

1 Department of Human Services

2

3 Adopted Permanent Rules Relating to General Assistance

4

5 Rules as Adopted

6 9500.1202 PURPOSE OF GENERAL ASSISTANCE PROGRAM.

7 The purposes of the general assistance program are:

8 A. to provide financial assistance and services to  
9 persons unable to provide for themselves, who have not refused  
10 suitable employment, and who are not otherwise provided for by  
11 law;

12 B. to provide work readiness services to help  
13 employable and potentially employable persons prepare for and  
14 attain permanent work; and

15 C. to aid those persons who can be helped to become  
16 self-supporting or to attain self-care.

17 9500.1206 PROGRAM DEFINITIONS.

18 Subpart 1. **Scope.** As used in parts 9500.1200 to  
19 9500.1270, the following terms have the meanings given them.

20 Subp. 1a. **Actual availability.** "Actual availability,"  
21 when used in reference to income or property, means that which  
22 is in hand or can be readily obtained for current use.

23 Subp. 2. **Adult child.** "Adult child" means a person aged  
24 18 years or older who resides with at least one parent.

25 Subp. 3. **Advanced age.** "Advanced age" means the condition  
26 that applies to an applicant or recipient who is age 55 or older  
27 and whose work history shows a marked deterioration compared to  
28 the applicant's or recipient's work history before age 55 as  
29 indicated by decreasing occupational status, reduced hours of  
30 employment, or decreased periods of employment.

31 Subp. 4. **AFDC.** "AFDC" means the program authorized by  
32 title IV-A of the Social Security Act to provide financial  
33 assistance to needy families with dependent children.

34 Subp. 4a. **Affidavit.** "Affidavit" means a written  
35 declaration made under oath before a notary public or other

1 authorized officer.

2 Subp. 4b. **Appeal.** "Appeal" means a written statement from  
3 an applicant or recipient that requests a hearing or expresses  
4 dissatisfaction with a county agency decision that can be  
5 challenged under Minnesota Statutes, section 256.045 and part  
6 9500.1211, subpart 4.

7 Subp. 5. **Applicant.** "Applicant" means a person who has  
8 submitted an application for general assistance to a county  
9 agency and whose application has not been approved, denied, or  
10 voluntarily withdrawn.

11 Subp. 5a. **Application.** "Application" means the action by  
12 which a person shows in writing a desire to receive assistance  
13 by submitting a signed and dated form prescribed by the  
14 commissioner to the county agency.

15 Subp. 6. **Assistance standard.** "Assistance standard" means  
16 the amount established by the commissioner under Minnesota  
17 Statutes, section 256D.01, to provide for an assistance unit's  
18 basic subsistence needs.

19 Subp. 6a. **Assistance unit.** "Assistance unit" means a  
20 person or group of persons who are applying for or receiving  
21 assistance and whose needs are included in the calculation of a  
22 general assistance payment.

23 Subp. 6b. **Authorized representative.** "Authorized  
24 representative" means a person who is authorized in writing by  
25 an applicant or recipient to act on that applicant's or  
26 recipient's behalf in matters involving general assistance or  
27 emergency general assistance, including submitting applications,  
28 making appeals, and providing or requesting information. An  
29 authorized representative may exercise the same rights and  
30 responsibilities on behalf of the person being represented as an  
31 applicant or recipient.

32 Subp. 7a. **Basic needs.** "Basic needs" means the minimum  
33 personal requirements of subsistence and are restricted to:

- 34 A. food;  
35 B. clothing;  
36 C. shelter;

1 D. utilities; and

2 E. other items of which the loss, or lack of, is  
3 determined by the county agency to pose a direct, immediate  
4 threat to the physical health or safety of the applicant or  
5 recipient.

6 Subp. 7b. **Budget month.** "Budget month" means the calendar  
7 month from which a county agency uses the income or  
8 circumstances of an assistance unit to determine the amount of  
9 the assistance payment for the payment month.

10 Subp. 8. **Commissioner.** "Commissioner" means the  
11 commissioner of the Department of Human Services or a designated  
12 representative.

13 Subp. 8a. **Corrective payment.** "Corrective payment" means  
14 an assistance payment made to correct an underpayment.

15 Subp. 9. **Costs or disbursements.** "Costs" or  
16 "disbursements" means a qualified provider's actual  
17 out-of-pocket expenses incurred for the provision of special  
18 services to an applicant or recipient.

19 Subp. 9a. **Countable income.** "Countable income" means  
20 gross income minus allowable exclusions, deductions, and  
21 disregards.

22 Subp. 9b. **County agency.** "County agency" has the meaning  
23 given in Minnesota Statutes, section 256D.02, subdivision 12.

24 Subp. 11. **Department.** "Department" means the Department  
25 of Human Services.

26 Subp. 12. **Director of the county agency.** "Director of the  
27 county agency" means the director of the county agency or the  
28 director's designated representative.

29 Subp. 12a. **Documentation~~7-primary-documentation7-or~~**  
30 **alternative-documentation.** "Documentation" means a written  
31 statement or record that substantiates or validates an assertion  
32 made by a person or an action taken by a county agency.

33 ~~A.--"Primary-documentation"--means-evidence-that~~  
34 ~~independently-establishes-a-fact-and-is-provided-by-a-public-or~~  
35 ~~private-institution-or-organization-having-an-official~~  
36 ~~responsibility-to-establish-that-fact.~~

1           ~~B. "Alternative documentation" means evidence,~~  
 2 ~~including declaration, that supports the existence of a fact and~~  
 3 ~~that is provided by an individual or institution who has no~~  
 4 ~~official responsibility to establish that fact.~~

5           Subp. 12b. **Earned income.** "Earned income" means  
 6 compensation from lawful employment or lawful self-employment,  
 7 including salaries, wages, tips, gratuities, commissions,  
 8 earnings from self-employment, incentive payments from work or  
 9 training programs, payments made by an employer for regularly  
 10 accrued vacation or sick leave, earnings under title I of the  
 11 Elementary and Secondary Education Act, employee bonuses and  
 12 profit sharing, jury duty pay, picket duty pay, and profit from  
 13 other lawful activities which accrues as a result of the  
 14 individual's effort or labor. Earned income does not include  
 15 returns from capital investment or benefits that accrue as  
 16 compensation for lack of employment.

17           Subp. 12c. **Earned income tax credit.** "Earned income tax  
 18 credit" means the payment that can be obtained by a qualified  
 19 low-income person from an employer or from the United States  
 20 Internal Revenue Service under United States Code, title 26,  
 21 section 32.

22           Subp. 12d. ~~**Emancipated minor.**~~ ~~"Emancipated minor" means a~~  
 23 ~~person under the age of 18 years who is or has been married, as~~  
 24 ~~recognized by Minnesota Statutes, chapter 517, who is on active~~  
 25 ~~duty in the uniformed services of the United States, or who has~~  
 26 ~~been recognized as being emancipated by a court of competent~~  
 27 ~~jurisdiction.~~

28           Subp. ~~12e.~~ **Emergency.** "Emergency" means a situation that  
 29 causes or threatens to cause a lack of a basic need item when  
 30 there are insufficient resources to provide for that need.

31           Subp. ~~12f.~~ 12e. **Encumbrance.** "Encumbrance" means a legal  
 32 claim against real or personal property that is payable upon the  
 33 sale of that property.

34           Subp. ~~12g.~~ 12f. **Equity value.** "Equity value" means the  
 35 amount of equity in real or personal property owned by a person.  
 36 Equity value is determined by subtracting any outstanding

1 encumbrances from the fair market value of the real or personal  
2 property.

3 Subp. ~~12h~~ 12g. Excluded time facility. "Excluded time  
4 facility" means any hospital, sanitarium, nursing home, shelter,  
5 halfway house, foster home, semi-independent living domicile or  
6 services program, residential facility offering care, board and  
7 lodging facility, or other institution for the hospitalization  
8 or care of human beings, as defined in Minnesota Statutes,  
9 section 144.50, 144A.01, or 245A.02, subdivision 14; or a  
10 maternity home, battered women's shelter, or correctional  
11 facility.

12 Subp. ~~12i~~ 12h. Fair hearing or hearing. "Fair hearing"  
13 or "hearing" means the department evidentiary hearing conducted  
14 by an appeals referee to resolve the issues specified in part  
15 9500.1211, subpart 4.

16 Subp. ~~12j~~ 12i. Family. "Family" has the meaning given it  
17 in Minnesota Statutes, section 256D.02, subdivision 5.

18 Subp. ~~12k~~ 12j. Family assistance unit. "Family  
19 assistance unit" means a general assistance unit that consists  
20 of one or more members of a family.

21 Subp. ~~12l~~ 12k. Federal Insurance Contribution Act or FICA.  
22 "Federal Insurance Contribution Act" or "FICA" means the federal  
23 law under United States Code, title 26, sections 3101 to 3126,  
24 that requires withholding or direct payment of income to the  
25 federal government.

26 Subp. 13. Fees. "Fees" means a qualified provider's  
27 charge for the hours of direct provision of special services to  
28 an applicant or recipient.

29 Subp. 13a. Filing unit. "Filing unit" means a person or  
30 persons who reside together and whose income and value of  
31 resources must be used to determine the eligibility and benefit  
32 level of an assistance unit. The filing unit must include:

- 33 A. the applicant;  
34 B. the applicant's spouse;  
35 C. the applicant's family; and  
36 D. the natural or adoptive parents of a single adult

1 applicant or recipient and the minor children of those parents.

2 Subp. 14. **Full-time student.** "Full-time student" means a  
3 person who is enrolled in a graded or ungraded primary,  
4 intermediate, secondary, GED preparatory, trade, technical,  
5 vocational, or postsecondary school, and who meets the school's  
6 standard for full-time attendance.

7 Subp. 14a. **General assistance.** "General assistance" means  
8 the program authorized under Minnesota Statutes, sections  
9 256D.01 to 256D.21 and parts 9500.1200 to 9500.1272. When the  
10 term general assistance is used in parts 9500.1200 to 9500.1272  
11 it also means work readiness assistance and includes financial  
12 benefits received by persons under work readiness assistance.

13 Subp. 15. **Good cause.** "Good cause" means a reason for  
14 taking an action or failing to take an action that is reasonable  
15 and justified when viewed in the context of surrounding  
16 circumstances including: illness of the person, illness of  
17 another family member that requires the applicant's or  
18 recipient's presence, a family emergency, the inability to  
19 obtain transportation or adequate child care, or a conflicting  
20 obligation which has been determined by the county agency to be  
21 reasonable or justified.

22 Subp. 15a. **Gross income.** "Gross income" means the total  
23 amount of cash or in-kind payment or benefit, whether earned or  
24 unearned, before any withholdings, deductions, or disregards,  
25 paid to, or for the benefit of, a person, including income  
26 specified in Minnesota Statutes, section 256D.02, subdivision  
27 8. Gross income does not include personal property previously  
28 established as a resource, subject to the limitations under part  
29 9500.1221.

30 Subp. 15b. **Gross receipts.** "Gross receipts" means the  
31 money received by a self-employed person before the expenses of  
32 self-employment are deducted.

33 Subp. 15c. **Homestead.** "Homestead" means the house owned  
34 and occupied by a member of the filing unit as the member's  
35 dwelling place together with all contiguous land on which the  
36 house is situated and other appurtenant structures.

1           Subp. 15d. **Household report form.** "Household report form"  
2 means a form prescribed by the commissioner on which a recipient  
3 reports information to a county agency about income and other  
4 circumstances.

5           Subp. 16. **Initial supplemental security income payment or**  
6 **initial SSI payment.** "Initial supplemental security income  
7 payment" or "initial SSI payment" means the first payment of SSI  
8 benefits to the recipient that includes a period when general  
9 assistance benefits were also paid.

10          Subp. 16a. **In-kind income.** "In-kind income" means income,  
11 benefits, or payments that are provided in a form other than  
12 money or liquid assets, and which the applicant or recipient  
13 ~~cannot be made available to the individual in these~~  
14 forms legally require to be paid in cash to the applicant or  
15 recipient, including goods, produce, services, privileges, or  
16 third-party payments made on behalf of a person for whom the  
17 income is intended.

18          Subp. 17. **Interim assistance.** "Interim assistance" means  
19 the total amount of general assistance provided for a recipient,  
20 based on the state assistance standards and the negotiated rate  
21 provisions of part 9500.1237, subpart 7, to cover the period for  
22 which a payment of another maintenance benefit is made. The  
23 amount of general assistance considered interim assistance is  
24 limited to the total amount the monthly payments for the  
25 assistance unit would have been reduced if the other maintenance  
26 benefits had been paid at the time of their accrual. The  
27 interim assistance period begins with the month of application  
28 for general assistance or the first month of eligibility for the  
29 other maintenance benefits, whichever is later. Interim  
30 assistance does not include per diem payments made to shelters  
31 for battered women under Minnesota Statutes, section 256D.05,  
32 subdivision 3.

33          Subp. 18. **Interim assistance authorization agreement.**  
34 "Interim assistance authorization agreement" means the agreement  
35 in which the general assistance applicant or recipient agrees to  
36 reimburse the county agency for the amount of general assistance



1 provided during the period when eligibility for another  
2 maintenance benefit program is being determined. The agreement  
3 must require reimbursement to the county agency only when the  
4 general assistance applicant or recipient is found eligible for  
5 another maintenance benefit program and the initial payment of  
6 those other maintenance benefits has been made.

7 Subp. 18a. **Job Training Partnership Act.** "Job Training  
8 Partnership Act" means the Job Training Partnership Act  
9 authorized under Public Law Number 97-300 and its successor  
10 programs.

11 Subp. 18b. **Legal custodian.** "Legal custodian" means a  
12 person who has been granted legal custody of a minor child by a  
13 court; or, if assistance is being requested for the minor child,  
14 a person who is defined as an eligible relative caretaker of the  
15 minor child under AFDC program rules, part 9500.2440, subpart 7.

16 Subp. 18c. **Liquid assets or liquid resources.** "Liquid  
17 assets" or "liquid resources" means personal property in the  
18 form of cash or other financial instruments that are readily  
19 convertible to cash.

20 Subp. 18d. **Liquidate.** "Liquidate" means to convert real  
21 or personal property into cash or other financial instruments  
22 that are readily convertible to cash. The conversion can be by  
23 sale or by borrowing using the nonliquid real or personal  
24 property as security for a loan.

25 Subp. 19. [See repealer.]

26 Subp. 19a. **Local labor market.** "Local labor market" means  
27 the geographic area in which a registrant can reasonably be  
28 expected to search for suitable employment. The geographic area  
29 must be limited to an area within two hours' round trip of the  
30 registrant's residence, exclusive of time needed to transport  
31 the registrant's children to and from child care.

32 Subp. 19b. **Lump sum.** "Lump sum" means nonrecurring income  
33 that is not excluded in part 9500.1223.

34 Subp. 19c. **Mandatory work readiness participant.**  
35 "Mandatory work readiness participant" means a general  
36 assistance recipient who is not exempt from work readiness under



1 part 9500.1251.

2 Subp. 20. **Medical certification.** "Medical certification"  
3 means a statement about a person's illness, injury, or  
4 incapacity that is signed by a licensed physician, licensed  
5 consulting psychologist, or licensed psychologist who is  
6 qualified through professional training and experience to  
7 diagnose or certify the person's condition. For an incapacity  
8 involving a spinal subluxation condition, "medical  
9 certification" ~~means~~ includes a statement signed by a licensed  
10 physician or a licensed chiropractor who is qualified through  
11 professional training and experience to diagnose and certify the  
12 condition.

13 Subp. 20a. **Medical evidence.** "Medical evidence" means  
14 records, reports, treatment notes, or other written  
15 documentation about a person's illness, injury, or impairment  
16 from a hospital, clinic, treatment facility, detoxification  
17 facility, physician, psychologist, nurse, therapist, or other  
18 mental health professional. It may also include evidence listed  
19 in a copy of the Disability Determination Rationale provided by  
20 the Social Security Administration.

21 Subp. 21. **Mental illness.** "Mental illness" means the  
22 condition of a person who has a psychological disorder resulting  
23 in behavior that severely limits the person in obtaining,  
24 performing, or maintaining suitable employment.

25 Subp. 22. **Mental retardation.** "Mental retardation" means  
26 the condition of a person who has demonstrated deficits in  
27 adaptive behavior and intellectual functioning which is two or  
28 more standard deviations below the mean of a professionally  
29 recognized standardized test and the condition severely limits  
30 the person in obtaining, performing, or maintaining suitable  
31 employment.

32 Subp. 22a. **Minnesota supplemental aid or MSA.** "Minnesota  
33 supplemental aid" or "MSA" means the program established under  
34 Minnesota Statutes, sections 256D.33 to 256D.54.

35 Subp. 23. **Minor child.** "Minor child" means a person who  
36 is under the age of 18; or if age 18, who is a member of a

1 family assistance unit and who is enrolled as a full-time  
2 student in an accredited high school and who is expected to  
3 graduate by age 19.

4 Subp. 23a. **Month.** "Month" means a calendar month.

5 Subp. 24. **Negotiated rate.** "Negotiated rate" means the  
6 amount a county agency will pay on behalf of recipients living  
7 in a room and board, boarding care, supervised living, or adult  
8 foster care arrangement.

9 Subp. 24a. **Nonrecurring income.** "Nonrecurring income"  
10 means a form of income that is:

11 A. received only one time or is not of a continuous  
12 nature; or

13 B. received in a prospective payment month but is no  
14 longer received in the corresponding retrospective payment month.

15 Subp. 24b. **Occupational or vocational literacy**  
16 **program.** "Occupational or vocational literacy program" means a  
17 program providing literacy training which emphasizes specific  
18 language and reading skills needed to perform in employment,  
19 complete employment training programs, or complete work  
20 readiness programs.

21 Subp. 25. **Other maintenance benefits.** "Other maintenance  
22 benefits" means any of the following:

23 A. workers' compensation benefits as provided by  
24 Minnesota Statutes, chapter 176 and rules adopted thereunder;

25 B. unemployment compensation benefits as provided by  
26 Minnesota Statutes, sections 268.07 to 268.10 and rules adopted  
27 thereunder;

28 C. railroad retirement benefits as provided by United  
29 States Code, title 45, sections 231 to 231s;

30 D. veteran's disability benefits as provided by  
31 United States Code, title 38, sections 301 to 363;

32 E. any benefits provided by the Social Security  
33 Administration under United States Code, title 42; or

34 F. other sources identified by the county agency that  
35 provide periodic payments that can be used to meet basic needs  
36 and that, if received, would reduce or eliminate the need for

1 general assistance.

2 Subp. 25a. **Overpayment.** "Overpayment" means that portion  
3 of an assistance payment which is greater than the amount for  
4 which an assistance unit is eligible, resulting from a  
5 calculation error, a client reporting error, a misapplication of  
6 existing program requirements by a county agency, or changes in  
7 payment eligibility that cannot be affected due to notification  
8 requirements.

9 Subp. 25b. **Parent.** "Parent" means a child's biological or  
10 adoptive parent who is legally obligated to support that child.

11 Subp. 25c. **Participation in a literacy program.**  
12 "Participation in a literacy program" means to receive  
13 instruction and complete assignments as part of a literacy  
14 program in accordance with the schedule or plan established by  
15 the literacy training program provider.

