Part 3 Financial Eligibility

44 What is financial eligibility?

You must be financially eligible to get EAEDC benefits. To be financially eligible, your **countable** income and assets must be within EAEDC eligibility limits. If you are within EAEDC eligibility limits, the amount of your grant is figured by comparing your countable income, after any allowable deductions, with the standard of assistance for your household size. These rules are discussed in more detail in this Part.

45 What is the difference between income and assets?

In general, income is money that "comes in." 106 C.M.R. §§ 321.200. An asset is money or property you already have. 106 C.M.R. §§ 321.100. EAEDC considers both income and assets in determining financial eligibility. Some assets and income do not count. See **Questions 46** and **49**.

Advocacy Reminder:

DTA must treat money as either income or an asset. It cannot treat money as both income and an asset in the same month. Some money and property is not counted as income and is also not counted as an asset.

46 Which assets count and which ones do not?

You are financially eligible only if you have countable assets ***of $250 or less*** for an individual, ***$500 or less*** for a couple or a family. 106 C.M.R. § 321.110.

Countable Assets

The following items **count** as assets:

- cash on hand (unless listed as noncountable);
- bank accounts that you own and have access to including checking, savings, retirement accounts, trust accounts, stocks, bonds, securities and other funds;
- the equity value above $1,500 of one vehicle that you own; the full equity value of additional vehicles you own (equity value is fair market value minus any liens, loans or encumbrances);
- the cash surrender value of life insurance and burial insurance;
- real estate other than your home unless it qualifies for a six-month exclusion and you are trying to sell it; see DTA Operations Memo 2013-52 (Oct. 3, 2013);
- state and federal tax refunds, except for any portion that is received as an earned income credit (EIC) which does not count in the month you get it and the following month;
- your share of a jointly held asset.

See 106 C.M.R. §§ 321.120 and 321.130 for complete descriptions of how assets are counted; DTA Online Guide: EAEDC > Financial Requirements > Assets > Countable Assets

Noncountable Assets

The following items **do not** count as assets:

- the home you live in and the land it sits on;

- the first $1,500 equity value (fair market value minus loans or encumbrances) of one vehicle;
- the first $600 of a lump sum payment (see **Question 54**);
- household and personal belongings including furniture, appliances, etc.;
- an asset that you don't have "ready access" to, such as assets tied up in legal proceedings and irrevocable trusts (unless you transferred the asset during the 12 months before you applied for EAEDC), see **Question 47**);
- higher education loans, grants and scholarships;
- any of the assets of an SSI recipient (such as a spouse getting SSI);
- portions of compensation or personal injury awards received as reimbursement for specific items, such as Workers' Compensation monies used to pay medical bills;
- property or equipment that you need for your employment or self-employment (for example, computers, farmland in use and farming equipment, fishing boats, taxi vehicles);
- Earned Income Tax Credit payments (not countable in the month of receipt and the month after).

This is not a complete list. Check the regulations for a complete list. 106 C.M.R. § 321.140; DTA Online Guide: EAEDC > Financial Requirements > Assets > Noncountable Assets

A Note About Cars:

Unlike TAFDC, EAEDC counts only the "equity value" of a vehicle, such as a car. The "equity value" is what you would make on the car if you sold it today at the "fair market value" and then paid back the car loan, lien or other encumbrances. $1,500 in equity value of one car per EAEDC household is exempt. Equity value over $1,500 counts towards the $250 or $500 EAEDC asset limits ($250 for an individual, $500 for two or more persons). 106 C.M.R. § 321.120(G).

Example: Suppose you own one car with a "fair market value" of $4,000 and you owe the bank $2,200 for your car loan. The equity value of your car is $1,800

($4,000 - $2,200 = $1,800). The first $1,500 doesn't count. You have a countable asset of $300 ($1,800 - $1,500 = $300) that counts towards your asset limit. If you are a single individual seeking EAEDC, your application will be denied because your vehicle exceeds the $250 asset limit unless you can show that the fair market value is even lower than $4,000.

