

# MISSISSIPPI DIVISION OF MEDICAID

## Eligibility Policy and Procedures Manual

### 302.07 **EXCLUSION OF PROPERTY ESSENTIAL FOR SELF-SUPPORT**

The exclusion of property essential to self support may apply to real or personal property. All property must be in current use or, if not in use for reasons beyond the individual's control, there must be a reasonable expectation that the required use will resume. Resources excluded under this provision generally fall into four categories:

1. Property Essential to Self Support - Exclude Regardless of Value or Rate of Return (SSI and Liberalized)
2. Property Used to Produce Goods and Services - Exclude Up to \$6000 Equity Regardless of Rate of Return (SSI)
3. Non-Business, Income-Producing Property - Exclude Up to \$6000 Equity if it Produces a 6% Rate of Return (SSI)
4. Essential Property Exclusion - Liberalized Policy

**NOTE:** The income generated by income-producing property is not excluded under this provision. Income is either earned or unearned, depending on the type of income-producing property involved.

#### 302.07.01 **CURRENT USE REQUIREMENT**

The property must be in current use in the type of activity that qualifies it for exclusion under this provision. Current use is evaluated on a monthly basis. Property not in current use may be excluded only if:

- It has been in use and
- There is expectation that the use will resume

Resumption of use must be expected within 12 months of last use. This 12-month period can be extended for an additional 12 months if non-use is due to a disabling condition. Explain to the client that the property can be excluded for up to 12 months if resumption of the self-support activity can reasonably be expected to occur within that time.

#### **No Intent or Change of Intent to Resume Self Support Activity**

If the individual does not intend to resume the self-support activity, the property is a countable resource for the month after the month of last use.

# MISSISSIPPI DIVISION OF MEDICAID

## Eligibility Policy and Procedures Manual

### **Current Use Requirement** (Continued)

If there is a change of intent after the exclusion has been applied, the exclusion no longer applies as of the date of the change of intent. The property becomes a resource for the following month unless a different exclusion is met.

#### **Procedure**

##### **Not in Current Use - General**

If property is not in current use, obtain a statement in regard to:

- The date of last use
- The reason(s) the property is not in use; and
- When the individual expects to resume the self-support activity, if at all

##### **Not in Current Use - Disability**

If an individual alleges that self support property is not in current use because of a disabling condition, obtain a statement in regard to:

- The nature of the condition
- The date the self support activity ceased and
- When the individual intends to resume the activity, if at all

Prepare a special determination on whether up to an additional 12 months will be allowed for resuming use of the property.