	GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES MEDICAID POLICY MANUAL			
	Chapter:	**2300**	**Effective Date:**	**December 2022**
	Policy Title:	**Homeplace: ABD Medicaid**		
	Policy Number:	**2316**	**Previous Policy Update:**	**MT 65**

REQUIREMENTS

A non-institutionalized A/R's homeplace, regardless of value, is excluded from resources in its entirety. An institutionalized A/R's homeplace is a countable resource, but the value will be considered exempt in certain instances.

BASIC CONSIDERATIONS

The homeplace is property in which the A/R or a deemor has an ownership interest and that serves as the principal place of residence of the A/R, the A/R's spouse or other dependent relative.

The homeplace consists of the following:

- the shelter in which the A/R lives
- the land on which the shelter is located (home plot)
- all land which adjoins the home plot if the adjoining land is not completely separated from the home plot by land in which neither the A/R nor a deemor has an ownership interest.

NOTE: Easements and public rights of way do ***not*** separate the property of the homeplace.

- all other buildings located on the homeplace property.

NOTE: SSA does not consider a ***vacant*** homeplace to be an excluded resource for purposes of determining SSI eligibility. A vacant homeplace may be an uncounted resource for an ABD Medicaid A/R only if the A/R resides in LA-D, or a dependent relative resides in the homeplace. (See DRA policy change below, this page.) However, the homeplace will be designated as a countable resource if and when the homeplace is no longer in A/R's name.

A **dependent relative** can be a spouse, son, daughter, grandson, granddaughter, stepson, stepdaughter, in-laws, mother, father, stepmother, stepfather, grandmother, grandfather, aunt, uncle, sister, brother, stepsister, stepbrother, half-sister, half-brother, niece, nephew or cousin.

BASIC CONSIDERATIONS (cont.)

Dependency may be found where the relative alleges any reasonable degree of reliance on the A/R's homeplace. Reasonable factors of dependency are age, medical reasons, financial circumstances, etc. The degree of dependency is not material. It is not necessary to assign a dollar limitation for determining whether financial dependency exists.

The Deficit Reduction Act (DRA) of 2005, enacted 2/8/06, has made substantial changes in the way the homeplace is considered for A/Rs in LA-D. **Exception:** Katie Beckett COA.

As of 10/1/06, but beginning with new and pending applications and reviews in 2/1/07, LA-D A/Rs, who own homeplace property with an equity value in excess of the **yearly updated** excess home equity limit, shall no longer be eligible for payment of nursing facility and other long-term care Medicaid services. Some exceptions apply. See Procedures.

Excess Home Equity Limit

1/1/2016- 552,000
1/1/2017- 560,000
1/1/2018- 572,000
1/1/2019- 585,000
1/1/2020- 595,000
1/1/2021- 603,000
1/1/2022- 636,000
1/1/2023-688,000

Absences from Homeplace

Absence for A/Rs in LA-A, B, or C:

Georgia Homeplace-A/Rs in LA-A, B, or C:
If the absent A/R's home is located in Georgia, the homeplace will continue to be excluded from resources if any one of the following conditions is met:

- The A/R or PR states in writing that the A/R plans to return to the homeplace.
- The A/R's spouse or dependent relative continues to live at the homeplace while the A/R is absent.
- Sale of the homeplace would cause undue hardship to a co-owner of the homeplace because of loss of housing.

Out of State Homeplace-A/Rs in LA-A, B, or C:
An out-of-state homeplace may be excluded from resources during the A/R's absence only if the A/R's spouse or dependent relative lives in the homeplace or if the A/R goes into LA-D.

Absence from Homeplace for A/Rs in LA-D:
The homeplace of an A/R residing in LA-D is a countable resource effective the first full month that the A/R resides in LA-D. However, the value of the homeplace may not be counted in the resource determination, as long as the A/R remains in LA-D, retains ownership interest and, as of 10/1/06, has equity value at or less than the excess home equity limit. See Procedures and Special Consideration in this section.

PROCEDURES

Step 1 Verify and document the A/R's ownership interest in homeplace property. Refer to Section 2060, ABD Medicaid Application Processing, for guidelines on completing a property search.

