

13927, (eff 4-23-24)

Readopt with amendment He-W 654.04, effective 6/12/13 (Document# 10358), as amended effective 9-1-16 (Document #11174, Emergency), as amended effective 2/28/2017 (Document #12116), and as amended effective 6/29/2018 (Document #12561), and expired in paragraphs (a)(1) – (a)(6), (b)(1)-(10), and (c) on 6/12/2023, to read as follows:

He-W 654.04 Treatment of Specific Types of Income.

(a) The following types of income shall be excluded for purposes of eligibility:

- (1) Adoption subsidy payments;
- (2) Pension or insurance benefits specifically designated for use as payment for hospitalization or medical services;
- (3) Assistance in the form of vendor payments directly to a provider;
- (4) Assistance that must be reimbursed, such as a loan from an individual or a financial institution, for personal or business reasons;
- (5) The earned income of dependent children, as defined in He-W 601.03, in a financial assistance to needy families (FANF) assistance group (AG) who are students;
- (6) Foster care income payments made to an individual by a public or private agency for taking care of a foster child or children; or
- (7) For FANF only, combat pay that a household receives from a military member who is currently absent from the household due to the military member's deployment to or service in an area designated as a combat zone.

(b) The following types of income shall be treated as specified below:

- (1) A child support payment paid on behalf of more than one child shall be prorated to obtain an amount for each child;
- (2) A yearly wage amount which, by contract, is paid during a specific work period of less than 12 months, such as income received by a teacher, shall be treated as available to the individual for the whole year covered by the contract and the yearly wage amount divided by 12;
- (3) Child care income, which is payment an individual receives for taking care of children in the individual's own home, shall be treated as self-employment income;
- (4) Direct relief, which is assistance from other agencies and organizations, shall be counted in determining eligibility and the amount of assistance;
- (5) Dividends that are automatically reinvested to purchase additional stock, and interest that is automatically added to a cash account, shall be treated as a part of the resource to which they were added, rather than counted as income;
- (6) Lump sum earned income, which is payment for work performed over a period of more than one month, shall be subject to the employment-related disregards and calculated in the following manner:

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- a. The lump sum shall be divided by the number of months during which work was performed to arrive at a monthly amount;
- b. If the lump sum earned income is income from self-employment, the monthly cost of doing business shall be subtracted from the monthly income amount; and
- c. The monthly income amount shall be counted as income for a period equal to the number of months that work was performed following the payment of the lump sum;

(7) Rental income, which is payment to an AG member by someone in a rental housing situation, shall be treated as described below:

- a. Rental income shall be reduced by the cost of doing business as described in b. below, and the remainder shall be considered net rental income;
- b. The cost of doing business shall be the higher of the following monthly figures:
 - 1. \$50 per tenant; or
 - 2. The actual documented expense of providing shelter to the tenants, excluding the following expenses which shall not be business expenses:
 - (i) Depreciation;
 - (ii) Personal business and entertainment;
 - (iii) Personal transportation;
 - (iv) Payments on the principals of business loans;
 - (v) Purchase prices of capital assets;
 - (vi) Payments on the principals of the purchase prices of capital assets; and
 - (vii) Personal taxes, such as income taxes;
- c. If rental income is the result of services performed by an AG member, the net rental income shall be treated as earned income;
- d. If a rental property is managed by a rental agency or by someone other than the AG member who receives the income, the net rental income shall be treated as unearned income; and
- e. If the rental income is derived from a rooming arrangement, the net rental income shall be treated as unearned income;

(8) Boarder income, which is payment by an individual who lives in and is provided meals in someone else's home, shall be treated as unearned income and be reduced by the cost of doing business of which is the higher of the following:

- a. The supplemental nutrition assistance program maximum monthly allotment level pursuant to 7 CFR 273.10(e)(4), for a household size equivalent to the total number of boarders; or

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b. The actual documented expense of providing room and meals to the boarder or boarders;

(9) Payments from a trust or similar legal device, or payments from the corpus of a trust or a similar legal device, made to, for the benefit of, or on behalf of the individual, shall be considered income to the individual; and

(10) For FANF only, military pay that is not considered combat pay pursuant to (a)(7) above and is made available to a household while a military member is absent from the household shall be treated as unearned income.

(c) Pursuant to RSA 167:80, IV(h), Supplemental Security Income (SSI) shall be counted as unearned income for FANF and the adult categories of financial assistance, when computing income pursuant to He-W 652.02 and He-W 654.02.

(d) With respect to (c) above, SSI shall be excluded for the FANF categories of financial assistance when the recipient of the SSI benefit is a dependent child, as defined in He-W 601.03.

APPENDIX

Rule	Specific State or Federal Statutes or Regulations the Rule Implements
He-W 654.04	RSA 167:3-c, I; RSA 167:4, I(a); RSA 167:79, II; RSA 167:80, IV; 7 CFR 273.10(e)(4); 45 CFR 233.20(a)(3); 42 USC 1382a(a)