



Community Services Block Grant

Information Memorandum | Transmittal No. 2017-2

To: West Virginia CSBG Eligible Entities
From: Russell W. Tarry, Deputy Director
West Virginia Development Office – Community Advancement and Development
Date: September 1, 2017
Subject: Procedures for Determining CSBG Client Income Eligibility

Purpose:

The West Virginia Development Office (WVDO) is committed to providing clarifying guidance to assist subrecipients in meeting the expectations and intent of the CSBG Act. This policy is intended to provide a description of the procedures for determining CSBG income eligibility. If any information is needed that is not provided in this policy, please submit a request to the CSBG Program Manager for additional information.

Policy:

To be eligible for CSBG services or benefits, clients must be at or below 125% of the federal poverty line as determined by the federal Office of Management and Budget (OMB) based on the most recent federal Census data and as revised annually (or more frequently) by the U.S. Department of Health and Human Services (the HHS poverty guidelines).

Eligible entities should use the most current HHS poverty guidelines when assessing income eligibility. The current guidelines are published in the Federal Register and are available on the HHS website at www.hhs.gov.

The guidelines are calculated on a sliding scale based on the number of persons in a client's family. To calculate 125% of the federal poverty line, use the amount stated in the poverty guidelines relating to the number of persons in the client's household and multiply that number by 1.25.

An eligible entity may, consistent with its most recent community needs assessment, give priority in providing CSBG services/benefits to clients of lower income levels within the CSBG income eligibility limit established by the state.

Procedures for Determining CSBG Client Income Eligibility

The federal CSBG law does not require any particular process for determining client income eligibility; nor do HHS regulations. However, in order to ensure that CSBG funds are being used for income eligible clients, eligible entities should screen for income eligibility.

Definition of Family/Household: For purposes of determining income eligibility, the term "persons in family" in the HHS poverty guidelines means persons in a household. A household includes any individual or group of individuals who are living together as one economic unit. The income of each individual in the household who is 18 years old or older must be included in determining income eligibility. In determining whether an individual is part of a household, the eligible entity may consider factors such as whether the individual pays for his/her own food and occupancy.

Determining Income: Neither the HHS poverty guidelines nor the federal CSBG Act nor applicable HHS regulations define the term "income." Following is one example of how the term income might be defined. Other reasonable definitions are also acceptable.

Income includes total annual cash receipts before taxes from all sources, with the exceptions noted below. Specifically, income includes:

- Wages and salaries before any deductions;
- Net receipts from nonfarm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses);
- Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses);
- Regular payments from Social Security, railroad retirement, unemployment compensation, strike benefits from union funds, workers' compensation, veterans' payments, public assistance (including Temporary Assistance for Needy Families, Supplemental Security Income, and non-federally-funded General Assistance or General Relief money payments), and training stipends; CAPLAW | CSBG Questions and Answers 4
- Alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household;
- Private pensions, government employee pensions (including military retirement pay) and regular insurance or annuity payments;
- College or university scholarships, grants, fellowships, and assistantships;
- Dividends, interest, net rental income, net royalties;
- Periodic receipts from estates or trusts, and
- Net gambling or lottery winnings.

Income does not include:

- Tax refunds;
- Assets drawn down as withdrawals from a bank or the sale of property (such as a house or a car);
- Capital gains;
- Gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury;
- Employer-paid or union-paid portion of health insurance or other employee fringe benefits;
- Food or housing received in lieu of wages;
- Federal or state noncash benefit programs as Medicare, Medicaid, food stamps, school lunches, and housing assistance; or
- Payments required under federal or state law to be excluded from the definition of income for calculating eligibility for federal or state public benefit programs, such as cost reimbursements under the federal Foster Grandparent program (see 45 C.F.R. § 2552.47)

Period to be Used for Determining Income: There is no prescribed look-back period for income assessment. Depending on an individual client's circumstances and the documentation available, it may be reasonable to calculate client income based upon the household's gross income in the past 30 days (multiplied by 12) or based upon a review of the past year. (For example, if a client has become unemployed or was the victim of domestic violence and has left the abusive household within the past year, it may be inaccurate to use the data of the past year to assess income, and the use of a shorter period of time—perhaps several months—may be a more appropriate and accurate assessment of the client's income. In addition, case-by-case circumstances such as seasonal employment or an isolated and temporary spike or decline in earnings may require an eligible entity to exercise reasonable discretion to determine on a case-by-case basis the most appropriate time period to review to most appropriately and accurately assess income). It is recommended that no time period shorter than the past 30 days or longer than the past year should be used, however. In exercising this reasonable discretion, the eligible entity's goal in each case should be to most accurately determine a client's actual financial position at the time of assessment.

Redetermination of Income: After initial determination, the income level of a client receiving ongoing services should be re-determined at least annually, and should be reviewed any time the eligible entity becomes aware of a significant income changing event or circumstance. An eligible entity retains the right to review a client's income level at any time while the client is receiving CSBG-funded benefits/services for the purpose of determining continued program eligibility

Income Documentation: Before an applicant is determined to be eligible on the basis of family income, the applicant must submit information to the program concerning the family's income. Verification must include examination of documents such as individual income tax forms, W-2 forms, pay stubs, pay envelopes, or written statements from employers (if individual income tax forms, W-2 forms, pay stubs, or pay envelopes are not available).

Applicants who claim no household income must sign a form attesting to that fact and to the accuracy of the information provided to the eligible entity. This form must also be signed by a staff member indicating that the staff member has, in good faith, attempted to verify this condition, and that the information on eligibility in the file is accurate to the best of the staff member's knowledge.

When appropriate, in cases in which no documentation regarding the income eligibility of the applicant has been received by the eligible entity, or when it is either more efficient or reliable to do so rather than to search for eligibility documentation, eligible entities may seek information from third parties who have first-hand knowledge about the applicant's eligibility, and document each such third party's name, title, organizational affiliation (if any) and relationship to the applicant in the applicant's record. Eligible entities also may seek third party information in cases where documents are not submitted to prove a claim that an applicant has no income.

If eligible entities plan to seek third party verification from one or more parties regarding an applicant's eligibility, staff must inform the applicant about each party that they intend to contact. In addition, the applicant must sign a consent form permitting the eligible entity to contact specified third parties; this provides applicants the opportunity to withhold their consent for third party verification from one or more parties. An applicant must be given the opportunity to withhold consent related to each party the eligible entity would like to contact. If applicants do not sign the consent form, the eligible entity may not contact that party and the applicant remains responsible for providing appropriate documentation.

Eligibility Determination Records Which Must Be Retained in the Customer File:

An eligible entity keeps an eligibility determination record for each applicant for CSBG services/benefits, which includes:

- Copies of all documents submitted by the applicant relating to the applicant's eligibility for services and any staff member's notes recording any other information related to eligibility received from any source;

A signed and dated statement by the staff person who made the eligibility determination certifying that the information on eligibility in the file is accurate to the best of the person's knowledge, and based on that information, the person has determined the applicant to be eligible for services.

Effective Date:

The policies and procedures outlined in this Information Memorandum will officially go into effect beginning with the expenditure of FY 2018 CSBG funds, or sooner if the subrecipients chooses to adopt the specific procedures early.