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## 1610.0000 Food Stamps

The policies in this chapter apply only to standard filing units that are not categorically or broad-based categorically eligible or to broad-based categorically eligible households that contain a member age 60 or over or meets the definition of food stamp disabled and does not meet the 200% of the federal poverty level gross income limit.

### 1610.0100 ASSET DEFINITION (FS)

Assets, liquid or nonliquid, are assets or items of value that are owned (single or jointly) by an individual who has access to the cash value upon disposition.

Liquid assets are cash assets or assets that are payable in cash on demand. Nonliquid assets are assets that cannot be readily converted to cash.

Assets of each member of the SFU must be determined. A determination of whether each asset should be included or excluded must be made.

### 1610.0200 ASSET LIMITS (FS)

The asset limit is the maximum amount of liquid and/or nonliquid assets that an assistance group can retain and remain eligible for public assistance.

The total countable assets of the assistance group cannot exceed:

1. \$2,750 for assistance groups that do not include an elderly or disabled member; or
2. \$4,250 for assistance groups that include a member(s) who is elderly or disabled. Elderly is defined as being age 60 or older. An individual may be considered elderly if they will be age 60 by the last day of the application month.

For categorically eligible households, countable assets are assumed to be within the FS asset limits.

### 1610.0206 Verification of Assets (FS)

Verification of all assets, except cash, is required when the total assets of the SFU are within \$100 of the asset limit. The individual's statement of the amount of cash is accepted. If it is clear from the individual's statement that total assets exceed the limitation or if the individual is ineligible on another factor, assets need not be verified.

### 1610.0300 ASSET OWNERSHIP AND AVAILABILITY (FS)

Any individual who has the legal ability to dispose of an asset is considered the owner of the asset. The type of ownership (single or joint) of an asset determines to whom the asset is available and the value that is counted to the individual.

#### 1610.0301 Joint Ownership (FS)

Joint ownership exists when the legal right to dispose of an asset is shared by more than one individual.

#### 1610.0302 Joint Ownership of Bank Accounts (FS)

When an individual is a joint account holder who has unrestricted access to the funds in the account, you must presume all of the funds in the account are owned by the individual. This presumption is made regardless of the source of the funds.

If the individual alleges the funds in the account belong to someone else, you must allow the individual to submit evidence to challenge this presumption. If the challenge is successful, do not count the funds in the account as an asset to the individual for any month. (If the individual never owned the funds, they were never his.) If the challenge to the presumption of ownership is not successful, you must consider the funds as an asset to the individual. This policy applies to checking accounts, savings accounts, certificates of deposit and other jointly owned financial accounts.

The treatment of funds in joint bank accounts depends on how the account is set up. Accounts set up as John or Jane Doe are considered entirely available to either individual unless one of the individuals states that the funds belong entirely to the other joint account holder and the individual can prove that the account is a convenience account.

#### **1610.0304 Ownership of Real Property (FS)**

Ownership of real property can consist of an interest in the title or a right to the use of the property without title to the property. The owner of real property is generally the individual who has legal title and the right to control the property.

#### **1610.0305.02 Shared Ownership of Real Property (FS)**

When the individual shares ownership with another individual or other individuals, only the individual's ownership interest is included. If there is no documentation defining the portion owned by each individual owner, all owners are assumed to have equal shares in the property.

If the individual cannot sell his share of the property without the consent of the other owner and the other owner refuses to give his consent, the property cannot be considered a countable asset.

#### **1610.0308 General Availability (FS)**

Once the individual's ownership interest of an asset(s) is established, the availability of that asset must be determined. Asset(s) determined not to be available are not considered in determining eligibility on the factor of assets.

Assets are considered available to an individual when the individual has unrestricted access to the asset.

Accessibility depends on the legal structure of the account or property. An asset is countable if the asset is available to a representative possessing the legal ability to make the asset available for the individual's support and maintenance, even though the individual may not choose to do so.

Assets not available due to legal restrictions or factors beyond an individual's control are not considered in determining total available assets. The only exception to this rule occurs when the legal restrictions were caused or requested by the individual.

#### **1610.0309.01 Availability of Assets (FS)**

Assets jointly owned by separate assistance groups are included as available to each assistance group unless it is shown that any of the funds are unavailable.

The entire value of a jointly owned asset is excluded if it cannot be practically subdivided and access is dependent on the agreement of the joint owner who refuses to comply. This does not apply to assets such as stocks, bonds, and other negotiable financial instruments. Refer to passage 1610.0308, General Availability, for other reasons these assets may be considered unavailable.

Assets that are individually or jointly owned and which cannot easily be converted to cash may be considered unavailable if the:

1. ownership interest is \$1500 or less, and/or
2. cost of selling the property is so great that the sale of the property would yield no significant return (\$1500 or less).

**Note:** If the jointly owned asset will yield a return to the assistance group of less than half of the asset limit, verification is not required unless questionable. However, when the assistance group is unable to provide sufficient information to clearly establish the ownership interest and/or the cost of the sale, verification is required prior to determining unavailability.

#### **1610.0309.02 Availability of Trusts (FS)**

Any funds in a trust or funds transferred to a trust, and the income produced by that trust, are excluded if:

1. The trust arrangement is not likely to cease during the certification period and no member of the assistance group (AG) has the power to revoke the trust arrangement or change the name of the beneficiary; and
2. The trustee administering the funds is either a court, an institution, corporation, or organization that is not under the direction or ownership of any AG or appointed by the court who has court imposed limitations preventing the individual's use of the funds that meet the following requirements:
  - a. trust investments made on behalf of the trust do not directly involve or assist any business or corporation under the control, direction, or influence of a member of the AG; and
  - b. the funds held in irrevocable trust are either established from the AG's own funds, if the trustee uses the funds solely to make investments on behalf of the trust or to pay the educational or medical expenses of any person named by the household creating the trust, or
  - c. established from nonassistance group funds by a nonassistance group member.

#### **1610.0309.03 Residents of Shelters (FS)**

The entire value of an asset owned jointly by an individual in a shelter for battered persons and a member of the individual's former assistance group is considered unavailable if the individual cannot access the asset without the consent of the joint owner who still resides in the former household.

#### **1610.0316 Legal Restrictions to Availability (FS)**

In general, assets are considered available unless the applicant/recipient asserts otherwise. If the individual claims an asset is unavailable due to legal restrictions, the eligibility specialist will request supporting evidence and make an independent assessment of the availability based on the evidence presented. An individual may be restricted by law from disposing of owned assets. If an asset is unavailable due to legal restrictions, it is not considered an includable asset. Additional guidance can be requested from the Region or Circuit Program Office, Circuit Legal Counsel or Headquarters through the Region or Circuit Program Office.

**1610.0321 Assets Unavailable - Circumstances Beyond Control (FS)**

Assets unavailable due to circumstances beyond the individual's control are not considered in the determination of eligibility.

The individual must present convincing evidence to prove the asset is unavailable to him due to circumstances beyond his control. The eligibility specialist will make an independent assessment of the availability based on the evidence presented. Additional guidance can be requested from the Region or Circuit Program Office, Circuit Legal Counsel, or Headquarters through the Region or Circuit Program Office.

**1610.0400 GENERAL DETERMINATION OF ASSET VALUE (FS)**

The value of an individual's assets is based on the total value of the assets at the time they become available. In order to be eligible, an individual's assets must be within the program limits at the time of the interview.

**1610.0403 When Asset Value Affects Eligibility (FS)**

For an initial application, assets must be within program asset limits at the time of the interview. Following approval, an assistance group may become ineligible on assets at any time during their program participation. If the assistance group acquires an asset, the eligibility specialist must determine whether or not the asset affects eligibility at its acquisition.

**1610.0407 Definition of Actual Value (FS)**

For assets that are in cash, or payable in cash on demand, the actual value is the cash value. For other forms of assets, the actual value is the fair market value (the amount of cash that could be received by selling or converting the asset).

**1610.0409 Conversion of Assets (FS)**

Proceeds, including cash, from the sale of an asset or conversion of an asset from one form to another are considered assets rather than income. The proceeds of the item to which the asset is converted must be evaluated to determine if they affect eligibility, and if so, the value of the new asset.

Verification concerning the new asset must be obtained regardless of whether a liquid or nonliquid asset is involved. For example, an individual may have an automobile (nonliquid asset) which he sells for cash (liquid asset), or he may have cash, which he uses to purchase an automobile. In either case, the conversion or sale does not result in income to the individual. The newly acquired item is an asset subject to all asset valuation policy.

**1610.0500 ASSETS: DEFINITIONS AND VALUE DETERMINATIONS (FS)**

The different types of liquid and nonliquid assets are discussed alphabetically in the following subsections. The policies assume that the assets are owned by and available to the individual unless noted otherwise. Refer to policy on asset ownership and availability described in passages 1610.0300 through 1610.0321. Refer also to Chapter 2200, Standard Filing Unit, which describes whose assets must be considered.

**1610.0501 Bank Accounts (FS)**

Bank accounts refer to funds in a bank, credit union, savings and loan association or any other financial institution that are usually payable on demand. Interest earned on bank accounts is excluded as unearned income.

The asset value is the balance in the account on the date on which eligibility is established. If the total asset value of the account does not affect eligibility, it is not necessary to determine the amount of any transactions that have not cleared the account or the individual's portion of a joint bank account.

**1610.0503 Funds in a Convenience Bank Account (FS)**

A convenience account is an account whose funds are owned by only one person even though the account is in the name of two persons.

SFUs containing members whose names are on joint bank accounts but who claim that they do not own the funds in the account, will be given the opportunity to verify that the account is a convenience account. In order to prove that the assets are in a convenience account the SFU must provide verification that the funds in the account are not owned or accessed by any SFU member; and any SFU member's name on the account is for the sole benefit of a non-SFU member.

**1610.0504 Time Deposits (FS)**

The availability of funds is the deciding factor in determining if a time deposit is an asset. Time deposits such as a savings certificate or certificate of deposit usually are available to the individual and are included as assets.

Any interest penalties imposed for withdrawing the time deposit funds prior to maturity are deducted from the total amount when determining the value of the time deposit asset. Interest penalties may involve a reduction in the interest rate and/or loss of interest for a short period of time.

Any interest retained after the month it is available is included as an asset.

