receive any kind of income, including per capita payments, and how often received;
- Verify the kind of payment and if it issued under a specific public law number. The treatment of income for some public laws is noted in this policy. If the public law number is not present in this policy, contact a program analyst with the public law number to research and determine if the income is counted or excluded.

NOTE

The tribal office may also verify if the payment is made under a specific public law (P.L.) and the P.L. number.
Some Indian benefits are issued under a public law. The public laws treat income in these four ways:

1. Exclude all of the payments.
2. Exclude the first $2000 of each payment received by each individual of the financial group. Any remaining balance is countable income.
3. Exclude the first $2000 received in a year by each individual of the financial group. Any remaining balance is countable income.
4. Count all of the payments.

**Income:** Use the table below to determine the income treatment of Indian benefits.

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<td>Public Law</td>
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<td>4. Count all payments</td>
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<tr>
<td>92-488</td>
<td>Payments from the distribution of funds held in trust to the Burns Indian Colony in Oregon.</td>
<td>All programs</td>
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<tr>
<td>93-134</td>
<td>Indian Judgement Funds Distribution Act payments received from trust or restricted lands under 25 USC 1408.</td>
<td>ERDC REF TA-DVS TANF</td>
<td>SNAP</td>
<td></td>
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<tr>
<td>93-531</td>
<td>Relocation assistance payments to members of the Navaho or Hopi Tribes.</td>
<td>All programs</td>
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<tr>
<td>94-114</td>
<td>Distribution of receipts from lands held in trust by the United States for the following tribes:</td>
<td>All programs</td>
<td></td>
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</tr>
<tr>
<td>section 6</td>
<td>i. Assiniboine and Sioux Tribe of Montana;</td>
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<tr>
<td></td>
<td>ii. Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin;</td>
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<td>iii. Blackfeet Tribe of Montana;</td>
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<td>iv. Cherokee Nation of Oklahoma;</td>
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<td>v. Cheyenne River Sioux Tribe of South Dakota;</td>
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<td>vi. Chippewa Tribe of Minnesota;</td>
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<td>vii. Crow Creek Sioux Tribe of South Dakota;</td>
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<td>viii. Devil’s Lake Sioux Tribe of North Dakota;</td>
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<td>ix. Fort Belknap Indian Community of Montana;</td>
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<td>x. Keweenaw Bay Indian Community of Michigan;</td>
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<td>xi. Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin;</td>
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<td>xii. Lower Brule Sioux Tribe of North Dakota;</td>
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<td>xiii. Navajo Tribe of New Mexico;</td>
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<td>xiv. Oglala Sioux Tribe of South Dakota;</td>
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<td>Public Law</td>
<td>Description</td>
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<td>xv.</td>
<td>Rosebud Sioux Tribe of South Dakota; Shoshone – Bannock Tribes of Idaho; Standing Rock Sioux Tribe of North Dakota.</td>
<td>REF SNAP TA-DVS TANF</td>
<td>ERDC</td>
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<tr>
<td>94-189</td>
<td>Judgment funds distributed to members of the Sac and Fox Indian Nation.</td>
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<tr>
<td>94-540</td>
<td>Judgment funds distributed to members of the Grand River Band of Ottawa Indians.</td>
<td>All programs</td>
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<tr>
<td>95-433</td>
<td>Judgment funds distributed to members of the Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation.</td>
<td>All programs</td>
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<tr>
<td>95-498</td>
<td>Receipts derived from trust lands awarded to the Pueblo of Santa Ana and distributed to members of that tribe.</td>
<td>All programs</td>
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<tr>
<td>95-499</td>
<td>Receipts derived from trust lands awarded to the Pueblo of Zia and distributed to members of that tribe.</td>
<td>All programs</td>
<td></td>
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<tr>
<td>95-608</td>
<td>Indian child welfare payments.</td>
<td>All programs</td>
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<tr>
<td>96-305</td>
<td>Relocation assistance payments to members of the Navaho or Hopi Tribes.</td>
<td>All programs</td>
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<td></td>
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<tr>
<td>96-318</td>
<td>Judgment funds distributed to members of the Delaware Tribe of Indians and the absentee Delaware Tribe of Western Oklahoma.</td>
<td>All programs</td>
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<tr>
<td>96-420</td>
<td>Funds and distributions to members of the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians under the</td>
<td>All programs</td>
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<tr>
<td>Public Law</td>
<td>Description</td>
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<tr>
<td>97-372</td>
<td>Distributions of judgment funds to members of the Shawnee Tribe of Indians (Absentee Shawnee Tribe of Oklahoma, the Eastern Shawnee Tribe of Oklahoma, and the Cherokee Band of Shawnee descendants)</td>
<td>5</td>
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<td>4</td>
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<tr>
<td>97-376</td>
<td>Judgment funds distributed per capita to members of the Miami Tribe of Oklahoma and the Miami Indians of Indiana.</td>
<td>5</td>
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<tr>
<td>97-403</td>
<td>Payments on judgments funds to the Turtle Mountain Band of Chippewas, Arizona.</td>
<td>5</td>
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<tr>
<td>97-408</td>
<td>Payments on judgment funds to the Blackfeet, Gros Ventre, and Assiniboine tribes (Montana) and the Papago (Arizona).</td>
<td>5</td>
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<tr>
<td>97-436</td>
<td>Per capita distributions of judgment funds to members of the Confederated Tribes of the Warm Springs Reservation</td>
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<tr>
<td>97-458</td>
<td>Payments received from trust or restricted lands under 25 USC 1408.</td>
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<td>98-64</td>
<td>Payments from judgement funds held in trust by the US Secretary of the Interior.</td>
<td>5</td>
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<tr>
<td>98-123</td>
<td>Judgment funds held in trust and per capita and interest payments disbursed to the Red Lake Band of Chippewa Indians.</td>
<td>5</td>
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<tr>
<td>Public Law</td>
<td>Description</td>
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<tr>
<td>98-124</td>
<td>Judgment funds held in trust and per capita and interest payments made to the members of the Assiniboine Tribe of the Fort Belknap Indian Community (Montana) and the Assiniboine Tribe of the Fort Peck Indian Reservation (Montana).</td>
<td>All programs</td>
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<tr>
<td>98-432</td>
<td>Judgment funds and income distributed to members of the Shoalwater Bay Indian Tribe.</td>
<td>All programs</td>
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<tr>
<td>98-500, section 8(b)</td>
<td>Payment from the Old Age Assistance Claims Settlement Act</td>
<td>ERDC</td>
<td>REF SNAP TA-DVS TANF</td>
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<tr>
<td>98-602</td>
<td>Per Capita distributions of judgment funds to members of the Wyandotte Tribe in Oklahoma and absentee Wyandotte.</td>
<td>REF SNAP TA-DVS TANF</td>
<td>ERDC</td>
<td></td>
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<tr>
<td>99-130</td>
<td>Per Capita and dividend payment distributions of judgment funds to members of Santee Sioux Tribe of Nebraska, Flandreau Santee Sioux Tribe, Prairie Island Sioux, Lower Sioux and Shakopee Mdewakanton Sioux Communities of Minnesota.</td>
<td>All programs</td>
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<td>1. Exclude All Payments</td>
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</tbody>
</table>
| 99-146, section 6(b) | Funds distributed per capita or held in trust for members of the Chippewas of Lake Superior. The funds are distributed to the following reservations:  
  i. Wisconsin: Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Lac Courte Oreilles Band of Lake Superior Bands of Chippewa Indians of the Lac du Flambeau Reservation, Sokaogon Chippewa Community of the Mole Lake Band of Chippewa Indians, Red Cliff Reservation, St. Croix Chippewa Reservation;  
  ii. Michigan: Keweenaw Bay Indian Community (L’Anse, Lac Vieux Desert and Ontonagon Bands); and  
  iii. Minnesota: Fond du lac Reservation, Grand Portage Reservation, Bois Fort Reservation (including Nett Lake, Vermillion Lake and Deer Creek), White Earth Reservation. | All programs | | | |
<p>| 99-264 | Payments and funds held in trust to the White Earth Band of Chippewa Indians in Minnesota under the White Earth Reservation Land Settlement Act of 1985, Section 16. | All programs | | | |
| 99-346, section 6(b)(2) | Per capita payments and income from a distribution of funds held in trust to the Saginaw Chippewa Tribe of Michigan. | All programs | | | |</p>
<table>
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<tr>
<th>Public Law</th>
<th>Description</th>
<th>1. Exclude All Payments</th>
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<th>4. Count all payments</th>
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<tbody>
<tr>
<td>99-377, section 4(b)</td>
<td>Per capita payments distributed or held in trust to the Chippewas of Mississippi under P.L. 99-377 Section 4(b), to those with affiliation with the Mille Lacs, White Earth and Leech Lake Reservations in Minnesota, and paid by the Indian Claims Commission.</td>
<td>All programs</td>
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<tr>
<td>100-139</td>
<td>Judgment payments disbursed to the Umpqua Tribe Cow Creek Band.</td>
<td>All programs</td>
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<tr>
<td>100-241</td>
<td>Payments from the Alaska Native Claim Settlement Act Amendment of 1987.</td>
<td>All Programs</td>
<td></td>
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</tr>
<tr>
<td>100-383</td>
<td>Per capita restitution payments made to eligible Aleuts who were relocated or interned during World War II.</td>
<td>All programs</td>
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</tr>
<tr>
<td>100-411</td>
<td>Per capita payments of claims settlement funds to members of the Coushatta Tribe of Louisiana.</td>
<td>REF TA-DVS TANF ERDC SNAP</td>
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<tr>
<td>100-580</td>
<td>Funds distributed to the Hoopa Valley Tribe and the Yurok Tribe under the Hoopa-Yurok Settlement Act and paid by the Indian Claims Commission.</td>
<td>All programs</td>
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<tr>
<td>100-581</td>
<td>Judgment funds distributed to members of the Wisconsin Band of Potawatomi (Hannahville Indian Community and Forest County Potawatomi).</td>
<td>REF TA-DVS TANF ERDC SNAP</td>
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<tr>
<td>101-41</td>
<td>Funds, assets or income received from the trust fund established and paid to the Puyallup Tribe of the State of Washington under Section 9(b) of the Puyallup Tribe of Indians Settlement Act of 1989.</td>
<td>All programs</td>
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<tr>
<td>Public Law</td>
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<tr>
<td>101-277</td>
<td>Funds appropriated in satisfaction of judgments awarded to the Seminole Indians and paid by the Indians Claims Commission to members of the Seminole Nation of Oklahoma, Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida and the independent Seminole Indians of Florida.</td>
<td>SNAP</td>
<td>ERDC REF TA-DVS TANF</td>
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<td>101-503, section 8(b)</td>
<td>Settlement payments, funds distributed or held in trust to members of the Seneca Nation under the Seneca Nation Settlement Act of 1990.</td>
<td>All programs</td>
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<tr>
<td>101-618</td>
<td>Per capita distributions of settlement funds under the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990.</td>
<td>REF TA-DVS TANF</td>
<td>ERDC SNAP</td>
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<tr>
<td>102-171</td>
<td>Payments to the Aroostook Band under the Micmac Settlement Act.</td>
<td>All programs</td>
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<tr>
<td>103-66</td>
<td>Payments for land held in trust by the Secretary of the Interior under 25 USC 1408.</td>
<td>ERDC REF TA-DVS TANF</td>
<td>SNAP</td>
<td></td>
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<tr>
<td>103-116</td>
<td>Settlement funds, income, payments or distributions from Trust Funds to members of the Catawba Indian Tribe under the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993.</td>
<td>All programs</td>
<td></td>
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<tr>
<td>103-436</td>
<td>Payments from the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act.</td>
<td>All programs</td>
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<tr>
<td>103-444</td>
<td>Payments made, or benefits granted, by the Crow Boundary Settlement Act of 1994.</td>
<td>All programs</td>
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<tr>
<td>Public Law</td>
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<tr>
<td>105-143</td>
<td>Distributions of judgment funds to the Ottawa and Chippewa Indians of Michigan under the Michigan Indian Land Claims Settlement Act.</td>
<td>All programs</td>
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<tr>
<td>108-270</td>
<td>Per capita distribution of judgment funds to members of the Western Shoshone Indians.</td>
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</tr>
<tr>
<td>111-291, section 101</td>
<td>Payments from the Tribal Trust Accounting and Management Lawsuits. If the funds are comingled with other funds the resource is excluded for only 12 months and counted thereafter.</td>
<td>All programs</td>
<td></td>
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</tr>
<tr>
<td>n/a</td>
<td>Tribal Benefits from timber sales or oil reserves from land held in trust by the Secretary of the Interior.</td>
<td>All programs</td>
<td></td>
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<tr>
<td>n/a</td>
<td>Payments from the Bureau of Indian Affairs for the General Assistance program</td>
<td>All programs</td>
<td></td>
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<tr>
<td>n/a</td>
<td>Payments from land designated as Indian trust land and not addressed elsewhere in this FSM section.</td>
<td>ERDC REF TA-DVS TANF</td>
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<td>SNAP</td>
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<tr>
<td>n/a</td>
<td>Tribal child care payments - consider for the client</td>
<td>All programs</td>
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<tr>
<td>n/a</td>
<td>Tribal child care payments - consider for the provider if paid to the provider</td>
<td>All programs</td>
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<tr>
<td>n/a</td>
<td>Commercial fishing income under one of the Columbia River Fishing Treaties for Yakima, Warm Springs, Umatilla and Nez Perce tribes</td>
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<tr>
<td>n/a</td>
<td>Tribal TANF</td>
<td>REF TANF</td>
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<td></td>
<td>ERDC SNAP TA-DVS</td>
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</tbody>
</table>
## Resources

Indian benefits which are treated as excluded income remain excluded as an asset while it is kept in a separate account and not commingled. If commingled it is excluded for 6 months. See OAR 461-140-0070.

