

Assets

EXCEPTION: Property that represents the authority granted by a governmental agency to engage in an income-producing activity is excluded if it is:

- Used in a trade or business or non-business income-producing activity; or
- Not used due to circumstances beyond the individual's control, e.g., illness, and there is a reasonable expectation that the use will resume.

EXAMPLE: John owns a commercial fishing permit granted by the State Commerce Commission, a boat, and fishing tackle. The boat and tackle have an equity value of \$6,500. Last year, John earned \$2,000 from his fishing business. The value of the fishing permit is not determined because the permit is excluded under the exception. The boat and tackle are producing in excess of a 6% return on the excluded equity value, so the equity is excluded, up to \$6,000. The \$500 excess value is counted toward the asset limit.

b. Necessary for Self-Support

FS	WVW, AFDC Groups	SSI Groups
Yes	Yes	No*

SSI-Related Medicaid, CDCS, PAC, QDWI, QMB, SLIMB, and QI-1: Non-business real and personal property is considered necessary for an individual and/or his spouse's self-support, if it is used to produce goods or services necessary for his daily activities. This type of property includes real property, such as land, which is used to produce vegetables or livestock for personal consumption only, such as, corn, tomatoes, chickens, cattle.

This property also includes personal property necessary to perform daily functions, but not passenger cars, trucks, boats, or other special vehicles. Property used to produce goods or services or property necessary to perform daily functions is excluded, if the individual's equity in the property does not exceed \$6,000. The amount of equity in excess of \$6,000 is counted toward the asset limit. Personal property which is required by the individual's employer for work is not counted, regardless of value, while the individual is employed. Examples of this type of personal property include tools, safety equipment, uniforms and similar items.

Assets

EXAMPLE: Bill owns a small, unimproved lot several blocks from his home. He uses the lot, which is valued at \$4,800, to grow vegetables and fruit, only for his own consumption. Since his equity in the property is less than \$6,000, the property is excluded as necessary to self support.

c. Other Real Property

FS	WVW, AFDC Groups	SSI Groups
Yes*	Yes*	Yes*

The equity in property, not otherwise excluded, is an asset.

(1) Food Stamp Benefits

Real property which the client is making a good faith effort to sell is excluded. A good faith effort means that the property is currently available for sale through a real estate agent or through publication.

(2) WV WORKS

Any non-excluded real property which the AG is making a good faith effort to sell is excluded for six months. A good faith effort means that the property is currently available for sale through a real estate agent or through publication.

The only time this exclusion applies is when the client has agreed in writing, using Form **DFA-22**, to dispose of the property within the six-month exclusion period. Any payments made to the AG during this disposition period must be repaid to the Department once the client disposes of the asset.

If, for any reason, the client fails to dispose of the property, or the case is closed during the exclusion period, all of the payments made to the AG must be repaid. If, at the end of the 6-month period, the client has failed to dispose of the property, it must be counted as an asset.