

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

**Transfer of Resources**

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**99-104.5**

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**A. Background:**

Evaluate a transfer of resources to determine if there is a period of ineligibility due to such transfer.

**B. Policy:**

A CAPI applicant/recipient who disposes of resources for less than fair market value is ineligible for a period of up to 36 months. This policy applies to transfers made by:

- The eligible individual (includes applicant)
- The individual's spouse
- Persons who are co-owners of the resource being transferred.

Evaluate all applications and redeterminations for transfers of resources for less than fair market value within the 36-month look-back period. An overpayment exists for cases where the individual received CAPI during a period for which he/she was ineligible, based on the transfer rules.

**1. Definitions:**

The table below shows terms and their definitions used in this section.

<b>Term</b>	<b>Definition</b>
Look-Back Period and Lock-Back Date	The time period to review for transfer of resources. This period begins with the Look-Back Date, which is the date 36 months before the CAPI application date or the date on which the resources were transferred, whichever is later. Any resources transferred up to 36 months prior to the CAPI application, or any time thereafter will be subject to this provision.
Period of Ineligibility	Begins on the first day of the month immediately following the month of transfer. This period can last up to 36 months.  For example, if the resource is transferred on July 25, 2001, the period of ineligibility begins on August 1, 2001 and can last no longer than July 31, 2004.
Fair Market Value	The current market value of a resource at the time of the transfer.
Current Market Value	The price of an item on the open market.
Uncompensated Value	The difference between the fair market value of a resource and the amount of compensation received by the individual in exchange for the resource.

**2. Forms:**

The table below shows the forms that are used in determining if there is a period of ineligibility.

<b>Form</b>	<b>Issue/Procedure</b>
CAPI Statement of Facts (SOC 814)	Question 22 on the form asks if resources have been transferred in the last 36 months.
Statement of Facts for Determining Continuing Eligibility for CAPI (SOC 804)	Although a similar question about transfer of resources is not on form SOC 804, the same information must be covered during the redetermination process.

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3. Exclusions to the Period of Ineligibility:

The resource penalty does not apply in the situations in the table below.

<b>Type of Transfer</b>	<b>Situations</b>
Transfer of a Home	<p>Home of applicant/recipient was transferred to the transferor's:</p> <ul style="list-style-type: none"> <li>• Spouse</li> <li>• Child, who is under age 21 or who is blind or disabled</li> <li>• Sibling, who: <ul style="list-style-type: none"> <li>○ has an equity interest in the home</li> <li>○ was residing in the transferor's home for at least one year immediately before the transferor was institutionalized</li> </ul> </li> <li>• Son or daughter (other than a child under age 21 or who is blind or disabled) who: <ul style="list-style-type: none"> <li>○ Resided in the transferor's home for at least two years immediately before the transferor was institutionalized</li> <li>○ Provided care to the transferor, which permitted the transferor to reside at home, rather than in an institution or facility.</li> </ul> </li> </ul>
Transfers to a Spouse or Child	<p>Resources were transferred:</p> <ul style="list-style-type: none"> <li>• To the transferor's spouse or to another person for the sole benefit of the transferor's spouse</li> <li>• From the transferor's spouse to another person for the sole benefit of the transferor's spouse</li> <li>• To the transferor's blind or disabled child or to a trust for the benefit of the transferor's blind or disabled child.</li> </ul>
Transfers to a Trust Established after January 1, 2000	<p>Resources were transferred to a trust which would be:</p> <ul style="list-style-type: none"> <li>• Solely for the benefit of an individual under age 65, who is disabled</li> <li>• A countable resource as part of that trust under the rules for counting trusts (see 99-104.6)</li> <li>• Counted as a resource, except for a waiver of the rules for counting trusts based on a hardship exemption.</li> </ul> <p>Note: The penalty does apply to such a trust if:</p> <ul style="list-style-type: none"> <li>• Payments are made from the trust that are other than to, or for, the benefit of the individual</li> <li>• The trust does not permit any payment to the individual under any circumstance.</li> </ul>
Other Exceptions	<p>The individual provides evidence proving that:</p> <ul style="list-style-type: none"> <li>• He/she intended to dispose of the resources either at fair market value or for other valuable consideration</li> <li>• Resources were transferred exclusively for a purpose other than to qualify for SSI or CAPI</li> <li>• All resources transferred for less than fair market value have been returned to the transferor.</li> </ul> <p>Note: The resource penalty does not apply if it is determined that the denial</p>

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	of eligibility would be an undue hardship (for example, cause deprivation of food and shelter).
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**C. Procedure:**

Follow the steps in Processing Guide 99-104.5A to evaluate a transfer of resources and to determine the period of ineligibility.

Desk Aid 99-104.5A provides some examples of transfers of resources.

**Other Program Impacts:**

None.

**References:**

ACL 98-82

**Sunset Date:**

This policy will be reviewed for continuance on or by 07/31/2019

**Release Date:**

07/01/2016