



**COMBINED MANUAL  
DESCRIPTION OF CHANGES ATTACHMENT  
REVISED SECTIONS – ISSUED 07/2015**

The EFFECTIVE DATE of the changes is the same as the issuance date unless stated otherwise.

**0001 (Table of Contents)** adds 0013.03.09 (MFIP Housing Assistance Grant).

The following sections update FSET to SNAP E&T. No policy was changed:

**0002.15 (Glossary: Deed...).**

**0002.21 (Glossary: Employability...).**

**0002.73 (Glossary: Victim...).**

**0010.18.02 (Mandatory Verifications – SNAP)** in SNAP adds in the last paragraph that unless questionable, a verbal statement from the client meets the school attendance verification requirement.

**0013.03.09 (MFIP Housing Assistance Grant)** is a new section about the MFIP Housing Assistance Grant.

**0017.15.69 (Adoption Assistance)** in SNAP adds in the 1st paragraph to count Northstar Adoption Assistance.

**0020.22 (GRH Assistance Standards)** in GRH updates the GRH Housing Rate.

**0023.24 (MSA Housing Assistance)** in MSA in the 1st paragraph updates the the MSA Housing Assistance allowance to \$194.

**0025.12.03.06 (Bankruptcy)** in the 6th paragraph changes "discharge date" to bankruptcy filing date. It also adds that the discharge of debts only covers debts incurred prior to the date the bankruptcy petition was filed. Debts established after the bankruptcy filing date are not dischargeable.



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**COMBINED MANUAL**

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**DEED**

Legal document which conveys ownership of property between parties.

**DEEM**

To count all or part of the income from responsible members who are not in the UNIT toward the benefit as if it were income the unit had received. See [0016 \(Income From People Not in the Unit\)](#).

**DEFER**

SNAP: Defer a mandatory SNAP E&T participant if all of the SNAP E&T funding has been used. See TEMP Manual TE02.05.70 (SNAP E&T WREG ABAWD Exemption/Participation).

**DEFERRED ACTION**

See "Other Discretionary Classifications" in [0011.03.24 \(Non-Citizens - Lawfully Residing People\)](#).

**DEFERRED ENFORCED DEPARTURE (DED)**

See "Other Discretionary Classifications" in [0011.03.24 \(Non-Citizens - Lawfully Residing People\)](#).

**DENIAL**

The act of disapproving an APPLICATION for ASSISTANCE or an ADDENDUM asking to add a person to a grant.

**DEPENDENT CARE DEDUCTION**

An income deduction based on the cost of caring for a child or adult. See [0018.09 \(Dependent Care Deduction\)](#).

**DEPENDENT CHILD**

MFIP, DWP: See MINOR CHILD in [0002.41 \(Glossary: Medically Necessary...\)](#).

SNAP: A person under age 22 who is living with a parent(s). See [0011.24 \(Able-Bodied Adults Without Dependents\)](#), [0014.03.06 \(Determining the SNAP Unit\)](#).

**DEPORTATION**

Expulsion of a NON-CITIZEN from the United States.

**DESTITUTE**

SNAP: Describes MIGRANT AND SEASONAL FARMWORKER UNITS whose only income for the month is limited to the provisions listed in [0004.48 \(Destitute Units--Migrant/Seasonal Farmworker\)](#).

**DHS**

The Minnesota Department of Human Services.

**DIRECT CHILD SUPPORT**

Support a custodial parent receives directly from a non-custodial parent even though receipt of support is assigned as a condition of receiving assistance.

**DIRECT SPOUSAL SUPPORT**

Support a client receives directly from a former spouse even though support is assigned as a condition of receiving assistance.

**DISABILITY**

Each program has its own requirements for disability/incapacity. See [0012.15 \(Incapacity and Disability Determinations\)](#).

**DISABILITY PENSION**

A fixed sum paid regularly to disabled people or their dependents.

**DISABLED**

Each program has its own requirements for disability/incapacity. See [0010.18.06 \(Verifying Disability/Incapacity - SNAP\)](#), [0012.15 \(Incapacity and Disability Determinations\)](#), [0013.09.09 \(MSA Basis - Disabled Age 18 and Older\)](#), [0013.15 \(GA Bases of Eligibility\)](#).

