

# MISSISSIPPI DIVISION OF MEDICAID

## Eligibility Policy and Procedures Manual

### 301.01 OWNERSHIP INTEREST

Since the type and form of ownership may affect the value of real or personal property and even its status as a resource, ownership interests are significant in determining resource eligibility.

#### 301.01.01 SOLE OWNERSHIP

Type of Ownership	What It Means
<b>Sole Ownership</b>	Only one person owns the property (real or personal) and may sell, transfer or dispose of the property. However, sole ownership may be subject to conditions imposed by others, such as sole ownership of a remainder interest in property.

#### 301.01.02 SHARED OWNERSHIP

Type of Ownership	What It Means
<b>Shared Ownership</b>	Two or more people own the property (real or personal) together. The different types of shared ownership are discussed below.
<ul style="list-style-type: none"><li>• <b>Tenancy in Common</b></li></ul>	<ul style="list-style-type: none"><li>• Two or more people have an undivided fractional interest in the whole property for the duration of the tenancy.<ul style="list-style-type: none"><li>○ These interests are not necessarily equal, i.e., two joint tenants do not necessarily each own half of the property.</li></ul></li><li>• One owner may dispose of <u>his share</u> without permission of the other owner(s), but cannot take these actions with respect to the entire property.</li><li>• When one owner dies, his interest passes to his heirs or estate.</li><li>• There is no automatic right to survivorship for the surviving tenants-in-common.</li></ul>

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### Shared Ownership (Continued)

Type of Ownership	What It Means
<ul style="list-style-type: none"> <li>• <b>Tenancy in Common</b></li> </ul>	<p><b>Example:</b> Don, Charles and Fred Evans own property as tenants-in-common. Charles and Fred each own an undivided <math>\frac{1}{4}</math> interest while Don owns the remaining <math>\frac{1}{2}</math> interest. If Don Evans were to sell his <math>\frac{1}{2}</math> interest to Stan Long, Mr. Long would be a tenant-in-common with Charles and Fred. If Mr. Long were then to die so that property passed to his 4 children, each of them would own <math>\frac{1}{8}</math> interest as tenants-in-common with Charles and Fred, who would each continue to own <math>\frac{1}{4}</math> interest.</p>
<ul style="list-style-type: none"> <li>• <b>Joint Tenancy</b></li> </ul>	<ul style="list-style-type: none"> <li>• Each person has an undivided ownership interest and possession of the whole property for the duration of the tenancy. In effect, each owns all of the property.</li> <li>• Right to survivorship applies to the other owner(s).               <ul style="list-style-type: none"> <li>○ Upon the death of one of only two joint tenants, the survivor becomes the sole owner. On the death of one of three or more joint tenants, the survivors become joint tenants of the entire interest.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• <b>Tenancy by the Entirety</b></li> </ul>	<ul style="list-style-type: none"> <li>• Exists only with married couples</li> <li>• While married, the wife and husband own the property as a unit and the property can only be disposed of if both give consent</li> <li>• If divorced, the former spouses become tenants-in-common and each can sell his/her share without the other's consent.</li> <li>• Right to survivorship applies               <ul style="list-style-type: none"> <li>○ Upon the death of one tenant by the entirety, the survivor takes the whole.</li> </ul> </li> </ul>

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### Shared Ownership (Continued)

Procedure
<p><b><u>Treatment of Shared Ownership under SSI and Liberalized Resource Policy</u></b></p> <ul style="list-style-type: none"><li>• Assume each owner owns only his fractional interest unless there is evidence otherwise.</li><li>• Divide the total value among the owners to match their percentage of ownership.<ul style="list-style-type: none"><li>○ <b>If each of two owners owns <math>\frac{1}{2}</math> interest in real property, divide by two.</b><ul style="list-style-type: none"><li>▪ Equity Value \$50,000 – each has a resource worth \$25,000</li></ul></li><li>○ <b>If there are two owners and one owns <math>\frac{1}{3}</math> and the other <math>\frac{2}{3}</math>.</b><ul style="list-style-type: none"><li>▪ Equity Value <math>\\$90,000/3 = \\$30,000</math> for the person with <math>\frac{1}{3}</math> interest.</li><li>▪ <math>\\$30,000 \times 2 = \\$60,000</math> for the person with <math>\frac{2}{3}</math> interest</li></ul></li></ul></li></ul>
Exception
<p><b><u>Treatment of Joint Bank Accounts or Time Deposits</u></b></p> <p><b>SSI and Liberalized Resource Policy</b></p> <ul style="list-style-type: none"><li>• For joint bank accounts or time deposits, if one account holder is an applicant/recipient, the entire account is counted as his. However, all of the funds belong to the individual in equal shares if there is more than one Medicaid applicant/recipient.</li></ul> <p>This is discussed further later in this chapter.</p>