

Virginia Department of Social Services
Medicaid Fact Sheet #10
REAL PROPERTY EXCLUSIONS FOR THE AGED, BLIND, AND DISABLED

The following information is given as a guideline only. For your Medicaid eligibility to be determined, an application must be filed with the local department of social services in your locality.

Real property is land, including buildings or immovable objects attached permanently to the land. Ownership of real property must be considered when determining your Medicaid eligibility but does not necessarily keep you from receiving Medicaid. The Medicaid eligibility worker will need to see copies of the deeds and tax statements to evaluate the rules that apply in your situation.

- A. You can own your home and be eligible for Medicaid as long as the home is occupied by you or your spouse. This is known as the “home property” exemption. The home is the house and lot used as the principle place of residence and all adjoining property as long as the value of the adjoining land does not exceed \$5,000. The lot size is based on the minimum building requirement for the area in which the property is located.

If the adjoining property is used to produce food or goods for home consumption and/or is necessary to the maintenance of your home (such as a driveway, well, or septic system), more than \$5,000 of adjoining real property may be excluded.

- B. If you are in a nursing facility or similar institution for longer than six months, your home may be counted as an available resource. It will not be counted if it is occupied by:
1. your spouse,
 2. your minor dependent children (under age 18 or under age 19 if attending school or vocational training), or
 3. your parent or adult child who is disabled according to the Medicaid disability definition.

Your parent or adult child must have lived in your home with you for at least one year prior to your institutionalization and must be dependent on you for his shelter needs.

- C. Real property other than the home and lot may NOT be counted as an available resource if:
1. it is used in a trade or business,
 2. it is used to produce goods or services essential to your self-support, or
 3. a reasonable effort to sell the property is being made.

Medicaid Fact Sheet #40 (REASONABLE EFFORTS TO SELL REAL PROPERTY) contains information about reasonable efforts to sell real property. You may request a copy of the fact sheet from your local department of social services or download a fact sheet from the

Real Property Exclusions For:

ABD Individuals with Income Less Than or Equal To 80% of the Federal Poverty Level,
Qualified Medicare Beneficiaries (QMB),
Qualified Special Low-Income Medicare Beneficiaries (SLMB),
Qualified Individuals, and
Qualified Working and Disabled Individuals (QDWI)

All property adjoining the home is excluded.

If you have left your home but intend to return, the home and adjoining property are excluded indefinitely. You must state your intent to return to the home in writing.

The former home property and other adjoining property is also excluded if:

1. a spouse or dependent relative continues to live on the property. Dependency may be of any kind, including financial or medical. A relative may be related by blood or marriage.

-or-

2. the sale of the property would cause undue hardship, due to the loss of housing, for a co-owner.