

5101:4-4-19 **Food assistance: countable income.**

(A) What is countable income?

Countable income is earned income minus the twenty per cent earned income deduction as ~~set forth~~ described in rule 5101:4-4-23 of the Administrative Code plus any unearned income. Types of excluded income are listed in rule 5101:4-4-13 of the Administrative Code.

(B) What is earned income?

Earned income includes:

(1) All wages and salaries of an employee including:

- (a) Garnished or diverted payments from wages; and
- (b) The gross amount of sick pay, without any deductions for taxes and other work expenses, when the payee is a current employee of the payer.

(2) Self-employment income:

- (a) Gross income from a self-employment enterprise.
- (b) Income from the sale of any capital goods or equipment related to the business. Any business expense paid from this income would be deducted from this income.
- (c) Income from rental property minus the cost of doing business ~~if~~ when a member of the assistance group is actively engaged in management of the property for at least an average of twenty hours per week.
- (d) Payments from a roomer or boarder, except a foster care boarder.
- (e) Payments for daycare or from the child and adult care food program to assistance groups providing child care services minus the cost of meals provided to individuals. The county agency may elect one of the following methods of determining the cost of meals provided to the individuals:
 - (i) Actual documented costs of meals;

(ii) Fifty per cent of the gross earnings from day care; or

(iii) The current reimbursement amount used in the child and adult care food program.

(f) The portion of the child and adult care food program payments intended for the provider's own children is exempt as income.

(3) Training allowances

(a) Training allowances from vocational and rehabilitative programs sponsored by federal, state, or local governments. Countable earned income does not include an allowance to reimburse an assistance group member for money already spent and does not represent a gain to the assistance group member. ~~Work allowances are not considered reimbursements and are countable income.~~

(b) Training allowances under the Workforce ~~Investment Act (WIA) of 1998~~ Innovation and Opportunity Act of 2014, other than earnings specified in paragraph (B)(5) of this rule, are excluded from consideration as income.

(c) In accordance with 7 CFR 273.9 (5/2015), any payment made to an employment and training participant under 7 CFR 273.7 (d)(3) (5/2015) for costs that are reasonably necessary and directly related to participation in the employment and training program are excluded income. These costs include, but are not limited to, dependent care costs, transportation, other expenses related to work, training or education, such as uniforms, personal safety items or other necessary equipment, and book or training manuals. These costs shall not include the cost of meals away from home.

(4) Americorps volunteers in service to America (VISTA) income

Payments under Title I (VISTA, university year for action, etc.) of the Domestic Volunteer Service Act of 1973 ~~PL 93-113 as amended~~ Pub. L. 43-113 (1973), shall be considered earned income and subject to the earned income deduction unless the individual was receiving food assistance or public assistance at the time they joined the Title I program as ~~set forth~~ described in paragraph ~~(D)~~ (C)(1)(f) of rule 5101:4-4-13 of the Administrative Code.

(5) On the-job-training under ~~WIA~~ WIOA

Earnings to individuals who are participating in on-the-job training programs under Title I section ~~204(b)(1)(C) or section 264(e)(1)(A) of WIA of 1998~~ 129 of WIOA of 2014. Countable income does not include on-the-job training earnings to assistance group members under nineteen years of age who are under the parental control of another adult member, regardless of school attendance and/or enrollment.

(C) What is unearned income?

Unearned income includes:

- (1) Basic assistance payments from federal or federally-aided public assistance programs which are needs-based:
 - (a) Disability financial assistance (DFA);
 - (b) Ohio works first (OWF). This includes income such as the attendance bonus payment for teenage parents who return to or remain in school under the learning, earning and parenting (LEAP) program; and
 - (c) Supplemental security income (SSI).
- (2) Annuities, pensions, retirement, veterans' or disability benefits (all before taxes), workers' or unemployment compensation, retirement, survivors and disability insurance (RSDI) (before medicare deductions), strike benefits, foster care payments for children or adults who are considered members of the assistance group.
- (3) Support and alimony payments made directly to the assistance group from non-assistance group members.
- (4) Payments from government sponsored programs, dividends, royalties, and all other direct money payments from any source which can be defined as a gain or benefit, including certain vendor payments.
- (5) The unearned income or the earned income of an ineligible individual excluded from the assistance group as provided in rule 5101:4-6-13 of the Administrative Code.

- (6) Gross income from rental property minus the cost of doing business ~~if~~ when an assistance group member is not actively engaged in management of the property at least twenty hours a week.
 - (7) Any payment made directly to the assistance group shall be counted as income except for energy assistance payments specified in rule 5101:4-4-13 of the Administrative Code. If the payment is not made on a monthly basis, the county agency shall prorate it over the period it is intended to cover.
 - (8) Sick pay when the payee is not a current employee of the payer, such as from insurance. The gross amount, without any deductions for taxes and any other work expenses.
- (D) When an assistance group contains a sponsored alien, the income of the sponsor and the sponsor's spouse must be deemed in accordance with procedures established in rule 5101:4-6-31 of the Administrative Code.
- (E) After establishing an assistance group's countable income allowable deductions must be considered pursuant to rule 5101:4-4-23 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 06/03/2016

Certification

Date

Promulgated Under: 111.15
 Statutory Authority: 5101.54
 Rule Amplifies: 329.04, 329.042, 5101.54
 Prior Effective Dates: 6/2/80, 12/1/80, 1/1/81, 6/18/81, 10/1/81, 9/27/82, 6/1/83, 7/1/83 (Temp.), 8/19/83, 12/25/83 (Temp.), 3/1/84, 3/1/84 (Temp.), 6/1/84, 12/31/84 (Emer.), 4/1/85, 8/16/85 (Emer.), 11/1/85 (Emer.), 1/1/86, 5/1/86 (Emer.), 8/1/86 (Emer.), 10/1/86, 4/10/87 (Emer.), 6/22/87, 8/1/87 (Emer.), 9/15/87 (Emer.), 10/25/87, 3/24/88 (Emer.), 6/18/88, 7/20/88 (Emer.), 10/16/88, 10/1/89 (Emer.), 12/21/89, 10/1/90, 2/3/92, 8/1/92 (Emer.), 10/30/92, 9/1/94, 1/1/95, 8/1/95 (Emer.), 10/13/95, 2/1/96, 5/1/96, 7/1/96 (Emer.), 8/1/96, 8/25/96, 4/1/97 (Emer.), 6/6/97, 2/1/98, 7/1/98 (Emer.), 9/28/98, 7/15/99, 6/1/01 (Emer.), 8/27/01, 6/1/03 (Emer.), 6/16/03, 6/12/08, 8/01/10, 12/1/11