16 Subp. 25d. **Payment month.** "Payment month" means the  
17 calendar month for which the county agency issues an assistance  
18 payment.

19 Subp. 25e. **Permanent employment.** "Permanent employment"  
20 means suitable employment that is not, by description, of  
21 limited duration.

22 Subp. 25f. **Personal property.** "Personal property" means  
23 an item of value that is not real property. Personal property  
24 includes, but is not limited to, the value of a contract for  
25 deed held by a seller, assets held in trust on behalf of members  
26 of an assistance unit, cash surrender value of life insurance,  
27 value of a prepaid burial, savings account, value of stocks and  
28 bonds, and value of retirement accounts less any costs and  
29 penalties for early withdrawal.

30 Subp. 26. **Potentially eligible.** "Potentially eligible"  
31 means that the county agency has determined that the applicant  
32 or recipient shows circumstances which appear to meet the  
33 eligibility requirements of another maintenance benefit program.

34 Subp. 26a. **Principle Principal wage earner.** "Principle  
35 Principal wage earner" means the parent who has earned the  
36 greater amount of income in the 24 months preceding the month of

1 application.

2 Subp. 26b. **Probable fraud.** "Probable fraud" means the  
3 level of evidence that, if proven as fact, will establish that  
4 assistance has been wrongfully obtained.

5 Subp. 26c. **Prospective budgeting.** "Prospective budgeting"  
6 means a method of determining the amount of assistance in which  
7 the budget month and payment month are the same.

8 Subp. 26d. **Qualified professional.** "Qualified  
9 professional" means a social worker employed by the county  
10 agency, a social worker with a master's degree in social work, a  
11 licensed consulting psychologist, a licensed psychologist, a  
12 licensed physician or psychiatrist, or a public health nurse as  
13 defined in Minnesota Statutes, section 145A.02, subdivision 18.

14 Subp. 27. **Qualified provider.** A "qualified provider"  
15 means the county agency, or:

16 A. a nonprofit legal assistance organization;

17 B. an agency that employs licensed practitioners or  
18 accredited counseling staff or staff with a master's degree from  
19 an accredited program in social work, psychology, counseling,  
20 occupational therapy, or physical therapy;

21 C. a private attorney at law; or

22 D. another organization or person determined by the  
23 county agency to have sufficient training or experience to be  
24 effective in assisting persons to apply for and establish  
25 eligibility for SSI benefits.

26 Subp. 28a. **Real property.** "Real property" means the land  
27 itself and all buildings, structures, and improvements, or other  
28 fixtures on it, belonging or appertaining to the land, and all  
29 mines, minerals, fossils, and trees on or under it.

30 Subp. 28b. **Reasonable compensation.** "Reasonable  
31 compensation" means the value received in exchange for property  
32 transferred to another owner which equals or exceeds the  
33 seller's equity in the property, reduced by costs incurred in  
34 the sale.

35 Subp. 28c. **Recipient.** "Recipient" means an individual  
36 currently receiving, or suspended for one month from receiving,

1 general assistance. Recipient includes any person whose needs  
2 are included in the payment to an assistance unit.

3 Subp. 28d. **Redetermination of eligibility.**

4 "Redetermination of eligibility" means the process by which  
5 information is collected periodically by a county agency and  
6 used to determine a recipient's continued eligibility for  
7 assistance.

8 Subp. 28e. **Reside with.** "Reside with" means to share  
9 living quarters such as living rooms, bedrooms, or kitchens.

10 Entrances, laundry rooms, and bathrooms are not considered  
11 living quarters.

12 Subp. 29. **Responsible relative.** "Responsible relative"  
13 means the spouse of an applicant or recipient, the parent of an  
14 applicant's or recipient's minor child if residing together as a  
15 family, the parent of a minor child who is an applicant or  
16 recipient, or the parent of an adult child who resides with the  
17 parent and is an applicant or recipient.

18 Subp. 29a. **Retrospective budgeting.** "Retrospective  
19 budgeting" means a method of determining the amount of  
20 assistance an assistance unit will receive in which the payment  
21 month is the second month after the budget month.

22 Subp. 29b. **Social services.** "Social services" means the  
23 services included in a county's community social services plan  
24 which are administered by the county board as described under  
25 Minnesota Statutes, section 256E.03, subdivision 2.

26 Subp. 30. **SSI or supplementary security income.** "SSI" or  
27 "supplementary security income" means the supplemental security  
28 income program administered by the Social Security  
29 Administration under United States Code, title 42, sections 1381  
30 to 1383c.

31 Subp. 31. [See repealer.]

32 Subp. 32. **Suitable employment.** "Suitable employment"  
33 means a job within the local labor market that:

34 A. meets existing health and safety standards set by  
35 federal, state, or local regulations;

36 B. is within the physical and mental ability of a

1 person;

2 C. provides a gross weekly income equal to the  
3 federal or state minimum wage applicable to the job for 40 hours  
4 per week, or ~~an~~ a monthly income which, after allowable  
5 exclusions, deductions, and disregards would exceed the standard  
6 of assistance for the assistance unit, whichever is less; and

7 D. includes employment offered through the Job  
8 Training Partnership Act, Minnesota Employment and Economic  
9 Development Act, and other employment and training options, but  
10 does not include temporary day labor.

11 Subp. 32a. **Suitable recipient.** "Suitable recipient" means  
12 a recipient of general assistance who is determined not to be  
13 exempt from work readiness participation under part 9500.1251,  
14 and who has been determined to be functionally illiterate by an  
15 assessment under part 9500.1259, subpart 1, item B.

16 Subp. 32b. **Underpayment.** "Underpayment" means an  
17 assistance payment, resulting from a calculation error, a client  
18 reporting error, or a misapplication of program requirements by  
19 a county agency, which is less than the amount for which an  
20 assistance unit is eligible.

21 Subp. 32c. **Unearned income.** "Unearned income" means  
22 income received by a person which does not meet the definition  
23 of earned income. Unearned income includes interest, dividends,  
24 unemployment compensation, disability insurance payments,  
25 veterans benefits, pension payments, return on capital  
26 investments, insurance payments or settlements, and severance  
27 payments.

28 Subp. 32d. **Vendor.** "Vendor" means a provider of goods or  
29 services.

30 Subp. 32e. **Vendor payment.** "Vendor payment" means a  
31 payment made by a county agency directly to a vendor.

32 Subp. 32f. **Verification.** "Verification" means the process  
33 a county agency must use to establish the accuracy or  
34 completeness of information from an applicant, recipient,  
35 third-party, or other source as that information relates to an  
36 assistance unit's eligibility for general assistance or the

1 amount of a monthly assistance payment.

2 Subp. 33. **Vocational specialist.** "Vocational specialist"  
3 means a counselor of the Department of Jobs and Training or  
4 Division of Vocational Rehabilitation, or another similarly  
5 qualified person who advises persons about occupational goals  
6 and employment.

7 9500.1211 APPLICANT AND RECIPIENT RIGHTS AND COUNTY AGENCY  
8 RESPONSIBILITIES TO APPLICANTS AND RECIPIENTS.

9 Subpart 1. **Right to information.** An applicant or  
10 recipient has the right to obtain information about the  
11 benefits, requirements, and restrictions of the general  
12 assistance program.

13 Subp. 2. **Right to apply.** A person has the right to apply,  
14 including the right to reapply, for general assistance. A  
15 county agency shall inform a person who inquires about ~~general~~  
16 financial assistance of the right to apply, shall explain how to  
17 apply, and shall mail or hand deliver an application form to the  
18 person inquiring about assistance. When a county agency ends  
19 assistance, the county agency shall inform the recipient in  
20 writing of the right to reapply.

21 Subp. 3. **Authorized representative.** An applicant or  
22 recipient of general assistance may designate an authorized  
23 representative to act on the applicant's or recipient's behalf.  
24 An applicant or recipient has the right to be assisted or  
25 represented by an authorized representative in the application,  
26 eligibility redetermination, fair hearing process, and any other  
27 contact with the county agency or the department.

28 When a county agency determines that it is necessary for a  
29 person to assist an applicant or recipient, the county agency  
30 shall designate a staff member to assist the applicant or  
31 recipient. The county agency staff member may assist the  
32 applicant or recipient to take the actions necessary to submit  
33 an application to establish the date of the application.

34 Upon a request from an applicant or recipient, a county  
35 agency shall provide addresses and telephone numbers of



1 organizations that provide legal services at no cost to  
2 low-income persons.

3       Subp. 4. **Appeal rights.** An applicant, recipient, or  
4 former recipient has a right to request a fair hearing when  
5 aggrieved by an action or inaction of a county agency. A  
6 request for a fair hearing must be submitted in writing to the  
7 county agency or to the department. The request must be mailed  
8 within 30 days after the applicant or recipient receives written  
9 notice of the county agency's action or within 90 days when the  
10 applicant or recipient shows good cause for not submitting the  
11 request within 30 days. A former recipient who receives a  
12 notice of overpayment may appeal the action contained in the  
13 notice in the manner and within the periods described in this  
14 subpart. Issues which may be appealed are:

15           A. denial of the right to apply for assistance;

16           B. failure of a county agency to approve or deny an  
17 application within 30 days;

18           C. denial of an application for assistance;

19           D. suspension, reduction, or termination of  
20 assistance;

21           E. calculated amount of an overpayment and the  
22 calculated level of recoupment due to that overpayment;

23           F. eligibility for and calculation of a corrective  
24 payment;

25           G. other factors involved in the calculation of an  
26 assistance payment;

27           H. a change to protective, vendor, or two-party  
28 payments for recipients; and

29           I. the calculated amount retained by a county agency  
30 under an interim assistance authorization agreement from a  
31 retroactive benefit payment.

32       Subp. 5. **Rights pending hearing.** Unless otherwise  
33 specified, a county agency shall not reduce, suspend, or  
34 terminate payment when an aggrieved recipient requests a fair  
35 hearing before the effective date of the action or within ten  
36 days of the mailing of the notice, whichever is later, unless

1 the recipient requests in writing not to receive continued  
2 assistance pending a hearing decision. A county agency may  
3 increase or reduce an assistance payment while an appeal is  
4 pending when the circumstances of the recipient change and the  
5 change is not related to the issue under appeal. Assistance  
6 issued pending a fair hearing is subject to recovery when, as a  
7 result of the fair hearing, the commissioner finds that the  
8 recipient was not eligible for such assistance. This subpart  
9 shall in no way reduce any rights that the recipient may have  
10 under part 9500.1259, subpart 2.

11 A county agency shall reimburse appellants for reasonable  
12 and necessary expenses of attending the hearing, such as child  
13 care and transportation costs. A county agency shall reimburse  
14 appellant's witnesses and representatives for the expenses of  
15 transportation to and from the hearing.

16 **Subp. 6. Right to review records.** A county agency shall  
17 allow an applicant or recipient to review his or her case  
18 records that are held by the county agency and that are related  
19 to eligibility for or the assistance payment from the program,  
20 except those case records to which access is denied under  
21 Minnesota Statutes, chapter 13. A county agency shall make case  
22 records available to an applicant or recipient as soon as  
23 possible but in no event later than the fifth business day  
24 following the date of the request. When an applicant,  
25 recipient, or authorized representative asks for photocopies of  
26 material from the case record, the county agency shall provide  
27 one copy of each page at no cost.

28 **Subp. 7. Right to notice.** When a county agency notifies  
29 an applicant or recipient of its intention to deny an  
30 application or reduce, suspend, or terminate payment, the county  
31 agency shall specify in its notice the action it has taken or  
32 intends to take, the reason and legal authority for the action,  
33 and the right to appeal and request a fair hearing. The notice  
34 shall also inform the applicant or recipient of the conditions  
35 under which assistance will continue pending the appeal outcome,  
36 the responsibility to repay assistance if the appeal is

1 unsuccessful, the right to be reimbursed for reasonable and  
2 necessary expenses of attending an appeal hearing, and the right  
3 to review county agency records in accordance with subpart 6.

4 9500.1213 APPLICATION REQUIREMENTS.

5 Subpart 1. **Application for general assistance, county of**  
6 **residence.** An applicant for general assistance must apply for  
7 general assistance in the applicant's county of residence.  
8 However, a county agency must not refuse to take an application  
9 from an individual who appears to reside in another county, but  
10 must promptly forward the completed application to the county of  
11 residence. The county of residence must use the date the  
12 application was filed in the county of application as the  
13 application date.

14 Subp. 2. **County agency requirements.** A county agency must:

15 A. inform persons who inquire about cash assistance  
16 of general assistance eligibility requirements and how to apply  
17 for general assistance;

18 B. offer, by hand or mail, the application form  
19 prescribed by the commissioner when a person makes a written or  
20 oral inquiry;

21 C. inform the person that, if the person is found  
22 eligible, the county agency must use the date the application  
23 form is submitted to the county agency as the starting point for  
24 computing assistance, and that any delay in submitting an  
25 application form will reduce the amount of assistance paid for  
26 the month of application;

27 D. upon receipt of a signed and dated application  
28 from an applicant, the county agency must sign and date the  
29 application;

30 E. designate a staff member to assist the applicant  
31 to take the action necessary to submit an application if a  
32 county agency determines an applicant needs assistance in  
33 completing an application; and

34 F. inquire and determine at the time of initial  
35 application if the applicant has an emergency as defined in part

1 9500.1206, subpart ~~12e~~ 12d, and if so, determine the person's  
2 eligibility for emergency assistance under part 9500.1261  
3 ~~unless the emergency can be resolved through other sources or by~~  
4 ~~promptly processing an application for monthly assistance.~~

5 Subp. 3. **Date of application.** The date of application is  
6 the date the county agency signs and dates the application.

7 Subp. 4. **Withdrawal of application.** An applicant may  
8 withdraw an application at any time by giving written or oral  
9 notice to the county agency. The county agency must issue a  
10 written notice confirming the withdrawal and inform the  
11 applicant of the agency's understanding that the applicant has  
12 withdrawn the application. If, within ten days of the date of  
13 the agency's notice, an applicant informs the county agency that  
14 the applicant does not wish to withdraw the application, the  
15 county agency must reinstate and finish processing the  
16 application.

17 Subp. 5. **Agency verification of information on**  
18 **application.** The county agency shall verify information  
19 provided by an applicant as specified in part 9500.1215.

20 Subp. 6. **Determination of filing unit.** When an  
21 application for general assistance is made and when the county  
22 agency redetermines the eligibility of a recipient, the county  
23 agency must determine the composition of the applicant's or  
24 recipient's filing unit. The county agency must determine the  
25 composition of a filing unit according to part 9500.1206,  
26 subpart 13a.

27 Subp. 7. **Processing application.** Within 30 days after  
28 receiving an application, a county agency must determine the  
29 applicant's program eligibility, approve or deny the  
30 application, inform the applicant of its decision, and issue  
31 assistance when the applicant is eligible. When an applicant  
32 establishes the inability to provide required documentation  
33 within the 30-day processing period, the county agency shall  
34 have an additional 30 days to process the application and to  
35 allow the applicant to provide the documentation. If  
36 eligibility cannot be determined by the end of the second 30-day

1 period, the application must be denied.

2 9500.1215 DOCUMENTING, VERIFYING, AND REVIEWING ELIGIBILITY.

3 Subpart 1. **Information that must be verified.** A county  
4 agency shall require an applicant or recipient to provide  
5 documentation only of information necessary to determine program  
6 eligibility and the amount of the assistance payment.  
7 Information previously verified and retained by the county  
8 agency must not be verified again unless the information no  
9 longer applies to current circumstances.

10 Subp. 2. **Sufficiency of documentation.** An applicant or  
11 recipient must provide documentation of the information required  
12 under subpart 4, or authorize a county agency to verify it by  
13 other means; however, the burden of providing documents for a  
14 county agency to use to verify eligibility is upon the applicant  
15 or recipient. A county agency shall help an applicant or  
16 recipient to obtain documents that the applicant or recipient  
17 does not possess and cannot obtain. When an applicant or  
18 recipient and the county agency are unable to obtain ~~primary-or~~  
19 ~~alternate~~ documents needed to verify information, the county  
20 agency may accept an affidavit from an applicant or recipient as  
21 sufficient documentation.

22 Subp. 3. **Contacting third parties.** A county agency must  
23 obtain an applicant's or recipient's written consent to request  
24 information about the applicant or recipient which is not of  
25 public record from a source other than county agencies, the  
26 department, or the United States Department of Health and Human  
27 Services. An applicant's signature on an application form shall  
28 constitute this consent for contact with the sources specified  
29 on that form. A county agency may use a single consent form to  
30 contact a group of similar sources, such as banks or insurance  
31 agencies, but the sources to be contacted must be identified by  
32 the county agency before requesting an applicant's consent. A  
33 county agency shall not provide third parties with access to  
34 information about a person's eligibility status or any other  
35 part of the case record without that person's prior written

1 consent, except where access to specific case information is  
2 granted to agencies designated by the Minnesota Government Data  
3 Practices Act under Minnesota Statutes, chapter 13. Information  
4 designated as confidential by the Minnesota Government Data  
5 Practices Act must only be made available to agencies granted  
6 access under that law and must not be provided to an applicant,  
7 recipient, or a third party.

8 Subp. 4. **Factors to be verified.** The county agency must  
9 verify the factors of program eligibility in items A to C at the  
10 time of application, when a factor of eligibility changes, and  
11 at each redetermination of eligibility.

12 A. A county agency must verify:

13 (1) the identity of each adult and child for whom  
14 assistance is requested;

15 (2) age, if required to establish eligibility;

16 (3) state residence;

17 (4) the basis of a claim of exemption from  
18 participation in work readiness; and

19 (5) the relationship of a caretaker to the child  
20 for whom application is made.

21 B. The county agency must verify the information in  
22 subitems (1) to (6) when that information is acknowledged by an  
23 applicant or recipient or obtained through a federally mandated  
24 verification system:

25 (1) receipt and amount of earned income,  
26 including gross receipts from self-employment;

27 (2) receipt and amount of unearned income;

28 (3) termination from employment;

29 (4) ownership and value of real property;

30 (5) ownership and value of personal property; and

31 (6) dependent care costs of an employed filing  
32 unit member at the time of application, redetermination, or a  
33 change in provider.

34 C. A county agency may verify additional program  
35 eligibility and assistance payment factors when it determines  
36 that information on the application is inconsistent with

1 statements made by the applicant, other information on the  
2 current application, information on previous applications, or  
3 other information received by the county agency. The county  
4 agency must document the reason for verifying the factor in the  
5 case record of an assistance unit. Additional factors that may  
6 be verified, subject to the conditions of this item, are:

- 7 (1) the presence of a child in the home;
- 8 (2) the death of a parent or spouse;
- 9 (3) marital status;
- 10 (4) residence address; and
- 11 (5) income and property that an applicant or  
12 recipient has not acknowledged receiving or having.

13 9500.1219 ASSISTANCE UNIT ELIGIBILITY.

14 Subpart 1. **Composition of an assistance unit.** The county  
15 agency must determine the composition of the assistance unit, as  
16 defined in part 9500.1206, subpart 6a, from eligible members of  
17 the filing unit. All members of the filing unit must be  
18 included in the assistance unit with the exception of and  
19 subject to subparts 2 to 6.

