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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2092

03/23/2015 Authored by Anderson, M., and Drazkowski

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to human services; making changes to public assistance programs;
1.3 limiting the use of electronic benefit transfer cards; modifying residency
1.4 requirements and asset standards for public assistance programs; establishing a
1.5 family cap for MFIP; requiring testing for controlled substances for applicants
1.6 and recipients of general assistance and MFIP; authorizing rulemaking; amending
1.7 Minnesota Statutes 2014, sections 256.987, subdivision 3; 256D.02, subdivision
1.8 12a; 256D.08, subdivision 2; 256J.12, subdivisions 1a, 2; 256J.20, subdivisions
1.9 1, 2; 256J.24, by adding a subdivision; 256P.02, subdivisions 1, 2; 256P.04,
1.10 subdivisions 4, 8; Laws 2014, chapter 312, article 28, section 37; proposing
1.11 coding for new law in Minnesota Statutes, chapters 256; 256D; 256J; repealing
1.12 Minnesota Statutes 2014, sections 256J.20, subdivision 3; 256P.02, subdivision 3.

1.13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.14 Section 1. Minnesota Statutes 2014, section 256.987, subdivision 3, is amended to read:

1.15 Subd. 3. **EBT use restricted to certain states Minnesota.** EBT debit cardholders
1.16 in programs listed under subdivision 1 are prohibited from using ~~the cash portion of the~~
1.17 an EBT card at vendors and automatic teller machines located outside of Minnesota;
1.18 ~~Iowa, North Dakota, South Dakota, or Wisconsin. This subdivision does not apply to the~~
1.19 food portion.

1.20 Sec. 2. **[256.988] ELECTRONIC BENEFIT TRANSFER CARDS; PROHIBITED**
1.21 **PURCHASE OF FOOD WITH LIMITED NUTRITIONAL VALUE.**

1.22 Subdivision 1. **Prohibition.** An individual with an electronic benefit transfer (EBT)
1.23 card issued for the Supplemental Nutrition Assistance Program or for a program listed
1.24 under section 256.987, subdivision 1, is prohibited from using the EBT card to purchase
1.25 food with limited nutritional value. This subdivision applies to the cash portion and the
1.26 food portion of the assistance issued on the card.

2.1 Subd. 2. **Rulemaking.** The commissioner shall adopt rules to administer this
2.2 section. In adopting rules, the commissioner shall specify which food items constitute
2.3 food with limited nutritional value and shall determine the frequency with which the
2.4 commissioner must update the list of food with limited nutritional value, how the list of
2.5 food with limited nutritional value and updates to the list are communicated to retail food
2.6 handlers, and methods for retail food handlers to ensure compliance with this section.

2.7 **EFFECTIVE DATE.** This section is effective for participants in the Supplemental
2.8 Nutrition Assistance Program upon the receipt of any necessary federal waivers or
2.9 approvals. The commissioner of human services shall notify the revisor of statutes when
2.10 the necessary federal waivers or approvals are obtained.

2.11 Sec. 3. Minnesota Statutes 2014, section 256D.02, subdivision 12a, is amended to read:

2.12 Subd. 12a. **Resident.** (a) For purposes of eligibility for general assistance, a person
2.13 must be a resident of this state.

2.14 (b) A "resident" is a person living in the state for at least ~~30~~ 90 days with the
2.15 intention of making the person's home here and not for any temporary purpose. Time
2.16 spent in a shelter for battered women shall count toward satisfying the ~~30-day~~ 90-day
2.17 residency requirement. All applicants for these programs are required to demonstrate the
2.18 requisite intent and can do so in any of the following ways:

2.19 (1) by showing that the applicant maintains a residence at a verified address, other
2.20 than a place of public accommodation. An applicant may verify a residence address by
2.21 presenting a valid state driver's license, a state identification card, a voter registration card,
2.22 a rent receipt, a statement by the landlord, apartment manager, or homeowner verifying
2.23 that the individual is residing at the address, or other form of verification approved by
2.24 the commissioner; or

2.25 (2) by verifying residence according to Minnesota Rules, part 9500.1219, subpart
2.26 3, item C.

