



DELAWARE COUNTY LEAD-SAFE OHIO HOMEOWNER APPLICATION

APPLICATION SUBMISSION INSTRUCTIONS

The following pages contain the application for the 2024 Delaware County Lead-Safe Ohio program. Applicant must fill out this application in its entirety and supply all required documentation before application will be considered for funding. Applications will be processed and funds awarded on a first come-first served basis until all available funds under the Program have been allocated; therefore not every eligible applicant is guaranteed to receive funding.

Note that this application is time-intensive and requires the provision of detailed household income and asset information to determine eligibility for the Program. You are encouraged to review the pre-screening questions on our website at <https://co.delaware.oh.us/media-room/bids/> prior to beginning the application.

Once application is complete and all required supporting documentation/photos have been compiled, please PRINT OUT application and supporting information, and place into a sealed envelope. Applications may be mailed or hand-delivered to the following address:

DELAWARE COUNTY LEAD-SAFE OHIO PROGRAM
HOMEOWNER APPLICATION
ATTN: JUSTIN NAHVI, DIRECTOR OF FINANCE
91 N. SANDUSKY STREET
DELAWARE, OHIO 43015

Hand delivered applications may be delivered to the County Commissioners' Office at 91 N. Sandusky Street during regular business hours (8:00 a.m. - 4:30 p.m., M-F).

Questions regarding this application may be emailed to Justin Nahvi, Finance Director at jnahvi@co.delaware.oh.us.



DELAWARE COUNTY LEAD-SAFE OHIO HOMEOWNER APPLICATION

This application is for Delaware County HOMEOWNERS WHO RESIDE AT THE PROPERTY for which funding for improvements is being sought via the Lead-Safe Ohio Program.

This Application will NOT be processed if not completed in its entirety and/or if it does not include all required documents.

APPLICANT INFORMATION

Applicant's Full Name: _____ Applicant's Email: _____

Applicant's Phone #: _____ Applicant's Date of Birth: _____

Applicant's Mailing Address: _____

Applicant's Social Security # (to be used for income verification purposes only): _____

REHABILITATION PROJECT INFORMATION

Funds Requested for the Following Address (MUST be a Delaware County Address):

Associated Delaware County Auditor Parcel I.D.: _____

For this application the Applicant must reside at the address where grant funds are being sought. Do YOU (Applicant) reside at this address? YES NO

Verification - Attach a recent utility bill with Applicant Name & Property Address.

Only homes (and portions thereof) constructed in 1978 or earlier are eligible for funding for rehabilitation. Was the home constructed in 1978 or earlier? YES NO

Is this home located in an official Historical District w/ local ordinances governing renovation and/or alterations (e.g., the "Sandusky Street Corridor" in Delaware)? YES NO

If yes, name of the Historical District: _____

The type of improvements being requested via this Application will require that all occupants are able to completely vacate the home (personal belongings/furniture may remain if moved at least 8' away from areas where work will occur in accordance with Program requirements) while rehabilitation work is being performed (typically 4-8 days). Do you and your household members have somewhere you are able to stay during this time? YES NO

If no, are you and your household occupants willing to stay at a hotel (hotel TBD in accordance with Program requirements) paid for by the program during construction? YES NO



The Delaware County Lead-Safe Ohio Program allows for funding (up to a maximum of \$50,000/home) to be used to remove wood window assemblies and wood exterior door assemblies and replace them with new vinyl windows and new steel/fiberglass exterior doors (unless historical district requirements apply).

What building components would you like to replace through this Program (check all that apply)?

Wood window replacement (replace with Energy Star vinyl or aluminum-clad windows*).

**If required by local ordinance, windows may be replaced with Energy Star wood windows*

Enter total quantity of wood windows to be replaced: _____

Of the total # of window reported above, how many are located in:

Basement: _____

1st Floor: _____

2nd Floor: _____

3rd Floor: _____

Attic: _____

Wood exterior door replacement (replace with Energy Star steel or fiberglass doors).

Enter quantity of wood exterior doors to be replaced: _____

Do any of the windows/doors to be replaced currently have alarm sensors installed?

YES

NO

Note - Applicant is responsible for re-installation of any sensors removed during Work.

Verification – Attach four (4) photos of the exterior of the home; one photo from each side/elevation of the home.

