

50425 Property Used As a Principal Residence

(a)

A principal residence may consist of real or personal property, fixed or mobile, located on land or water. The principal residence includes land or buildings surrounding, contiguous to, or appertaining to the residence.

(b)

The following items of real property may serve as a principal residence: (1) A house. (2) The entire multiple unit dwelling if any portion of the multiple unit dwelling serves as the principal residence of the applicant or beneficiary. (3) The items listed in (d). These items shall be considered as real property when they are assessed as real property by the county assessor of the county in which the property is located.

(1)

A house.

(2)

The entire multiple unit dwelling if any portion of the multiple unit dwelling serves as the principal residence of the applicant or beneficiary.

(3)

The items listed in (d). These items shall be considered as real property when they are assessed as real property by the county assessor of the county in which the property is located.

(c)

Property which the applicant or beneficiary uses or formerly used as a home shall be exempt as the principal residence if any of the following situations exist: (1) The applicant or beneficiary lives on the property. (2) The family of the applicant or beneficiary lives on the property and Medi-Cal eligibility is determined in either of the following ways: (A) With the applicant or beneficiary and the family in a single MFBU. (B) With the income of the family considered in determining the applicant's or beneficiary's eligibility. (3) The applicant or beneficiary is absent from the property for any reason, including admittance to LTC, and declares in writing that he/she intends to return to the property to live. (4) The applicant or beneficiary is absent from the property and has a spouse, child under age 21 or a dependent relative, who lives on the property. A disabled child age 21 or older is considered a dependent relative for purposes of this regulation only. (5) A sibling or child age 21 or over of the applicant or beneficiary has continuously resided on the property for at least one year immediately prior to the date the applicant or beneficiary entered a SNF or ICF and continues to reside there. (6) The property cannot be sold because there are legal obstacles preventing the sale and the applicant or beneficiary or person acting on his/her behalf provides evidence of attempts to overcome such obstacles. (7) The applicant or beneficiary no longer lives on the property, does not intend to return to the property, the property is not otherwise exempt and the property cannot be readily converted to cash but a bona fide effort is being made to sell the property. A bona fide effort to sell means that the property is listed for sale with a licensed real estate broker for its fair market value established by a qualified real estate appraiser, a good faith effort is being made to sell the property, offers at fair market value are accepted, and the applicant or beneficiary has supplied proof of compliance with these conditions to the county.

(1)

The applicant or beneficiary lives on the property.

(2)

The family of the applicant or beneficiary lives on the property and Medi-Cal eligibility is determined in either of the following ways: (A) With the applicant or beneficiary and the family in a single MFBU. (B) With the income of the family considered in determining the applicant's or beneficiary's eligibility.

(A)

With the applicant or beneficiary and the family in a single MFBU.

(B)

With the income of the family considered in determining the applicant's or beneficiary's eligibility.

(3)

The applicant or beneficiary is absent from the property for any reason, including admittance to LTC, and declares in writing that he/she intends to return to the property to live.

(4)

The applicant or beneficiary is absent from the property and has a spouse, child under age 21 or a dependent relative, who lives on the property. A disabled child age 21 or older is considered a dependent relative for purposes of this regulation only.

(5)

A sibling or child age 21 or over of the applicant or beneficiary has continuously resided on the property for at least one year immediately prior to the date the applicant or beneficiary entered a SNF or ICF and continues to reside there.

(6)

The property cannot be sold because there are legal obstacles preventing the sale and

the applicant or beneficiary or person acting on his/her behalf provides evidence of attempts to overcome such obstacles.

(7)

The applicant or beneficiary no longer lives on the property, does not intend to return to the property, the property is not otherwise exempt and the property cannot be readily converted to cash but a bona fide effort is being made to sell the property. A bona fide effort to sell means that the property is listed for sale with a licensed real estate broker for its fair market value established by a qualified real estate appraiser, a good faith effort is being made to sell the property, offers at fair market value are accepted, and the applicant or beneficiary has supplied proof of compliance with these conditions to the county.

(d)

The following items of personal property may serve as a principal residence: (1) A mobile home. (2) A houseboat. (3) A motor vehicle used as a residence. (4) Any other shelter not attached to the land and used as a residence.

(1)

A mobile home.

(2)

A houseboat.

(3)

A motor vehicle used as a residence.

(4)

Any other shelter not attached to the land and used as a residence.

(e)

Only one property may be exempt as the principal residence.

(f)

Real property formerly used as a principal residence shall be considered other real property, effective the first of the month following the date the property is no longer used as a principal residence as specified in (a). Such property shall be subject to all conditions placed upon other real property in these regulations.

(g)

Personal property formerly used as a principal residence shall be evaluated as an item of personal property beginning the first of the month following the date the property is no longer used as a principal residence as specified in (c).