

**County of San Diego, Health and Human Services Agency (HHSA)
Cash Assistance Program for Immigrants (CAPI) Program Guide**

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A. Background:

This section shows the resources that are excluded from consideration in CAPI.

B. Policy:

1. Resource Exclusions:

In determining the resources of an individual (and spouse, if applicable), the items listed below are excluded. Note: if any of the following resources are held in a trust, which was established on or after January 1, 2000, they are to be counted as a resource.

Item	Provisions
The home, any adjoining land and related outbuildings	As long as the applicant/recipient is residing in the home.
Household goods and personal effects	<p>If their total equity does not exceed \$2,000. The following items are excluded in determining the value of household goods and from resources:</p> <ul style="list-style-type: none"> • Wedding or engagement rings • Any device such as a wheelchair, hospital bed, or dialysis equipment that is needed due to the applicant's physical condition <p>Note: If the individual claims no items of unusual value or only one such item with a current market value of \$1,000 or less, absent evidence to the contrary:</p> <ul style="list-style-type: none"> • Accept the claim • Assume the total equity value of all household goods and personal items is \$2,000 or less.
One car	Exempt regardless of its value or use.
Property of a trade or business	Essential for self-support.
Non-business property which is essential for self-support	<p>If the:</p> <ul style="list-style-type: none"> • Person's equity is less than \$6,000 • Property produces a net annual income to the individual of at least 6% of the excluded equity.
Resources of a blind or disabled individual	Necessary to fulfill a PASS.
Stock in regional or village corporations	Held by Alaskan natives.
Cash surrender value of life insurance policies	If the combined face values of all policies on one person do not exceed \$1,500. Disregard term insurance.
Restricted Native American lands	None.
Payments or benefits paid under other federal statutes	<p>Examples include, but are not limited to:</p> <ul style="list-style-type: none"> • CalFresh • Federal housing and utility assistance • Certain payments to Native Americans.
Disaster relief assistance and any interest earned on the assistance	None.

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Burial funds	Up to \$1,500.
Burial spaces of any value and burial space items	None.
Title II Social Security, SSI/SSP, or CAPI retroactive payments received by a spouse or parent	For 6 months following the month of receipt.
The one-time \$250 economic recovery payment (ERP)	For the month of receipt and the following 9 months.
Earned Income Tax Credit (EITC)	For 12 months following the month of receipt.
Child Tax Credit (CTC)	For 12 months following the month of receipt.
Making Work Pay (MWP) tax credits paid monthly and tax refunds received annually	For 12 months following the month of receipt.
First-time homebuyers tax credit and deemed first-time homebuyers tax credit	For 12 months following the month of receipt.
Federal housing subsidies	None.
Payments from a state fund to aid victims of crime	For 9 months following the month of receipt.
Relocation assistance	For 9 months following the month of receipt.

2. Home Exclusion Definitions:

The table below shows some definitions used in excluding a home.

Term	Definition
Home	Property in which the individual has ownership interest and is the individual's principal place of residence.
Principal Place of Residence	The dwelling, which the recipient considers to be his/her established or principal home and to which, whenever absent, he/she plans to return.

3. Property Ceases to Be Principal Place of Residence:

Property ceases to be the principal place of residence as of the date the individual leaves and does not intend to return. A statement of intent to return signed by the recipient is the factor to determine that the exclusion as principal place of residence continues to apply during a temporary absence. There is no time limit on how long a "temporary" absence can be.

4. Proceeds from Sale of Excluded Home:

Proceeds from the sale of an excluded home are also excluded when they are intended to be used and are used to purchase a similarly excluded home within three months of the date the proceeds are received. Any remaining balance is a countable resource.

5. Definitions for Property Essential to Self-Support:

The table below shows some definitions used in determining property essential to self-support.

Term	Definition
Essential to	Property either:

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self-support	<ul style="list-style-type: none"> used in a trade or business and non-business property that produces income whether cash or in-kind in current use or that will again be used within one year of its most recent use, for income producing purposes.
Business property	Necessary capital and operating assets of a business (for example, real property, buildings, inventory, and equipment).