Has this property received any prior HUD funding (or been approved for HUD funding) for lead work?

YES

NO

If yes, explain circumstances: _____

To the best of your knowledge, has a lead hazard control order ever been issued for this property by a health department?

YES

NO

Does any child living in (or spending more than 6 hours/week in) the home ever been found to have an elevated blood level (EBL)?

YES

NO



HOUSEHOLD INFORMATION

To be eligible for this grant program the combined income of all adults residing in the household **MUST** be within the 2024 Income Guidelines listed below (subject to change):

Household Income Limits – Delaware County

Total Number of Persons (Including Minors) Residing in Household							
1	2	3	4	5	6	7	8
\$57,900	\$66,150	\$74,400	\$82,650	\$89,300	\$95,900	\$102,500	\$109,100

Example: If your household has 2 adults and 2 children residing there, you have a total of 4 persons residing in the household. The combined income of the 2 adults must not exceed \$82,650.

No.	Household Member Full Name	Age of Household Member
1.	(Applicant)	
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

Please provide information about your household in the table below (print additional page if needed):

Are any of the adult (18+) household members listed above a full-time student living away from home?
 YES NO If YES, please specify which member: _____

Are any of the adult (18+) household members a non-related live-in aide being paid (either by the patient/family or a social services program) to care for another household member?
 YES NO If YES, please specify which member: _____

Are any of the household members listed above a Foster Child or Foster Adult?
 YES NO If YES, please specify which member: _____



VERIFICATION OF ASSETS OF HOUSEHOLD MEMBERS

For each asset identified on the previous page, you are **REQUIRED** to submit the following verification documentation.

FAILURE TO SUBMIT ALL REQUIRED DOCUMENTATION MAY RESULT IN DENIAL OF APPLICATION.

REQUIRED DOCUMENTATION – VERIFICATION OF ASSETS <i>Provide documentation for ALL assets listed in table on Page 4.</i>		<i>Applicant – Please use these two columns as a checklist to verify all relevant documents are attached to this application.</i>	
Asset Description	Documentation Required*	Does this asset category apply to any Household Members listed on Page 3?	Docs Attached for all Applicable Household Members?
Bank/Credit Union Checking/Savings Accounts, Certificates of Deposit, and Similar Assets.	6 months’ account statements for EACH individual account.		
Brokerage Accounts (stocks, bonds, and other equities).	6 months’ account statements for EACH individual account.		
Cash and/or Personal Property held at home for investment (e.g. art collection, coin collection, etc.)	Household Member to attach statement detailing how they arrived at the value reported on previous page.		
Cash value of Life Insurance Policies available to the individual BEFORE death [e.g., the “surrender” value of a whole life or universal life insurance policy (term life insurance policies are not considered reportable assets)].	Statement/Letter from insurer noting the current cash value of the policy.		
Real Estate held for Investment (not your home).	Current documentation of value of real estate (e.g., county auditor’s estimate), AND provide a current mortgage statement if a loan remains on the property.		
Revocable Trusts & Trust Funds.	Provide 6 months’ account statements for the trust bank account, and documentation detailing the household member(s) interest in the trust.		
Any other assets listed in “Exhibit A” not otherwise described here.	If applicable, attach 6 month’s account statements. Otherwise, attach a written description of the assets and how value was calculated.		

*Applications will not be reviewed for Program eligibility unless complete. If you have made efforts to obtain one or more of these documents but were unsuccessful, the Household Member **MUST** submit a **notarized and signed** statement stating the nature and value of the asset, any supporting information, and a description of the efforts you made to obtain the required documentation. You must do this for each asset item where the required documentation formats are not provided.



FINANCIAL INFORMATION FOR HOUSEHOLD MEMBERS – INCOME OF HOUSEHOLD MEMBERS

Please fill out the table below to list ALL gross (before taxes/withholdings) income anticipated to be received by all ADULT (18+) household members over the next 12 months. See “Exhibit A – Income and Asset Inclusions and Exclusions” for a complete list of income types. Print additional page(s) if necessary.

FAILURE TO DISCLOSE ALL INCOME MAY RESULT IN DENIAL OF APPLICATION.