Step 2 Scan copies of any legal documents obtained via the property search or in the possession of the A/R or Form 991-Property Search Record into the document imaging system and document GA Gateway.

Step 3 For LA-D A/Rs or FBR A/Rs whose home is not excluded, determine the equity value by obtaining the current market value (CMV) minus any encumbrances (mortgage, legitimate and/or bona fide home equity loan or reverse mortgage). Refer to Section 2303, Determining the Countable Value of Resources for ABD Medicaid**.**

To determine if the loan is bona fide, obtain the following at a minimum:

- Copy of the note
- Verify balance
- Verify rate schedule
- Verify payments

If the A/R cannot verify the loan is bona fide, do not use the loan to offset the equity value of the home.

Step 4 If an A/R residing in LA-A, B, or C intends to return to a homeplace, obtain the A/R's or PR's ***written*** statement for the case record.

If the spouse or dependent relative lives in a Georgia or out-of-state homeplace, document the A/R's or PR's statement. If questionable, develop further by verifying with a home visit, collateral contact, etc.

Accept and document the A/R's or PR's statement as to the degree of relationship and dependency unless questionable.

PROCEDURES (cont.)

Step 5 For LA-D A/Rs:

Beginning 2/1/07 with new applications, applications pending since 10/1/06 and at each review, do the following:

- If the homeplace is valued at excess home equity limit or less, do not count the value of the homeplace in the resource determination as long as the A/R remains in LA-D and retains ownership of the homeplace.
- If the homeplace is valued greater than the excess home equity limit, the A/R is not eligible for payment of nursing facility and other long-term care Medicaid services, unless the following is residing the in A/R's home:
  - the A/R's spouse
  - the A/R's child who is under age 21 or is blind or permanently disabled as defined by section 1614 of the DRA.

  NOTE: If one or more of the above exceptions are not met, for NH and institutionalized hospice, do not authorize a vendor payment. For all home and community based waivered COAs, deny/close the case.

See Special Considerations below.

SPECIAL CONSIDERATIONS

Transfer of Homeplace

Effective with OBRA '93, the homeplace is a countable resource for A/Rs in LA-D, even though the value may not be considered in the resource determination. For any homeplace transferred on or after 8-11-93 (OBRA '93), presume that the transfer was made for the A/R to avoid estate recovery, qualify for or to continue to qualify for Medicaid under OBRA '93. Homeplace transfers done on or after 2/8/06 for less than the FMV by either the A/R or spouse will result in a transfer of assets penalty. See exceptions in Section 2342, Transfer of Assets.

Determine if the individual received FMV for the transferred homeplace property. If the individual received FMV for the property, a transfer of asset for less than the FMV does not apply. However, if the individual did not receive FMV for the property, compute a transfer of assets penalty. This policy applies even after the individual has established Medicaid eligibility. For reviews or specials, consider a transfer penalty on any transfer of homeplace property done 6/1/05 or after. For applications, consider a transfer penalty on any transfer of homeplace within the 36-month look back period or 60-month look back period effective 2/8/06. Undue hardship policy may apply. Refer to Section 2345, Undue Hardship Provision for ABD Medicaid and Section 2342, Transfer of Assets.

SPECIAL CONSIDERATIONS (cont.)

Co-Ownership of Homeplace

If the overall equity interest in the home is shared by co-owners, equity interest is determined by dividing the total equity interest by the number of shared owners proportional to their interest in the property.

Other Medicaid COAs

A/Rs determined ineligible for payment of nursing facility or long-term care Medicaid services due to substantial home equity are eligible for other Medicaid services if otherwise eligible for Medicaid.

Undue Hardship Waiver

A/Rs may request the home equity provisions be waived in the case of a **demonstrated undue hardship**. Refer to Section 2345, Undue Hardship Provision.

Rental of Homeplace Property

Rental of Homeplace property is not subject to the Rental Property policy (6000/6% rule), as long as A/R retains ownership interest in the property. Count rental income as unearned income in the month of receipt.