20 Subp. 2. **Exclusion of persons otherwise provided for by**  
21 **law.** Filing unit members shall not be included in an assistance  
22 unit if they meet one or more of the following conditions:

23 A. a filing unit member is receiving benefits under  
24 the AFDC, refugee cash assistance, SSI, or Minnesota  
25 supplemental aid programs, or has benefits paid on the member's  
26 behalf for foster care, child welfare, or subsidized adoption;

27 B. a filing unit member appears to be currently  
28 eligible for benefits under AFDC or refugee cash assistance, or  
29 is eligible to have benefits paid on the member's behalf for  
30 foster care, child welfare, or subsidized adoption;

31 C. a filing unit member has been determined to be  
32 eligible for AFDC or SSI but cannot receive benefits under those  
33 programs because the member refused or failed to comply with a  
34 requirement of those programs;

35 D. a filing unit member is a parent of a single adult



1 applicant or recipient who resides with a single adult applicant  
2 together with the parents' other family members;

3 E. a filing unit member who is in a period of  
4 disqualification from AFDC, SSI, or general assistance due to  
5 noncompliance with a program requirement;

6 F. a filing unit member has, without good cause,  
7 refused or failed to comply with part 9500.1254; or

8 G. a filing unit member has refused to sign an  
9 interim assistance authorization agreement as required under  
10 part 9500.1251, subpart 2, items F and G.

11 Subp. 3. **State residence requirement.** No applicant shall  
12 be included in an assistance unit unless the applicant is a  
13 resident of Minnesota. A resident is a person living in the  
14 state with the intention of making a home here and, not for any  
15 temporary purpose, as determined by items A to E.

16 A. An applicant must state on a form prescribed by  
17 the commissioner that the applicant lives in the state and  
18 intends to make a home in Minnesota.

19 B. The county agency must verify an applicant's  
20 statement of intent to make a home in Minnesota if  
21 questionable. An applicant's statement of intent to make a home  
22 in Minnesota is questionable if:

23 (1) the applicant has no verified residence  
24 address in the state;

25 (2) the applicant provides identification  
26 indicating a residence outside the state;

27 (3) the applicant indicates that he or she  
28 maintains or is having maintained a residence outside the state;  
29 or

30 (4) the applicant is only present in the state as  
31 a resident of an excluded time facility.

32 C. An applicant's intent to make a home in Minnesota  
33 can be verified by:

34 (1) a residence address on a valid Minnesota  
35 driver's license, Minnesota identification card, or voter  
36 registration card;

1                   (2) a rent receipt or a statement by the  
2 landlord, apartment manager, or homeowner showing that the  
3 applicant is residing at an address within the county of  
4 application;

5                   (3) a statement by a landlord or apartment  
6 manager indicating the applicant has located housing which is  
7 affordable for the applicant;

8                   (4) postmarked mail addressed to and received by  
9 the applicant at the applicant's address within the county;

10                   (5) a current telephone or city directory with  
11 the applicant's residence address within the county;

12                   (6) a written statement by an applicant's  
13 roommate verifying the applicant's residence and the date the  
14 applicant moved in. The roommate must also verify that the  
15 roommate lives in the residence by providing a copy of the  
16 roommate's mortgage statement, lease agreement, or postmarked  
17 mail addressed to and received by the roommate at that address;

18                   (7) documentation that the applicant came to the  
19 state in response to an offer of employment;

20                   (8) documentation that the applicant has looked  
21 for work by presenting completed job applications or  
22 documentation from employers, the local jobs service office, or  
23 temporary employment agencies;

24                   (9) documentation that the applicant was formerly  
25 a resident of the state for at least 365 days and is returning  
26 to the state after an absence of less than 90 days; or

27                   (10) an affidavit from a person engaged in public  
28 or private social services, legal services, law enforcement, or  
29 health services that the affiant knows the applicant, has had  
30 personal contact with the applicant, and believes the applicant  
31 is living in the state with the intent of making Minnesota the  
32 applicant's permanent home.

33                   D. In addition to meeting one of the requirements of  
34 item C, an applicant described by item B, subitem (2), must  
35 document that the applicant has severed the applicant's  
36 residence in another state. Documentation may include bank

1 statements indicating the closing of accounts, a document  
 2 showing cancellation or termination of a lease, or verification  
 3 that real property used as the applicant's residence in another  
 4 state is abandoned or for sale.

5 E. Notwithstanding the provisions of item C, any  
 6 applicant specified in item B, subitems (2) to (4), who also  
 7 indicates an intention to leave the state within 30 days of  
 8 application, will be considered to be in the state for a  
 9 temporary purpose and is not a resident.

10 Subp. 4. **Minors.** No child under the age of 18 who is not  
 11 a member of a family as defined in Minnesota Statutes, section  
 12 256D.02, subdivision 5, shall be included in an assistance unit  
 13 unless:

14 A. the child is legally emancipated ~~as defined in~~  
 15 ~~part-9500-12067-subpart-12d;~~

16 B. the child lives with an adult who is not a family  
 17 member or legal custodian with the express written consent of an  
 18 agency acting in its legal capacity as a custodian of the child;

19 C. the child lives with an adult who is not a family  
 20 member or legal custodian with the express written consent of  
 21 the child's parents or legal guardian, together with the express  
 22 written consent of the county agency; or

23 D. the child does not live with an adult but is at  
 24 least 16 years of age and whose living arrangement is approved  
 25 in a social services case plan for the child and includes  
 26 general assistance as a component of the plan.

27\* Subp. 5. **Refusal of suitable employment.** A person is not  
 28 eligible for general assistance if, without good cause, the  
 29 applicant refuses a legitimate offer of, or quits, suitable  
 30 employment within 60 days before the date of application. A  
 31 person who, without good cause, voluntarily quits suitable  
 32 employment or refuses a legitimate offer of suitable employment  
 33 while receiving general assistance shall be terminated from the  
 34 general assistance program and disqualified from general  
 35 assistance for ~~60-days~~ two months. This subpart applies only to  
 36 those applicants or recipients who are not exempt from work

1 readiness participation requirements under part 9500.1251.

2       Subp. 6. **Physical presence.** The physical presence  
3 requirements for family general assistance are the same as the  
4 physical presence requirements under the AFDC program. The  
5 county agency shall not consider the needs of a family  
6 assistance unit member who is not present in the home at the  
7 time of application in the calculation of a general assistance  
8 grant unless an exception from the physical presence requirement  
9 is provided for under the AFDC program rules, part 9500.2140,  
10 subpart 5, items A to C.

11 9500.1221 PROPERTY LIMITATIONS.

12       Subpart 1. **Determination of equity value of property**  
13 **available to assistance unit.** The county agency must determine  
14 the equity value of real and personal property available to the  
15 assistance unit. The equity value of real and personal property  
16 available to a member of the filing unit who is not included in  
17 the assistance unit, but who is a responsible relative of an  
18 assistance unit member, must be considered real and personal  
19 property available to the assistance unit.

20       A. When real or personal property is owned by two or  
21 more persons, the county agency shall assume that each person  
22 owns an equal share, except that either person owns the entire  
23 sum in a joint personal checking or savings account. When a  
24 person documents greater or lesser ownership, the county agency  
25 shall use that share to determine the equity value held by an  
26 applicant or recipient.

27       B. Real or personal property owned by an applicant or  
28 recipient is presumed legally available unless the applicant or  
29 recipient documents that the property is not legally available.  
30 When real or personal property is not legally available, its  
31 equity must not be applied against the limits in subpart 2.

32       C. An applicant must disclose whether the applicant  
33 transferred, within one year before the application or  
34 redetermination, real or personal property valued in excess of  
35 the property limits in subpart 2 for which reasonable

1 compensation was not received. A recipient shall disclose all  
2 transfers of property valued in excess of the limits in subpart  
3 2 according to the reporting requirements in part 9500.1245,  
4 subpart 5. When a transfer of real or personal property has  
5 occurred, the applicant or recipient shall comply with subitems  
6 (1) and (2) as a condition of eligibility for general assistance.

7 (1) The applicant or recipient who transferred  
8 the property must provide a description of the property,  
9 information necessary to determine the property's equity value,  
10 the name of the individual who received the property, and the  
11 circumstances of and reason for the transfer.

12 (2) If reasonable compensation for the property  
13 was not received and the property can be reasonably reacquired,  
14 or when reasonable compensation can be secured, the property is  
15 presumed legally available to the applicant or recipient.

16 D. A recipient may build the equity value of the  
17 recipient's real and personal property to the limits in subpart  
18 2.

19 **Subp. 2. Equity value; excluded real and personal**  
20 **property.** The equity value of all nonexcluded real and personal  
21 property must not exceed \$1,000. The county agency shall  
22 exclude the value of the real or personal property in items A to  
23 T when determining equity value.

24 A. The applicant's or recipient's homestead according  
25 to subitems (1) to (3).

26 (1) An applicant or recipient who is purchasing  
27 real property through a contract for deed and using that  
28 property as a home is considered the owner of the real property.

29 (2) The amount of land that can be excluded under  
30 this item is limited to surrounding property which is not  
31 separated from the home by intervening property owned by  
32 others. Additional property must be assessed as to its legal  
33 and actual availability according to subpart 1.

34 (3) When real property that has been used as a  
35 home by an applicant or recipient is sold, the county agency  
36 shall treat the cash proceeds from that sale as excluded

1 property for a period of six months if the applicant or  
2 recipient intends to reinvest those proceeds in another home and  
3 agrees to maintain the proceeds, unused for other purposes, in a  
4 separate account.

5           B. One motor vehicle, not otherwise excluded, when  
6 its equity value does not exceed \$1,500 exclusive of the value  
7 of special equipment for a handicapped household member. The  
8 county agency shall establish the equity value of a motor  
9 vehicle by subtracting any outstanding encumbrances from the  
10 loan value listed in the N.A.D.A. Official Used Car Guide,  
11 Midwest Edition, for newer model cars. When a vehicle is not  
12 listed in the N.A.D.A. Official Used Car Guide, or when an  
13 applicant or recipient disputes the value listed in the guide as  
14 unreasonable given the condition of a particular vehicle, the  
15 county agency may require the applicant or recipient to document  
16 the value of the vehicle by securing a written statement from a  
17 motor vehicle dealer licensed under Minnesota Statutes, section  
18 168.27, stating the amount that the dealer would pay to purchase  
19 the vehicle. The N.A.D.A. Official Used Car Guide, Midwest  
20 Edition, is incorporated by reference. It is published monthly  
21 by the National Automobile Dealers Used Car Guide Company and is  
22 available through the Minitex interlibrary loan system. It is  
23 subject to frequent change.

24           C. The value of nonliquid real or personal property  
25 that is essential to the owner's self-support, self-care, or  
26 needed to obtain or retain suitable employment.

27           D. The value of nonliquid property which currently  
28 produces net earned income and is being used for the support of  
29 the assistance unit or a reasonable expectation exists that the  
30 property will be used within six months or the next  
31 income-producing season, whichever is later, to produce net  
32 earned income for the support of the assistance unit.

33           E. The value of real or personal property owned  
34 exclusively by the stepparent or sibling of a single adult  
35 applicant or recipient who resides with the stepparent or  
36 sibling.

1 F. The value of real and personal property owned  
2 exclusively by a recipient of supplemental security income or  
3 Minnesota supplemental aid.

4 G. The value of corrective payments but only for the  
5 month in which the payment is received and the following month.

6 H. Money escrowed in a separate account that is  
7 needed to pay real estate taxes or insurance and that is used  
8 for that purpose at least semiannually.

9 I. A mobile home used by an applicant or recipient as  
10 a home.

11 J. Money held in escrow by a self-employed person to  
12 cover employee FICA, employee tax withholding, sales tax  
13 withholding, employee workers' compensation, employee  
14 unemployment compensation, business insurance, property rental,  
15 property taxes, and other costs that are commonly paid at least  
16 annually, but less often than monthly.

17 K. Income received in a budget month until the end of  
18 that month. This includes monthly general assistance payments  
19 and emergency general assistance payments.

20 L. The value of school loans, grants, or scholarships  
21 over the period they are intended to cover if the income from  
22 these sources is either excluded by rule or has been used in the  
23 calculation of a grant.

24 M. The value of personal property not otherwise  
25 specified which is commonly used by household members in  
26 day-to-day living.

27 N. Payments listed in part 9500.1223, subpart 2, item  
28 O, which are held in escrow for the period necessary to replace  
29 or repair the personal or real property. This period must not  
30 exceed three months.

31 O. One burial plot per member of a filing unit.

32 P. The value of a prepaid burial account, burial  
33 plan, or burial trust up to \$1,000 for each member of a filing  
34 unit who is covered by that account, plan, or trust.

35 Q. The value of an applicant's nonliquid resources if  
36 an applicant is excluded by part 9500.1251, subpart 2, item M,



1 because the applicant's need for assistance will not exceed 30  
2 days.

3 R. The value of real and personal property in excess  
4 of the limits in this subpart if the applicant is making a good  
5 faith effort to sell the property at a reasonable price.

6 S. Other real or personal property specifically  
7 disregarded by federal law, state law, or federal regulation.

8 T. In addition to the limits specified in items A to  
9 S, an amount up to \$1,000 which is accumulated in a separate  
10 account from earnings by a resident in a facility licensed under  
11 parts 9520.0500 to 9520.2500 or a resident in a supervised  
12 apartment with services funded under parts 9535.0100 to  
13 9535.1600 for whom discharge and work are part of a treatment  
14 plan. This item applies during residency and for up to 18  
15 additional months if the person moves to an inpatient hospital  
16 setting. The accumulated earnings, and the interest on the  
17 earnings, are to be used upon discharge from the facility. Any  
18 withdrawal before discharge must be counted as income in the  
19 month of withdrawal and treated as an available resource in the  
20 following months.

21 Subp. 3. **Exclusion of excess property.** If the county  
22 agency determines that an assistance unit is not eligible for  
23 general assistance due to owning property in excess of the limit  
24 in subpart 2, the county agency must inform the applicant or  
25 recipient in writing of the conditions under which excess  
26 property may be excluded.

27 9500.1223 EXCLUDED INCOME.

28 Subpart 1. **Evaluation of income.** The county agency must  
29 determine income available to members of an assistance unit to  
30 determine program eligibility and the assistance amount. Income  
31 available to members of an assistance unit includes all  
32 nonexcluded income whether received by assistance unit members  
33 or filing unit members who are not members of the assistance  
34 unit when that income is deemed available to members of the  
35 assistance unit.

1 Subp. 2. Excluded income of all filing unit members. The  
2 county agency shall exclude items A to BB from the income of all  
3 filing unit members:

4 A. food stamps;

5 B. United States Department of Housing and Urban  
6 Development (HUD) refunds or rebates for excess rents charged  
7 and HUD relocation and rehabilitation funds;

8 C. rental security deposit refunds to the client  
9 whether paid by the client or by emergency assistance or  
10 emergency general assistance;

11 D. benefits under title IV and title VII of the Older  
12 Americans Act of 1965;

13 E. all Volunteers in Service to America (VISTA)  
14 payments;

15 F. title I loans or grants through the Minnesota  
16 Housing Finance Agency;

17 G. payments for basic care, difficulty of care, and  
18 clothing allowance received for providing family foster care  
19 under parts 9545.0010 to 9545.0260 or adult foster care under  
20 parts 9555.5105 to 9555.6265;

21 H. work and training allowances and reimbursements  
22 received through the work readiness program;

23 I. work and training allowances received from county  
24 agency social services programs that are not classified as wages  
25 subject to FICA withholding;

26 J. reimbursement for employment training received  
27 through the Job Training Partnership Act;

28 K. reimbursement for out-of-pocket expenses incurred  
29 while performing volunteer services, jury duty, or employment;

30 L. loans, whether from private, public, or  
31 governmental lending institutions, governmental agencies, and  
32 private individuals provided the filing unit member documents  
33 that the lender expects repayment. This exclusion does not  
34 include education loans on which payment is deferred;

35 M. state and federal income tax refunds including  
36 Minnesota property tax refunds and the earned income tax credit;

1 N. funds received for reimbursement, replacement, or  
2 rebate of personal or real property when these payments are made  
3 from public agencies, awarded by a court, solicited through  
4 public appeal, or made as a grant by a federal agency subsequent  
5 to a presidential declaration of disaster;

6 O. payments issued by insurance companies which are  
7 specifically designated as compensation to a member of an  
8 assistance unit for partial or total permanent loss of function  
9 or body part or insurance payments specified under Minnesota  
10 Statutes, section 256.74, subdivision 1, clause (7);

11 P. reimbursements for medical expenses which cannot  
12 be paid by medical assistance;

13 Q. payments by the vocational rehabilitation program  
14 administered by the state under Minnesota Statutes, chapter  
15 129A, except those payments that are for current living  
16 expenses;

17 R. in-kind income, as defined in part 9500.1206,  
18 subpart 16a, except for payments made for room, board, tuition,  
19 or fees by a parent on behalf of a single adult applicant who is  
20 enrolled as a full-time student in a postsecondary institution;

21 S. assistance payments to correct underpayments in a  
22 previous month;

23 T. payments to an applicant or recipient issued under  
24 part 9500.1261, 9500.2800, or 9500.2820 for emergency or special  
25 needs; however, an initial month's grant may be reduced by the  
26 amount of emergency assistance issued to cover that month's  
27 needs;

28 U. nonrecurring cash gifts, such as those received  
29 for holidays, birthdays, and graduations, not to exceed \$30 per  
30 filing unit member in a calendar quarter;

31 V. tribal settlements excluded under Code of Federal  
32 Regulations, title 45, section 233.20(a)(4)(ii)(e), (k), and  
33 (m);

34 W. any form of energy assistance payment made by the  
35 Low Income Home Energy Assistance Program, payments made  
36 directly to energy providers by other public and private

1 agencies, benefits issued by energy providers when the Minnesota  
2 Department of Jobs and Training determines that those payments  
3 qualify under Code of Federal Regulations, title 45, section  
4 233.53, and any form of credit or rebate payment issued by  
5 energy providers;

6 X. the first \$50 of child support received;

7 Y. proceeds from the sale of real or personal  
8 property;

9 Z. payments made from state funds for subsidized  
10 adoptions under Minnesota Statutes, section 259.40;

11 AA. interest payments and dividends from property  
12 that is not excluded from and does not exceed the \$1,000 limit  
13 under part 9500.1221, subpart 2; and

14 BB. income that is otherwise specifically excluded  
15 from AFDC program consideration in federal law, state law, or  
16 federal regulation.

17 Subp. 3. **Additional income exclusions, filing unit member**  
18 **who is not a member of assistance unit.** In addition to the  
19 income exclusions in subpart 2, the county agency shall exclude  
20 the following income of a filing unit member who is not a member  
21 of the assistance unit:

22 A. income that was excluded, disregarded, or  
23 allocated in the calculation of a public assistance grant unless  
24 the allocation was to meet the needs of persons in the general  
25 assistance unit;

26 B. benefits from the Retirement, Survivors, and  
27 Disability Insurance program and any income based on a  
28 disability that is received by the parent or parents of a single  
29 adult applicant or recipient;

30 C. income of a stepparent or of a sibling of a single  
31 adult applicant or recipient;

32 D. an amount equal to the standards assigned to  
33 filing unit members who are not in the general assistance unit  
34 in part 9500.1231, subpart 6, item A; and

35 E. child support, spousal support, or other payments  
36 to meet the needs of a person who lives outside of the household

1 who is or could be claimed as a dependent for federal personal  
2 income tax liability or for whom payment is required by court  
3 order.

