

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

Determining Ownership Of Real And Personal Property

Number

42-200.B

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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:

This section provides property ownership regulations. The purpose of this material revision is to reformat this section, and to renumber this section from CalWORKs Program Guide (CPG) 42-200.D to 42-200.B. There is no policy change.

Policy:

Declaration of property Ownership

The customer's declaration of the property they or their spouse own is considered sufficient proof of property ownership unless there is information indicating probable ownership of property other than what was declared. In the presence of such information, the facts as to ownership must be determined from appropriate records, such as:

- Recorder's records
- Bank deposits and withdrawals
- Affidavits of the customer
- Other individuals who have firsthand knowledge

Separate Property

Property acquired by a spouse prior to marriage is separate property. If either spouse separately acquires property by gift or inheritance, after marriage, that property is the separate property of that spouse. Property acquired during marriage remains separate property if purchased with funds which are the separate property of the owner, such as funds received from the sale of separate property or property received by gift or inheritance.

Title Shared with Others

It is presumed that those who share property titles have equal rights to possession, control and use of the property but the presumption may be refuted by evidence to the contrary. The source and amount of funds invested in the property or the facts around the inheritance must be evaluated to determine the share of which the customer or their spouse actually owns.

Separate Property Derived from Income

If the spouses are living separate and apart from each other, the income of each spouse is the separate income of that spouse in the month of receipt and separate property if retained past the month of receipt.

Marital Separation

For the purposes of this section, the spouses have separated if they have obtained an interlocutory or final judgment of dissolution, if they are legally separated or if they are informally separated. (They are living separate and apart from each other and they consider their marital relationship to have ended).

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Community Property

Community property, real or personal, is property acquired by the husband or wife during marriage (unless acquired as separate property). It includes property purchased with community funds, which include earnings of the spouses while married and living together, income derived from community property, and funds received from the sale of community property. Community property generally includes property purchased on the personal credit of either spouse. If property is purchased with funds which cannot be identified as separate property, such property is presumed to be community property. However, this presumption can be rebutted, for the entire property or a portion thereof.

Each spouse is considered to own a one-half interest in community property, regardless of which spouse holds the property. All property held in the name of the spouse of a married person is presumed to be community property unless evidence establishes it to be separate property.

Exception: Burial trusts and interment plots are considered the separate property of the spouse who is to be the beneficiary or user.

Child Lives with Parent and Stepparent

When a child lives with their parent and stepparent, each spouse is presumed to own one-half interest in property held by either spouse, unless this presumption is refuted by evidence, which establishes it to be the separate property of one spouse.

Sponsored Non-citizens

For purposes of this chapter, "sponsored non-citizens" applies only to those non-citizens who are sponsored by an individual and not those *non-citizens* who are sponsored by a public or private agency or organization. The resources of the non-citizen's sponsor and the resources of the sponsor's spouse who lives with the sponsor, will be deemed to be the sponsored non-citizen's resources, using SAR 22 (Sponsored Non-Citizens Applying For or Receiving Cash Aid and/or CalFresh) or SAR 72 (Sponsor's Semi-Annual Income and Resources Report). These resources are determined as follows:

Step	Action
1	Determine the total value of real and personal property of the sponsor and the sponsor's spouse as if they were applying for aid.
2	If a person is the sponsor of more than one non-citizen, divide the amount determined in 1 above by the number of sponsored non-citizens receiving CalWORKs including the number of sponsored non-citizens in the customer's AU. This amount is to be deemed to the resources of each customer who is a sponsored non-citizen. If the deemed resource alone or in combination with other property of the AU exceed the property limit, ineligibility results for the sponsored non-citizen(s).

These resources are not considered as resources of other customers in the family who are not sponsored non-citizens, unless these resources are actually available to these other persons.

Procedure:

None

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Impacts:

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

References:

- Eligibility and Assistance Standards (EAS) 42-205

Sunset Date:

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

Approval for Release:

RW, 1-9-23

Rick Wanne, Director
Self-Sufficiency Services