

10A NCAC 17D .0210 FINANCIAL ELIGIBILITY

(a) An applicant for an equipment set shall meet the financial needs test of this Rule.

(b) Applicants for an equipment set who are recipients of Work First, SSI, CSHS (Children's Special Health Services), Medicaid, Health Choice for Children, Section 8 Housing Choice Vouchers, or the Food Stamp Program automatically meet the financial needs test upon submission of a document issued by the State of North Carolina or political subdivision of the State or an agency of the United States or any other document that the Division determines provides equivalent reliability that shows participation in one of the programs.

(c) Family income limits for applicants not included under (b) of this Rule are described in Rule .0206(b)(4) of this Section.

(d) An applicant's family include the user and the following persons living in the same household as the user if the user is 18 years of age or older or if the user is less than 18 years of age and is married:

- (1) the user's spouse;
- (2) the user's children, including step-children, under 18 years of age;
- (3) other individuals related to the user by blood or marriage who are under 18 years of age and do not have a parent or spouse living in the same household; and
- (4) the user's children or step-children of any age who are living at home or temporarily living away from the household while attending school if they are being claimed as dependents by the user for federal tax purposes.

(e) An applicant's family include the user and the following persons living in the same household as the user if the user is less than 18 years of age and is not married:

- (1) the user's parents, including step-parents;
- (2) siblings, half-siblings, and step-siblings of the user if the siblings are less than 18 years of age;
- (3) siblings, half-siblings, and step-siblings of the user who are living at home or temporarily living away from the household while attending school, if they are being claimed as dependents by the user's parents for federal tax purposes and the parents are living in the same household as the user; and
- (4) other individuals related to the user by blood or marriage who are under 18 years of age and do not have a parent or spouse living in the same household.

(f) Monthly income of the family members shall be considered in the financial needs test. Income includes the following:

- (1) gross salaries and wages;
- (2) adjusted gross earnings from self-employment, except for income that children may earn from babysitting, lawn mowing, or other miscellaneous tasks. Adjusted gross income is calculated by subtracting the operational expenses from the gross receipts of the business in the time period described in Paragraph (h) of this Rule. Any salary or disbursements made to the individual from his business are disregarded in calculating adjusted gross earnings from self-employment;
- (3) unemployment compensation;
- (4) Social Security benefits;
- (5) Veteran's Administration benefits;
- (6) retirement and pension payments;
- (7) worker's compensation payments;
- (8) alimony;
- (9) child support;
- (10) tobacco buyout payments;
- (11) On-the-job training (OJT);
- (12) AmeriCorps stipends;
- (13) Armed Forces pay;
- (14) work release payments;
- (15) rental income;
- (16) annuities; and
- (17) Cherokee Tribal Per Capita Income paid to adult family members.

(g) The following shall be excluded in the computation of monthly income:

- (1) benefits from any program listed in Paragraph (b) of this Rule;
- (2) adoption or foster care payments;
- (3) income from sale of personal assets;
- (4) loans;

- (5) tax refunds; and
 - (6) earned income tax credits.
- (h) The time period to be used as the basis for computing monthly income is the month preceding the date of application. For income that is not received on a monthly basis, the monthly pro rata share of the most recent receipt of the income shall be included in the computation.

History Note: Authority G.S. 62-157; 143B-216.33; 143B-216.34.
Eff. December 1, 1988;
Amended Eff. November 1, 2009; May 1, 2008; May 1, 2007; April 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.