A. AGENT ORANGE COMPENSATION

FS	WVW, AFDC Groups	SSI Groups
No	No	No

All payments from the Agent Orange Settlement fund or any other fund established pursuant to the settlement are excluded.

B. BANK ACCOUNTS AND CD'S

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

1. Savings Accounts

2. Christmas Clubs

3. Checking Accounts

4. Certificates Of Deposits (CD's)

   The amount deposited, plus any accrued interest, minus any penalties imposed for early withdrawal, is counted as an asset.

   Some funds held in CD's cannot be withdrawn prior to maturity under any circumstances. In this situation, the certificate is not an asset until the first month after it matures.

   NOTE: For a joint checking or savings account, or jointly owned time deposit, refer to the jointly owned assets section under each program of assistance.

   The current month's income deposited in accounts is not counted as an asset for that month. See Section 11.2. Checks dated or posted before the usual check receipt date are treated as if they were received in the usual month of receipt.

   Food Stamp Benefits: When excluded funds are kept in a bank account with other non-excluded money, the normally non-excluded funds are excluded for six months from the date they were placed in the account. After six months, the exclusion ends and all money in the account is an asset.

   EXCEPTION: Educational funds are excluded even when co-mingled with other funds.

5. Deposits By Others

When a non-AG member deposits his own money, for his own use, into the account of an AG member, the amount remaining in the account on the first day of the next calendar month is counted as an asset for the Food Stamp AG.

6. Dedicated Account For SSI Recipient

WV WORKS: When the SSI recipient is under age 18 and SSA requires the establishment of a dedicated account for past due monthly SSI payments, the amount in the dedicated account is excluded as an asset. This applies when the back payment amount is deposited by SSA directly in the account and when it is deposited there at the discretion of the representative payee. These accounts may include checking, savings and money market accounts. The exclusion continues until all funds in the account are depleted, or until SSA determines the account no longer meets the SSA criteria for a dedicated account. The exclusion continues after the SSI recipient reaches age 18, as long as the account remains a dedicated account.

7. HUD Family Self-Sufficiency Escrow Accounts and Individual Development Accounts

FS	WVW, AFDC Groups	SSI Groups
No*	No*	No*

Funds in either a Housing and Urban Development's (HUD) Family Self-Sufficiency (FSS) escrow account or Individual Development Account (IDA), as well as any disbursements made prior to program completion, are excluded.

Any disbursement made upon completion of the program is treated as a lump sum payment.

C. BONDS – U. S. SAVINGS

FS	WVW, AFDC Groups	SSI Groups
Yes	Yes	Yes *

The cash-in value is counted.

SSI-Related Medicaid, CDCS, PAC, QDWI, QMB, SLIMB, and QI-1: A U.S. Savings Bond is not an asset during its six-month minimum retention period. As of the first moment of the seventh month, the bond is considered an asset. If an individual receives a bond as a gift, see Section 10.3, U.S. Savings Bonds.

D. BURIAL FUNDS AND PLOTS

1. Burial Funds

FS	WVW, AFDC Groups	SSI Groups
See	Section	11.5

Money set aside to pay for funerals and related expenses may be counted as an asset. When set up as a trust, prepaid burials can be paid for by cash, insurance policies or annuities.

For treatment of burial funds by program, see Section 11.5.

2. Burial Plots

FS	WVW, AFDC Groups	SSI Groups
No*	No*	No *

a. Food Stamp Benefits, WV WORKS, AFDC Medicaid and, AFDC-Related Medicaid

One burial **space, regardless of the type,** per AG member is excluded.

b. SSI-Related Medicaid, CDCS, PAC, QDWI, QMB, SLIMB, and QI-1

Burial spaces which are intended for the use of the client, spouse, or any member of the immediate family, are excluded.

E. BUSINESS AND NON-BUSINESS PERSONAL PROPERTY

1. Business Personal Property

a. Food Stamp Benefits

FS	WVW, AFDC Groups	SSI Groups
No *	Yes	No *

Excluded if used in a business. If not excluded as business property, the equity value is an asset.

This exclusion continues during periods of unemployment due to physical inability to work as long as the individual intends to return to work when physically able.