Is your car worth less than DTA says because of its condition? DTA determines car value using the Kelly Blue Book, www.kbb.com. See DTA Field Operations Memo 2010-22 (Apr. 21, 2010). However, you can challenge the "fair market value" by bringing in either a written estimate from a licensed car dealer or a different valuation book. See 106 C.M.R. § 321.120(G)(2)(b) on how to "rebut" or challenge the valuation of your car.

Advocacy Reminders:

- ✓ If your vehicle puts you over the asset limit and you need it to transport a disabled family member, you can ask DTA to modify the car rule under the Americans with Disabilities Act. See **Question 80**.

- ✓ An asset may be noncountable if you do not have access to it because of domestic violence. For example, if the abuser has your car it may be noncountable. See DTA Transitions, April 2001, p. 8.

- ✓ If you make random withdrawals from a bank account that is below the asset limit and use them for unmet household needs, the withdrawals are not considered countable income. See DTA Transitions, Feb. 2014, p. 5.

- ✓ If your bank account goes over $250 for an individual or $500 for a couple, DTA may take steps to close your case without checking to see if any of the money in your bank account is not countable. See DTA Operations Memo 2014-57 (Oct. 10, 2014). Consult an advocate if this happens to you.

- ✓ Prepaid funeral arrangements usually cannot be converted into cash and are usually noncountable. See DTA Transitions, Feb. 2013, p. 7.

47 How does DTA treat assets I spent, gave away or transferred to someone else?

If you spent, gave away, or otherwise transferred any money or property during the year before you applied for EAEDC, DTA may say you are not eligible. DTA should not disqualify you if:

- at the time of the transfer, you thought you had enough left to live on for a year after the transfer;
- you spent the money on :
  - shelter, fuel, utilities, or food (up to the standard of need for your family size), **and/or**
  - necessary medical expenses (including health insurance premiums);
- you spent the money on transportation costs (less than $150/month), replacement or purchase of basic household furniture or appliances, repairing your dwelling, court-ordered judgments, certain government obligations like taxes, or a prepaid funeral arrangement and burial plot;
- you spent the money on expenses related to your work or education;
- you spent the money on something that is not an "extraordinary expense" (something you would not normally buy) and the amount you spent was less than 25% of your average monthly income (based on the previous six months of your income);
- you or the person who made the transfer was legally incompetent or coerced; ***or***
- the transfer was the result of a court action.

See 106 C.M.R. § 321.135 for a description of the transfer of asset rules.

Advocacy Reminders:

✓ DTA should count only the amount of money you spent or transferred that exceeds the EAEDC asset limit of $250 for an individual or $500 for a couple or a family (in combination with the other countable assets you had at the time).

- ✓ DTA may try to apply the transfer or assets rules to recipients whose assets to over the $250 limit for an individual or $500 for a couple. See DTA Operations Memo 2014-57 (Oct. 10, 2014). This may be illegal. Consult an advocate if this happens to you.

- ✓ The transfer of assets rule is often very unfair and may be illegal. Check with an advocate for legal help if DTA says you are not eligible because of the transfer of assets rule.

48 What if I am expecting money from an accident or illness?

If you are expecting money from an accident or illness ***and*** you need EAEDC because of that accident or illness, you have to "assign" or turn over your right to the money to DTA. See **Question 42**. This includes money from a lawsuit or Workers' Compensation. DTA will reimburse itself from the accident or illness money for the EAEDC and medical benefits you needed because of the accident or illness. 106 C.M.R. § 702.800.

If you are receiving EAEDC, DTA will apply the lump sum rule to the balance of the money that you get from the settlement. See **Questions 54-56**. If you are not receiving EAEDC but apply for benefits within 12 months after you get the money, DTA may apply the transfer of asset rules. See **Question 47**.