**1610.0505 Retirement Accounts and Pension Plans (FS)**

Exclude all retirement accounts and pension plans. Count distributed funds as:

1. unearned income if made available through installment payments, or
2. an asset in the month received if made available as a lump sum payment.

**1610.0505.07 Individual Development Accounts (FS)**

Individual Development Accounts (IDAs) are dedicated savings accounts that can be used by eligible participants for purchasing a first home, paying for post-secondary education, transportation, assistive technology or capitalizing a business. These IDAs are comprised of participant's savings from earned income and may be matched by funds controlled by the Regional Workforce Board. Excluded IDAs must be funded in part with TANF or Assets for Independence Act (AFIA) dollars.

Funds in an IDA, including interest accruing in such accounts, shall be disregarded in determining eligibility for food stamps.



**1610.0506 Verification of Bank Accounts (FS)**

Information required for verification of an individual's bank account assets includes the:

1. type of account,
2. name and location of the financial institution,
3. names of any joint owners, and
4. amount of the balance.

The current bank account statement or other statements from the facility are verification sources.

Verification of a time deposit certificate must include information on when the funds can be withdrawn and any penalties for early withdrawal. If the individual cannot provide this information, the eligibility specialist must request the information from the individual's financial institution.

**1610.0508 Funeral Agreement (FS)**

Funeral agreements are any arrangements with a legitimate funeral service provider to pay for burial expenses. Examples of funeral agreements include items such as burial trusts and any burial contracts regardless of whether they are revocable or irrevocable.

Each assistance group member can exclude a maximum of \$1,500 of equity value in a single funeral agreement. Any additional funeral agreement amounts are included as an asset.

**1610.0516 Burial Spaces (FS)**

One burial space per AG member is excluded.

"Burial space" means a casket, urn, grave site, burial plot, crypt, mausoleum, niche, or other repository customarily and traditionally used for a decedent's bodily remains. It also includes necessary and reasonable improvements or additions to such space, including but not limited to vaults, headstones, markers or plaques.

**1610.0517 Verification of Burial Spaces (FS)**

For food stamps the individual's statement is acceptable verification.

**1610.0518 Cash (FS)**

Cash includes money the individual owns no matter where it is located.

**1610.0519 Verification of Cash (FS)**

The individual must provide information on the amount of cash they have on hand. While an individual's statement of actual cash on hand is accepted without verification, the individual must be made aware that cash on hand includes amounts in the individual's personal possession; amounts the individual may have at home; and amounts being held for the individual elsewhere.

**1610.0520 Lump Sum Payments (FS)**

A lump sum payment is considered an asset in the month of receipt and is excluded as income unless the lump sum payment meets an exception below. Lump sum payments are defined as money (unearned) received in the form of a non-recurring lump sum payment including, but not limited to: income tax returns, rebates or credits; retroactive lump sum Social Security, SSI, Earned Income Tax Credit, Child Tax Credit, public assistance, railroad retirement benefits, or other payments; lump sum insurance settlements; or refunds of security deposits on rental property or utilities.

**Exception:** Federal income tax returns, including refundable tax credits (EITC and Child Tax Credit) and over-withholding (tax refunds) are excluded as income and assets in the month of receipt and will continue to be excluded as an asset for 12 months from the date of receipt.

**Exception:** Disaster related insurance settlements or assistance from other sources received for the replacement or repair of a lost, damaged or stolen excluded asset is excluded as income and assets in the determination of food stamp eligibility.

**Exception:** Up-front diversion payments are considered unearned lump sum payments and are excluded as income in the food stamp budget.

If the lump sum payment is earned income, such as a bonus or commission, a lump sum for annual leave, etc. it must be counted as earned income in the month of receipt. Any earned income left over after the month of receipt will be considered an asset.

Recurring SSI lump sum payments are included as unearned income. Generally, recurring SSI lump sum payments are for drug and alcohol addictions and are not paid in one non-recurring lump sum, but over a period of time until a lump sum is paid off.

#### **1610.0521 Prorated Money (FS)**

Money received as a lump sum intended to be used over a specified period by self-employed individuals or students is not included as an asset. This type of money is prorated income. The exclusion period covers the entire period for which the income is prorated. Any of the excluded funds that are combined with other funds in a checking or savings account will be excluded for six months from the date they were combined.

#### **1610.0526 Disaster Assistance (FS)**

Permanently exclude:

1. payments, including disaster unemployment assistance, received under the Disaster Relief Act of 1974 {P.L. 93-288, Section 312(d)}, as amended by the Disaster Relief and Emergency Assistance Amendments of 1988 {P.L., 100-707, Section 105(i)} from assets.
2. National Flood Insurance Program (NFIP) payments made under the National Flood Insurance Act of 1968, as amended by Public Law 109-64, enacted on September 20, 2005.

Exclude interest earned on disaster assistance payments from assets.

Excluded funds commingled in an account with other funds are excluded for six months from the date they were combined. Excluded funds kept in a separate account are excluded from assets for an unlimited amount of time.

Disaster assistance funds are not restricted to restoration of a home but are subject to legal sanction if misused.

Sources of verification of disaster assistance include official government notices, disaster loan or grant documents, and the individual's financial records of deposits, withdrawals and expenditures.

#### **1610.0529 Energy Assistance Payments (FS)**

Payments or allowances made for energy assistance are excluded if federal, state, or local laws authorize them.

These payments or allowances must be clearly identified as energy assistance by the legislative body authorizing the program or providing the funds. Examples of federal payments that would be excluded are energy assistance payments provided by programs such as the Department of Health and Human Services' Low-Income Energy Assistance Program, and the Community Services Administration's Energy Crisis Assistance and Crisis Intervention Programs.

**1610.0530 Business Inventory (FS)**

Property of inventory related to a business or a farm operation such as business tools, farm equipment or tools, etc., is excluded as an asset.

**1610.0534 Home (FS)**

Home property is excluded as an asset, regardless of its value, if it is the individual's principal place of residence. Only one residence can be excluded under this provision.

A home is any shelter in which the individual has an ownership interest and that is used by the individual (and spouse, if any) as the principal place of residence. The home may be either real or personal property, fixed or mobile, and located on land or water. The home includes all the land that appertains to it and the buildings located on such land. Houses, cooperative and condominium apartments, mobile homes, motor homes, and houseboats are examples of shelters which may qualify for exclusion.

Home ownership and property are discussed in passage 1610.0304, Ownership of Real Property. If the home property cannot be excluded under this home exclusion policy, refer to passage 1610.0544 if the property is income producing.

**1610.0535 Home Temporarily Unoccupied (FS)**

If the home is temporarily unoccupied for six months or less, it continues to be excluded if the absence is due to:

1. illness,
2. casualty or natural disaster,
3. attendance of training for future employment, or
4. employment.

The AG must intend to return to the home. If at the end of six months the AG has not returned, the situation must be evaluated for continued exclusion of the home based on when the AG does plan to return and the conditions under which the AG will return. Thereafter, this will be subject to reevaluation every six months, both as to the reason for absence, and as to the temporary nature of the absence.

**1610.0536 Intent to Build a Home (FS)**

An individual can exclude the value of a lot and a partially completed home if the individual does not already own a home; owns or is purchasing a lot with the intent to build; or is building a permanent home.

**1610.0537 Good Faith Effort to Sell (FS)**

Property may be temporarily excluded if the individual is making a good faith effort to sell it at fair market value.

The eligibility specialist must verify that the property is for sale and that a reasonable offer has not been declined. Verification may be obtained through collateral contacts or documentation such as a listing in a newspaper or with a real estate broker.

Real property that the AG is making a good faith effort to sell at a reasonable price and that has not been sold is excluded as an asset. The eligibility specialist must verify that the property is for sale and that a reasonable offer for the property has not been refused. Verification may be obtained through a collateral contact, a newspaper ad, or a real estate broker.

This policy applies if the home cannot be excluded as the individual's principal place of residence.

**1610.0544 Income Producing Property (FS)**

An individual can exclude the fair market value of any income producing property that is producing income consistent with its fair market value (FMV). Rental property is excluded if the property annually produces income consistent with its fair market value, even if only used on a seasonal basis. (The fair market value of property is determined by comparing the property in question to like property in the area.) Income producing property (including equipment) includes items such as farmland, work related equipment essential to the employment of an individual or rental property. Refer to Chapter 1800 for policy on the treatment of this income.

**1610.0545 Installment Contracts (FS)**

An installment contract for the sale of property as well as the property held in security by the contract will be excluded as an asset if it is producing income consistent with its fair market value.

**1610.0546 Rental Property (FS)**

This policy does not apply if the rental property is essential to the employment or self-employment of a household member. For example, a farmer might own rental houses and use them for housing his employees. See Chapter 1800, Income, for determining expenses and income of the property.

**1610.0550 Indian Land (FS)**

Land that is held by an enrolled member of an Indian tribe is excluded from assets if it cannot be sold or transferred without the permission of other individuals, the tribe, or a federal agency.

**1610.0552 Life Insurance (FS)**

The cash value of life insurance policies is excluded as an asset. No verification is required.

**1610.0556 Loans (FS)**

A loan is a transaction when one party (lender) advances money to another party (borrower) who promises to repay the debt in full within the borrower's lifetime. Repayment of loans may or may not include interest. A loan may take the form of a formal written document or an informal verbal agreement. A formal written loan agreement is a form of a promissory note.

A promissory note is a written, unconditional agreement signed by a person who promises to pay a specific sum of money at a specified time, or on demand, to the person, company, corporation, or institution named on the note. A promissory note may or may not involve the loan of money or goods (e.g., a promissory note may be given in return for goods or service rendered).

A personal and real property agreement is a pledge or security of a particular property or properties for the payment of a debt or performance of some other obligation within a specified time period.

Property agreements on real estate (land and buildings) are generally referred to as mortgages but may also be called land contracts, contracts for deed, or deed of trust, etc. Personal property agreements (e.g., pledges on crops, fixtures, inventory, etc.) are commonly known as chattel mortgages.

**1610.0557 Counting Loans (FS)**

A loan is excluded as income to the AG. The portion of a loan that is not spent and is placed in a savings account will count as an asset in the month following the month of receipt.

