

Regulatory Analysis Form		This space for use by IRRC
(1) Agency Department of Public Welfare/Office of Income Maintenance/ Bureau of Policy/Division of Welfare Reform Initiatives		2011 JUL 29 PM 1:50 REVIEW COMMISSION IRRC Number: 2206
(2) I.D. Number (Governor's Office Use)		
(3) Short Title Lump Sum Payments		
(4) PA Code Cite Chapter 183, Income	(5) Agency Contacts & Telephone Numbers Primary Contact: Edward J. Zogby 787-4081 Secondary Contact: Gail Bean 772-7829	
(6) Type of Rulemaking (check one) <input checked="" type="checkbox"/> Proposed Rulemaking <input type="checkbox"/> Final Order Adopting Regulation <input type="checkbox"/> Final Order, Proposed Rulemaking Omitted	(7) Is a 120-Day Emergency Certification Attached? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes: By the Attorney General <input type="checkbox"/> Yes: By the Governor	
(8) Briefly explain the regulation in clear and nontechnical language. This proposed regulation amends 55 Pa. Code Chapter 183, Income, §183.105(4), by counting lump sum payments as income only in the month of receipt and as a resource in subsequent months.		
(9) State the statutory authority for the regulation and any relevant State or federal court decisions. Sections 201(2) and 403(b) of the Public Welfare Code, Act of June 13, 1967, P.L. 31, No. 21, (62 P.S. §§201(2) and 403(b))		

Regulatory Analysis Form

(10) Is the regulation mandated by any federal or State law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Not applicable.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

This proposed regulation codifies a provision at Section VI (A)(6) of Pennsylvania's State Plan for welfare reform as published at 27 Pa. B. 342 (January 18, 1997) and at Section VI(A)(7) in the current TANF State Plan as published at 29 Pa. B. 5658 (October 30, 1999), related to lump sum payments.

This proposed regulation promotes the purposes of Pennsylvania's Temporary Assistance for Needy Families (TANF) program by eliminating an extended period of ineligibility caused by the receipt of a lump sum payment. Families will have greater discretion to use these funds to strengthen their financial situation, improve their general standard of living and propel them toward greater self-sufficiency.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Needy people may become or remain ineligible for an extended time if the regulation were not changed. The existing regulation has a strong punitive potential because it prescribes definite periods of ineligibility for needy people who may not receive any benefit from the lump sum receipt. Ex.: A budget group member may have absconded with the proceeds of the lump sum to the detriment of the remaining members of the budget group.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

Persons who receive lump sum payments including, but not limited to, payments such as personal injury awards, delayed benefits, inheritances, etc., will no longer be subject to an extended period of ineligibility based on the amount of the lump sum payment. If the payment exceeds the public assistance grant in the month it is received, the person/budget group is ineligible for that month but may be eligible in subsequent months if the lump sum monies remaining are below the appropriate resource limit.

As per an estimate of fiscal savings/costs provided by the Office of Budget (see page 5 of 8), approximately 136 General Assistance (GA) clients and 155 TANF clients will benefit from the regulation.

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(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

No one will be adversely affected.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

~~Any TANF or GA applicant or recipient of lump sum payments must comply with the regulation.~~

However, approximately 136 GA clients and 155 TANF clients annually receive lump sum payments and will be affected by this regulation.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

Copies of the TANF State Plan, which included the information related to lump sum payments were released to various non-profit and State and local government agencies. Informational meetings were held with county children and youth administrators, drug and alcohol agencies, United Way of Pennsylvania, the Income Maintenance Advisory Committee, the Pennsylvania Association of Human Service Administrators and other interested groups.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

There will be no costs or savings incurred by regulated communities.

Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

There will be no costs or savings to local governments.

(19) Provide a specific estimate of the costs and/or savings to State government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

The cost of implementation is reflected in item 20.

