

<b>DEPARTMENT OF HUMAN RESOURCES FAMILY INVESTMENT ADMINISTRATION</b>	<b>TEMPORARY DISABILITY ASSISTANCE MANUAL</b>
<b>CHAPTER IV: FINANCIAL ELIGIBILITY</b>	<b>COMAR 07.03.05.08</b>
<b>SECTION 2: RESOURCES</b>	

## **TREATMENT OF RESOURCES**

A. Limitation. The resource limit is \$1,500 and includes the value of all countable resources.

B. Availability of Resources.

1. The local department will count all resources available to the customer except those that are listed in section C below.
2. If there is a potential resource, the customer, with the help of the local department if needed, must:
  - a) Take all possible steps to make the resource available; and
  - b) Submit verification of efforts being made to obtain the resource.
3. A resource is considered available only if the resource is actually at the disposal of the customer.
4. Notes, mortgages, or other financial instruments that the customer can readily sell are considered available resources unless the customer provides a written rejection by a publicly known buyer of those items to prove their lack of salability in the open market at a fair market value.

C. Excluded Resources. Resources that are not counted against the \$1,500 limit are:

1. The home, as described in D below;
2. Household goods used in the home regardless of value including basic items essential to day-to-day living such as clothing, furniture, farm animals, implements for personal use, and other similarly essential items;
3. All vehicles;
4. A life insurance policy that may be retained to meet current and future needs. If the customer has more than one life insurance policy, the case manager will disregard the-cash-in-value of the most valuable policy;
5. The value of one burial plot;
6. Up to \$1,500 of equity value of burial funds, as described in E below;

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7. Any payment under Title I of P.L 100-383, the Civil Liberties Act of 1988, or Title II of PL100-383, the Aleutian and Pribilof Islands Restitution Act received by individuals of Japanese ancestry or Aleuts; and
8. Any payment made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the Agent Orange product liability litigation.

**D. Ownership of Home.**

1. The customer's home is not counted toward the resource limit if the customer owns the home and:
  - a) Lives in the home;
  - b) Was living in the home and plans to return to the home within 6 months from date of application for assistance; or
  - c) The spouse who was living in the home when the customer entered a care facility is still living in the home.
2. The home includes the property on which the home is located. However, any item on the property that could be used to produce income, such as timber, machinery, or mineral rights, and not excluded in section C, is a countable resource.

**E. Burial Funds.**

1. Funds set aside for burial are excluded if kept separate from other resources. Burial funds mixed with other resources are treated as non-excluded resources.
2. Interest earned on an excluded burial fund is also excluded from resources if allowed to accumulate and become part of the set-aside burial fund.
3. The burial fund exclusion will be reduced by the:
  - a) Face value of insurance policies if the cash surrender value of policies has been excluded from resources; and
  - b) Insurance amounts in an irrevocable trust, or other irrevocable agreement, available to meet burial expenses.

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**Examples:**

Mr. F has a burial fund contract agreement with Peace of Mind Funeral Home. He pays the funeral home directly and the funds are specified for his funeral and burial. This fund is set aside and kept separate from his other savings and checking account, therefore it is an excludable resource and not counted.

Ms. G. says she will use part of her savings account for burial purposes. She has not set aside a separate fund for burial purposes; therefore, the entire account must be counted as a resource. If her total savings exceed \$1500, she is ineligible for TDAP.

F. Equity Value. Equity value is the value of an item on the open market less all encumbrances.

G. Transfer of Resources.

1. A customer who transfers resources to become eligible for assistance within 3 years before filing an application for assistance is ineligible.
2. In determining whether the transfer was for the purpose of becoming eligible for benefits the case manager must consider:
  - a) The customer's reason for the transfer;
  - b) The amount received in relation to the individual's full equity in the property; and
  - c) Whether the proceeds have been used for reasonable living expenses before application.

H. Assets of Sponsors. All resources in excess of \$2,000 of the sponsor and sponsor's wife are counted as available to the sponsored immigrant.