**1610.0562 Student Grants, Loans and Scholarships (FS)**

Any grants, loans, gifts or scholarships received by the individual for educational expenses are excluded as an asset, even if the loan or other money is received in a lump sum and deposited as cash in a bank. Excluded funds commingled in an account with other funds are excluded for six months from the date they were combined. Excluded funds kept in a separate account are excluded from assets for an unlimited amount of time. The individual must provide information on the amount and type of the grant, loan, gift or scholarship.

**1610.0563 Personal Property (FS)**

Personal property includes personal effects such as clothing, jewelry, tools of a trade, and pets, in addition to household goods such as furniture and appliances. Generally, personal property is excluded as an asset.

**1610.0566 Stocks and Bonds (FS)**

Investments include the value of stocks and bonds. The current market quotation is considered the asset value. Information sufficient to establish ownership is required in order to determine if the stock/bond value must be included/excluded. Sources of information on the current market value of stocks and bonds may be secured from the bank, investment company, newspapers, and the like. The source and date of the quotation must be recorded.

**1610.0570 Mutual Fund Shares (FS)**

A mutual fund is a company that buys and sells securities and other property as its primary business. Mutual fund shares are generally liquid assets and must count as an asset. The value of mutual funds is determined in the same way as stock values are determined.

**1610.0571 Bonds (FS)**

A bond is a written obligation to pay a sum of money at a future specified date. It is a negotiable instrument and is transferable. Therefore, bonds are included as assets.

A state or local government issues municipal bonds. Corporations issue corporate bonds. Government bonds are issued by an agency of the federal government and, except for U.S. Savings Bonds, are transferable.

A bond must be held until the specified date of maturity before it can be redeemed for its face value. The current cash value of a bond before maturity is determined by the market for it.

If there is a great demand for a bond, its market value may be more than the face value; or if there is little demand, the bond's current market value may be substantially less than the face value. The current price of a bond can generally be determined as it would be for a stock.

When an individual requests that a bond be sold, about seven to ten days are usually required for the individual to receive the proceeds.

**1610.0572 Savings Bonds (FS)**

Savings Bonds are countable assets. The value at the time the bond is sold is the asset value. The value of the bond depends on the time elapsed from the date of issue. Do not use the table sometimes provided on the back of the bond to determine its value. The tables often do not reflect changes in interest rates. A bank must be contacted to determine the current value.

A U.S. Savings Bond is an obligation of the federal government, but unlike other government bonds it is not transferable - that is, it can only be sold back to the government.

Several series of U.S. Savings Bonds (for example, Series I, J, and H) can normally be quickly converted into cash at local banks. These bonds are defined as liquid assets. However, some bonds, including Series E bonds, must be held at least 60 days from the date of issue before they can be converted into cash.

U.S. Savings Bonds are usually registered in the name of the owner(s) shown on the front of the bond and may be redeemed by the owner by completing a form on the back of the bond.

If ownership of the bond is shared, each person's share is equal. All owners must agree to liquidate the bond.

The face value of Series H bonds does not change. No further verification of value is necessary for that series; however, interest is paid rather than accrued on these bonds.

#### **1610.0573 Trusts (FS)**

A trust is a right of property held by one party for the benefit of another. The individual who holds the legal title to property for the benefit or use of another is the "trustee". The individual for whose benefit the trust is created is the "beneficiary".

Irrevocable trusts are not included as assets.

If the trust is revocable, the eligibility specialist needs to determine the availability of the trust to the individual in order to decide if it should be included or excluded.

#### **1610.0577 Real Property (FS)**

Real property includes assets (in which an individual has ownership interest) that fall into the following categories:

1. any real estate owned by the individual or couple, and
2. income producing property.

#### **1610.0578 Real Estate (FS)**

Real estate that is not a homestead and does not involve life estate is included as an asset.

Otherwise non-excluded real property that an individual or family is making a good faith effort to sell can be excluded. Refer to passage 1610.0537 for good faith effort policies.

Real estate is not included as an asset if the property is producing income consistent with its fair market value (see passage 1610.0544).

Information containing the name of owner, legal description, amount of indebtedness and to whom owed, and the assessed value is required verification. Sources of verification include deeds in possession of parent or relative, liens in personal possession, county property records, or contract with lien holder.

#### **1610.0579 Value of Real Property (FS)**

Value is determined as equity value unless the property is exempt.

#### **1610.0583 Vehicles (FS)**

A vehicle is any automobile, truck, motorcycle, etc., that is used to provide transportation, and includes vehicles that are unregistered, inoperable, or in need of repair. Vehicles are excluded as assets in the food stamp eligibility determination.

**1610.0584 Lottery and Gambling Winnings (FS)**

Lottery or Gambling Winnings are defined as a cash prize equal to or greater than the maximum allowable asset limit for elderly and disabled households won in a single game before taxes or other withholdings. For the purposes of this provision, this asset limit applies to all households, including non-elderly/disabled households.

All households receiving Food Stamps must report when they receive substantial lottery or gambling winnings. These winnings must be reported within 10 days following the end of the month in which the household received the substantial lottery or gambling winnings. If multiple individuals shared in the purchase of a ticket, hand, or similar bet, then only the portion of the winnings allocated to the member of the food stamp household will be counted toward the eligibility determination.

Substantial lottery or gambling winnings received by any individual in the household will disqualify the entire food stamp assistance group. The eligibility specialist must take prompt action to close the food stamp case. Notice of Adverse action will be provided. The household may reapply at any time for food stamp benefits. When the household reapplies after losing eligibility due to lottery or gambling winnings, they must meet all regular financial asset limits and income eligibility to regain eligibility – categorical eligibility rules cannot be applied at this time. After the household is found eligible using regular non-categorical rules, they may regain categorical eligibility at the next change, recertification, or application.

When a member of the assistance group (including Head of Household) that lost eligibility due to receipt of lottery/gambling winnings moves out of household, the household composition of the original assistance group no longer exists. The separate household (remaining members) may reapply and have eligibility determined using normal food stamp rules, including categorical eligibility rules, if applicable.

The value for substantial winnings will be adjusted annually.

**1610.0593 Assets Excluded by Federal Law (FS)**

Items excluded by federal law as income are also excluded as assets. These items include, but are not limited to the following:

1. Payments to a natural child of a Vietnam veteran born with spina bifida, except spina bifida occulta, as a result of the exposure of one or both parents to Agent Orange (P.L. 104-204).
2. Payments to a natural child of a woman Vietnam veteran born with one or more birth defects resulting in permanent physical or mental disability (P.L. 106-419).
3. Disaster assistance payments (P.L. 100-707). This exclusion applies to federal disaster assistance and comparable state or local assistance.
4. Payments received under the Alaska Native Claims Settlement Act (P.L. 92-203, Section 29 and the Amendments P.L. 100-241, 2/3/88). All compensation (including cash, stock, partnership interest, land, interest in land, and other benefits) are excluded.
5. Payments received for children under the Child Nutrition Act [P.L. 89-642, section 11(b)]. Programs include the Special Milk Program, the School Breakfast Program and the WIC Program.
6. Coupons that may be exchanged for food at farmers' markets, as part of a WIC demonstration project, which are received as a result of the Child Nutrition Act of 1966 (P.L. 100-435, Section 501, 9/19/88).

7. Federal income tax returns, including refundable tax credits (EITC and Child Tax Credit) and over-withholding (tax refunds) are excluded as income and assets in the month of receipt and will continue to be excluded as an asset for 12 months from the date of receipt.
8. Educational assistance is not considered an asset. Excluded funds commingled in an account with other funds are excluded for six months from the date they were combined. Excluded funds kept in a separate account are excluded from assets for an unlimited amount of time.
9. Payments set aside as part of an SSI approved Plan for Achieving Self-Support (PASS) are excluded. These assets must be separated from other funds.
10. Monies paid as compensation to individuals or their heirs for compensation as a result of the Radiation Exposure Compensation Act (Public Law 101-426), effective October 15, 1990.
11. Assets of household members who receive SSI or TCA benefits and reside in a "mixed" food stamp household. (These members are considered categorically eligible on the factor of assets).  
**Note:** A "mixed" food stamp household is a household containing some SSI or TCA members and other household members who do not receive SSI or TCA.
12. Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act (P.L. 91-646, Section 216).
13. Payments received as a result of the Wartime Relocation of Civilians [P.L. 100-383, Section 105(f)(2)]. This includes payments to U.S. citizens of Japanese ancestry and permanent resident Japanese aliens or their survivors and Aleut residents of the Pribilof Islands and the Aleutian Islands West of Unimak Island.
14. Payments made to individuals because of their status as victims of Nazi persecution (P.L. 103-286).
15. Payments received under the Crime Victim Compensation Program that offers compensation to victims and survivors of victims of criminal violence, including drunk driving and domestic violence (P.L. 103-322).
16. Payments made to individuals under the Energy Employees Occupational Illness Compensation Program (EEOICP) Act of 2000 (Public Law 106-398).
17. Payments to American Indians:
  - a. Per capita and interest payments received by the Assiniboine Tribe of the Fort Belknap Indian Community and the Assiniboine Tribe of the Fort Peck Indian Reservation (Montana) (P.L. 98-124, Section 5).
  - b. Payments received by the Blackfeet, Grosventre, and Assiniboine tribes (Montana) and the Papago (Arizona) (P.L. 97-408).
  - c. Per capita and trust funds of the Chippewas of Lake Superior (certain reservations in Michigan, Minnesota and Wisconsin) [P.L. 99-146, Section 6.(b)].