2.27 (c) For general assistance, a county shall waive the ~~30-day~~ 90-day residency
2.28 requirement where unusual hardship would result from denial of general assistance. For
2.29 purposes of this subdivision, "unusual hardship" means the applicant is without shelter
2.30 or is without available resources for food.

2.31 The county agency must report to the commissioner within 30 days on any waiver
2.32 granted under this section. The county shall not deny an application solely because the
2.33 applicant does not meet at least one of the criteria in this subdivision, but shall continue to
2.34 process the application and leave the application pending until the residency requirement
2.35 is met or until eligibility or ineligibility is established.

(d) For purposes of paragraph (c), the following definitions apply (1) "metropolitan statistical area" is as defined by the United States Census Bureau; (2) "shelter" includes any shelter that is located within the metropolitan statistical area containing the county and for which the applicant is eligible, provided the applicant does not have to travel more than 20 miles to reach the shelter and has access to transportation to the shelter. Clause (2) does not apply to counties in the Minneapolis-St. Paul metropolitan statistical area.

(e) Migrant workers as defined in section 256J.08 are exempt from the residency requirements of this section, provided the migrant worker provides verification that the migrant family worked in this state within the last 12 months and earned at least \$1,000 in gross wages during the time the migrant worker worked in this state.

(f) For purposes of eligibility for emergency general assistance, the ~~30-day~~ 90-day residency requirement under this section shall not be waived.

(g) If any provision of this subdivision is enjoined from implementation or found unconstitutional by any court of competent jurisdiction, the remaining provisions shall remain valid and shall be given full effect.

Sec. 4. [256D.025] TESTING FOR CONTROLLED SUBSTANCES REQUIRED FOR APPLICANTS AND RECIPIENTS.

Subdivision 1. **Testing required.** At the time of application and at each recertification, an applicant for or recipient of general assistance benefits must be tested for controlled substances as defined in section 152.02. To be eligible for general assistance benefits under this chapter, the applicant or recipient must provide the appropriate county agency with evidence of a test result that does not indicate the use of controlled substances.

Subd. 2. **Reporting results; ineligibility for benefits.** A laboratory performing a test under this section must report to the appropriate county agency any test result for an applicant or recipient that indicates the use of controlled substances. Upon receipt of a test result indicating the use of controlled substances, a county agency must deny or discontinue benefits to the applicant or recipient until the applicant or recipient demonstrates a pattern of test results that satisfies the county agency that the applicant or recipient is no longer a user of controlled substances. An applicant or recipient who refuses to be tested according to this section is ineligible for benefits.

Subd. 3. **Payment for controlled substance test.** An applicant or recipient must pay the full cost of a test under this section. If the applicant or recipient receives a test result that does not indicate the use of controlled substances, the commissioner shall reimburse the applicant or recipient for the cost of the test.

4.1 Sec. 5. Minnesota Statutes 2014, section 256D.08, subdivision 2, is amended to read:

4.2 Subd. 2. **Rulemaking; exclusion of Property considered in determining**
4.3 **eligibility.** ~~Notwithstanding any other provision of sections 256D.01 to 256D.21, The~~
4.4 commissioner shall ~~provide by rule for the exclusion of~~ consider the value of all personal
4.5 property ~~from the determination of~~ owned by the assistance unit when determining
4.6 eligibility for general assistance ~~when it appears likely that the need for general assistance~~
4.7 ~~will not exceed 30 days or an undue hardship would be imposed on an assistance unit by~~
4.8 ~~the forced disposal of the property.~~

4.9 Sec. 6. Minnesota Statutes 2014, section 256J.12, subdivision 1a, is amended to read:

4.10 Subd. 1a. **30-day 90-day residency requirement.** An assistance unit is considered
4.11 to have established residency in this state only when a child or caregiver has resided in this
4.12 state for at least ~~30~~ 90 consecutive days with the intention of making the person's home
4.13 here and not for any temporary purpose. The birth of a child in Minnesota to a member
4.14 of the assistance unit does not automatically establish the residency in this state under
4.15 this subdivision of the other members of the assistance unit. Time spent in a shelter for
4.16 battered women shall count toward satisfying the ~~30-day~~ 90-day residency requirement.