4 Subp. 4. Additional income exclusions; family assistance  
5 units. In addition to the income exclusion in subpart 2, the  
6 county agency shall exclude the following income from a family  
7 assistance unit:

8 A. educational grants and loans, including income  
9 from work study; and

10 B. income, including retroactive payments, from SSI  
11 or Minnesota supplemental aid.

12 Subp. 5. Additional income exclusions, assistance unit  
13 consisting of individuals who are not members of a family. In  
14 addition to the income exclusions in subpart 2, the county  
15 agency shall exclude the following costs from the income of  
16 filing unit members when the assistance unit consists of  
17 individuals who are not members of a family:

18 A. the first \$50 of earned income for each individual  
19 who receives earned income;

20 B. the cost of transportation to and from employment  
21 which is not reimbursed, based on the lesser of the actual cost,  
22 or the amount allowed for the use of a personal car in the  
23 United States Internal Revenue Code for a maximum of 100 miles  
24 per day;

25 C. a meal allowance of \$2 for each day that the  
26 individual has a break for a meal during work hours and eats a  
27 meal at work, unless the individual can establish that higher  
28 costs are both necessary and reasonable;

29 D. the cost incurred by an applicant or paid by a  
30 recipient for uniforms, tools, and equipment which are necessary  
31 to accept or retain a job;

32 E. mandatory payments or deductions from pay for  
33 insurance premiums, union dues, association dues, retirement  
34 contributions, FICA, state and federal personal income tax  
35 withholding, not to exceed the amount specified in the state or  
36 federal tax withholding tables for an individual with the same

1 income and number of dependents as the applicant or recipient;

2 F. other work expenses required for employment and  
3 approved by the county agency;

4 G. public assistance payments received by women  
5 residing in facilities for battered women as described in  
6 Minnesota Statutes, section 256D.05, subdivision 3, for whom  
7 general assistance payments are made to pay for residence in the  
8 facility;

9 H. stipends received from the displaced homemaker  
10 services program; and

11 I. in addition to the \$50 specified in item A, up to  
12 \$150 per month from the earnings of a resident of a facility  
13 licensed under parts 9520.0500 to 9520.0690 or a resident of a  
14 supervised apartment with services funded under parts 9535.0100  
15 to 9535.1600 for whom discharge and work are part of a treatment  
16 plan, provided that the disregarded sum is placed in a separate  
17 savings account by the resident.

18 9500.1225 EARNED INCOME.

19 Subpart 1. **County agency duty to determine earned income.**

20 The county agency must determine the total amount of earned  
21 income available to the filing unit. Earned income from  
22 self-employment must be calculated according to subpart 2.  
23 Earned income from contractual agreements must be calculated  
24 according to subpart 3. The total amount of earned income  
25 available to an individual for a month must be determined by  
26 combining the amounts of earned income calculated under subparts  
27 2 to 4. The total amount of earned income available to an  
28 assistance unit for a month must be determined by combining the  
29 total earned income of each filing unit member.

30 Subp. 2. **Earned income from self-employment.** The county  
31 agency must determine the amount of earned income from  
32 self-employment by subtracting business costs from gross  
33 receipts according to items A to D.

34 A. Self-employment expenses must be subtracted from  
35 gross receipts except for the expenses listed in subitems (1) to

- 1 (14):
- 2 (1) purchases of capital assets;
- 3 (2) payments on the principal of loans for
- 4 capital assets;
- 5 (3) depreciation;
- 6 (4) amortization;
- 7 (5) the wholesale costs of items purchased,
- 8 processed, or manufactured that are unsold inventory with a
- 9 deduction for the costs of those items allowed at the time they
- 10 are sold;
- 11 (6) transportation costs that exceed the amount
- 12 allowed for use of a personal car in the United States Internal
- 13 Revenue Code;
- 14 (7) the cost of transportation between the
- 15 individual's home and place of employment;
- 16 (8) salaries and other employment deductions made
- 17 for members of an individual's assistance unit or for
- 18 individuals who live in the individual's household for whom the
- 19 individual is legally responsible;
- 20 (9) monthly expenses in excess of \$71 for a
- 21 roomer;
- 22 (10) monthly expenses in excess of \$86 for a
- 23 boarder;
- 24 (11) monthly expenses in excess of \$157 for a
- 25 roomer-boarder;
- 26 (12) annual expenses in excess of \$103 or two
- 27 percent of the estimated market value on a county tax assessment
- 28 form, whichever is greater, as a deduction for upkeep and repair
- 29 against rental income;
- 30 (13) expenses not allowed by the United States
- 31 Internal Revenue Code for self-employment income; and
- 32 (14) expenses which exceed 60 percent of gross
- 33 receipts for child care performed in an individual's home unless
- 34 the individual can document a higher amount. When funds are
- 35 received from the quality child care program, those funds are
- 36 excluded from gross receipts, and the expenses covered by those



1 funds must not be claimed as a business expense that offsets  
2 gross receipts.

3           B. Except for farm income under item C, the  
4 self-employment budget period begins in the month of application  
5 for applicants and in the first month of self-employment for  
6 recipients. Gross receipts from self-employment must be  
7 budgeted in the month in which they are received. Expenses must  
8 be budgeted against gross receipts in the month in which those  
9 expenses are paid except for subitems (1) to (3):

10           (1) The purchase cost of inventory items,  
11 including materials that are processed or manufactured, must be  
12 deducted as an expense at the time payment is received for the  
13 sale of those inventory items, processed materials, or  
14 manufactured items, regardless of when those costs are incurred  
15 or paid.

16           (2) Expenses to cover employee FICA, employee tax  
17 withholding, sales tax withholding, employee worker's  
18 compensation, employee unemployment compensation, business  
19 insurance, property rental, property taxes, and other costs that  
20 are commonly paid at least annually, but less often than  
21 monthly, must be prorated forward as deductions from gross  
22 receipts over the period they are intended to cover, beginning  
23 with the month in which the payment for these items is made.

24           (3) Gross receipts from self-employment may be  
25 prorated forward to equal the period over which the expenses  
26 were incurred except that gross receipts must not be prorated  
27 over a period that exceeds 12 months. This provision applies  
28 only when gross receipts are not received monthly but expenses  
29 are incurred on an ongoing monthly basis.

30           C. Farm income must be annualized. Farm income is  
31 gross receipts minus operating expenses, subject to item A.  
32 Gross receipts include sales, rents, subsidies, soil  
33 conservation payments, production derived from livestock, and  
34 income from sale of home-produced foods.

35           D. Income from rental property must be considered  
36 self-employment earnings when the owner spends an average of 20

1 hours per week on maintenance or management of the property. A  
2 county agency must deduct an amount for upkeep and repairs,  
3 according to item A, subitem (11), for real estate taxes,  
4 insurance, utilities, and interest on principal payments. When  
5 an applicant or recipient lives on the rental property, the  
6 county agency must divide the expenses for upkeep, taxes,  
7 insurance, utilities, and interest by the number of rooms to  
8 determine the expense per room. The county agency shall deduct  
9 expenses from rental income only for the number of rooms rented,  
10 not for rooms occupied by an assistance unit. When an owner  
11 does not spend an average of 20 hours per week on maintenance or  
12 management of the property, income from rental property must be  
13 considered unearned income. The deductions described in this  
14 item must be subtracted from gross rental receipts.

15       **Subp. 3. Earned income from contractual agreements.** The  
16 county agency must prorate the amount of earned income received  
17 by individuals employed on a contractual basis over the period  
18 covered by the contract even if the payments are received over a  
19 shorter period.

20       **Subp. 4. Other earned income.** The county agency must  
21 consider all other forms of earned income not specifically  
22 provided for under subparts 2 and 3 to be earned income  
23 available to the individual in the month it is received.

24 9500.1226 UNEARNED INCOME.

25       **Subpart 1. County agency duty to determine unearned**  
26 **income.** The county agency must determine the total amount of  
27 unearned income available to the filing unit. The total amount  
28 of unearned income available to a filing unit for a month must  
29 be determined by combining the total unearned income of each  
30 filing unit member.

31       **Subp. 2. to 4. [See repealer.]**

32       **Subp. 5. Deductions for certain costs.** Costs incurred to  
33 secure payments of unearned income shall be deducted from  
34 unearned income. These costs include legal fees, medical fees,  
35 and mandatory deductions such as federal and state income taxes.

1       Subp. 6. **Payments for disability or illness.** Payments for  
2 illness or disability must be considered unearned income whether  
3 the premium payments are made wholly or in part by an employer  
4 or a recipient.

5       Subp. 7. **Education grants, scholarships, and loans.**  
6 Educational grants, scholarships, and loans, including  
7 assistance funded under title IV of the Higher Education Act,  
8 which are available to an assistance unit that does not contain  
9 a member of a family must be considered unearned income,  
10 together with the in-kind income derived from the payment of  
11 room and board and tuition and fees paid by the parents of the  
12 student. The county agency must subtract tuition and fees, in  
13 addition to books, supplies, transportation, and miscellaneous  
14 personal expenses as indicated by the school, from the total  
15 educational grants, loans, scholarships, and in-kind income.  
16 The deductions of these expenses are to be made at the time that  
17 the educational funds become available for the student's  
18 benefit, and any excess funds prorated over the remainder of the  
19 time they were intended to cover. School expenses that exceed  
20 loans, grants, and scholarships may be deducted from work study  
21 income.

22       Subp. 8. **Nonexcluded filing unit member income.** Income  
23 from a filing unit member who is not a member of the assistance  
24 unit which is not excluded under part 9500.1223 is deemed  
25 unearned income available to the assistance unit.

26       Subp. 9. **Lump sums received by filing unit.** Lump sums  
27 received by a filing unit must be considered as earned income  
28 under parts 9500.1223 and 9500.1225 or as unearned income under  
29 subparts 5 to 8. For recipients of general assistance, lump  
30 sums are considered income in the month received and a resource  
31 in the following months.

32 9500.1231 ASSISTANCE STANDARDS.

33       Subpart 1. **Standard, single individual.** Except as  
34 provided in subpart 2, the standard of assistance for a single  
35 adult who does not reside with his or her parents; an adult

1 applicant or recipient who resides with his or her parents and  
 2 those parents have no minor children; or an emancipated minor  
 3 applicant or recipient ~~defined under part 9500.1206, subpart~~  
 4 ~~12d,~~ is \$203 per month. The standard in this subpart shall be  
 5 increased by the same percentage as any increase in subpart 4.

6 Subp. 2. **Standard, individuals residing in a nursing home,**  
 7 **negotiated rate facility, or regional treatment center.** The  
 8 standard of assistance for an assistance unit composed of one  
 9 individual who resides in a nursing home, negotiated rate  
 10 facility, or regional treatment center is the amount established  
 11 as the clothing and personal needs allowance for medical  
 12 assistance recipients under Minnesota Statutes, section 256B.35,  
 13 subdivision 1.

14 Subp. 3. **Standard, married couples without children.** The  
 15 standards of assistance for a married couple without children  
 16 are the same as the first and second adult standards under  
 17 subpart 4. If one member of the couple is not included in the  
 18 general assistance grant, the standard for the other is the  
 19 second adult standard under subpart 4.

20 Subp. 4. **Standards, filing units with a minor child.** The  
 21 county agency shall use the standards in items A to M to  
 22 determine the amount of assistance for a filing unit with a  
 23 minor child or children. The standard of assistance shall  
 24 increase or decrease to remain equal to the equivalent AFDC  
 25 standards under part 9500.2440, subpart 6:

- 26 A. first adult, \$187;
- 27 B. second adult, \$73;
- 28 C. first child, \$250;
- 29 D. second child, \$95;
- 30 E. third child, \$89;
- 31 F. fourth child, \$76;
- 32 G. fifth child, \$76;
- 33 H. sixth child, \$77;
- 34 I. seventh child, \$66;
- 35 J. eighth child, \$64;
- 36 K. ninth child, \$55;

1 L. tenth child, \$54; and

2 M. each additional child, \$53.

3 Subp. 5. Standard, single adult residing with parents with  
4 minor children. A single adult applicant or recipient who  
5 resides with his or her parents who have minor children will  
6 receive a child standard from subpart 4 as though the single  
7 adult were an additional minor child added to an assistance unit  
8 composed of the parent and minor child or children.

9 Subp. 6. Standard, assistance unit composed of part or all  
10 members of a family. The county agency shall determine the  
11 assistance standard for a family assistance unit as follows:

12 A. The county agency shall assign standards from  
13 subpart 4 to each member of the filing unit as though each was a  
14 member of an AFDC assistance unit composed of the entire filing  
15 unit. If a member or members of a family are not to be included  
16 in the assistance unit, the county agency shall assign standards  
17 from subpart 4 to those members first and to the remaining  
18 members of the assistance unit last. Each adult in the filing  
19 unit except the first will receive a second adult standard. A  
20 minor parent family member shall be treated as provided in  
21 subitem (1) or (2).

22 (1) A minor parent family member who resides with  
23 his or her parent will be assigned a child standard.

24 (2) A minor parent family member who does not  
25 reside with his or her parent or parents shall be assigned an  
26 adult standard. If two adult standards have already been  
27 assigned to filing unit members, the minor parent will be  
28 assigned a second adult standard.

29 B. The county agency shall add together the standards  
30 assigned to the members of the general assistance unit in item  
31 A. That total is the standard for the assistance unit. In no  
32 case shall the standard for family members who are in the  
33 assistance unit for general assistance, when combined with the  
34 standard for family members who are not in the assistance unit,  
35 total more than the standard for the entire family if all  
36 members were in an AFDC assistance unit.

1       Subp. 7. **Standard applies to full month.** Except when an  
2 increase must be made in the standard of assistance applicable  
3 to an assistance unit due to the addition of a member to the  
4 assistance unit or when a recipient enters the community from a  
5 negotiated rate facility, the standard of assistance applicable  
6 to an assistance unit the first day of a payment month or at the  
7 time of application, whichever is later, applies to the  
8 assistance unit for the entire month. When a decrease must be  
9 made in the standard of assistance for an assistance unit, the  
10 decrease shall be effective in the month following the month in  
11 which the change necessitating the reduction in the standard  
12 took place.

13 9500.1232 STATE PARTICIPATION.

14       Subpart 1. to 3. [See repealer.]

15       Subp. 4. **State participation for payment in excess of**  
16 **state standards.** State participation is not available for  
17 special need items or the amount of the higher county agency  
18 standard authorized under Minnesota Statutes, section 256D.03,  
19 subdivision 2a, which exceed the applicable state assistance  
20 standards.

21       Subp. 5. **State participation for costs of providing**  
22 **transportation to recipients assigned to literacy training.**  
23 State participation for the actual costs of providing  
24 transportation under part 9500.1259, subpart 1, item D, subitem  
25 (6), is 100 percent.

26 9500.1233 FINANCIAL ELIGIBILITY TESTS.

27       Subpart 1. **Prospective eligibility.** A county agency shall  
28 determine whether the eligibility requirements that pertain to  
29 an assistance unit will be met prospectively for the payment  
30 month. To prospectively assess income, a county agency shall  
31 estimate the amount of income an assistance unit expects to  
32 receive in the payment month.

33       Subp. 2. **Termination and suspension of assistance when**  
34 **prospectively ineligible.** When an assistance unit is  
35 prospectively ineligible for general assistance for at least two

1 consecutive months due to excess income, assistance must be  
2 terminated. When an assistance unit is prospectively ineligible  
3 for general assistance for only one month and is prospectively  
4 eligible the following month, assistance must continue. The  
5 income for the single month in which prospective ineligibility  
6 exists must be applied retrospectively as described in subpart  
7 3, resulting in suspension for the corresponding payment month.

8       **Subp. 3. Retrospective eligibility.** After the first two  
9 months of program eligibility, a county agency must determine  
10 whether an assistance unit is prospectively eligible for the  
11 payment month. The county agency must then determine whether  
12 the assistance unit is retrospectively eligible by applying the  
13 gross income test for family assistance and the payment  
14 eligibility test to the income from the budget month. When  
15 either the gross income test for family assistance units or the  
16 payment eligibility test is not satisfied, assistance must be  
17 suspended when ineligibility exists for one month, or terminated  
18 when ineligibility exists for more than one month.

19       **Subp. 4. Gross income test for family assistance units.** A  
20 county agency shall apply a gross income test both prospectively  
21 and retrospectively for each month of program eligibility. A  
22 family assistance unit is not eligible when available income as  
23 determined in parts 9500.1223 to 9500.1226 equals or exceeds 185  
24 percent of the standard of assistance for the assistance unit.  
25 The income applied against the gross income test must include  
26 the gross earned income of a dependent child in the assistance  
27 unit who is not a full-time student and whose income is from a  
28 source other than the Job Training Partnership Act. The income  
29 in items A to F must be considered in the gross income test.

30       **A.** Gross earned income from employment, before  
31 mandatory payroll deductions, voluntary payroll deductions, wage  
32 authorizations, and disregards, unless the employment income is  
33 specifically excluded under part 9500.1223.

34       **B.** Gross earned income from self-employment, less  
35 deductions for self-employment expenses in part 9500.1225,  
36 subpart 2, but before any reductions for personal state and



1 federal income taxes, business taxes, personal FICA, personal  
2 health and life insurance, and disregards.

3 C. Unearned income after allowable expenses in part  
4 9500.1226, unless the income has been specifically excluded in  
5 part 9500.1223.

6 D. Gross earned income from employment as determined  
7 under item A which is received through the Job Training  
8 Partnership Act by a member of an assistance unit who is a  
9 dependent child after the child has received both Job Training  
10 Partnership Act earnings and assistance for six payment months  
11 in the same calendar year.

12 E. Gross earned income from employment, as determined  
13 under item A, which is received through employment other than  
14 the Job Training Partnership Act by a member of an assistance  
15 unit who is a dependent child and a full-time student after the  
16 child has received both those earnings and assistance for six  
17 payment months in the same calendar year.

18 F. Child support and spousal support received or  
19 anticipated to be received by an assistance unit less the first  
20 \$50 of current child support.

21 Subp. 5. **Payment eligibility test.** Each assistance unit  
22 must pass a test of payment eligibility prospectively and  
23 retrospectively for each program month that the unit is  
24 otherwise eligible.

25 A. Family assistance units which have passed the  
26 gross income test, must use the income described in subpart 4 to  
27 determine payment eligibility except that:

28 (1) earned income of a dependent child who is a  
29 part-time or full-time student must be excluded; and

30 (2) the disregards as determined in part  
31 9500.1235 must be deducted from earned income.

32 B. Assistance units which do not contain a member of  
33 a family must use the income determined in parts 9500.1223 to  
34 9500.1226 to determine payment eligibility.

35 C. The county agency must apply the assistance unit's  
36 countable income against the assistance unit's standard. If the

1 income is equal to or greater than the standard, the assistance  
2 unit must be denied assistance or assistance must be terminated.

3 9500.1235 EMPLOYMENT DISREGARDS FOR EMPLOYED MEMBERS OF A FAMILY  
4 ASSISTANCE UNIT.

5 The county agency shall deduct the disregards in items A to  
6 D from the gross earned income of employed members of a family  
7 assistance unit.