Vehicles and recreational vehicles/equipment are excluded regardless of use.

b. SSI-Related Medicaid, CDCS, PAC, QDWI, QMB, SLIMB, and QI-1

Up to $6,000 of an individual's equity in personal or real income-producing property is excluded, if it produces a net annual income of at least 6% of the excluded equity. The maximum amount of net annual income the property must produce is $360.

If the individual's equity is greater than $6,000, only the amount that exceeds $6,000 is counted toward the asset limit, when the net annual income requirement of 6% is met on the excluded equity. Net annual income is the gross income from the enterprise, less the cost of doing business for a one year period. If the activity produces less than a 6% return, due to circumstances beyond the individual's control, such as crop failure or illness, and there is a reasonable expectation that the individual's activity will again produce a 6% return, the property is excluded. If the individual owns more than one piece of property, and each produces income, each has the 6% rule applied. Then, the individual's equity in all of the properties producing 6% are totaled to determine if the total equity is $6,000 or less. The equity in those properties that do not meet the 6% rule is counted as an asset. If the individual's total equity in the properties producing 6% income is over the $6,000 equity limit, the amount of equity exceeding $6,000 is counted as an asset.

The procedure to determine if the property is excluded is as follows:

Step 1: Add together the equity value of all personal and real business properties used in one enterprise.

Step 2: If the Step 1 amount is less than $6,000, multiply that amount by .06. If the Step 1 amount is $6,000 or greater, multiply $6,000 by .06.

Step 3: Compare the Step 2 amount to the net annual income. If the net annual income is equal to or greater than the amount in Step 2, subtract $6,000 from total equity value of the property(s). The remainder is an asset. If the net annual income is less than the amount arrived at in Step 2, the total equity of the property(s) is an asset.

EXAMPLE: Mr. Patterson owns a mobile home, which is not his residence, that has a CMV and equity value of $3,000. He owns other property that has a CMV and equity value of $2,000. The mobile home produces a net annual rental income of $750, and the other property produces less than $50 a year. Since the mobile home produces more than a 6% return, its equity value is excluded. Since the other property produces less than a 6% return, its equity value is counted.

EXAMPLE: Sharon has a small business in her home making hand-woven rugs. The looms and other equipment used in the business have a CMV of $7,000. Her equity is $5,500 since she owes $1,500 on the looms. Sharon's net earnings from self-employment are $400. Since Sharon's equity in the looms and other equipment is under the $6,000 limit for income-producing property, and her net income after expenses ($400) is greater than 6% of the equity, her property is excluded from countable resources.

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, such as 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.

2. Non-Business Personal Property

a. Income Producing

FS	WVW, AFDC Groups	SSI Groups
No *	Yes	No *

Food Stamp Benefits: Property which is annually producing income consistent with its CMV is excluded. **Vehicles and recreational vehicles/equipment are excluded regardless of use.**

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 personal and real property is considered essential 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 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.

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.

NOTE: The 6% provision as shown in item 1 above is not used in this determination.

F, CASH ON HAND
CASH SAVINGS

FS	WVW, AFDC Groups	SSI Groups
Yes	Yes	Yes

This is a countable asset, except when any portion of it is the current month's income. Once the amount of cash, including cash benefits in an EBT account, or savings is determined, subtract the current month's income, including cash benefits in an EBT account. The remainder is an asset.

G. COLLECTIONS

FS	WVW, AFDC Groups	SSI Groups
No	Yes	Yes

Goods and personal effects of unusual value such as, but not limited to, expensive china, silver, art work, antiques, or gun and coin collections.

H. DISASTER ASSISTANCE

FS	WVW, AFDC Groups	SSI Groups
No*	No*	No*

Assistance provided as a result of a federally declared disaster.

See Section 11.2,F.

I. EDUCATIONAL FUNDS

1. Grants, Loans and Scholarships

FS	WVW, AFDC Groups	SSI Groups
No*	No*	No*

When funds are excluded as income, they are also excluded as assets. See Chapter 10. However, funds that are not used for the intended purpose and are allowed to accumulate beyond the time they were intended to cover, are assets.

