

256P.06 INCOME CALCULATIONS.

Subdivision 1. **Reporting of income.** To determine eligibility, the county agency must evaluate income received by members of the assistance unit, or by other persons whose income is considered available to the assistance unit, and only count income that is available to the assistance unit. Income is available if the individual has legal access to the income.

Subd. 2. **Exempted individuals.** The following members of an assistance unit under chapters 119B and 256J are exempt from having their earned income count towards the income of an assistance unit:

- (1) children under six years old;
- (2) caregivers under 20 years of age enrolled at least half-time in school; and
- (3) minors enrolled in school full time.

Subd. 3. **Income inclusions.** The following must be included in determining the income of an assistance unit:

- (1) earned income; and
- (2) unearned income, which includes:
 - (i) interest and dividends from investments and savings;
 - (ii) capital gains as defined by the Internal Revenue Service from any sale of real property;
 - (iii) proceeds from rent and contract for deed payments in excess of the principal and interest portion owed on property;
 - (iv) income from trusts, excluding special needs and supplemental needs trusts;
 - (v) interest income from loans made by the participant or household;
 - (vi) cash prizes and winnings;
 - (vii) unemployment insurance income;
 - (viii) retirement, survivors, and disability insurance payments;
 - (ix) nonrecurring income over \$60 per quarter unless earmarked and used for the purpose for which it is intended. Income and use of this income is subject to verification requirements under section 256P.04;
 - (x) retirement benefits;
 - (xi) cash assistance benefits, as defined by each program in chapters 119B, 256D, 256I, and 256J;
 - (xii) tribal per capita payments unless excluded by federal and state law;
 - (xiii) income and payments from service and rehabilitation programs that meet or exceed the state's minimum wage rate;
 - (xiv) income from members of the United States armed forces unless excluded from income taxes according to federal or state law;
 - (xv) all child support payments for programs under chapters 119B, 256D, and 256I;

(xvi) the amount of current child support received that exceeds \$100 for assistance units with one child and \$200 for assistance units with two or more children for programs under chapter 256J; and

(xvii) spousal support.

History: *2015 c 71 art 5 s 31,35*

NOTE: This section, as added by Laws 2015, chapter 71, article 5, section 31, is effective August 1, 2016. Laws 2015, chapter 71, article 5, section 35.