

**SECTION: CERTIFICATION**

**SUBJECT: Eligibility Requirements**

**ITEM: Income Exclusions**

---

## **Policy**

The LA shall exclude payments or benefits from programs and/or sources specified by the State Agency (SA) when determining gross family income.

## **Required Procedures**

Exclusions from income shall include, but are not limited to, the following:

1. reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
2. any payment to volunteers under Title I (VISTA and others) or Title II (RSVP, foster grandparents, and others) of the Domestic Volunteer Service Act of 1973, to the extent included by that Act;
3. payments to volunteers under Section 8 (b)(1)(B) of the Small Business Act (SCORE and ACE);
4. income derived from certain sub marginal land of the United States which is held in trust for certain Indian tribes;
5. payments received under the Job Training Partnership Act;
6. income derived from the disposition of funds to the Grand River Band of Ottawa Indians;
7. payments received under the Alaska Native Claims Settlement Act;
8. the value of assistance to children or their families under the National School Lunch Act, the Child Nutrition Act of 1966, and the Food Stamp Act of 1977;
9. payments by the Indian Claims Commission to the Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation;
10. payments to the Passamaquoddy Tribe and the Penobscot Nation or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980;
11. payments under the Low-Income Home Energy Assistance Act, as amended;

12. student financial assistance received from any program funded in whole or part under Title IV of the Higher Education Act of 1965 including the Pell Grant, Supplemental Educational Opportunity Grant, State Student Incentive Grants, National Direct Student Loan, PLUS, College Work Study, Byrd Honor Scholarship programs, State Student Incentive grants, and National Direct Student Loan, which is used by the students for Books, materials, tuition, fees, supplies, transportation, and miscellaneous personal expenses related to the student's education;
13. payments under the Disaster Relief Act of 1974, as amended by the Disaster Relief and Emergency Assistance Amendments of 1989;
14. payments received under the Carl D; Perkins Vocational Education Act, as amended by the Carl D; Perkins Vocational and Applied Technology Education Act Amendments of 1990;
15. payments pursuant to the Agent Orange Compensation Exclusion Act;
16. payments received for Wartime Relocation of Civilians under the Civil Liberties Act of 1988;
17. value of any child care payments made under section 402 (g)(1)(E) of the Social Security Act, as amended;
18. the value of any "at-risk" childcare block grant payments made under Section 402(i) of the Social Security Act;
19. value of any childcare provided or paid for under the Child Care and Development Block Grant Act, as amended;
20. mandatory salary reduction amount for military service personnel, which is used to fund the Veteran's Educational Assistance Act of 1984 (GI Bill);
21. payments received under the Old Age Assistance Claims Settlement Act, except for per capita shares in excess of \$2,000;
22. payments received under the Cranston-Gonzales National Affordable Housing Act, unless the income of the family equals or exceeds 80 percent of the median income of the area;
23. payments received under the Housing and Community Development Act of 1987, unless the income of the family increases at any time to not less than 50 percent of the median income of the area;
24. payments received under the Sac and Fox Indian claims agreement;
25. payments received under the Judgment Award Authorization Act, as amended;
26. payments for the relocation assistance of members of Navajo and Hopi Tribes;
27. payments to the Turtle Mountain Band of Chippewas, Arizona;
28. payments to the Blackfeet, Grosventre, and Assiniboine Tribes (Montana) and the Papago (Arizona);

29. payments to the Assiniboine Tribe of the Fort Belknap Indian community and the Assiniboine Tribe of the Fort Peck Indian Reservation (Montana);
30. payments to the Red Lake Band of Chippewas;
31. payments received under the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act;
32. payments to the Chippewas of Mississippi;
33. non-cash benefits;
34. payments as reimbursement for job-related expenses, e;g; travel;
35. lump sum payments as reimbursement for lost assets or injuries; For example, amounts received from an insurance company for loss or damage of real or personal property, such as a home or auto, or reimbursement for medical bills resulting from an accident or injury;
36. payments made to property owners by the National Flood Insurance Program;
37. loans, not including amounts to which the applicant has constant or unlimited access; and
38. rebates issued under the Economic Stimulus Act of 2008.

## **Military Related Payments Other than Basic Pay**

The following military allowances can be excluded from a military Leave Earnings Statement (LES):

39. **Basic Allowance for Housing (BAH).** BAH received by military personnel (both on-base and off-base housing);
40. **Family Separation Housing (FSH).**
41. **Overseas Continental United States Cost Of Living Allowance (OCONUS COLA).** COLA to a member of the uniformed service who is on duty outside the contiguous states of the United States;
42. **Overseas Housing Allowance (OHA).**
43. **Veteran's Educational Assistance Program (formerly GI Bill).** Exclude only the upfront amount taken out of the military member's LES which is contributed toward future educational expenses in the Veteran's Educational Assistance Program.
44. **Family Subsistence Supplemental Allowance (FSSA).** Payments made by the Department of Defense to members of the armed forces and their families for FSSA. Payments may not exceed \$500 per month;
45. **Combat Pay.** Payments made by the Department of Defense to members of the armed forces who are deployed to a designated combat zone. Combat pay is excluded **if** it is:

- a. received in addition to the service member's basic pay;
- b. received as a result of the service member's deployment to or service in an area that has been designated as a combat zone; **and**
- c. is not received by the service member prior to his deployment to or service in the designated combat zone.

## **Authority**

7 CFR 246.7 (d)(2)(iv)

WRO 803-BG

United States Code, Title 37, Chapter 5