MFIP, DWP : Participants are considered ill, injured, or incapacitated if there is professional certification of an illness, injury, or incapacity that is expected to last more than 30 days which severely limits the participant's ability to obtain or maintain suitable employment. Consider a participant to have met the employment related criteria for this category if the qualified professional determines that the participant's condition prevents him/her from working 20 or more hours per week. See [0010.18.05 \(Verifying Disability/Incapacity - Cash\)](#).

**DISASTER**

See FNS DISASTER DECLARATION in [0002.25 \(Glossary: First Adult...\)](#), NATURAL DISASTER in [0002.43 \(Glossary: Money...\)](#).

**DISCONJUGATE GAZE**

GA : An inability to move both eyes in unison.

**DISCOVERY DATE**

The date the agency receives all documentation necessary to calculate a claim. See [0025.03 \(Determining Incorrect Payment Amounts\)](#).

**EMPLOYABILITY DEVELOPMENT PLAN (EDP)**

SNAP : A SNAP E&T plan specifying employment services and job search activities a client must participate in and support services the COUNTY AGENCY or EMPLOYMENT AND TRAINING SERVICES provider will provide.

**EMPLOYMENT PLAN**

MFIP, DWP : A plan developed by the job counselor and the participant which includes the participant's overall employment goal, activities necessary to reach that goal, and a time line for each activity. All DWP and pre 60-month MFIP participants MUST have an Employment Plan based on their individual assessment. There are special provisions for a client granted the Family Violence Waiver. See [0028.15 \(Employment Plan \(EP\)\)](#).

**EMPLOYMENT PREFERENCE**

See [0011.03.12 \(Non-Citizens - Lawful Permanent Residents\)](#).

**EMPLOYMENT SERVICES**

The term Employment Services refers to programs, activities, and services that help clients become employed and self-sufficient. Services may include JOB SEARCH, job placements, client assessments, and training. See [0028 \(Employment Services\)](#).

MFIP : See MFIP EMPLOYMENT SERVICES (MFIP-ES) in [0002.41 \(Glossary: Medically Necessary...\)](#).

**EMPLOYMENT SERVICES PROVIDER (ESP)**

An agency or organization that operates under formal agreement with the county agency to provide employment services to certain clients on behalf of the county agency. In some instances the ESP is another unit of the county.

**EMV**

See ESTIMATED MARKET VALUE (EMV) below.

**ENCUMBRANCE**

A legal claim against REAL PROPERTY or PERSONAL PROPERTY payable when the property is sold.

**ENROLLEE**

An MA or MinnesotaCare participant who is enrolled in a MANAGED CARE HEALTH PLAN. See the [Insurance Affordability Programs/Health Care Manuals](#).

**EOMB**

See EXPLANATION OF MEDICAL BENEFITS (EOMB).

**EQUITY**

The FAIR MARKET VALUE of property minus any ENCUMBRANCE.

**ESCROW**

A deed, bond, money, or piece of property held in trust by a 3rd party to be turned over to the grantee only on fulfillment of a condition.

**ESTABLISHED DATE**

The Date the Agency computes an overpayment. See TEMP Manual TE02.09.01 (Entering Claims).

**ESTATE CLAIMS**

A method of recovering ASSISTANCE from the estate of a deceased person. See [0025.21.12 \(Estate Claims\)](#).

**ESTIMATED MARKET VALUE (EMV)**

The value assigned to real estate by the county assessor for the purpose of levying property taxes. Estimated market value is found on the annual property tax assessment statement.

**EXCESS ASSETS**

The amount of ASSETS which exceeds the client's ASSET LIMIT.

**EXCESS CHILD SUPPORT**

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Occurs when collections disbursed to applicable assigned support (current and any arrears assigned as condition of eligibility for AFDC or MFIP) exceed the total of applicable assigned support. The total assigned support can never exceed the cumulative unreimbursed MFIP grant amount.

**EXCLUDED INCOME**

Income not used to determine eligibility.

**EXCLUDED TIME**

Excluded time varies by program. See [0006.18 \(Excluded Time Facilities and Services\)](#).

**EXCLUDED TIME RESIDENCE/FACILITY**

A type of living arrangement which affects the determination of state residence and the county of financial responsibility. See [0006.18 \(Excluded Time Facilities and Services\)](#), [0011.06.03 \(State Residence - Excluded Time\)](#).

