



Administrative Policies and Procedures: 23.05

Subject Families First Resource Eligibility

Approved by

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Authority

45 C.F.R. §233.20;
Tenn. R. & Regs. 1240-01-50; 1240-01-03-.12

Application

Family Assistance Eligibility Counselors and Client Representatives

Policy Statement

The Tennessee Department of Human Services (TDHS) shall consider the equity value of all resources that are owned by and available to assistance unit (AU) members to potentially meet the needs of the AU in determining eligibility for Families First.

Purpose

The purpose of this policy is to provide guidance in determining the amount of resources available to the AU.

Procedures

A. Resource Amounts

1. All resources owned or jointly owned by AU members must be considered prior to approval of Families First benefits.
 - a. The total value and equity value of all resources must be verified. See [Families First Resource Eligibility Procedures](#) for additional information.
 - b. The availability of resources must also be verified.
2. The equity value of all available resources is considered countable unless exempt as listed in [Families First Excluded Resources](#).
3. Ownership of resources is determined by whose name appears on the documentation/registration/title for the resource.
 - Resources that are not typically registered or titled belong to the individual who claims ownership.

4. Available resources are tested against the Families First Resource limit as listed on the [Family Assistance Standards Desk Guide](#).
 - If total of the available countable resources is greater than this limit by any amount, the AU is not eligible for Families First.

B. Resources of Individuals Who Are Not AU Members

The resources of individuals who are not AU members are not countable unless:

1. The resource belongs to an ineligible non-citizen who is in the home AND is the parent of a child in the AU.
2. The resource belongs to an individual who is excluded from the AU, but would be a mandatory AU member if not for the disqualification. See [Policy 23.01 Families First AUs](#)
3. The resources belong to an Individual Citizen Sponsor of eligible non-citizens who have been in the United States for less than 3 years.

C. Treatment of Commingled Liquid Resources

1. Any liquid resource that is not countable (excluded resource) will retain this status as long as the resource is kept in a separate account and not commingled in an account with countable liquid resources.
 - a. All excluded liquid resources that are commingled with countable resources will retain their exemption for six months from the date that the resources are commingled.
 - b. After six months, the total amount of the commingled account will be a countable resource.
2. A resource that has been excluded because it is prorated income and has been commingled in an account with countable resources will not be counted as a resource for the period of time over which it has been prorated.
 - The resource cannot be counted as income and a resource during the same period of time.

D. Jointly Owned Resources

1. If the Families First AU reports a jointly owned resource, the individual's share of any countable resource is applied to the AU's resource limit.
 - a. If the individual can demonstrate that he/she has access to less than a pro rata share, only the portion to which the individual has access will be counted toward the AU's resource limit.
 - b. If a jointly owned resource cannot be practically subdivided, and access to the AU's share of the resource is dependent on the agreement of the joint owner, and the joint owner who is not an AU member refuses to comply so that the AU member can obtain his/her share of the resource, then the resource is considered inaccessible to the AU.
2. The fact that an AU member's name appears on a jointly named asset with that of a non-AU member does not conclusively mean that the resource is jointly owned.
 - a. The AU member must be given the opportunity to prove that he/she does not, in fact, have any ownership rights to the resource.
 - b. The key to determining ownership is in the written language or oral understanding surrounding the creation of the joint bank account or

other jointly named asset.

- c. Consider the source of the funds or asset and for whom the use and benefit of the funds/asset are intended and used.
- d. This may occur, for example, where an AU member's name is listed on a joint checking account in which all of the funds belong to an elderly or disabled relative so that the AU member can assist the relative with his/her banking transactions, and the AU member does not use any of the funds for his/her own personal use.
- e. The burden of proof that he/she has no ownership in the funds is on the AU member.

E. Sale of Real Property During the Nine (9) Month Exemption Period

1. Real property, that is not homestead property and that the AU is making a good faith effort to sell, is not a countable resource if the AU signs the [HS- 3303 Notice of Excess Property and Repayment Agreement](#) and agrees to repay the Families First benefits received during the period of exemption.
2. The amount repaid cannot exceed the amount of the net proceeds of the sale.
3. If the real property is sold during the nine-month exemption period the customer must repay the amount of the overpayment within five (5) business days of receiving the proceeds of the sale.
4. Any proceeds remaining after the five (5) business day period are considered an available resource.
5. If the case is closed for any reason during the exemption period, the entire amount of Families First received during the nine (9) month exemption is considered an overpayment.
6. If the customer has been making a good faith effort to sell the property and it remains unsold at the end of the nine (9) month period, the eligibility counselor must evaluate to determine whether the property should be considered inaccessible.
 - The customer would still be required to repay the Families First received in the initial 9 month exemption once the property is sold.

Forms

[HS- 3303 Notice of Excess Property and Repayment Agreement](#)

Collateral Documents

[Policy 23.01 Families First AUs](#)
[Families First Excluded Resources](#)
[Families First Resource Eligibility Procedures](#)
[Family Assistance Standards Desk Guide](#)

Additional Resources None

Retention of Records Pending

Glossary

Term

Definition

Equity Value

The value remaining after the amount of all encumbrances has been subtracted from the fair market value of the resource.

Jointly Owned Resources

Real or personal property that has more than one owner listed.

Acronyms

Abbreviation

Expansion

AU

Assistance Unit

TDHS

Tennessee Department of Human Services

Supersedes

- Families First Online Policy Manual Chapter 17
- Families First Handbook PP 99-107
- Bulletins:
 - FA-13-01 as it applies to Families First Resources
 - FA-11-05 as it applies to Families First Resources
 - FA-11-04
 - MA-09-19 as it applies to Families First Resources
 - FA-07-07 as it applies to Families First Resources
 - FA-06-15 as it applies to Families First Resources
 - FA-06-26
 - FA-06-30
 - FA-04-03 as it applies to Families First Resources
 - FA-01-16 as it applies to Families First Resources
- Numbered Memoranda:
 - FA-08-10 as it applies to Families First Resources
 - FF-03-11 as it applies to Families First Resources