8 A. A \$90 work expense, whether employment is  
9 full-time or part-time, must be deducted from the gross earned  
10 income of each employed member of an assistance unit and \$75 for  
11 other financially responsible household members who are excluded  
12 from the assistance unit, except that sanctioned individuals  
13 must not receive this disregard.

14 B. A monthly deduction for costs for care of a  
15 dependent child or an adult dependent who is in the assistance  
16 unit. These costs must be documented according to part  
17 9500.1215, subpart 4, item B, subitem (6). This disregard must  
18 only be deducted from the gross income of a member of an  
19 assistance unit, and must be applied after all other disregards  
20 have been applied. The deduction must not exceed \$175 for each  
21 dependent age two or older, or \$200 for each dependent under the  
22 age of two when employment equals or exceeds 30 hours per week.  
23 The deduction shall not exceed \$174 for each dependent age two  
24 or older, or \$199 for each dependent under the age of two when  
25 employment is less than 30 hours per week. A deduction for  
26 dependent care costs is not allowed when the care is provided by  
27 a member of the filing unit.

28 C. A deduction for a \$30 and one-third work incentive  
29 disregard. This disregard must be allowed for each employed  
30 member of an assistance unit. The first \$30 must be subtracted  
31 from the balance of gross earned income after subtracting the  
32 work expense allowed under item A. One-third of the balance  
33 must also be subtracted after allowing the \$30 disregard. This  
34 disregard is limited by subitems (1) to (6).

35 (1) The disregard must not be deducted from the

1 income of an applicant in the initial month when applying the  
2 payment eligibility test in part 9500.1233, subpart 5, except  
3 that an applicant who has received general assistance in any of  
4 the four months previous to the month of application and who  
5 retains eligibility for this disregard from the prior period of  
6 eligibility under subitems (2) to (5) shall be eligible for this  
7 disregard when determining payment eligibility. When an  
8 applicant satisfies the payment eligibility test in the first  
9 month, this disregard must be used to calculate the assistance  
10 payment amount for that month when the applicant is otherwise  
11 eligible to receive it.

12 (2) Eligibility for this disregard is limited to  
13 four payment months in subitems (3) to (5) and cannot be  
14 deducted again from the income of that member of the assistance  
15 unit until that member has not been a recipient of general  
16 assistance for a period of at least 12 consecutive payment  
17 months.

18 (3) The four months of eligibility for this  
19 disregard are only those payment months in which any part of the  
20 \$30 and one-third work incentive is applied against income.  
21 When the four months of eligibility for this disregard are  
22 interrupted for at least one payment month before the period of  
23 eligibility is completed, the recipient is eligible for a new  
24 period of four months, with the next subsequent month of its use  
25 considered to be the first month, except as otherwise noted in  
26 subitems (4) and (5).

27 (4) When this disregard is not applied because  
28 income from a recurring source results in suspension of an  
29 assistance payment, that month must not be counted as a month of  
30 the four-month period, but this interruption does not establish  
31 eligibility for a new four-month period.

32 (5) When employment is ended, reduced, or refused  
33 without good cause, a person shall not be eligible for any of  
34 the employment disregards under items A to D in the first month  
35 following the month in which that employment is ended, reduced,  
36 or refused. The month in which those disregards are disallowed

1 must be counted as one of the four consecutive months in the  
2 period of eligibility for this disregard and the remaining  
3 months of eligibility must be counted in the consecutive months  
4 which immediately follow, regardless of loss of eligibility or  
5 change in employment status.

6 (6) Receipt of a \$30 and one-third work incentive  
7 disregard of income used to calculate benefits or eligibility  
8 for the AFDC or medical assistance programs has no effect on the  
9 eligibility for the disregard for recipients of family general  
10 assistance.

11 D. A deduction for a \$30 work incentive disregard.  
12 This disregard applies for a period of eight months to members  
13 of an assistance unit who have completed the four-month period  
14 of eligibility for the \$30 and one-third work incentive  
15 disregard. This disregard is allowed beginning with the first  
16 month following the fourth month of eligibility for the \$30 and  
17 one-third work incentive disregard and must be counted in  
18 consecutive months regardless of the loss of eligibility or  
19 change in employment status.

20 9500.1237 AMOUNT OF ASSISTANCE PAYMENT.

21 Subpart 1. **Amount of assistance payment.** The county  
22 agency must issue an assistance payment to an assistance unit in  
23 an amount equal to the difference between the standard of  
24 assistance determined in part 9500.1231 and the assistance  
25 unit's countable income as determined in parts 9500.1223 to  
26 9500.1226, for a whole month without separate standards for  
27 shelter, utilities, or other needs, except as provided under  
28 subparts 2 to 9.

29 Subp. 2. **Prorate the month of application.** When program  
30 eligibility exists for the month of application, the amount of  
31 the assistance payment for the month of application must be  
32 prorated from the date of application or the date all  
33 eligibility factors are met for that applicant, whichever is  
34 later. This provision must apply when an applicant loses at  
35 least one day of program eligibility.

1           Subp. 3. **Minimum payment for families.** When the  
2 difference between countable income and the standard of  
3 assistance for an assistance unit containing members of a family  
4 in a payment month is less than \$10, an assistance payment must  
5 not be issued, but that month must be considered a month of  
6 program eligibility. When recoupment of an overpayment reduces  
7 the assistance payment, pursuant to part 9500.1243, subpart 3,  
8 and the subsequent level of payment is less than \$10, the  
9 assistance payment must be made.

10           Subp. 4. **Persons without a verified residence address.** A  
11 county agency may make payments to eligible persons without a  
12 verified address as specified in items A to G.

13           A. A county agency which chooses to make payments  
14 under this subpart must notify the department of its intention  
15 to do so 30 days before implementation.

16           B. A county agency must apply this subpart equally to  
17 all applicants or recipients who are without a verified  
18 residence, except that this subpart must not be applied to  
19 persons who are certified as having mental illness, mental  
20 retardation or a related condition, or a family assistance unit  
21 unless requested in writing by the family assistance unit.

22           C. A county agency may divide the monthly assistance  
23 grant into four payments to be issued weekly for four weeks each  
24 month.

25           D. A county agency may determine eligibility and  
26 provide assistance on a weekly basis as specified in subitems  
27 (1) to ~~(4)~~ (5).

28                   (1) The amount of assistance issued under this  
29 item may be determined either by prorating the monthly  
30 assistance standard which applies to the individual at the time  
31 of application and at the time of weekly redetermination, or as  
32 specified in part 9500.1261.

33                   (2) Forms required for weekly redetermination of  
34 eligibility must be approved by the department. The form must  
35 contain a statement of need by the recipient.

36                   (3) Notwithstanding part 9500.1259, subpart 4,

1 the county agency must notify the recipient each time weekly  
2 assistance is issued under this item that subsequent weekly  
3 assistance will not be issued unless the recipient claims need.

4 (4) Assistance-issued Weekly determination of  
5 eligibility under this item must not continue beyond the first  
6 full calendar month subsequent to the month of application.  
7 Beginning with the second full calendar month, assistance may be  
8 issued as specified in item C to a recipient who has not  
9 verified a residence address but who is a resident of the state  
10 as determined by part 9500.1219, subpart 3, ~~as specified by item~~  
11 ~~E~~.

12 (5) The provisions of this item must not be  
13 applied to any assistance unit which receives, or is expected to  
14 receive countable income within the month of application or the  
15 following month.

16 E. Assistance provided under items C and D may be in  
17 the form of cash or separate vouchers or vendor payments for  
18 food, shelter, or other needs.

19 F. Except for weekly redetermination for assistance  
20 under item D, notices must be provided to recipients under this  
21 subpart as specified by part 9500.1259, subpart 4.

22 G. Assistance must not continue under this subpart  
23 when the recipient has verified a residence address as specified  
24 in part 9500.1219, subpart 3, item C.

25 Subp. 5. **Initial payments for mandatory participants in**  
26 **the work readiness program.** Initial payments may be made to  
27 mandatory participants in the work readiness program as  
28 specified in items A to D.

29 A. The county agency ~~may~~ must choose one of the  
30 methods described in subitems (1) and (2) to make initial  
31 payments. The county agency must use the method it chooses for  
32 all applicants, except that for family assistance units or  
33 assistance units of more than one person, the county agency must  
34 use the method described in subitem (1).

35 (1) The county agency may make payments to cover  
36 a period of time which begins with the date of application, or

1 the date on which all eligibility factors have been met,  
2 whichever is later, and ending on the last day of the month in  
3 which a work readiness orientation is scheduled~~;~~or.

4 (2) The county agency may prorate an initial  
5 payment to cover only the initial certification period which  
6 begins on the date of application, or the date on which all  
7 eligibility factors have been met, whichever is later, and  
8 ending on the date on which all mandatory participants in the  
9 assistance unit must attend a scheduled orientation. This  
10 initial certification period must not exceed 30 days. If all  
11 mandatory participants in an assistance unit attend the  
12 scheduled orientation, the county agency must then issue an  
13 additional grant of assistance to cover the period beginning the  
14 day after the scheduled orientation and ending on the final day  
15 of the month. Subsequent grants of assistance must be issued  
16 according to part 9500.1237, subpart 1 or 4.

17 B. The county agency must inform all mandatory  
18 participants in the assistance unit that:

19 (1) each mandatory participant must attend an  
20 orientation within 30 days after application; ~~and~~

21 (2) a mandatory participant who fails, without  
22 good cause, to attend the required orientation will lose  
23 eligibility for assistance without further notice due to  
24 noncompliance with work readiness requirements subject to  
25 reinstatement upon a showing of good cause~~;~~and

26 (3) a mandatory participant who has been  
27 disqualified from work readiness may not be eligible for  
28 emergency general assistance during the period of  
29 disqualification.

30 C. Subsequent assistance must not be issued within 60  
31 days from the date of the initial application to a mandatory  
32 participant whose eligibility has ended for failing, without a  
33 showing of good cause, to attend a scheduled orientation unless  
34 the person completes an application, is determined eligible,  
35 attends an orientation, or has become exempt from work readiness  
36 participation under part 9500.1251.



1           D. The county may make payment under ~~items~~ item A and  
2 B to persons without a verified address according to subpart 4  
3 as long as the county agency implements the provision  
4 consistently for all applicants and recipients.

5           Subp. 6. **Assistance payment when need will not exceed 30**  
6 **days.** For persons who are exempt from registration with the  
7 work readiness program under part 9500.1251, subpart 2, item M,  
8 the county agency shall issue a grant determined by subtracting  
9 any countable income that the applicant has received since the  
10 first of the calendar month of application and any countable  
11 income the applicant is expected to receive before the date on  
12 which the county agency has anticipated that the applicant will  
13 lose eligibility for general assistance, from his or her  
14 prorated standard of assistance. The prorated standard of  
15 assistance must be determined by comparing the number of days  
16 between the date of application or the date all eligibility  
17 factors have been met, whichever is later, and the date which  
18 the county agency has anticipated that the applicant will lose  
19 eligibility for general assistance, with a 30-day month.

20           Subp. 7. **Payments to facilities with negotiated rates.** In  
21 addition to any payment an individual is entitled to by  
22 comparing the individual's countable income determined by parts  
23 9500.1223 to 9500.1226 with the standard of need specified under  
24 part 9500.1231, subpart 7, the county agency must make direct  
25 payment on behalf of an individual described under part  
26 9500.1231, subpart 2, to a negotiated rate facility out of  
27 general assistance funds unless other funds are available. An  
28 individual who has countable income in excess of the standard  
29 specified in part 9500.1231, subpart 2, but who is otherwise  
30 eligible for general assistance, is eligible for a payment to be  
31 made to a facility on the individual's behalf. However, the  
32 initial payment to the facility must be reduced by the amount  
33 that the individual's countable income exceeds the standard  
34 applicable to the individual on the first day of the month in  
35 which the individual enters the facility. Payments for months  
36 subsequent to the month in which the individual enters the

1 facility must be reduced by the amount the individual's  
2 countable income exceeds the standard specified by part  
3 9500.1231, subpart 2. If the individual's countable income  
4 exceeds that standard by an amount equal to, or greater than,  
5 the facility's monthly rate, there is no eligibility under the  
6 general assistance program. The county agency may make payment  
7 to the facility either in advance each month, or upon receipt of  
8 a billing statement from the facility. Payments to the facility  
9 shall cover a period beginning on the date the county agency  
10 receives an application signed by the applicant or the date all  
11 eligibility factors have been met, or the date the individual  
12 enters the facility, whichever is later, and ending on the date  
13 the recipient leaves the facility.

14 Subp. 8. **Payments to shelter facilities.** In addition to  
15 any payment to which an individual may be eligible under other  
16 parts of this program or under the aid to families with  
17 dependent children program, the county agency shall make payment  
18 on behalf of that individual to a secure crisis shelter, a  
19 housing network, or other shelter facility which provides  
20 shelter services to women and their children who are being or  
21 have been assaulted by males with whom they are residing or have  
22 resided in the past. The county agency's payment to the shelter  
23 must be reduced by the amount that the individual's countable  
24 income determined by parts 9500.1223 to 9500.1226 exceeds their  
25 standard of assistance as determined by part 9500.1231.  
26 Eligibility for a shelter payment under this subpart shall not  
27 affect the individual's eligibility or benefit level for general  
28 assistance or aid to families with dependent children and there  
29 can be concurrent payments under this subpart and those  
30 programs. Eligibility for a shelter payment under this subpart  
31 begins with the date an applicant enters the shelter provided  
32 that the shelter files the applicant's completed application  
33 with the county agency within ten days of the date the applicant  
34 entered the shelter, and ends on the date the individual leaves  
35 the shelter.

36 Subp. 9. **Additional grants to start employment.** In

1 addition to any other benefits to which a recipient or  
2 applicant, otherwise eligible, might be entitled under this  
3 part, the county agency may, within the limits of available  
4 appropriations, make grants necessary to enable individuals to  
5 accept bona fide offers of employment. A grant may be made for  
6 costs directly related to starting employment, including  
7 transportation costs, clothing, tools and equipment, license or  
8 other fees, and relocation. A grant under this subpart shall  
9 not be furnished more than once in any 12-month period.

10 9500.1239 PAYMENT PROVISIONS.

11 Subpart 1. **Grant issuance.** Grants of general assistance  
12 shall be issued to the recipient according to subparts 2 and 3.

13 Subp. 2. **Time period for issuance of assistance.** The  
14 state or county agency shall mail assistance payments to the  
15 address where the assistance unit lives, or an alternate address  
16 when approved by the county agency, within time to allow postal  
17 service delivery to occur no later than the first day of each  
18 month unless:

19 A. the county agency has exercised its option to  
20 issue assistance weekly under part 9500.1237, subpart 4, item C  
21 or D, in which case the county agency must provide the recipient  
22 with a schedule by which the recipient is to visit the agency to  
23 pick up the payments or notices; and

24 B. the state or county agency issues payments by  
25 means other than checks, in which case the payments must conform  
26 to the time limits in this subpart.

27 Subp. 3. **Special voucher or vendor payment provisions.**

28 Assistance must be paid directly to a recipient, except as  
29 provided in items A to H.

30 A. When a county agency has determined that a voucher  
31 or vendor payment is the most effective way to resolve an  
32 emergency situation under part 9500.1261, payment shall be made  
33 by voucher or directly to a vendor.

34 B. When the county agency has reason to suspect that  
35 a client is drug dependent, payment shall be made as provided

1 under part 9500.1272.

2 C. When the applicant or recipient has no verified  
3 residence address, payment shall be made as provided under part  
4 9500.1237, subpart 4, item C, D, or E.

5 D. When the applicant or recipient requests in  
6 writing that all or part of the assistance be issued in the form  
7 of vendor payments and the county agency approves the request,  
8 payment shall be made by vendor payment.

9 E. When an assistance unit consists of only minor  
10 children due to the disqualification of one or both parents who  
11 have not complied with the work readiness program, payment shall  
12 be made by vendor or protective payment.

13 F. When a county agency has determined that a  
14 recipient has exhibited a continuing pattern of money  
15 mismanagement, payment shall be made by vendor or protective  
16 payment. A continuing pattern of money mismanagement exists  
17 when a recipient has received a total of two or more grants of  
18 emergency assistance within an 18-month period. For the  
19 purposes of this provision, grants of emergency assistance are  
20 payments made under part 9500.1261 or 9500.2820 or emergency  
21 payments from county funds. In order to be counted for this  
22 provision, the emergencies for which grants were issued must  
23 have resulted from the recipient's failure to use available  
24 resources for the payment of basic need items. The county  
25 agency must review the use of protective or vendor payments  
26 under this item at each redetermination of eligibility.

27 G. When a county agency has established a negotiated  
28 rate with providers of room and board, boarding care, supervised  
29 living, or adult foster care, payment shall be made by vendor  
30 payment.

31 H. When an applicant or recipient resides in a  
32 shelter facility as defined in Minnesota Statutes, section  
33 256D.05, subdivision 3, payment shall be made by vendor payment.

34 9500.1243 BUDGETING.

35 Subpart 1. **Prospective budgeting.** A county agency shall

1 use prospective budgeting to calculate the assistance payment  
2 amount for the first two months for an applicant who has not  
3 received general assistance for at least one payment month  
4 preceding the first month of payment under a current  
5 application, subject to items A to E.

6           A. Income received or anticipated in the first month  
7 of program eligibility must be applied against the need of the  
8 first month. Income received or anticipated in the second month  
9 must be applied against the need of the second month.

10           B. When the assistance payment for any part of the  
11 first two months is based on anticipated income, an initial  
12 assistance payment amount must be determined based on  
13 information available at the time the initial assistance payment  
14 is made. When the amount of actual countable income is  
15 different than the anticipated countable income which was  
16 budgeted to determine the assistance payment for the first two  
17 months, the assistance unit is liable for an overpayment or is  
18 eligible for a corrective payment for the difference between  
19 anticipated and actual countable income for those two months.

20           C. The assistance payment for the first two months of  
21 program eligibility must be determined by budgeting both  
22 recurring and nonrecurring income for those two months.

23           D. An assistance unit shall have the assistance  
24 payment amount determined prospectively according to items A to  
25 C if the assistance unit:

26                   (1) has had assistance suspended for a month as  
27 provided by part 9500.1233, subpart 2; and

28                   (2) has experienced a recurring change of at  
29 least \$50 in net income, exclusive of the disregards in part  
30 9500.1235, items B and C, in the month preceding the month of  
31 suspension or in the month of suspension.

32           E. An individual who enters a facility with a  
33 negotiated rate or a shelter facility described in Minnesota  
34 Statutes, section 256D.05, subdivision 3, shall have an  
35 assistance payment determined prospectively from the date the  
36 individual entered the facility. Any income, including grants

1 of public assistance, received by the individual before entering  
2 the facility must only be applied against the assistance unit's  
3 standard specified under part 9500.1231, subpart 2, and not  
4 against the payment to the facility as specified in part  
5 9500.1237, subparts 7 and 8. Any assistance payments made to  
6 the individual beginning two months after the month the  
7 individual leaves the facility must be determined  
8 retrospectively according to subpart 2.

9       **Subp. 2. Retrospective budgeting.** Retrospective budgeting  
10 must be used to calculate the monthly assistance payment amount  
11 after the payment for the first two months has been made under  
12 subpart 1. Retrospective budgeting is subject to items A and B.

