

ACTION: REFILED

DATE: 08/30/2002
12:03 PM

TO BE RESCINDED

5101:1-39-31.3 **Medicaid: exemption of property no longer the principal place of residence.**

If the home is no longer considered to be the principal place of residence, in order for it to be exempt as a resource, the property must be used in one of two ways:

- (A) The property must meet the provisions of property necessary for self-support as found in rule 5101:1-39-33 of the Administrative Code.
- (B) The property must be sold and the proceeds used for the support of the individual.
 - (1) The applicant/recipient is allowed six months from the date that the home is no longer considered to be the principal place of residence to sell the home. Therefore, he has up to one year from the time that he enters a medical institution to sell the home when he has no spouse, child, or sibling (as stated in rule 5101:1-39-312 of the Administrative Code) living in the home.
 - (2) If the home has not been sold within six months from the date that it is no longer considered the principal place of residence, the total equity value becomes a countable resource and must meet the resource limitation.
 - (3) In order to qualify for this six-month grace period to sell the home, the home must be listed for sale with a real estate agent/firm at a value not less than the value determined by the county auditor as the market value, and no offer that is at least ninety per cent of that value may be refused.
 - (4) The applicant/recipient must provide verification that the home is listed for sale with a real estate agent or firm in order to qualify for the six-month grace period.
 - (5) The current market value of all types of real property including homestead is calculated by determining the assessed value used for property taxes. The CDHS shall determine the assessed value by using the local county auditor's procedures.
 - (6) Once the property is in fact sold, a redetermination of continuing eligibility must be completed.

Effective:

R.C. 119.032 review dates: 6/13/2002

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 5111.01, 5111.011
Rule Amplifies: 5111.01, 5111.011
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1/3/80, 12/1/84 (emer.),
2/10/85, 11/1/86 (emer.),
12/22/86, 5/1/94