ENTER ANTICIPATED GROSS INCOME OVER THE NEXT 12 MONTHS FOR EACH ADULT HOUSEHOLD MEMBER.				
FULL NAME(s) OF HOUSEHOLD MEMBERS	WAGES/SALARIES	BENEFITS/PENSIONS	PUBLIC ASSISTANCE	OTHER INCOME
<i>Enter the full (first, last) name of each adult Household Member with anticipated income below.</i>	<i>Income received from employer.</i>	<i>Social Security income, retirement income, etc.</i>	<i>Any income from public welfare or disability benefits.</i>	<i>Income received from operation of business or profession, rental property, or any other income.</i>

REFER TO “EXHIBIT A” FOR A LIST OF ALL REQUIRED INCOME TYPES TO BE DISCLOSED.



VERIFICATION OF INCOME OF HOUSEHOLD MEMBERS

For each income type identified on the previous page, you are **REQUIRED** to submit the following verification documentation.

FAILURE TO SUBMIT ALL REQUIRED DOCUMENTATION MAY RESULT IN DENIAL OF APPLICATION.

REQUIRED DOCUMENTATION – VERIFICATION OF INCOME <i>Provide documentation for ALL income listed in table on Page 6.</i>		<i>Applicant – Please use these two columns as a checklist to verify all relevant documents are attached to this application.</i>	
Income Type	Documentation Required	Does this income category apply to any Household Members listed on Page 5?	Docs Attached for all Applicable Household Members?
Wages/Salaries	2 months’ (8 weeks) paystubs for each employer OR 2023 W-2 form (if Household Member has had same employer for last two years).		
Welfare, Supplemental Security Income (SSI), Disability, or Pension Income.	Award or Benefit letters from agency/court outlining income received OR most recent quarterly pension account statement, OR 2 months’ current check stubs with date, amount, and check # recorded by the owner.		
Social Security Income.	2023 Social Security Benefits Statement (get a copy at: https://www.ssa.gov/myaccount/statement.html)		
Net Income from a Business Owned by Household Member.	Most recent IRS Form 1040 return with Schedule C, E, or F, OR last year’s Financial Statements for the building, including an accountant’s calculation of straight-line depreciation expense if accelerated depreciation was used on the financial statement.		
Income from a Real Estate Owned by Household Member.	2 Months’ copies of recent rent checks AND copy of lease, OR last year’s IRS Schedule E.		
Unemployment Compensation.	Provide Benefit Notification Letter signed by authorizing agency, OR 2 months’ copies of recent checks/records from agency stating payment amounts and dates.		
Any other income types listed on “Exhibit B” and not listed above.	Generally, provide 2 months’ copies of recent checks/records from source of income stating payment amounts and dates.		

*Applications will not be reviewed for Program eligibility unless complete. If you have made efforts to obtain one or more of these documents but were unsuccessful, the Household Member must submit a **notarized and signed** statement stating the nature and value of the source of income, any supporting information, and a description of the efforts you made to obtain the required documentation. You must do this for each income type where the required documentation formats are not provided.



AGREEMENT OF APPLICANT AND ADULT HOUSEHOLD OCCUPANTS

In exchange for the opportunity to apply to participate in the Delaware County Lead-Safe Ohio Grant Program (the "Program"), Applicant and all other household occupants aged 18 and over (the "Household Occupants") residing at the property for which funding under this Program is being sought (the "Subject Property") freely and voluntarily agree to enter into and be bound by this Agreement with Delaware County.

The Program requires Delaware County to verify that the information provided by the Homeowner's Application meets Program eligibility requirements. Applicant and Household Occupants authorize and release Delaware County and its agents to obtain financial and other information necessary to verify eligibility for the Program, or any other information provided in this application. This information could include but is not limited to the following: Alimony/Separation Income; Identity of Applicant and Household Occupants; Asset Verification; Assets on Deposit; Bank Accounts; Childcare Expenses; Child Support Payments; Employment; Full-Time Student Status; Handicap Assistance Expense; Income (all sources); Income from Business; Liens; Medical Expenses; Pension and Annuities; Social Security Benefits; Tax Returns; Unemployment Benefits; VA Benefits. If requested by Delaware County, Applicant and Household Occupants further agree to sign any additional individual release of information forms with entities necessary to verify this information.

The Applicant and Household Occupants understand that it is a criminal offense to make willful false statements or misrepresentations to any Department or Agency of the United States as to any matter within its jurisdiction (Section 1001 of Title 18 of US Code).

