37.70.407 EXCLUDED INCOME

(1) The following types of unearned income are excluded or deducted when calculating income for LIHEAP eligibility:

(a) complementary assistance from other agencies and organizations which consists of goods and services not included in or duplicated by the low income home energy assistance benefit award;

(b) home produce utilized for household consumption;

(c) undergraduate student loans and grants for educational purposes made or insured under any program administered by the Commissioner of Education;

(d) extension of Old-Age, Survivors, and Disability Insurance (OASDI) benefits for 18 to 22 year olds who are full-time students;

(e) the value of the SNAP allotment;

(f) the value of U.S. Department of Agriculture donated foods;

(g) any benefits received under Title III of the Nutrition Program for the Elderly of the Older Americans Act of 1965 as amended;

(h) the value of supplemental food assistance received under the Child Nutrition Act of 1966, and the Special Food Services Program for Children under the National School Lunch Act (P.L. 92-433 and P.L. 93-150);

(i) all monies awarded to Indian tribes by the Indian Claims Commission or Court of Claims as authorized by P.L. 92-254, 93-134, 94-540, 95-433, 97-408, or other applicable awards as provided in public law;

(j) payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(k) the tax exempt portions of payments made pursuant to P.L. 92-203, the Alaska Native Claims Settlement Act;

(l) all payments under Title I of the Elementary and Secondary Education Act;

(m) all earnings, work incentive allowances, reimbursement of training related expenses, and other allowances and payments made to a participant in any program under the Workforce Investment Act of 1998;

(n) payment for supportive services or reimbursement of out-of-pocket expenses made to individual volunteers serving as senior health aides, or senior companions, and to persons

serving in service corps of the retired executives and active corps of executives, and any other program under Titles II and III of P.L. 93-113;

(o) payments to individual volunteers under Title I (VISTA) of P.L. 93-113, pursuant to section 404(g) of that law;

(p) proceeds from sale of the family home;

(q) one-time insurance payments, compensation for injury, or payments from federal or state crime victim compensation programs;

(r) the entire amount of Veteran's Administration educational payments made to an applicant or recipient who is attending an institution of higher education, including amounts spent for expenses not directly related to the individual's school attendance;

(s) Veteran's Administration pension reimbursements for medical expenses;

(t) foster care payments received for a foster child or adult if the LIHEAP applicant has chosen to exclude the foster child or adult from the household; such payments are not excluded if the applicant has chosen to include the foster adult or child as a member of the household. Additionally, any foster care payments received one full month immediately preceding the month of application for a foster child or adult who is no longer living in the household at the time of application shall be excluded;

(u) in-kind income;

(v) valid loans, except that the funds received from valid loans are considered as a resource until the funds are spent;

(w) gifts of up to $50 per month per household member. If the gift is in an amount equal to or greater than $50, however, the entire gift will be counted;

(x) nonrecurring lump sum payments, such as federal and state income tax refunds, one-time insurance payments or worker's compensation payments, and retroactive SSI or SSDI payments, but only to the extent that the payment does not constitute income or benefits for one full month immediately preceding the month of application. The funds received from a nonrecurring lump sum payment are considered as a resource until the funds are spent;

(y) vendor payments, except the following types of vendor payments:

    (i) payments which are legally owed or otherwise payable to the household but are diverted by the provider of the payment to a third party for an expense or debt of the household;

    (ii) federal, state, or tribal benefits payable directly to the household but are diverted to a third party or protective payee for an expense or debt of the household; and

    (iii) rent or mortgage payments made to the household's landlord or mortgagee.

(z) payments under Public Law 101-426, Radiation Exposure Compensation Act, are excluded as income and as a resource to the household;

(aa) amounts paid to satisfy an incurment for the medically needy programs; and

(bb) proof of out-of-pocket health insurance premiums paid by a member of the household for a household member or members will reduce the income when supplied at the time of application or prior to application eligibility determination.

Authorizing statute(s): 53-2-201, MCA

Implementing statute(s): 53-2-201, MCA

History: NEW, 1982 MAR p. 732, Eff. 4/16/82; AMD, 1982 MAR p. 1771, Eff. 10/1/82; AMD, 1983 MAR p. 1362, Eff. 9/30/83; AMD, 1984 MAR p. 1481, Eff. 10/12/84; AMD, 1985 MAR p. 1412, Eff. 9/27/85; AMD, 1986 MAR p. 1606, Eff. 9/26/86; AMD, 1987 MAR p. 1805, Eff. 10/16/87; AMD, 1988 MAR p. 2042, Eff. 10/1/88; AMD, 1990 MAR p. 1959, Eff. 10/26/90; AMD, 1991 MAR p. 1857, Eff. 10/1/91; AMD, 1992 MAR p. 2201, Eff. 9/25/92; AMD, 1993 MAR p. 2437, Eff. 10/15/93; AMD, 1994 MAR p. 2642, Eff. 9/23/94; AMD, 1995 MAR p. 2157, Eff. 10/13/95; AMD, 1996 MAR p. 2887, Eff. 10/25/96; AMD, 1997 MAR p. 504, Eff. 10/25/96; AMD, 1997 MAR p. 2296, Eff. 12/16/97; TRANS, from SRS, 1998 MAR p. 2059; AMD, 1999 MAR p. 414, Eff. 3/12/99; AMD, 1999 MAR p. 2575, Eff. 11/5/99; AMD, 2000 MAR p. 2707, Eff. 10/6/00; AMD, 2001 MAR p. 2037, Eff. 10/12/01; AMD, 2002 MAR p. 3635, Eff. 11/28/02; AMD, 2004 MAR p. 1026, Eff. 4/23/04; AMD, 2004 MAR p. 2818, Eff. 11/19/04; AMD, 2005 MAR p. 2078, Eff. 10/28/05; AMD, 2011 MAR p. 108, Eff. 1/28/11; AMD, 2014 MAR p. 126, Eff. 1/17/14; AMD, 2015 MAR p. 2145, Eff. 12/11/15; AMD, 2018 MAR p. 1886, Eff. 9/22/18; AMD, 2020 MAR p. 1844, Eff. 10/10/20; AMD, 2023 MAR p. 480, Eff. 5/27/23.