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Date: January 31, 2024

To: WIOA Subrecipients of the Orange County
Workforce Development Board

From: Nancy Cook
Director of Workforce and Economic Development 

Subject: 70 Percent LLSIL and Poverty Guidelines Policy
Information Notice No. 24-OCWDB-04
Supersedes Information Notice No. 20-OCWDB-16

PURPOSE

This policy establishes the procedures regarding the 70 Percent Lower Living Standard Income Level (LLSIL) published by the U.S. Department of Labor (DOL) and the poverty guidelines published by the U.S. Department of Health and Human Services (HHS) in the Federal Register.

EFFECTIVE DATE

This policy is effective on the date of issuance.

REFERENCES

- Workforce Innovation and Opportunity Act (WIOA) Sections 3(36), 127(b)(2)(C), 132(b)(1)(B)(v)(IV), and 134(d)(1)(A)(x)
- Community Services Block Grant Act (42 U.S.C. 9902(2)) Section 673(2)

BACKGROUND

The WIOA Section 3(36)(A) sets the criteria Local Areas must use to determine whether an individual is a low-income individual. These criteria include two sets of data: the poverty guidelines as published by HHS, and the 70 percent of the LLSIL, as published by DOL. The Local Area must use the higher of these two measures to establish low-income status for eligibility purposes of WIOA.

Out-of-school youth (OSY) with certain barriers (see OC Information Notice No. 21-OCWDB-16 for barriers) defined in WIOA must be low-income and all other OSY are not required to be low-income. All in-school youth must be low-income, except for those that fall under the five percent exception.

To establish low-income status for eligibility purposes of WIOA Title I programs, a "low-income individual" is one who qualifies under various criteria, including an individual who received income for a six-month period that does not exceed the higher level of the poverty line or 70 percent of the LLSIL.



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Definitions

Low-income individual - An individual who meets one of the following criteria:

1. Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), or local income-based public assistance.
2. Is in a family with total family income that does not exceed the higher of:
 - the poverty line; or
 - 70 percent of the Lower Living Standard Income Level.
3. Is a homeless individual.
4. Receives or is eligible to receive a free or reduced-price lunch (which does not include youth attending school in districts subsidizing all student meals who would not otherwise be eligible as individuals for free or reduced-price lunch).
5. Is a foster child on behalf of whom the State or local government payments are made.
6. Is an individual with a disability whose own income meets the eligibility income requirement of number 2 even though the individual is a member of a family whose income does not meet this requirement.
7. Is a youth living in a high-poverty area based on a census tract or county that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey 5-year data.

Lower Living Standard Income Level (LLSIL) - Income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the United States Department of Labor (DOL) based on the most recent lower living family budget issued by the Secretary of Labor.

Poverty line - The income level defined by the federal Office of Management and Budget and revised annually by the United States Department of Health and Human Services (HHS).

Policy and Procedures

The poverty line and LLSIL are issued at separate times by different federal agencies. The United States Department of Health and Human Services (HHS) is responsible for determining the poverty line and historically revises the poverty guidelines during the first quarter of the calendar year. The United States Department of Labor (DOL) determines and releases the LLSIL for Title I of WIOA during the second quarter of the calendar year.

The poverty guidelines and 70 percent LLSIL chart, referenced in this policy, will be communicated annually by OCWDB to Service Providers by memo and posted on the OCWDB Policies and Procedures page found at <https://workforce.ocgov.com/oc-workforce-development-board/about-oc-workforce-development-board/policies-and-procedures>. The effective date of the LLSIL and poverty guidelines will be based on when they are published in the Federal Register.

Use the following to determine if a person is a low-income individual:

1. Calculate the family income for the six-months immediately prior to the individual's application for WIOA funded services.
2. Compare the applicant's actual family income during the six-month income determination period with the six-month figures on the charts.
3. Use the higher of either the 70 percent LLSIL or the poverty guidelines in the chart for the appropriate family size to determine if an individual is low-income.

The OCWDB has also set the criteria for determining whether employment leads to self-sufficiency. Please refer to Information Notice No. 24-OCWDB-02 Self-Sufficiency Policy for more information.

ACTION

Bring this policy to the attention of all staff and all relevant parties.

INQUIRIES

If you have any questions regarding this policy, please contact your Contract Administrator at 714-480-6500.