

Introduction

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

Scope

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

Policy

Resource Amounts

1. All resources owned or jointly owned by assistance unit (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 document, registration, and/or 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 the total of the available countable resources is greater than this limit by any amount, the AU is not eligible for Families First.

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 Assistance Units](#).

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 (6) months from the date that the resources are commingled.
 - b. After six (6) 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.

Jointly Owned Resources

1. If the Families First AU reports a jointly owned resource, the AU member's share of any countable resource is applied to the AU's resource limit.
 - a. If the individual can demonstrate that they have access to less than a pro rata share, only the portion to which the individual has access will be counted towards the AU's resource limit.
 - b. A jointly owned resource is considered inaccessible to the AU if:
 - i. The jointly owned resource cannot be practically sub-divided, AND
 - ii. Access to the AU's share of the resource is dependent on the agreement of the joint owner, AND
 - iii. The joint owner, who is not an AU member, refuses to comply so that the AU member can obtain their share of the resource.
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 they do not 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 jointly owned 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. The burden of proof that they have no ownership in the funds is on the AU member.

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 for up to nine (9) months if the AU signs the [HS-3303 Notice of Express 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 (9) 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 period 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 will be required to repay the Families First received in the initial nine (9) month exemption once the property is sold.

Supporting Documents

[Families First Resource Eligibility Procedure Manual](#)

[Families First Excluded Resources](#)

[Family Assistance Standards Desk Guide](#)

[23.01 Families First Assistance Units](#)

[23.03 Families First Technical Eligibility](#)

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

Definitions/Acronyms

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.
Pro Rata	The process in which the funds being allocated will be distributed in equal portions.
Acronyms	Expansion
AU	Assistance Unit
TDHS	Tennessee Department of Human Services

Supersedes

Policy 23.05 Families First Resource Eligibility effective 02/15/2018.

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Danielle Barnes	Commissioner	01/29/2018	02/15/2018

Revision History

Date	Version	Location of Change	Description/Reason for Change
01/10/2024	01/15/2024	Introduction, Scope, Resource Amounts, Resources of Individuals who are not AU Members, Treatment of Commingled Liquid Resources, Supporting Documents	Updated language throughout and added additional supporting documents.
01/29/2018	02/15/2018	New Document	New Document

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