- d. Per capita payments received by the Chippewas of Mississippi (P.L. 99-377, Section 4.b.).
- e. Per capita and interest payments received by the Red Lake Band of Chippewas (P.L. 98-123, Section 3,10/13/83).
- f. Payments received by the Saginaw Chippewa Indian Tribe of Michigan (P.L. 99-346, Section 6.b.2).
- g. Payments received by the Turtle Mountain Band of Chippewas, Arizona (P.L. 97-403).
- h. Payments received by the Confederate Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (P.L. 103-436).
- i. Monies paid under the White Earth Reservation Land Settlement Act of 1985 to the White Earth Band (Minnesota) of Chippewa Indians (P.L. 99-264, Section 16).
- j. Payments received from certain submarginal land held in trust for the following Indian tribes (P.L. 94-114, Section 6):
  - 1. Assiniboine and Sioux Tribes
  - 2. Blackfeet Tribe
  - 3. Cherokee Nation of Oklahoma
  - 4. Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin
  - 5. Lac Courte Oreilles Band of Lake Superior Chippewa Indians
  - 6. Minnesota Chippewa Tribe
  - 7. Fort Belknap Indian Community
  - 8. Keweenaw Bay Indian Community
  - 9. Navajo Tribe
  - 10. Cheyenne River Sioux Tribe
  - 11. Crow Creek Sioux Tribe
  - 12. Devils Lake Sioux Tribe
  - 13. Lower Brule Sioux Tribe
  - 14. Oglala Sioux Tribe
  - 15. Rosebud Sioux Tribe
  - 16. Standing Rock Sioux Tribe
  - 17. Shoshone-Bannock Tribes
- k. Payments received by the heirs of deceased Indians received under the Old Age Assistance Claims Settlement Act shall not be used to deny food stamps except for the per capita shares in excess of \$2,000 (P.L. 98-500, Section 8).
- l. Per capita payments (judgement awards) of \$2,000 or less received under the Indian Judgement Fund Act (P.L. 93-134 as amended by P.L. 97-458, Section 1407, and P.L. 98-64). The asset exclusion applies to each payment made to each individual. This exclusion includes per capita payments from funds which are held in trust by the Secretary of Interior (trust fund distribution).
- m. Payments for relocation assistance received by members of the Navajo and Hopi Tribes (P.L. 93-531, Section 22).
- n. Payments received from the disposition of funds to the Grand River Band of Ottawa Indians (P.L. 94-540).

- o. Payments received by the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliset pursuant to the Maine Indians Claims Settlement Act of 1980 (P.L. 96-420, Section 9c).
- p. Funds, assets or income from the Puyallup Tribe of Indians Settlement Act of 1989 [P.L. 101-41, Sections 6(b), 10(b) and 10(c)].
- q. Payments received under the Sac and Fox Indian claims agreement (P.L. 94-189).
- r. Funds of \$2,000 or less appropriated in satisfaction of judgments awarded to the Seminole Indians. Included tribes are the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida and the independent Seminole Indians of Florida (P.L. 101-277).
- s. Payments received under the Seneca Nation Settlement Act of 1990 [P.L. 101-503, Section 8.(b)].
- t. Payments received by the Confederated Tribes and Bands of the Yakima Indian Nation and the Apache Tribe of the Mescalero Reservation, from the Indian Claims Commission (P.L. 95-433).
- u. Payments from child and family service programs under the Indian Child Welfare Act (P.L. 95-608). These programs provide a wide range of services including various types of individual, family and community assistance. Some of the provided services are homemaking, day care, recreation, home improvement, education, training, respite care and professional assistance/training in child welfare matters.

**Note:** Information about Apache is with Yakima, Assiniboine, Papago and Grosventre with Blackfeet, Maliseet with Passamaquoddy and Penobscot, Miccosukee with Seminole, Fox with Sac and Hopi with Navajo.

18. Achieving a Better Life Experience (ABLE) accounts which are established for individuals who meet the Social Security Administration's definition of disabled or the individual has a certification of disability from their physician prior to age 26. Verification must be requested if:
- a. questionable, or
  - b. value of ABLE account exceeds \$100,000, or
  - c. value of combined assets exceeds the program limit.

#### **1610.0600 TRANSFER OF ASSETS (FS)**

At application and eligibility reviews, individuals must provide information regarding assets transferred prior to the application or eligibility review.

##### **1610.0601 Transfer Versus Disposition (FS)**

A transfer is a "giving away" of sorts. An individual could dispose of money in a savings account in order to buy a car and this would not be considered a transfer of assets. Additionally, if the individual transferred property for a reason other than to be eligible for FS, the transfer will not result in a penalty.

##### **1610.0602 Transfer of Assets Affecting Eligibility (FS)**

The intentional transfer of assets by any member of the AG will result in disqualification of the assistance group for up to one year from the date of discovery of the transfer if assets are knowingly transferred during the 90 day period prior to application for the purpose of qualifying for

benefits, or assets acquired after the assistance group is determined eligible for benefits are transferred to prevent violation of the maximum asset limit.

The following shows the amount in excess of asset and the corresponding period of disqualification:

\$0 - \$249.99 = one month  
\$250 - \$999.99 = three months  
\$1,000 - \$2,999.99 = six months  
\$3,000 - \$4,999.99 = nine months  
\$5,000 or more = 12 months

The following transfers do not affect eligibility:

1. assets that would not otherwise affect eligibility;
2. assets that are sold or traded at, or near, fair market value (FMV);
3. assets transferred between members of the same SFU or AG; and
4. assets transferred for reasons other than qualifying or attempting to qualify for FS benefits.

## 1620.0000 Temporary Cash Assistance

Each individual's assets must be considered to determine eligibility for public assistance.

### 1620.0100 ASSET DEFINITION (TCA)

Assets, liquid or nonliquid, are assets or items of value that are owned (single or jointly) by an individual who has access to the cash value upon disposition.

Liquid assets are cash assets or assets that are payable in cash on demand. Nonliquid assets are assets that cannot be readily converted to cash.

Assets of each member of the standard filing unit must be determined. A determination of whether each asset should be included or excluded must be made.

### 1620.0200 ASSET LIMITS (TCA)

The asset limit is the maximum amount of liquid and/or nonliquid assets that an assistance group can retain and remain eligible for public assistance.

The total countable assets of the Temporary Cash Assistance (TCA) standard filing unit (SFU) cannot exceed \$2,000, with the exception of TCA deemed individuals. TCA deemed individuals' assets are not considered when determining the eligibility of the assistance group.

### 1620.0206 Verification of Assets (TCA)

Verification of all assets, except cash, is required when the total assets of the SFU are within \$100 of the asset limit. The individual's statement of the amount of cash is accepted. If it is clear from the individual's statement that total assets exceed the limitation or if the individual is ineligible on another factor, assets need not be verified.

### 1620.0300 ASSET OWNERSHIP AND AVAILABILITY (TCA)

Any individual who has the legal ability to dispose of an asset is considered the owner of the asset. The type of ownership (single or joint) of an asset determines to whom the asset is available and the value that is counted to the individual.

#### 1620.0301 Joint Ownership (TCA)

Joint ownership exists when the legal right to dispose of an asset is shared by more than one individual.

#### 1620.0302.01 Joint Ownership of Bank Accounts (TCA)

When an individual is a joint account holder who has unrestricted access to the funds in the account, you must presume the individual owns all of the funds in the account. This presumption is made regardless of the source of the funds.

If the individual alleges the funds in the account belong to someone else, you must allow the individual to submit evidence to challenge this presumption. If the challenge is successful, do not count the funds in the account as an asset to the individual for any month. (If the individual never owned the funds, they were never his.) If the challenge to the presumption of ownership is not successful, you must consider the funds as an asset to the individual. This policy applies to checking accounts, savings accounts, certificates of deposit and other jointly owned financial accounts.

When an individual is a joint owner of an account, the amount that must be considered as an asset depends on:

1. whether the other joint owner is an applicant or recipient; and
2. the individual's actual ownership interest in the funds in the account.

If the joint owner(s) is an applicant/recipient enrolled or eligible for TCA, the total funds in the account are presumed to be equally shared.

If the joint owner(s) is not an applicant/recipient eligible for TCA, the entire balance of the account is considered as the asset value.

#### **1620.0302.03 Rebuttal of Ownership (TCA)**

When an individual has unrestricted access to the funds in a joint account but does not consider himself an owner of part or all of the account funds, the individual must be allowed to prove non-ownership of the funds. The individual must provide proof that the account funds are not used to meet his needs. In addition, the individual must explain why his name is on the account.

In order to successfully rebut full or partial ownership, the individual must provide the following three items.

**First**, the individual must provide a written statement describing:

1. any claims about ownership of the funds or interest from the funds;
2. the reasons for establishing the joint account;
3. the individual that made deposits to and withdrawals from the account; and
4. information on how withdrawals were spent.

**Second**, the individual must provide a written statement from the other joint owner(s) confirming this information.

**Third**, the individual must provide documentation from the financial institution that the individual's name has been removed from the account or the individual no longer has access to the funds in the account. This is not considered to be a transfer of assets.

#### **1620.0304 Ownership of Real Property (TCA)**

Ownership of real property can consist of an interest in the title or a right to the use of the property without title to the property. The owner of real property is generally the individual who has legal title and the right to control the property.

#### **1620.0305.02 Shared Ownership of Real Property (TCA)**

When the individual shares ownership with another individual or other individuals, only the individual's ownership interest is included. If there is no documentation defining the portion owned by each individual owner, all owners are assumed to have equal shares in the property.

If the individual cannot sell his share of the property without the consent of the other owner and the other owner refuses to give his consent, the property cannot be considered a countable asset.

#### **1620.0306 Unprobated Estate (TCA)**

Assets that are part of an unprobated estate are not countable assets.

**1620.0308 General Availability (TCA)**

Once the individual's ownership interest of an asset(s) is established, the availability of that asset must be determined. Asset(s) determined not to be available are not considered in determining eligibility on the factor of assets.

Assets are considered available to an individual when the individual has unrestricted access to the asset.

Accessibility depends on the legal structure of the account or property. An asset is countable if the asset is available to a representative possessing the legal ability to make the asset available for the individual's support and maintenance, even though the individual may not choose to do so.

Assets not available due to legal restrictions or factors beyond an individual's control are not considered in determining total available assets. The only exception to this rule occurs when the legal restrictions were caused or requested by the individual.

**1620.0309 Availability of Trusts (TCA)**

Any funds in a trust or funds transferred to a trust, and the income produced by such trust(s), may be excluded if the trust is irrevocable. Trust funds are considered to be irrevocable when the family does not have the legal ability to convert the funds to cash, which can be used for the family's support and maintenance. Savings in excess of the asset limit can be preserved while a family receives TCA if the savings are placed in an irrevocable trust.

Each trust account must be evaluated to determine the accessibility. The source of funds is not controlling in the availability determination.

Refer to passages 1620.0575.01 and 1620.0575.03 for information regarding necessary steps in determining the availability of trusts.

