

**County of San Diego, Health and Human Services Agency (HHS) (HSA)
CalWORKs Program Guide**

Home Exclusion

Number

42-200.H

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Revision Date:

January 1, 2023

Background:

State regulations require real and personal property be considered when it is available. An Assistance Unit (AU) may retain countable resources in accordance with the established limits.

Purpose:

The purpose of this material revision is to reformat this section and to renumber this section from CalWORKs Program Guide (CPG) 42-200.K to 42-200.H. There is no policy change. CPG 42-200.K becomes obsolete with the issuance of this material.

Policy:

Home Exclusion

A home occupied by the AU, regardless of the value is excluded. Any house, mobile home, camper, trailer, houseboat or any other dwelling whether assessed as real or personal property by the County Assessor is excluded when it is occupied by the AU. The property will continue to be considered the home during temporary absence for reasons such as illness, seasonal employment, visits, extreme climatic conditions, etc., provided the customer plans to, and it appears will be able to, return to the home when such circumstances no longer exist.

Multiple Unit Dwellings

The excluded home may be the unit of a multiple-dwelling unit that is occupied by the AU as a home. A home and a separate unit adjacent to the home will be treated as a multiple dwelling unit. When an AU occupies one unit of a multiple unit dwelling that they own, only the unit occupied by the AU is exempt. Units of the multiple unit dwelling that are not occupied by the AU are treated as a resource. The value of the remaining units, less encumbrances must be counted as a resource. If the unoccupied units can be sold separately, the nine-month property exemption may be applied. If the AU is making a good faith effort to sell, or if the units cannot be sold separately from the unit occupied by the AU, the units are considered unavailable to meet the current needs and are exempt/excluded from the resource limit.

Home Exempt Due to Marital Separation

The customer's community property interest in a home, which was the usual home of the customer, which was left due to marital separation, may be exempt from consideration as property for three months following the end of the month in which aid begins, when the customer's spouse continues to reside in the home and does not intend to leave.

During this exempt period, the customer must initiate reasonable steps to liquidate or use the home. See below for a description of Reasonable Steps.

Applicant: The usual home will be exempt in determining the customer's eligibility for three months following the end of the month in which aid begins.

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Recipient: The usual home of the customer will be exempt in evaluation of property for continuing eligibility during the month of separation and for the three months following the end of the month in which separation occurs.

Informing When Exemption Is Granted

The customer must be informed of all of the following when this exemption is granted:

- The exempt status of the home
- When the exempt status period will expire
- That “reasonable steps” must be initiated to liquidate or use the property interest during the exempt period
- That aid will be discontinued if “reasonable steps” are not initiated

Documentation of the above, a Notice of Action, or other written notification, will be retained in the case record to verify that the customer has been informed of all requirements. A Held Change note will be entered for review of the property status follow-up at the next SAR 7 or annual redetermination, whichever comes first. If the exemption period ends mid-period, no action will take place on the information during the payment period. The usual home will be used to determine eligibility for the payment period following the payment period in which the exemption period ended.

Reasonable Steps

Reasonable steps to liquidate the property, use the home, or document unavailability include but are not limited to:

- Statements from real estate agents, attorneys or other persons who have knowledge of the situation and can document any steps taken by the customer
- A statement from the absent parent documenting refusal to cooperate in disposing of the property, refusal to vacate the property or giving other reasons which would make the property unavailable

Determination of The Home’s Availability

Reasonable steps to liquidate the property, use the home, or document unavailability include but are not limited to:

- If the home is determined available and the customer chooses to occupy the home, it is exempt
- If the home is determined available for the customer to dispose of or otherwise utilize (besides living in), aid can be paid for nine months provided the customer signs a lien and follows the requirements described in CPG 42-200.E under the Requirements for Eligibility section
- If the home is determined to be unavailable, aid will continue
- If the customer has taken no action to make their interest in the home available, aid will be discontinued for failure to cooperate in making the property available

The Home and Surrounding Property

The following resources are excluded from consideration:

- The home continues to be exempt when temporarily unoccupied for reasons of employment, training for future employment, illness, or uninhabitability caused by natural disaster. The AU’s intent to return and the date of return is acceptable verification unless the period exceeds 90 days. If over 90 days, the AU must provide a specific reason for the extended absence

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- Any governmental payments which are designed for the restoration of a home damaged in a disaster, is excluded

Procedure:

None.

Impacts:

Refer to CalFresh Program Guide (CFPG) 63-200 for CalFresh regulations related to resource evaluation.

References:

Eligibility and Assistance Standards (EAS) 42-213.3, 42-213.4

Sunset Date:

This policy will be reviewed for continuance by January 31, 2026.

Approval for Release:



Rick Wanne, Director
Self-Sufficiency Services