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(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

(Dollar Amounts In Thousands)

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:						
Regulated Community	\$0	\$0	\$0	\$0	\$0	\$0
Local Government	\$0	\$0	\$0	\$0	\$0	\$0
State Government	\$0	\$0	\$0	\$0	\$0	\$0
Total Savings	\$0	\$0	\$0	\$0	\$0	\$0
COSTS:						
Regulated Community	\$0	\$0	\$0	\$0	\$0	\$0
Local Government	\$0	\$0	\$0	\$0	\$0	\$0
State Government	\$346	\$346	\$346	\$346	\$346	\$346
Total Costs	\$346	\$346	\$346	\$346	\$346	\$346
REVENUE LOSSES:						
Regulated Community	\$0	\$0	\$0	\$0	\$0	\$0
Local Government	\$0	\$0	\$0	\$0	\$0	\$0
State Government	\$0	\$0	\$0	\$0	\$0	\$0
Total Revenue Losses	\$0	\$0	\$0	\$0	\$0	\$0

(20a) Explain how the estimates listed above were derived.

The above estimate represents an additional 12 months of eligibility for 136 General Assistance (GA) clients at an average monthly cost of \$205 per client. The estimate assumes that clients will spend down the resource limit in one month.

Not included above is \$0.363 million in Federal funds for 155 clients in the Temporary Assistance for Needy Families (TANF) program.

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
Cash Grants	\$323,388	\$259,688	\$311,394	\$294,122

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

The change in lump sum policy is consistent with DPW's overall goal of welfare reform, which is to design programs that promote and encourage self-sufficiency. The regulation will not affect any client adversely.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Not applicable. No nonregulatory alternatives were considered.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

Not applicable. No alternative regulatory schemes were considered.

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No.

(25) How does this regulation compare with those of other States? Will the regulation put Pennsylvania at a competitive disadvantage with other States?

With the enactment of the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) on August 22, 1996, states have the freedom to design and operate cash assistance programs within broad parameters established by the Federal government. States must implement certain prohibitions as provided by the law; however, states have the freedom to continue the program as it was prior to PRWORA or to implement changes tailored to the needs of the people they serve. Because PRWORA had no mandatory provision regarding lump sum income, some states elected to treat lump sum income as it was handled under the former AFDC policy, while other states developed policy similar to Pennsylvania's proposed regulation. The lump sum income regulation is an optional provision that will simplify and/or streamline the eligibility process.

The specific requirements of this regulation should have no effect on Pennsylvania's "competitive" standing with other states in the area of welfare reform. These particular requirements are not "welfare magnet" enticements that may cause a TANF or GA applicant/recipient to leave a home state and settle in Pennsylvania.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other State agencies? If yes, explain and provide specific citations.

No.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

When the TANF State Plan was released in January 1997, a number of informational meetings were held across the State to discuss the proposed changes. DPW's plan to revise lump sum income requirements was included in those discussions.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

The regulation will not change existing reporting requirements; however, it will result in a moderate decrease in record keeping and other paperwork requirements associated with the eligibility process.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

None. There is no need for special provisions.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will become effective upon publication in the Pennsylvania Bulletin as final rulemaking.

(31) Provide the schedule for continual review of the regulation.

The Department conducts periodic reviews of the GA program in accordance with §403(e) of the Public Welfare Code. TANF regulations are also reviewed through the Department's Quality Control and Corrective Action process.

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**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**
(Pursuant to Commonwealth Documents Law)

JUN 20 10:51

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DO NOT WRITE IN THIS SPACE

Copy below is hereby approved
as to form and legality.
Attorney General

[Signature]
By: _____
(Deputy Attorney General)

JUN 20 2001
Date of Approval

Check if applicable
Copy not approved.
Objections attached.

Copy below is hereby certified to be a true and correct
copy of a document issued, prescribed or promulgated
by:

DEPARTMENT OF PUBLIC WELFARE
(Agency)

LEGAL COUNSEL: *[Signature]* 5/1/01

DOCUMENT/FISCAL NOTE NO. 14-471

(DPW-OIM-08-00-01)

DATE OF ADOPTION: _____

BY: *[Signature]*

TITLE: SECRETARY OF PUBLIC WELFARE
(Executive Officer, Chairman or Secretary)

Copy below is hereby approved as to
form and legality. Executive or
Independent Agencies.

[Signature]
BY: _____

6/4/01
Date of Approval

(Deputy General Counsel)
(Chief Counsel, Independent Agency
(Strike inapplicable title)

Check if applicable. No Attorney
General approval or objection
within 30 days after submission.

