

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 his or her established or principal home and to which, if absent, he or she 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 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 individual's, the individual's spouse's, or the parents' with whom the eligible child is living principal place of residence; and

(b) The deed to the home must be in the individual's, individual's spouse's, or the eligible child's parents' 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 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 to return to the home and has not established permanent residence elsewhere.

(4) If the individual leaves the home with no intentions of returning, the home remains an excluded resource for as long as:

(a) A spouse or dependent relative of the individual continues to live there 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;

(b) Parent, stepparent, or grandparent;

(c) Aunt, uncle, niece, or nephew;

(d) Brother, sister, stepbrother or stepsister, half brother or half sister;

(e) Cousin; or

(f) In-law.

(b) Its sale would cause undue hardship, due to loss of housing for co-owner of the property and the co-owner provides a signed statement that he or she:

(i) Uses the property as his or her principal place of residence; and

(ii) Would have to move if the property were sold; and

(iii) Has no other living quarter readily available.

(c) The individual leaves his or her 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 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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Certification

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