13       **A.** Retrospective budgeting is used to determine the  
14 amount of the assistance payment in the first two months of  
15 program eligibility when:

16               (1) an assistance unit applies for general  
17 assistance for the same month for which general assistance has  
18 been terminated, the interruption in eligibility is less than  
19 one payment month, and the general assistance payment for the  
20 immediately preceding month was determined retrospectively; or

21               (2) a person applies to be added to an assistance  
22 unit, that assistance unit has received general assistance for  
23 at least two preceding months, and that person has been  
24 receiving general assistance for at least two months as a member  
25 of another assistance unit.

26       **B.** Income received in the budget month by an  
27 assistance unit and by a filing unit member who is not included  
28 in the assistance unit must be applied against the standard of  
29 assistance to determine the assistance payment to be issued for  
30 the payment month, except as provided in subitems (1) to (4).

31               (1) When a source of income ends before the third  
32 payment month, that income is not considered in calculation of  
33 the assistance payment for the third payment month. When a  
34 source of income ends before the fourth payment month, that  
35 income is not considered when determining the assistance payment  
36 for the fourth payment month.

1           (2) When a member of a filing unit leaves the  
2 household of the assistance unit, the income of that member is  
3 not budgeted retrospectively for any full payment month in which  
4 that household member does not live with that household and is  
5 not included in the filing unit.

6           (3) When a child is removed from an assistance  
7 unit because the child is no longer a dependent, the income of  
8 that child is not budgeted retrospectively for payment months in  
9 which that child is not included in the assistance unit.

10           (4) When a person ceases to have financial  
11 responsibility for one or more members of an assistance unit,  
12 the income of that person is not budgeted retrospectively for  
13 the payment months which follow the month in which financial  
14 responsibility ends.

15       Subp. 3. **Recoupment of overpayments.** When a recipient  
16 receives an overpayment, the overpayment must be recouped or  
17 recovered under the conditions of this part even when the  
18 overpayment is due to agency error or to other circumstances  
19 outside the person's responsibility or control, according to  
20 items A to E D.

21           A. When a county agency discovers that a person has  
22 received an overpayment for one or more months, the county  
23 agency shall notify that person of the overpayment in writing.  
24 A notice of overpayment must specify the reason for the  
25 overpayment, the authority for citing the overpayment, the time  
26 period in which the overpayment occurred, the amount of the  
27 overpayment, and the person's right to appeal recoupment of the  
28 overpayment.

29           B. When an assistance unit is eligible for  
30 assistance, the county agency shall recoup an overpayment by  
31 reducing one or more monthly assistance payments until the  
32 overpayment is repaid. The amount of repayment deducted from a  
33 monthly assistance payment shall be three percent of the  
34 assistance unit standard of assistance for the payment month.

35           C. A county agency shall not initiate efforts to  
36 recover overpayments from a person no longer on assistance



1 unless the amount of overpayment is greater than \$35 or  
2 overpayment was due to fraud.

3 D. This subpart shall not be applied to nonfamily  
4 assistance units until the MAXIS automated eligibility system is  
5 implemented on a statewide basis.

6 Subp. 4. **Correction of underpayments.** A county agency  
7 must correct an underpayment within seven calendar days after  
8 the underpayment has been identified, by adding the corrective  
9 payment amount to the monthly assistance payment or by issuing a  
10 separate payment to a current recipient. When an underpayment  
11 occurs in a payment month specified in subpart 1, and is not  
12 identified until the next payment month or later, that  
13 underpayment must first be subtracted from any overpayment  
14 balance before issuing the corrective payment. An underpayment  
15 for a current payment month must not be applied against an  
16 overpayment balance and payment must be issued within seven  
17 calendar days after the underpayment is identified.

18 Subp. 5. **Prohibition against use of general assistance**  
19 **grant to recover overpayment from other maintenance programs.**

20 Subparts 3 and 4 apply only to overpayments or underpayments of  
21 assistance from the general assistance program. A county agency  
22 may not recover an overpayment by another maintenance benefit  
23 program from a general assistance grant.

24 9500.1245 APPLICANT AND RECIPIENT RESPONSIBILITIES.

25 Subpart 1. **Applicant reporting requirements.** An applicant  
26 shall provide information about circumstances that affect the  
27 applicant's program eligibility or the assistance payment. The  
28 applicant shall provide the information on an application form  
29 and supplemental forms. An applicant shall report any changes  
30 in those circumstances under subpart 5 while the application is  
31 pending.

32 Subp. 2. **Responsibility to inquire.** An applicant or  
33 recipient who does not know or who is unsure whether a change in  
34 circumstances will affect program eligibility or assistance  
35 payments shall contact the county agency for information about

1 whether or not to report the change.

2       Subp. 3. **Household report forms.** An assistance unit with  
3 a member who has earned income or a recent work history, and an  
4 assistance unit that has income allocated to it from a filing  
5 unit member who has earned income or a recent work history,  
6 shall complete a monthly household report form. "Recent work  
7 history" means the individual received earned income in any one  
8 of the three calendar months preceding the current payment  
9 month. To be complete, a household report form must be signed  
10 and dated no earlier than the last day of the reporting period.  
11 All questions required to determine assistance payment  
12 eligibility must be answered and documentation of earned income  
13 must be included. A recipient shall submit the household report  
14 form by the eighth calendar day of the month following the  
15 reporting period covered by the form, or, if the eighth calendar  
16 day of the month falls on a weekend or holiday, by the first  
17 working day that follows the eighth calendar day. Delays in  
18 submitting the completed household report form may delay an  
19 assistance payment in the month following the month in which the  
20 form is due.

21       Subp. 4. **Late household report forms.** When a household  
22 report form is late or incomplete, items A, B, or C apply.

23           A. When a complete household report form is not  
24 received by a county agency before the last ten days of the  
25 month in which the form is due, the county agency shall send  
26 notice of proposed termination of assistance. When a recipient  
27 submits an incomplete form on or after the date the notice of  
28 proposed termination has been sent, the termination is valid  
29 unless the recipient submits a complete form before the end of  
30 the month.

31           B. When a recipient submits an incomplete household  
32 report form before the last ten days of the month in which it is  
33 due, a county agency's ten-day notice of termination of  
34 assistance for failure to provide a complete household report  
35 form is invalid unless the county agency has returned the  
36 incomplete form on or before the ten-day notice deadline.

1           C. If a complete household report form is received by  
2 the county agency within a calendar month after the month in  
3 which assistance was received, an assistance unit required to  
4 submit a household report form is considered to have continued  
5 its application for assistance effective the date the required  
6 report is received by the county agency. However, no assistance  
7 shall be paid for the period beginning with the first day of the  
8 month after the month in which the report was due and ending  
9 with the date the report was received by the county agency.

10          **Subp. 5. Changes which must be reported.** Recipients shall  
11 report the changes or anticipated changes specified in items A  
12 to K within ten days after the date they occur, within ten days  
13 after the date the recipient learns that the change will occur,  
14 at the time of the periodic redetermination under subpart 6, or  
15 within eight calendar days after a reporting period as in  
16 subpart 3, whichever occurs first. A recipient shall report  
17 other changes at the time of the periodic redetermination of  
18 eligibility under subpart 6 or at the end of a reporting period  
19 under subpart 3 as applicable. A recipient shall make these  
20 reports in writing or in person to the county agency. Changes  
21 in circumstances which must be reported within ten days must  
22 also be reported on the household report form for the reporting  
23 period in which those changes occurred. Within ten days, a  
24 recipient must report changes in:

- 25           A. initial employment;
- 26           B. the initial receipt of unearned income;
- 27           C. a recurring change of more than \$50 per month of  
28 net earned or unearned income;
- 29           D. the receipt of a lump sum;
- 30           E. an increase in resources;
- 31           F. a change in the physical or mental status of a  
32 recipient who is exempt from work readiness registration due to  
33 the physical or mental condition;
- 34           G. the marriage or divorce of an assistance unit  
35 member;
- 36           H. a change in the household composition including

1 departures from and returns to the home of filing unit members,  
2 or the birth or death of a member of the filing unit;

3 I. a change in the address or living quarters of an  
4 assistance unit;

5 J. the sale, purchase, or other transfer of property;  
6 and

7 K. a change in school attendance of a child over 15  
8 years of age or an adult member of an assistance unit.

9 Subp. 6. **Redetermination of eligibility.** Except as  
10 provided in items A to C, a county agency must redetermine  
11 eligibility of a recipient once each year. A recipient must  
12 complete forms prescribed by the commissioner and required for  
13 redetermination of eligibility.

14 A. A county agency that has opted to provide  
15 assistance on a weekly basis to persons without a verified  
16 residence address may redetermine eligibility each week. In  
17 redetermining eligibility, the county agency must use the form  
18 in part 9500.1237, subpart 4, item D, subitem (2). The form  
19 must include a claim of need by the recipient.

20 B. A county agency must redetermine eligibility when  
21 a recipient who has been disqualified from receiving cash  
22 assistance due to noncompliance with a program provision  
23 requests assistance after the expiration of the disqualification  
24 period.

25 C. A county agency may redetermine the eligibility of  
26 a recipient when a change that affects program eligibility is  
27 reported to the county agency.

28 Subp. 7. **Other maintenance benefits.** An applicant or  
29 recipient must apply, according to part 9500.1254, for other  
30 maintenance benefits that the county agency has determined the  
31 applicant or recipient is potentially eligible for. An  
32 applicant or recipient who fails or refuses to take the actions  
33 specified by the county agency according to part 9500.1254 must  
34 be terminated from general assistance and remains ineligible for  
35 assistance until the applicant or recipient takes the actions  
36 specified by the county agency under this subpart.

1           Subp. 8. **Work readiness program.** Any applicant or  
2 recipient who is not exempt from work readiness under part  
3 9500.1251 must participate in the work readiness program under  
4 part 9500.1259, according to items A and B.

5           A. A mandatory work readiness participant meets the  
6 work readiness participation requirements if the mandatory  
7 participant:

8                   (1) cooperates with the county agency in all  
9 aspects of the work readiness program;

10                   (2) accepts any suitable employment, including  
11 employment offered through the Job Training Partnership Act,  
12 Minnesota Employment and Economic Development Act, and other  
13 employment and training options;

14                   (3) does not voluntarily quit or refuse suitable  
15 employment without good cause; and

16                   (4) participates in work readiness activities  
17 assigned by the county agency, including completing the specific  
18 tasks or assigned duties that were identified by the county  
19 agency in the notice required under part 9500.1259, subpart 1,  
20 item E, subitem (1).

21           B. Mandatory participants who fail, without good  
22 cause, to meet the work readiness participation requirements  
23 shall be terminated from assistance and disqualified from work  
24 readiness according to subitems (1) and (2).

25                   (1) For the first instance of noncompliance,  
26 without good cause, in a six-month period beginning with the  
27 completion of the work readiness orientation, the county agency  
28 shall notify the participant of the particular action or actions  
29 that the participant must take, by a date certain, to achieve  
30 compliance and avoid termination of assistance. A mandatory  
31 participant's failure to take the required actions by the  
32 specified date will result in the removal, both prospectively  
33 and retrospectively, of that individual's needs from the  
34 calculation of a grant for the assistance unit. The period of  
35 disqualification for those persons is one month.

36                   (2) For any subsequent instance of noncompliance,

1 without good cause, in a six-month period beginning with the  
 2 date of any previous instance, the mandatory participant may not  
 3 take corrective action to avoid removal from assistance and  
 4 disqualification. If the effective date of a termination under  
 5 this subitem is within six months of the end of a previous  
 6 disqualification, the period of disqualification is two months.

7 Subp. 9. **Persons exempt from work readiness, voluntary**  
 8 **participation.** An applicant or recipient of general assistance  
 9 who is exempt from mandatory participation in work readiness may  
 10 volunteer to participate in work readiness.

11 9500.1248 DETERMINATION OF COUNTY OF FINANCIAL RESPONSIBILITY.

12 Subpart 1. and 2. [See repealer.]

13 Subp. 3. **Determination of county of financial**  
 14 **responsibility.** The county of financial responsibility shall be  
 15 determined according to Minnesota Statutes, chapter 256G.

16 9500.1250 LOCAL AGENCY REPORTS.

17 The county agencies shall collect and report information  
 18 necessary to administer, monitor, and evaluate the general  
 19 assistance program, including work requirements.

20 9500.1251 WORK READINESS REQUIREMENT AND EXEMPTIONS.

21 Subpart 1. **Work readiness participation required.** To  
 22 receive a grant of general assistance, an individual must be a  
 23 registrant with the work readiness program or must be exempt  
 24 from registration by the county under subpart 2. A "registrant"  
 25 is an individual, otherwise eligible for assistance, whose  
 26 exemption status under subpart 2 has been assessed by the county  
 27 agency and who does not qualify for an exemption, or who has  
 28 qualified for an exemption and has voluntarily requested to  
 29 participate in the work readiness program. Individuals An  
 30 individual who is otherwise exempt under subpart 2, items F and  
 31 G, but-who-have-not-signed who has been requested by the county  
 32 agency to sign an interim assistance authorization  
 33 agreement, and who refuses or fails to sign the agreement, shall  
 34 not be allowed to register for work readiness and therefore

1 cannot receive a grant.

2 Subp. 2. **Exemption from work readiness.** An applicant or  
3 recipient is exempt from work readiness requirements if:

4 A. The applicant or recipient suffers from a  
5 permanent or temporary injury, or incapacity that is medically  
6 certified and that prevents the applicant or recipient from  
7 obtaining or retaining suitable employment for at least 30 days  
8 and, if a rehabilitation plan is specified in the medical  
9 certification, the applicant or recipient is following the  
10 rehabilitation plan. An applicant or recipient is exempt under  
11 this item only for the period of illness, injury, or incapacity.

12 B. The applicant or recipient is needed at home on a  
13 substantially continuous basis because a member of the  
14 applicant's or recipient's household requires care due to age,  
15 or a medically certified illness, injury, or incapacity. The  
16 medical certification of illness, injury, or incapacity must  
17 state that the individual requiring care is unable to care for  
18 himself or herself. The applicant or recipient must verify that  
19 no other household member is able to provide the care.

20 C. The applicant or recipient is residing in a  
21 facility licensed under Minnesota Statutes, chapter 245A, and  
22 certified under Minnesota Statutes, chapter 144, for purposes of  
23 physical or mental health rehabilitation or a chemical  
24 dependency domiciliary facility. Residence in the facility must  
25 be due to illness or incapacity and must be based on a plan  
26 developed or approved by the director of the county agency.

27 D. The applicant or recipient resides in a shelter  
28 facility for battered women as described in Minnesota Statutes,  
29 section 256D.05, subdivision 3.

30 E. The applicant or recipient does not meet the  
31 condition in item A or C but is diagnosed by a qualified  
32 professional as having mental retardation or mental illness and  
33 that condition prevents the applicant or recipient from  
34 obtaining or retaining employment.

35 F. The applicant or recipient has an application  
36 pending for the social security disability program or the



1 supplemental security income program and the applicant or  
2 recipient has, upon the request of the county agency, signed an  
3 interim assistance authorization agreement. An applicant or  
4 recipient whose previous application for social security  
5 benefits was based solely on a condition other than chemical  
6 dependency or mental illness who does not ~~appear~~ request a  
7 reconsideration of an initial denial by the social security  
8 administration is only exempt under this item if the new  
9 application is made for social security benefits based on a  
10 different disability or a new application is made that alleges  
11 new or aggravated symptoms of the original disability.

12 G. The applicant or recipient has appealed the denial  
13 of an application for social security disability or SSI benefits  
14 or the termination of social security disability benefits or SSI  
15 benefits and the appeal is pending. The applicant or recipient  
16 must produce medical evidence in support of ~~an appeal~~ a request  
17 for reconsideration of a denied denial of an initial application  
18 within 60 days of the initial denial ~~or termination~~. An  
19 applicant or recipient of general assistance under this item  
20 must sign an interim assistance authorization agreement upon the  
21 request of the county agency. A county agency shall not approve  
22 a new application for a recipient whose general assistance has  
23 been terminated for failure to provide medical evidence in  
24 support of the appeal of an application denied by social  
25 security until such medical evidence is produced.

26 H. The applicant or recipient is unable to obtain or  
27 retain employment due to advanced age as defined in part  
28 9500.1206, subpart 3.

29 I. The applicant or recipient is medically certified  
30 as being learning disabled. "Learning disabled" means the  
31 applicant or recipient has a disorder in one or more of the  
32 psychological processes involved in perceiving, understanding,  
33 or using concepts through verbal language or nonverbal means.  
34 The disability must severely limit the applicant or recipient in  
35 obtaining, performing, or maintaining suitable employment.  
36 Learning disabled does not include learning problems that are

1 primarily the result of visual, hearing, or motor handicaps;  
2 mental retardation; emotional disturbance; or due to  
3 environmental, cultural, or economic disadvantage.

4 J. The applicant or recipient is under the age of 19  
5 and is a full-time student in a secondary institution.

6 K. The applicant or recipient is under the age of 16.

7 L. The applicant or recipient is in the last  
8 trimester of pregnancy.

9 M. The applicant shows circumstances that indicate  
10 the need for general assistance will not exceed 30 days because  
11 of impending employment, an impending move to another state, or  
12 anticipated income, provided that the applicant has not received  
13 general assistance under that condition for at least 60 days.

14 N. The applicant or recipient is involved with  
15 protective or court-ordered services that prevent the applicant  
16 or recipient from working at least four hours per day.

17 O. The applicant's or recipient's homestead is more  
18 than two hours round-trip from any potential suitable  
19 employment, exclusive of time needed to transport the  
20 applicant's or recipient's children to and from child care.

21 P. The recipient or applicant is a parent, who is not  
22 otherwise exempt, in an assistance unit which contains a child  
23 under the age of six if there is no suitable child care  
24 available at no cost to the family which is not reimbursed, or  
25 greater than the disregard provided by part 9500.1235, item B.  
26 If there are two parents in an assistance unit who are not  
27 otherwise exempt under this subpart, the parent who is not the  
28 principle wage earner as defined in part 9500.1206, subpart 26a,  
29 is exempt. If, in a two-parent assistance unit, there are no  
30 earnings, or if the earnings of both parents are the same, the  
31 applicant must designate the principal wage earner, and that  
32 designation must not change as long as assistance continues  
33 without interruption. "Suitable child care at no cost to the  
34 family," as described above, can include a parent in the filing  
35 unit who is not in the assistance unit so long as that parent is  
36 not a current participant in an AFDC work program or is not

1 otherwise available for child care.

2 Q. The applicant or recipient, not otherwise exempt  
3 under items A to P, has been assessed by a qualified  
4 professional or vocational specialist as not being likely to  
5 obtain permanent employment and:

6 (1) the applicant or recipient has been referred  
7 to, and ~~is-participating~~ has not refused or failed without good  
8 cause to participate in, an any available, accredited remedial  
9 or skills training program designed to address barriers to the  
10 person's employment; or

11 (2) the applicant or recipient has been referred  
12 to, ~~and-has-applied-for,~~ another maintenance benefit for which  
13 the applicant or recipient is potentially eligible in accordance  
14 with the provisions of part 9500.1254.

15 Subp. 3. **Assessment of exemption status.** The assessment  
16 by the qualified professional or vocational specialist must  
17 consider the person's age, physical and mental health,  
18 education, trainability, prior work experience, and local market.

