

5160:1-3-05.13

**Medicaid: treatment of the home.**

(A) This rule describes the treatment of an individual's home for purposes of determining eligibility for medical assistance.

(B) Definitions.

(1) "Home"; for the purpose of this rule, means any property in which an individual has an ownership interest ~~in~~ and which serves as the individual's principal place of residence. Home includes the structures and land appertaining to the home property. Appertaining land must adjoin the land on which the home property is located and must not be separated by intervening land property owned by others.

(2) "Principal place of residence" means the dwelling ~~the individual considers~~ considered to be his or her the individual's established or principal home and to which, ~~if~~ when absent, ~~he or she~~ the individual intends to return. Principal place of residence can be real or personal property, fixed or mobile, and located on land or water.

(a) Only one ~~living place~~ dwelling may be established as the principal place of residence.

(b) The administrative agency must obtain a signed statement, declaring the principal place of residence, when there is an indication the individual resides in or has ownership of more than one place.

(C) The home lived in, owned by, and considered the principal place of residence by the individual, the couple, or the parents with whom the eligible child is living is an excluded resource, regardless of value.

(1) For the value of the home to be excluded:

(a) The home must be the principal place of residence of the individual's individual, the individual's ~~spouse's~~ spouse, or ~~the parents'~~ parent with whom the eligible child is living ~~principal place of residence~~; and

(b) The deed to the home must be in the name of the individual's, individual's spouse's, individual, the individual's spouse, or the name of the eligible child's ~~parents'~~ parent name; or

(c) The home must be deeded to a revocable trust so long as the principal of the trust remains a resource of the individual or the individual's spouse.

- (2) The home is no longer considered to be the principal place of residence and shall be treated as a countable resource ~~if~~when the individual does not intend to return to the home.
- (3) A temporary absence from the home does not affect the principal place of residence exclusion so long as the individual provides a signed statement of ~~his or her intentions~~intent to return to the home and has not established permanent residence elsewhere.
- (4) ~~If~~When the individual leaves the home with no ~~intentions~~intent of returning, the home remains an excluded resource for as long as:
- (a) A spouse or dependent relative of the individual continues to live ~~therein~~the home while the individual is receiving long-term care services, in accordance with Chapter 5160:1-6 of the Administrative Code.
- (i) Dependency may be of any kind (e.g., financial, medical, etc.).
- (ii) Relative means:
- (a) Child, stepchild, or grandchild; or
- (b) Parent, stepparent, or grandparent; or
- (c) Aunt, uncle, niece, or nephew; or
- (d) Brother, sister, stepbrother or stepsister, half brother or half sister; or
- (e) Cousin; or
- (f) In-law.
- (b) ~~Its~~The sale of the home would cause undue hardship, due to loss of housing for the co-owner of the property and the co-owner provides a signed statement that ~~he or she~~the co-owner:
- (i) Uses the property as ~~his or her~~the co-owner's principal place of residence; and
- (ii) Would have to move ~~if~~when the property ~~were~~was sold; and
- (iii) Has no other ~~living quarter readily available~~readily available housing.

- (c) The individual leaves ~~his or her~~the home due to domestic abuse and has not established a new principal place of residence, or has not taken action to render the home no longer excludable.
- (d) The property ~~satisfies~~satisfies the provisions governing the treatment of property essential for self-support described in rule 5160:1-3-05.19 of the Administrative Code.

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CERTIFIED ELECTRONICALLY

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Certification

02/06/2024

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Date

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