4.17 Sec. 7. Minnesota Statutes 2014, section 256J.12, subdivision 2, is amended to read:

4.18 Subd. 2. **Exceptions.** (a) A county shall waive the ~~30-day~~ 90-day residency
4.19 requirement where unusual hardship would result from denial of assistance.

4.20 (b) For purposes of this section, unusual hardship means an assistance unit:

4.21 (1) is without alternative shelter; or

4.22 (2) is without available resources for food.

4.23 (c) For purposes of this subdivision, the following definitions apply (1) "metropolitan
4.24 statistical area" is as defined by the U.S. Census Bureau; (2) "alternative shelter" includes
4.25 any shelter that is located within the metropolitan statistical area containing the county and
4.26 for which the family is eligible, provided the assistance unit does not have to travel more
4.27 than 20 miles to reach the shelter and has access to transportation to the shelter. Clause (2)
4.28 does not apply to counties in the Minneapolis-St. Paul metropolitan statistical area.

4.29 (d) Applicants are considered to meet the residency requirement under subdivision
4.30 1a if they once resided in Minnesota and:

4.31 (1) joined the United States armed services, returned to Minnesota within 30 days of
4.32 leaving the armed services, and intend to remain in Minnesota; or

(2) left to attend school in another state, paid nonresident tuition or Minnesota tuition rates under a reciprocity agreement, and returned to Minnesota within 30 days of graduation with the intent to remain in Minnesota.

(e) The ~~30-day residence~~ 90-day residency requirement is met when:

(1) a minor child or a minor caregiver moves from another state to the residence of a relative caregiver; and

(2) the relative caregiver has resided in Minnesota for at least ~~30~~ 90 consecutive days and:

(i) the minor caregiver applies for and receives MFIP; or

(ii) the relative caregiver applies for assistance for the minor child but does not choose to be a member of the MFIP assistance unit.

Sec. 8. Minnesota Statutes 2014, section 256J.20, subdivision 1, is amended to read:

Subdivision 1. **Property ownership provisions.** The county agency must apply paragraphs (a) to ~~(d)~~ (c) to real and personal property. The county agency must use the equity value of legally available real and personal property, except property excluded in ~~subdivisions~~ subdivision 2 and 3, to determine whether an applicant or participant is eligible for assistance.

(a) When real or personal property is jointly owned by two or more persons, the county agency shall assume that each person owns an equal share, except that either person owns the entire sum of a joint personal checking or savings account. When an applicant or participant documents greater or lesser ownership, the county agency must use that greater or lesser share to determine the equity value held by the applicant or participant. Other types of ownership must be evaluated according to law.

(b) Real or personal property owned by the applicant or participant must be presumed legally available to the applicant or participant unless the applicant or participant documents that the property is not legally available to the applicant or participant. When real or personal property is not legally available, its equity value must not be applied ~~against the limits of subdivisions~~ according to subdivision 2 and 3.

(c) An applicant must disclose whether the applicant has transferred real or personal property ~~valued in excess of the property limits in subdivisions 2 and 3~~ for which reasonable compensation was not received within one year prior to application. A participant must disclose all transfers of property ~~valued in excess of these limits~~, according to the reporting requirements in section 256J.30, subdivision 9. When a transfer of real or personal property without reasonable compensation has occurred:

(1) the person who transferred the property must provide the property's description, information needed to determine the property's equity value, the names of the persons who received the property, and the circumstances of and reasons for the transfer; and

(2) when the transferred property can be reasonably reacquired, or when reasonable compensation can be secured, the property is presumed legally available to the applicant or participant.

