

Readopt with amendment He-W 656.03, effective 3-30-14 (Document #10563), as amended in paragraphs (a) & (b) effective 11-24-15 (Document #10982) to read as follows:

He-W 656.03 Jointly Owned Resources.

(a) Personal property resources established prior to November 1, 1995, which an individual owns together with an individual who is not an applicant or recipient, shall be considered to be shared equally among the owners, unless the individual verifies ownership of more or less than an equal share. If the individual verifies ownership of more or less than an equal share through documentary evidence, only the amount of the share actually owned by the individual shall count as a resource.

(b) Personal property resources established on or after November 1, 1995, which an individual owns together with an individual who is not an applicant or recipient, shall be considered to belong to the individual who is applying for or receiving assistance. If there is more than one individual who is applying for or receiving assistance that jointly owns the resource, it shall be assumed that each individual owns an equal share.

(c) If an individual wishes to rebut the ownership presumption, the individual shall submit a written statement and verification of the statement to the department including the following information:

- (1) A corroborating statement from each additional account holder;
- (2) If the only additional account holder is incompetent or a minor, the individual shall submit a corroborating statement from a competent adult aware of the circumstances surrounding establishment of the account;
- (3) Account records showing deposits, withdrawals, and interest in the months in which ownership is an issue;
- (4) If the individual does not own any of the funds, evidence showing that the individual can no longer withdraw funds from the account; and
- (5) If the individual owns only a portion of the funds, evidence showing removal from the account of such funds, or removal of the funds owned by the other account holder(s), and redesignation of the account.

(d) If the evidence establishes that a resource is owned by the other account holder(s), as determined by the department, and that the individual can no longer withdraw funds from the account, then that resource shall not be considered to belong to the individual. However, such resources shall be deemed available to the individual if the account holder to whom they belong is someone whose resources would be used in determining the individual's eligibility.

(e) Jointly owned real property resources shall be excluded if the terms of ownership of the property prevent the individual from unilaterally liquidating the property and the other owner or owners refuse to agree to the sale. The addition of a joint owner shall be evaluated as an asset transfer in accordance with He-W 620.01.

APPENDIX

Rule	Specific State or Federal Statute or Regulations the Rule Implements
He-W 656.03	RSA 167:3-c, I; RSA 167:4-a; RSA 167:7, IV; 42 USC 1382b(c)(1)(D); 20 CFR 416.1208; 42 USC 1396p(c)(3)