

DEPARTMENT OF HUMAN RESOURCES FAMILY INVESTMENT ADMINISTRATION	TEMPORARY DISABILITY ASSISTANCE MANUAL
CHAPTER IV: FINANCIAL ELIGIBILITY	COMAR 07.03.05.10
SECTION 3: INCOME	

TREATMENT OF INCOME

A. Availability of Income.

1. All income actually at the disposal of the customer is considered available to the customer except as excluded in Section B below. If there is potential for income, the customer, with the help of the local department will:
 - a) Take all possible steps to make the income available; and
 - b) Submit verification of efforts being made to obtain the income.
 - c) Net earned income (take-home pay) from the application month or from a period preceding the application month but received in that month is considered lump sum income and treated as described in section D below.
 - d) Income of a Spouse.
 - e) Net earned income and all unearned income, except SSI benefits, of the spouse with whom the customer is living is considered to be income to the customer in the month received by the spouse.
 - f) Disregard an amount equal to the allowable amount (\$185) to meet the needs of the non-recipient spouse.

Example:

Mr. & Mrs. S apply for TDAP for Mr. S. Mrs. S is employed part-time and receives \$500 a month net income. Mrs. S's earnings, minus the \$185 disregard, equal \$315 and exceed the allowable grant amount of \$185 monthly; therefore Mr. S is ineligible for TDAP benefits.

Mr. & Mrs. W apply for TDAP for Mrs. W. Mr. W receives SSI benefits and there is no other income in the household. SSI income of a spouse is not considered available income to the customer, therefore if Mrs. W meets all the other program requirements she is eligible for TDAP benefits.

NOTE: Deny or close the TDAP case for applicants or recipients who have unearned income (other than the spouse's SSI or the special income listed in B) at their disposal that exceeds the \$185 grant amount.

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B. Disregarded Income. Do not count the income from any of the following sources:

1. In-kind income, including vendor payments, third-party payments and contribution of goods to the customer;
2. Food stamp allotments;
3. Payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 or under the Maryland Relocation and Assistance Act, Real Property Article, Title 12, Subtitle 2, Annotated Code of Maryland;
4. A grant or loan to an undergraduate student for educational purposes;
5. Benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended;
6. Stipends, compensation, or expenses received for volunteer service from programs under the Domestic Volunteer Service Act of 1973, sponsored by ACTION, including, but not limited to:
 - a) Demonstration Project Program for Local Services (PLS)
 - b) Volunteer in Service to America (VISTA)
 - c) University Year for Action
 - d) Retired Senior Volunteer Program (RSVP)
 - e) Foster Grandparents
 - f) Older American Community Services Program
 - g) Service Corps of Retire Executives (SCORE) and
 - h) Active Corp of Executives (ACE);
7. All training allowances offered by a public or private organization enabling a TDAP customer to participate in a training program intended to help the customer to acquire job skills;

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8. Loans or portions of loans from any source that the customer must repay as evidenced by:
 - a) A written agreement to repay within a specified time, or
 - b) The borrower's acknowledgment of obligation to repay and a plan and timetable for repayment at a specified future date;
9. Any payment under Title 1 of P.L.10-383, the Civil Liberties Act of 1988, or Title II of PL100-383, the Aleutian and Pribilof Islands Restitution Act received by individuals of Japanese ancestry or Aleuts: and
10. Any payment made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the Agent Orange product liability litigation.

C. Income of a Sponsor. This section applies to legal immigrants who are required by federal law to have a sponsor who has signed an I-864 Affidavit of Support Countable Income of Sponsors.

1. All monthly earned and unearned income of the sponsor and the sponsor's spouse is countable with the following disregards:
 - a) 20 percent of the gross earned income, or 50 percent of the gross income if self-employed;
 - b) Out-of-pocket child care expenses up to \$200 per child;
 - c) An amount that is equal to the TCA payment standard for the sponsor and his dependents who are in the home;
 - d) Verified payments of alimony or child support a sponsor makes to individuals outside the sponsor's family; and
 - e) Verified payments a sponsor makes to individuals outside the family who are claimed by the sponsor as dependents to determine the sponsor's personal federal income tax liability.
2. When an individual is the sponsor of two or more legal immigrants, the portion of the income and assets of the sponsor and the sponsor's spouse that is counted as available to the legal immigrants is divided equally among the sponsored immigrants.

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3. Exempt Immigrants. Items C.1 and 2 above do not apply to an immigrant who is:
 - a) Sponsored by an organization or group instead of an individual;
 - b) Not required to have a sponsor under the Immigrant and Nationality Act, such as, but not limited to:
 - i) A refugee;
 - ii) A parolee;
 - iii) An individual granted asylum; or
 - iv) A Cuban or Haitian entrant;
 - v) A battered spouse or child, with the exemption lasting 12 months, if:
 - The individual has been battered or subjected to extreme cruelty in the United States by the individual's spouse or parents or by another family member residing in the household who was allowed to commit the act;
 - The battery or cruelty has a substantial connection to the need for benefits; and
 - The spouse or child subjected to the cruelty is not living with the individual who committed the acts; or
 - Abandoned by their sponsor or where the sponsor's contribution is so inadequate that the immigrant would otherwise go without food and shelter.
4. Sponsored Immigrant Responsibility. During the period the immigrant is subject to sponsor deeming, the immigrant is responsible for:
 - a) Obtaining the cooperation of the immigrant's sponsor for providing the local department, at the time of application and recertification, with the information and documentation necessary to calculate countable income and resources and,
 - b) Providing the names, or other identifying factors, of other immigrants for whom the immigrant's sponsor has signed an affidavit of support.
5. Awaiting Verification. Until a sponsored immigrant provides information or verification necessary to calculate income and resources of a sponsor the sponsored immigrant is ineligible.
6. Termination of Support Obligation.

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- a) The sponsor's support obligation terminates when the sponsored immigrant:
 - i) Becomes a citizen of the United States;
 - ii) Has worked, or can be credited with, 40 qualifying quarters of work, provided the sponsored immigrant is not credited with any quarter beginning after December 31, 1996, during which the immigrant receives a federal means-tested public benefit;
 - iii) Ceases to hold the status of an alien lawfully admitted for permanent status and has departed the U.S.; or
 - iv) Dies.
- b) The sponsor's support obligation ends if the sponsor dies.
- c) The termination of the support obligation does not relieve the sponsor or the sponsor's estate of any reimbursement obligation that accrued before the support obligation terminated.

Example:

Ms. Horne agreed to sponsor her Aunt Lena, a legal immigrant, as a condition for Aunt Lena to be admitted into the country. Count Ms. Horne's income as required in C. above. Ms. Horne earns \$2000 a month. She has two children and pays \$200 each monthly for childcare. After subtracting the 20% disregard (\$400), the total childcare amount (\$400) and the three-person TCA payment standard of \$482, the remaining income equals \$718. Since this is more than the TDAP benefit amount, Aunt Lena is ineligible for TDAP.