Advocacy Reminder:

- ✓ DTA can require you to assign the money only if your need for EAEDC was the result of an accident or illness and not some other situation. Special rules apply to elder and disabled EAEDC recipients who are required to seek SSI. See **Question 42**.

49 What income is not counted?

DTA looks at total monthly income to decide eligibility. But not all income counts. 106 C.M.R. § 321.250.

The following items **do not count** as income:

- income of any SSI recipients in the household, including that of a spouse or child receiving SSI;
- foster care payments you receive for a foster child;
- SNAP benefits (food stamps);
- federal higher education (college level) grants, loans and work study;
- other higher education grants and scholarships that cannot be used to meet current living expenses;
- any loan that cannot be used to meet current living expenses;
- up to $7,500 in relocation payments received by a tenant to leave a foreclosed property plus additional amounts you can verify are being used for relocation expenses, See DTA Transitions, Jan.. 2008, p. 7;
- payments from a reverse mortgage (loan that allows homeowner to withdraw equity from property), see DTA Transitions, April 2007, pp. 4-5;
- training stipends up to $130 per month;
- reimbursements for education or training expenses;
- Youthbuild or Americorps earnings or payments to participants;
- earned income of a child under 14;
- earned income of a child age 14 or older who is a full-time student, or a part-time student and a part-time employee;
- Earned Income Tax Credit payments;
- assistance from social service or other organizations;

- the first $600 of a lump sum payment;
- housing subsidies received under any Massachusetts or federal housing program including utility allowances paid under such programs;
- earnings of temporary census employees;
- certain restricted cash gifts from persons who are not financially responsible for the EAEDC recipient (see **Question 57**).

Advocacy Reminder:

✓ This is not a complete list of noncountable income. The regulations describe over 30 types of noncountable income. Check the regulations for a complete list. 106 C.M.R. § 321.250.

✓ Some employees get "credits" that can be used to pay for benefits such as health insurance, child care, or life insurance. The "credits" may show up on your pay stub as income, but they are not counted for EAEDC or SNAP (food stamps) unless you have the option of taking the credits as cash. See DTA Transitions, Jan. 2006, p. 7 and Feb. 2006, p. 3.

50 What income is counted?

Earned and unearned income is counted unless it is specifically excluded.

- **Earned income.** Countable earned income includes wages, tips and salary. 106 C.M.R. § 321.210(A). See **Question 59** on how earned income is counted.
- **Self-employment.** 106 C.M.R. § 321.210(A). Earnings from self-employment including home businesses is counted. To determine the amount, DTA subtracts business expenses from self-employment income including rental and utility costs you pay to operate your business; the costs of purchase, loan or repair of equipment (computers, vehicles, etc.); the cost of materials or supplies. There are special rules for business expense deductions if your self-employment is from rent. 106 C.M.R. § 321.210(E).

Unearned income. Countable unearned income includes Social Security (but not SSI), unemployment compensation, veterans' benefits, alimony, pension benefits, income from trusts and other unearned income received by the EAEDC applicant or recipient. 106 C.M.R. § 321.210(B).

51 How does DTA count the income of a spouse?

Under the EAEDC rules, if you live together, your spouse has a legal obligation to support you and some of the spouse's income will be counted in determining your EAEDC grant. 106 C.M.R. § 321.230. See **Question 62**.

52 I am a sponsored noncitizen, is my sponsor's income counted?

If you entered the United States as a sponsored immigrant ***and*** your sponsor is providing you with financial support, the actual income you personally receive from your sponsor will be counted dollar for dollar as ***unearned income*** in calculating your eligibility. This is the same as any other unearned income you receive.

If your sponsor is ***not*** providing any support to you, DTA does ***not count or "deem"*** the sponsor's income. See DTA Transitions, March, 2000, p. 4 and DTA Field Operations Memo 2008-65 (December 9, 2008).

