

5101:1-23-20.1 **Ohio works first: excluded income.**

(A) What is excluded from gross earned income?

- (1) All income excluded under the ~~food assistance~~ supplemental nutrition assistance program (SNAP) regulations, as described in rule 5101:4-4-13 of the Administrative Code.
- (2) The gross earnings of a minor child in the assistance group who is a full-time student as defined by the school, unless the minor is a parent. Minor child is defined in section 5107.02 of the Revised Code.
- (3) Child support payments paid by an assistance group member for a child outside the assistance group, up to the amount ordered.
- (4) The verified amount garnished from the income.
- (5) Exclusions from self-employment income as described in rules 5101:1-23-20, 5101:4-4-13 and 5101:4-6-11 of the Administrative Code. A deduction claimed as personal business and/or entertainment expense is not an allowable deduction from self-employment income.
- (6) Exclusions from a microenterprise development set forth in rule 5101:1-23-20 of the Administrative Code.
- (7) Earned income tax credit payments whether added to the individual's wages or as part of an income tax refund. The individual's wages must be subject to federal withholding or Federal Insurance Contributions Act (FICA) taxes, ~~68A Stat. 415 (1954), 26 U.S.C. 3128, (FICA) taxes~~ 26 U.S.C. 3102 (2010).
- (8) Income received due to temporary employment with the bureau of the census for a decennial census.
- (9) Any other income amounts that federal statutes or regulations and sections 5101.17 and 5117.10 of the Revised Code require be excluded.

(B) What is excluded from gross unearned income?

- (1) All income excluded under the ~~food assistance~~ SNAP program regulations, as described in rule 5101:4-4-13 of the Administrative Code.
- (2) Income of a recipient of supplemental security income (SSI), including the SSI payment.

- (3) Income of a child for whom federal, state or local foster care maintenance payments are made, including the foster care payment.
- (4) Income of step siblings who are not included in the assistance group.
- (5) Payments made with county funds to increase the amount of cash assistance an assistance group receives in accordance with the provisions set forth in section 5107.04 of the Revised Code.
- (6) Child support payments paid by an assistance group member for a child outside the assistance group. The amount paid, up to the amount ordered, is excluded.
- (7) Contributions for shared living arrangements (i.e. cash payments received by an assistance group from an individual who is not an assistance group member but who resides in the household with the OWF assistance group and shares responsibility for the household expenses through an informal arrangement).
- (8) Benefits received under Title VII, nutrition program for the elderly, Older Americans Act of 1965, Pub. L. No. 89-73, (7/14/1965), title III, Section 339, as added, Pub. L. No. 106-501, title III, Section 313, (11/13/2000), 114 Stat. 2252, Pub. L. No. 116-131, Section 339 (2020).
- (9) Other payments made by a public or private agency for the purposes of supplementing standards, so long as there is no duplication of payment.
- (10) Retroactive payments made as a result of a state hearing.
- (11) Experimental housing assistance payments made under annual contributions on contracts entered into under Section 237(f)(2) of the United States Housing Act of 1937, (42 U.S.C. 1421b), as in effect before 1/1/1975.
- (12) Housing and urban development (HUD) community development block grant funds paid under Title I of the Housing and Community Development Act of 1974 Pub. L. No. 93-383, (8/22/1974), 42 U.S.C. 5303, as amended 10/28/92.
- (13) Home energy assistance support and maintenance paid in cash or in kind, Pub. L. No. 97-377 (12/21/1982), Pub. L. No. 97-424 (1/06/1983), and Pub. L. No. 98-21 (4/20/1983), 45 C.F.R. 233.53 (1991).
- ~~(14) Payments received under the provisions of the "Aroostook Band of Micmacs," Pub. L. No. 102-171, 25 U.S.C 1721, (11/26/1991).~~
- ~~(15)~~(14) The verified amount which is garnished from the income.

- ~~(16)~~(15) Earned income tax credit payments.
- ~~(17)~~(16) Any other income amounts that federal statutes or regulations and sections 5101.17 and 5117.10 of the Revised Code require be excluded.
- ~~(18)~~(17) Kinship permanency incentive (KPI) payments made in accordance with the provisions set forth in rule 5101:2-40-04 of the Administrative Code.
- ~~(19)~~(18) The supplemental weekly unemployment compensation payments paid under the Worker, Homeownership, and Business Assistance Act of 2009, (Pub. L. No. 111- 92, 26 U.S.C. 3304, ~~(11/06/2009)~~(2018)).
- (19) Kinship support payments made in accordance with the provisions set forth in rule 5101:2-42-18.2 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 1/15/2021

Certification

Date

Promulgated Under: 119.03
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