**1620.0316 Legal Restrictions to Availability (TCA)**

In general, assets are considered available unless the applicant/recipient asserts otherwise. If the individual claims an asset is unavailable due to legal restrictions, the eligibility specialist will request supporting evidence and make an independent assessment of the availability based on the evidence presented. An individual may be restricted by law from disposing of owned assets. If an asset is unavailable due to legal restrictions, it is not considered an includable asset. Additional guidance can be requested from the Region or Circuit Program Office, Circuit Legal Counsel or Headquarters through the Region or Circuit Program Office.

Refer to passages 1620.0575.01-1620.0575.03 for specific information on determining availability of trusts for TCA.

**1620.0321 Assets Unavailable - Circumstances Beyond Control (TCA)**

Assets unavailable due to circumstances beyond the individual's control are not considered in the determination of eligibility.

The individual must present convincing evidence to prove the asset is unavailable to him due to circumstances beyond his control. The eligibility specialist will make an independent assessment of the availability based on the evidence presented. Additional guidance can be requested from the Region or Circuit Program Office, Circuit Legal Counsel, or Headquarters through the Region or Circuit Program Office.

**1620.0400 GENERAL DETERMINATION OF ASSET VALUE (TCA)**

The value of an individual's assets is based on the total value of the assets at the time they become available. In order to be eligible, an individual's assets must be within the program limits at the time of application disposition.

**1620.0401 Time When Asset Value Affects Eligibility (TCA)**

The point in time when an asset determination is made may depend on the program and whether the eligibility specialist is processing an application or conducting an eligibility review. Passages 1620.0402 and 1620.0404 describe program specific policy in this area.

**1620.0402 Asset Eligibility (TCA)**

Assets must be equal to or below program limits as of the application disposition date to be eligible for ongoing assistance. Assets must be equal to or below program limits as of the date of the interview.

**1620.0404 When Asset Value Affects Eligibility (TCA)**

Assets must be equal to or below program limits for:

1. the month of application, as of the date of application,
2. the month of disposition, as of the date of disposition, and
3. any other month, as of the first day of that month.

**1620.0406 Determining Asset Value (TCA)**

The amount of the asset included is the actual value of the asset minus indebtedness. Indebtedness is the amount needed to satisfy contract terms that must be met to establish ownership of the asset.

**1620.0407 Definition of Actual Value (TCA)**

For assets that are in cash, or payable in cash on demand, the actual value is the cash value. For other forms of assets, the actual value is the fair market value (the amount of cash that could be received by selling or converting the asset).

**1620.0409 Conversion of Assets (TCA)**

Proceeds, including cash, from the sale of an asset or conversion of an asset from one form to another are considered assets rather than income. The proceeds of the item to which the asset is converted must be evaluated to determine if they affect eligibility, and if so, the value of the new asset.

Verification concerning the new asset must be obtained regardless of whether a liquid or nonliquid asset is involved. For example, an individual may have an automobile (nonliquid asset) which he sells for cash (liquid asset), or he may have cash, which he uses to purchase an automobile. In either case, the conversion or sale does not result in income to the individual. The newly acquired item is an asset subject to all asset valuation policy.

**1620.0410 Excluded Assets Replacement (TCA)**

Exclude cash and in-kind replacements (including any interest) received from any source for the purpose of replacing or repairing a lost, damaged, or stolen excluded asset. Apply the exclusion as long as the individual continues to use the funds for the replacement or repair of the lost, damaged or stolen excluded resource.

**1620.0500 ASSETS: DEFINITIONS AND VALUE DETERMINATIONS (TCA)**

The different types of liquid and nonliquid assets are discussed alphabetically in the following subsections. The policies assume that the assets are owned by and available to the individual unless noted otherwise.

**1620.0501 Bank Accounts (TCA)**

Bank accounts refer to funds in a bank, credit union, savings and loan association or any other financial institution that are usually payable on demand. Interest earned on bank accounts is excluded as unearned income.

**1620.0502 Checking and Savings Accounts (TCA)**

The asset value is the balance in the account on the date on which eligibility is established. If the total asset value of the account does not affect eligibility, it is not necessary to determine the amount of any transactions that have not cleared the account or the individual's portion of a joint bank account. However, the individual still may be given the opportunity to rebut full or partial ownership to ensure that future changes to the account will not affect his eligibility.

Passages 1620.0504 - 1620.0506 discuss policy for bank account assets. Refer to passages 1620.0300 - 1620.0302.03 and 1620.0308 - 1620.0321 for ownership and availability policies for bank accounts.

**1620.0504 Time Deposits (TCA)**

The availability of funds is the deciding factor in determining if a time deposit is an asset. Time deposits such as a savings certificate or certificate of deposit usually are available to the individual and are included as assets.

Any interest penalties imposed for withdrawing the time deposit funds prior to maturity are deducted from the total amount when determining the value of the time deposit asset. Interest penalties may involve a reduction in the interest rate and/or loss of interest for a short period of time.

Any interest retained after the month it is available is included as an asset.

**1620.0505 Retirement Accounts and Pension Plans (TCA)**

Exclude all retirement accounts and pension plans. Count distributed funds as:

1. unearned income if made available through installment payments, or
2. an asset in the month received if made available as a lump sum payment.

**1620.0505.07 Individual Development Accounts (TCA)**

Individual Development Accounts (IDAs) are dedicated savings accounts that can be used by eligible participants for purchasing a first home, paying for post-secondary education, transportation, assistive technology or capitalizing a business. These IDAs are comprised of participant's savings from earned income and may be matched by funds controlled by the Regional Workforce Board. Excluded IDAs must be funded in part with TANF or Assets for Independence Act (AFIA) dollars.

Funds in an IDA, including interest accruing in such accounts, shall be disregarded in determining eligibility for cash assistance.



**1620.0506 Verification of Bank Accounts (TCA)**

Information required for verification of an individual's bank account assets includes the:

1. type of account,
2. name and location of the financial institution,
3. names of any joint owners, and
4. amount of the balance.

The current bank account statement or other statements from the facility are verification sources.

Verification of a time deposit certificate must include information on when the funds can be withdrawn and any penalties for early withdrawal. If the individual cannot provide this information, the eligibility specialist must request the information from the individual's financial institution.

**1620.0507 Burial Contracts and Other Burial Assets (TCA)**

This section provides information on burial related assets such as:

1. funeral agreements,
2. prepaid burial contracts,
3. irrevocable burial trusts,
4. burial exclusion policy, and
5. burial spaces.

Passages 1620.0508 through 1620.0517 discuss program specific policy in this area.

**1620.0508 Funeral Agreement (TCA)**

Funeral agreements are any arrangements with a legitimate funeral service provider to pay for burial expenses. Examples of funeral agreements include items such as burial trusts and any burial contracts regardless of whether they are revocable or irrevocable.

Each assistance group member can exclude a maximum of \$1,500 of equity value in a single funeral agreement. Any additional funeral agreement amounts are included as an asset.

**1620.0515 Burial Spaces/Plots (TCA)**

The following are considered burial spaces or plots:

1. conventional grave sites,
2. crypts,
3. mausoleums, and
4. urns.

**1620.0516 Burial Spaces (TCA)**

One burial space per member of the assistance group is excluded. A burial space is the space necessary for the burial of an individual.

**1620.0517 Verification of Burial Spaces (TCA)**

Sources of verification include documents such as deeds to cemetery lots or sales contracts for the purchase of cemetery lots.

There may be more than one grave site per burial plot. If there is a question as to what constitutes a burial plot the case must be examined by the Circuit Legal Counsel.

For funeral agreements, verification includes copies of the funeral contract or agreement or a letter from the funeral services provider outlining the type and terms of the contract.

**1620.0518 Cash (TCA)**

Cash includes money the individual owns no matter where it is located.

**1620.0519 Verification of Cash (TCA)**

The individual must provide information on the amount of cash they have on hand. While an individual's statement of actual cash on hand is accepted without verification, the individual must be made aware that cash on hand includes amounts in the individual's personal possession; amounts the individual may have at home; and amounts being held for the individual elsewhere.

**1620.0520 Lump Sum Payments (TCA)**

A lump sum payment is considered an asset in the month of receipt and is excluded as income unless the lump sum payment meets an exception below. Lump sum payments are defined as money (unearned) received in the form of a non-recurring lump sum payment including, but not limited to: income tax returns, rebates or credits; retroactive lump sum Social Security, SSI, Earned Income Tax Credit, Child Tax Credit, public assistance, railroad retirement benefits, or other payments; lump sum insurance settlements; or refunds of security deposits on rental property or utilities.

**Exception:** Federal income tax returns, including refundable tax credits (EITC and Child Tax Credit) and over-withholding (tax refunds) are excluded as income and assets in the month of receipt and will continue to be excluded as an asset for 12 months from the date of receipt.

If the lump sum payment is earned income, such as a bonus or commission, a lump sum for annual leave etc., it must be counted as earned income in the month of receipt. Any earned income left over after the month of receipt will be considered an asset.

**1620.0522 Money from Excluded Asset (TCA)**

Money received from an excluded income and asset source that is deposited in a savings account is excluded.

If the balance in the account is not identifiable as coming from the excluded source, the balance (minus any new deposits from excluded sources) counts as an asset the next month.

**1620.0524 Crops and Livestock for Home Use (TCA)**

Any crops or livestock grown or retained solely for the SFU's own use are excluded.

**1620.0525 Verification (TCA)**

The individual's statement as to the disposition of crops and livestock can be accepted unless it is inconsistent with other information on the individual's financial status. If there are inconsistencies or questions, the local county agricultural agent can assist in determining whether the individual is engaged in farming as a business enterprise.

**1620.0526 Disaster Assistance (TCA)**

Permanently exclude:

1. payments, including disaster unemployment assistance, received under the Disaster Relief Act of 1974 (P.L. 93-288, Section 312(d)), as amended by the Disaster Relief and Emergency Assistance Amendments of 1988 (P.L. 100-707, Section 105(i)) from assets.
2. National Flood Insurance Program (NFIP) payments made under the National Flood Insurance Act of 1968, as amended by Public Law 109-64, enacted on September 20, 2005.

Exclude interest earned on disaster assistance payments from assets.

Excluded funds must be identifiable. Encourage the individual to maintain a separate account for excluded funds if possible. When excluded funds are commingled in an account with other funds, assume non-excluded funds are withdrawn first.