2. SMART529 Plan and Pre-Paid College Tuition Plans

FS	WVW, AFDC Groups	SSI Groups
Yes	**WVW - No** **AFDC Groups - Yes**	**Yes**

The cash value of the account, minus any penalty for non-qualified withdrawals, is counted as an asset for the account owner, not the student beneficiary.

J. EITC (Earned Income Tax Credit)

FS	WVW, AFDC Groups	SSI Groups
No*	No*	No*

1. Food Stamp Benefits

Excluded for 12 months from the date of receipt, if the recipient of the EITC is an AG member at the time of receipt and participates continuously during the 12-month period. AG's that temporarily do not participate for administrative reasons, i.e., redetermination, but who are otherwise eligible, do not lose the exclusion.

2. WV WORKS, AFDC Medicaid, AFDC-Related Medicaid, SSI-Related Medicaid, CDCS, PAC, QDWI, QMB, SLIMB and QI-1

Excluded in the month of receipt and the following month only. This applies when received as part of paycheck or as one payment at end of the year.

K. EQUIPMENT ESSENTIAL FOR EMPLOYMENT

FS	WVW, AFDC Groups	SSI Groups
No*	Yes	No*

1. Food Stamp Benefits

Property, such as the tools of a tradesman or the machinery of a farmer, which is essential to the employment or self-employment of an AG member is excluded. This exclusion continues during periods of unemployment due to physical inability to work as long as the individual intends to return to work when physically able. Property essential to the self-employment of an AG member engaged in farming is excluded for one year from the date he terminates his farming self-employment. **Vehicles and recreational vehicles/equipment are excluded regardless of use.**

2. SSI-Related Medicaid, CDCS, PAC, QDWI, QMB, SLIMB and QI-1

Property which is required by the individual's employer is excluded, regardless of value, as long as the individual is employed. Examples of this type of equipment include tools, uniforms, safety equipment, and other similar equipment.

Also see Business and Non-Business Personal Property, and Real Property.

L. FACTOR VIII OR IX BLOOD PRODUCTS LITIGATION, MDL 986, No.93-C-7452, ND OF ILLINOIS

See HEMOPHILIA/AIDS SETTLEMENTS AND FUNDS

M. FOOD STAMP BENEFITS

FS	WVW, AFDC Groups	SSI Groups
No	No	No

This includes coupons and Food Stamp benefits in an EBT account.

N. HEMOPHILIA/AIDS SETTLEMENTS AND FUNDS

FS	WWW, AFDC Groups	SSI Groups
Yes	WVW - No AFDC Groups - No*	No*

1. Factor VIII or IX Concentrate Blood Products Litigation, MDL 986, No. 93-C-7452, ND of Illinois

Medicaid Only: Other assets purchased with funds, such as a home or vehicle, are considered according to he policy for that asset. See item JJ for Trusts established with these funds. See Chapter 17 for Transfers of Resources.

2. Ricky Ray Hemophilia Funds

FS	WVW, AFDC Groups	SSI Groups
Yes	WVW - No AFDC Groups - No*	No*

Medicaid Only: Other assets purchased with the funds, such as a home or vehicle, are considered according to the policy for that asset. See item for Trusts established with these funds. See Chapter 17 for Transfers of Resources.

3. <u>Walker v. Bayer, et al</u> Settlements

FS	WVW, AFDC Groups	SSI Groups
No	WVW - No AFDC Groups - No*	No*

Medicaid Only: Payments made from any fund established pursuant to a class settlement in the case of Susan Walker v. Bayer Corp., et at. are excluded. Payments made as a result of an individual release of claims, instead of the class settlement, are excluded when the agreement is signed by all affected parties on or before the later of 12/31/97, or the date that is 270 days after the date on which the release is first sent to the persons to whom the payment is to be made.

Other assets purchased with the funds, such as a home or vehicle, are considered according to the policy for that asset. See item for Trusts established with these funds. See Chapter 17 for Transfers of Resources.

O. HIGHWAY RELOCATION ASSISTANCE PAYMENTS AND URBAN RENEWAL RELOCATION PAYMENTS

FS	WVW, AFDC Groups	SSI Groups
No	No	No

P. HOUSEHOLD FURNISHINGS, PERSONAL EFFECTS AND PETS

FS	WVW, AFDC Groups	SSI Groups
No	No	No

Furniture, appliances, personal effects such as clothing, jewelry, and pets are excluded. Certain livestock may also be considered family pets. The Worker and Supervisor must determine on a case-by-case basis whether or not the livestock reasonably qualifies as a pet, taking into account the number of livestock/pets and their usage.