53 What is in-kind income and when does DTA count it?

In-kind income is something you get free, such as free rent, utilities, clothing, or food. DTA looks at in-kind income in figuring out the EAEDC grant amount. 106 C.M.R. § 321.210(C). Food stamps, MassHealth, housing subsidies and other benefits are ***not*** counted as in-kind income.

DTA does ***not*** count in-kind income if it is:

- for only *a part of* a living expense identified in the In-Kind Income Chart (e.g., part of the rent); ***or***
- for an expense *not contained* in the In-Kind Income Chart (e.g., transportation, training or school fees). 106 C.M.R. § 321.510.

In-Kind Income Chart

Need	**Living Alone**	**Shared Living**
Rent/mortgage	$110/month	$56/month
Fuel	$23/month	$12/month
Utilities	$17/month	$9/month
Clothing	$18/month	$18/month
Food	$42/month	$42/month

Example 1: Sarah is disabled and lives in the house that she bought when she was working. The mortgage is $500 a month, which Sarah can't afford on her EAEDC grant. Sarah's sister Sue pays $250 directly to the mortgage company every month so that Sarah can continue to have a place to live.

Sue's payments are income in-kind that does not cover the full cost of the mortgage, so none of her payments count as income. If Sue paid the full cost of the mortgage to the bank, DTA would deduct $110 per month from Sarah's EAEDC grant as in-kind income.

Example 2: Carol, a 25-year-old disabled person participating in a Mass. Rehabilitation program lives rent-free with her parents but pays them $100/month toward heat and utilities. She uses the rest of the money for food and travel costs to her program. Because Carol is not charged for rent, DTA counts $110 per month as income to Carol, reducing her EAEDC grant by $110.

But if Carol pays her parents something each month for both rent and utilities (e.g., her parents could decide to charge her $75 for rent and $25 for fuel/utilities and write this in a letter to DTA), there is no in-kind income. Then Carol would receive the full EAEDC grant with no in-kind income deduction. If her parents are on SSI or EAEDC themselves, Carol can pay the money directly to the mortgage and utility companies so that the payments won't count against her parents' benefits. Alternatively, her parents can deduct the payments as business expenses if they get EAEDC. 106 C.M.R. § 321.210(E).

54 What is lump sum income and why is it such a problem?

You are about to receive a settlement from an accident.

You finally got back money from unemployment compensation.

Your luck has finally changed—***or has it?***

Lump sum income is money that you do not get regularly, such as a lottery award, an inheritance, a lawsuit award or settlement, or an award for back unemployment compensation. 106 C.M.R. § 321.240.

If you get this money while you are on EAEDC, you will be ineligible for EAEDC for a certain number of months. This number of months is equal to the amount of the lump sum divided by the EAEDC assistance standard for your household size, after deducting the first $600 in lump sum income. 106 C.M.R. § 321.240(D).

Example: Frances gets an EAEDC grant of $303.70 a month. She learns an aunt has died and she receives a $5,000 cash inheritance. She can deduct the first $600 from the inheritance amount. $4,400 divided by $303.70 is 14. Frances is ineligible for EAEDC for 14 months (and some of the lump sum will count against her grant when she goes back on in the 15th month).

There are additional expenses that can be deducted against the lump sum (see **Question 55)** and certain situations where, if you run out of the money, you can have the period of ineligibility recalculated (see **Question 56)**.

Advocacy Reminders:

- ✓ The lump sum rules only apply to money you get while you are on EAEDC. But if you got a lump sum within the 12 months before you applied for EAEDC, you may be subject to the transfer of assets rules. See **Question 47**. See DTA Transitions, Jan. 2004, p. 2.
- ✓ There is no lump sum rule for SNAP (food stamps) or MassHealth.
- ✓ Applying the lump sum to any money other than inheritances, lottery or other contest winnings, or damage awards may be illegal. Consult an advocate.
- ✓ Money in a pension fund is an asset and therefore should not be countable as income when it is withdrawn on a one-time basis, but DTA has said that a one-time withdrawal from pension funds may be considered lump sum income. See DTA Transitions, Feb. 2014, p. 5. DTA's position may not be correct or legal. Consult an advocate.
- ✓ Retroactive EAEDC benefits are not countable as income and therefore are not subject to the lump sum rule, 106 106 C.M.R. § 321.250(CC), and also are not countable as an asset in the month of receipt or the following month. 106 C.M.R. § 321.140(X).