Disaster assistance funds are not restricted to restoration of a home but are subject to legal sanction if misused.

Sources of verification of disaster assistance include official government notices, disaster loan or grant documents, and the individual's financial records of deposits, withdrawals and expenditures.

#### **1620.0529 Energy Assistance Payments (TCA)**

Payments or allowances made for energy assistance are excluded if they are authorized by federal, state, or local laws.

These payments or allowances must be clearly identified as energy assistance by the legislative body authorizing the program or providing the funds.

Examples of federal payments that would be excluded are energy assistance payments provided by programs such as: the Department of Health and Human Services' Low-Income Energy Assistance Program, and the Community Services Administration's Energy Crisis Assistance and Crisis Intervention Programs.

#### **1620.0531 Business Inventory (TCA)**

Property/inventory related to a business (a farm operated for profit) is included as an asset. The net value of the business inventory is the current market value minus any indebtedness. Business inventory includes items such as equipment, machinery or livestock.

The individual must provide information on the:

1. ownership of each item;
2. type, make, model, and age of machinery;
3. kinds and number of livestock; and
4. amount of indebtedness on each item.

#### **1620.0532 Verification (TCA)**

Sources of verification for farm business inventory include items such as:

1. inventory reports for equipment filed with the county tax assessor;
2. statements from reputable businesses knowing resale value of items; or
3. the county agricultural agent.

#### **1620.0534 Home (TCA)**

Home property is excluded as an asset, regardless of its value, if it is the individual's principal place of residence. Only one residence can be excluded under this provision.

A home is any shelter in which the individual has an ownership interest and that is used by the individual (and spouse, if any) as the principal place of residence. The home may be either real or personal property, fixed or mobile, and located on land or water. The home includes all the land that appertains to it and the buildings located on such land. Houses, cooperative and condominium apartments, mobile homes, motor homes, and houseboats are examples of shelters, which may qualify for exclusion.

Home ownership and property are discussed in passage 1620.0304, Ownership of Real Property.

**1620.0539.01 The Home as Principal Place of Residence (TCA)**

When the individual, couple, child, parent or relative leaves the home and establishes residence elsewhere, the home becomes an asset regardless of how it is considered for tax purposes, unless a legal spouse or dependent child under 18 or under age 19 and in school, resides in the home.

If the individual lives in more than one place or owns more than one residence, further examination is necessary to determine which home can still be regarded as the individual's principal place of residence.

**1620.0539.02 Home Temporarily Unoccupied (TCA)**

If the home is temporarily unoccupied for six months or less and the individual(s) clearly intends to return, the home continues to be excluded if the absence is due to: physical or mental illness, casualty loss, or natural disaster.

In situations where an absence of more than six months occurs, the eligibility specialist must obtain a signed statement from the individual indicating:

1. where the individual resides most of the time,
2. which residence the individual regards as his principal residence,
3. which residence the individual calls home, and
4. when the individual intends to return home.

If the principal place of residence cannot be determined from the individual's statement, other sources of verification must be reviewed. This includes documents such as:

1. a voting address;
2. an employer's record of address;
3. the mailing address;
4. state and county shown on a federal income tax return;
5. statements by the individual's physician, guardian, representative payee; and
6. addresses shown on a driver's license, car registration form, or checkbook.

**1620.0541.01 Good Faith Effort to Sell (TCA)**

When the individual is making a good faith effort to sell property, it can be excluded for up to nine months if the family agrees to use the proceeds from the sale to repay the Temporary Cash Assistance received. The individual must provide evidence of good faith effort to sell the property prior to approval for assistance.

The parent or relative must sign a CF-ES 2672 form, Real Property Agreement, in the presence of a witness acknowledging that the family:

1. owns real property the value of which exceeds the \$2,000 asset limit (or, when combined with other assets, the total value exceeds the limit), and
2. agrees to dispose of the property and to make repayment of any Temporary Cash Assistance benefits that would not have been received had disposal occurred at the beginning of the exclusion period.

Passages 1620.0541.02 – 1620.0541.04 provide additional policy on the nine month exclusion period.

**1620.0541.02 Exclusion Period (TCA)**

The period of exclusion is nine months, or until the property is sold, whichever is sooner.

Any proceeds from the sale remaining after repayment of excess TCA benefits are included as assets.

The individual's case must be closed if the excluded property is not sold during the nine month period or the individual becomes ineligible for any other reason during the exclusion period. The effective date of the case closing is the month after the end of the exclusion period.

**1620.0541.03 Verification (TCA)**

Sources of verification of the good faith effort to sell include documents such as a written statement from a real estate dealer, clippings of advertisements less than 30 days old, or copies of conditional sales contracts.

**1620.0541.04 Property is Sold (TCA)**

Overpayment does not occur if the property is sold, and the net profit plus the value of other SFU assets at the beginning of the exclusion period are under the asset limit. When the sale of the property is reported, the eligibility specialist must reevaluate the individual's assets by the next change deadline. If the sale did not affect eligibility, no overpayment is considered to have occurred.

If the individual's assets exceed allowable limits after the sale, the case must be canceled effective the first possible payment month. A notice of the cancellation must be sent to the individual allowing 10 days advance notice.

Any TCA benefits received that would not have been received had disposal occurred at the beginning of the exclusion period must be considered overpayment and recouped.

If the individual remains eligible on the factor of assets after the property is sold, the eligibility specialist must make a complete review of ongoing eligibility.

**1620.0542 Home Verification Requirements (TCA)**

The individual must provide the following information:

1. the name of property owner,
2. property included as the home,
3. the legal description of home property, and
4. affirmation that home is currently occupied or the reason why it is not occupied.

Sources of information include documents such as tax statements, county property records, fire department records, and police records.

If there is any indication that a portion of the individual's property is not physically located in the home plot, the individual must provide evidence of the property's ownership status and that the property is part of the home property. This information is included in the record.

Sources of the evidence can include items such as a copy of the tax assessment, bill, title, deed, or other relevant documents the individual has in his possession.

If the individual cannot provide this evidence or the evidence is insufficient, contact the local source of property tax information regarding the property boundaries and record the information for the record.

**1620.0550 Indian Land (TCA)**

Land that is held by an enrolled member of an Indian tribe is excluded from assets if it cannot be sold or transferred without the permission of other individuals, the tribe, or a federal agency.

**1620.0551 Life Estate Interest (TCA)**

Any life estate interest held by an individual, the individual's spouse, a child or specified relative is excluded as an asset to the individual. Also, transfers of life estates need not be examined for potential penalties.

Although individuals owning life estates have the right to obtain profits from the estate property they do not have exclusive rights to the benefits of the property. Therefore, only that portion of the income made available to the individual will be counted as income to the individual.

**1620.0553 Life Insurance (TCA)**

The cash value of a life insurance or annuity policy is included as an asset. The cash value must be verified if the face value of the policy is \$5,000 or more or the policy is five years old or more.

In order to be defined as available, the policy must be owned by the individual and the person insured must either be the individual or a member of the assistance group. Policies carried on the individual or a TCA child by relatives or others whose needs or assets are excluded are not considered available.

**1620.0555 Verification of Life Insurance (TCA)**

The individual must provide the following information on life insurance policies:

1. the owner of the policy;
2. the individual insured by the policy;
3. the amount of the policy's cash surrender value, if any; and
4. the amount of any dividends or interest earned on this policy.

The life insurance policy may provide all the necessary information. If not, the information may be obtained from the insurance company or a local agent. However, it is not necessary to see the policy(s) or contact the company unless the cash value must be verified.

For TCA, the cash value must be verified if the face value of the policy is \$5,000 or more or the policy is five years old or more. Otherwise, the applicant/recipient's statement can be accepted.

**1620.0558 Loans (TCA)**

Money loaned to another person is considered an asset when the individual(s), parent, or relative has a legal document verifying the loan. The balance owed the applicant/recipient on the loan is considered its asset value.

A loan is a transaction when one party (lender) advances money to another party (borrower) who promises to repay the debt in full within the borrower's lifetime. Repayment of loans may or may not include interest. A loan may take the form of a formal written document or an informal verbal agreement. A formal written loan agreement is a form of a promissory note.

A promissory note is a written, unconditional agreement signed by a person who promises to pay a specific sum of money at a specified time, or on demand, to the person, company, corporation, or institution named on the note. A promissory note may or may not involve the loan of money or goods (e.g., a promissory note may be given in return for goods or service rendered). A loan is a transaction when one party (lender) advances money to another party (borrower) who promises to repay the debt in full within the borrower's lifetime. Repayment of loans may or may not

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**1620.0559 Verification (TCA)**

Documentation or information containing the type, amount, and unpaid balance of loan is required. This information may be secured from the legal document in the individual's possession, or the person to whom the money was loaned.

**1620.0562 Student Grants, Loans and Scholarships (TCA)**

Any grants, loans, gifts or scholarships received by the individual for educational expenses are excluded as an asset. This is true even if the loan or other money is received in a lump sum and deposited as cash in a bank. The individual must provide information on the amount and type of the grant, loan, gift or scholarship.

**1620.0563 Personal Property (TCA)**

Personal property includes personal effects such as clothing, jewelry, tools of a trade, and pets, in addition to household goods such as furniture and appliances. Generally, personal property is excluded as an asset.

**1620.0564 Personal Property Excluded as an Asset (TCA)**

Personal effects and household goods are excluded as assets.

**1620.0566 Stocks and Bonds (TCA)**

Investments include the value of stocks and bonds. The current market quotation is considered the asset value. Information sufficient to establish ownership is required in order to determine if the stock/bond value must be included/excluded.

Sources of information on the current market value of stocks and bonds may be secured from the bank, investment company, newspapers, and the like. The source and date of the quotation must be recorded.

**1620.0567 Definition of Stocks (TCA)**

Shares of stock represent ownership in a corporation. The shares of many corporations are traded on the New York Stock Exchange or the American Stock Exchange. Many stocks are also traded "over-the-counter".

Most stocks, for incorporation purposes, are assigned a certain value known as "par value". Par value has no relation to the actual market value of a stock.

The value of a stock is normally determined by the demand for it when it is bought and sold. As the result of constant trading, the value of stocks varies daily. To establish the value of a stock, use the most current closing price.