~~(d) A participant may build the equity value of real and personal property to the limits in subdivisions 2 and 3.~~

Sec. 9. Minnesota Statutes 2014, section 256J.20, subdivision 2, is amended to read:

Subd. 2. **Real property limitations.** Ownership of real property by an applicant or participant is subject to the limitations in paragraphs (a) and (b).

(a) A county agency shall exclude the homestead of an applicant or participant according to clauses (1) to (5):

(1) an applicant or participant who is purchasing real property through a contract for deed and using that property as a home is considered the owner of real property;

(2) the total amount of land that can be excluded under this subdivision is limited to surrounding property which is not separated from the home by intervening property owned by others. Additional property must be assessed as to its legal and actual availability according to subdivision 1;

(3) when real property that has been used as a home by a participant is sold, the county agency must treat the cash proceeds from the sale as excluded property for six months when the participant intends to reinvest the proceeds in another home and maintains those proceeds, unused for other purposes, in a separate account;

(4) when the homestead is jointly owned, but the client does not reside in it because of legal separation, pending divorce, or battering or abuse by the spouse or partner, the homestead is excluded; and

(5) the homestead shall continue to be excluded if it is temporarily unoccupied due to employment, illness, or as the result of compliance with a county-approved employability plan. The education, training, or job search must be within the state, but can be outside the immediate geographic area. A homestead temporarily unoccupied because it is not habitable due to a casualty or natural disaster is excluded. The homestead is excluded during periods only if the client intends to return to it.

(b) The equity value of real property that is not excluded under paragraph (a) and which is legally available must be applied against the limits in subdivision 3. ~~When the equity value of the real property exceeds the limits under subdivision 3, the applicant or~~

~~participant may qualify to receive assistance when the applicant or participant continues to make a good faith effort to sell the property and signs a legally binding agreement to repay the amount of assistance, less child support collected by the agency. Repayment must be made within five working days after the property is sold. Repayment to the county agency must be in the amount of assistance received or the proceeds of the sale, whichever is less considered in determining an applicant's or participant's eligibility for MFIP.~~

Sec. 10. Minnesota Statutes 2014, section 256J.24, is amended by adding a subdivision to read:

Subd. 11. **Family cap.** (a) MFIP assistance units shall not receive an increase in the cash portion of the transitional standard as a result of the birth of a child, unless one of the conditions under paragraph (b) is met. The child shall be considered a member of the assistance unit according to subdivisions 1 to 3, but shall be excluded in determining family size for purposes of determining the amount of the cash portion of the transitional standard under subdivision 5. The child shall be included in determining family size for purposes of determining the food portion of the transitional standard. The transitional standard under this subdivision shall be the total of the cash and food portions as specified in this paragraph. The family wage level under this subdivision shall be based on the family size used to determine the food portion of the transitional standard.

(b) A child shall be included in determining family size for purposes of determining the amount of the cash portion of the MFIP transitional standard when at least one of the following conditions is met:

(1) for families receiving MFIP assistance on July 1, 2015, the child is born to the adult parent before May 1, 2016;

(2) for families who apply for the diversionary work program under section 256J.95 or MFIP assistance on or after July 1, 2015, the child is born to the adult parent within ten months of the date the family is eligible for assistance;

(3) the child was conceived as a result of a sexual assault or incest, provided that the incident has been reported to a law enforcement agency;

(4) the child's mother is a minor caregiver as defined in section 256J.08, subdivision 59, and the child, or multiple children, are the mother's first birth;

(5) the child is the mother's first child subsequent to a pregnancy that did not result in a live birth; or

(6) any child previously excluded in determining family size under paragraph (a) shall be included if the adult parent or parents have not received benefits from the diversionary work program under section 256J.95 or MFIP assistance in the previous ten

months. An adult parent or parents who reapply and have received benefits from the diversionary work program or MFIP assistance in the past ten months shall be under the ten-month grace period of their previous application under clause (2).

(c) Income and resources of a child excluded under this subdivision, except child support received or distributed on behalf of this child, must be considered using the same policies as for other children when determining the grant amount of the assistance unit.