4. SSI-Related Medicaid, CDCS, PAC, QDWI, QMB, SLIMB and QI-1

Loans received under conditions which preclude their use for living expenses are excluded.

W. LUMP SUM PAYMENTS

FS	WVW, AFDC Groups	SSI Groups
Yes*	No	No

Lump sum payments are not counted as assets when counted as income. See Chapter 10.

When a lump-sum payment is received prior to the month of application, the amount remaining during the month of application is an asset. When a lump sum payment is received by someone being added to an active AG, the amount retained during his month of application is an asset.

1. Food Stamp Benefits

Non-recurring lump sum payments are counted as assets. For recurring lump sum payments, see Section 10.4,D.

2. WV WORKS

When the SSI recipient is under age 18 and SSA requires the establishment of a dedicated account for past due monthly SSI payments, any lump sum SSI back payment amount deposited in the dedicated account is excluded as an asset.

X. MUTUAL FUNDS

FS	WVW, AFDC Groups	SSI Groups
Yes	Yes	Yes

Y. NAZI PERSECUTION VICTIMS PAYMENTS

FS	WVW, AFDC Groups	SSI Groups
No	No	No

These **excluded payments are made to individuals because of their status as victims of Nazi persecution and** may include, but are not limited to:

- Austrian Social Insurance Payments
- German Reparations Payments
- Netherlands WUV Payments

Z. PASS ACCOUNT

FS	WVW, AFDC Groups	SSI Groups
Yes*	Yes	No

Food Stamp Benefits: Any PASS account developed for an SSI recipient by SSA is excluded.

See Chapter 10.

AA. PENSION AND OTHER RETIREMENT FUNDS

1. Cash Value Of Pension Funds

FS	WVW, AFDC Groups	SSI Groups
No	No	Yes

Food Stamp Benefits, WV WORKS and AFDC Groups: The cash value of these accounts is excluded, unless removed from the account.

SSI-Related Medicaid: The amount counted is the total cash value of the account or plan, minus the amount of the penalty, if any, that would be applied for the early withdrawal of the entire amount.

Pension or other retirement funds of ineligible spouses, parents or spouses of parents are not deemed. Once removed from the pension or retirement account, the fund(s) is counted according to the policy for the asset to which it is converted, i.e., bank account, CD, etc.

a. Food Stamp Benefits

The client must be living in the home for the exclusion to apply. However, if the AG does not already own a home, the value of a lot on which it intends to build a home is excluded. If the new home is partially completed, the value of this home is also excluded. In addition, if the dwelling is temporarily unoccupied for reasons of employment, training for future employment, illness, or inhabitability caused by casualty or natural disaster, and the family intends to return, the homestead is excluded.

There is no time period beyond which these exclusions are no longer considered to be temporary. This decision must be made on a case-by-case basis, taking into account the client's reasonable progress with his plans.

EXAMPLE: Two years ago a family inherited a piece of property on which it does not live. During the FS intake interview, the client indicates that he has plans to build a home for the family on this piece of land. The Worker questions him about what actions he has taken in the last two years to build the house. The Worker determines that he and his wife have discussed it and decided the kind of house they want. They have put no money aside to accomplish this and have not bought any building materials. They have not talked to a bank about possible loans or to a builder, and the father indicates he does not have the necessary skills to build the house himself. The Worker decides that the family wants to build a home there, but has no substantive intent. The Worker does not exclude the inherited property.