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55 Does DTA exclude any money from the lump sum rule?

DTA should exclude all money that the EAEDC rules say is noncountable, such as a lump sum of money from an earned income tax credit or a cash contribution from a non-legally responsible person. See **Question 49**. DTA should exclude the first $600 in lump sum income. 106 C.M.R. § 321.240(B)(7).

DTA should exclude money from a lawsuit or settlement that was intended to replace property you lost or to reimburse you for expenses and which you actually used to pay for or replace these items. See 106 C.M.R. § 321.240(B)(3); 106 C.M.R. § 321.250(EE); DTA Transitions, May 2010, p. 3.

DTA should exclude money that someone (like a landlord or a utility company) refunded to you, if you originally paid them with money you got from DTA. 106 C.M.R. § 321.250(DD).

DTA should exclude up to $7,500 in relocation payments you received to get you to leave a foreclosed property plus additional amounts you can verify are being used for relocation expenses. DTA Transitions, Jan. 2008, p. 7.

In addition, DTA should exclude money you spent for back bills you incurred while you were waiting for the lump sum, but this rule applies only if you spent the money for the following:

- medical care or health insurance;
- transportation costs (up to $150 per month);
- purchase, replacement, or repair of basic household furniture or specific appliances (does ***not*** include television or other electronic equipment) up to $2,500;
- basic repairs to your home up to $2,500, provided you own the home;
- court-ordered judgments, including child support or alimony;
- taxes and other debts to the government.

See 106 C.M.R. § 321.240(B).

If someone else paid for these things for you and you paid the person back after you got the lump sum, you can deduct what you paid. However, you must have written verification that you owed the money and used the lump sum to pay your debt.

Sometimes DTA will exclude money received because of injury to a legally incompetent person (a child is legally incompetent), if the money is placed in an irrevocable trust for the injured person and is restricted for certain purposes. You will need a lawyer to set up the trust. 106 C.M.R. § 321.240(B).

Advocacy Reminder:

✓ Money you received before you applied for EAEDC is not subject to the lump sum rule but may be treated as an asset. See DTA Transitions, May 2010, pp. 3-4.

56 What happens if I run out of money before the lump sum time is up?

You can get your lump sum period of ineligibility recalculated only if:

- you had to spend the money or lost it because of a natural disaster;
- because you were battered, you had to spend the money on daily living expenses or no longer have the money, see DTA Transitions, Feb. 2008, p. 4;
- you spent the money on the expenses listed in **Question 55**;
- you were not eligible for SNAP (food stamps) and spent the money on food; ***or***
- your EAEDC assistance unit is bigger than it was when your period of ineligibility was calculated, or your EAEDC standard of assistance has increased for some other reason.

See 106 C.M.R. §§ 321.240(E) and (F).

Advocacy Reminder:

✓ Recalculation does not necessarily mean that you can get back on assistance right away. Because the lump sum rules are so complicated and because the consequences of spending your lump sum on disallowed expenses are so severe, it is important to consult the rules ***before*** you get the money, whenever possible. If a lawyer is representing you in a lawsuit that may bring you money, make sure the lawyer is familiar with the lump sum rules before trial or settlement of the case. ***Do not rely on oral information from your case worker about how you can spend a lump sum.***

57 Do gifts count as income?

Gifts from Persons with No Financial Responsibility

A friend, charity or relative (except for a parent of a minor child or a spouse) does not have financial responsibility for an EAEDC recipient and is a non-legally responsible person. The following gifts from nonlegally responsible persons do not count as income:

- gifts of less than $30 in a three-month period, 106 C.M.R. § 321.250(N);
- gifts (cash or non-cash) that are restricted for a specific purpose, such as to buy a car, or paid to a vendor, such as a landlord or utility company. If the full amount of the expense is paid, the EAEDC recipient may be subject to an in-kind income deduction. See **Question 53**. 106 C.M.R. § 321.250(AA).

