

- (1) Home defined: A home is the place where the *filing group* (see OAR [461-110-0310](#)) lives. A home may be a house, boat, trailer, mobile home, or other habitation. A home also includes the following:
 - (a) Land on which the home is built and contiguous property.
 - (A) In all programs except, Oregon Supplemental Income Program Medical (OSIPM), Qualified Disabled and Working Individual (QDWI), and the Supplemental Nutrition Assistance Program (SNAP), property must meet all the following criteria to be considered contiguous property:
 - (i) It must not be separated from the land on which the home is built by land owned by people outside the *financial group* (see OAR [461-110-0530](#)).
 - (ii) It must not be separated by a public right-of-way, such as a road.
 - (iii) It must be property that cannot be sold separately from the home.
 - (B) In the OSIPM, QDWI, and SNAP programs, contiguous property is property not separated from the land on which the home is built by land owned by people outside the *financial group*.
 - (b) Other dwellings on the land surrounding the home that cannot be sold separately from the home.
- (2) Exclusion of home and other property:
 - (a) For an individual who has an *initial month* (see OAR [461-001-0000](#)) of *long-term care* (see OAR [461-001-0000](#)), home and *community-based care* (see OAR [461-001-0030](#)), or who is

being evaluated for OSIPM in an acute care setting under OAR [461-135-0745](#) on or after January 1, 2006:

- (A) For purposes of this subsection, "child" means a biological or adoptive child who is:
 - (i) Under age 21; or
 - (ii) Any age and meets the Social Security Administration criteria for blindness or disability.
- (B) The *equity value* (see OAR [461-001-0000](#)) of a home is excluded if the requirements of at least one of the following subparagraphs are met:
 - (i) The *child* (see paragraph (A) of this subsection) of the individual or relative dependent on the individual for support occupies the home.
 - (ii) The *spouse* (see OAR [461-001-0000](#)) of the individual occupies the home.
 - (iii) The equity in the home is \$752,000 or less, and the requirements of at least one of the following sub-subparagraphs are met:
 - (I) The individual occupies the home.
 - (II) The home equity is excluded under OAR [461-145-0252](#).
 - (III) The home is listed for sale per OAR [461-145-0420](#).
 - (iv) Notwithstanding OAR [461-120-0330](#), the equity in the home is more than \$752,000 and the individual is unable legally to convert the equity value in the home to cash.

- (b) For all other filing groups, the value of a home is excluded when the home is occupied by any member of the filing group.
 - (c) In the SNAP program, the value of land is excluded while the group is building or planning to build their home on it, except that if the group owns (or is buying) the home they live in and has separate land they intend to build on, only the home in which they live is excluded, and the land they intend to build on is treated as real property in accordance with OAR [461-145-0420](#).
- (3) Exclusion during temporary absence: The value of a home is excluded in each of the following situations:
- (a) For the purposes of this section, “evidence” includes a written statement from a competent individual.
 - (b) In all programs except the OSIPM, and QDWI programs, during the temporary absence of all members of the filing group from the property, if the absence is due to illness or uninhabitability (from casualty or natural disaster), and the filing group intends to return home.
 - (c) In the OSIPM and QDWI programs, when the individual is temporarily absent:
 - (A) To receive assistance with *activities of daily living* (see OAR [411-015-0005](#)) under one of the following conditions:
 - (i) The absent individual has expressed either orally or in writing their subjective intent to return home. Subjective intent means that they intend to return home regardless of their medical condition, or any opinion offered by a third party about their ability to do so.
 - (ii) The home remains occupied by the individual's *spouse*, child, or a relative dependent on the individual for support. The child must be less than

21 years of age or, if over the age of 21, blind or an individual with a disability as defined by Social Security Administration (SSA) criteria.

- (B) Due to illness, employment or training for future employment, seasonal employment, or uninhabitability; and both of the following conditions are met:
 - (i) The absent individual has provided evidence that the absent individual will return home, and
 - (ii) The evidence reflects the subjective intent of the individual, regardless of the individual's medical condition.
- (d) In the Refuge Assistance (REF), Refugee Assistance Medical (REFM), and Temporary Assistance for Needy Families (TANF) programs, when all members of the filing group are absent because:
 - (A) The members are employed in seasonal employment and intend to return to the home when the employment ends; or
 - (B) The members are searching for employment, and the search requires the members to relocate away from their home. If all members of the filing group are absent for this reason, the home may be excluded for up to six months from the date the last member of the filing group leaves the home to search for employment. After the six months, if a member of the filing group does not return, the home is no longer excluded.
- (e) In the SNAP program, when the *financial group* is absent because of employment or training for future employment.

Statutory/Other Authority: ORS [409.050](#), [410.070](#), [411.060](#), [411.070](#), [411.404](#), [411.816](#), [412.049](#), [413.085](#), [414.685](#)

Statutes/Other Implemented: ORS [409.010](#), [409.050](#), [410.010](#), [410.020](#),

[410.070](#), [410.080](#), [411.060](#), [411.070](#), [411.404](#), [411.816](#), [412.049](#), [413.085](#),
[414.685](#), [414.839](#)

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