**Section 121.70 Composition of the Assistance Unit**

a) The food stamp unit shall contain all members of the household. For food stamp purposes, the definition of household is:

1) An individual living alone;

2) An individual living with others but customarily purchasing food and preparing meals for home consumption separate and apart from others;

3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption;

4) An individual and the individual's spouse, if present, who meets each of the following conditions:

A) lives with others and is 60 years of age or older; and

B) is unable to buy food and prepare meals because the individual suffers from either:

i) a disability that is considered permanent under the Social Security Act as determined by a statement from the Social Security Administration or a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] or a psychologist licensed under the Clinical Psychologist Licensing Act [225 ILCS 15] or if the disability is obvious, by the observation of the caseworker, for example, permanent loss of use of both hands; or

ii) a non-disease related severe, permanent disability. A "non-disease related severe, permanent disability" is a disability that may or may not be listed in the preamble to Section 221(i) of the Social Security Act (42 U.S.C. 421(i)), but which prevents the individual from purchasing and preparing his own meals as observed by the caseworker, or verified by a statement from a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] or a psychologist licensed under the Clinical Psychologist Licensing Act [225 ILCS 15]; and

C) the gross nonexempt income of the other individuals with whom the elderly disabled individual (and spouse) is living is not more than 165 percent of the poverty level. For information on "nonexempt gross income", see Sections 121.30 through 121.34, 121.40, and 121.50 through 121.55.

b) Separate household status shall not be granted to:

1) A child (except a foster child) who is less than 18 years of age and is under the parental control of an adult household member other than a parent, unless the child purchases food and prepares meals separately and lives with his or her own child or children or spouse.

2) A parent or parents and their child or children when the children are age 21 or under.

3) A spouse of a member of the household.

4) A boarder. Adults and children in foster care are considered boarders and are not required to be considered household members.

(Source: Amended at 21 Ill. Reg. 3156, effective February 28, 1997)