

## § 263.21

will reside in accordance with the meaning of section 1034 of the Internal Revenue Code of 1986 (26 U.S.C. 1034). The qualified acquisition cost of the residence cannot exceed the average purchase price of similar residences in the area.

### § 263.21 May a State use the TANF grant to fund IDAs?

If the State elects to operate an IDA program, then the States may use Federal TANF funds or WtW funds to fund IDAs for individuals who are eligible for TANF assistance and exercise flexibility within the limits of Federal regulations and the statute.

### § 263.22 Are there any restrictions on IDA funds?

The following restrictions apply to IDA funds:

(a) A recipient may deposit only earned income into an IDA.

(b) A recipient's contributions to an IDA may be matched by, or through, a qualified entity.

(c) A recipient may withdraw funds only for the following reasons:

(1) To cover post-secondary education expenses, if the amount is paid directly to an eligible educational institution;

(2) For the recipient to purchase a first home, if the amount is paid directly to the person to whom the amounts are due and it is a qualified acquisition cost for a qualified principal residence by a qualified first-time home buyer; or

(3) For business capitalization, if the amounts are paid directly to a business capitalization account in a federally insured financial institution and used for a qualified business capitalization expense.

### § 263.23 How does a State prevent a recipient from using the IDA account for unqualified purposes?

To prevent recipients from using the IDA account improperly, States may do the following:

(a) Count withdrawals as earned income in the month of withdrawal (unless already counted as income);

(b) Count withdrawals as resources in determining eligibility; or

(c) Take such other steps as the State has established in its State plan

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or written State policies to deter inappropriate use.

## PART 264—OTHER ACCOUNTABILITY PROVISIONS

Sec.

264.0 What definitions apply to this part?

### Subpart A—What Specific Rules Apply for Other Program Penalties?

264.1 What restrictions apply to the length of time Federal TANF assistance may be provided?

264.2 What happens if a State does not comply with the five-year limit?

264.3 How can a State avoid a penalty for failure to comply with the five-year limit?

264.10 Must States do computer matching of data records under IEVS to verify recipient information?

264.11 How much is the penalty for not participating in IEVS?

264.30 What procedures exist to ensure cooperation with the child support enforcement requirements?

264.31 What happens if a State does not comply with the IV-D sanction requirement?

264.40 What happens if a State does not repay a Federal loan?

264.50 What happens if, in a fiscal year, a State does not expend, with its own funds, an amount equal to the reduction to the adjusted SFAG resulting from a penalty?

### Subpart B—What are the Requirements for the Contingency Fund?

264.70 What makes a State eligible to receive a provisional payment of contingency funds?

264.71 What determines the amount of the provisional payment of contingency funds that will be made to a State?

264.72 What requirements are imposed on a State if it receives contingency funds?

264.73 What is an annual reconciliation?

264.74 How will we determine the Contingency Fund MOE level for the annual reconciliation?

264.75 For the annual reconciliation, what are qualifying State expenditures?

264.76 What action will we take if a State fails to remit funds after failing to meet its required Contingency Fund MOE level?

264.77 How will we determine if a State met its Contingency Fund expenditure requirements?