EXAMPLE: A man and his wife are buying a piece of property near their current rented residence. They state that they intend to build a home on the property. They have been unable to obtain funding to build the house all at one time, but the man's father has agreed to loan him enough money to get started. He and his father plan to build the house in the evenings after work and on weekends and will obtain funding the best way they can to finish the house. The bank has said they will probably loan him the money to build the house, once he has established a longer work history. They hope to start building in the next 2 months, weather permitting. The Worker concludes that the man has intent to build a house on the property and excludes the property from being counted as an asset.

b. SSI-Related Medicaid, CDCS, PAC, QDWI, QMB, SLIMB and QI-1

Only one dwelling is established as the client's principal place of residence, and only the principal place of residence is excluded. **When an individual leaves his principle place of residence for any reason, but intends to return to it, the home is excluded. The exclusion is based solely on the individual's intent to return, even if the home is vacant or rented. The individual need not have the ability to return to the home, but must simply have the intent.**

When an individual is institutionalized, his home remains his principal place of residence, **regardless of his intent to return,** as long as a spouse or dependent relative lives in the home. For purposes of the homestead exclusion only, a dependent relative is one who is dependent financially, medically, or as otherwise determined, upon the institutionalized person. The following are considered relatives of the institutionalized person: child, stepchild or grandchild; parent, stepparent or grandparent; aunt, uncle, niece or nephew; brother or sister, including relations of step or half; cousin or in-law.

When the client has only a life estate interest in his principal place of residence, the value of the life estate interest is excluded. For more information, see item 4 below. Temporary absences from the home for trips, visits, hospitalizations or institutionalization do not affect the homestead exclusion.

2. Sale Proceeds Or Compensation For Loss Or Damage

See Section 11.2 CONVERSION OR SALE OF AN ASSET; COMPENSATION FOR LOSS OR DAMAGE

3. Non-Homestead Property

Treatment of non-homestead property as an asset depends on its use.

a. Income-Producing Property

FS	WVW, AFDC Groups	SSI Groups
No*	Yes	No*

(1) Food Stamp Benefits

Real property, which is producing an annual income consistent with its CMV, is excluded as an asset. This includes rental homes and vacation homes. The property produces income consistent with its CMV when the earnings equal those received by others in the same geographic area, for property of like value. **The payment does not have to be made directly to the owner for this exclusion to apply. However, the payment must be monetary and not in-kind.**

EXAMPLE: Rental property is valued at $2,500 and it earns $50/month. Similar property in the area rents for approximately the same amount, $50 - $60/month. The annual gross earnings are consistent with its CMV.

When a self-employed person experiences adverse working conditions, which prevent him from producing income, such property continues to be excluded.

(2) SSI-Related Medicaid, CDCS, PAC, QDWI, QMB, SLIMB and QI-1

Up to $6,000 of an individual's equity in real or personal income-producing property is excluded, if it produces a net annual income of at least 6% of the excluded equity. The maximum amount of net annual income the property must produce is $360.

If the individual's equity is greater than $6,000, only the amount that exceeds $6,000 is counted toward the allowable asset limit, when the net annual income requirement of 6% is met. Net annual income is the gross income from the enterprise, less the cost of doing business for a one-year period.

If the activity produces less than a 6% return, due to circumstances beyond the individual's control, such as crop failure or illness, and there is a reasonable expectation that the individual's activity will again produce a 6% return, the property is excluded. If the individual owns more than one piece of property and each produces income, each has the 6% rule applied. Then the amounts of the individual's equity in all of the properties producing 6% are totaled to determine if the total equity is $6,000 or less. The equity in those properties that do not meet the 6% rule is counted as an asset. If the individual's total equity in the properties producing 6% income is over the $6,000 equity limit, the amount of equity exceeding $6,000 is an asset.

The procedure to determine if the property is excluded are as follows:

Step 1: Add together the equity value of all personal and real business properties used in one enterprise.

Step 2: If the Step 1 amount is less than $6,000, multiply that amount by .06. If the Step 1 amount is $6,000 or greater, multiply $6,000 by .06.

Step 3: Compare the Step 2 amount to the net annual income. If the net annual income is equal to or exceeds the amount arrived at in Step 2, subtract $6,000 from the total equity value of the property(s). The remainder is an asset. If the net annual income is less than the amount arrived at in Step 2, the total equity of the property(s) is an asset.

EXAMPLE: Mr. Patterson owns a mobile home, which is not his residence, that has a CMV and equity value of $3,000. He owns other property that has a CMV and equity value of $2,000. The mobile home produces a net annual rental income of $750, and the other property produces less than $50 a year. Since the mobile home produces more than a 6% return, its equity value is excluded. Since the other property produces less than a 6% return, its equity value is not excluded.