(d) The caregiver must assign support and cooperate with the child support enforcement agency to establish paternity and collect child support on behalf of the excluded child. Failure to cooperate results in the sanction specified in section 256J.46, subdivisions 2 and 2a.

(e) County agencies must inform applicants of the provisions under this subdivision at the time of each application and at recertification.

(f) Children excluded under this provision shall be deemed MFIP recipients for purposes of child care under chapter 119B.

Sec. 11. **[256J.261] TESTING FOR CONTROLLED SUBSTANCES REQUIRED FOR APPLICANTS AND PARTICIPANTS.**

Subdivision 1. **Testing required.** At the time of application and at each recertification, an applicant for or participant in MFIP must be tested for controlled substances as defined in section 152.02. To be eligible for assistance, the applicant or participant must provide the appropriate county agency with evidence of a test result that does not indicate the use of controlled substances.

Subd. 2. **Reporting results; ineligibility for benefits.** A laboratory performing a test under this section must report to the appropriate county agency any test result for an applicant or participant that indicates the use of controlled substances. Upon receipt of a test result indicating the use of controlled substances, a county agency must deny or discontinue benefits to the applicant or participant until the applicant or participant demonstrates a pattern of test results that satisfies the county agency that the applicant or participant is no longer a user of controlled substances. An applicant or participant who refuses to be tested according to this section is ineligible for benefits.

Subd. 3. **Payment for controlled substance test.** An applicant or participant must pay the full cost of a test under this section. If the applicant or participant receives a test result that does not indicate the use of controlled substances, the commissioner shall reimburse the applicant or participant for the cost of the test.

Sec. 12. Minnesota Statutes 2014, section 256P.02, subdivision 1, is amended to read:

Subdivision 1. **Property ownership.** (a) The agency must apply paragraphs (b) to (e) (d) to determine the value of personal property. The agency must use the equity value of legally available personal property to determine whether an applicant or participant is eligible for assistance.

(b) When personal property is jointly owned by two or more persons, the agency shall assume that each person owns an equal share, except that either person owns the entire sum of a joint personal checking or savings account. When an applicant or participant documents greater or lesser ownership, the agency must use that greater or lesser share to determine the equity value held by the applicant or participant. Other types of ownership must be evaluated according to law.

(c) Personal property owned by the applicant or participant must be presumed legally available to the applicant or participant unless the applicant or participant documents that the property is not legally available to the applicant or participant. When personal property is not legally available, its equity value must not be applied ~~against the limits of~~ according to subdivision 2.

(d) An applicant must disclose whether the applicant has transferred personal property ~~valued in excess of the property limits in subdivision 2~~ for which reasonable compensation was not received within one year prior to application. A participant must disclose all transfers of property ~~valued in excess of these limits~~, according to the reporting requirements in section 256J.30, subdivision 9. When a transfer of personal property without reasonable compensation has occurred:

(1) the person who transferred the property must provide the property's description, information needed to determine the property's equity value, the names of the persons who received the property, and the circumstances of and reasons for the transfer; and

(2) when the transferred property can be reasonably reacquired, or when reasonable compensation can be secured, the property is presumed legally available to the applicant or participant.

~~(e) A participant may build the equity value of personal property to the limits in subdivision 2.~~

EFFECTIVE DATE. This section is effective July 1, 2016.

Sec. 13. Minnesota Statutes 2014, section 256P.02, subdivision 2, is amended to read:

Subd. 2. **Personal property limitations considered in determining eligibility.** The equity value of an assistance unit's personal property ~~listed in clauses (1) to (4)~~, including all vehicles owned by the assistance unit, must ~~not exceed \$10,000 for applicants and participants~~ be considered when determining an applicant's or participant's

10.1 eligibility under this chapter for public assistance. For purposes of this subdivision,
10.2 personal property is limited to:
10.3 (1) ~~cash;~~
10.4 (2) ~~bank accounts;~~
10.5 (3) ~~liquid stocks and bonds that can be readily accessed without a financial penalty;~~
10.6 ~~and~~
10.7 (4) ~~vehicles not excluded under subdivision 3.~~

10.8 **EFFECTIVE DATE.** This section is effective July 1, 2016.