**NOTICE OF PROPOSED RULEMAKING
DEPARTMENT OF PUBLIC WELFARE
OFFICE OF INCOME MAINTENANCE
BUREAU OF POLICY**

[55 PA. CODE CHAPTER 183]
INCOME

Notice is hereby given that the Department of Public Welfare (DPW), under the authority of §§201(2) and 403(b) of the Public Welfare Code, Act of June 13, 1967, P.L. 31, No. 21, (62 P.S. §§201(2) and 403(b)), intends to amend the regulation as set forth in Annex A. Section 201(2) gives DPW the authority to promulgate regulations. Section 403(b) provides that DPW will establish rules, regulations, and standards consistent with the Act and whenever possible, establish rules, regulations, and standards for General Assistance (GA) consistent with those established for Aid to Families with Dependent Children (AFDC), now replaced by Temporary Assistance for Needy Families (TANF). The incorporation of this amended regulation to the 55 Pa. Code is predicated upon provisions in Act 1996-35 (P.L. 175, No. 35) which govern eligibility for cash benefits and provisions in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) (Pub. L. 104-193) which permit states to design their own TANF programs consistent with Federal requirements. The proposed regulation affects the TANF program and the Commonwealth's GA program.

PURPOSE

The purpose of this proposed regulation is to promulgate the provision at Section VI(A)(6) in the TANF State Plan as published at 27 Pa. B. 342 (January 18, 1997) and at Section VI(A)(7) in the current TANF State Plan as published at 29 Pa. B. 5658 (October 30, 1999). This provision counts lump sum payments as income in the month of receipt and as a resource in subsequent months.

BACKGROUND

On May 16, 1996, Act 1996-35 (P.L. 175, No. 35) was signed into State law. Act 35 provided the framework for Pennsylvania's welfare reform plan which included changes to both the State-funded GA program and the Federal AFDC program. On August 22, 1996, the President signed into law PRWORA, which eliminated the open-ended entitlement program known as AFDC and created a block grant program, TANF, that allows states to provide time-limited cash assistance to needy families under programs that are state-designed. While PRWORA sets forth specific requirements for states to follow, such as establishing work requirements and time limits on the receipt of cash assistance, states have the unprecedented opportunity to design and operate cash assistance programs that are tailored to meet the needs of the people they serve.

The incorporation of this amended regulation into 55 Pa. Code is predicated upon provisions in Act 1996-35 (P.L. 175, No. 35) which govern eligibility for cash benefits and provisions in PRWORA, which permit states to design their own TANF programs consistent with Federal requirements. The flexibility provided by PRWORA allows DPW to proceed with the lump sum change in this proposed regulation.

NEED FOR REGULATION

This regulation is needed to incorporate into 55 Pa. Code the provision at Section VI(A)(6) in the TANF State Plan as published at 27 Pa. B. 342 (January 18, 1997) and at Section VI(A)(7) in the current TANF State Plan as published at 29 Pa. B. 5658 (October 30, 1999). The regulation is being prepared for promulgation as proposed rulemaking to ensure sufficient opportunity for public review and comment prior to implementation.

SUMMARY OF REQUIREMENTS

- The proposed amendment to 55 Pa. Code §183.105(4) specifies that lump sum payments are counted as income only in the month of receipt and as a resource in subsequent months. Under current policy, the effects of lump sum payments on cash assistance benefits are calculated using a formula that often results in ineligibility for cash assistance for entire budget groups over an extended period of time. The formula assumes that the lump sum will be available to meet basic living needs and does not take into account that a family, i.e., budget group, may need to use the funds for other valid purposes. For example, a family may need to purchase a vehicle for employment or move into better housing. Allowing for such expenditure permits a family to strengthen its financial situation and improve its general standard of living, which can help propel the family to greater self-sufficiency. To this extent,

the proposed change in lump sum policy is consistent with DPW's overall goal of welfare reform, which is to design programs that promote and encourage self-sufficiency.