EXAMPLE: Sharon has a small business in her home making hand-woven rugs. The looms and other equipment used in the business have a CMV of $7,000. Her equity is $5,500 since she owes $1,500 on the looms. Sharon's net earnings from self-employment is $400. Since Sharon's equity in the looms and other equipment is under the $6,000 limit for income-producing property, and her net income after expenses ($400) is greater than 6% of her equity, her property is excluded from countable resources.

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.

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 **at a reasonable price** 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.

(3) AFDC Medicaid and AFDC-Related Medicaid

The equity in real property, other than homestead property, is an asset.

(4) SSI-Related Medicaid, CDCS, PAC, QDWI, QMB, SLIMB, and QI-1

When the client's non-excluded real property does not meet the $6,000 or the $6,000/6% limitation, the equity in the property is an asset. See items a and b above.

4. Life Estates

FS	WVW, AFDC Groups	SSI Groups
Yes*	No	Yes*

Under a life estate, an individual who owns **property** transfers ownership of **the** property to another individual, while retaining certain rights to it for the rest of his life, or the life of another person. Generally, a life estate entitles the owner of the life estate to possess, use, and obtain profits from the property for as long as he lives. However, actual ownership of the property has been transferred.

When the client establishes a life estate with his own property, the property itself is no longer an asset to him because ownership has been transferred. However, the value of the life estate is treated as an asset when it is not the client's principal place of residence **unless he cannot legally dispose of the life estate**. The value is determined as follows:

Step 1: Determine the CMV of the property.

Step 2: Determine the age of the life estate holder, as of his last birthday and the life estate factor for that age found in Appendix A. The table contained in the WV State Code is not used; only Appendix A is used.

Step 3: Multiply the CMV by the life estate factor determined in Step 2.

The resulting amount is counted as an asset for the life estate holder.

If the client believes the life estate is worth less than the determined value, he must provide proof of a lower value.

NOTE: For long-term care cases, a penalty may be applied for transferring property when retaining a life estate. See Chapter 17.

When property is transferred to a client by someone who retains a life estate interest in the property, the transferred property is counted as an asset, **unless** the client cannot legally dispose of it.

5. Real Property Related to Vehicle Maintenance

FS	WVW, AFDC Groups	SSI Groups
No*	Yes	Yes

Food Stamp Benefits: Property which is not excludable under any other provision in this Chapter is excluded as an asset when a vehicle is used for one of the following reasons and the real property is directly related to maintenance or use of that vehicle:

- The use of the vehicle is for income-producing purposes, or
- The vehicle annually produces income consistent with its CMV, even if used on a seasonal basis, such as a truck used in a produce business or for hauling coal, or
- The vehicle is necessary to transport a physically disabled individual who is a member of the Food Stamp AG regardless of the purpose of such transportation. Only the portion of real property determined necessary for maintenance or use of a vehicle under this policy is excluded.

DD. RECREATIONAL EQUIPMENT

FS	WVW, AFDC Groups	SSI Groups
No	Yes	Yes

See Section 11.1. Recreational equipment is considered personal property, but is coded in RAPIDS on AAVA. See the RAPIDS User Guide. The retail value (CMV) must be used when determining equity. See Section 11.2,C.

EXCEPTION: When the individual lives in his recreational equipment, it is considered his home and is excluded as long as he lives in it.

EE. RECREATIONAL VEHICLES

FS	WVW, AFDC Groups	SSI Groups
No	Yes	Yes

See Section 11.1. Recreational vehicles are considered personal property, not vehicles, but are coded in RAPIDS on AAVA. See the RAPIDS User Guide. The retail value (CMV) must be used when determining equity. See Section 11.2,C.

EXCEPTION: When the individual lives in his recreational vehicle, it is considered his home and is excluded as long as he lives in it.

FF. RICKY RAY HEMOPHILIA FUNDS

See HEMOPHILIA/AIDS SETTLEMENTS AND FUNDS

GG. SATELLITE DISHES

FS	WVW, AFDC Groups	SSI Groups
No	No	No

HH. STOCKS

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

To establish the CMV of a stock for applicants, the Worker must use the closing stock market price as of the last business day of the prior month. For recipients who purchase stocks, the purchase price is used. All policies applicable to stocks also apply to preferred stocks, as well as warrants, rights and options to purchase stocks.