10.9 Sec. 14. Minnesota Statutes 2014, section 256P.04, subdivision 4, is amended to read:

10.10 Subd. 4. **Factors to be verified.** (a) The agency shall verify the following at
10.11 application:

- 10.12 (1) identity of adults;
- 10.13 (2) age, if necessary to determine eligibility;
- 10.14 (3) immigration status;
- 10.15 (4) income and the value of all personal property;
- 10.16 (5) spousal support and child support payments made to persons outside the
10.17 household;
- 10.18 (6) vehicles;
- 10.19 (7) checking and savings accounts;
- 10.20 (8) inconsistent information, if related to eligibility;
- 10.21 (9) residence; and
- 10.22 (10) Social Security number.

10.23 (b) Applicants who are qualified noncitizens and victims of domestic violence as
10.24 defined under section 256J.08, subdivision 73, clause (7), are not required to verify the
10.25 information in paragraph (a), clause (10). When a Social Security number is not provided
10.26 to the agency for verification, this requirement is satisfied when each member of the
10.27 assistance unit cooperates with the procedures for verification of Social Security numbers,
10.28 issuance of duplicate cards, and issuance of new numbers which have been established
10.29 jointly between the Social Security Administration and the commissioner.

10.30 Sec. 15. Minnesota Statutes 2014, section 256P.04, subdivision 8, is amended to read:

10.31 Subd. 8. **Recertification.** The agency shall recertify eligibility in an annual
10.32 interview with the participant. The interview may be conducted by telephone, by Internet
10.33 telepresence, or face-to-face in the county office or in another location mutually agreed
10.34 upon. A participant must be given the option of a telephone interview or Internet

11.1 telepresence to recertify eligibility. During the interview, the agency shall verify the
11.2 following:

- 11.3 (1) income, unless excluded, including self-employment earnings;
- 11.4 (2) assets ~~when the value is within \$200 of the asset limit~~; and
- 11.5 (3) inconsistent information, if related to eligibility.

11.6 Sec. 16. Laws 2014, chapter 312, article 28, section 37, is amended to read:

11.7 Sec. 37. **REPEALER.**

11.8 (a) Minnesota Statutes 2012, sections 256J.08, subdivisions 55a and 82a; and
11.9 256J.24, subdivision 9, are repealed effective January 1, 2015.

11.10 (b) Minnesota Statutes 2012, sections 256D.405, subdivisions 1a and 2; 256J.08,
11.11 subdivision 42; and 256J.32, subdivisions 2, 3, 4, 5a, 6, 7, 7a, and 8, are repealed effective
11.12 February 1, 2015.

11.13 (c) Minnesota Statutes 2012, section 256D.06, subdivision 1b, is repealed effective
11.14 October 1, 2015.

11.15 (d) Minnesota Statutes 2013 Supplement, section 256J.08, subdivision 24, is
11.16 repealed effective October 1, 2015.

11.17 (e) Minnesota Statutes 2012, sections 256D.08, subdivision 2; and 256J.20,
11.18 subdivisions 1 and 2, are repealed effective June 1, 2016.

11.19 Sec. 17. **REPEALER.**

11.20 Minnesota Statutes 2014, sections 256J.20, subdivision 3; and 256P.02, subdivision
11.21 3, are repealed.

256J.20 PROPERTY LIMITATIONS.

Subd. 3. **Other property limitations.** To be eligible for MFIP, the equity value of all nonexcluded real and personal property of the assistance unit must not exceed \$2,000 for applicants and \$5,000 for ongoing participants. The value of assets in clauses (1) to (19) must be excluded when determining the equity value of real and personal property:

(1) a licensed vehicle up to a trade-in value of less than or equal to \$10,000. If the assistance unit owns more than one licensed vehicle, the county agency shall determine the trade-in value of all additional vehicles and exclude the combined trade-in value of less than or equal to \$7,500. The county agency shall apply any excess trade-in value as if it were equity value to the asset limit described in this section, excluding: (i) the value of one vehicle per physically disabled person when the vehicle is needed to transport the disabled unit member; this exclusion does not apply to mentally disabled people; (ii) the value of special equipment for a disabled member of the assistance unit; and (iii) any vehicle used for long-distance travel, other than daily commuting, for the employment of a unit member.