**EXCLUDED TIME SERVICES**

Excluded time varies by program. See [0006.18 \(Excluded Time Facilities and Services\)](#).

**EXEMPT MONTHS**

MFIP : Refers to months that are not counted toward the 60-month time limit.

**EXEMPT FROM EMPLOYMENT SERVICES**

MFIP : Refers to a person who is not required to participate in Employment Service activities because he/she meets certain criteria.

SNAP : Refers to a person who is not required to participate in Employment Service activities because he/she meets certain criteria. See [0028.06.10 \(Who Is Exempt From SNAP E&T\)](#).

**EXPEDITED SERVICE**

Special procedures and priority processing of APPLICATIONS to make BENEFITS available to people with immediate need. See [0004.04 \(Emergency Aid Eligibility - SNAP/Expedited Food\)](#), [0004.06 \(Emergencies - 1st Month Processing\)](#).

**EXPERIENCE WORKS**

Part of the Senior Community Service Employment Program authorized by the OLDER AMERICANS ACT, formerly known as GREEN THUMB. See TEMP Manual TE02.08.010 (Experience Works Income).

**EXPLANATION OF MEDICAL BENEFITS (EOMB)**

A statement from DHS, an insurance company, or a health plan reporting amounts paid, reduced, or denied for the client's health care expenses.

**EXTENSION**

MFIP : Allows families to receive additional months of MFIP beyond the 60-month time limit if certain criteria are met. See [0011.33 \(MFIP Hardship Extensions\)](#).

**FACE-TO-FACE INTERVIEW**

A face-to-face meeting arranged to determine initial or ongoing eligibility for ASSISTANCE. See [0005.12.12 \(Application Interviews\)](#), [0009.06.03 \(Recertification Processing Standards\)](#), [0009.06.06 \(Recertification Interview\)](#), [0011.27.03.01 \(Drug Felons - SNAP\)](#), [0011.30.03 \(MFIP Transition Period\)](#), [0011.30.06 \(180 to 60 Days Before MFIP Closes\)](#), [0028.30.04 \(Post 60-Month Empl. Services Sanctions\)](#).

**VICTIM OF FAMILY VIOLENCE**

A person who has been subjected to FAMILY VIOLENCE. See FAMILY VIOLENCE in [0002.23 \(Glossary: Fair Hearing...\)](#).

**VISTA**

Volunteers in Service to America (VISTA) is known as AmeriCorps VISTA. See [0015.30 \(Excluded Assets - Payments Under Federal Law\)](#), [0017.15.78 \(National And Community Service Trust Act\)](#), [0017.15.87 \(AmeriCorps Payments\)](#) for more information on AMERICORPS.

**VOCATIONAL SPECIALIST**

GA :A counselor of the Minnesota Department of Employment and Economic Development or Division of Rehabilitation Services, or another qualified person who advises people about occupational goals and employment. This includes Job Service counselors, vocational rehabilitation counselors, certified employment and training providers who counsel people on employment issues, or other similarly qualified individuals.

**VOLAGs**

RCA : See Voluntary Agencies (VOLAGs) below.

**VOLUNTARY AGENCIES (VOLAGs)**

RCA :Voluntary Agencies (VOLAGs) administer the provisions of RCA. VOLAGs are responsible, under contract with the U.S. Department of State, for providing refugees with initial housing, food, clothing and shelter immediately after arrival in the United States. See [0030.01 \(Voluntary Agencies \(VOLAGs\)\)](#).

**VOLUNTARY DEPARTURE**

See [0011.03.24 \(Non-Citizens - Lawfully Residing People\)](#).

**VOUCHER**

A written guarantee by the COUNTY AGENCY to pay a VENDOR for goods or services and used instead of a cash payment to a CLIENT.

**VULNERABLE ADULTS**

GA :A person age 18 or older who is a resident or patient of a facility; OR a person age 18 or older who receives services at or from a licensed facility who, regardless of residence, is unable or unlikely to report abuse or neglect without assistance because of mental or physical impairment or emotional status.

**WAGE MATCH**

An IEVS exchange with the Minnesota Department of Employment and Economic Development completed quarterly for participants and monthly for applicants of federal programs. It provides information on wages earned in Minnesota.

**WAGE GARNISHMENT**

A legal withholding of a specified sum from wages to satisfy a creditor.

**WAIVER**

A suspension or change of an eligibility requirement in a client's case.