AFFECTED INDIVIDUALS AND ORGANIZATIONS

This proposed regulation affects applicants/recipients of TANF and GA cash benefits who receive lump sum payments such as insurance settlements, delayed wages, lottery winnings, etc. Lump sum payments are no longer calculated in a manner that establishes a defined period of ineligibility. Lump sum payments are considered income in the month of receipt. If the lump sum income (after allowable deductions) exceeds the monthly assistance grant, the budget group is ineligible for assistance in that month. The budget group must verify that any funds remaining in subsequent months do not exceed the appropriate resource level for the category of assistance.

FISCAL IMPACT

Commonwealth: The State will incur an estimated annual cost of \$346,000. This estimate represents an additional 12 months of eligibility for 136 GA clients at an average monthly cost of \$205 per client. The estimate assumes that clients will spend down the resource limit in one month.

Public Sector: No other government entity will incur any costs or realize any savings.

Private Sector: No private sector entity will incur any costs or realize any savings.

PAPERWORK REQUIREMENTS

This proposed regulation will moderately decrease the paperwork requirements associated with the eligibility process. Eligibility calculations associated with the receipt of lump sum payments will no longer require the determination of a defined period of ineligibility.

EFFECTIVE DATE

The regulation is effective upon publication in the Pennsylvania Bulletin as final rulemaking.

SUNSET DATE

There is no sunset date. DPW conducts periodic reviews of the GA program in accordance with §403(e) of the Public Welfare Code. TANF regulations are also reviewed through DPW's Quality Control and Corrective Action review process.

PUBLIC COMMENT PERIOD

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulation to the Department of Public Welfare, Edward Zogby, Director, Bureau of Policy, Room 431, Health and Welfare Building, Harrisburg, Pennsylvania 17120, telephone (717) 787-4081 within 30 days after the date of publication of this Notice in the Pennsylvania Bulletin. All comments received within 30 calendar days will be reviewed and considered in the preparation of the final regulation. Comments received after the 30-day comment period will be considered for any subsequent revisions of this regulation.

Persons with a disability may use the AT&T Relay Service by calling 1-800-654-5984 (TDD users) or 1-800-654-5988 (Voice users).

REGULATORY REVIEW ACT

Under §5(a) of the Regulatory Review Act, the Act of June 25, 1997 (P.L. 252, No. 24) (71 P.S. §§745.1-745.15), the agency submitted a copy of this proposed regulation on JUL 23 2001 to the Independent Regulatory Review Commission and to the Chairmen of the House Committee on Health and Human

Services and the Senate Committee on Public Health and Welfare. In addition to submitting the regulation, the agency has provided the Commission and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If the Commission has any objections to any portion of the proposed regulation, it will notify the agency by . Such notification shall specify the regulatory review criteria which have not been met by that portion. The Act specifies detailed procedures for review of the objections raised, prior to final publication of the regulation, by the Department, the General Assembly and the Governor.

cc: Legislative Reference Bureau

ANNEX A
TITLE 55. PUBLIC WELFARE
PART II. PUBLIC ASSISTANCE MANUAL
Subpart D: DETERMINATION OF NEED AND AMOUNT OF ASSISTANCE
CHAPTER 183. INCOME

MONTHLY ASSISTANCE PAYMENT DETERMINATION

183.105. Increases in income.

An increase in actual, deemed or estimated income of the budget group in a calendar month affects eligibility and the amount of the monthly assistance payment as follows:

(4) If the increase **IN INCOME** is **DUE TO RECEIPT OF A** lump sum [income], the following applies:

(i) [If the increase in lump sum income of the budget group or LRR other than the parent of an AFDC minor parent living with the budget group results in ineligibility, assistance is terminated no later than the payment month corresponding with the budget month in which the income was received. The budget group is ineligible for the number of full months for which the lump sum and other countable net income will meet the needs of the budget group and LRR whose lump sum income is counted. The standard of need - Appendix B, Table 1 - used to determine the period of ineligibility is the one applicable to the county in which the budget group resides and is based on the number of persons in the budget group plus

