

9055.0280 HOUSEHOLDS AND SHARED HOUSEHOLDS.**Subpart 1. Households.**

A. The commissioner must include an applicant or a recipient and all members of the applicant's or recipient's household in the household count except in the following situations:

(1) a dependent child is not residing in the household on a full-time basis and the applicant or applicant's spouse or the recipient or recipient's spouse is not financially responsible for the child or has not been awarded visitation with the child;

(2) a dependent adult child is not residing with the household on a full-time basis and the applicant or applicant's spouse or the recipient or recipient's spouse is not financially responsible for the adult child; or

(3) a dependent parent does not need the benefit for which the applicant is applying.

B. An applicant or a recipient or a member of an applicant's or a recipient's household who is incarcerated or civilly committed under the conditions of part 9055.0190, item C, must not be included in the household count if:

(1) the applicant or recipient or household member does not have any income or assets;
or

(2) the applicant's or recipient's or household member's income and assets are not available to the remaining household members.

Subp. 2. Exclusion of household members is prohibited. The commissioner must not exclude a household member and the household member's income and assets from the applicant's household for the sole purpose of establishing eligibility for the remaining household members except as provided in subpart 1.

Subp. 3. Applicants and spouses divorced or legally separated. The commissioner must include the spouse of an applicant or a recipient and the spouse's income and assets when determining the household's eligibility for benefits unless the applicant and applicant's spouse or the recipient and recipient's spouse are divorced or legally separated.

Subp. 4. Shared items and shared expenses.

A. The benefit amount for a shared item or shared expense must be prorated between an applicant or a recipient and all members of the applicant's or recipient's household and those persons age 18 and older who are liable for the shared item or shared expense but are not eligible to receive the benefit.

B. A benefit amount provided for a shared item or a shared expense must be prorated regardless of whether a person not eligible for the benefit is or is not residing with the applicant or recipient.

C. A benefit amount provided for an item or expense directly related to owning or leasing real or personal property must be prorated if the following conditions are met:

(1) an applicant or a recipient or an applicant's or a recipient's spouse owns or leases real or personal property with a person age 18 or older who is not eligible for the benefit; and

(2) joint liability for the property, item, or expense is shared with the person.

D. A benefit amount is not prorated if the person not eligible for the benefit relinquishes ownership or ceases to lease the property or is no longer liable for the property, item, or expense.

Subp. 5. **Proration calculations.** For purposes of this part, the commissioner must calculate the prorated benefit amount by dividing the number of members in the applicant's or recipient's household by the total number of persons included in the proration calculations and multiplying the result by the original benefit amount requested.

Statutory Authority: *MS s 14.06; 196.04; 196.05; 197.03; 197.05; 197.06; 197.75*

History: *46 SR 928*

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