Indian benefits which are counted as income cannot be treated as a resource in the same month (see OAR 461-145-0010) but any remaining during subsequent months is counted as a resource.

Indian lands held jointly with the tribe, or land which may not be sold without the approval of the Bureau of Indian Affairs (BIA) are excluded resources.

<table>
<thead>
<tr>
<th>Public Law</th>
<th>Description</th>
<th>1. Exclude All Payments</th>
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<th>4. Count all payments</th>
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</thead>
<tbody>
<tr>
<td>n/a</td>
<td>All other Indian (Native American) benefit payments distributed by the tribe and not excluded by public law are counted as unearned income. This includes to following: a. Profit share or per capita income from tribal casinos b. Income derived from land not held in trust by the secretary of the interior such as timber sales or sale of oil reserves.</td>
<td>All programs</td>
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</table>

### General Definitions Rule

410-200-0015 (51) and (52) — General Definitions

### Indian (Native American) Benefits; Not OSIP, OSIPM, and QMB Rule

461-145-0260 — Indian (Native American) Benefits; Not OSIP, OSIPM and QMB

### 38. Individual Development Account (IDA)

An Individual Development Account (IDA) is a trust-like savings account established under P.L. 105-285 designed to help low-income individuals save for specified purposes. The individual makes deposits from his or her earnings, and these are matched by a combination of government and private-sector funds.
For all programs except SNAP, deposits from the account holder’s earnings are excluded from gross income. For SNAP the deposits remain countable earned income.

For all programs, matching deposits and interest earned by the IDA accounts are excluded from income.

For all programs, IDA accounts are excluded from resources.

For OCCS Medical, earnings deposited into an Individual Development Account are counted for monthly and annual income.

<table>
<thead>
<tr>
<th>General Definitions Rule</th>
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<tr>
<td>410-200-0015 (51) and (52) — General Definitions</td>
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<tr>
<th>Individual Development Account (IDA) Rule</th>
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</thead>
<tbody>
<tr>
<td>461-145-0261 — Individual Development Account (IDA)</td>
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</tbody>
</table>

39. **Individual Education Account (IEA)**

The IEA is an asset accrued by JOBS Plus participants. Exclude the IEA while it accumulates, while it is saved, and when it is withdrawn for educational purposes. For the SNAP program, also exclude funds in a qualified tuition program under section 529 of the Internal Revenue Code or in a Coverdell education savings account.

<table>
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<tr>
<th>Educational Account Rule</th>
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<tbody>
<tr>
<td>461-145-0145 — Educational Account</td>
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</table>

40. **Inheritance**

(1) An inheritance may be received in the form of monies, property, or other assets.

(2) An inheritance is treated as follows:

   (a) In all programs except for the ERDC program:

      (A) A noncash inheritance is treated according to the policy for a specific type of asset inherited.

      (B) A cash inheritance is counted as periodic (see OAR 461-140-0110) or lump-sum income (see CA-A.6 and OAR 461-140-0120).

   (b) In the ERDC program, an inheritance is excluded.

For OCCS Medical, exclude inheritance for monthly and annual income.
41. **In-kind income**

In-kind income is compensation in a form other than money (such as food, clothing, cars, furniture and payments made to a third party). (See OAR 461-001-0000.)

SEE [CA-B.68](#) FOR HOW TO TREAT SHELTER-IN-KIND INCOME.

(1) For all programs, treat unearned third-party payments as follows:

(a) Count payments made to a third party that should legally be paid directly to a member of the financial group as unearned income. This includes court-ordered support payments that the noncustodial parent makes voluntarily to the landlord or mortgage company on behalf of the financial group.

(b) Treat payments made to a third party that the payee is not legally obligated to pay directly to a member of the financial group and that the group does not have the option of taking as cash, and payments made by the noncustodial parent to a third party, that are court-ordered but not designated as child support, as follows:

(A) For SNAP, exclude these third-party payments (except per (5) below) unless they are transitional housing payments for the homeless.

(B) In REF, REFM and TANF, except for child support (see OAR 461-145-0080), these third-party payments are excluded.

(C) For all other programs, exclude these third-party payments.

**NOTE**

Transitional housing for the homeless is a shelter or residence for homeless individuals as they transition to regular housing. There is generally a time limit for the transition period and it may be 24 months.
For information on how to treat other third-party payments made by a noncustodial parent, see CA-B.13 or OAR 461-145-0080.

(2) For all programs except REF, REFM and TANF, treat earned in-kind income according to CA-B.21 and CA-B.22 (OAR 461-145-0130).

(3) For all programs except REF, REFM and TANF, treat unearned in-kind income (except third-party payments) as follows:

   (a) Exclude court-ordered community service work or bartering. Bartering is the exchange of goods of equal value.

   (b) Treat items such as cars and furniture according to the administrative rule for the specific type of asset.

(4) For REF, REFM and TANF, exclude all in-kind income (except unearned third-party payments).

For OCCS Medical, in-kind income/third-party payments are treated as follows:

(1) If the in-kind income/third-party payment is legally obligated to be paid to the applicant, then it is counted for monthly and annual income.

(2) If the in-kind income/third-party payment is not legally obligated to be paid to the applicant, and they have the option to receive the payment as money, then it is counted for monthly and annual income.

(3) If the in-kind income/third-party payment is not legally obligated or the individual cannot receive the money as income, then it is excluded for monthly and annual income.

(4) If the income is being received for an adult, and the individual receiving the income cares for six or more qualified foster individuals, the payments are counted for monthly and annual income.

**General Definitions Rule**

410-200-0015 (51) and (52) — General Definitions

**In-Kind Income Rule**

461-145-0280 — In-Kind Income

(5) For SNAP, exclude in-kind income except count as income child support (OAR 461-145-0080) or the expenditures (payments for food, clothing, cars, furniture, shelter, etc.) by a business entity that substantially benefits a principal who is a member of the financial group. A “principal” is a person with significant authority in the business entity, such as the proprietor of a sole proprietorship,
including a person who is self-employed, or a partner of a partnership, or a member or manager of a limited liability company, or an officer or principal stockholder of a closely held corporation (OAR 461-145-0088).

**Example:** Mr. Clean is a partner in a business called Just Right Cleaners. The business makes monthly payments for his car of $420 each month, house payment of $1,025, car insurance for $87.50 for a total of $1,532.50. These amounts are considered in-kind income and, as well as any other income paid to Mr. Clean, are considered countable income and used to determine eligibility.

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**Determining Availability of Income Rule**

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**Earned Income; Defined Rule**

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**Shelter-in-Kind Income Rule**

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42. **Job Corps**

Job Corps payments are treated as follows:

1. A living allowance payment is counted as earned income.
2. A readjustment allowance payment is treated as follows:
   - (a) In all programs except the SNAP program, this payment is counted as earned income.
   - (b) In the SNAP program, this payment is counted as lump-sum income (CA-A.6).
3. A support service payment for an item already covered by the benefits of the benefit group is counted as unearned income. All other support service payments (including clothing allowances) are excluded.
4. A reimbursement is treated as provided in CA-B.64 or OAR 461-145-0440.
NOTE

JOBS participants in Job Corps get JOBS child care payments instead of a TANF child care payment.

NOTE

PIVOT (Partners in Vocational and Occupational Training) is a Job Corps program for participants 17-21 years of age, who have had a child by age 17. Treat PIVOT living allowance payments as (1) above.

For OCCS Medical, Job Corps payments are counted for monthly and annual income.

### General Definitions Rule

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### In-Kind Income Rule

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### Life estate

1. A *life estate* (see OAR 461-001-0000) is the right to property limited to the lifetime of the person holding it or the lifetime of some other person. In general, a *life estate* enables the owner of the *life estate* to possess, use and obtain profits from property during the lifetime of a designated person while actual ownership of the property is held by another individual. A *life estate* is created when an individual owns property and then transfers their ownership to another while retaining, for the rest of their life, certain rights to that property. In addition, a *life estate* is established when a member of the financial group purchases a *life estate* interest in the home of another individual.

2. For all programs except OSIP, OSIPM and QMB, if a financial group is living in real property while a member holds a *life estate* in this property, the property is treated as a home (see OAR 461-145-0220). In all other situations, a *life estate* is treated as real property (see OAR 461-145-0420).
(3) In the OSIP, OSIPM and QMB programs:

(a) A transfer for less than fair market value (see OAR 461-001-0000) in which a member of the financial group retains a life estate is a disqualifying transfer. A transfer is considered for less than fair market value if the fair market value of the transferred resource on the day prior to the transfer is greater than the sum of the value of the rights conferred by the life estate plus the compensation received for the transfer. For purposes of this subsection, the value of the rights conferred by the life estate is established by the Life Estate and Remainder Interest Table of the federal Centers for Medicare and Medicaid Services, Oregon Medicaid Eligibility & Benefits Guide, section 3258.9(A).

(b) If a member of the financial group purchases a life estate interest in the home of another individual on or after July 1, 2006, the purchase is considered a transfer of resources unless the client resides in this home for at least 12 consecutive months after the date of the purchase. The value of the transfer for a client who does not reside in the home for at least 12 consecutive months is calculated by using the purchase price of the life estate.

### NOTE

See APD Worker Guide E.3 located at http://www.dhs.state.or.us/spd/tools/additional/workergd/e.3.htm for an example and the Life Estate and Remainder Interest Table. For technical assistance, contact Estates Administration.

For OCCS Medical, resources are not considered in eligibility determination.

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<th>Life Estate Rule</th>
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<tr>
<td>461-140-0210 — Life Estate</td>
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</table>
44. Life insurance

**NOTE**

*Burial insurance that has cash surrender value is treated in the same manner as life insurance.*

(1) Count payments made to the beneficiary of a life insurance policy as unearned income. Allow a deduction, not to exceed $1,500, for the cost of the deceased person’s last illness and burial cost (if these costs were not otherwise insured).

(2) Treat the equity value of a life insurance policy as follows:

(a) For all programs except GA, GAM, OSIP, OSIPM and QMB, exclude the cash surrender value of the life insurance policy.

(b) For grandfathered OSIP and OSIPM clients, the total exclusion available for life insurance and burial arrangements is limited per OAR 461-145-0040(2)(b).

(c) For GA, OSIP, OSIPM and QMB, except as provided in (b) above, exclude the total cash surrender value of life insurance policies owned by the client or their spouse if the total face value of all policies is less than or equal to $1,500. If the total face value of all policies is more than $1,500, count the entire cash surrender value as a resource. The total face value does not include dividend additions that increase the death benefit and cash surrender value.

(d) Exclude all term insurance that has no cash surrender value.

(e) For GA, GAM, OSIP, OSIPM and QMB, the cash surrender value of a policy acquired through a viatical settlement is excluded. A viatical settlement allows a third party to acquire the life insurance policy from a terminally ill person at an agreed upon percentage of the life insurance policy face value.

For OCCS Medical, if any of the life insurance payments are from interest accrued on the life insurance plan, the portion of the payment that is from interest is counted for monthly and annual income. All other payments are excluded for monthly and annual income.
45. Loans and repayment of loans

This policy covers proceeds of loans, loan repayments and interest earned by a lender. If the proceeds of a loan are used to purchase an asset, the asset is evaluated under the other rules in this division of rules.

(1) A “reverse-annuity mortgage” means a contract with a financial institution under which the financial institution provides payments against the equity in the home that must be repaid when the homeowner dies, sells the home, or moves. A “reverse-annuity mortgage” is sometimes referred to in the private sector as a reverse mortgage or a home equity conversion mortgage. The proceeds of a home equity loan or reverse-annuity mortgage are considered loans.

NOTE

A reverse mortgage can be received by a person age 62 or older as a loan against the equity in their home. The loan is due for repayment when the borrower permanently moves out or sells the property or upon death of the borrower.