The Applicant understands that approval of the application is not guaranteed. The application may not be approved for any reason, including but not limited to Applicant/Household Occupants ineligibility, incomplete applications, project ineligibility, the condition of the house, or the cost of the amount of work needed.

The Applicant understands that the scope of this project is limited to replacement of window and door assemblies only. While "lead safe" work practices will be utilized during construction, the intent of any project conducted under this Program is not to remove all other potential lead hazards (if any exist) from the home. Applicant and Household Occupants hereby agree that Delaware County, its agents, engineer, contractors, and staff are not responsible for any elevated blood levels (EBLs) discovered after the conclusion of the project.

The Applicant understands they will need to sign a document confirming receipt of the U.S. Environmental Protection Agency's pamphlet entitled "Protect Your Family from Lead in Your Home." Additionally, Applicant will be required to attend a final punch list walkthrough with Contractor and/or Engineer at the conclusion of the project and sign a statement noting acceptance of work.

The Applicant understands that an inspection/assessment may need to be completed on the home by Delaware County or its agents if the application is approved. Access to each room, from attic to basement, and a clear path to each window are needed. Animals must be kept outside or restrained during the inspection/assessment. If the inspector does not have access to each room and window, or pets are not contained, the inspection will be canceled and may or may not be rescheduled. If any paint or dust samples are collected for lead content, Applicant understands that results will be reported as required to the Ohio Department of Health.



The Applicant understands that if any portion of the work is performed inside the residence, the Grant requires clearance dust sampling be performed and associated sampling results reported to the Ohio Department of Health.

The Applicant understands that before moving out of the property, the Applicant must complete the following: furniture must be moved out of work areas (minimum of 8' clearance around each window/door to be replaced); window treatments must be removed where windows are being replaced; access to windows must be clear; porches must be clear; and valuables must be secured. The property must be pest and rodent free. The Applicant(s) understand(s) that Delaware County, its agents, engineer, and staff are not responsible for anything damaged or stolen before, during, or after the work is done.

The Applicant understands that any verbal or physical abuse or threats to Delaware County staff, agents, contractors, or their employees may result in the immediate termination of assistance and that any work performed will be at the expense of the Applicant(s).

The Applicant acknowledges and agrees to the "Walk Away Policy" under the Program. The Walk Away Policy allows the Applicant to be denied assistance regardless of eligibility under certain circumstances. These circumstances include, but are not limited to the following: Applicant and/or Household Occupant(s) becomes verbally or physically abusive or threatens staff members; the Applicant and/or Household Occupant(s) continually fails to cooperate with staff or contractors; Applicant knowingly misinterprets information relevant to eligibility for assistance; a determination is made that the structure is not sound; abuse of animals on the property; inhumane and/or unsanitary conditions on the property; illegal or improper use of the property; extreme conditions of hoarding, clutter or filth in or on the property; other health and/or safety issues present. Under any of these circumstances assistance may be withheld and/or terminated at the discretion of the program administrator.

I/we acknowledge that we have read and understand this Agreement and by my/our signatures below do affirm the above.

SIGNATURES *Only Applicant and Adult (18+) Household Members are required to sign this form.*

_____	_____	_____
Applicant Signature	Applicant Printed Name	Date
_____	_____	_____
Adult Household Member #2 Signature	Adult Household Member #2 Name	Date
_____	_____	_____
Adult Household Member #3 Signature	Adult Household Member #3 Name	Date
_____	_____	_____
Adult Household Member #4 Signature	Adult Household Member #4 Name	Date



**DELAWARE
COUNTY** *Ohio*

Adult Household Member #5 Signature

Adult Household Member #5 Name

Date

Adult Household Member #6 Signature

Adult Household Member #6 Name

Date

Adult Household Member #7 Signature

Adult Household Member #7 Name

Date

Adult Household Member #8 Signature

Adult Household Member #8 Name

Date

EXHIBIT A

Part 5 (Section 8) Income and Asset Inclusions and Exclusions

24 CFR 5.609(b) and (c)

Examples included in parentheses have been added to the regulatory language for clarification.

