

MISSISSIPPI DIVISION OF MEDICAID

Eligibility Policy and Procedures Manual

302.04.03 JOINTLY OWNED PROPERTY WHOSE-SALE WOULD CAUSE UNDUE HARDSHIP

The value of an individual's ownership interest in the jointly-owned property is an excluded resource for as long as the sale of the property would cause an undue hardship, due to loss of housing, to a co-owner.

Procedure

Treatment Under SSI and Liberalized Resource Policy

Undue hardship would result if the co-owner:

- Uses the property as his principal place of residence
- Would have to move if the property were sold
- Has no other readily available housing

Verify joint ownership and obtain a signed statement from the client and joint owner which documents the undue hardship. Hardship must be updated at every review. The exclusion ends when any one of the above conditions no longer exists.

Example: Mr. Allen and his son jointly own a piece of land. The son and his family live on the property and have no other place to live. Mr. Allen applies for Medicaid. The property is excluded because the sale would cause an undue hardship to his son. However, if the son owned another house nearby which was vacant and habitable, there would be other available housing. Under these circumstances, undue hardship would not exist and the value of Mr. Allen's interest would be countable.

302.04.04 EXCLUSION OF REAL PROPERTY DUE TO REASONABLE EFFORTS TO SELL

Real property may be excluded from resources if the owner is making reasonable efforts to sell it and those efforts have been unsuccessful. The individual must maintain their efforts to sell unless good cause, i.e., circumstances beyond the individual's control prevent his taking the required actions to accomplish reasonable efforts to sell, exists. In addition, the individual must accept a reasonable offer for the property.