(2) A loan is defined as:

(a) Except for GA, GAM, OSIP, OSIPM, QMB and SNAP programs, a written agreement between the borrower and lender. The written agreement must stipulate a repayment plan, and be signed and dated before the receipt of money.

(b) In the GA, GAM, OSIP, OSIPM, QMB and SNAP programs, the loan agreement may be written or oral and state when repayment is due to the lender.

(c) For GA, GAM, OSIP, OSIPM and QMB, a “bona fide loan agreement” means an agreement that:

(A) Is enforceable under state law;
(B) Is in effect at the time the cash proceeds are provided to the borrower; and

(C) Includes an obligation to repay and a feasible repayment plan.

(d) “Negotiable loan agreement” means a loan agreement in which the instrument ownership and the whole amount of money expressed on its face can be transferred from one person to another (i.e., sold) at prevailing market rates.

(3) Payments for a purported loan that do not meet the requirements of (2) are treated as unearned income.

(4) When the financial group receives cash proceeds as a borrower from a loan:

   (a) Treat educational loans according to CA-8.24 or OAR 461-145-0150.

   (b) If the loan is used to purchase a noncash asset (e.g., a car), treat it according to the policy for that asset.

   (c) For ERDC, REF, REFM, SNAP and TANF, exclude loans obtained by the financial group in the month received. If retained after the month of receipt, treat in accordance with OAR 461-140-0070.

   (d) For GA, GAM, OSIP, OSIPM and QMB:

      (A) If the loan is a bona fide loan agreement, the money provided by the lender is not income but is counted as the borrower’s resource if retained in the month following the month of receipt (notwithstanding OAR 461-140-0070).

      (B) If the loan is not a bona fide loan agreement, the money provided by the lender is counted as income in the month received and is counted as a resource if retained in the month following the month it was received.

(5) Unless the loan is considered a transfer of assets for less than fair market value (see section (6) below), when a member of a financial group is the lender, the loan is treated as follows:

   (a) In the GA, GAM, OSIP, OSIPM and QMB programs:

      (A) If the loan is both a negotiable loan agreement and a bona fide loan agreement, the loan is counted as a resource of the lender valued at the outstanding principal balance.

      (B) If the loan does not qualify under paragraph (A) of this subsection, the transfer of assets to the borrower may be considered a transfer
for less than *fair market value* (see OAR 461-001-0000). If the transfer is not disqualifying, payments against the principal are counted as income to the lender.

(C) Interest income received by the lender is counted as unearned income whether the loan is a *bona fide loan agreement* or not.

(b) In all programs other than the GA, GAM, OSIP, OSIPM and QMB programs, count as unearned income payments made to the financial group on the interest portion of a loan the group has made to someone else. Exclude payments received on the principal.

(6) In the GA, GAM, OSIP, OSIPM and QMB programs, in a transaction occurring on or after July 1, 2006, if a client or a spouse of a client uses funds to purchase a mortgage or to purchase or lend money for a promissory note or loan, the balance of the payments owing to the client or spouse of the client is a transfer of assets for less than *fair market value*, unless all of the following requirements are met:

(a) The total value of the transaction is being repaid to the client or spouse of the client within that person’s actuarial life expectancy as established by the Period Life Table of the Office of the Chief Actuary of the Social Security Administration.

(b) Payments are made in equal amounts over the term of the transaction without any deferrals or balloon payments.

(c) The contract is not cancelled upon the death of the client or the spouse of the client (who made the transaction).

**Example:** An applicant states she is meeting her needs with a $300 loan from her sister each month. She has applied for SSI. The sister confirms she is loaning the money and expects repayment when her sister’s income begins. This meets the definition of a loan for OSIP, QMB and SNAP. It can only be considered a loan for ERDC, REF or TANF if the agreement was written prior to the receipt of the funds.

For OCCS Medical, exclude loans for monthly and annual income.
46. Lodger income

A lodger is a member of the household who pays the filing group for room and board and who is not a member of the filing group. Lodger income is the amount the lodger pays the filing group for room (rent) and board (meals). Lodger income is treated as follows:

(1) In the REF, REFM and TANF programs, lodger income not excluded under OAR 461-155-0350 is treated as self-employment income.

(2) In all programs except REF, REFM and TANF, lodger income is treated as self-employment income.

For OCCS Medical, Room and Board Rental income is counted for monthly and annual income.

47. Manufactured and mobile homes

(1) Manufactured and mobile homes are treated in the same manner as real property under OAR 461-145-0420.

 SEE CA-B.60 FOR REAL PROPERTY.

(2) Manufactured and mobile homes are subject to OAR 461-145-0220 and OAR 461-145-0250 if applicable.

 SEE CA-B.32 FOR HOME OR CA-B.34 FOR INCOME PRODUCING PROPERTY.

For OCCS Medical, resources are not considered in eligibility determination.
48. **Military income**

This policy is regarding pay and allowances of a member of a uniformed service. This income is treated as follows:

(1) For all programs, military pay and allowances of a member of the United States Armed Forces in the financial group is counted as earned income (CA-8.21). Except for SNAP, the amount reduced from basic pay for the GI Bill is excluded per P.L. 99-576, Veterans Education Act of 1984.

(2) For all programs except SNAP, the military pay and allowances of a member of the United States Armed Forces, who is not in the filing group, but available to the financial group is counted as unearned income.

(3) For SNAP, if the member of the United States Armed Forces is not included in the filing group, income available to the financial group from this source is counted as unearned income. The additional pay made, due to deployment to a designated combat zone per the Consolidated Appropriations Act of 2005 (P.L. 108-447), is excluded. The additional pay must be the result of the deployment to a designated combat zone and not received immediately prior to serving in the combat zone.

In SNAP, the absent military member of a household is not included in the SNAP filing group. Only the money they send home, or make available to the group at home, is counted as unearned income. This income is generally made available to the SNAP filing group in one of several ways:

(a) Via a direct deposit of all or a portion of the military person’s pay into a joint bank account;

(b) Via an allotment arrangement made by the military person for a portion of his or her pay to be sent to the filing group; or

(c) Via a direct payment (such as a check) from the military person to the filing group.

All three of these methods are called military service allotments. Regardless of the arrangement made by the absent military member, only the portion of his or her pay, to which the filing group has access, is counted as unearned income to the group.

Workers are required to determine if any of the military allotment available to the filing group should be excluded for SNAP because the military person is deployed to a designated combat zone.
Procedures for determining the amount of military allotment to count:

- Establish the amount of the military person’s pay that was available to the filing group prior to deployment to a designated combat zone.

  Available means income that the filing group received and could spend as well as any of the income that may have been direct deposited and automatically used to pay the mortgage, utilities, common bills, etc.;

NOTE

If, in the unlikely instance that the military person was a member of the filing group immediately prior to deployment, that person’s military income needs to change from the gross earned income to their net military pay for this step.

- Next, determine the amount of military pay that the deployed person is making available to the filing group now:
  - If the current amount is equal to or less than the amount the household was receiving prior to the deployment to a combat zone, count all of the allotment as unearned income;
  - Exclude any portion of the deployed person’s military pay that exceeds the amount the group received prior to deployment to a combat zone;
  - Code the countable part of the military allotment as WAR on page 2 of the FCAS screen.

How to verify this income

There are several ways the family at home can verify the situation;

- The deployed person’s military pay record (Leave and Earnings Statement – LES) is sometimes sent directly to the family at home or can be mailed to the family by the deployed person. The LES will identify the combat zone and if combat pay is being received;

- Deployment to a combat zone can also be established via a copy of the deployment orders;

- If the family does not have a copy of the LES, they may be able to access the information via the Web at https://mypay.dfas.mil/mypay.aspx. To do this, they need the SSN of the deployed person and their password;
- The filing group may also seek assistance from the local base financial office for the needed combat zone and pay information;

- If the payment is coming to the filing group via direct deposit, the bank statement can also verify the monthly allotment.

The additional pay is excluded when an absent military person with one of these two pay codes is deployed to one of the following combat zones.

<table>
<thead>
<tr>
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<th>Description</th>
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<tbody>
<tr>
<td>301</td>
<td>Incentive pay: hazardous duty</td>
</tr>
<tr>
<td>310</td>
<td>Special pay: duty subject to hostile fire or imminent danger</td>
</tr>
</tbody>
</table>

List of the combat zones allowed the exclusion:

| (301) | The Adriatic Sea (320) Kuwait |
| (302) | Afghanistan (321) Kyrgyzstan |
| (304) | Albania (322) Macedonia |
| (305) | Arabian Sea Portion that lies north of 10° North Latitude and West of 68° East Longitude (323) Oman |
| (306) | Bahrain (324) Pakistan |
| (307) | Bosnia (325) Persian Gulf |
| (308) | Croatia (326) Philippines (only troops with orders that reference Operation Enduring Freedom (OEF)) |
| (310) | Djibouti (327) Qatar |
| (311) | Egypt (328) Red Star |
| (312) | The Federal Republic of Yugoslavia (Serbia and Montenegro) (329) Saudi Arabia |
| (313) | Gulf of Aden (330) Somalia |
| (314) | Gulf of Oman (331) Tajikistan |
| (315) | Herzegovina (332) Turkey |
| (316) | The Ionian Sea north of the 30th Parallel (333) United Arab Emirates |
| (317) | Iraq (334) Uzbekistan |
| (318) | Israel | Yemen |
| (319) | Jordan |

For OCCS Medical, Military Income is counted for monthly and annual income.

**General Definitions Rule**

410-200-0015 (51) and (52) — General Definitions
49. Motor vehicle; SNAP

✓ SEE CA-B.50.

50. Motor vehicle

✓ SEE CA-A.4 FOR HOW TO DETERMINE THE FAIR MARKET VALUE OF VEHICLES.

(1) For REF, REFM, SNAP and TANF, exclude up to $10,000 equity value of all licensed and unlicensed motor vehicles. Count the remaining equity value as a resource.

✓ SEE TANF-G.7 FOR MORE INFORMATION ON HOW TO DETERMINE THE RESOURCE VALUE OF MOTOR VEHICLES FOR TANF.

(2) For EA and ERDC, exclude all motor vehicles.

(3) For GA and GAM, exclude up to $4,500 equity value of one licensed motor vehicle selected by the financial group. Count any remaining equity in that vehicle and the total equity value of all other vehicles as a resource.

(4) For grandfathered OSIP and OSIPM financial groups, exclude one motor vehicle in operating condition and count the equity value of any other motor vehicles as a resource.

(5) For OSIP, OSIPM and QMB:

   (a) Exclude the total value of a vehicle selected by the financial group if it is used for employment or necessary and continuing medical treatment. If not, exclude the first $4,500 of the fair market value.

   (b) Count the amount above $4,500 as a resource.

   (c) Count the total equity value of all other vehicles as a resource.
(6) For OSIP and OSIP-EPD clients, if a vehicle was purchased as an employment and independence expense (see OAR 461-001-0035), or with moneys from an approved account (CA-8.7), exclude the total value of the vehicle.

SEE CA-8.62 OR OAR 461-145-0433 FOR INFORMATION ON HOW TO TREAT RECREATIONAL VEHICLES.

For OCCS Medical, resources are not considered in eligibility determination.

Motor Vehicle Rule

461-145-0360 — Motor Vehicle

51. National and Community Services Trust Act (NCSTA/AmeriCorps)

(1) The National and Community Service Trust Act (NCSTA) of 1993 (P.L. 103-82) amended the National and Community Service Act (NCSA) of 1990 (P.L. 101-610) that established a Corporation for National and Community Service. The Corporation administers national service programs providing living allowance, educational award, child care, and in-kind benefits. NCSTA also created AmeriCorps and incorporated VISTA. AmeriCorps contains three parts – one is State and National, another is NCCC and the other is VISTA. All references to AmeriCorps in this section means AmeriCorps State and National or AmeriCorps NCCC unless specifically stated as AmeriCorps VISTA (OAR 461-145-0110).

(2) NCSTA payments, including AmeriCorps (except AmeriCorps VISTA which is covered in OAR 461-145-0110) are treated as follows:

(a) The living allowance (stipend benefits) is excluded.

(b) Educational award and in-kind benefits are treated as follows:

(A) In the GA program, these benefits are treated according to the policy for the specific type of asset.

(B) In all programs except GA, these benefits are excluded.

(c) The child care allowance is treated as follows:

(A) For clients in the ERDC, REF, REFM and TANF programs who are eligible for direct provider payment of child care, the allowance is counted as unearned income. The allowance is excluded only if the client already pays the provider. The provider may be paid for only the costs not covered by the allowance.
(B) For clients in the SNAP program who are receiving a child care deduction, the allowance is excluded as income and the deduction is allowed only for the costs not covered by the allowance.

(C) In all other programs, the allowance is excluded.