INCOME INCLUSIONS:

- 1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
- 2) The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;
- 3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (2) above. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;
- 4) The full amount of periodic amounts received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a **periodic amount (e.g., Black Lung Sick benefits, Veterans Disability, Dependent Indemnity Compensation, payments to the widow of a serviceman killed in action). See paragraph (13) under Income Exclusions for an exception to this paragraph;**
- 5) Payments in lieu of earnings, such as unemployment, disability compensation, worker's compensation, and severance pay, except as provided in paragraph (3) under Income Exclusions;
- 6) Welfare Assistance.
 - a. Welfare assistance received by the family.
 - b. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:
 - c. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 - d. The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.
- 7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling; and
- 8) All regular pay, special pay, and allowances of a member of the Armed Forces, except as provided in paragraph (7) under Income Exclusions.

- 9) For Section 8 programs only and as provided in 24 CFR 5.612, any financial assistance, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except that financial assistance described in this paragraph is not considered annual income for persons over the age of 23 with dependent children. For the purposes of this paragraph “financial assistance” does not include loan proceeds for the purpose of determining income. *(Note: This paragraph also does not apply to a student who is living with his/her parents who are applying for or receiving Section 8 assistance.)*

INCOME EXCLUSIONS:

- 1) Income from employment of children (including foster children) under the age of 18 years;
- 2) Payments received for the care of foster children or foster adults (usually persons with disabilities unrelated to the tenant family, who are unable to live alone);
- 3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker’s compensation), capital gains, and settlement for personal or property losses, except as provided in paragraph (5) under Income Inclusions;
- 4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- 5) Income of a live-in aide, as defined in 24 CFR 5.403;
- 6) The full amount of student financial assistance paid directly to the student or to the educational institution (see Income Inclusions (9), above, for students receiving Section 8 assistance);
- 7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire (e.g., in the past, special pay included Operation Desert Storm);
- 8)
 - a. Amounts received under training programs funded by HUD (e.g., training received under Section 3);
 - b. Amounts received by a person with a disability that are disregarded for a limited time for purposes of supplemental security income eligibility and benefits because they are set-aside for use under a Plan to Attain Self-Sufficiency (PASS);
 - c. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) and which are made solely to allow participation in a specific program;
 - d. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the owner, on a part-time basis, that enhances the quality of life in the project. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident- initiative coordination. No resident may receive more than one such stipend during the same period of time; or
 - e. Incremental earnings and benefits resulting to any family member from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as a resident management staff person. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program.
- 9) Temporary, nonrecurring, or sporadic income (including gifts);

- 10) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era. (Examples include payments by the German and Japanese governments for atrocities committed during the Nazi era);
- 11) Earnings in excess of \$480 for each full-time student 18 years or older (excluding the head of household and spouse);
- 12) Adoption assistance payments in excess of \$480 per adopted child;
- 13) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump-sum amount or in prospective monthly amounts;
- 14) Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;
- 15) Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

- 16) The following updated list of Federally mandated income exclusions *is from the Federal Register dated January 31, 2024* and supersedes the notice published in the Federal Register on May 20, 2014. The exclusions listed below apply to income only, except where HUD states that the exclusion also applies to assets. Actual income earned from an excluded asset may be included in income if it is not deposited into an account that is disregarded and excluded under one of the below authorities. If an amount is in an excluded account, like an Independent Development Account or an ABLE account, then the statute or the regulations associated with that income/asset exclusion will dictate what portion of the income earned off the amount, if any, is to be included in the family's income. Please note that exclusions (13) and (23) have provisions that apply only to specific HUD programs): <https://www.federalregister.gov/documents/2024/01/31/2024-01873/federally-mandated-exclusions-from-income-updated-listing>
 - a. The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017(b)). This exclusion also applies to assets;
 - b. Payments, including for supportive services and reimbursement of out-of-pocket expenses, for volunteers under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5044(f)(1), 42 U.S.C. 5058), are excluded from income except that the exclusion shall not apply in the case of such payments when the Chief Executive Officer of the Corporation for National and Community Service appointed under 42 U.S.C. 12651c determines that the value of all such payments, adjusted to reflect the number of hours such volunteers are serving, is equivalent to or greater than the minimum wage then in effect under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 *et seq.*) or the minimum wage, under the laws of the State where such volunteers are serving, whichever is the greater (42 U.S.C. 5044(f)(1)). This exclusion also applies to assets;
 - c. Certain payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c)). This exclusion also applies to assets;
 - d. Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 5506). This exclusion also applies to assets;
 - e. Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f)(1)). This exclusion also applies to assets;
 - f. Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, section 6). This exclusion also applies to assets;
 - g. The first \$2000 of per capita shares received from judgment funds awarded by the National Indian Gaming Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted

lands, and the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands. This exclusion does not include proceeds of gaming operations regulated by the Commission (25 U.S.C. 1407–1408). This exclusion also applies to assets;