The individual is required to furnish stock certificates unless the stock is being held for the individual by a securities firm. If so, the eligibility specialist must obtain the individual's copy of the firm's most recent statement concerning the individual's account.

The closing prices (on any particular date) of many stocks may be verified by consulting the following day's newspaper or financial newspaper. If the closing price of a stock is not shown in the next day's newspaper, contact a local securities firm to determine its value.

The value of stocks traded over-the-counter is expressed on a "bid" and "asked" basis. A "bid" is the amount being offered for the stock. The "asked" figure is the amount the seller asked for the stock. Use the bid price to determine the market value of this type of stock.

The individual's statement that a stock is worthless must be supported by a local securities dealer's statement.

#### **1620.0568 Stock in a Close Corporation (TCA)**

A close or closely held corporation is wholly owned or controlled by one or more members of the board. Stock in this type of company must be reviewed to determine if the stock is a liquid or nonliquid asset. Usually the stocks cannot be converted to cash within 20 days and they may qualify for exclusion as property needed for self-support.

If such stocks are not traded publicly the value of the stock is determined by dividing the company's net assets (total assets minus liabilities) by the total number of shares. The corporation's net assets can be obtained from the corporation's most recent tax return.

#### **1620.0570 Mutual Fund Shares (TCA)**

A mutual fund is a company that buys and sells securities and other property as its primary business. Mutual fund shares are generally liquid assets.

The value of mutual funds is determined in the same way as stock values are determined.

#### **1620.0571 Bonds (TCA)**

When an individual requests that a bond be sold, about seven to ten days are usually required for the individual to receive the proceeds. Therefore, bonds are generally included as assets.

A bond is a written obligation to pay a sum of money at a future specified date. It is a negotiable instrument and is transferable.

Municipal bonds are issued by a state or local government. Corporate bonds are issued by corporations. Government bonds are issued by an agency of the federal government and, except for U.S. Savings Bonds, are transferable.

A bond must be held until the specified date of maturity before it can be redeemed for its face value. The market determines the current cash value of a bond before maturity for it.

If there is a great demand for a bond, its market value may be more than the face value; or if there is little demand, the bond's current market value may be substantially less than the face value. The current price of a bond can generally be determined as it would be for a stock.

#### **1620.0572 Savings Bonds (TCA)**

An U.S. Savings Bond is an obligation of the federal government, but unlike other government bonds it is not transferable - that is, it can only be sold back to the government.

Several series of U.S. Savings Bonds (for example, Series I, J, and H) can normally be quickly converted into cash at local banks. These bonds are defined as liquid assets. However, some bonds, including Series E bonds, must be held at least 60 days from the date of issue before they can be converted into cash.



U.S. Savings Bonds are usually registered in the name of the owner(s) shown on the front of the bond and may be redeemed by the owner by completing a form on the back of the bond.

If ownership of the bond is shared, each person's share is equal. All owners must agree to liquidate the bond.

The value of the bond depends on the time elapsed from the date of issue. Do not use the table sometimes provided on the back of the bond to determine its value. The tables often do not reflect changes in interest rates. A bank must be contacted to determine the current value.

The face value of Series H bonds does not change. No further verification of value is necessary for that series; however, interest is paid rather than accrued on these bonds.

#### **1620.0575.01 Trusts (TCA)**

A trust is a right of property held by one party for the benefit of another. The individual who holds the legal title to property for the benefit or use of another is the "trustee". The individual for whose benefit the trust is created is the "beneficiary".

The trust is not an asset to the individual acting as trustee unless he can use the funds for personal benefit. If the trustee can use the funds for personal benefit, the trust principal is a countable asset to the trustee.

If the individual, as beneficiary, has unrestricted access to the principal of the trust, the trust principal is counted as an asset to the individual.

Any income earned from the trust principal (for example, interest or dividends) is considered an asset if retained into the month following the month of receipt.

#### **1620.0575.02 Determining Availability of Trusts (TCA)**

If the applicant/recipient presents a court order establishing a trust fund that could possibly be available for current use for a member of the SFU/AG, the individual (the individual or trustee/representative) is required to pursue all necessary steps to determine if the funds are, in fact, unavailable to meet their needs. This includes petitioning the court or whatever other steps are required.

The value of the trust fund will be excluded as an asset in the TCA determination for up to 90 days (from the date of interview/request) to allow time for the applicant/recipient to pursue such steps. The AG should be approved (assuming all other factors of eligibility are met) and a partial eligibility review set, using AWEC, for the month in which the 90th day falls. This is to check on the outcome of the petition.

Appropriate action must be taken by the eligibility specialist upon completion of the partial to check on the status of the petition. The action will depend on whether a final decision has been reached or the petition is still pending. The eligibility specialist will request verification of the status of the petition.

If the petitioning process is not complete, the eligibility specialist must determine why the process is incomplete and annotate running record comments (CLRC). If the process has not yet been initiated, the applicant/recipient must show good cause for failure to petition the court. Good cause decisions are made on a case-by-case basis by the eligibility specialist and the supervisor. Examples of reasons for good cause for not petitioning for a decision include:

1. the applicant/recipient applied for legal services and does not have access to a private attorney for this purpose;
2. current attorney is unavailable to handle the petition at the present time; or

3. medical reasons (applicant/recipient or other member of AG is hospitalized or otherwise unable to take care of business).

If good cause exists, a partial eligibility review must be set for two months in the future (and every two months as needed) to check on the progress of the petition, as long as a good faith effort is being made by the applicant/recipient to obtain a decision from the court. The trust will continue as an excluded asset until a decision is reached.

If at the end of the 90 day period, the applicant/recipient has not yet petitioned the court and/or cannot demonstrate good cause, the asset will be considered available.

If the applicant/recipient does not respond to the request for the status of the petition/proof of good cause, ongoing eligibility for assistance cannot be determined and the assistance must be closed, allowing ten days advance notice.

Refer to passage 1620.0575.03 for information regarding the decision of the court on availability of a trust.

#### **1620.0575.03 Court Decisions - Trusts (TCA)**

The action the eligibility specialist takes upon learning of the court decision on availability of a trust to meet the current needs of a member of the SFU/AG depends on whether it will be considered unavailable or available.

If the trust is determined by the court to be unavailable, the value of the trust will be excluded as an asset. Further, any interest earned on the trust that remains in the trust is excluded as income.

If the trust is determined by the court to be available, the value of the trust must be considered as an asset beginning with the month the court decision is reached. If this causes ineligibility, the AG must be closed the next possible month allowing 10 days advance notice. Overpayment will not be reported in this situation, if timely action is taken.

#### **1620.0577 Real Property (TCA)**

Real property includes assets (in which an individual has ownership interest) that fall into the following categories any real estate owned by the individual or couple, and income producing property.

#### **1620.0578 Real Estate (TCA)**

Real estate that is not a homestead and does not involve life estate is included as an asset.

Otherwise non-excluded real property that an individual or family is making a good faith effort to sell can be excluded. Refer to passage 1620.0541.01 for good faith effort policies.

Information containing the name of owner, legal description, amount of indebtedness and to whom owed, and the assessed value is required verification. Sources of verification include deeds in possession of parent or relative, liens in personal possession, county property records, or contract with lien holder.

#### **1620.0580 Value of Real Property (TCA)**

The county tax assessment of the property (minus any debts) is used to determine the ownership and value of the property.

**1620.0583 Vehicles (TCA)**

A vehicle is any automobile, truck, motorcycle, etc., that is used to provide transportation, and includes vehicles that are unregistered, inoperable, or in need of repair.

While each program may include all or portions of a vehicle's value or exclude the value, the determination of the value of the vehicles to be included depends on the use of the vehicle.

**1620.0588 Vehicle Exclusions (TCA)**

To assist families in attaining self-sufficiency, the following exclusions are applied to licensed vehicles of applicants or recipients of Temporary Cash Assistance:

1. a standard filing unit may exclude as an asset any vehicle necessary for the transportation of a physically disabled (including blind) member;
2. fair market value is determined by using the wholesale value of the vehicle listed in the NADA book;  
  
**Note:** In the NADA book use the trade-in value column to determine the wholesale value.
3. a standard filing unit that does not contain an individual subject to work participation requirements may exclude one licensed vehicle, regardless of use, as long as the equity value of the vehicle does not exceed \$8,500;
4. a standard filing unit with individuals either employed or subject to the work participation requirements is allowed to exclude vehicles needed for training, employment or education purposes as long as the combined value of these vehicles does not exceed a total of \$8,500;
5. if the standard filing unit with individuals either employed or subject to work participation requirements owns multiple vehicles, some of which may not be used for employment and training purposes, the non-employment and training use vehicle with the highest equity value has the deduction applied first; the remaining deduction is applied to the employment and training vehicles;
6. if there is more than one employment and training vehicle, the \$8,500 deduction is applied first to the vehicle with the highest equity value; and
7. any vehicle equity value remaining after the \$8,500 deduction is applied will be counted toward the \$2,000 asset limit.

**Note:** A filing unit which does not have an individual who is employed or subject to work participation requirements may only receive the \$8,500 deduction for one licensed vehicle regardless of the number of licensed vehicles they own.

**Note:** Equity value is calculated by taking the NADA value of a vehicle and subtracting the amount owed.

**1620.0589 Other Recreational Vehicles (TCA)**

House trailers and houseboats that are not the homestead and are not an excluded vehicle are included.

The resale value for house trailers and houseboats must be obtained from a reputable trailer or boat business. The resale value for other vehicles (such as campers, travel trailers, motor homes, pleasure boats, motorcycles, and aircraft) must be obtained from a reputable dealer for the particular type of vehicle. For TCA purposes, this resale value will be substituted for the trade-in value in the asset value determination.

**1620.0590 Increases/Decreases to Value (TCA)**

The equity is calculated by taking the NADA value of a vehicle and subtracting the amount owed.

The market value of a car, truck or van is determined with the listing of average trade-in value given in the most recent edition of either the Southeastern Edition NADA Official Used Car Guide or the NADA Older Car Guide.

No adjustments to the vehicle's value are made by the eligibility specialist for high mileage, low mileage, and options listed such as air conditioning, radio, and automatic transmission.