**NOTE**

*The programs administered by the corporation under the NCSTA include AmeriCorps State and National, AmeriCorps NCCC and AmeriCorps VISTA. The corporation also oversees the Senior Corps, the Earth Corps, and Learn and Serve. For information on how to treat AmeriCorps VISTA benefits, see [CA-B.201](#) (OAR 461-145-0110).*

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For OCCS Medical, exclude National and Community Services Trust Act payments for monthly and annual income.

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52. **Older Americans Act**

For all programs except GA, GAM and SNAP except benefits under title III of the Older Americans Act of 1965 (Nutrition Program for the Elderly). For GA, GAM and SNAP count these benefits as unearned income.

For all programs except SNAP, count as earned income benefits paid to persons age 55 and older under title V of the Older Americans Act of 1965. The organizations receiving title V funds are: Green Thumb, Experience Works, Seniors Make Sense, American Association of Retired Persons, National Association for Spanish-Speaking Elderly, National Council on Aging, National Council on Black Aging, National Council of Senior Citizens, National Urban League, Senior Community Service Employment Program (SCSEP), U.S. Forest Service. For SNAP, exclude all payments made under title V of this Act.
NOTE

In Oregon, some seniors working for Easter Seals may also be paid using title V funds. Confirm the funding source before excluding the income.

For OCCS Medical, Older Americans Act benefits under title V are counted in monthly and annual income, benefits under title III are excluded.

**General Definitions Rule**

410-200-0015 (51) and (52) — General Definitions

**Older Americans Act Rule**

461-145-0370 — Older Americans Act

53. **Pension and retirement plans**

(1) Pension and retirement plans include the following:

(a) Benefits employees receive only when they retire. These benefits can be disbursed in lump-sum (CA-A.6) or monthly payments.

(b) Benefits that employees are allowed to withdraw when they leave a job before retirement.

(c) The following retirement plans and annuities if purchased by a client with funds from the plans authorized by section 401 of the Internal Revenue Code of 1986:

(A) Traditional Defined-Benefit Plan.

(B) Cash Balance Plan.

(C) Employee Stock Ownership Plan.

(D) Keogh Plan.

(E) Money Purchase Pension Plan.

(F) Profit-Sharing Plan.

(G) Simple 401(k).
(H) 401(k).

(d) Retirement plans and annuities purchased by a client with funds from plans authorized by section 403 of the Internal Revenue Code of 1985 at subsections (a) or (b).

(e) The following are retirement plan and annuities if purchased by the client with funds from the plans authorized by section 408 of the Internal Revenue Code of 1986.

(A) Individual Retirement Annuity.

(B) Individual Retirement Account (IRA).

(C) Deemed Individual Retirement Account or Annuity under a qualified employer plan.

(D) Accounts established by employers and certain associations of employees.

(E) Simplified Employee Pension (SEP).

(F) Simple Individual Retirement Account (Simple-IRA).

(G) Roth IRA.

(f) The following retirement plans and annuities offered by governments, nonprofit organizations or unions:

(A) 457(b) Plan.

(B) 401(c)(18) Plan.

(C) Federal Thrift Savings Plan under 5 USC 8439.

(g) In all programs except the OSIP, OSIPM, and QMB programs, an annuity purchased by an individual with funds from a plan authorized under subsection (c), (d), or (f) of this section.

(2) An annuity purchased by the spouse of a client with funds from a retirement plan described in (1)(c) of this subsection is not considered a retirement plan and is treated in accordance with a CA-B.5 or CA-B.6 (OAR 461-145-0020 and OAR 461-145-0022).

(3) Treat benefits the client receives from pension and retirement funds as follows:

(a) Count monthly payments, minus any penalties for early withdrawal, as unearned income.
(b) Count all other payments as periodic (CA-A.7) or lump-sum income.

(c) In the OSIP, OSIPM, and QMB-DW programs, if the equity value (see OAR 461-001-0000) of the pension or retirement plan is counted as a resource under section (4) of this rule, any payments received are considered the conversion of a resource and are not counted as income.

(4) In all programs except the OSIP, OSIPM, QMB, SNAP and TANF programs, the equity value of a pension and retirement plan that allows an individual to withdraw funds before retirement, minus any penalty for early withdrawal, is counted as a resource.

(5) In the OSIP, OSIPM and QMB programs:

(a) Except for an annuity purchased with funds from a retirement plan described in subsection (1)(e) of this rule:

(A) The equity value of a pension or retirement plan is excluded as a resource if the individual is eligible for monthly or periodic payments under the terms of the plan and has applied for those payments in accordance with OAR 461-120-0330. When an individual is permitted to choose or change a payment option, the individual must select the option that:

(i) Provides payments commencing on the earliest possible date; and

(ii) Completes payments within the actuarial life expectancy, as published in the Periodic Life Table of the Office of the Chief Actuary of the Social Security Administration, of the individual.

(B) Except when OAR 461-120-0330 has resulted in ineligibility, the equity value of all pension and retirement plans not covered by paragraph (A) of this subsection that allows an individual to withdraw funds, minus any penalty for withdrawal, is counted as a resource.

(b) The equity value of an annuitized retirement plan described in subsection (1)(e) of this rule is excluded as a resource if it meets the payout requirements of OAR 461-145-0022(10)(c). Otherwise, the equity value is counted as a resource.

(c) For an individual in a standard living arrangement (see OAR 461-001-0000), the equity value of pension and retirement plans owned by a non-applying spouse or parent (see OAR 461-001-0000) is excluded as a resource. Dividends and interest earned on pension funds owned by a non-applying spouse or parent are excluded as income.
(6) In the QMB-BAS, QMB-SMB, and QMB-SMF programs, dividends and interest earned on pension funds owned by a nonapplying spouse are excluded as income.

(a) In the SNAP program, the value of retirement accounts identified in sections 401(a), 401(k), 403(a), 403(b), 408, 408(k), 408(p), 408A, 457(b), 501(c)(18), or 529A of the Internal Revenue Code are excluded as resources. The value of retirement accounts designated as a Federal Thrift Savings Plan account, IRA, myRA, Roth IRA, SEP, Simple IRA, and any other retirement plan designated as tax-exempt under a successor or similar provision of the Internal Revenue Code of 1986 are excluded resources.

For OCCS Medical, exclude non-taxable Pension and Retirement Plan payments for monthly and annual income, taxable payments are counted.

**General Definitions Rule**

410-200-0015 (51) and (52) — General Definitions

**Pension and Retirement Plans Rule**

461-145-0380 — Pension and Retirement Plans

54. **Personal belongings**

Personal belongings are such items as household furnishings, clothing, heirlooms, keepsakes and hobby equipment. For all programs, exclude the value of all personal belongings.

For OCCS Medical, resources are not considered in eligibility determination.

**Personal Belongings Rule**

461-145-0390 — Personal Belongings

55. **Personal injury settlement**

(1) For all programs except ERDC, treat personal injury settlements as follows:

(a) Count monthly payments as unearned income.

(b) For clients in all programs except grandfathered clients in OSIP and OSIPM, count all other payments as periodic (CA-A.7) or lump-sum income (CA-A.6).

(c) For grandfathered OSIP and OSIPM clients, count the balance from personal injury claims after the department’s lien is satisfied as lump-sum
income. If the lien was not filed due to the recipient’s failure to notify the department of the claim, count the payment as unearned income.

(2) For ERDC, exclude all personal injury settlements.

For OCCS Medical, exclude Personal Injury Settlement/Accident Insurance payments for monthly and annual income.

### General Definitions Rule

| 410-200-0015 (51) and (52) | General Definitions |

### Personal Injury Settlement Rule

| 461-145-0400 | Personal Injury Settlement |

### Plan for self-support

A plan for self-support allows a client to retain a part of his or her assets for a specific period of time so they can meet specific occupational goals. The Social Security Administration may establish a plan for self-support with SSI recipients. APD may also establish a plan for self-support with some GA, GAM, OSIP, OSIPM or QMB clients that are not eligible for SSI.

(1) This policy covers two types of plans for self-support.

   (a) A plan for self-support approved by the Social Security Administration.

   (b) A plan of self-support approved by the department (see OAR 461-135-0708).

   (A) Assets listed in an approved plan for self-support are excluded.

For OCCS Medical, resources are not considered in eligibility determination.

### Plan for Self-support Rule

| 461-145-0405 | Plan for Self-support |
57. **Program benefits**

(1) Treat Pre-TANF Program payments as follows:

   (a) In SNAP, count a payment for basic living expenses made directly to the client as unearned income. Exclude all other payments.

   **NOTE**

   *For clients being certified for SNAP at the same time that Pre-TANF Program payments are being made, count payments for basic living expenses that can reasonably be anticipated. For other clients with ongoing prospectively budgeted SNAP benefits, count these payments after giving 10-day notice only if the payments can be anticipated for next month.*

   (b) In all programs except SNAP, exclude these payments.

(2) Treat EA payments as follows:

   (a) In ERDC and SNAP, count a payment made directly to the client as unearned income. Exclude dual payee and provider-direct payments.

   (b) In all programs except ERDC and SNAP, exclude these payments.

(3) Exclude payments from ERDC and TANF child care unless the client is the provider.

(4) Exclude payments from GAM, OSIPM, QMB and REFM.

(5) Treat SNAP payments as follows:

   (a) Exclude the value of a SNAP benefit in all programs except EA. In EA, count the value as a resource when determining the emergency food needs of the filing group.

   (b) Exclude OFSET service payments.

(6) Treat benefits from GA, OSIP (except OSIP-IC), Post-TANF, REF, SFPSS, TANF and tribal-TANF as follows:

   (a) In the EA program, count these payments as unearned income, except exclude these payments for a benefit group whose emergent need is the result of domestic violence.
(b) In the ERDC program:

(A) Post-TANF payments are excluded.

(B) All other payments are counted as unearned income.

(c) In the SNAP program:

(A) Treat GA, OSIP, Post-TANF, REF, SFPSS and TANF payments as unearned income, including payments for shelter costs paid directly to the landlord (vendor payments).

(B) Treat an amount received as a late processing payment as lump-sum income.

(C) Treat payments made to correct an underpayment as lump-sum income (CA-A.6).

(D) Treat ongoing special needs payments for laundry allowances, special diet or meal allowance, restaurant meals, accommodation allowances and telephone allowances as unearned income. Exclude all other special needs payments (e.g., Transportation Services Payment (TSP) and Prescription Co-Pay Coverage (PCC)) as reimbursements.

**NOTE**

In SNAP, the MNL HH-type to prevent the system from counting special needs payments that are excluded.

**NOTE**

For SNAP, for telephone allowances: if a client was receiving a check each month for a telephone allowance which included payment for a basic telephone and a life line, the amount for basic telephone would be considered unearned income and the amount for the life line is considered a reimbursement.
NOTE

For SNAP, if a client is eligible for a special need but rather than receiving a check has their pay-in reduced, the pay-in amount is considered a medical deduction plus any other out-of-pocket expenses that may be allowable medical deductions.

(d) In all programs except the EA, ERDC and SNAP programs:

(A) Exclude these payments in the month received, and count any portion remaining following the month of receipt as a resource.

(B) Exclude payments made to correct an underpayment.

(e) In all programs:

(A) Exclude JOBS, REF and TANF JOBS Plus support service payments.

✓ FOR HOW TO TREAT JOBS PLUS INCOME, SEE CA-B.22.

✓ SEE CA-B.21 AND CA-B.22 OR OAR 461-145-0120 FOR TREATMENT OF SUBSIDIZED WAGES (E.G., JTPA WORK EXPERIENCE AND JOBS PLUS WAGES).

(f) Exclude incentive food benefits from the Job Participation Incentive (JPI) for all programs. (See OAR 461-135-1260.)

NOTE

When a person is receiving TANF JOBS Plus, continue to code the TANF grant and the extra JOBS Plus $10 payment as unearned income.

(7) Payments from OSIP-IC are treated as follows:

(a) In the SNAP program, these payments are counted as unearned income and assets held in a contingency fund (see OAR 411-030-0020) are counted as a resource.
(b) In all other programs, these payments and funds held in a contingency fund are excluded.

NOTE

OSIP-IC is the Independent Choices Program.

(8) Excluded all payments from TA-DVS for all programs regardless if paid to the client or as a third-party payment.

For OCCS Medical, exclude Program Benefits for monthly and annual income.

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58. Radiation Exposure Compensation Act

Radiation Exposure Compensation Act payments are issued to compensate individuals for injuries or deaths resulting from exposure to radiation from nuclear testing or uranium mining.

For all programs, these payments are excluded.

For OCCS Medical, exclude Radiation Exposure Compensation Act payments for monthly and annual income.

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59. **RARE**

The Research Assistance for Rural Environments (RARE) is a program administered through the University of Oregon. The program assists rural communities in their efforts to improve their economic, social and environmental conditions. Local communities request they work in this program for 11 months and receive monthly living stipend and medical health insurance, the assistance of this program and provide part of the funding. The program is supported through grants from various federal and state agencies. In addition, this program sometimes includes funding from The National and Community Services Trust Act (AmeriCorps).