Gifts from Persons with Financial Responsibility

A spouse, or the parent of a minor child, has financial responsibility for the spouse or the child and is considered a legally responsible person. Contributions these individuals make are countable income. However, the following gifts ***do not*** count as income against EAEDC benefits:

- gifts (other than child support) of less than $30 in a three-month period, 106 C.M.R. § 321.250(N);
- non-cash gifts to the recipient or money paid directly to a vendor on the recipient's behalf. If the payment covers the full amount of the expense, the EAEDC recipient may be subject to an in-kind income deduction. See **Question 53**. 106 C.M.R. § 321.210(C).

Example: Sue Rosen is on EAEDC. Her spouse gives $200 directly to Sue’s landlord. The gift is not countable as income since the money is paid to the landlord and not to Sue. If Sue receives the money directly from her husband, even if intended to pay the rent, it is countable income. If Sue's husband paid 100% of the rent, she would have an in-kind income deduction. See **Question 53**. If Sue’s husband actually lives with her, all of his income above a shared living threshold amount is countable toward her. See **Question 62**.

Advocacy Reminders:

- ✓ Countable gifts (cash or non-cash) from non-legally responsible persons and countable non-cash gifts from legally responsible persons that cover the full expense of a need listed in the In-Kind Income Chart (for example rent) are counted at the in-kind value, not the actual value.
- ✓ One-time gifts that are countable are also treated as lump sum income. See **Question 54**. Recurring gifts (received more than once) that are countable are not treated as lump sum income, but are countable as income in the month the gift is received. Gifts that are noncountable should not be counted as lump sum income.
- ✓ To avoid risking a fraud referral by DTA, it is better to report changes that may affect eligibility such as receipt of gifts, even though DTA should not count these gifts if they meet the noncountable income rules.

58 How does DTA figure monthly income?

DTA looks at the income you expect to get in the month. If you get the income on a weekly basis, DTA multiplies the weekly amount by 4.333, which is the average number of weeks in a month. If you get the income every two weeks, DTA multiplies the biweekly income by 2.167. (For earned income, use the gross amount before taxes.) 106 C.M.R. § 321.290.

DTA should use the "best estimate" of the income you expect to receive. 106 C.M.R. § 702.920. If your job stopped or you expect to work fewer hours in the coming month, DTA should count the income you expect to receive, not the income you received before.

These rules apply to both earned and unearned income received by the household. However, for earned income, the EAEDC rules allow for certain deductions from gross income and business expenses for self-employment income.

Advocacy Reminder:

- ✓ DTA will average the income of workers who have a contractual annual salary. 106 C.M.R. § 321.290(A)(4). DTA should not average the income of school employees and others who get their income during only part of the year but do not have an annual contract or are paid on an hourly basis. DTA may average the income of a teacher who is paid during the school year but has annual contract. DTA should not average the income of a school cafeteria worker who is paid during the school year and does not have an annual contact.

59 How does EAEDC count earned income?

If you have earned income, you are allowed deductions from earnings in calculating your EAEDC benefits. Because your earnings are not counted dollar-for-dollar against your grant, you will have more income (from combined EAEDC and earnings) than if you were not working.

You are allowed the following deductions:

- **$150 for work expenses.** This is a flat amount deducted from gross income (before taxes or other payroll deductions) regardless of how much your work expenses really are. 106 C.M.R. § 321.270.

