

# ORANGE COUNTY SOCIAL SERVICES AGENCY GENERAL RELIEF REGULATIONS MANUAL

## SECTION 50: REAL PROPERTY

EFFECTIVE: November 2012

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### **.1 DEFINITION OF REAL PROPERTY**

Real property is land and improvements, as differentiated from cash, vehicles or similar assets which are personal property. Real property includes, as a general rule, immovable property attached to the land (e.g.: trees, fences, buildings, etc.). It also includes mines, patented or unpatented oil, mineral and/or timber rights. Any mobile home, motor vehicle or other dwelling which is used exclusively as the client's only home is considered real property for GR purposes.

### **.2 REAL PROPERTY MAXIMUM**

The net value of a client's interest in real property used as the GR client's primary residence shall not exceed \$5,000. The value of secondary real property which the client is making a good faith effort to sell, shall be excluded from consideration as a resource per Section 50.6. The combined net value of all secondary real and personal property shall not exceed \$1,000.

The net value of real property is computed by subtracting all verified encumbrances from the market value. Market value shall be determined per CalWORKs EAS Manual section 42-200.

If the client disagrees with the value assigned to any real property, he or she may submit one appraisal prepared by a qualified appraiser. The County reserves the right to obtain an independent appraisal. The highest of these appraisals shall be used in establishing the value of the property.

### **.3 REAL PROPERTY TO BE INCLUDED**

All real property owned by the client is to be included in the real property evaluation when it is available. This includes:

- .a Real property being purchased under contract of sale.
- .b Real property being sold while held in escrow.
- .c Real property held in trust when it is or may be made available for disposition or use.
- .d Real property in an undistributed estate when such property is available prior to distribution.
- .e Patented or unpatented mining claims, timber, oil and mineral rights.

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**.3 REAL PROPERTY TO BE INCLUDED (cont'd)**

**.f** Real property of a sponsor and the sponsor's spouse of a resident non-citizen will be deemed to be the real property of the non-citizen for the purpose of establishing eligibility to receive GR. However, the deeming of the sponsor and sponsor's spouse's real property shall not apply to a resident non-citizen whose sponsor has abandoned his or her duty to support the non-citizen. Abandonment of the duty to support shall include abuse, battery, neglect or refusal to support pursuant to the W & I Code 17001.7.

- (1)** The amount of real property resources of a sponsor and the sponsor's spouse that shall be deemed to be the resources of a non-citizen for any month shall be the total value of real property resources determined as if the sponsor were applying for GR, reduced by \$5,000.

**.4 REAL PROPERTY TO BE EXCLUDED**

Any real property which is not available for the person's use or expenditure is excluded from the property evaluation, including:

- .a** An Indian's interest in land held in trust by the United States government.
- .b** Property held in trust and not used or available to the client when the control of the trust is not vested in the client.
- .c** Land leased from the government.
- .d** Any burial plot reserved for the client's future use.
- .e** Property which is in foreclosure.
- .f** Property which is solely owned by a member of the EU who receives other cash public assistance or SSI/SSP.

**.5 VERIFICATION OF REAL PROPERTY**

Before any aid, except GR-IN, shall be given to or for any person, such person shall make a verified written statement of the nature, location and value of all property in which the person has an interest, legal or equitable, with the legal description of any property in which such person claims an interest.

Documents, such as deeds and recent tax receipts, shall be viewed to verify property holdings when available. When documents are not available, a property search shall be initiated to obtain the information from the official records of the appropriate governmental jurisdiction.

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**.6 SECONDARY REAL PROPERTY**

The owner of property not occupied as their home shall be given three (3) months from the date of granting aid to sell the property at an amount consistent with its current fair market value. The owner of the property must sign an agreement to sell the property and must execute a lien on the property in favor of the County.

The Agency shall review the case every three (3) months after it is listed for sale. Ineligibility to GR shall result if the client has not made a good faith effort to sell the property and if the combined value of the secondary real property and personal property exceeds \$1,000.

**.7 GENERAL RELIEF LIEN**

- .a** A lien is to be taken against all real property including leased property, property in foreclosure and future interests owned by a GR client and/or the community property share of a GR client even though the spouse may be in receipt of aid through another assistance program.
- .b** The county lien is not enforced until death, receipt of a home loan, or sale occurs. In the event a person dies, the remaining spouse may continue to reside in the property; foreclosure is not enforced, although the county lien is renewed and continues to be shown as a hold or claim on the property unless the lien or only possesses a life estate.
- .c** A county lien does not have a maturity date unless the interest in the real property is an interest which is less than fee simple, e.g. a trust, life estate, or lease and does not bear interest. It is possible for the client to pay the outstanding amount covered by the lien and the lien will be removed. Only the Board of Supervisors may remove the lien. All negotiations in connection with the removal of a county lien are handled by the County Auditor-Controller.
- .d** A lien is not obtained on burial plots.
- .e** A lien is not obtained for county burials/cremations.
- .f** Temporary assistance may be issued pending the execution of the lien. If the GR client refuses to sign a lien, no aid shall be issued.

**.8 TRANSFER OF REAL PROPERTY**

No person will be eligible to receive GR if there has been an assignment, transfer or release of real property for the purpose of qualifying for aid within the last two (2) years, unless it is verified that reasonable compensation was received and used for necessary living expenses for the applicant/recipient or his or her legal dependents.

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**.8 TRANSFER OF REAL PROPERTY (cont'd)**

- .a** The following transfers of real property by the owner thereof result in ineligibility:
- (1)** Transfer, release or assignment in return for life care.
  - (2)** Transfer, release or assignment to reduce property within GR maximum.
  - (3)** Inability to account for disposition of property.
  - (4)** Transfer, release or assignment to avoid utilization.
  - (5)** Relinquishment of life estate or other possessory interest for less than market value or for an interest to commence in possession or enjoyment at a later date or to avoid utilization.
- .b** When ineligibility results from the transfer of real property, the period of ineligibility is the period the market value of the property would have supported the GR-EU under current GR standards.

**.9 FOREIGN ASSETS**

Real property consisting of foreign assets will be treated as secondary real property with the same requirements to sell as described in Section 50.6 unless the EU provides verification of official action to block or freeze the asset.

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