RARE participants are graduate-level people who reside in the local community. They work in this program for 11 months and receive monthly living stipend and medical health insurance.

The stipend may include funding from the Corporation for National and Community Services (AmeriCorps). The stipend may be counted differently depending on their participation in AmeriCorps. If the RARE participant is also getting funding from AmeriCorps, they will have a signed agreement showing this participation.

With proof of AmeriCorps participation, count the RARE living allowance (stipend benefits) as follows:

1. For REF, REFM, SNAP and TANF, exclude these payments.
2. For ERDC, count as earned income if paid to a caretaker. If not, exclude it.

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**NOTE**

Ask each RARE participant to provide a copy of the AmeriCorps contract before excluding the stipend income.

Without proof of AmeriCorps participation, count the RARE living allowance (stipend benefits) as follows:

1. For all programs except ERDC, count as earned income.
(2) For ERDC, count as earned income if paid to a caretaker. If not, exclude it.

For OCCS Medical, Research Assistance for Rural Environments is counted for monthly and annual income.

### General Definitions Rule

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### Assets; Income and Resources Rule

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60. **Real property**

Manufactured, mobile homes, and floating homes and houseboats are treated the same as real property.

Real property is land, buildings and whatever is erected or affixed to the land and taxed as real property.

- **Checklist:**
  - SEE [CA-B.34](#) OR OAR 461-145-0250 FOR TREATMENT OF INCOME-PRODUCING PROPERTY.
  - SEE [CA-B.32](#) OR OAR 461-145-0220 FOR TREATMENT OF PROPERTY USED AS THE GROUP’S HOME.

(1) The client has the burden of proof of establishing the fair market value of real property. The department may determine the methodology that will most accurately reflect the value. If decided it is the most accurate, fair market value of real property may be determined using the highest value identified by the county assessor on the most recent property tax statement. The exception is if a real estate appraisal is submitted showing the property is expected to sell for less on the open market.

(2) Treat real property that is not income-producing ([CA-B.34](#)) or the financial group’s home ([CA-B.32](#)) as follows:

   (a) For REF, REFM and TANF, count as a resource the equity value of all real property that is not excluded under a TANF Interim Assistance agreement ([CA-B.61](#)).

   (b) For EA and ERDC, exclude real property.

   (c) For SNAP, exclude the equity value of real property that the financial group is making a good-faith effort to sell at a fair market price. If the group
refuses to make a good-faith effort to sell, count the equity value of the property as a resource. In addition, the resource is excluded if selling it would produce a net gain of less than $1500 to the financial group.

(d) For GA, GAM, OSIP, OSIPM and QMB:

(A) Exclude real property that was the home of the financial group if they are making a good-faith effort to sell at a reasonable price. If the group refuses to make a good-faith effort, count the equity value of the property as a resource.

(B) Count the equity value of all other real property as a resource unless the financial group is making a good-faith effort to sell the property. The equity value is counted after the property is excluded for nine months unless the failure to sell is for reasons beyond the reasonable control of the financial group.

NOTE

A good-faith effort to sell property includes listing the property for sale in the local newspaper, putting a “For Sale” sign on the property, and/or listing the property with a real estate company.

For OCCS Medical, resources are not considered in eligibility determination.

Real Property Rule

61. Real property excluded under an Interim Assistance Agreement; REF, REFM, TANF

For REF, REFM and TANF, treat real property where the equity value puts the financial group over the TANF resource limit as follows:

(1) Exclude real property for a maximum of nine months if the financial group signs and complies with the terms of the Interim Assistance Agreement. After the ninth month, count the equity value of the property as a resource.

(2) To comply with the terms of the Interim Assistance Agreement, the financial group must agree to do the following:

(a) Make a good-faith effort to sell the property; and
(b) Use the proceeds from the sale of the property to reimburse the department for all benefits paid under the terms of the Interim Assistance Agreement. The reimbursement will not exceed the net proceeds of the sale of the property.

(3) The amount of benefits paid while the financial group has excess real property is an overpayment if the financial group fails to notify the department that they have the property.

(4) The amount of the benefits paid while the financial group has excess real property up to the net proceeds of the sale of the property is an overpayment if the property sells and the group does not repay the department per the terms of the Interim Assistance Agreement.

**NOTE**

If the financial group has excess real property, complete a Children, Adults and Families Resource Referral form *(DHS 647B)* and file in the case record with the following:

- A signed copy of the Children, Adults and Families Interim Assistance Agreement *(DHS 418A)*;
- A copy of the legal description of the property;
- A copy of the deed or purchase agreement (if available).

Track the case for the entire nine-month exclusion period. Close the case at the end of the exclusion period.

If the client reapply, check to see if they still have the property or if the property sold. If the client still has the property, they remain ineligible. If the property sold while the case was closed, and the client did not reimburse the department, compute an overpayment.

Use receipt code 216 when the client makes a payment based on the terms of the TANF Interim Assistance Agreement.

For OCCS Medical, resources are not considered in eligibility determination.

**General Definitions Rule**

410-200-0015 (51) and (52) — General Definitions
62. **Recreational vehicles**

Recreational vehicles include the following:

- They are used primarily for amusement and not for day-to-day transportation; and
- They cannot be licensed as a motor vehicle for use on a public highway. However, they may be registered or licensed as a nonmotor vehicle;
- An ATV, boat, camper, dune buggy, plane, snowmobile or trailer, unless it qualifies as a capital asset (CA-B.87) or work-related equipment.

(1) For all programs except ERDC, count the equity value of recreational vehicles as a resource. Except for SNAP, the value is excluded if by selling the vehicle the proceeds would be less than $1500 to the financial group.

(2) For ERDC, exclude recreational vehicles.

SEE CA-B.50 OR OAR 461-145-0360 FOR INFORMATION ON HOW TO TREAT MOTOR VEHICLES THAT DO NOT MEET THE DEFINITION OF RECREATIONAL VEHICLES.

For OCCS Medical, resources are not considered in eligibility determination.

63. **Refunds**

Exclude the following refunds in the month they are received:

(1) Refunds on merchandise that was purchased or received as a gift.

(2) Refunds of utility and rental deposits.

Count any refund amount remaining after the month of receipt as a resource.

SEE CA-B.76 OR OAR 461-145-0530 FOR INFORMATION ON TAX REFUNDS.
For OCCS Medical, Refunds and rebates on merchandise received as a gift are counted in monthly and annual income. All other refunds and rebates are excluded.

### General Definitions Rule

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#### 64. Reimbursement

"Reimbursement" means money or in-kind compensation provided specifically for an identified expense.

1. For the treatment of USDA meal reimbursements, see OAR 461-145-0570.

   ✔ SEE USDA MEAL REIMBURSEMENT PER [CA-B.81](#).

2. For the treatment of reimbursements for self-employed clients, see OAR 461-145-0920.

   ✔ SEE SELF-EMPLOYMENT; COSTS THAT ARE EXCLUDED TO DETERMINE COUNTABLE INCOME PER [CA-C.2](#).

3. Except as provided in section (1) and (2) above, a reimbursement (see OAR 461-001-0000) is treated as follows:

   a. In the ERDC program, a reimbursement is excluded, except that a reimbursement for child care from a source outside of the department is counted as unearned income.

   b. In the SNAP program:

      A reimbursement in the form of money for a normal household living expense, such as rent or payment on a home loan, personal clothing, or food eaten at home, is unearned income.

   ✔ SEE TREATMENT OF EARNED INCOME ([CA-B.22](#)) IF AN EMPLOYER IS REIMBURSING THE CLIENT FOR HEALTH INSURANCE OR CHILD CARE IN A CAFETERIA PLAN.
NOTE

Shared shelter is not a cash reimbursement.

SEE IN-KIND INCOME, **CA-B.41** OR OAR **461-145-0280**.

(B) Any other reimbursement, except as in (3)(c) below, is treated as follows:

(i) An in-kind reimbursement is excluded.

(ii) A reimbursement in the form of money is excluded if used for the identified expense, unless the expense is covered by program benefits.

(iii) A reimbursement is counted as periodic or lump-sum income (see OAR **461-140-0110** and **461-140-0120**) if not used for the identified expense.

(iv) A reimbursement for an item already covered by the benefits of the benefit group (see OAR **461-110-0750**) is counted as periodic or lump-sum income.

(c) In the SNAP Program, an expenditure by a business entity that benefits a principal is counted as earned income (see OAR **461-145-0130**).

(d) In all programs except the ERDC and SNAP programs, a reimbursement is treated as follows:

(A) An in-kind reimbursement is excluded.

(B) A reimbursement in the form of money is excluded if used for the identified expense, unless the expense is covered by program benefits.

(C) A reimbursement is counted as periodic or lump-sum income if not used for the identified expense.

(D) A reimbursement for an item already covered by the benefits of the benefit group is counted as periodic or lump-sum income.
NOTE

Payments for extra expenses, such as meal reimbursements for training or conferences, JTPA lunch payments, DHS shelter payments for attendants or housekeepers, and premiums for cost-effective employer-sponsored health insurance are not considered to be expenses paid by program benefits and are excluded as reimbursements. Exclude all jury-duty payments.

For OCCS Medical, exclude reimbursements for monthly and annual income.

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65. Representative payee payment

Representative payees receive payments on behalf of other people who are required to have a representative payee. Some representatives charge a fee to the person they are receiving the payments for.

(1) Fees paid by a client, to a representative payee, who is required by the Social Security Administration to receive payments through a representative payee is excluded. The amount of the exclusion is limited to the amount authorized by the Social Security Administration (information about the allowable fee amount can be found at: [http://www.socialsecurity.gov/OACT/COLA/RepPayee.html](http://www.socialsecurity.gov/OACT/COLA/RepPayee.html)). Criteria for this exclusion are in OAR 461-145-0490 and 461-145-0510.

(2) Fees received by a financial group member, as a representative payee, are counted as earned income per OAR 461-145-0120.

(3) When a representative payee, who is a member of the financial group receives benefits for another person as their representative payee, treat the income as follows:

   (a) Excluded as long as the payments are being disbursed as intended for the person requiring the payee per OAR 461-140-0040.

   (b) Counted as unearned income if the payments are being kept by the financial group member and not being disbursed as intended for the person requiring the payee.
For OCCS Medical, Representative Payee Fees are counted in monthly and annual income.

### General Definitions Rule

**410-200-0015 (51) and (52)** — General Definitions

#### 66. Reception and Placement grants

A Reception and Placement (R&P) grant is a payment made by the United States Department of State through national refugee resettlement agencies to local resettlement agencies, refugee sponsors and refugees. The R&P grants are provided to the resettlement agencies to help with the costs of initial resettlement of refugees in the United States. The resettlement agencies provide a part of this grant to refugees, usually in their first month after arrival, for their initial resettlement needs, and not for ongoing living expenses.

(1) For ERDC, REF, REFM and TANF, R&P grants are excluded from consideration as income and resources for purposes of determining program eligibility or benefit levels, except as provided in OAR 461-140-0070.

(2) For SNAP, any amount paid directly to a SNAP household from an R&P grant is unearned income. For in-kind payments made by the Resettlement Agency, see CA-B.41 or OAR 461-145-0280.

(3) For GA, OSIPM and QMB, an R&P grant determined to be available to the refugee case is considered unearned income.

For OCCS Medical, exclude Reception and Placement Grants to Refugees received as cash assistance for monthly and annual income.

### General Definitions Rule

**410-200-0015 (51) and (52)** — General Definitions

### Reception and Placement (R&P) Grants Rule

**461-145-0455** — Reception and Placement (R&P) Grants
Sale of a resource

(1) For all programs except ERDC, REF, REFM and TANF, treat proceeds from the sale of a resource as follows:

(a) Count proceeds from the sale of a resource (other than a home) received on a monthly or other periodic basis as unearned income. Treat proceeds received on a lump sum basis as follows:

(A) If the proceeds are from the sale of an excluded resource, exclude the amount reinvested in another excluded resource. Count the remainder as a resource.

(B) Count the proceeds from all other sales as a resource. If the proceeds put the benefit group over the resource limit, treat the proceeds as periodic (CA-A.7) or lump-sum income (CA-A.6).

(b) For all clients except those eligible for OSIPM under OAR 461-135-0771, exclude the proceeds from the sale of the financial group’s home, if they intend to reinvest the proceeds in another home within three months from receipt of funds.

(c) For clients eligible for OSIPM under OAR 461-135-0771, exclude the proceeds from the sale of the financial group’s home, if they intend to reinvest the proceeds in another home within 12 months from receipt of funds.

(d) Count the proceeds from the sale of a home that are not reinvested in another home as a resource. Except for GA and GAM, if the proceeds put the benefit group over the resource limit, count the monies as periodic or lump-sum income. For SNAP, count any interest generated by a sales contract and paid on a regular basis as unearned income.

