

1008.10.15 **Income Excluded by Law (Part 1)**

REV:06/2007

Do not count any income which is specifically excluded by any Federal, State, or local statute from consideration as income for the purpose of determining eligibility for the Food Stamp Program. The following laws provide such an exclusion:

- * P. L. 102-325, the Higher Education Amendments of 1992, contain two separate provisions that affect the treatment of payments made under the Higher Education Act. In regard to Title IV -- Student Assistance, Part F, Section 479B provides that:

Student financial assistance received under Title IV, or under Bureau of Indian Affairs student assistance programs, shall not be counted in the determination of eligibility of any person for benefits or assistance, or the amount of such benefits or assistance, under any Federal, State, or local program financed in whole or in part with Federal funds.

These changes apply to determinations of need for award years beginning on or after July 1, 1993. For example, if a student was awarded a Title IV grant for a school period of June, July, and August of 1993, the provision (for the exclusion of the grant in its entirety) would not apply. The period of the award is the determining factor, not when the money is paid.

Educational assistance authorized under Title IV includes the following:

- o Basic Educational Opportunity Grants (BEOG or Pell Grants);
- O Presidential Access Scholarships (Super Pell Grants);
- O Federal Supplemental Educational Opportunity Grants (FSEOG);
- o State Student Incentive Grants (SSIG);
- o Robert C. Byrd Honors Scholarship Program;
- o Federal Work Study Funds (Note: Not all Federal work study funds come under Title IV of the Higher Education Act);
- O Federal Family Education Loan Program (Formerly GSL):
 - O Supplemental Loans for students,
 - O PLUS loans for parents,
 - O Robert T. Stafford Student Loans;
- O Federal Perkins Loan Program- Direct loans to students in institutions of higher education (Perkins Loans,

formerly NDSL);

- o TRIO Grants (Go to organizations or institutions for students from disadvantaged backgrounds);
- o Robert C. Byrd Honors Scholarship Program;
- o High School Equivalency Program; and
- o National Early Intervention Scholarship and Partnership Program.

* Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970.

* Under P. L. 93-113, the Domestic Volunteer Services Act of 1973, Titles I and II, as amended, payments under Title I of that Act (including payments for such Title I programs as VISTA, University Year for Action, and Urban Crime Prevention Program) to volunteers must be excluded for those individuals receiving food stamps or public assistance at the time they joined the Title I program, except that households which were receiving an income exclusion for a VISTA or other Title I subsistence allowance at the time of conversion to the Food Stamp Act of 1977 must continue to receive an income exclusion for VISTA for the length of their volunteer contract in effect at the time of conversion. Temporary interruptions in food stamp participation do not alter the exclusion once an initial determination has been made. New applicants who were not receiving public assistance or food stamps at the time they joined VISTA shall have these volunteer payments included as earned income.

Payments under Title II including the Retired Senior Volunteer Program (RSVP), Foster Grandparents, and Senior Companion Program are also excluded.

* Income received by individuals age 55 and older, under the Senior Community Service Employment Program (SCSEP) authorized under the Title V of the Older Americans Act. These funds are excluded by Public Law 100-175 as income for FSP purposes.

* The Job Training Partnership Act (JTPA). Training allowances paid to individuals participating in programs under JTPA are excluded as income with the exception of earnings paid to an individual age 19 or over, participating in an on-the-job training program under the Workforce Investment Act. Earnings include monies paid under the Workforce Investment Act and monies paid by the employer.

P. L. 101-610, Section 117(d), 11/16/90, National and Community Service Act (NCSA) of 1990, provides that Section 142(b) of the JTPA applies to projects conducted under Title I of the National and Community Services Act of 1990 as if

such projects were conducted under the JTPA. Title I includes three Acts: 1) Serve-America: The Community Service, Schools and Service-Learning Act of 1990, 2) the American Conservation and Youth Service Corps Act of 1990, and 3) the National and Community Service Act. There are about 47 NCSA programs and they vary by State. Most of the payments are made as a weekly stipend or for educational assistance. The Higher-Education Service-Learning program and the AmeriCorps umbrella program some under this Title. The National Civilian Community Corps (NCCC) is a federally managed AmeriCorps program.

- * Under P. L. 101-508, Federal earned income tax credit (EITC) payments received either as a lump sum payment or an advance payment included as part of the paycheck (or as a reduction in taxes that would otherwise have been paid at the end of the year);
- * Payments made under P. L. 99-425, Section(e), the Low-Income Home Energy Assistance Act, 9/30/86; in determining any excess shelter deduction, the full amount of such payments shall be deemed to be expended by the recipient household for heating or cooling costs.
- * Under provisions of P. L. 89-642, the value of assistance to children under the Child Nutrition Act;
- * As provided in P. L. 100-435, under WIC demonstration projects, coupons which can be exchanged for food at farmers' markets;
- * Under P. L. 100-485, the value of any child care payments made under Title IV-A , including transitional child care payments are excluded;
- * "At-risk" block grant child care payments made under Section 5801 of P. L.101-508; no deduction may be allowed for any expense covered by such payments;
- * Under P. L. 102-586, the value of any child care provided or any reimbursement for costs incurred under the Child Care and Development Block Grant is excluded from income from any other federal or federally assisted program in which eligibility, or amount of benefits, is based on need.
- * The mandatory salary reduction amount for military service personnel which is used to fund the G. I. Bill;
- * Payments made under the provisions of Public Law 100-383, entitled "Wartime Relocation of Civilians", to certain United States citizens of Japanese ancestry, resident Japanese aliens and certain eligible Aleuts (natives of the Aleutian Islands.)
- * All payments from the Agent Orange Settlement fund or any other fund established pursuant to the settlement in the Agent Orange product liability litigation retroactive to January 1, 1989. The disabled veteran will receive yearly

payments; survivors of the deceased disabled veterans will receive a lump-sum payment. These payments were disbursed by the Aetna Insurance Company. Note: Veterans' benefits were authorized under provisions of P. L. 102-4, Agent Orange Act of 1991, to some veterans with service connected disabilities resulting from exposure to Agent Orange. These VA payments are not excluded by law.

P. L. 101-239 also excluded payments made from the Agent Orange settlement fund or any other fund established pursuant to the settlement in the In re Agent Orange product liability litigation, M.D. L/ No. 381 (E.D.N.Y.).

- * Utility reimbursements made by HUD directly to the household or via a two-party check payable to both the household and the utility provider are excluded from income and are not allowable shelter costs.
- * Under P. L. 108-447, money made available to the household from additional pay received by military personnel as a result of deployment to a combat zone ("combat pay" portion) is excluded as income to the household.
- * Any monetary allowances paid by the Veterans Administration under P.L. 104-204, Section 1805(d), to a child of a Vietnam Veteran for any disability resulting from Spina Bifida suffered by such child.
- * Any monetary allowances paid by the Veterans Administration under P.L. 106-419, Section 1815 (a), to any individual with one or more covered birth defects if he or she is a child of a female Vietnam veteran.
- * Under P.L. 103-322, Section 230202, dated 9/13/94, amended Section 1403 of the Crime Act of 1984 (42 U.S.C. 10602), compensation paid by an eligible crime victim compensation program is excluded as income to the household