

	<b>GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES MEDICAID POLICY MANUAL</b>			
	<b>Chapter:</b>	<b>2300</b>	<b>Effective Date:</b>	<b>April 2020</b>
	<b>Policy Title:</b>	<b>Property Rights</b>		
<b>Policy Number:</b>	<b>2328</b>	<b>Previous Policy Update:</b>	<b>MT 1</b>	

## REQUIREMENTS

Property rights are treated as real property in determining resource eligibility.

## BASIC CONSIDERATIONS

Property rights can be in any of the following forms.

### **Mineral Rights**

Mineral rights represent an ownership interest in natural resources such as coal, oil, or natural gas, which normally are extracted from the ground.

### **Timber Rights**

Timber rights permit one party to cut and remove free standing trees from the property of another party.

### **Easements**

An easement gives one party the right to use land of another party for a special purpose.

### **Leaseholds**

A leasehold gives one party control over certain property of another party for a specified period. In some states, a lease for life can create a life estate under common law.

### **Water Rights**

Water rights usually confer upon the owner of river front or shore front property the right to access and use the adjacent water.

<b>PROCEDURES</b>
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Verify the ownership and equity value of property rights.

If the individual owns the land to which the mineral rights pertain, the CMV of the land can be assumed to include the value of the mineral rights. Additional development is unnecessary.

If the individual does not own the land to which the mineral rights pertain, obtain a CMV estimate from a knowledgeable source.

Such sources include the following:

- the Bureau of Land Management
- the U.S. Geological Survey
- any mining company that holds leases.

Refer any *lease for life* agreement to the Medicaid Unit for a determination of whether it creates a life estate.