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***JOB OPPORTUNITIES FOR LOW-  
INCOME INDIVIDUALS***

**U.S. Department of Health and Human Services  
Administration for Children and Families  
Office of Community Services  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447  
<https://www.acf.hhs.gov/programs/ocs/programs/joli>**

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**Information Memorandum 2014-01**

**Date: MAY 22, 2014**

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**TO:** Job Opportunities for Low-income Individuals (JOLI) Grantees

**SUBJECT:** Federal Recognition of Same-Sex Spouses/Marriages

**PURPOSE:** To provide guidance for applying the Department of Health and Human Services' policy on recognizing same-sex spouses and marriages to all JOLI-funded projects.

**FROM:** The Office of Community Services

**RELATED REFERENCES:** United States v. Windsor

Defense of Marriage Act, Pub.L. 104-199.

Section 505(b)(3) of the Family Support Act of 1988 (P.L. 100-485)

**BACKGROUND:** On June 26, 2013, the U.S. Supreme Court, in *United States v. Windsor*, struck down the prohibition on federal recognition of same-sex marriages. OCS is issuing this guidance to implement HHS' new policy consistent with the decision in *United States v. Windsor*.

**Policy Summary**

This guidance is intended to implement a post-Windsor policy of treating same-sex marriages on the same terms as opposite-sex marriages to the greatest extent reasonably possible. Accordingly, when applying the HHS poverty guidelines to define low-income individuals to be employed in JOLI-funded projects, the income of same-sex spouses shall be considered part of a "family" income so long as the same-sex spouses entered into a marriage valid in the state where they were married. Similarly, when applying the poverty guidelines for these same purposes, if marital status is a factor when determining "household" composition then the income of any such same-sex spouses shall be considered part of the applicant's "household" income.

**Implications for Administering JOLI Projects: Eligible participants as defined by HHS Poverty Guidelines**

As provided in Section 505(b)(3) of the Family Support Act of 1988 (P.L. 100-485), the JOLI program is designed to support job creation for low-income individuals. Consistent with the JOLI Funding Opportunity Announcements (FOAs), all jobs created by JOLI projects must employ "low-income individuals," which the JOLI FOAs define as:

“A program beneficiary, including low-income refugees, asylees, Cuban/Haitian Entrants, certain victims of human trafficking, and Special Immigrant Visa (SIVs) holders, whose income level does not exceed 100 percent of the official poverty line as found in the most recent revision of the Poverty Income Guidelines published by HHS. These guidelines may be found at <http://aspe.hhs.gov/poverty/index.shtml>.”

These HHS poverty guidelines, which are used to determine who is a low-income individual, define the poverty line in view of the total yearly income of each “family” or “household” unit. For example, according to the 2014 HHS Poverty Guidelines, a person in a family or household of two individuals generating less than 100% of \$15,730 of income per year would be considered an eligible low-income individual in regards to JOLI’s definition of low-income individual. When applying these poverty guidelines the income of same-sex spouses shall be considered part of any “family” income if the same-sex spouses entered into a marriage valid in the state where they were married. Similarly, the income of such same-sex spouses shall be considered part of their “household” composition if marital status is a factor when determining household composition. For example, if household composition is determined by considering whether persons who live together are married, or are in a family, then there may be no distinction between same-sex and opposite-sex marriages when determining household composition. On the other hand, for example, if household income is determined by merely considering whether persons live together and share expenses, and marital status is not a factor, then whether an applicant is in a same-sex or opposite-sex marriage should not be a consideration. Rather, in that case, the same factors that have been applied to assess household composition to date should continue to be utilized.

### **Additional Information**

For more information on the references in this IM, see the Supreme Court’s decision in *United States v. Windsor*, available online at [http://www.supremecourt.gov/opinions/12pdf/12-307\\_6j37.pdf](http://www.supremecourt.gov/opinions/12pdf/12-307_6j37.pdf) and the DOMA legislation (Pub.L. 104-199) is available on the Government Printing Office (GPO) website at <http://www.gpo.gov/fdsys/pkg/PLAW-104publ199/html/PLAW-104publ199.htm>.

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