**WARD**

A person under direct court protection or under court protection through a guardian.

**WATER AND SEWER SYSTEM**

The structures required to provide water to and dispose of sewage from a home.

**WB**

See WORK BENEFIT PROGRAM below.

**WELFARE FRAUD**

Obtaining ASSISTANCE PAYMENTS by deceit or misrepresentation.

**WIA (WORKFORCE INVESTMENT ACT)**

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See WORKFORCE INVESTMENT ACT (WIA) below.

**WIC (WOMEN, INFANTS and CHILDREN)**

See WOMEN, INFANTS, AND CHILDREN NUTRITION PROGRAM (WIC) below.

**WINNINGS**

SNAP: A cash award received without making a monetary investment, such as a "no purchase necessary to enter or win". See [0017.15.30 \(Lump Sum Income\)](#).

**WITHHOLDING OF DEPORTATION OR REMOVAL**

See [0011.03.18 \(Non-Citizens - People Fleeing Persecution\)](#).

**WOMEN, INFANTS, AND CHILDREN (WIC) PROGRAM**

A federal program authorized by the Child Nutrition Act of 1966 to provide nutritious food and nutrition education to low income pregnant and postpartum women and their children. (In this instance, "postpartum" means up to 6 months after termination of pregnancy.) See [0029.07.09 \(Women, Infants, and Children \(WIC\) Program\)](#).

**WORK BENEFIT PROGRAM (WB)**

A monthly cash benefit for families who have exited DWP or MFIP and are working a required number of hours with income below 200% FPG. This program was suspended effective 12/01/2014.

**WORKERS' COMPENSATION**

An employer-paid insurance program that covers the medical expenses and lost wages of workers injured on the job.

**WORKFORCE INVESTMENT ACT (WIA)**

A national workforce preparation and employment system designed to integrate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs delivered through the 1-stop (Workforce Center) system. See [0017.15.18 \(WorkForce Investment Act \(WIA\) Income\)](#) for more information.

**WORKFORCE ONE**

A consolidated web-based case management and management information system that enables the delivery of Employment and Training services within the Minnesota workforce development system. WORKFORCE ONE is used by Employment Counselors for the MFIP, DWP, and SNAP E&T programs. WORKFORCE ONE is also used by other Employment and Training program staff.

**WORK HISTORY**

See RECENT WORK HISTORY in [0002.53 \(Glossary: Qualified...\)](#).

**WORK-RELATED EXPENSES**

The amount withheld or paid for: state and federal income taxes; FICA; mandatory retirement fund deductions; dependent care costs; transportation costs to and from work at the amount allowed by the IRS for personal car mileage; costs of work uniforms, union dues, and medical insurance premiums; costs of tools and equipment used on the job; the costs of meals eaten during employment; public liability insurance required by an employer when an automobile is used in employment and the cost is not reimbursed by the employer; and the amount paid by an employee from personal funds for business costs not reimbursed by the employer. See [0018.06 \(Work Expense Deductions\) for specific program provisions](#).

**WORK STUDY**

- Federal or non-federally funded employment arranged for students by a POST SECONDARY SCHOOL. See [0017.15.36 \(Student Financial Aid Income\)](#).
- A program operated or approved by a SECONDARY SCHOOL (high school) or its equivalent which allows students to earn academic credit for employment.

**YOUTH COMMUNITY CONSERVATION AND IMPROVEMENT PROJECT**

A federal employment and training program.

**YOUTH INCENTIVE ENTITLEMENT PROJECT**

A federal employment and training program.



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See [0010.18 \(Mandatory Verifications\)](#) for mandatory verifications that apply to all programs.

**MFIP, DWP, MSA, GA, GRH:**

See [0010.18.01 \(Mandatory Verifications - Cash Assistance\)](#).