19 9500.1254 REFERRAL TO OTHER MAINTENANCE BENEFIT PROGRAMS.

20 Subpart 1. **Screening requirement.** The county agency must  
21 determine the potential eligibility of each general assistance  
22 applicant or recipient for other maintenance benefits as follows:

23 A. The county agency must determine an applicant's  
24 potential eligibility for other maintenance benefits when  
25 application for general assistance is made.

26 B. The county agency must determine a recipient's  
27 potential eligibility for other maintenance benefits at the  
28 recipient's semiannual redetermination of eligibility for  
29 general assistance. The county agency must also determine a  
30 recipient's potential eligibility for other maintenance benefits  
31 whenever it determines that changes in the recipient's  
32 circumstances, including eligibility for medical assistance,  
33 indicate potential eligibility for other maintenance benefits.

34 C. If the county agency determines that the applicant  
35 or recipient is potentially eligible for other maintenance

1 benefits, the county agency must document its determination on  
2 forms prescribed by the commissioner and must retain the forms  
3 in the county agency case record for the applicant or recipient.

4 Subp. 2. **Informing and referral requirement.** When the  
5 county agency determines that the applicant or recipient is  
6 potentially eligible for other maintenance benefits, the county  
7 agency shall refer the applicant or recipient to the other  
8 maintenance benefit program on a form prescribed by the  
9 commissioner by informing the applicant or recipient orally and  
10 in writing of the following:

11 A. that the applicant or recipient must apply for the  
12 other maintenance benefit program, according to subpart 4, item  
13 A;

14 B. that the applicant or recipient must execute an  
15 interim assistance authorization agreement, according to subpart  
16 4, item D;

17 C. that the applicant or recipient must comply with  
18 all procedures necessary to determine eligibility or  
19 ineligibility for the other maintenance benefits according to  
20 subpart 4, item C;

21 D. that the applicant or recipient must authorize the  
22 county agency and the qualified provider, when one is chosen, to  
23 exchange relevant data concerning the applicant's or recipient's  
24 eligibility with the other maintenance benefit program office,  
25 according to subpart 4, item B;

26 E. the estimated amount of benefits the applicant or  
27 recipient may be eligible to receive under the other maintenance  
28 benefit program, if known;

29 F. the address at which the applicant or recipient  
30 shall apply for the other maintenance benefit program;

31 G. general instructions regarding how to apply for  
32 the other maintenance benefit program;

33 H. that the applicant or recipient may elect to  
34 receive special services to assist in applying for SSI benefits,  
35 according to part 9500.1256, subpart 1, and that the applicant  
36 or recipient has a right to choose to receive special services

1 from a qualified provider;

2 I. notice of the actions which the county agency must  
3 take, according to subpart 5, if the applicant or recipient  
4 fails to comply with the requirements under subpart 4, items A  
5 to D; and

6 J. notice of the applicant's or recipient's right to  
7 appeal a determination of ineligibility for general assistance  
8 due to noncompliance with subpart 4, items A to D.

9 Subp. 3. **Special referral provisions.** When the county  
10 agency determines that the applicant or recipient is potentially  
11 eligible for another maintenance benefit program, the county  
12 agency shall refer the applicant or recipient to a chosen  
13 qualified provider and the other maintenance benefit program  
14 according to items A and B:

15 A. If the applicant or recipient is determined to be  
16 potentially eligible for maintenance benefits from SSI, the  
17 county agency shall:

18 (1) offer to provide special services to the  
19 applicant or recipient according to part 9500.1256, subpart 1,  
20 to assist in applying for and obtaining SSI;

21 (2) furnish the applicant or recipient with a  
22 list of qualified providers with whom the county agency has  
23 contracted to provide special services to applicants or  
24 recipients or who have asked to be included on the list;

25 (3) notify the Social Security Administration's  
26 local office of the applicant's or recipient's potential  
27 eligibility for SSI on the date of referral so that the earliest  
28 potential date of eligibility for SSI can be established; and

29 (4) if the applicant or recipient elects at any  
30 time to receive the special services specified in part  
31 9500.1256, subpart 1, from a qualified provider other than the  
32 county agency, the county agency shall refer the applicant or  
33 recipient to the chosen provider. If the county agency has not  
34 contracted with the chosen provider, the county agency must  
35 enter into a contract with that qualified provider to provide  
36 special services to applicants or recipients who apply for SSI

1 benefits.

2           B. If the county agency determines that an applicant  
3 or recipient is potentially eligible for another maintenance  
4 benefit program, and the applicant or recipient has previously  
5 applied for and been found ineligible for that other maintenance  
6 benefit program, the applicant or recipient shall not be  
7 required to appeal from that decision or to reapply for that  
8 other maintenance benefit program unless one of the following  
9 conditions is met:

10           (1) the county agency determines that the  
11 applicant's or recipient's health or circumstances have changed  
12 and the change may result in eligibility for that other  
13 maintenance benefit program; or

14           (2) the eligibility requirements or procedures of  
15 the other maintenance benefit program have changed and the  
16 change may result in the applicant or recipient being found  
17 eligible for that other maintenance benefit program.

18       **Subp. 4. Requirements upon referral for other maintenance**  
19 **benefits.** When the county agency refers an applicant or  
20 recipient to another maintenance benefit program as provided  
21 under subpart 2, the applicant or recipient shall do the  
22 following:

23           A. The applicant or recipient shall apply for those  
24 benefits within 30 days of the date of referral. If the  
25 recipient has not provided the county agency with verification  
26 of an application for those benefits within 30 days of the date  
27 of referral, the county agency must contact the other  
28 maintenance benefit program county office to determine if the  
29 recipient has applied for benefits. If the county office of the  
30 other maintenance benefit program verifies that the recipient  
31 has applied for those benefits, the recipient shall be deemed to  
32 have met the requirement of applying for other maintenance  
33 benefits. If the county office of the other maintenance benefit  
34 program verifies that the recipient has not applied for those  
35 benefits, the local agency shall mail or give the recipient  
36 notice of termination from general assistance according to

1 subpart 5.

2           B. The applicant or recipient shall, within 30 days  
3 of the date of referral, provide informed written consent and  
4 authorization for the county agency or a qualified provider, if  
5 one is chosen, to exchange data concerning the applicant or  
6 recipient with the other maintenance benefit program county  
7 office. The data exchanged must be relevant to a determination  
8 of the applicant's or recipient's eligibility or ineligibility  
9 for benefits from the other program.

10           For purposes of exchanging private or confidential data  
11 about a person for whom a qualified provider has contracted to  
12 provide special services, a qualified provider other than the  
13 county agency shall not be considered part of the welfare system  
14 under Minnesota Statutes, section 13.46, subdivision 1.

15           If the county agency determines that the recipient has not  
16 given informed written consent and authorization for the county  
17 agency or a qualified provider to exchange data concerning  
18 eligibility or ineligibility for the other maintenance benefit  
19 program within the prescribed 30 days, the county agency shall  
20 mail or give the recipient notice of termination from general  
21 assistance according to subpart 5.

22           C. A recipient shall comply with all procedures  
23 necessary to determine eligibility or ineligibility for the  
24 other maintenance benefit program.

25           If the county agency determines that the recipient has not  
26 complied with the procedures necessary to determine eligibility  
27 or ineligibility for other maintenance benefits, the county  
28 agency shall mail or give the recipient notice of termination  
29 from general assistance according to subpart 5.

30           D. An applicant or recipient shall execute an interim  
31 assistance authorization agreement with the county agency within  
32 30 days of the date of referral.

33           If the recipient fails to execute an interim assistance  
34 authorization agreement within the 30 days prescribed, the  
35 county agency shall mail or give the recipient notice of  
36 termination from general assistance according to subpart 5.



1 Subp. 5. **Ineligibility.** This subpart governs termination  
2 of general assistance eligibility for a recipient who fails,  
3 without good cause, to comply with the requirements of subpart 4.

4 A. Upon determining that a recipient has failed,  
5 without good cause, to comply with the requirements of subpart 4  
6 the county agency shall mail or give the recipient notification  
7 of termination from general assistance. The county agency shall  
8 hand deliver or mail the written notice to the recipient at  
9 least 30 days before reducing, suspending, or terminating the  
10 recipient's monthly general assistance payment. The notice must  
11 be on a form prescribed by the commissioner and must:

12 (1) list the requirements with which the county  
13 agency believes the recipient has not complied and inform the  
14 recipient that the recipient must comply with the requirements  
15 to avoid or end a period of ineligibility;

16 (2) inform the recipient that the recipient will  
17 be terminated from general assistance if the recipient fails to  
18 comply with the listed requirements, specify the date that the  
19 recipient's general assistance will be terminated if the  
20 recipient does not comply, and explain the recipient's right to  
21 appeal the action according to subpart 6;

22 (3) offer assistance to resolve the circumstances  
23 or concerns which prevent the recipient from complying with the  
24 requirements of subpart 4; and

25 (4) inform the recipient of the continued  
26 availability of special services provided under part 9500.1256,  
27 subpart 1.

28 B. If the recipient complies with the requirements  
29 specified in the notice in item A before the termination date  
30 stated in the notice, a period of ineligibility must not be  
31 imposed.

32 C. A recipient who fails to comply with the  
33 requirements specified in the notice in item A before the  
34 termination date stated in the notice is ineligible for general  
35 assistance. The period of ineligibility begins on the date  
36 specified in the notice and continues until the person fulfills

1 the requirements of subpart 4. The period of ineligibility  
2 always begins on the first day of a calendar month. If the  
3 ineligible person subsequently applies for general assistance,  
4 the application must be denied unless the requirements of  
5 subpart 4 have been met.

6 D. If the person is determined to be ineligible under  
7 item C, the assistance standard applicable to the person's  
8 assistance unit must be based on the number of remaining  
9 eligible members of the assistance unit.

10 Subp. 6. **Appeals.** A recipient to whom the county agency  
11 has given or mailed a notice of termination according to subpart  
12 5 may appeal the determination by submitting a written request  
13 for a hearing according to Minnesota Statutes, section 256.045.  
14 If the recipient files a written request for an appeal on or  
15 before the first day of the period of ineligibility under  
16 subpart 5, item C, the recipient shall continue to receive  
17 general assistance while the appeal is pending, provided that  
18 the recipient is otherwise eligible for general assistance.

19 Subp. 7. **Reimbursement for interim assistance.** A county  
20 agency must seek reimbursement for the interim assistance  
21 provided to a person who has executed an interim assistance  
22 authorization agreement under subpart 4, item D, when the person  
23 receives a retroactive payment of other maintenance benefits  
24 unless reimbursement is prohibited under federal or state law.  
25 Reimbursement for interim assistance and special services  
26 provided to an SSI applicant or recipient is governed by part  
27 9500.1256, subpart 2.

28 The county agency must request reimbursement for interim  
29 assistance from the person receiving other retroactive  
30 maintenance benefits, except for SSI, or in those instances  
31 where the state or county agency has rights of subrogation under  
32 Minnesota Statutes, section 256.03. If a request for  
33 reimbursement under this subpart is denied, the county agency  
34 may institute a civil action to recover the interim assistance  
35 based on the interim assistance authorization agreement. The  
36 county agency must take no action other than a civil action to

1 recover the interim assistance.

2 9500.1256 SPECIAL SERVICES FOR SSI APPLICANTS.

3 Subpart 1. **Special services.** A recipient who is referred  
4 to SSI according to part 9500.1254, subparts 2 and 3, item B,  
5 may elect to receive special services to assist the recipient in  
6 obtaining SSI benefits. Special services for which  
7 reimbursement for fees, costs, or disbursements may be claimed  
8 under subpart 2 or 3 are limited to the following:

9 A. explaining to or counseling the applicant or  
10 recipient about the application procedures and benefits  
11 available through the SSI program;

12 B. assisting the applicant or recipient in completing  
13 the application for SSI and arranging appointments related to  
14 application for SSI;

15 C. assisting the applicant or recipient in assessing  
16 his or her disability in relation to SSI eligibility, and  
17 identifying probable issues that may arise during the SSI  
18 eligibility determination process;

19 D. providing the applicant or recipient with medical  
20 or vocational evidence, social history, or expert testimony  
21 currently available to substantiate the presence and severity of  
22 the applicant's or recipient's blindness or disability;

23 E. assisting the applicant or recipient in obtaining  
24 and using medical or vocational evidence, social history, or  
25 expert testimony and in cooperating with the Social Security  
26 Administration and its agents, procedures, and requirements;

27 F. assisting the applicant or recipient with  
28 necessary transportation;

29 G. preparing for and representing the applicant or  
30 recipient at interviews, hearings, or appeals related to  
31 application for SSI or appeal of the Social Security  
32 Administration's determination of ineligibility for SSI;

33 H. the county agency's preparation of a contractual  
34 agreement with a qualified provider chosen by the applicant or  
35 recipient; and

1 I. providing other services to assist the applicant  
2 or recipient to establish eligibility for SSI benefits.

3 Subp. 2. Reimbursement for interim assistance and special  
4 services. A county agency must be reimbursed for providing  
5 interim assistance and special services to an SSI applicant or  
6 recipient in the following manner:

7 A. Upon receiving the initial SSI payment for a  
8 person who has executed an interim assistance authorization  
9 agreement as specified in part 9500.1254, subpart 4, item D, the  
10 county agency may recover the amount of interim assistance  
11 provided. After recovering the interim assistance from the  
12 initial SSI payment, the county agency shall pay the remainder  
13 to the person or to a representative payee identified by the  
14 Social Security Administration within ten days of receiving the  
15 initial SSI payment. From the amount of interim assistance  
16 recovered, the county agency:

17 (1) shall retain the county's share of the  
18 interim assistance provided;

19 (2) may retain, subject to subpart 3, item E, 25  
20 percent as an advocacy incentive for providing the special  
21 services specified in subpart 1, items A to D; and

22 (3) may retain from the remainder, subject to  
23 subpart 3, item E, reimbursement for actual reasonable fees,  
24 costs, and disbursements related to appeals and litigation and  
25 provision of special services under subpart 1.

26 B. The county agency may not seek reimbursement from  
27 the applicant or recipient for the fees, costs, or disbursements  
28 of providing special services except as provided in item A.

29 C. The balance of the amount of interim assistance  
30 that is not retained by the county agency pursuant to item A or  
31 paid to another qualified provider under subpart 3 must be  
32 credited to the state as an advance payment to the county agency  
33 for the state's share of the next month's general assistance  
34 grants.

35 D. The county agency must document the fees, costs,  
36 and disbursements which it incurs in providing the special

1 services to claim reimbursement. The county agency shall be  
2 reimbursed under item A, subitem (3), only for the direct costs  
3 of providing special services.

4 Subp. 3. Reimbursement to qualified providers under  
5 contract with the county agency to provide special services.  
6 Qualified providers under contract with the county agency to  
7 provide special services to general assistance applicants or  
8 recipients shall be reimbursed from the amount of interim  
9 assistance recovered by the county agency under subpart 2 in the  
10 following manner:

11 A. To receive reimbursement for the fees, costs, and  
12 disbursements related to appeals and litigation and the  
13 provision of special services as provided in subpart 1, the  
14 qualified provider shall enter into a contract with the county  
15 and provide one or more of the special services specified in  
16 subpart 1.

17 The contract must be on a form prescribed by the  
18 commissioner except that the county agency may add to or modify  
19 the form without changing the substance of the contract in order  
20 to meet standard contracting procedures established by the  
21 county board.

22 B. The county agency must reimburse a qualified  
23 provider under contract with the county agency for the  
24 provider's reasonable actual fees, costs, and disbursements,  
25 including medical reports and expert testimony related to  
26 appeals, litigation, and providing special services to an  
27 applicant or recipient according to the following:

28 (1) a qualified provider shall not be reimbursed  
29 by the county agency for any fees, costs, or disbursements  
30 unless the applicant or recipient has requested the services,  
31 the county agency has referred the applicant or recipient to the  
32 qualified provider, and the county agency has received the  
33 initial SSI payment for the recipient served;

34 (2) the qualified provider shall be reimbursed by  
35 the county agency for fees related to the provision of special  
36 services at the rate determined by the qualified provider, but

1 not to exceed \$75 per hour of service; and

2 (3) when a qualified provider requests  
3 reimbursement from the county agency for fees, costs, or  
4 disbursements related to services provided, the qualified  
5 provider shall document the total number of hours of services  
6 provided to the applicant or recipient and provide a record of  
7 its costs and disbursements.

8 C. A qualified provider under contract to provide  
9 special services must comply with the following:

10 (1) a qualified provider shall not require  
11 prepayment of any fees, costs, or disbursements from the  
12 applicant or recipient; and

13 (2) a qualified provider shall not seek  
14 reimbursement from the applicant or recipient for fees related  
15 to the provision of special services. If a qualified provider  
16 intends to seek reimbursement for costs and disbursements from  
17 an applicant or recipient in the event the applicant or  
18 recipient is determined to be ineligible for SSI and the  
19 qualified provider therefore will not be fully reimbursed by the  
20 county agency, the qualified provider must so inform the  
21 applicant or recipient and obtain the applicant's or recipient's  
22 written consent before providing the special services. The  
23 qualified provider must also inform the applicant or recipient  
24 that he or she may receive the special services from the county  
25 agency without cost to the applicant or recipient.

26 D. The total reimbursement for special services made  
27 by the county agency to all qualified providers must not exceed  
28 the amount of interim assistance retained by the county agency  
29 as specified in subpart 2, item A, subitems (2) and (3), unless  
30 the excess is expressly authorized by the county agency and paid  
31 for exclusively with county agency funds.

32 E. If more than one qualified provider provides  
33 special services to an applicant or recipient, and the amount of  
34 interim assistance retained by the county agency will not fully  
35 reimburse all qualified providers, the reimbursement to each  
36 qualified provider for fees, costs, and disbursements shall be

1 calculated by multiplying the total amount of funds available to  
2 the county agency as specified in subpart 2, item A, subitems  
3 (2) and (3), including any excess funds authorized by the county  
4 agency under item D, by the qualified provider's reimbursement  
5 percentage. The qualified provider's reimbursement percentage  
6 shall be determined by dividing the number of hours spent by  
7 each qualified provider who provided special services by the  
8 total number of hours spent by the county agency and all other  
9 qualified providers under contract with the county agency who  
10 have provided special services to the applicant or recipient.

11 F. If the county agency and one or more other  
12 qualified providers provide special services to an applicant or  
13 recipient, and the amount of interim assistance recovered by the  
14 county agency under subpart 2, item A, subitems (2) and (3),  
15 exceeds the amount necessary to fully reimburse the qualified  
16 providers for fees, costs, and disbursements, the county agency  
17 may retain the excess to the extent allowed under subpart 2,  
18 item A, subitem (2).

19 G. The county agency shall reimburse a qualified  
20 provider for fees, costs, and disbursements for special services  
21 provided during the six-month period before the applicant or  
22 recipient was referred to the qualified provider, unless general  
23 contracting procedures of the particular county prohibit this  
24 payment. The provider's fees, costs, or disbursements for  
25 special services provided before the person's application for  
26 general assistance may be reimbursed only if funds remain after  
27 reimbursement for special services provided to the person after  
28 the person made application for general assistance.

29 H. The county agency and another qualified provider  
30 may contract to jointly provide the special services specified  
31 in subpart 1.