the LRR whose lump sum income is counted.] **THE AMOUNT OF LUMP SUM IS COUNTED AS INCOME IN THE MONTH OF RECEIPT, IF RECEIVED BY A MEMBER OF THE BUDGET GROUP OR CERTAIN OTHER HOUSEHOLD MEMBERS SUCH AS AN LRR, A PARENT OF A TANF MINOR PARENT, A STEPPARENT OR A SPONSOR OF AN ALIEN. THE LUMP SUM INCOME DEDUCTIONS ARE APPLIED, AS SPECIFIED IN §§183.91, 183.93, 183.94, 183.95, AND 183.98(1)-(3) (RELATING TO LRR, PARENT OF A TANF MINOR PARENT AND STEPPARENT DEDUCTIONS; SPONSOR DEDUCTIONS; ELIGIBILITY FOR TANF EARNED INCOME DEDUCTIONS; GA EARNED INCOME DEDUCTIONS; AND UNEARNED INCOME AND LUMP SUM INCOME DEDUCTIONS).**

[(A) If the income calculated as remaining after the period of ineligibility is less than the monthly assistance payment, it is considered income only in the first month following the period of ineligibility.

(B) If the income calculated as remaining after the period of ineligibility is equal to or exceeds the monthly assistance payment, the budget group is ineligible for 1 additional month. The remainder is a resource, if available, in the month of reapplication.

(C) The period of ineligibility applies to an individual whose lump sum income is counted and those individuals who were receiving or applied for assistance during the month the lump sum income was received. Other individuals who did not receive or apply for assistance during the month the lump sum income was received and who subsequently apply may be eligible for a monthly assistance benefit.

(D) Advance notification of ineligibility includes the computation upon which the period of ineligibility is based. If the exact amount of the lump sum income received is unknown due to the refusal to provide this information, the budget group is determined to be ineligible due to failure to cooperate.]

(ii) [Recalculation of the period of ineligibility following the initial application of this subparagraph is required under certain circumstances. The recalculation may only shorten the period of ineligibility, not lengthen it. The grant may be restored at the end of the recalculated period of ineligibility upon reapplication, if the budget group is otherwise eligible for a grant. No retroactive benefits may be granted for any period of time prior to the date of the reapplication. Recalculations are made only under the following conditions:] **IF THE LUMP SUM INCOME DOES NOT RESULT IN INELIGIBILITY, THE INCREASE IN ACTUAL OR DEEMED LUMP SUM INCOME IN THE MONTH OF RECEIPT AFFECTS THE ASSISTANCE PAYMENT IN THE CORRESPONDING PAYMENT MONTH.**

[(A) When a member of the budget group leaves the family taking the remaining funds from the lump sum income and refuses to make the lump sum available to the rest of the family. The period of ineligibility for the remaining members is recalculated beginning with the month of the loss of these funds by the remaining members as follows:

(I) If funds which should be remaining are removed, the remaining members are eligible. If only part of those funds which should be remaining from the initial lump sum calculation are removed, the period of ineligibility is recalculated by dividing the funds which should be remaining, less the amount of funds removed, by the standard of need for the number of persons covered under the original lump sum calculation remaining in the household. The amount remaining is considered income under subparagraphs (i) and (iii).

(II) The original period of ineligibility is applied to the persons who left the household. The amount remaining is considered income under subparagraphs (i) and (iii). The period of ineligibility is applied whether or not the members later return to the household.

(B) When a natural disaster or other life or health threatening event over which the budget group has no control necessitates expenditure of the balance of the lump sum income. This clause applies only when, prior to the event, the budget group was using the lump sum income to meet essential needs and there are no other income or resources sufficient to meet the needs resulting from the event.

(C) When medical expenses are incurred and paid for a member of the budget group, which are for medically necessary surgery or medical care to treat a congenital condition, serious illness or traumatic injury, if medical needs were not taken into account in determining the initial period of ineligibility; the needs cannot be met by other income or resources; and, the lump sum income was being used to meet the essential needs of the budget group.

(D) If the budget group is unable to verify the cost of essential needs, such as shelter, clothing and food, allow for basic living needs under the standard of need levels for the size of the budget group in recalculating the period of ineligibility.]