EXCEPTION: Shares of stock in an Alaskan Native Regional or Village Corporation are excluded for all programs.

NOTE: The par value or stated value shown on some stock certificates is not the market value of the stock.

II. SWIMMING POOLS

- Above-ground

FS	WVW, AFDC Groups	SSI Groups
No	Yes	Yes

- In-ground: considered part of the homestead and excluded.

FS	WVW, AFDC Groups	SSI Groups
No	No	No

JJ. TRUST FUNDS

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

In general, if the client has unrestricted access to the principal of the trust, it must be counted as an asset.

1. Food Stamp Benefits

Any funds in a trust or transferred to a trust and any income produced by that trust are considered inaccessible to the AG and excluded if:

- The trust arrangement is not likely to cease before the next redetermination and no AG member has the power to revoke the trust arrangement or change the name of the beneficiary before the next redetermination; and

- The trustee administering the funds is either:

  - A court, or an institution, corporation or organization which is not under the direction or ownership of any AG member, or

  - An individual appointed by the court who has court-imposed limitations placed on his use of the funds which meet all other fund requirements found in this item (item 1); and

- Trust investments made on behalf of the trust do not directly involve or assist any business or corporation under the control, direction, influence of an AG member; and

- 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 education or medical expenses of any person named by the AG creating the trust, or

  - Established from non-AG funds by a non-AG member.

prove otherwise. Only those vehicles of members of the AG, individuals who are disqualified or excluded by law and who would otherwise be required to be included, are considered when determining vehicle assets.

A leased vehicle, in which the individual has no equity and which he cannot sell, is excluded.

The trade-in value is usually used as the CMV for AFDC Medicaid, WV WORKS and AFDC-Related Medicaid.

The retail value is usually used as the CMV for SSI-Related Medicaid, CDCS, PAC, QDWI, QMB, SLIMB and QI-1.

See items DD and EE of this Section for RECREATIONAL VEHICLES and EQUIPMENT.

Neither the trade-in value nor the retail value is increased or decreased by adding or subtracting the value of low-or high-mileage or other factors, such as optional equipment or special equipment for the disabled.

Possible sources for obtaining the trade-in and/or retail value are listed in Section 4.2. Throughout the following items, the term “listed value” refers to the value obtained from one of the sources in Section 4.2.

1. Food Stamp Benefits

All vehicles, **including recreational vehicles and equipment,** as defined in Section 11.1, are excluded for the Food Stamp Program.

End of Food Stamp Vehicle Policy

2. AFDC Medicaid and AFDC-Related Medicaid

STEP 1: When the AG Has Only One Vehicle

One vehicle is excluded, provided the equity does not exceed $1,500. When the equity of the vehicle is greater than $1,500, the excess amount is an asset. If the client disagrees with the value or the value cannot be obtained, procedures in Step 2 are followed to determine equity.

STEP 2: Determining Equity in All Vehicles

The listed trade-in value of the vehicle is used, unless one of the following conditions exists:

- The client disagrees with the listed value.

  The client is responsible for obtaining one estimate on form DFA-V-1, Vehicle Estimate. The Department assumes any expense incurred in obtaining this estimate, using form DF-67. If the Department has no objection to the client's estimate, it is accepted as the value used in determining equity. The listed value is not used once an estimate has been obtained.

  If the Department determines that the estimate obtained by the client is unreasonable, a second estimate is obtained by the Worker from a qualified appraiser of the Department's choice. Form DF-67 is used to pay for the estimate. This estimate and the client's estimate are averaged to arrive at a value used in determining countable equity.

- The vehicle value is not listed.

  In this situation, the client's statement of the value of the vehicle(s) is accepted unless it appears incorrect. If the statement appears incorrect, the Worker requires that the client obtain one estimate. Form DFA-V-1 is used, and payment, when required, is made by the Department, using a DF-67. If the vehicle is listed as junk with the Department of Motor Vehicles, as indicated on the title of the vehicle, a sale value of $25 is assigned to it, and that amount used as the CMV.