



**Massachusetts Department of Housing and Community Development  
Division of Housing Stabilization**

To: DHCD Field Staff  
From: Alvina Brevard, Director  
Date: May 18, 2022  
RE: Housing Stabilization Notice 2022-02, Asset Calculation for Emergency Assistance eligibility

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Current DHCD regulations at 760 CMR 67.02 (6)(a) set the asset limit for eligibility to the Emergency Assistance (EA) program at \$5,000 (five thousand dollars) per household.

The regulation also states that “Assets of both TAFDC and non TAFDC recipients are determined in accordance with 106 CMR 704.120 through 704.140.”

The regulations at 106 CMR Part 704 are the Department of Transitional Assistance’s (DTA) regulations concerning Financial Eligibility for the Transitional Cash Assistance Program.

The latest iteration of these regulations do not include sections 704.120 through 704.140, as DTA no longer considers assets in their eligibility determination for the Transitional Cash Assistance Program.

The change in the DTA regulations will not alter DHCD’s enforcement of the EA eligibility asset limit of \$5,000 described in 760 CMR 67.02(6)(a). DHCD will use the attached criteria (based on the DTA regulations at 106 CMR 704.120 through 704.140 as in effect at the time DHCD’s regulation was adopted) to determine the value of an applicant’s assets.

704.120: Countable Assets [Note: 106 CMR 704.120 was formerly found at 106 CMR 204.120]

Assets used to determine financial eligibility include, but are not limited to:

(A) Cash.

(1) Definition. Cash includes currency, checks, or bank drafts, in the possession of, or available to, the filing unit.

(2) Verification. The amount of cash is counted at application, eligibility reviews and when a change is reported.

The applicant's or client's declaration of the amount of cash available to the filing unit is sufficient verification unless contradictory information is received by the Department.

(B) Bank Balances.

(1) Definition. Bank balances may be in the form of savings, checking, trust accounts, term certificates, or other types of accounts held at banks, savings or loan institutions.

Balances in a bank account are considered available when a member of the filing unit has both ownership of, and access to, the balance of funds in the account.

(2) Joint Accounts. If a member of the filing unit is a co-holder of a joint bank account, the entire amount on deposit is a countable asset unless the member of the filing unit demonstrates otherwise.

A member of the filing unit who states that he or she is not the owner, or is only partial owner, of the funds must verify the ownership of such funds. A member of the filing unit who states that he or she has no, or only partial, access to the funds, must verify lack of access.

(3) Verification of Access to and Ownership of Bank Balances. Claimed lack of access and ownership must be verified. (See Inaccessible Assets). If lack of access is verified, the funds will not be considered available to the filing unit. If the verification submitted does not demonstrate lack of access, the case manager shall then determine ownership.

(a) Once lack of access is proven, the funds are not available. If the verification submitted does not prove lack of access, the worker shall determine ownership.

A member of the filing unit may claim lack of access to a joint account when:

1. the co-holder is the absent parent of the dependent child and verification has been submitted to establish good cause for noncooperation with the Child Support Enforcement Division Unit (CSEDU) (see 106 CMR 703.522(B)(1)(c) or (d)); or
2. verification has been submitted that the co-holder has a history of physical or emotional abuse, or has threatened to abuse a member of the filing unit. Verification shall be court, law enforcement, medical, psychological, child protective service, or social service records. When the applicant or client cannot get the verification from one of the above sources, sworn statements from the applicant or client and at least one other individual with knowledge of the circumstances is acceptable. Such statements may be made orally and be put in writing by the worker.

(b) Verification that the member of the filing unit does not have ownership of, or has only partial ownership of, the balances in the account must be shown by at least two of the following when showing that the owner of the funds is not a member of the filing unit or has a legal obligation to support:

1. Documents showing where the money came from, who opened the account, or whose money was used to open the account was not a member of the filing unit;;
2. Documentation through federal or state tax records, of who declares the tax on the interest received;
3. Records of who makes deposits and withdrawals;
4. Any written or oral agreements made between the parties listed on the account or by someone who opened or contributed to the account;
5. When the member of the filing unit states that he or she does not own the account but is listed as a co-owner only as a convenience to the other co-owner to conduct bank business, proof of the age, relationship, physical or mental condition, or place of residence of the co-holder shall be provided;
6. Proof of why the member of the filing unit is listed on the account;
7. A signed, notarized statement from the member of the filing unit and from either one of the other individuals listed on the joint account, or a person who opened or contributed to the account, that the member of the filing unit had no knowledge of the existence of the account; or

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8. If only one of the above is available and if the other individual(s) listed on the account or who had opened or contributed to the account is unavailable or is unable or unwilling to provide a statement, the second proof may be a signed statement from the member of the filing unit stating under penalties of perjury of the ownership of funds in the account.