**SNAP:**

Verify the following:

- Identity of the applicant and the authorized representative if the authorized representative is applying for the applicant.
- Social Security numbers of all people applying for assistance. See [0010.18.03 \(Verifying Social Security Numbers\)](#).
- Residency in Minnesota, unless verification cannot be obtained because the people are homeless, migrant farmworkers, or newly arrived in Minnesota. A verbal client statement indicating residency in Minnesota meets the verification requirement. Document this verbal statement in CASE/NOTEs. For people in the Safe At Home Program, see [0029.29 \(Safe At Home Program\)](#).
- Cash contributions received from sponsors of immigrants. See [0016.21.03 \(Income of Sponsors of LPRs With I-864\)](#).
- Disability exemption from work registration. See [0010.18.06 \(Verifying Disability/Incapacity - SNAP\)](#).
- Date and reason of employment termination, and date last paid. Verify at the point of employment termination for participants, and for any employment terminated within 60 days of application for applicants.
- The number of hours of employment or work program activities for non-exempt able-bodied adults subject to the 3 months in 36 months limit on eligibility. See [0011.24 \(Able-Bodied Adults Without Dependents\)](#) for more information.

Verify and allow the following IF an applicant/participant wants a deduction from their income for:

- Housing costs. Verify at application in order to allow the expense as a deduction. Open the case but do NOT allow the housing cost as a deduction if it is NOT verified after allowing 10 days to return requested verification.

During the certification period, verify changes whenever they occur. If a change which is not verified decreases benefits, budget the change and verify at recertification. If a change which is not verified increases benefits, do not budget the change.

At recertification, any change in housing costs needs to be verified to allow the expense as a deduction. Process the recertification but do NOT allow the housing cost as a deduction if it is NOT verified after allowing 10 days to return the requested verification.

**NOTE:** Use of the standard utility allowance(s) does not need to be verified, unless there is inconsistent information. See [0010.15 \(Verifications – Inconsistent Information\)](#).

- Property taxes and property insurance. Verify property taxes and property insurance when the unit indicates that there are other expenses in the escrow account that are not allowable housing expenses. See [0018.15 \(Shelter Deductions\)](#).
- Some medical expenses in order to allow the expenses as a deduction. See [0018.12 \(Medical Deductions\)](#) for when you can allow the expenses and when to require verification.
- The amount of a court-ordered child support obligation and the amount of child support actually paid to another household, in order to allow the support as a deduction. See [0018.33 \(Child and Spousal Support Deductions\)](#).

Verify school attendance if applicable to the SNAP case. Unless questionable, a verbal statement from the client meets the verification requirement.

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All assistance units that have a basis of MFIP eligibility and meet all other MFIP eligibility factors are eligible for the \$110 MFIP Housing Grant unless:

- The assistance unit is currently receiving public housing or assisted rental subsidies (Section 8 vouchers) through the Department of Housing and Urban Development (HUD) AND up to \$50 of this assistance is counted as unearned income.
- The assistance unit is a child only case.
- The assistance unit opts out of the MFIP cash portion, see [0014.03.03.03 \(Opting Out of MFIP Cash Portion\)](#).
- The MFIP case is closed.

**EXCEPTION:** The following assistance units are eligible to receive the MFIP Housing Grant even if they receive a rental subsidy or public housing through HUD:

- Caregivers age 60 or older.
- Caregivers caring for a disabled family member.
- Caregivers who meet Special Medical Criteria (SMC).
- Caregivers who are disabled and do not anticipate being able to work for 20+ hours for more than 30 days.
- Caregivers who receive Supplemental Security Income.
- Assistance units that receive Mille Lacs Band Tribal TANF.

There is no proration for the MFIP Housing Assistance Grant. If an assistance unit is eligible 1 day in the month, there is eligibility for the full MFIP Housing Assistance Grant.

Eligibility for the MFIP Housing Assistance Grant is determined prospectively.

The MFIP Housing Assistance Grant is not subject to sanction. When the 10% or 30% sanction policy is applied to the MFIP cash, the \$110 MFIP Housing Assistance Grant is not affected. When a vendor is in place for a sanction, the \$110 is not required to be vendored as part of the sanction policy. If a case closes for a 100% sanction, the MFIP Housing Assistance Grant benefit will also be closed as part of the MFIP closure.

There is no recoupment from the MFIP Housing Assistance Grant for cash, food or Housing Assistance claims.

Only 2 types of mandatory vendoring apply to the MFIP Housing Assistance Grant:

- Drug felon offenses, see [0011.27.03 \(Drug Felons\)](#).
- Money mismanagement, see [0024.09 \(Protective and Vendor Payments\)](#).

Suspended MFIP cases or MFIP cases that receive a food portion only grant will continue to receive the MFIP Housing Assistance Grant. Receipt of the MFIP Housing Assistance Grant will count towards the 60 month time limit.

