

10A NCAC 71W .0408 INCOME

(a) The public agency shall consider available earned and unearned income to determine eligibility for and amount of Work First assistance as follows:

- (1) Parents' incomes, including the incomes of adoptive parents and stepparents, shall be counted unless the parent, adoptive parent, or stepparent receives SSI, provided that cash contributions from the parent to the assistance unit shall be counted; and
- (2) Countable net unearned income of a child who is included in the assistance unit shall be counted.

(b) The following items of earned income shall be included in determining eligibility:

- (1) income from wages, salaries, and commissions;
- (2) farm income;
- (3) business income including self-employment;
- (4) rental income; and
- (5) income from roomers and boarders.

(c) The public agency shall consider circumstances that constitute "good cause" for an applicant failing to report a change that may affect payment are limited to:

- (1) a family crisis or change including, but not limited to, the death of a spouse, parent, or child;
- (2) the hospitalization or illness a caretaker, or a dependent child for whom the individual provides care, including participation in substance use treatment or attendance at a medical appointment;
- (3) civil leave, including jury duty or a required court appearance;
- (4) lack of child care for parent or minor parent in school, training, or other work activity; or
- (5) any other reason determined by the Director of the county department of social services, or his or her designee, based on evidence provided by the recipient, applicant, or caretaker.

(d) The following items of unearned income shall be included in determining eligibility for or the amount of assistance:

- (1) OASDHI benefits;
- (2) Veterans Administration benefits;
- (3) Railroad Retirement benefits;
- (4) pensions or retirement benefits;
- (5) workmen's compensation;
- (6) unemployment compensation;
- (7) support payments and contributions;
- (8) work release payments;
- (9) dividends and income from trust funds, stocks, bonds, and other investments;
- (10) private disability or unemployment benefits, including benefits from insurance plans;
- (11) trade readjustment benefits;
- (12) military allotments;
- (13) brown lung benefits;
- (14) black lung benefits;
- (15) lump sum payments;
- (16) cash contributions; and
- (17) any other income unless excluded by federal law of Paragraph (e) of this Rule.

(e) In addition to the unearned income exclusions contained in 45 CFR 233.20, which is incorporated by reference, including subsequent amendments and editions, and may be accessed at www.congress.gov at no charge, the following items of unearned income shall be excluded in determining eligibility for assistance:

- (1) food given to or grown by a member of the household;
- (2) the value of the allotment received under the Food and Nutrition Services Program;
- (3) child support being routed to IV-D Accounting;
- (4) assistance from other agencies and organizations, including financial assistance and in-kind goods or services received from a governmental, civic, or charitable organization so long as such aid is for rehabilitation purposes, special training or educational opportunities and provided no duplication exists;
- (5) HUD Section 8 payments;
- (6) loans (if there is any agreed upon repayment plan);
- (7) assistance received through the Low Income Home Energy Assistance Program including the Crisis Intervention Program;
- (8) home energy assistance as defined in 45 CFR 233.53;

- (9) income paid to a child recipient through the Workforce Innovation and Opportunity Act (WIOA), P.L. 113-128, as need-based payments, payments for supportive services, compensation in lieu of wages and payments to Job Corps participants;
 - (10) gifts, including but not limited to birthday, Christmas and graduation. If the payee states in writing the gift was intended for the entire assistance unit, the gift shall be divided among assistance unit members. The gift shall be divided in the manner that is most advantageous to the assistance unit; and
 - (11) earned income from temporary census employment.
- (f) The applicant or recipient shall provide verification of income including operational expenses for farm or self-employment income. For gifts, the recipient shall be responsible for obtaining a written statement from the provider of the gift indicating the amount, date given and purpose.

History Note: Authority G.S. 108A-25; 108A-27; 108A-33; 143B-153; 45 C.F.R. 233; Eff. February 1, 1984; Temporary Rule Eff. March 5, 1990, for a Period of 180 Days to Expire on August 31, 1990; Amended Eff. September 1, 1990; June 1, 1990; August 1, 1988; February 1, 1986; Readopted Eff. October 1, 2021.