

90-300.12. TRANSFER OF PROPERTY

A. General This section provides information on the evaluation of transfers of property in the GR Program.

B. Policy The intent of the applicant/recipient in transferring property is to be considered in determining the effect of the transfer on the eligibility determination. A transfer of property is disqualifying only when the reason for the transfer was to qualify for aid, a greater amount of aid, or to avoid utilization.

C. Determination of Intent To determine the intent of transfer, the worker must evaluate the applicant's/recipient's stated reason for the transfer along with consistency with the known facts.

D. Documentation Documentation of property transfer expenditures is not required unless the applicant/recipient, at the time of the transfer, was applying for aid, was in receipt of aid, and/or was informed of a requirement to document expenditures of transfers. If the applicant/recipient disagrees with a decision of ineligibility due to transfer of property, documentation of expenditures is required.

E. Applicant/Recipient Responsibilities The applicant/recipient is responsible for:

- giving all available information to assist the worker in determining if a transfer of property was made in order to avoid utilization; and
- immediately notifying the worker of any transfer which occurs after aid is granted.

F. Worker Responsibilities The worker is responsible for informing the applicant/recipient regarding:

- real and personal property limitations and requirements;
- his/her rights and responsibilities in relation to his/her property; and
- the advisability of discussing any proposed property transfer with the worker before the transfer occurs.

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G. Transfers Not Resulting in Ineligibility

The following transfers will not result in ineligibility for GR benefits.

- Transfer for a fair consideration. The amount of value received equaled current value for the property that was transferred.
 - Transfer was made to satisfy a bona fide debt. Evaluation for transfer for fair consideration would be used, unless the transfer was to prevent or was considered repossession of property in order to satisfy the encumbrance on the property.
 - Transfer was made to prevent a foreclosure which was imminent.
 - Transfer of real property was made for the retention of life estate.
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H. Transfers Resulting in Ineligibility

The following transfers result in ineligibility. Also see [GRPG 90-300.13](#) for determining the length of ineligibility.

- Transfer of property which results in property reserves exceeding property limits. An example of this could be transfer of real property or a motor vehicle into cash.
 - Transfer of property without fair consideration if the transfer was within two years of application and/or utilization of the property was possible only by sale and the value of the property plus the current property exceeded the maximum property value.
 - Transfer was without fair consideration and for the purpose of reducing holdings to below the maximum property limits.
 - Transfer of income-producing personal property.
 - Transfer of property in return for life care.
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