**Section 113.113 Exempt Unearned Income**

a) The following unearned income from governmental sources shall be exempt from consideration in determining eligibility for assistance and the amount of the assistance payment:

1) The value of the benefit allotment under the Food and Nutrition Act of 2008 (7 USC 2017(b));

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

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

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

5) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4636);

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

7) Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (42 USC 1601 et seq.);

8) Any compensation provided to individual volunteers under the Retired Senior Volunteer Program and the Foster Grandparent Program and Older Americans Community Service Programs established under Title VI of the Older Americans Act of 1965, as amended (42 USC 3045 et seq.);

9) Payments to Volunteers under the 1973 Domestic Volunteer Service Act (48 USC 5044(q)). These include:

A) Vista Volunteers; and

B) Volunteers serving as senior health aides, senior companions, foster grandparents, or persons serving in the Service Corps of Retired Executives (SCOPE) or the Active Corps of Executives (ACE);

10) Income received under the provisions of Section 1 of the Illinois Senior Citizens and Disabled Persons Property Tax Relief Act [320 ILCS 25/1]. This includes both the benefits commonly known as the "circuit breaker" and "additional grants";

11) Experimental Housing Allowance Program payments made under Annual Contributions Contracts entered into prior to January 1, 1975 under Section 23 of the U.S. Housing Act of 1937, as amended (42 USC 1437(f));

12) Any payments distributed per capita or held in trust for members of Indian tribes under Sections 5 of P.L. 94-114 that became effective October 17, 1975;

13) SSI lump sum payments received by MANG participants who reside in the community (not residing in a long term care facility, DMHDD facility or other medical facility);

14) Any adoption subsidy received from DCFS;

15) Any foster care payment received from DCFS except independent living arrangement payments;

16) Title IV-E adoption assistance or foster care payment received from a state welfare agency of another state are exempt for MANG;

17) Any payment received from the Self Sufficiency Trust Fund established in accordance with Section 21.1 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/21.1];

18) Any payment received under Title I of P.L. 100-383, the Civil Liberties Act of 1988, which provides that restitution shall be made to United States citizens and permanent resident aliens of Japanese ancestry who were interned during World War II;

19) Any payment received under Title II of P.L. 100-383, the Aleutian and Pribilof Islands Restitution Act, which provides that restitution shall be made to any Aleut living on the date of enactment of P.L. 100-383 (August 10, 1988) who, as a civilian, was relocated by authority of the United States from his or her home village on the Pribilof Islands or the Aleutian Islands west of Unimak Island to an internment camp, or other temporary facility or location during World War II; or who was born while his or her natural mother was subject to such relocation;

20) 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;

21) Payments received under the Radiation Exposure Compensation Act (42 USC 2210);

22) Money received from the Social Security Administration under a Plan to Achieve Self-Support (PASS) (see 42 USC 1382a);

23) Earnings, allowances, and payments received under Title I of the National and Community Service Act of 1990 (42 USC 12501);

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

25) The amount of earned income tax credit which the client receives as advance payment or as a refund of federal income tax;

26) German reparation payments made under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution (Germany Restitution Act) to survivors of the Holocaust (see 20 CFR 416.1124b) (2009);

27) Payments of up to $2000 per year derived from individual interests in Indian trust or restricted lands under P.L. 103-66;

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

29) The $25 per week increase in Unemployment Compensation Benefits authorized under the American Recovery and Reinvestment Act of 2009 (Div. B, Title II, Sec. 2002 of P.L. 111-5);

30) The Economic Recovery Payment to recipients of Social Security, Supplemental Security Income (SSI), Railroad Retirement Benefits, and Veterans Disability Compensation or Pension Benefits authorized under the American Recovery and Reinvestment Act of 2009 (Div. B, Title II, Sec. 2001 of P.L. 111-5);

31) Payments to eligible persons who served in the United States Armed Forces in the Far East during World War II authorized under the American Recovery and Reinvestment Act of 2009 (Div. A, Title X, Sec. 1002 of P.L. 111-5); and

32) Achieving a Better Life Experience (ABLE) account balance and earnings.

b) In addition to the unearned income listed in subsection (a), the following unearned income from non-governmental sources shall be exempt from consideration in determining eligibility for assistance and amount of the assistance payment:

1) The value of home produce which is used for personal consumption; and

2) Social Security death benefit expended on a funeral and/or burial.

3) 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 45 Ill. Reg. 9000, effective June 30, 2021)