(e) Treat the equity value of income-producing sales contracts as follows:

(A) For GA and GAM, count it as a resource.

(B) For all programs except GA and GAM, exclude it.

(f) In the SNAP program, if a self-employed client sells a work-related asset (CA-B.11), including equipment and inventory (CA-B.87), the proceeds of the sale are treated as self-employment income.

(2) For REF, REFM and TANF, if the proceeds are from the sale of an excluded resource, exclude the amount reinvested in another excluded resource. Count all other proceeds from the sale of a resource as unearned income.

(3) For ERDC, exclude all proceeds from the sale of a resource.
(4) Any costs that are excluded under OAR 461-145-0920 are subtracted from the proceeds from the sale of a resource if the proceeds are treated as income under this rule. This is true even though the income is not from self-employment. Use the actual costs and not the allowed self-employment deduction identified in CA-c.3.

For OCCS Medical, Sale of a Countable Resource is counted for monthly and annual income.

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68. Shelter-in-kind income

Shelter-in-kind is when an agency or person outside the household financial group provides the financial group’s shelter or makes a payment to a third party for some or all of the group’s shelter costs. Shelter costs are housing costs (rent or mortgage payments, property taxes) and utility costs, not including cable TV or nonbasic telephone charges. (See OAR 461-001-0000.)

(1) For all programs except GA, GAM, OSIP, OSIPM and QMB, shelter-in-kind does not include temporary shelter provided by a domestic violence shelter, homeless shelter or residential alcohol and drug treatment facilities.

(2) For GA, GAM, OSIP, OSIPM and QMB, shelter-in-kind also includes situations where the client has no shelter costs.

(3) Except as provided in section (4):

(a) For ERDC, count earned shelter-in-kind as earned income. Unearned shelter-in-kind is excluded.

(b) For REF, REFM and TANF, except for child support, shelter-in-kind payments are excluded.

(c) For GA and GAM, exclude shelter-in-kind payments.

(d) For SNAP, an expenditure by a business entity for shelter costs of a principal (see OAR 461-145-0088) is counted as earned income. See CA-B.22
when shelter is part of earned income. See In-kind income (CA-B.41) when the payments are made by the noncustodial parent. Exclude all other shelter-in-kind housing and utility payments.

SEE OAR 461-140-0040.

Example: Sara is the principal owner of a bakery which is an incorporated business. She states on her application that she currently does not receive wages. She also has not received draws from the business. Bank statements and canceled checks show payments made for her home in the amount of $1,275 per month, tax payments monthly in the amount of $127, utility payments (electricity, gas, water, garbage and phone bills) totaling $380 per month. The total amount of these payments, $1,782, is countable income for her.

SEE CA-B.41, IN-KIND INCOME FOR INFORMATION ON HOW TO TREAT SHELTER-IN-KIND PAYMENTS RECEIVED AS CHILD SUPPORT.

(e) For OSIP, OSIPM and QMB, treat shelter-in-kind income as follows:

(A) Unearned shelter-in-kind income is treated as follows:

(i) Shelter-in-kind payments from HUD are excluded.

(ii) If all shelter costs (see OAR 461-001-0000) are covered by a payment, the Shelter-in-Kind Standard for total shelter (see OAR 461-155-0300) is counted as unearned income.

(iii) If only rent or mortgage costs are covered by a payment, the Shelter-in-Kind Standard for housing costs (see OAR 461-155-0300) is counted as unearned income.

(iv) If the client has no shelter costs, the Shelter-in-Kind Standard for total shelter (see OAR 461-155-0300) is counted as unearned income.

(B) Earned shelter-in-kind income is treated as follows:

(i) If shelter is provided for services related to the employer’s trade or business and acceptance of the shelter is a condition of employment, the shelter-in-kind income is treated in accordance with paragraph (A) of this subsection.
(ii) Except as provided in subparagraph (i) of this paragraph, the *fair market value* (see OAR 461-001-0000) of the shelter is counted as earned income.

(4) A payment for which there is a legal obligation to pay to a member of the *financial group* that is made to a third party for shelter expenses of a member of the *financial group* is counted as unearned income.

For OCCS Medical, In-kind income/third-party payments are treated as follows:

(1) If the in-kind income/third-party payment is legally obligated to be paid to the applicant, then it is counted for monthly and annual income.

(2) If the in-kind income/third-party payment is not legally obligated to be paid to the applicant, and they have the option to receive the payment as money, then it is counted for monthly and annual income.

(3) If the in-kind income/third-party payment is not legally obligated or the individual cannot receive the money as income, then it is excluded for monthly and annual income.

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**General Definitions Rule**

*410-200-0015 (51) and (52)* — General Definitions

**Shelter-in-Kind Income Rule**

*461-145-0470* — Shelter-in-Kind Income

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SEE [CA-B.33](#) FOR PAYMENTS MADE BY HUD.

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69. **Social Security benefits**

For this section, a payment is retroactive if it is issued in any month after the calendar month for which it would normally be received.

Treat all SSB as follows:

(1) Count monthly payments as unearned income.

(2) Count all other payments as periodic or lump-sum income except as provided in (3) below.

(3) In the OSIP (except OSIP-EPD) and OSIPM (except OSIPM-EPD) programs, count retroactive payments as unearned income in the month of receipt except as follows:
When retroactive payments are made through the representative payee of an individual who is required to have a representative payee because of drug addiction or alcoholism, the retroactive payments may be required to be made in installments. If the payments are made in installments, the total of the benefits to be paid in installments is considered unearned income in the month in which the first installment is made. Any remaining amount from a retroactive payment after the month of receipt is counted as an excluded resource for nine calendar months following the month in which the payment is received. After the nine-month period, any remaining amount is a countable resource.

(4) The representative payee fee paid by a client who is required by the Social Security Administration to receive payments through a representative payee is excluded. The amount of the exclusion is limited to the amount authorized by the Social Security Administration. The representative payee must be a community-based nonprofit social services agency which is bonded or licensed by the state. The amount of the exclusion is limited to the amount authorized by the Social Security Administration. Criteria for this exclusion are in OARs 461-145-0490 and 461-145-0510.

For OCCS Medical, Social Security Benefits and Social Security Disability Income is considered in the following way:

(1) Generally, Social Security Benefits (SSB) and Social Security Disability Income (SSDI) is countable under both MAGI-Based (monthly) and MAGI (annual) income methodology. However, special income exceptions apply to:

(a) Children under age 19 who have income and who reside with their parents;

(b) Adult children (age 19+) who have income and who reside with their parents and are claimed as a tax dependent by their parents; and

(c) Tax dependents of any age who have income and who reside with their tax filers where the tax filers are not the parents of the tax dependent.

(2) The determination of whether a child/tax dependent’s income is countable or excluded depends on whether the child/tax dependent’s income meets or exceeds the applicable IRS income filing threshold requiring the individual to file federal taxes.

(a) If the child or tax dependent’s income meets or exceeds the applicable IRS threshold, requiring the individual to file federal taxes, the child/tax dependent’s income is countable for their own EDG and all EDGs for whom they are an EDG member of.
(b) If the child’s income is under the applicable IRS threshold, the child is not required to file taxes. Thus, the child’s income is excluded for their own EDG and all other EDGs whom the child is an EDG member of.

(c) If the tax dependent’s income is under the applicable IRS threshold, the tax dependent is not required to file taxes. The tax dependent’s income is excluded for the tax filer and tax filer’s children’s EDGs, however, is countable for the tax dependent. This is because the tax filer is never included in the tax dependent’s EDG. If the tax dependent’s EDG includes siblings, the tax dependent’s income is also countable towards the siblings’ EDG.

(3) When the child/tax dependent receives SSB/SSDI, a calculation must be performed to determine if the SSB/SSDI is taxable before determining if the child/tax dependent is required to file federal taxes. If none of the SSB/SSDI is taxable, none of the SSB/SSDI is countable unless the child/tax dependent has other income requiring the child/tax dependent to file federal taxes. If any or all of the SSB/SSDI is taxable, only the taxable amount is factored into the requirement to file federal taxes determination.

(a) If the child/tax dependent is determined to be required to file taxes, all of the SSB/SSDI, along with other countable income the child/tax dependent receives, is countable for all EDGs whom the child/tax dependent is an EDG member of.

(b) If the child is determined to not be required to file taxes, none of the SSB/SSDI, along with other income the child receives, is countable for their own EDG and other EDGs whom the child is an EDG member of.

(c) If the tax dependent is determined to not be required to file taxes, none of the SSB/SSDI, along with other income the tax dependent receives, is countable for their tax filer and tax filer’s children. However, all of the SSB/SSDI, along with other income the tax dependent receives, is countable for the tax dependent. If the tax dependent’s EDG includes siblings, all of the tax dependent’s SSB/SSDI and other income is countable towards the siblings’ EDG.

(4) When Social Security income is reported, the full amount as reported, or the gross amount as found in Social Security screens, should be entered into the ONE system. ONE will perform all calculations necessary to determine if the child/tax dependent’s SSB, SSDI, and other income, is countable and apply the outcome towards all EDGs on the case.

SEE CA-8.56 FOR HOW TO TREAT INCOME FROM PLAN FOR SELF-SUPPORT OR CA-8.77 FOR TICKET TO WORK.
70. Social Security Death benefit

Money remaining from Social Security Death benefits after the payment of burial costs is treated as lump-sum income (see OAR 461-140-0120).

71. Spousal support

“Spousal support” is income paid (voluntarily, per court order, or per administrative order) by a separated or divorced spouse to a member of the financial group (see OAR 461-110-0530).

(1) For ERDC, OSIP, OSIPM and QMB programs, spousal support is counted as unearned income.

(2) For SNAP:

(a) Payments made by the separated or divorced spouse to a third party for the benefit of the financial group are excluded, except that a payment for which there is a legal obligation to pay to a member of the financial group that is made to a third-party for shelter expenses of a member of the financial group is counted as unearned income.

(b) Spousal support (see OAR 461-001-0000) is counted as unearned income.

(3) In the REF, REFM and TANF programs:

(a) For clients not working under a TANF JOBS Plus agreement, if the spousal support is received by the department or the Department of Justice, and if
continued receipt of the *spousal support* is reasonably anticipated, the spousal support is:

(A) Counted as unearned income when determining eligibility; and

(B) Excluded when determining the REF and TANF benefit amount.

**NOTE**

For example, receipt of spousal support can be reasonably anticipated if the support is secured by wage garnishment or if it has been received in each of the two months before the payment month.

(b) For clients working under a TANF JOBS Plus agreement:

(A) *Spousal support* is excluded in determining countable income.

(B) *Spousal support* is excluded when calculating the TANF portion of the benefit equivalency standards.

(C) *Spousal support* received by the client is counted as unearned income when calculating the wage supplement.

(c) Other *spousal support* payments (not covered under subsections (a) or (b) of this section) are counted as unearned income.

For OCCS Medical, Spousal Support is counted for monthly and annual income.

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72. **SSI**

(1) For ERDC, GA, GAM and SNAP, count monthly SSI payments as unearned income. Exclude the representative payee fee for clients who must receive payments through a representative payee under P.L. 101-508 or P.L. 103-296. In this instance, the representative payee must be a community-based nonprofit social services agency which is bonded or licensed by the state. To check for the
current fee amount to exclude go to:

**NOTE**

When disability is based on drug addiction or alcoholism, **P.L. 103-296** requires that payments to SSA clients be made through an authorized representative.

(2) For ERDC, GA and GAM:

(a) Count SSI monthly payments as unearned income.

(b) Count SSI lump-sum payments according to the specific program policy on lump-sum.

✔ SEE OAR **461-140-0120**.

✔ SEE **OSIP-E.3 AND GA-E** in the APD MANUAL; SEE **CA-A.6** FOR SNAP.

(3) For REF, REFM and TANF:

(a) Exclude SSI monthly and lump-sum payments, even if received by a financial group member, if that person will be removed from the group the following month.

(b) Treat SSI lump-sum in a bank account held jointly with other financial group members according to **CA-B.8**.

(c) Exclude SSI retroactive lump-sum payments in the month paid and the next month, even if the recipient is in the financial group. Count the remainder as a resource after those two months, if the SSI recipient is still in the group.

(4) In SNAP, count monthly SSI payments as unearned income and exclude any lump-sum SSI payments.
Clients receiving SSI from California also get SNAP benefits with the SSI. These clients are not eligible for SNAP from Oregon until the California SSI ends.

For OSIP and OSIPM (not OSIP-EPD or OSIPM-EPD), exclude retroactive lump-sum SSI payments for nine months after receipt. After the nine-month period, any remaining amount is counted as a resource. For the purpose of this subsection, a payment is retroactive if it is issued in any month after the calendar month for which it is intended.

SEE CA-8.56 FOR HOW TO TREAT INCOME FROM PLAN FOR SELF-SUPPORT OR CA-8.77 FOR TICKET TO WORK.