If an individual owns a vehicle that may be worth considerably more than the NADA value because of its model and/or year, such as a 1965 Ford Mustang, the NADA value for the oldest comparable model is still used.

A valuation from a reputable automobile dealer, rather than the NADA value may be used when:

1. the "average trade-in" value affects the applicant/recipient's eligibility,
2. the vehicle was in an accident, sustained major mechanical and/or body damage which has not been repaired, or
3. the vehicle is inoperable due to mechanical conditions that have not been repaired.

A reputable automobile dealer valuation may also be used when the vehicle is in excessively poor condition bodily and mechanically so that compared to other vehicles of the same make, model, year, and equipment its value is substantially affected. A vehicle does not qualify on this condition based solely on excess mileage and/or minor body damage such as rust, as these conditions are considered in the NADA book values given. The case record must contain an explanation of the condition of the vehicle that led the individual or eligibility specialist to believe the book value to be incorrect.

The individual obtaining the dealer's evaluation must request the dealer to provide the current market value of the car or the resale value. The trade-in value or wholesale value is unacceptable. The Department cannot assume liability for any costs arising from obtaining a dealer valuation.

Once a dealer values an older unlisted car placing the value at less than \$1,500, another valuation is unnecessary for the same car at future redeterminations or reapplications. Notate the CF-ES Form 2610 or the CLRC screen when the valuation is placed in the case record.

When a dealer's valuation has been used due to the condition of the vehicle, the individual must report to the eligibility specialist any repairs affecting the value of the vehicle. However, the eligibility specialist must explore with the individual the condition of the vehicle at each complete redetermination to ensure that the conditions that resulted in its devaluation continue to exist. When such conditions have been remedied, the value of the vehicle must be redetermined through the NADA book or an additional dealer's valuation.

**1620.0592 Verification of Vehicle Value (TCA)**

Information containing the name(s) of the owner(s), make, model, and year of the vehicle is required for all vehicles. The amount of indebtedness is required on all included vehicles.

Sources of documentation include:

1. title,
2. tag registration,
3. Department of Motor Vehicle records,
4. purchase contract,
5. payment schedule, or
6. lien holder.

Use the average trade-in value listed in the National Automobile Dealers' Association (NADA) book with no adjustments for any special equipment as fair market value in determining equity value (fair market value minus indebtedness).

If a vehicle is not listed in the Southeastern Edition, National Automobile Dealers' Association (NADA) book, the Official Used Car Guide or the NADA Older Car Guide, the individual must obtain an appraisal or produce other evidence of the vehicle's value, such as a tax assessment or a newspaper advertisement indicating the amount for which like vehicles are being sold.

**1620.0593 Assets Excluded by Federal Law (TCA)**

Each program has certain assets excluded by federal law. These exclusions are discussed in this section.

The eligibility specialist must verify or document the amount of the benefit received from the following sources, since they are potential assets:

1. SSI benefits or SSI lump sum payments.
2. Assistance from a vocational rehabilitation agency within certain limitations.
3. Disaster assistance payments (P.L. 100-707). This exclusion applies to federal disaster assistance and comparable state or local assistance.
4. Emergency payments made by another agency prior to the date direct assistance is received.
5. Any grant, loan, gift or scholarship received by the individual. Effective 7/1/93, this includes financial assistance provided under programs in Title IV of the Higher Education Act and under Bureau of Indian Affairs student assistance programs. Effective 7/1/93, student financial assistance for attendance costs under the Carl D. Perkins Vocational and Applied Technology Education Act is also excluded. Attendance costs include: tuition and fees (as required by the institution of all students in the same course of study); and books, supplies, transportation, dependent care and miscellaneous personal expenses (as included in the assistance grant) for those attending on at least a half-time basis, as defined by the institution. Living expenses are not allowed as attendance costs unless the assistance grant includes funds for this purpose as part of miscellaneous personal expenses.

Funds derived from the following sources are not considered available income or assets, and it is not required that the source be verified or documented:

1. Payments to a natural child of a Vietnam veteran born with spina bifida, except spina bifida occulta, as a result of the exposure of one or both parents to Agent Orange (P.L. 104-204).
2. Payments to a natural child of a woman Vietnam veteran born with one or more birth defects resulting in permanent physical or mental disability (P.L. 106-419).
3. The employment related expense reimbursement received by a participant in an Employment and Training Program.
4. Assistance payments received by households from the Low-income Home Energy Assistance Program administered by the Department of Community Affairs.
5. Any payment received by foster parents from any agency intended to provide for the needs of foster children or adults placed in their home; or adoption assistance payments for an individual whose needs are not included in the filing unit.
6. Income for children who are in the custody of the Department, which is collected by Fee Collections and placed into a Fee Collections trust account on behalf of a child, is not counted. The funds which remain in the Fee Collections trust account are not counted as an asset. The income and assets are considered unavailable and are excluded in the eligibility determination.
7. Other trust accounts belonging to the child, or on behalf of the child, must be evaluated by the eligibility specialist for consideration in the Medicaid eligibility determination. Follow trust policy contained in the ACCESS Florida Program Policy Manual, beginning with passage 1620.0575.01, for evaluation of the trust account.
8. The value of the benefits under the Food Stamp Act of 1977, as amended, the value of USDA donated foods, the value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, and the special food service program for children under the National School Lunch Act.
9. Any benefits received under Title VII, Nutrition Program for the Elderly of the Older Americans Act of 1965, as amended.
10. Assistance provided under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
11. Any funds distributed per capita to or held in trust for members of any Indian tribe under Public Laws 92-254, 93-134 or 94-540 and initial purchases made with funds distributed under Public Law 93-134 or Public Law 98-64.
12. Any of the following distributions made to a household, individual native or descendant of a native, by a Native Corporation established by the Alaska Native Claims Settlement Act (Public Law 92-203 as amended):
  - a. Per capita payments of \$2,000 or less per year, including cash dividends on stock from a Native Corporation,
  - b. Stocks (including stock issued or distributed by a Native Corporation as a dividend or distribution on stock),
  - c. A partnership interest,
  - d. Land or interest in land (including land or interest in land received from a Native Corporation as a dividend or distribution on stock), or
  - e. An interest in a settlement trust.

13. Payments under the Experimental Housing Allowance Program under Section 23 of the U.S. Housing Act of 1937, under contracts fully executed prior to January 1, 1975.
14. Assistance provided to volunteers who participate in ACTION Programs funded under Public Law 93-113, including VISTA and other programs under Title I of that law.
15. Payments for supportive services or reimbursement for expenses made to volunteers serving as foster grandparents, senior health aides or senior companions, and to persons serving on the Service Corps of Retired Executives, Active Corps of Executives, and other programs under Titles II and III, Public Law 93-113, Section 419.
16. Federal income tax returns, including refundable tax credits (EITC and Child Tax Credit) and over-withholding (tax refunds) are excluded as income and assets in the month of receipt and will continue to be excluded as an asset for 12 months from the date of receipt.
17. Payments made pursuant to the Radiation Exposure Compensation Act, to individuals (or their survivors) who became ill or died as a result of exposure to radiation through nuclear testing or uranium mining.
18. Funds received by a member of the Passamaquoddy Indian Tribe, the Penobscot Nation, or the Houlton Band of Maliseet Indians pursuant to the Maine Indian Claims Settlement Act of 1980 will be disregarded as income and assets in the determination of eligibility for benefits under the TCA Programs.
19. Standard filing units receiving Temporary Cash Assistance which have funds paid to a homeless shelter either by themselves or on their behalf, will have such funds excluded as a countable asset, providing that such moneys are to enable the family to pay deposits or other cost associated with moving into a stable shelter arrangement.
20. Payments received under the Crime Victim Compensation Program that offers compensation to victims and survivors of victims of criminal violence, including drunk driving and domestic violence. (P.L. 103-322).
21. Payments made to individuals under the Energy Employees Occupational Illness Compensation Program (EEOICP) Act of 2000 (Public Law 106-398).
22. Achieving a Better Life Experience (ABLE) accounts which are established for individuals who meet the Social Security Administration's definition of disabled or the individual has a certification of disability from their physician prior to age 26. Verification must be requested if:
  - a. questionable, or
  - b. value of ABLE account exceeds \$100,000, or
  - c. value of combined assets exceeds the program limit.
23. Payments made to individuals because of their status as victims of Nazi persecution (P.L. 103-286)

**1620.0600      TRANSFER OF ASSETS (TCA)**

At application and eligibility reviews, individuals must provide information regarding assets transferred prior to the application or eligibility review.

**1620.0603 Transfer of Assets Affecting Eligibility (TCA)**

The assistance group (AG) must not have made an intentional assignment, sale, gift, or transfer of assets in order to qualify for or maintain eligibility. When these transactions are made, the AG is ineligible for two years from the date of the transfer.

The determination of ineligibility must be based on the intent of the transfer rather than the value of the transfer. The statement of the individual is usually sufficient to establish the intent of the transfer.

When the intent is unclear, the eligibility specialist must obtain information from other sources including but not limited to:

1. the person to whom the asset is transferred,
2. property records, and
3. collateral sources.

An investigation must also be conducted any time the eligibility specialist has reason to believe a transfer has been made with the sole intent of affecting eligibility. The Department must bear the burden of proof. The following details of the investigation and decision must be recorded:

1. type of asset transferred,
2. date of the transfer,
3. to whom the asset was transferred, and
4. the reason for transfer.

Clearance with the Circuit Legal Counsel must be obtained if further guidance is needed to make a decision on intent.

**1620.0604 Net Value from Disposition (TCA)**

The individual has the right to dispose of assets without penalty if assets are below the asset limit, or assets do not affect eligibility for any reason.

The net value received from the disposition of assets must be assessed to determine if the value will cause the total assets to exceed the asset maximum at any time.

The eligibility specialist must document or verify the loss of an asset. The individual's statement is accepted without verification or documentation when the asset is:

1. a car, truck, or van, and it is the only vehicle owned, with a net value of less than \$1,500;
2. a life insurance policy less than five years old with a face value of \$5,000 or less; or
3. a savings or checking account with a balance of less than \$200.

If any other asset, the eligibility specialist must verify or document:

1. that the individual no longer owns the asset,
2. what happened to the asset, and
3. if sold, what happened to the proceeds.

The individual always has the right to spend money from a converted asset for any reason.