



Ohio Administrative Code

Rule 5101:4-4-03 Food assistance: exempt resources.

Effective: September 1, 2018

(A) Which resources are exempt?

The following resources are exempt:

(1) Home and surrounding property.

(a) The home and surrounding property that is not separated from the home by intervening property owned by others is considered part of the home which is an exempt resource. Public rights of way, such as roads which run through the surrounding property and separate it from the home, will not affect the exemption of the property. The home and surrounding property continue to be an exempt resource even when a portion of the surrounding property is income-producing.

(b) The home and surrounding property shall remain exempt when temporarily unoccupied for reasons of employment, training for future employment, illness, or uninhabitability caused by casualty or natural disaster when the assistance group intends to return.

(c) An assistance group that currently does not own a home, but owns or is purchasing a lot on which it intends to build or is building a permanent home, shall receive an exemption for the value of the lot and, if it is partially completed, for the home.

(2) Household and personal goods.

(3) Cash value of a life insurance policy.

(4) One burial plot per assistance group member.

(5) The value of one revocable funeral agreement per assistance group member.



(6) Vehicles in accordance with Ohio's temporary assistance for needy families (TANF) plan as permitted by the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act of 2001, Pub. L. No. 106-387, (10/2000).

(7) Income-producing property.

(a) Income producing property is:

(i) Property which annually produces income consistent with its fair market value, even when only used on a seasonal basis: such property shall include rental homes and vacation homes (when income producing);

(ii) Property, such as farm land, which is essential to the employment or the self-employment of a household member. Property exempt as essential to employment need not be producing income consistent with its fair market value;

(iii) Work-related equipment, such as the tools of a tradesman or the machinery of a farmer, which is essential to the employment or self-employment of a household member. Property essential to the self-employment of an assistance group member engaged in farming shall continue to be exempt for one year from the date the assistance group member terminates the member's self-employment from farming;

(iv) Installment contracts for the sale of land or buildings when the contract or agreement is producing income consistent with its fair market value. The value of the property sold under contract or held as security in exchange for a purchase price consistent with the fair market value of that property is also exempt.

(8) Property directly related to use and maintenance of vehicles: the portion of real property determined necessary for maintenance or for use of the vehicle is exempt under this rule.

(9) Inaccessible resources: resources are exempt when the cash value is not accessible to the assistance group such as, but not limited to, irrevocable trust funds, security deposits on rental property or utilities, property in probate, and real property which the assistance group is making a



good faith effort to sell at a reasonable price and which has not been sold. The county agency may verify that the property is for sale and that the assistance group has not declined a reasonable offer. Verification may be obtained through a collateral contact or documentation, such as an advertisement for public sale in a newspaper of general circulation or a listing with a real estate broker. Resources shall be considered inaccessible to the assistance group as long as they were truly unknown to the assistance group. At the point the assistance group discovers or is made aware of the resources that are legally available to the assistance group, the resources must be counted in determining the assistance group's eligibility for supplemental nutrition assistance program (SNAP).

(10) Funds transferred or produced by a trust: any funds transferred to a trust, and the income produced by that trust, shall be considered inaccessible to the assistance group when:

(a) The trust is under the control and management of an institution, corporation, or organization (the trustee) which is not under the direction or ownership of any assistance group member, or an individual appointed by the court who has court-imposed limitations placed on his or her use of the funds that meet the requirements of this paragraph;

(b) The funds held in irrevocable trust are either: established from the assistance group's own funds, when the trustee uses the funds solely to make investments on behalf of the trust or to pay the educational or medical expenses of any person named by the assistance group creating the trust; or established from non assistance group funds by a non assistance group member;

(c) The trust investments do not directly involve or assist any business or corporation under the control or influence of an assistance group member;

(d) The trust arrangement will not likely cease during the certification period; and

(e) No assistance group member has the power to revoke the trust arrangements or change the name of the beneficiary during the certification period.

(f) Section 1721.211 of the Revised Code allows prepaid (prearranged or pre-need) burial contracts to establish burial accounts as irrevocable trust funds. A "prepaid burial contract" is an agreement among the recipient, the financial institution, and the funeral director. The agreement directs the



financial institution to deliver to the funeral director, upon the recipient's death, the funds from a designated payable-on-death account which is on deposit at the financial institution.

(11) Earmarked resources: this includes any governmental payments which are designated for the restoration of the home which has been damaged in a disaster, when the assistance group is subject to a legal sanction when the funds are not used as intended. Examples of payments are those made by the department of housing and urban development and disaster loans or grants made by the small business administration.

(12) Resources which have been prorated and counted as income.

(13) Indian lands held jointly with the tribe, or land that can be sold only with the approval of the department of interior's bureau of Indian affairs.

(14) Energy assistance payments or allowances exempt as income under rule 5101:4-4-13 of the Administrative Code.

(15) Non-liquid assets against which a lien has been placed as a result of taking out a business loan and the assistance group is prohibited by the security or lien agreement with the lien holder (creditor) from selling the assets.

(16) A non-liquid resource that the assistance group is unable to sell for a return of at least one thousand five hundred dollars shall be exempt. This paragraph does not apply to financial instruments such as stocks, bonds, and negotiable financial instruments. An assistance group shall not divide a single resource for the purpose lessening the return and causing the resource to be exempt. Any dividing of property solely to obtain an exemption under this paragraph shall be subject to the transfer of resources provisions as defined in rule 5101:4-4-09 of the Administrative Code.

(17) Individual development accounts regardless of their funding source.

(B) How are commingled exempt resources handled?

(1) Exempt resources that are kept in a separate account that are not commingled with other non-



exempt resources shall retain their resource exemption for an unlimited period of time.

(2) The resources of a self-employed assistance group that are exempt and are commingled with non-exempt funds shall retain their exemption for the period of time over which they have been prorated as income.

(3) All other exempt resources that are commingled with non-exempt funds shall retain their exemption for six months from the date of commingling. After six months from the date of commingling, all funds in the commingled account shall be counted as a resource.