MFIP units that choose to opt out of the cash portion of MFIP must also opt out of the MFIP Housing Assistance Grant. Suspended MFIP units or MFIP units that receive a food portion only grant, may choose to opt out of the MFIP Housing Assistance Grant.

For reporting requirements, verification requirements and voluntary vendoring, follow MFIP in [0007 \(Reporting\)](#), [0010.18.01 \(Mandatory Verifications - Cash Assistance\)](#), [0024.09 \(Protective and Vendor Payments\)](#).

**DWP, SNAP, MSA, GA, GRH:**

No provisions.

**MFIP, DWP:**

Pre-Northstar Adoption Assistance will continue for families receiving this assistance until the agreement expires or the case transitions into Northstar Care for Children Adoption Assistance.

Exclude payments from pre-Northstar Adoption Assistance, Northstar Adoption Assistance and Northstar Kinship programs. For further information, see [0011.21 \(Receipt of Other Assistance\)](#).

**SNAP:**

Count the Pre-Northstar monthly adoption assistance payment, Northstar Adoption Assistance, and Northstar Kinship Assistance for basic maintenance and supplemental needs as unearned income for the child.

Exclude payments issued as a reimbursement for special non-medical need expenses.

**MSA:**

Count adoption assistance payments as unearned income for the child only. Exclude adoption assistance payments as income to the caregiver so long as the payments are not co-mingled with household accounts.

**GA:**

Count adoption assistance payments as unearned income.

**GRH:**

Follow MSA for aged, blind, or disabled clients. Follow GA for all other adults.



**MFIP, DWP, SNAP, MSA, GA:**

No provisions.

**GRH:**

The standard of need for a person who lives in a Group Residential Housing (GRH) setting is the sum of:

- The GRH Housing Rate (also known as the MSA equivalent rate, Room and Board, Base Rate, or Rate 1).

PLUS

- The Supplementary Service Rate for the setting in which the person will reside (if any), or the Difficulty of Care (DOC) rate for the person (if any).

Effective 7-1-15, the maximum monthly GRH Housing Rate is \$891. Counties may negotiate a different rate, not to exceed the maximum.

Effective 7-1-13, the maximum supplementary service rate is \$482.84 and the maximum DOC rate is \$482.84. You may find some GRH facilities with higher amounts; these EXCEPTIONS are due to legislative actions.

The current GRH Housing Rate (Rate 1) and Supplementary Service Rate are shown on the MAXIS VND2 panel. The DOC rate is determined by county social services and for current GRH participants can be found on the FACI panel. The GRH supplementary service rate and DOC rate are subject to the statutory maximum and may only be used to pay for services otherwise not eligible for payment by a waiver on behalf of the client.



**MFIP, DWP, SNAP, GA, GRH:**

No provisions.

**MSA:**

MSA Housing Assistance is a recurring special need payment for clients whose housing costs exceed 40% of the unit's gross income. The amount of the MSA Housing Assistance allowance is \$194. This allowance amount is equal to the maximum single person SNAP allotment as of July 1st each year, see [0022.12.01 \(How to Calculate Benefit Level - SNAP/MSA/GRH\)](#). If the client is eligible for MSA Housing Assistance the "living alone" assistance standard is always applied, regardless of living situation. [0020.21 \(MSA Assistance Standards\)](#)

To be eligible for MSA Housing Assistance, an applicant must meet ALL the following requirements:

- Be eligible for MSA.
- Be under the age of 65. A client under the age of 65 who is receiving MSA Housing Assistance and turns age 65 can continue to receive the allowance until subsidized housing becomes available.
- Have total shelter costs that exceed 40% of the unit's gross income before application of this allowance. See SHELTER COSTS in [0002.61 \(Glossary: Self...\)](#).
- Apply for a federal or state rental assistance voucher, if eligible. The client must provide verification of application for rental assistance. If there is a waiting list for rental assistance in the client's area and that list is closed, accept a signed [Verification of Application for Rental Assistance \(DHS-6351\) \(PDF\)](#) as verification that the client will apply when the list opens. Once the client has been approved for and receives rental assistance, the client is no longer eligible for MSA Housing Assistance. Clients who own their own home, have a felony conviction or other factors that would make them ineligible for federal or state rental assistance are not required to apply for such assistance. They are eligible for MSA Housing Assistance if they meet all other eligibility factors. Document the reason for federal or state rental assistance ineligibility in case notes.