32 **Subp. 4. Termination of special services and contracts.**

33 Special services and contracts must be terminated in the  
34 following manner:

35 A. If an applicant or recipient requests in writing  
36 that the county agency terminate the special services agreement



1 with a qualified provider, the special services agreement for  
 2 that applicant or recipient must be terminated, and the county  
 3 agency shall mail written notice of the termination to the  
 4 qualified provider. The notice must include a copy of the  
 5 applicant's or recipient's written request for termination of  
 6 the special services agreement. Termination of the agreement is  
 7 effective three days after the date when the notice is mailed.  
 8 The qualified provider shall not be reimbursed for fees, costs,  
 9 or disbursements for special services provided to an applicant  
 10 or recipient after the effective date of termination.

11 B. If a qualified provider decides to stop providing  
 12 special services to an applicant or recipient, the qualified  
 13 provider shall give or mail the following information to the  
 14 applicant or recipient and, if the qualified provider is not the  
 15 county agency, to the county agency:

16 (1) the status of the applicant's or recipient's  
 17 application for SSI benefits;

18 (2) any deadlines that must be met regarding the  
 19 applicant's or recipient's application for SSI benefits;

20 (3) the right of the applicant or recipient to  
 21 choose another qualified provider, and the county agency's  
 22 obligation to enter into a contract with a new qualified  
 23 provider to provide the special services specified if the  
 24 applicant or recipient chooses a qualified provider other than  
 25 the county agency; and

26 (4) that a list of qualified providers may be  
 27 obtained from the county agency.

28 Termination of the contract is effective three days after  
 29 the date the provider gives or mails the information required in  
 30 subitems (1) to (4) to the client.

31 C. If a qualified provider fails to perform all or  
 32 part of the terms of the contract with the county agency, the  
 33 county agency may terminate the contract with the provider. The  
 34 county agency shall terminate the contract and mail written  
 35 notice to the qualified provider and to the recipients served by  
 36 the qualified provider. The notice must specify the county

1 agency's grounds for terminating the contract. Termination of  
2 the contract is effective three days after the notice is mailed  
3 to the qualified provider. The county agency shall also give  
4 the recipient a list of other qualified providers who have  
5 contracted with the county agency to provide the special  
6 services specified in subpart 1 or who have asked to be included  
7 on the list. The qualified provider shall not be reimbursed for  
8 fees, costs, or disbursements related to special services  
9 provided after the effective date of termination.

10 9500.1259 COUNTY AGENCY RESPONSIBILITIES.

11 Subpart 1. **Work readiness program.** The county agency must  
12 provide a work readiness program for mandatory and voluntary  
13 participants according to items A to F.

14 A. The county agency's work readiness program must  
15 include an orientation to the work readiness program which must  
16 be offered at least monthly.

17 B. The county agency must assess each participant's  
18 literacy; ability to communicate in the English language;  
19 eligibility for displaced homemaker services under Minnesota  
20 Statutes, section 268.96; educational history; occupational  
21 assets; barriers to employment; and exemption status from work  
22 readiness participation. When assessing a participant's  
23 literacy, the county agency must determine whether the  
24 participant is functionally illiterate. For the purpose of this  
25 item, "functionally illiterate" means the participant is unable  
26 to read at or above the eighth grade level. A county agency  
27 shall determine if the participant is functionally illiterate  
28 according to subitems (1) and (2).

29 (1) The county agency may determine that the  
30 participant is functionally illiterate based on personal  
31 observations or information in the participant's case file.

32 (2) If the participant is not determined to be  
33 functionally illiterate as provided in subitem (1), but the  
34 county agency believes that the participant may be functionally  
35 illiterate, or if the participant asserts or presents evidence

1 that the participant may be functionally illiterate, the county  
2 agency shall offer the participant an opportunity to take a  
3 standardized literacy test approved by the commissioner. The  
4 test must be offered in the county at no expense to the  
5 participant. The county agency shall either administer the test  
6 or make arrangements for the test. If the participant attains a  
7 score lower than the eighth grade, the participant shall be  
8 considered functionally illiterate.

9 C. The county agency must prepare an employability  
10 development plan for each participant in work readiness. The  
11 employability development plan must address the participant's  
12 barriers to employment; estimate the length of time it will take  
13 for the participant to obtain employment; and specify steps  
14 necessary for the participant to overcome any barriers to  
15 employment identified in item B. Barriers to employment shall  
16 be addressed in the following order:

17 (1) A participant who is assessed by an English  
18 as a second language specialist, vocational specialist, or the  
19 county agency as being unable to communicate in the English  
20 language must participate in an English language program, if  
21 available.

22 (2) A participant who is determined to be  
23 functionally illiterate under item B must participate in an  
24 occupational or vocational literacy program, if available.

25 (3) A participant who has not completed secondary  
26 education must participate in a secondary school program or GED  
27 program, if available and appropriate.

28 (4) A participant who has none of the barriers  
29 specified in subitems (1) to (3) but who has no work experience  
30 must participate in job seeking skills training and a job search  
31 program.

32 (5) A participant who has none of the barriers  
33 specified in subitems (1) to (3) and who has a work history must  
34 participate in a job search program.

35 The employability development plan may include referral to  
36 available training programs and work experience programs

1 designed to prepare the participant for permanent employment or  
2 to education and training activities. A participant in a work  
3 experience program shall not perform work ordinarily performed  
4 by a regular public employee. The employability development  
5 plan must address the participant's barriers to employment, and  
6 may, in addition, require the participant to engage in job  
7 search or other work readiness activities so long as the  
8 combination of requirements does not exceed 32 hours per week or  
9 place any requirement upon a participant that interferes with  
10 employment which the county agency has determined can lead to  
11 self-sufficiency.

12 D. For those participants who are considered to be  
13 functionally illiterate under item B, the county agency must:

14 (1) assess existing reading level, learning  
15 disabilities, reading potential, and vocational or occupational  
16 interests of the participant;

17 (2) assign suitable participants to openings in  
18 occupational and vocational literacy programs;

19 (3) if no openings are available in occupational  
20 or vocational literacy programs, assign suitable participants to  
21 openings in literacy training programs;

22 (4) reassign to another literacy program any  
23 participant who does not complete an assigned program and who  
24 wishes to try another program;

25 (5) within the limits of funds available,  
26 contract with technical institutes or other groups who have  
27 literacy instructors trained in occupational literacy methods to  
28 provide literacy training sessions so that eligible participants  
29 will have the opportunity to attend training;

30 (6) provide transportation to enable participants  
31 to participate in literacy training. The state shall reimburse  
32 the county agency for the costs of providing this  
33 transportation; and

34 (7) make every effort to ensure that child care  
35 is available as needed by participants who are pursuing literacy  
36 training; however, no participant shall be disqualified for

1 noncompliance with the literacy training requirement of work  
2 readiness if child care is not made available.

3 E. The county agency shall provide notices to work  
4 readiness participants as provided in subitems (1) to (6).

5 (1) The county agency shall provide, at the time  
6 of registration and each 30 days after that, in advance, a clear  
7 written description of the specified tasks and assigned duties  
8 the participant must complete to receive work readiness pay.  
9 The county agency shall provide notice that the participant will  
10 be terminated from the work readiness program unless the  
11 participant completes the specified tasks and assigned duties,  
12 or shows good cause for failure to do so. The county agency  
13 shall provide notice of the disqualification that will be  
14 imposed on the participant for failure to comply with part  
15 9500.1245, subpart 8, item B.

16 (2) The county agency shall provide notice to a  
17 participant within three days of determination that the  
18 participant has failed to comply with work readiness  
19 requirements as specified in part 9500.1245, subpart 8, item A.

20 (3) For the first instance of noncompliance in a  
21 six-month period, beginning on the date of the participant's  
22 orientation or the end of the previous disqualification,  
23 whichever is later, the county agency's notice:

24 (a) must allow at least five working days,  
25 after the mailing or hand delivery of the notice, for the  
26 participant to take specific corrective action which can  
27 realistically be done before the date assistance is scheduled to  
28 be paid;

29 (b) must advise the participant that the  
30 participant may request and have a conference with the county  
31 agency to discuss the notice; and

32 (c) must advise the participant that failure  
33 to take corrective action by the effective date of the  
34 termination notice in subitem (5) will result in termination of  
35 assistance and disqualification from program eligibility for one  
36 month.

1                   (4) For a second or subsequent instance of  
2 noncompliance within a six-month period, beginning on the date  
3 of the participant's orientation or the end of the previous  
4 disqualification, whichever is later, the county agency's notice  
5 of its determination of noncompliance:

6                   (a) must be mailed or hand delivered to the  
7 participant before the date assistance is scheduled to be paid;  
8 and

9                   (b) must advise the participant that the  
10 participant may request and have a conference with the county  
11 agency to discuss the notice. The applicable period of  
12 disqualification under this subitem is two months.

13                   (5) The county agency shall mail or hand deliver  
14 notice of termination concurrently with the notice of  
15 noncompliance specified in subitems (3) and (4) only after  
16 assessing the participant's exemption status from work readiness  
17 participation under part 9500.1251, subpart 2, items A to Q,  
18 using the information contained in the recipient's case file.  
19 The notice of termination must state that the recipient is not  
20 exempt from registration and must indicate the applicable period  
21 of disqualification. The advance notice requirements of this  
22 item are the same as those of subitems (3) and (4).

23                   (6) The county agency shall assign a schedule by  
24 which a participant who has failed to provide the agency with a  
25 mailing address must visit the county agency to pick up any  
26 notices. Those notices must be deemed delivered on the date of  
27 the participant's next scheduled visit to the county agency.

28                   F. The county agency may subcontract any or all of  
29 the duties prescribed in items A to D and E, subitem (1). The  
30 contract does not relieve the county agency of its primary  
31 responsibility in the instance of a default of any provision by  
32 a subcontractor.

33                   Subp. 2. **Appeals.** The participant may appeal a proposed  
34 termination of benefits until five days after the effective date  
35 specified in the notice and continue benefits otherwise due,  
36 pending the outcome of the appeal. Appeals from proposed

1 terminations of benefits of participants must be heard within 30  
2 days from the date that the appeal was filed.

3 Subp. 3. **Information about other programs.** A county  
4 agency must inform an applicant or recipient about other  
5 programs administered by the county agency for which, from the  
6 county agency's knowledge of the person's situation, the person  
7 may be eligible.

8 Subp. 4. **Notices.** The county agency shall mail or hand  
9 deliver a notice to a recipient no later than ten days before  
10 the effective date of the action except as provided in items A  
11 to C. A recipient who has failed to provide the county agency  
12 with a mailing address must be assigned a schedule by which the  
13 recipient is to visit the agency to pick up any notices.  
14 Notices will be deemed to have been delivered on the date of the  
15 recipient's next scheduled visit to the county agency.

16 A. A county agency shall mail a notice to a recipient  
17 no later than five days before the effective date of the action  
18 when the county agency has factual information which requires an  
19 action to reduce, suspend, or terminate assistance based on  
20 probable fraud.

21 B. A county agency must mail or hand deliver a notice  
22 to a recipient no later than the effective date of the action  
23 when:

24 (1) the county agency receives a recipient's  
25 household report form which includes facts that require payment  
26 reduction, suspension, or termination and which contains the  
27 recipient's signed acknowledgment that this information will be  
28 used to determine program eligibility or the assistance payment  
29 amount;

30 (2) the county agency verifies the death of a  
31 recipient or the payee;

32 (3) the county agency receives a signed statement  
33 from a recipient that assistance is no longer wanted;

34 (4) the county agency receives a signed statement  
35 from a recipient that provides information which requires the  
36 termination or reduction of assistance, and the recipient shows



1 in that statement that the recipient understands the  
2 consequences of providing that information;

3 (5) the county agency verifies that a member of  
4 an assistance unit has been approved to receive assistance by  
5 another county or state; or

6 (6) the county agency cannot locate a payee's  
7 whereabouts and mail from the local agency has been returned by  
8 the post office showing that the post office has no forwarding  
9 address.

10 C. Whenever any provision of this subpart conflicts  
11 with any special notice requirements of another part, those  
12 special notice provisions shall prevail.

13 9500.1261 EMERGENCY ASSISTANCE.

14 Subpart 1. **Emergency assistance.** A county agency shall  
15 make grants of general assistance for emergency situations to  
16 eligible individuals, married couples, or families whether  
17 residents or nonresidents of the state. The emergency  
18 assistance grant may be in excess of the standard amounts for  
19 eligible individuals, married couples, or families under part  
20 9500.1231.

21 Subp. 2. **Emergency situation.** An emergency situation is a  
22 situation in which an assistance unit is without, or will lose  
23 within 30 days after application, a basic need item as defined  
24 in part 9500.1206, subpart 7a.

25 A. The emergency situation must require immediate  
26 financial assistance.

27 B. The financial assistance required by the emergency  
28 must be temporary and must not exceed 30 days subsequent to the  
29 date of application. Assistance must be paid for needs that  
30 accrue before the 30-day period when it is necessary to resolve  
31 emergencies arising or continuing during the 30-day period  
32 subject to subpart 4.

33 Subp. 3. **Eligible persons.** Eligible individuals, married  
34 couples, or families are those:

35 A. who are not current recipients of AFDC, other than

1 a one-person assistance unit consisting of a pregnant woman;

2 B. who are not recipients under or eligible for the  
3 program of emergency assistance under AFDC in the month of  
4 application for emergency general assistance;

5 C. whose resources are not adequate to resolve the  
6 emergency situation. For the purpose of this part, "resources"  
7 means any funds or services which can actually be available to  
8 the applicant or recipient or any member of the filing unit  
9 before the loss of a basic need item. Resources include  
10 available income without exclusion or disregard, and any  
11 resource otherwise excluded under part 9500.1221, subpart 2,  
12 which could be liquidated before the loss of a basic need item,  
13 so long as the terms of any borrowing cannot be reasonably  
14 expected to place the borrower in another emergency situation  
15 within three months including the month of application;

16 D. who have not, without good cause, used more than  
17 50 percent of available income and liquid resources for purposes  
18 other than basic needs during the 60 days before application.  
19 This item does not apply to individuals who are chemically  
20 dependent, mentally ill, or mentally retarded; or

21 E. who are not in a period of disqualification from  
22 work readiness if that disqualification has caused the emergency  
23 situation unless the emergency situation directly affects other  
24 assistance unit members who are not in a period of  
25 disqualification.

26 Subp. 4. **Payment provisions.** When the county agency has  
27 determined that an applicant has an emergency situation and is  
28 eligible for emergency general assistance, the county agency  
29 must resolve the emergency in the most cost-effective manner.  
30 Resolution of the emergency situation in a cost-effective manner  
31 shall be governed by items A to H.

32 A. An emergency general assistance payment is not  
33 cost-effective if the applicant's anticipated income together  
34 with the grant of emergency general assistance will not be  
35 sufficient to cover the applicant's basic needs for the  
36 three-month period beginning with the month of application, and

1 another emergency situation can reasonably be anticipated within  
2 the two months after the month of the grant of emergency general  
3 assistance.

4           B. When alternative solutions to the emergency  
5 situation are available, the most cost-effective solution is the  
6 solution which will require an expenditure of emergency general  
7 assistance funds which is at least 25 percent less than the  
8 emergency general assistance expenditure required to maintain  
9 the applicant or recipient in his or her current situation. The  
10 county agency has no duty to provide alternative solutions, but  
11 must have a reasonable basis to believe that alternative  
12 solutions exist. A county agency must not deny assistance  
13 because of the determination that the applicant's anticipated  
14 income will not cover continued payment of shelter and utility  
15 costs when no alternative solution is identified by either the  
16 applicant or the county agency.

17           C. In determining the cost-effectiveness of an  
18 emergency general assistance payment, the county agency must not  
19 consider a period of time greater than three months including  
20 the month of application for emergency general assistance.

21           D. When the county agency has determined that the  
22 emergency situation has resulted from the applicant's  
23 mismanagement of money, the county agency may include vendor  
24 payment of future needs as part of a cost-effective solution  
25 subject to review at each redetermination of eligibility.

26           E. Emergency grants for food must not exceed the  
27 amount the assistance unit would receive under the United States  
28 Department of Agriculture's Thrifty Food Plan.

29           F. Emergency grants for clothing must not exceed the  
30 cost of necessary clothing for assistance unit members  
31 considering the season of application.

32           G. Emergency grants for shelter, exclusive of moving  
33 expenses or deposits, must not exceed an amount equal to four  
34 times the assistance unit's monthly assistance standard. For  
35 the purposes of this item, the amount of a single individual's  
36 monthly assistance standard is the amount specified in part

1 9500.1231, subpart 1. A county agency may receive state  
2 participation for payments in excess of the limits of this item  
3 if the county agency has documented that no shelter is available  
4 within the limits of this item which is cost effective as  
5 governed by items A to C.

6 H. Grants for emergency general assistance must be in  
7 the form of vouchers or vendor payments unless the county agency  
8 determines that a cash grant will better meet the need of the  
9 emergency situation.

10 Subp. 5. Assistance for transportation. Notwithstanding  
11 subpart 2, grants may be issued under the emergency general  
12 assistance program for an applicant's immediate need for  
13 transportation in the following situations:

14 A. the need for assistance will not exceed 30 days  
15 and the transportation is required to accept a bona fide offer  
16 of suitable employment; or

17 B. the transportation is requested by the applicant  
18 to return to a residence maintained by or for the applicant.

19 Subp. 6. Excess grants, county agency payment  
20 responsibility. A county agency may issue emergency assistance  
21 grants that exceed the limitations in subpart 4 if the county  
22 agency does not include the additional costs on its claim for  
23 state aid reimbursement.

24 9500.1272 ASSIGNMENT OF REPRESENTATIVE PAYEE FOR RECIPIENTS WHO  
25 ARE DRUG DEPENDENT.

26 [For text of subps 1 to 3, see M.R.]

27 Subp. 4. Form of payment pending completion of  
28 assessment. A county agency shall provide only emergency  
29 general assistance (EGA) or general assistance vendor payments  
30 to a client who has been referred for a chemical use assessment  
31 under subpart 2. EGA may be provided to clients only in  
32 emergency situations as provided in part 9500.1261. All other  
33 payments made under this subpart must be general assistance  
34 vendor payments.

35 [For text of subps 5 to 19, see M.R.]

1

2 REPEALER. Minnesota Rules, parts 9500.1205; 9500.1206, subparts  
3 19 and 31; 9500.1209; 9500.1210; 9500.1212; 9500.1214;  
4 9500.1216; 9500.1217; 9500.1218; 9500.1220; 9500.1222;  
5 9500.1224; 9500.1226, subparts 2, 3, and 4; 9500.1227;  
6 9500.1228; 9500.1229; 9500.1230; 9500.1232, subparts 1, 2, and  
7 3; 9500.1238; 9500.1240; 9500.1242; 9500.1246; 9500.1248,  
8 subparts 1 and 2; 9500.1252; 9500.1257; 9500.1258; 9500.1260;  
9 9500.1262; 9500.1264; 9500.1266; 9500.1268; 9500.1270;  
10 9500.1300; 9500.1302; 9500.1304; 9500.1306; 9500.1308;  
11 9500.1310; 9500.1312; 9500.1314; 9500.1316; and 9500.1318 are  
12 repealed.