

RESOURCES
PERSONS IN MEDICAL FACILITIES

TREATMENT OF REAL PROPERTY

Description: Real property is land and generally whatever is erected upon, growing upon, or affixed to the land. Real property also includes rights arising out of or in connection with land, such as air, mineral, water, or access rights. Real property may be owned in whole or in part. When determining eligibility, all real property owned by an A/R is evaluated.

Policy: The homestead of any SSI-related institutionalized A/R who expresses an intent to return home remains exempt (regardless of any medical evidence to the contrary). However, if an institutionalized A/R is not reasonably expected to be discharged from the medical institution and to return home, it may be appropriate to place a lien against such a homestead or exempt income-producing real property. If an institutionalized A/R possesses non-exempt real property (e.g., vacation home or unoccupied homestead to which the A/R does not express an intent to return), the value of such property is counted in the determination of eligibility. (See **RESOURCES REAL PROPERTY HOMESTEAD** for the treatment of a homestead, **OTHER ELIGIBILITY REQUIREMENTS LIENS** for the treatment of liens and **RESOURCES REAL PROPERTY** for the treatment of real property).

References:

SSL Sect.	367-f 369.2
Dept. Regs	360-7.11
ADMs	92 ADM-53