- h. Amounts of student financial assistance funded under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070), including awards under Federal work-study programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu). For section 8 programs only (42 U.S.C. 1437f), any financial assistance in excess of amounts received by an individual for tuition and any other required fees and charges under the Higher Education Act of 1965 (20 U.S.C. 1001 *et seq.*), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall not be considered income to that individual if the individual is over the age of 23 with dependent children (Pub. L. 109–115, section 327) (as amended)
- i. Payments received from programs funded under Title V of the Older Americans Act of 1965 (42 U.S.C. 3056g);
- j. Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund (Pub. L. 101–201) or any other fund established pursuant to the settlement in *In Re Agent Orange Product Liability Litigation*, M.D.L. No. 381 (E.D.N.Y.). This exclusion also applies to assets;
- k. Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96–420 section 9(c)). This exclusion also applies to assets;
- l. The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);
- m. Earned income tax credit (EITC) refund payments [1] received on or after January 1, 1991, for programs administered under the United States Housing Act of 1937, title V of the Housing Act of 1949, section 101 of the Housing and Urban Development Act of 1965, and sections 221(d)(3), 235, and 236 of the National Housing Act (26 U.S.C. 32(l)). This exclusion also applies to assets;
- n. The amount of any refund (or advance payment with respect to a refundable credit) issued under the Internal Revenue Code is excluded from income and assets for a period of 12 months from receipt (26 U.S.C. 6409);
- o. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation (Pub. L. 95–433 section 2). This exclusion also applies to assets;
- p. Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));
- q. Any allowance paid to children of Vietnam veterans born with spina bifida (38 U.S.C. 1802–05), children of women Vietnam veterans born with certain birth defects (38 U.S.C. 1811–16), and children of certain Korean and Thailand service veterans born with spina bifida (38 U.S.C. 1821–22) is excluded from income and assets (38 U.S.C. 1833(c)).
- r. Any amount of crime victim compensation that provides medical or other assistance (or payment or reimbursement of the cost of such assistance) under the Victims of Crime Act of 1984 received through a crime victim assistance program, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime (34 U.S.C. 20102(c)). This exclusion also applies to assets;
- s. Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998 reauthorized as the Workforce Innovation and Opportunity Act of 2014 (29 U.S.C. 3241(a)(2));

- t. Any amount received under the Richard B. Russell School Lunch Act (42 U.S.C. 1760(e)) and the Child Nutrition Act of 1966 (42 U.S.C. 1780(b)), including reduced-price lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC). This exclusion also applies to assets;
- u. Payments, funds, or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (Pub. L. 101–503 section 8(b)). This exclusion also applies to assets;
- v. Payments from any deferred U.S. Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts (42 U.S.C. 1437a(b)(4));
- w. Any amounts (i) not actually received by the family, (ii) that would be eligible for exclusion under 42 U.S.C. 1382b(a)(7), and (iii) received for service-connected disability under 38 U.S.C. chapter 11 or dependency and indemnity compensation under 38 U.S.C. chapter 13 (25 U.S.C. 4103(9)(C)) as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Pub. L. 111–269 section 2) to the definition of income applicable to programs under the Native American Housing Assistance and Self-Determination Act (NAHASDA) (25 U.S.C. 4101 *et seq.*);
- x. A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, 816 F.Supp.2d 10 (Oct. 5, 2011 D.D.C.), for a period of one year from the time of receipt of that payment as provided in the Claims Resolution Act of 2010 (Pub. L. 111–291 section 101(f)(2)). This exclusion also applies to assets;
- y. Any amounts in an “individual development account” are excluded from assets and any assistance, benefit, or amounts earned by or provided to the individual development account are excluded from income, as provided by the Assets for Independence Act, as amended (42 U.S.C. 604(h)(4));
- z. Per capita payments made from the proceeds of Indian Tribal Trust Settlements listed in IRS Notice 2013–1 and 2013–55 must be excluded from annual income unless the per capita payments exceed the amount of the original Tribal Trust Settlement proceeds and are made from a Tribe's private bank account in which the Tribe has deposited the settlement proceeds. Such amounts received in excess of the Tribal Trust Settlement are included in the gross income of the members of the Tribe receiving the per capita payments as described in IRS Notice 2013–1. The first \$2,000 of per capita payments are also excluded from assets unless the per capita payments exceed the amount of the original Tribal Trust Settlement proceeds and are made from a Tribe's private bank account in which the Tribe has deposited the settlement proceeds (25 U.S.C. 117b(a), 25 U.S.C. 1407);
- aa. Federal assistance for a major disaster or emergency received by individuals and families under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93–288, as amended) and comparable disaster assistance provided by States, local governments, and disaster assistance organizations (42 U.S.C. 5155(d)). This exclusion also applies to assets;
- bb. Any amount in an Achieving Better Life Experience (ABLE) account, distributions from and certain contributions to an ABLE account established under the ABLE Act of 2014 (Pub. L. 113–295.), as described in Notice PIH 2019–09/H 2019–06 or subsequent or superseding notice is excluded from income and assets; and
- cc. Assistance received by a household under the Emergency Rental Assistance Program pursuant to the Consolidated Appropriations Act, 2021 (Pub. L. 116–260, section 501(j)), and the American Rescue Plan Act of 2021 (Pub. L. 117–2, section 3201). This exclusion also applies to assets.