For OCCS Medical, exclude Supplemental Security Income for monthly and annual income.

73. Stipends

A stipend is a fixed or regular payment for services rendered. The stipend may include a living allowance, personal expenses or reimburse a person for their costs, such as a person’s time or transportation.

A stipend may be excluded or counted as earned or unearned income. How it is treated depends on the funding source of the stipend and the program.

First, determine the funding source. The client may not know; you will need to ask the organization. For example, a community agency, college or university, etc., may obtain AmeriCorps, WIA, or some other type of funding to fund the stipend.
Once identified, check in Counting Client Assets.

- The stipend income is countable if it is not specifically excluded in one of the sources in Counting Client Assets, per OAR 461-140-0010.

- If the funding source is not covered in this section of the manual, for SNAP it is counted as earned income (use the TNG income code on FCAS) and unearned income for all other programs.

Some of the stipend funding sources identified in Counting Client Assets are:

- VISTA (including AmeriCorps VISTA) or various programs under the Domestic Volunteer Services Act (CA-B.20);

- Youthbuild Program (CA-B.33);

- Job Corps (CA-B.42);

- Programs under the National Community Services Trust Act (including AmeriCorps) (CA-B.51);

- Programs funded by the Older Americans Act (CA-B.52);

- RARE (CA-B.59);

- Veterans’ Administration (CA-B.82);

- Vocational Rehabilitation (CA-B.84);

- WIA (CA-B.85).

Some examples of stipend income that may or may not be funded by sources identified in Counting Client Assets are:

- A tribal member receives a stipend to attend training or GED classes. This income is from the tribe and not funded under a law that excludes the stipend;

- A college or university may pay a stipend to a student in a faculty fellowship program. This income may be from the college or university using state or grant funds and is not funded by a law that excludes the stipend;

- A volunteer in a community program receives a stipend for the time they worked on a project. This income may be from the community via a grant, state or local funds and is not funded under a law that excludes the stipend;

- A student is receiving an income each month from ROTC funds each month while attending school. This income is considered a stipend and is not excluded.
For OCCS Medical, Stipends are counted for monthly and annual income.

### General Definitions Rule

**410-200-0015 (51) and (52)** — General Definitions

### Stocks, bonds and other securities

74. **Stocks, bonds and other securities**

(1) Except as provided in section (2) below, securities, including stocks, bonds, and certificates of deposit (CDs), are counted as a resource.

(2) The value of a savings bond issued by the United States Department of the Treasury is excluded during the minimum retention period if the owner has received a denial of a request for a hardship waiver based on financial need.

(3) A request for a hardship waiver may be made to the United States Department of the Treasury, Bureau of Public Debt, Accrual Services Division, PO Box 1328, Parkersburg, West Virginia 26106-1328.

### Stocks, Bonds, and Other Securities Rule

**461-145-0520** — Stocks, Bonds, and Other Securities

### Strikers’ benefits

75. **Strikers’ benefits**

Strikers’ benefits are payments made to strikers by their union, whether or not based on the striker’s participation in picketing. Treat these payments as follows:

(1) For all programs except SNAP, count as unearned income.

(2) For SNAP, exclude these payments, unless the striker’s current income is higher than their pre-strike income. If so, count as unearned income.

SEE **SNAP-G.16** FOR MORE INFORMATION ON DETERMINING SNAP ELIGIBILITY OF A STRIKER AND INCOME CALCULATION.

For OCCS Medical, Striker’s Benefits are counted for monthly and annual income.

### General Definitions Rule

**410-200-0015 (51) and (52)** — General Definitions

### Strikers’ Benefits Rule

**461-145-0525** — Strikers' Benefits
76. Tax refund

For all programs, count tax refunds, except for the Earned Income Tax Credit portion, as follows:

(1) Federal tax refunds:
   (a) In the month of receipt, consider it excluded income.
   (b) For 12 months following the month of receipt, consider it an excluded resource.
   (c) After the 12 months, consider it a countable resource.

(2) State tax refunds and property tax refunds, including Elderly Rental Assistance (ERA):
   (a) In the month of receipt, consider it lump-sum income.
   (b) After the month of receipt, consider it a countable resource.

**NOTE**

*Federal tax refunds are excluded as a resource for eligibility decisions made on or after December 17, 2010.*

For OCCS Medical, Federal Income Tax Refunds are excluded in monthly and annual income. State Tax Refunds are treated as follows:

(1) If deductions are itemized on a Schedule A for the federal income tax return, the amount on the line 5 of the Schedule A is counted for monthly and annual income.

(2) If deductions are not itemized on a Schedule A for the federal income tax return, the state tax refund is excluded for monthly and annual income.

**General Definitions Rule**

410-200-0015 (51) and (52) — General Definitions

**Tax Refund Rule**

461-145-0530 — Tax Refund
Ticket to Work

Ticket to Work is a Social Security program mandated under the Ticket to Work and Work Incentives Improvement Act of 1999. The intent is to enable social security beneficiaries to obtain, regain or maintain employment and to reduce their dependency on cash assistance.

Ticket to Work is for most Social Security Disability (SSD) and Supplemental Security Income (SSI) clients who are between age 18 and 65. The program is voluntary. Recipients may use the “ticket” to obtain vocational rehabilitation, employment or other support services from an approved provider of their choice to help them to go to work and achieve their employment goals. The recipient may be placed in on-the-job training or in school.

Most recipients participating in the Ticket to Work program are not receiving money from SSA for Ticket to Work. Instead, SSA is sending payments to the provider to reimburse the provider for their costs to provide the services. The recipient may continue to get SSD or SSI while in the training, etc. They may be paid a wage when work begins. They lose SSD or SSI when their income exceeds the allowable limits for SSD or SSI.

Some recipients of Ticket to Work will receive a stipend or training allowance. For SNAP, the stipend from a vocational rehabilitation program is counted as earned income. For all other programs, the stipend is counted as unearned income.

For all programs, count the income from employment as earned income. Count the SSD or SSI received by the client as unearned income.

NOTE

For REF, REFM and TANF, if the Ticket to Work participant receives SSI, the stipend does not count as income because the SSI recipient is not in the Financial Group.

Earned Income; Defined Rule

461-145-0120 — Earned Income; Defined
78. Trusts

(1) Trust funds are money, securities or similar property held by a person or institution for the benefit of another person.

(2) This section applies to all trust funds in the REF, REF, SNAP and TANF programs. It also applies to GA, GAM, OSIP, OSIPM and QMB for trust funds established before October 1, 1993:

   (a) Trust funds are counted as a resource if the fund is legally available for use by a member of the financial group for items covered by program benefits. For OSIP, OSIPM and QMB, the amount of the trust that is considered legally available is the maximum amount that could be distributed to the beneficiary under the terms of the trust, regardless of whether or not the trustee exercises his or her authority to actually make the distribution.

   (b) Trust funds are excluded if the fund is not available for use by a member of the financial group. The financial group must try to remove legal restrictions on the trust, unless that would cause an expense to the group.

   (c) The part of the fund available for use for medical expenses covered by the medical program for which the financial group is eligible is counted.

(3) In the ERDC program, all trust funds are excluded.

(4) In the OSIP, OSIPM and QMB programs, trust funds established on or after October 1, 1993, are treated in accordance with sections (5) through (11) of this rule. In the GA and GAM programs, trust funds established on or after October 1, 1993, are treated in accordance with sections (5) through (9) of this rule.

(5) A trust is considered established if the financial group used their resources to form all or part of the trust and if any of the following established a trust, other than by a will:

   (a) The client.

   (b) The client’s spouse.
(c) Any other person, including a court or administrative body, with legal authority to act in place of or on behalf of the client or the client’s spouse.

(d) Any other person, including a court or administrative body, acting at the direction or upon the request of the client or the client’s spouse.

(6) If the trust contains resources or income of another person, only the share attributable to the client is considered available.

(7) Except as provided in section (10) of this rule, the following factors are ignored when determining how to treat a trust:

   (a) The purpose for which the trust was established.

   (b) Whether or not the trustees have or exercise any discretion under the trust.

   (c) Any restrictions on when or if distributions may be made from the trust.

   (d) Any restrictions on the use of distributions from the trust.

(8) If the trust is revocable, it is treated as follows:

   (a) The total value of the trust is considered a resource available to the client.

   (b) A payment made from the trust to or for the benefit of the client is considered unearned income.

   (c) A payment from the trust other than to or for the benefit of the client is considered a transfer of assets covered by OAR 461-140-0210 and following.

(9) If the trust is irrevocable, it is treated as follows:

   (a) If, under any circumstances, the funds transferred into the trust are unavailable to the client and the trustee has no discretion to distribute the funds to or for the benefit of the client, the client is subject to a transfer-of-resources penalty as provided in OAR 461-140-0210 and following.

   (b) If, under any circumstances, payments could be made to or on behalf of the client, the share of the trust from which the payment could be made is considered a resource. A payment from the trust other than one to or for the benefit of the client is considered a transfer of assets that may be covered by OAR 461-140-0210.

   (c) If, under any circumstances, income is generated by the trust and could be paid to the client, the income is unearned income. Payments made for any
reason other than to or for the benefit of the client are considered a transfer of assets subject to disqualification per OAR 461-140-0210.

(d) If any change in circumstance makes assets (income or resources) from the trust unavailable to the client, the change is a disqualifying transfer as of the date of the change.

(10) Notwithstanding the provisions above in this rule, the following trusts are not considered in determining eligibility for OSIPM and QMB:

(a) A trust containing the assets of a client determined to have disabilities by SSI criteria that was created before the client reached age 65, if the trust was established by one of the following and the state will receive all funds remaining in the trust upon the death of the client, up to the amount of medical benefits provided on behalf of the client:

(A) The client’s parent.

(B) The client’s grandparent.

(C) The client’s legal guardian or conservator.

(D) A court.

(b) A trust established between October 1, 1993, and March 31, 1995, for the benefit of the client and containing only the current and accumulated income of the client. The accumulated amount remaining in the trust must be paid directly to the state upon the death of the client up to the amount of medical benefits provided on behalf of the client. The trust is the total income in excess of the income standard for OSIPM. The remaining income not deposited into the trust is available for the following deductions in the order they appear prior to applying the patient liability:

(A) Personal-needs allowance.

(B) Community spouse monthly maintenance needs allowance.

(C) Medicare and other private medical insurance premiums.

(D) Other incurred medical.

(c) A trust established on or after April 1, 1995, for the benefit of the client and containing the current and accumulated income of the client. The accumulated amount remaining in the trust must be paid directly to the state upon the death of the client up to the amount of medical assistance provided on behalf of the client. The trust contains all the client’s income. The income deposited into the trust is distributed monthly in the following
order with excess amounts treated as income to the individual subject to the rules on transfer of assets in division 140 of this chapter of rules:

(A) Personal needs allowance and applicable room and board standard.

(B) Reasonable administrative costs of the trust, not to exceed a total of $50 per month, including the following:

(i) Trustee fees.

(ii) A reserve for administrative fees and costs of the trust, including bank service charges, copy charges, postage, accounting and tax preparation fees, future legal expenses and income taxes attributable to trust income.

(iii) Conservatorship and guardianship fees and costs.

(C) Community spouse and family monthly maintenance needs allowance.

(D) Medicare and other private medical insurance premiums.

(E) Other incurred medical care costs as allowed under OAR 461-160-0030 and 461-160-0055. Contributions to reserves or payments for child support, alimony, and income taxes. Monthly contributions to reserves or payments for the purchase of an irrevocable burial plan with a maximum value of $5,000. Contributions to a reserve or payments for home maintenance if the client meets the criteria of OAR 461-155-0660 or OAR 461-160-0630.

(F) Patient liability not to exceed the cost of waivered services or nursing facility care.

(11) For a trust signed on or after July 1, 2006:

(a) Notwithstanding the provisions of subsections (2) through (9), a trust that meets the requirements of subsection (b) below is not considered in determining eligibility for OSIPM or QMB, except if the client is age 65 or older when the trust is funded or transfer is made to the trust. The transfer may constitute a disqualifying transfer of assets under OAR 461-140-0210 and the following.

(b) This section applies to a trust that meets all of the following conditions:

(A) The trust is established and managed by a nonprofit association.
(B) A separate account is maintained for each beneficiary of the trust, but, for purposes of investment and management of funds, the trust pools these accounts.

(C) The trust is established by the client, client’s parent, grandparent, or legal guardian, or a court for clients who have disabilities.

(D) To the extent that amounts remaining in the beneficiary’s account upon the death of the beneficiary are not retained by the trust, the trust pays to the state an amount equal to the total medical assistance paid on behalf of the beneficiary under the state plan for Medicaid.

(E) The trust contains the resources or income of a client who has a disability that meets SSI criteria.

(12) In the GA, GAM, OSIP, OSIPM, and QMB programs, the provisions of this rule may be waived for an irrevocable trust if the department determines that denial of benefits would create an undue hardship on the client if, among other things:

(a) The absence of the services requested may result in a life-threatening situation.