- **$30 earned income disregard, *plus* 1/3 of what is left after the $150 and $30 deductions.** You can get this disregard for four consecutive months only. You will continue to receive the $30 disregard for another eight months following these four months. 106 C.M.R. § 321.280.

  The $30 and 1/3 disregard means that part of your earnings is ignored as a "work incentive." This earnings disregard only applies to EAEDC applicants and recipients, not to spouses who live with the applicant or recipient and have earnings that are considered in determining the EAEDC grant amount. DTA may deny you the $150 work expense deduction and the $30 and 1/3 disregard if you did not report your earned income on time, you reduced your hours or quit your job without good cause, or you refused an actual job offer without good cause.

- **Dependent care costs.** If you have dependent care costs (for a disabled adult or child), you can deduct actual costs of care up to $175 a month per dependent ($200/month for a child under age two). Dependent care cost includes the cost of transportation to and from dependent care. The amount you can claim depends on the hours you work. See 106 C.M.R. § 321.275 for the chart which prorates this deduction.

Example: Jane Doe is a Mass. Rehabilitation Commission participant. She goes to a vocational training program, but she also just started working 10 hours/week at the local market earning $8.00/ hour for $80/week on average. DTA calculates her income to determine her EAEDC benefits as follows:

1. DTA computes her monthly earnings: $80/week gross income x 4.333 = $346.60/month.

2. DTA subtracts the $150 "work deduction" from gross income: $346.60 less $150 = $196.60.

3. DTA subtracts the $30 earnings disregard: $196.60 less $30 = $166.60.

4. DTA subtracts 1/3 of $166.60 from itself: $166.60 less $55.504 = $111.10. $111.10 is her countable monthly income.

Jane will be eligible for an EAEDC grant of $192.60 per month. (EAEDC grant of $303.70 less $111.10 = $192.60). Jane is eligible for the $30 and 1/3 disregard for four months only. After that, only $150 and $30 /month will be deducted from her gross earned income if she continues working for another eight months, which means Jane will receive $137.10/month in EAEDC. Afterwards, Jane will only be able to deduct $150 from her income and her grant will be $107.10/month.

60 How much income can I have and still get EAEDC?

There are *three steps* in determining your grant.

- How **much countable income do you have?** The EAEDC rules look at ***gross*** income minus certain limited deductions for earned income.

- **How big is your household?** The EAEDC grant varies by household size.

- **What is your living arrangement?** The EAEDC rules have eight different budgets depending on whom you live with and where you live.

The following sections discuss the EAEDC income calculation, living arrangement and budgeting rules.

61 What are the EAEDC "living arrangements" and maximum grant amounts?

EAEDC has different "living arrangements" that set the maximum EAEDC benefit for each situation. 106 C.M.R. § 321.410 and 106 C.M.R. § 321.420. The living arrangements vary based on:

- Where you live,
- Who you live with, ***and***
- If you have any **shelter costs**.

The following chart details the seven groups. The last three groups are for persons in institutionalized settings.

Group	Who	Household Size	Maximum Grant
A	Recipients with shelter costs who are not living with spouses seeking EAEDC or children receiving TAFDC	1 2 3 Each add'l	$303.70 395.10 486.60 91.60
B	Recipients living with a family with children that receives TAFDC and a legal obligation to support exists between family members	1 2 Each add'l	$ 91.60 183.20 91.60
D	Recipients who are homeless or have no shelter costs	1 2 Each add'l	$ 92.80 184.40 91.60

H	Spouses living together where both are seeking EAEDC, or an elder or disabled EAEDC recipient who gets TAFDC for a relative child (niece, nephew, grandkid).	1 2 Each add'l	$202.50 263.40 61.10
C	Recipients living in a halfway house, nursing home, public psychiatric facility, chronic hospital or other institutionalized setting eligible for a "personal needs allowance" or PNA	1	PNA-$72.80
E	Personal Needs Allowance for recipients living in licensed rest homes (See **Question 63)**	1	PNA-$72.80
F	Recipients living in therapeutic community centers	1	$196.00

See also **Appendix F** in this *Guide* listing the full grant budget amounts.