Part 5 (Section 8) Asset Inclusions and Exclusions

ASSET INCLUSIONS:

- 1) Cash held in savings accounts, checking accounts, safe deposit boxes, homes, etc. For savings accounts, use the current balance. For checking accounts, use the average 6-month balance. Assets held in foreign countries are considered assets;
- 2) Cash value of revocable trusts available to the applicant;
- 3) Equity in rental property or other capital investments. Equity is the estimated current fair market value of the asset less the unpaid balance on all loans secured by the asset and all reasonable costs (e.g., penalties or broker fees) that would be incurred in selling the asset. Under HOME, equity in the family's primary residence is not considered in the calculation of assets for owner-occupied rehabilitation projects;
- 4) Cash value of stocks, bonds, Treasury bills, certificates of deposit, mutual funds, and money market accounts;
- 5) Individual retirement, 401(K), and Keogh accounts (even if withdrawal would result in a penalty). While an individual is employed, count only amounts the family can withdraw without retiring or terminating employment. After retiring or terminating employment, count as an asset any amount the employee elects to receive as a lump sum;
- 6) Annuity where the applicant has the option of withdrawing a balance (even if withdrawal would result in a penalty);
- 7) Retirement and pension funds;
- 8) Cash value of life insurance policies available to the individual before death (e.g., surrender value of a whole life or universal life policy);
- 9) Personal property held as an investment such as gems, jewelry, coin collections, antique cars, etc.;
- 10) Lump sum or one-time receipts, such as inheritances, capital gains, lottery winnings, cash from sale of assets, victim's restitution, insurance settlements, and other amounts not intended as periodic payments;
- 11) Mortgages or deeds of trust held by an applicant; and
- 12) Assets disposed of for less than fair market value (e.g., property) when the fair market value of all assets given away during the past two years exceeds the gross amount received by more than \$1,000.

ASSET EXCLUSIONS:

- 1) Necessary personal property, except as noted in number 9 of Inclusions, such as clothing, furniture, cars, and vehicles specially equipped for persons with disabilities;
- 2) Interest in Indian trust lands;
- 3) Assets not effectively owned by the applicant. That is, when assets are held in an individual's name, but the assets and any income they earn accrue to the benefit of someone else who is not a member of the household and that other person is responsible for income taxes incurred on income generated by the asset;
- 4) Equity in cooperatives in which the family lives;
- 5) Assets not accessible to and that provide no income for the applicant;
- 6) Term life insurance policies (i.e., where there is no cash value);
- 7) Assets that are part of an active business. "Business" does not include rental of properties that are held as an investment and not a main occupation;
- 8) Assets disposed of for less than fair market value as a result of foreclosure, bankruptcy, divorce, or separation;

- 9) IRA, Keogh, and similar retirement savings accounts where benefits are being received through periodic payments; or
- 10) Lump sum payments where the money is used for something that is not an asset— e.g., a car or a vacation or education.

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