Title: Eligibility Determination Guidance Memorandum 2012-2

Purpose: Information in this GM seeks to clarify and provide detailed information related to 10A NCAC 97C .0107 ELIGIBLE PROGRAM PARTICIPANTS for the purpose of ensuring consistency across North Carolina’s network of CSBG sub-grantee agencies related to income eligibility calculations, countable income and immigrant eligibility.

Effective Date: July 1, 2013

Related: (No Related GM)


Background
To ensure that CSBG resources in North Carolina are mobilized for service delivery to eligible, low-income families in conformance with federal and state regulations, the Office of Economic Opportunity (OEO) is providing guidance on eligibility determination. While 10A NCAC 97C .0107 ELIGIBLE PROGRAM PARTICIPANTS addresses requirements, additional information is needed in order to promote consistency among sub-grantees and to give guidance in areas for which the North Carolina Administrative Code is silent.

State Interpretation
The following is applicable to eligibility determination:

- The Official Poverty Guideline (NC’s CSBG programs serve those below 100% of the Poverty Guidelines)
- The Period for Determining Eligibility (NCAC 97C .0107 prescribes that the period for determining the annual income must not be more than 12 months nor less than the 90-day period preceding the request for assistance by the individual applicant. OEO has determined the intent of specifying the “period preceding the request for assistance” is to use the most current income within the consecutive 90 days to 12 months prior to service delivery. The “request for assistance” may be at application or enrollment which must be prescribed in the agency’s policies and procedures. Each applicant’s file (electronic or manual) must clearly detail the start date from which the look back period for income eligibility begins as eligibility income is actual not projected. As such, the agency must be diligent to factor in periods for which income was received as well as no income received. Additional details in Self-Declaration section of this GM.)
- Income (While NCAC 97C.0107 details numerous inclusions and exclusions for income used to determine eligibility, it does not specifically address Pell Grants and educational loans. Since
Pell Grants (which are not taxable income) and educational loans serve an intended purpose of the CSBG Act—*to attain an adequate education*, OEO has determined that these sources should not be counted as income for the purpose of eligibility for CSBG services.) For purposes of clarity, please note that child support is considered “regular support from an absent family member” in 97C .0107 (b)(3).

- Calculations (Income calculations whether electronic or manual must document annual income.)
  Examples are as follows:
  - An agency is using a 12 month period prior to the request for assistance to determine eligibility. The applicant only worked 3 months out of the 12 month period prior to enrollment and made a total of $300. $25 is the monthly amount to be multiplied by 12 which totals $300 as the annual income.
  - An agency is using a 12 month period prior to the request for assistance to determine eligibility for an applicant who only worked 9 months out of the 12 month period prior to the request for assistance. The applicant makes $200 per week ($200 X 4.3333 = $866.66 monthly which would be $10,399.92 annually); however, $10,399.92 would be overstating the actual annual income earned since the applicant only worked for 9 months prior to applying; therefore, the actual annual income earned for eligibility is based 9 months of income. ($866.66 X 9 = $7799.94 total annual income / 12 = $649.99 monthly income) $649.99.

- The Self-Declaration Statement (All applicants must sign a self-declaration statement which reflects the income for the family unit/household. The Self-Declaration must contain a "Certification and Waiver of Privacy Rights" statement by which the applicant is authorizing the release of confidential information in order to verify income. While NCAC 97C .0107 states that the grant recipient must make a reasonable number of spot checks to verify information contained in the Self-Declaration Statement, OEO has determined that it is reasonable to attempt to verify income for all CSBG applicants. Where income verification outlined in the Self-Declaration Statement is not possible, the agency must maintain a document that captures why income was not verified. Where no income was received, the Self-Declaration should indicate $0 as the annual income to which the applicant attests.)

- Immigrant Eligibility (Non-citizens, regardless of their alien status, should not be banned from CSBG programs based solely on their alien status unless such exclusion is already authorized by another statute.)

OEO acknowledges that sub-grantees have the autonomy to institute additional eligibility criteria. To ensure consistent, fair and transparent practices, all sub-grantees should have Board approved CSBG Policies and Procedures to include detailed criteria for eligibility determination and service delivery.

This GM is accessible at [http://www.ncdhhs.gov/oeo/index.htm](http://www.ncdhhs.gov/oeo/index.htm) and will be sourced during OEO's ongoing monitoring, training and technical assistance activities. All sub-grantee agencies will be accountable to this information.

[Signature]

Office of Economic Opportunity Administrator

Date