6. Exclusions for Property Essential for Self-Support:

The following exclusions apply to the listed types of property.

Type of Property	Exclusion
Property used: <ul style="list-style-type: none"> In a trade or business By an individual as an employee for work. 	Exclude property.
Non-business property used to produce goods or services essential to daily activities (for example, land used to produce vegetables for consumption by the individual's household).	Exclude up to \$6,000 equity.
Non-business income-producing property (for example, rental property).	Exclude up to \$6,000 equity if it produces a 6% rate of return.

7. Burial Funds

Burial funds consist of any of the following*:

- Revocable burial contracts
- Burial trusts
- Other burial arrangements
- Cash**
- Accounts**
- Other financial instruments with a definite cash value clearly designated for the individual's (or spouse's) burial expenses and kept separate from non-burial related assets (for example, burial insurance). If the individual is an eligible child, the exclusion also includes burial funds set aside for the child's parent or parent's spouse.

*Property not included in the above list is not considered burial funds.

**These funds must be identifiable as burial funds and not commingled with other funds.

8. Burial Fund Restrictions:

The rules on trusts do not apply to burial funds. The following restrictions do apply:

- Up to \$1,500 of a revocable burial fund may be excluded. This amount is reduced, by the value of any excludable life insurance policy. Any increased value of the burial fund due to interest earned is also excluded as long as the interest remains in the fund.
- If the recipient uses the burial funds for some other purpose, the individual's future benefits will be reduced by an amount equal to the amount used for another purpose.
- An applicant/recipient can sign a contract with a funeral home placing up to \$1,800 in an irrevocable burial contract or a trust. Legitimate irrevocable burial trusts are not counted as a resource because the individual has no legal access to the money.

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9. Burial Spaces:

The following are defined as burial spaces:

- Plots
- Gravesites
- Crypts
- Mausoleums
- Urns
- Niches
- Other customary and traditional repositories of bodily remains, provided such spaces are owned by the individual or are held for his/her use
- Necessary and reasonable improvements, such as:
 - Vaults
 - Headstones
 - Markers
 - Plaques
 - Burial containers
 - Arrangements for opening/closing the gravesite for burial of the deceased.

The value, with no limit, of burial spaces for the individual and immediate family* is excluded from countable resources.

*Immediate family means:

- Recipients' spouse
- Minor and adult children
- Siblings
- Parents
- Spouses of those individuals.

10. Excess Resources:

Individuals with excess non-liquid resources may receive conditional CAPI benefits if the following conditions exist:

- Total liquid resources do not exceed three times the current Federal SSI payment rate (for example, 3 x \$530 = \$1,590 for 2001); or
- The individual agrees in writing to sell the excess resources at their current market value, and repay any overpaid conditional payments with the proceeds from such sale; and
- Within 30 days of signing the conditional agreement, the individual must make reasonable efforts to sell the property by listing the property with a real estate agent or other conventional advertisement. The individual must accept any reasonable offer (reasonable meaning at least two-thirds of the current market value).

11. Conditional Payments:

Conditional payments do not apply to excess liquid resources. The periods for disposal of non-liquid resources are in the table below.

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Type	Time Period for Disposal
Real Property	Nine months
Personal Property	Three months

The total overpayments to be recovered equal the lesser of the:

- Net proceeds received from the sale of the property
- The amount of CAPI payments received during the conditional period.

12. Expiration of Conditional Period with Property Still Unsold:

If the conditional period expires with the property remaining unsold, the property will be excluded in determining regular CAPI payments for as long as the person continues making reasonable efforts to sell. When the property is sold, the recipient is only responsible to repay the payments during the conditional period.

13. Excess Real Property that Is Jointly Owned:

Exclude excess real property that would otherwise be countable and subject to conditional payments if the property is jointly owned and sale of the property would cause undue hardship for the other joint owner(s).

C. Procedure:

Evaluate excluded resources as stated in the policies above.

Other Program Impacts:

None.

References:

MPP 49-040.3

ACL 98-82

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Sunset Date:

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