AND

- Meet 1 of these conditions:
  - Relocating to the community from an institution or an intensive residential mental health treatment program. See INSTITUTION in [0002.33 \(Glossary: Independent...\)](#).
  - OR
  - Eligible for MA personal care assistance (PCA) services and have the ability to (or have a parent or legal guardian who can) hire, fire, supervise and manage the individuals providing services.
  - OR
  - A recipient of MA waiver services living in his or her own home or rented or leased apartment.

**NOTE:** A client in an institution may already be eligible for MSA, but would not be eligible to receive the MSA Housing Assistance allowance until after the move from the institution. A client in an institution and not eligible for MSA may become eligible upon discharge.



Immediately discontinue all recovery actions against a person who the agency learns has filed a Chapter 7 or Chapter 13 bankruptcy action or has been granted a discharge. Notification to affected creditors only needs to be near and constructive, a legal term that does not demand direct notice or proof of notice to enforce the automatic stay from all recovery actions as a result of the filing or discharge. Once the bankruptcy petition is filed, an automatic stay is in place that stops lawsuits, foreclosures, garnishments, certified state or federal revenue intercepts and all other collection activity and contact with the debtor. However, agencies may continue recoupment against an assistance unit if 1 or more members responsible for that debt are not part of the bankruptcy action.

As soon as your agency becomes aware of a bankruptcy related action involving one of its debtors, refer the matter to your county attorney or another person designated to evaluate options for responding to bankruptcy matters.

To have any standing with respect to considering a debt for exception to discharge or to be included in a distribution of assets, your agency must formally respond to bankruptcy court. In Chapter 7 proceedings, this may consist of filing a proof of claim, if not included in the list of debts or petitioning the bankruptcy court in an adversarial proceeding with documentation supporting the non-dischargeable basis of your agency's debt. In Chapter 13 proceedings, responding may consist of sending in a proof of claim and, as appropriate, attending the meeting of creditors to be considered for any repayment against the debt from income and assets that are not reserved for higher priority payments.

In bankruptcy filings, public assistance debts are classified as unsecured/non-priority claims and are routinely discharged because these debts are rarely covered in any distribution of available debtor assets. Agencies cannot require the debtor to amend the filing as a condition for stopping recovery actions or refunding payments received after the filing or discharge. Agencies may file their own Proof of Claim with the bankruptcy court and not rely on the debtor to list it. The Proof of Claim form is a standard form available through the [United States Bankruptcy Court](#) website. An attorney is not required to complete or certify a debt on the Proof of Claim form.

An exception to having unsecured debts discharged is to establish that the debt falls within the meaning of the bankruptcy court definition of fraud or misrepresentation. The bankruptcy definition of fraud is broader and does not necessarily require proof of intent. When objecting to discharge based on fraud, your agency must file a lawsuit (adversarial proceeding) with the bankruptcy court that includes all the background information and basis for why the debt was incurred fraudulently. For cases involving public assistance debt that was adjudicated through the administrative disqualification hearing (ADH) process, the objection would be fairly straightforward using the information obtained to support the ADH fraud determination. Certain debts incurred as a result of client error such as failing to report information, could also be pursued as an exception to discharge based on the fraud bankruptcy definition. Debts and fines relating to restitution orders as a result of formally adjudicated criminal court convictions are non-dischargeable without having to file an objection to discharge with the bankruptcy court.

Absent an order from the bankruptcy court that a debt is not discharged, any unsecured debt established against the debtor prior to the bankruptcy filing date is considered discharged and must be written off pursuant to the claims termination policy found in [0025.12.03.09 \(Claim Compromise & Termination\)](#). This holds true whether or not your agency was a participant or had been given timely notice in the bankruptcy process. The discharge of debts only covers debts incurred prior to the date the bankruptcy petition was filed. Debts established after the bankruptcy filing date are not dischargeable.

Agencies believing that they would have sought an exception had they been properly notified of the bankruptcy should consult with their county attorney. This situation would most likely require your agency initiating a formal action with the bankruptcy court and debtor to show how the agency was prejudiced by the failure to be notified.

When the court determines that an agency's debt is non-dischargeable or the bankruptcy action is dismissed without granting a discharge, resume recovery actions against that person.