To establish the trade-in value of vehicles, a county agency must use the N.A.D.A. online car values and car prices guide. When a vehicle is not listed, or when the applicant or participant disputes the trade-in value listed in the online guide as unreasonable given the condition of the particular vehicle, the county agency may require the applicant or participant document the trade-in value by securing a written statement from a motor vehicle dealer licensed under section 168.27, stating the amount that the dealer would pay to purchase the vehicle. The county agency shall reimburse the applicant or participant for the cost of a written statement that documents a lower trade-in value;

(2) the value of life insurance policies for members of the assistance unit;

(3) one burial plot per member of an assistance unit;

(4) the value of personal property needed to produce earned income, including tools, implements, farm animals, inventory, business loans, business checking and savings accounts used at least annually and used exclusively for the operation of a self-employment business, and any motor vehicles if at least 50 percent of the vehicle's use is to produce income and if the vehicles are essential for the self-employment business;

(5) the value of personal property not otherwise specified which is commonly used by household members in day-to-day living such as clothing, necessary household furniture, equipment, and other basic maintenance items essential for daily living;

(6) the value of real and personal property owned by a recipient of Supplemental Security Income or Minnesota supplemental aid;

(7) the value of corrective payments, but only for the month in which the payment is received and for the following month;

(8) a mobile home or other vehicle used by an applicant or participant as the applicant's or participant's home;

(9) money in a separate escrow account that is needed to pay real estate taxes or insurance and that is used for this purpose;

(10) money held in escrow to cover employee FICA, employee tax withholding, sales tax withholding, employee worker compensation, business insurance, property rental, property taxes, and other costs that are paid at least annually, but less often than monthly;

(11) monthly assistance payments for the current month's or short-term emergency needs under section 256J.626, subdivision 2;

(12) the value of school loans, grants, or scholarships for the period they are intended to cover;

(13) payments listed in section 256J.21, subdivision 2, clause (9), which are held in escrow for a period not to exceed three months to replace or repair personal or real property;

(14) income received in a budget month through the end of the payment month;

(15) savings from earned income of a minor child or a minor parent that are set aside in a separate account designated specifically for future education or employment costs;

(16) the federal earned income credit, Minnesota working family credit, state and federal income tax refunds, state homeowners and renters credits under chapter 290A, property tax rebates and other federal or state tax rebates in the month received and the following month;

(17) payments excluded under federal law as long as those payments are held in a separate account from any nonexcluded funds;

(18) the assets of children ineligible to receive MFIP benefits because foster care or adoption assistance payments are made on their behalf; and

APPENDIX

Repealed Minnesota Statutes: 15-3173

(19) the assets of persons whose income is excluded under section 256J.21, subdivision 2, clause (43).

256P.02 PERSONAL PROPERTY LIMITATIONS.

Subd. 3. **Vehicle exception.** One vehicle per assistance unit member age 16 or older shall be excluded when determining the equity value of personal property. If the assistance unit owns more than one vehicle per assistance unit member age 16 or older, the agency shall determine the trade-in values of all additional vehicles and apply the values to the personal property limitations in subdivision 2. To establish the trade-in values of vehicles, an agency must use the National Automobile Dealers Association online car values and car prices guide. When a vehicle is not listed in the online guide, or when the applicant or participant disputes the trade-in value listed in the online guide as unreasonable given the condition of the particular vehicle, the agency may require the applicant or participant to document the trade-in value by securing a written statement from a motor vehicle dealer licensed under section 168.27, stating the amount that the dealer would pay to purchase the vehicle. The agency shall reimburse the applicant or participant for the cost of a written statement that documents a lower loan value.