(iii) [The amount of lump sum income received by the nonassistance stepparent, parent of an AFDC minor parent or sponsor of an alien remaining after disregards as defined in §§183.91, 183.93 and 183.98(1)-(3) (relating to LRR, parent of an AFDC minor parent and stepparent deductions; sponsor deductions; and unearned income and lump sum income deductions) is considered only in the month of receipt under §183.71(b) (relating to gross income test) and paragraphs (2) and (3). A portion retained by the stepparent or parent of an AFDC minor parent subsequent to the month of receipt is a resource to that person and is not to be

considered in determining eligibility for a budget group unless actually made available to them. A portion retained by the sponsor subsequent to the month of receipt is a resource to the alien in subsequent months.] **WHEN THE LUMP SUM IS RECEIVED BY A BUDGET GROUP MEMBER OR LRR LIVING IN THE HOUSEHOLD, OTHER THAN A PARENT OF A TANF MINOR PARENT, ANY PORTION OF THE LUMP SUM THAT REMAINS AFTER THE MONTH OF RECEIPT IS CONSIDERED A RESOURCE UNDER §177.11 (RELATING TO RESOURCES).**

(iv) [An individual who receives GA and who is determined to be ineligible for a specified period due to receipt of lump sum income may apply for and receive AFDC during this period if otherwise eligible. Remaining lump sum income is considered a resource under Chapter 177 (relating to resources).] **ANY PORTION OF THE LUMP SUM RETAINED BY THE STEPPARENT OR PARENT OF A TANF MINOR PARENT SUBSEQUENT TO THE MONTH OF RECEIPT IS A RESOURCE TO THE STEPPARENT OR PARENT OF THE TANF MINOR PARENT AND IS NOT TO BE CONSIDERED IN DETERMINING ELIGIBILITY FOR THE BUDGET GROUP UNLESS IT IS ACTUALLY MADE AVAILABLE TO THE BUDGET GROUP.**

(v) **ANY PORTION OF THE LUMP SUM RETAINED BY THE SPONSOR OF AN ALIEN SUBSEQUENT TO THE MONTH OF RECEIPT IS A RESOURCE TO THE ALIEN IN SUBSEQUENT MONTHS, PROVIDING THE ALIEN'S ENTRY INTO THE U.S. IS WITHIN THREE YEARS.**

(vi) **IF THE LUMP SUM MAKES THE BUDGET GROUP INELIGIBLE IN THE MONTH OF RECEIPT, AND THE INELIGIBILITY IS EXPECTED TO LAST MORE THAN ONE MONTH, ASSISTANCE IS TERMINATED FOR THE FIRST PAYMENT DATE THAT CAN BE REACHED EITHER IN THE MONTH OF RECEIPT OR THE FOLLOWING MONTH AFTER PROPER NOTICE IS PROVIDED AS DESCRIBED IN §133.4. AN OVERPAYMENT OCCURS FOR CASH ASSISTANCE RECEIVED DURING THE MONTH(S) OF INELIGIBILITY.**

(vii) IF THE EXACT AMOUNT OF THE LUMP SUM RECEIVED IS UNKNOWN BECAUSE OF A REFUSAL TO PROVIDE THIS INFORMATION, THE BUDGET GROUP IS INELIGIBLE DUE TO FAILURE TO COOPERATE UNDER §125.21(a) (RELATING TO THE CLIENT AS THE PRIMARY SOURCE OF INFORMATION).

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LKRC
14th Floor
Harrington II

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT

I.D. NUMBER: 14-471
SUBJECT: Income
AGENCY: DEPARTMENT OF PUBLIC WELFARE

TYPE OF REGULATION

X Proposed Regulation
Final Regulation
Final Regulation with Notice of Proposed Rulemaking Omitted
120-day Emergency Certification of the Attorney General
120-day Emergency Certification of the Governor
Delivery of Tolled Regulation
a. With Revisions b. Without Revisions

RECEIVED
2001 JUL 23 PM 1:53
REGULATORY REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
7/23/01	<i>Maryanne Pelletier</i>	HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES
7/23/01	<i>Patricia McKeown</i>	
9/23/01	<i>Kristi Kreiser</i>	SENATE COMMITTEE ON PUBLIC HEALTH & WELFARE
7-23-01	<i>Brenda Ford</i>	
7-23-01	<i>E. Pasquin</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
7/23/01	<i>Marysa Garas</i>	LEGISLATIVE REFERENCE BUREAU

July 10, 2001