**Section 112.110 Exempt Unearned Income**

The following unearned income shall be exempt from consideration in determining eligibility and the level of assistance payment:

a) The value of the benefit allotment under the Food and Nutrition Act of 2008 (7 U.S.C. 2017(b));

b) The value of the U.S. Department of Agriculture donated foods (surplus commodities);

c) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636);

d) Any funds distributed per capita to or held in trust for members of any Indian Tribe under P.L. 92-254, P.L. 93-134, P.L. 94-114 or P.L. 94-540;

e) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 U.S.C. 3045 et seq.);

f) Any compensation provided to individual volunteers under the Volunteers in Service to America (VISTA) Program (known as AmeriCorps VISTA). Payments made under Americorps State/National programs, funded under the National and Community Service Act of 1993, are not exempt. Stipends or living allowance payments made under this program are considered nonexempt earned income. These payments are subject to the general rules concerning the budgeting of earned income;

g) Income received under the provisions of Section 4(c) of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25/4]. This includes both the benefits commonly known as the circuit breaker and additional grants;

h) Payments for supporting services or reimbursement for out-of-pocket expenses made to volunteers serving as senior health aides, senior companions, foster grandparents, and persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other programs under Titles II and III, pursuant to Section 418 of P.L. 93-113;

i) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Workforce Investment Act (WIA);

j) Social Security death benefit expended on a funeral and/or burial;

k) The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended (42 U.S.C. 1780(b)) and the special food service program for children under the Richard B. Russell National School Lunch Act, as amended (42 U.S.C. 1760);

l) Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1626);

m) Payments received under Title I of P.L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b through 1989b-8);

n) Payments received under Title II of P.L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c through 1989c-8);

o) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump-sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201;

p) Payments received under the federal Radiation Exposure Compensation Act (42 U.S.C. 2210 nt);

q) Federal subsidized housing payments under section 8 of the Housing and Community Development Act (42 U.S.C. 1437f);

r) Any adoption subsidy payment or foster care payment received from DCFS or from a state welfare agency of another state are exempt for MAG and MANG. Independent Living Arrangement Payments are not exempt for MAG and MANG;

s) Supportive Service payments (Section 112.82);

t) Benefits paid to eligible households under the Low Income Home Energy Assistance Act of 1981 pursuant to Section 2605(f) of P.L. 97-35;

u) Disaster relief payments provided by federal, state or local government or a disaster assistance organization;

v) Any payment provided by the Department of Human Services under the Family Assistance Program for Children with Mental Disabilities [405 ILCS 80/Art. III];

w) A nonrecurring lump-sum SSI or SSA payment made to an individual in a TANF assistance unit. The nonrecurring SSA lump sum is exempt if it is based on disability. The monthly amount, up to the monthly SSI level for one, is exempt. For those individuals not in a TANF assistance unit whose income is used to determine TANF eligibility for others (for example, the parent of a person under age 18 who is receiving assistance as a parent), the lump-sum payment is nonexempt income for the month received;

x) Payments made to individuals because of their status as victims of Nazi persecution pursuant to P.L. 103-286;

y) Payments to a member of the Passamquoddy Indian Tribe, the Penobscot Nation of the Houlton Band of the Maliseet Indians pursuant to the Maine Indian Claims Settlement Act of 1980;

z) Up to $2000 per year of income received by individual Indians, which is derived from leases or other uses of individually-owned trust or restricted lands pursuant to Section 13736 of P.L. 103-66;

aa) Payments based on disability status are disregarded in an amount up to the Supplemental Security Income (SSI) payment level for one person with no income. This disregard applies to disability benefits from Social Security (including SSI), Railroad Retirement Disability, Department of Veterans' Affairs (100% disability only) and Black Lung;

bb) Payments made under the federal Crime Act of 1984 (as amended by P.L. 104-132, Section 234, Crime Victims Fund);

cc) Inconsequential income, which is defined as gifts, prizes or other unearned income (excluding that which is otherwise exempted in this Section) of up to $50 per person per quarter;

dd) The value of home produce that is used for personal consumption;

ee) Total child support payments made to an assistance unit;

ff) Three dollars of every $4 of excess child support distributed by the child support agency to a family with earnings budgeted. This includes the wage supplementation programs of on-the-job training, Job Corps, AmeriCorps VISTA, and work study;

gg) Payments from the principal or trust of a trust fund made to or on behalf of a dependent child when the court orders the money released for a specific purpose other than the income maintenance needs of the child;

hh) Earmarked child support payments received by the client for the support of a child not included in the assistance unit;

ii) Cash that is exchanged for purposes of satisfying payment of shelter-related obligations in situations in which the assistance unit shares a dwelling unit with another family, individual or individuals. The money is not available to meet the needs of the party who received and disburses the shelter-related payment;

jj) Employment-related reimbursements for past or future expenses to the extent that they do not exceed actual expenses incurred and do not represent a gain or benefit to the client;

kk) All educational loans, grants, scholarships, fellowships, veteran's educational benefits, and federal and State work study programs;

ll) Achieving a Better Life Experience (ABLE) accounts – All earnings on ABLE accounts are exempt. The balance of this account is to be exempt unearned income; and

mm) For a period of no more than 60 months, any financial assistance, including wages, cash transfers, or gifts, that is provided to a person who is enrolled in a program or research project that is not funded with general revenue funds that is intended to investigate impacts of policies or programs designed to reduce poverty, promote social mobility, or increase financial stability for Illinois residents, if there is an explicit plan to collect data and evaluate the program or initiative that is developed prior to participants in the study being enrolled in the program and if a research team has been identified to oversee the evaluation.

(Source: Amended at 48 Ill. Reg. 4416, effective March 8, 2024)