(b) The client was a victim of fraud or misrepresentation.

For OCCS Medical, exclude Payments from Revocable Trusts for monthly and annual income. Earnings from Irrevocable Trusts are counted for monthly and annual income.

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79. **Unemployment Compensation benefit**

Count most UC benefits received weekly or bi-weekly as unearned income and retroactive payments as lump-sum income (CA-A.6) or (OAR 461-140-0120).

Do not anticipate UC benefits when the client is in their waiting week or there has been a break of a week or more in payment. There is no guarantee they will receive UC benefits. Only anticipate UC income when there are current payments showing on ECLM.
To calculate countable UC income, use the WBA on ECLM-Claim Summary Display (F5 from WAGE) as long as the client does not have any earnings or overpayments withholding.

If the client has earnings or an overpayment withholding, use the E-PAY-Payment List screen (F13 from ECLM) to determine the amount of countable UC income.

**Determining Availability of Income Rule**

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- Add the check amount, amount of overpayment withheld, amount of child support withheld and amount of federal and state taxes withheld.

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<th>Countable UC Income When You Cannot Use the WBA</th>
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<td><strong>E-Pay amounts</strong></td>
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<td>All TANF</td>
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For OCCS Medical, Unemployment Compensation is counted for monthly and annual income.

**General Definitions Rule**

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**Unemployment Compensation Benefits Rule**

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**NOTE**

COUNTABLE UC income includes garnishments and taxes. Work Share is also countable as UC income. UC benefits received while participating in Trade Act activities are also countable income.

**80. Uniform Relocation Act and Real Property Acquisition Policies Act**

Reimbursements from the Federal Uniform Relocation Assistance Act (42 U.S.C 4621-4625) and from the Real Property Acquisition Policies Act of 1970
(42 U.S.C. 4651-4655) are counted as a resource for GA and GAM and excluded for all other programs.

For OCCS Medical, exclude Uniform Relocation Act payments for monthly and annual income.

### General Definitions Rule

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### Uniform Relocation Act Rule

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#### 81. USDA meal reimbursement

USDA meal reimbursements are cash reimbursements for family day-care providers who serve snacks and meals. The reimbursements are made by the Department of Education and the amount of the reimbursement is determined by family size and income.

1. Count USDA meal reimbursements made to child care providers as self-employment income.

2. Exclude the USDA meal reimbursements for a filing group member.

Child care providers often have young children of their own who are present at the same time as children in care. When the provider receives the USDA meal reimbursement, they submit the voucher for both the children in care and their own children who were present for the snacks and meals.

Exclude the part of the meal reimbursement for the provider’s own children as follows:

1. Determine the total number of children (not in filing group) who receive meals or snacks.

2. Determine the total number of the children (in filing group) also receiving meals or snacks.

3. Total (a) and (b) above.

4. Determine the total amount of monthly meal reimbursement.

5. Divide the total from (c) into the meal reimbursement in (d) to arrive at the amount of reimbursement per child.

6. Multiply the result of (e) by the number of children in (a) to arrive at the countable USDA meal reimbursement. Count as SEC.
For OCCS Medical, Stipends are counted for monthly and annual income.

### General Definitions Rule

**410-200-0015 (51) and (52)** — General Definitions

### USDA Meal Reimbursement Rule

**461-145-0570** — USDA Meal Reimbursement

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**82. Veterans’ benefits**

1. Treat veterans’ benefits, other than Aid and Attendance and educational or vocational rehabilitation training benefits, as follows:

   a. Count monthly payments as unearned income.

   b. Count other payments as periodic (CA-A.7) or lump-sum income (CA-A.6 or OAR 461-140-0120).

2. Treat veterans’ Aid and Attendance payments as follows:

   a. For SNAP, the payment is treated as a reimbursement if the payment is used to pay an attendant. Count only the amount that is not being used as a reimbursement as unearned income.
(b) For QMB, exclude these payments.

(c) For OSIP, OSIPM and QMB clients receiving long-term care or title XIX-waivered services, treat as follows:

(A) Exclude the entire payment when determining financial eligibility.

(B) Count the entire payment as unearned income when calculating monthly benefits or patient liability.

(C) Exclude payments for services not covered by the department’s programs.

(D) The client is required to repay to the department the amount of the payments received by the client for costs and services already paid for by the department, up to the amount of institutional and home- or community-based waivered care provided to the client during months covered by the payments. Any unrecovered third-party resource or payment above the actual cost is counted as lump-sum or periodic income.

(d) For all other programs, treat Aid and Attendance payments as follows:

(A) Exclude payments for services not covered by the department’s programs.

(B) Reimbursements paid to the client for costs and services already paid for by the department are third-party resources and should be recovered from the client. Count any unrecovered third-party resource or payment above the actual cost as lump-sum or periodic income.

NOTE

If an applicant/recipient’s Aid and Attendance income makes the total income over the 300 percent of SSI, an income cap trust is not needed.

(3) Exclude payments under P.L.104-204 to children of Vietnam veterans who are born with spina bifida.

(4) Treat educational benefits from the Veterans’ Administration according to CA-B.24 or OAR 461-145-0150. Housing stipends awarded as part of educational benefits are counted as unearned income for SNAP.
Educational benefits from the VA include the Montgomery GI Bill (Chapter 30), Survivors and Dependents Educational Assistance (DEA) (Chapter 35), Selected Reserve Educational Assistance Program (Title 10, Chapter 1606), Reserve Educational Assistance Program (Chapter 1607), Active Duty Veterans Educational Assistance Program (VEAP) (Chapter 32) and VA Work Study.

There are other types of VA educational assistance. Please call Central Office for how to handle the other types.

(5) For SNAP, count VA vocational rehabilitation maintenance payments for food, shelter and clothing as unearned income.

(6) For SNAP, count the VA Chapter 31 subsistence allowance paid while the veteran with disabilities participates in training or a vocational rehabilitation plan as earned income. For all other programs, it is unearned income.

NOTE

The Chapter 31 VA Vocational Rehabilitation program is for veterans with disabilities and a few dependents. Look for VA disability income also. (For SNAP, use income type code TNG.).

For OCCS Medical, Veteran’s Benefits are treated as follows:

(1) Veteran’s Retirement benefits:
   (a) If any part of the retirement payment is based on a personal injury or sickness resulting from active service, that portion of the payment is excluded from monthly and annual income. Count the remaining amount of the payment for monthly and annual income.

(2) All other Veteran’s benefits are excluded for monthly and annual income.

**General Definitions Rule**

410-200-0015 (51) and (52) — General Definitions

**Veterans’ Benefits Rule**

461-145-0580 — Veterans' Benefits
83. Victims’ assistance

(1) Payments made under P. L. 103-286 to victims of Nazi persecution, and payments under 42 U.S.C 10602, the Crime Act of 1984 (VOCA), are:

   (a) Excluded as income and amounts retained are excluded as a resource as long as the amounts are not commingled with other funds for all programs except GA and GAM.

   (b) In the GA and GAM programs, these payments are counted as unearned income.

(2) For other types of victims’ assistance:

   (a) Treat payments that are considered a reimbursement (see OAR 461-001-0000) for a lost item according to CA-B.64 or OAR 461-145-0440.

   (b) Treat payments for pain and suffering as personal injury settlements according to CA-B.55 or OAR 461-145-0400.

For OCCS Medical, exclude Victim’s Assistance payments for monthly and annual income.

84. Vocational Rehabilitation payment

(1) Count Vocational Rehabilitation Maintenance payments for food, shelter and clothing as unearned income.

(2) For SNAP, count a training allowance or stipend from a vocational rehabilitation program as earned income. For all other programs, it is counted as unearned income.
(3) Treat Vocational Rehabilitation payments for special itemized needs connected with the evaluation, planning, or placement activity as a reimbursement. These special need payments include:

(a) Child care.

(b) Clothing.

(c) Second residence.

(d) Special diet.

(e) Transportation.

For OCCS Medical, exclude Vocational Rehabilitation payments for monthly and annual income.

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**General Definitions Rule**

410-200-0015 (51) and (52) — General Definitions

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**Vocational Rehabilitation Payment Rule**

461-145-0585 — Vocational Rehabilitation Payment

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85. Workforce Investment Act (WIA)

Treat Workforce Investment Act (WIA) of 1998 (P.L.105-220) payments made under title I-B (see OAR 589-020-0210) as follows:

(1) Count need-based (stipend) payments as unearned income, except as follows:

(a) Exclude for REF, REFM and TANF clients under the age of 19 (or under the age of 20 if the client is a caretaker relative); and

(b) Exclude for all SNAP clients.

(2) Count OJT and work experience payments as earned income, except as follows:

(a) Exclude for REF, REFM and TANF clients under the age of 18 (or under the age of 20 if the client is a caretaker relative); and

(b) Exclude for SNAP clients who are:

(A) Under the age of 19 and under the control of an adult member of the filing group; or

(B) Receiving OJT payments under the Summer Youth Employment and Training Program.
(3) For SNAP, exclude the training stipend received under Section 402, rehabilitation payment.

(4) Count support service payments for items already covered by the benefits of the benefit group as unearned income. Exclude all other support service payments (including lunch payments and clothing allowances).

(5) A reimbursement (OAR 461-145-0440) is treated as provided in CA-B.64.

(6) Count YouthBuild payments as follows:

(a) In the SNAP program, if the YouthBuild participant is under age 19 and under the parental control of another filing group member, the payments are excluded. If the participant is age 19 or older or not under the parental control of another filing group member, the payments are treated as follows:

(A) Incentive payments that are reimbursements for specific expenses not covered by program benefits, for instance transportation and school supplies, are excluded.

(B) On-the-job training (OJT) and work experience payments are treated as earned income.

(C) The bonus payment (the incentive payment for attendance) is treated as unearned income.

(b) In all program except the SNAP program, YouthBuild Program payments are excluded.

### Workforce Investment Act Rule

461-145-0300 — Workforce Investment Act
86. **Workers’ compensation**

   (1) For workers’ compensation payments received monthly or more frequently:

      (a) Except as provided in subsection (b) of this section, these payments are counted as unearned income.

      (b) In the ERDC, REF, REFM, SNAP and TANF programs, income from temporary workers’ compensation is counted as earned income (see OAR 461-145-0130 or CA-B.21) if paid to a client who is still employed while recuperating from a temporary illness or injury.

   (2) All workers’ compensation payments other than those in section (1) are counted as periodic or lump-sum income (see OAR 461-140-0110 and OAR 461-140-0120 or CA-A.7 and CA-A.6).

For OCCS Medical, exclude Workers Compensation payments for monthly and annual income.

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87. **Work-related capital assets, equipment and inventory**

“Work-related equipment” is property essential to the employment or self-employment of a financial group member. Examples are a tradesman’s tools, a farmer’s machinery, and equipment used to maintain an income-producing vehicle.

“Inventory” is goods that are in stock and available for sale to prospective customers.

   (1) A capital asset (CA-B.11 or OAR 461-001-0000), other than work-related equipment and inventory, is treated as follows:

      (a) For all programs except SNAP and TANF, treat the equity value of all capital assets according to the type of asset it is.

      (b) For SNAP, exclude the equity value of capital assets used in a business as follows:

         (A) For nonfarm assets, as long as the financial group is actively engaged in self-employment activities;
(B) For farm assets, for one year from the date the person quit self-employment as a farmer.

(c) For all other participants, treat the capital asset according to rules for that asset.

(2) Treat work-related equipment as follows:

(a) For EA, ERDC and SNAP, exclude the equity value of work-related equipment as a resource.

(b) For GA, OSIP, OSIPM and QMB, exclude the value of equipment needed by a client who has a disability or is blind, to complete a plan for self-support (CA-b.56 or OARs 461-135-0708 and 461-145-0405) as long as the plan is in effect. For all other equipment, count the equity value of the equipment as a resource except as provided in OAR 461-145-0250(3)(c).

(c) In the REF, REFM and TANF programs, the equity value of the equipment is treated as a resource.

(3) Treat inventory as follows:

(a) For EA, ERDC and SNAP exclude the value of inventory as a resource as long as the client is engaged in self-employment activities.

(b) For GA, OSIP, OSIPM and QMB, exclude the value of inventory needed by a client who has a disability or is blind to complete a plan for self-support, as long as the plan is in effect. For all other inventory, count the equity value of the inventory as a resource.

(c) In the REF, REFM and TANF programs, the wholesale value of inventory remaining at the end of a quarter, less encumbrances, is counted as a resource.

(4) For SNAP, count the full amount received from the sale of work-related equipment or inventory as part of the household’s self-employment income.

For OCCS Medical, resources are not considered in eligibility determination.

Work-Related Capital Assets, Equipment, and Inventory Rule
461-145-0600 — Work-Related Capital Assets, Equipment, and Inventory