DTA Policy Guidance:

DTA Online Guide: EAEDC > Financial Requirements > Living Arrangement > Living Arrangement

62 What will my grant be if I live with my spouse?

If you live with your spouse and do not have minor children living with you, your grant group depends on your spouse's income type.

- If your spouse receives EAEDC also, both of you will be budgeted in Group H and each of you will receive $202.50/month in benefits less any countable income.

- If your spouse has SSI, you will get a full Group A grant of $303.70 minus any countable income you have. None of your spouse's SSI or other income will count and you are considered to be "living alone" for EAEDC purposes as long as you are responsible for some of the shelter costs.

- If your spouse has income other than EAEDC or TAFDC benefits,

  - subtract a Group H maximum grant of $202.50 from your spouse's countable income; and

  - subtract the amount of your spouse's countable income above $202.50 from a one-person Group A maximum grant of $303.70.

The remainder, less any other countable income you have, is the amount of your EAEDC grant.

> **Example:** Sally Farmer receives $400/month in Unemployment Compensation. Frank, Sally's husband, has applied for EAEDC as a disabled person. Under the income-counting rules for spouses, Sally's income will be measured against a Group H level of $202.50. This leaves $197.50 of the $400 in countable income toward Frank. Under the EAEDC living arrangement rules, Frank is budgeted in a Group A level at $303.70/month. Counting Sally's income, Frank will receive $106/month in EAEDC ($303.70 - 197.50 = $106).

If there are children in your home, the rules get more complicated and depend on who in your family is receiving EAEDC or TAFDC. Consult 106 C.M.R. §§ 321.410(A)(2) and (3).

63 What if I live in a rest home?

If you live in a licensed rest home and you do not have enough money to pay the monthly charge, DTA will pay the rest home the amount you cannot afford through the EAEDC program. DTA pays the difference between your income and the monthly rate, currently approximately $50/day or $1,500/month, after leaving you a monthly allowance of $72.80. This is called your Personal Needs Allowance (PNA).

DTA will send you the EAEDC benefits by check. You will be required by the rest home to sign the check over to the rest home as payment for living in the rest home. The rest home then gives you the monthly $72.80 PNA.

You must meet all the other EAEDC eligibility rules, aside from monthly income limits, including being either elderly or disabled (see **Questions 2 and 26**) and having countable assets under $250 (see **Question 46**).

EAEDC rest home cases are handled by DTA's Central Rest Home (CRH) unit. See Ops Memo 2014-32 (April 17, 2014).

> **Example 1:** James McKay is 71 and has become frail. He has moved into the Seaview Rest Home. His monthly Social Security benefit is $1,200 and he has no savings. Mr. McKay can keep $72.80 for his Personal Needs Allowance (PNA) and will pay the rest of his income ($1,200 - $72.80 = $1,127.20) to the rest home. DTA will pay to the rest home the difference between what McKay pays ($1,127.20) and the state-approved monthly rate (currently $1,500). In this case, DTA will pay $272.80 to the rest home.
>
> **Example 2:** Francisco Rivera, age 25, suffered a traumatic .brain injury. He has never worked. He has no income and no savings. He is a Legal Permanent Resident but does not meet the S.S.I. immigration status rules. He moves into the Hampton Rest Home. He applies for EAEDC based on disability and provides a Medical Report and Disability Supplement showing that he is disabled. EAEDC will pay the rest home the monthly rate of approximately $1,500 and will pay Francisco $72.80 monthly which he can use for his personal needs.

DTA Policy Guidance:

DTA Online Guide: EAEDC > Financial Requirements > Rest Homes > Rest Homes: EAEDC Living Arrangement E; and Home > EAEDC > Basic Case Activities & Maintenance > Delivery of Benefits > Checks-EAEDC