

9055.0360 SUBSISTENCE INCOME AND ASSET LIMITS.**Subpart 1. Maximum household asset limits.**

A. An applicant's or a recipient's household assets are a determinant of eligibility for the subsistence program activity.

B. Maximum household asset limits for the subsistence program activity are provided in the schedule of maximum monthly allowances for the subsistence program activity.

C. The commissioner must calculate an applicant's or a recipient's household assets before the first benefit period and before each subsequent benefit period according to part 9055.0310.

D. An applicant's or a recipient's household assets must be under the maximum household asset limit to be eligible for the first benefit period and each subsequent benefit period.

Subp. 2. Maximum monthly cash benefit amounts. Maximum monthly cash benefit amounts are based on an applicant's or a recipient's household size and are provided in the schedule of maximum monthly allowances for the subsistence program activity.

Subp. 3. Payment history and legal obligation to pay shelter costs.

A. An applicant or a recipient must have a current legal obligation to pay shelter costs and provide documentation verifying the applicant or recipient paid shelter costs in the 12 months before the date of application for subsistence to be eligible for the monthly shelter benefit.

B. An applicant or a recipient who does not meet the requirements of item A may incur shelter costs and remain eligible for the monthly shelter benefit, if necessary, to attain permanent housing and the commissioner confirms the applicant or recipient is homeless or on the homeless veteran registry.

Subp. 4. Maximum monthly shelter benefit amounts.

A. An applicant's or a recipient's maximum monthly shelter benefit amount is equal to the actual monthly shelter costs of the applicant's or recipient's primary residence if the following conditions are met:

(1) documentation submitted to the commissioner confirms the applicant or recipient or the applicant's or recipient's spouse is a lessee of the primary residence and the monthly shelter costs are for leasing the primary residence; or

(2) documentation submitted to the commissioner confirms the applicant or recipient or the applicant's or recipient's spouse is an owner of the primary residence, the primary residence is homesteaded, and the monthly shelter costs are the result of purchasing, owning, or maintaining the primary residence.

B. The commissioner must limit the maximum monthly shelter benefit amount for an applicant or a recipient residing under the terms of a nontraditional housing agreement to the shelter benefit amounts provided in the schedule of maximum monthly allowances for the subsistence program activity.

C. The commissioner must prorate the maximum monthly shelter benefit amount according to part 9055.0280, subparts 4 and 5, if:

(1) the applicant or recipient or the applicant's or recipient's spouse owns or leases the primary residence with a person age 18 or older who is not eligible for subsistence; and

(2) joint liability for the primary residence and associated shelter costs is shared with the person.

D. The commissioner must not prorate the maximum monthly shelter benefit amount if the person not eligible for subsistence relinquishes ownership or ceases to lease the primary residence or is no longer liable for the primary residence and the associated shelter costs.

Subp. 5. Allowed shelter costs.

A. When calculating an applicant's or a recipient's maximum monthly shelter benefit amount using the actual monthly shelter costs of the applicant's or recipient's primary residence, the commissioner must include the following costs:

(1) base rent payments for the primary residence to include garage rental;

(2) monthly rent for pets and onsite storage units at the primary residence if incurred before the date of application for subsistence;

(3) the portion of an applicant's or recipient's base rate at an assisted living facility, as defined by Minnesota Statutes, section 144G.08, subdivision 7, that constitutes rent;

(4) lot rent payments for a mobile or manufactured home;

(5) primary mortgage payments limited to principle, interest, and escrow payments;

(6) home equity loan payments if the loan was taken before the date of application for subsistence to buy, build, restore, or maintain the habitability or accessibility of the primary residence;

(7) contract for deed payments;

(8) monthly housing association dues;

(9) property taxes for the current year reduced to an average monthly amount;

(10) monthly homeowners' insurance premiums;

(11) monthly renters' insurance premiums; and

(12) amounts allocated for utilities if a fixed amount is stated as part of the base rent in the lease agreement.

B. The commissioner must not include the following costs when calculating an applicant's or a recipient's shelter benefit:

(1) past due shelter costs and associated late charges and fees;

(2) assisted living services, as defined by Minnesota Statutes, section 144G.08, subdivision 9, provided in an assisted living contract that are over and above the base rent for the primary residence;

(3) unsecured loans or home equity loans that were taken after the date of application for subsistence;

(4) home equity lines of credit, regardless of the reason for taking the line of credit; and

(5) monthly fees for optional on-site services and privileges over and above the base rent for the primary residence that are not specifically included in this item.

C. An applicant or a recipient must submit any of the following documents to the commissioner to prove the applicant or recipient or the applicant's or recipient's spouse is a lessee of the primary residence or an owner of the primary residence and the property is homesteaded:

(1) a certificate of title;

(2) a deed;

(3) a current mortgage statement;

(4) the current year's property tax statement;

(5) a contract for deed; or

(6) a written standard residential lease agreement.

D. An applicant or a recipient who is currently leasing the primary residence but does not have a current lease agreement must execute a written standard residential lease agreement that states the applicant's or recipient's actual shelter costs used to establish the applicant's or recipient's maximum monthly shelter benefit amount. The commissioner must accept the executed lease agreement signed by the applicant or recipient and the property owner or manager if the applicant or recipient provides proof to the commissioner of paying the actual shelter costs stated on the executed lease agreement in the 12 months before the date of application for subsistence.

E. An applicant or a recipient must provide proof to the commissioner of paying the actual shelter costs stated on the executed lease agreement with any of the following documents:

(1) a statement from the property owner or manager;

(2) past rent receipts;

(3) cleared checks; or

(4) other documentation that provides proof that an applicant or a recipient is paying the actual shelter costs.

Subp. 6. Shelter subsidies.

A. The commissioner must reduce an applicant's or a recipient's maximum monthly shelter benefit by the amount of any recurring shelter subsidy the applicant or recipient is receiving.

B. The commissioner must not reduce an applicant's or a recipient's maximum monthly shelter benefit by the amount of a nonrecurring shelter subsidy.

Subp. 7. Changing residences. A recipient may request to change primary residences while receiving subsistence. Actual shelter costs at the new residence must be used to calculate the maximum monthly shelter benefit if the provisions of subpart 4, item A, are met and the monthly shelter costs at the new residence do not exceed the costs at the previous residence.

Subp. 8. Maximum monthly household income limits.

A. An applicant's or a recipient's monthly household income is a determinant of eligibility for the subsistence program activity.

B. The commissioner must calculate the maximum monthly household income limit of an applicant or a recipient by adding the applicant's or recipient's maximum monthly cash benefit amount to the maximum monthly shelter benefit amount calculated according to subparts 4 and 5.

C. The commissioner must calculate an applicant's or a recipient's monthly household income before the first benefit period and before each subsequent benefit period according to part 9055.0300.

D. To be eligible for the first benefit period and each subsequent benefit period, the commissioner must certify that an applicant's or a recipient's monthly household income is under the maximum monthly household income limit.

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

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