(4) Verification of Account Balances. Verification of the current balance of each account is mandatory at application, at eligibility reviews, and at times of reported change. The amount is verified by bank books, bank statements or online printouts that show the bank balance within 45 days of the date of the application or redetermination.

If at redetermination, a member of the filing unit states that the balance is \$25 or less in an account, other than a checking account, verification is not required if the balance was \$25 or less at the last eligibility determination, and the account balance, in combination with other assets, is not over the asset limit. The statement shall be recorded in the case record.

(C) Retirement Accounts and Pensions. Retirement or pension funds are countable if accessible to the applicant or client.

(1) Sources. Funds in an Individual Retirement Account (IRA) are accessible and countable as an asset in their entirety less the amount of penalty for early withdrawal.

The funds in a Keogh Retirement Plan established for the self-employed individual alone or for the self-employed individual and his or her employees who are not members of the filing unit, are countable as an asset, less the amount of penalty for early withdrawal, only if the funds are accessible to the individual.

If accessible, funds in a tax deferred retirement plan (e.g., 401(k)) funded by tax-deferred contributions from employees and employers are countable as an asset less the amount of penalty for early withdrawal.

Pension retirement funds funded by the employer are to be considered a countable asset, less any penalties for withdrawal, provided such funds are accessible.

Payments made from an Annuity are unearned income. An Annuity is an investment that provides a fixed sum payable to a person, based upon the terms of the annuity.

(2) Verification. Verification of the current value of a retirement account, pension or annuity is mandatory at application, eligibility reviews and when a change is reported.

The current value of IRA funds are verified by a quarterly statement or a written statement from the account institution or online printout, dated within 45 days of the application or eligibility review interview.

Verification of the current amount of and the accessibility of all other retirement accounts and pensions shall be by a signed written statement from the financial institution, employer or former employer, or an online printout, dated within 45 days of the date of the application or eligibility review interview. Other legal documents, such as court orders, are also acceptable as verification to prove the accessibility or inaccessibility of the funds to the applicant or client.

(D) Securities.

(1) Definition. Stocks, bonds, options, futures contracts, debentures, mutual, exchange-traded and money market funds; government, bank, corporate or promissory notes; and other securities are countable assets. Tradeable securities are valued at the most recent closing price, and nontradeable securities are valued at current equity value. A security for which there is no market or which is inaccessible is noncountable.

(2) Verification. Verification of the current value of each security owned is mandatory at application, eligibility reviews, and when a change is reported.

Verification of the value of a security can be made by:

- (a) a written statement or online printout from the individual, corporation, licensed stockbroker, bank or government agency that issued the security;
- (b) a current newspaper article showing the date and closing price;
- (c) a statement from any bank or other financial services institution of the current value of the security; or
- (d) documentation from a current financial publication.

A claim that a particular security has no market value is verified by one of 106 CMR 704.120(D)(2)(a) through (d);

A claim that a security is inaccessible is verified as provided in 106 CMR 704.125: Inaccessible Assets.

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**(E) Cash Surrender Value of Life Insurance Policies.**

(1) Requirement. The cash surrender value (CSV) of a life insurance policy is a countable asset.

(2) Verification. The verification of the CSV of all life insurance policies is mandatory at application, eligibility reviews and at times of reported changes in the value.

CSV is verified by the Table of Loan and CSV amounts located on the actual policy, or by a written statement from the issuing company or its representative or online printout. If the policy is paid up or has been in effect longer than the number of years covered by the table, verification of the CSV must be obtained from the issuing company or agent.

**(F) Burial Insurance.**

(1) Requirement. The cash surrender value (CSV) of a burial insurance policy is a countable asset.

(2) Verification. The verification of the CSV of burial insurance is mandatory at application, eligibility reviews and at times of reported change and shall be verified by the table of CSVs in the policy itself, or by a signed statement from the seller or online printout.

**(G) Vehicles.**

(1) TAFDC Requirement. The value of one non-recreational vehicle owned by the filing unit is non-countable.

When the filing unit owns more than one non-recreational vehicle, the vehicle having the greatest value, is non-countable. The full equity value of each additional vehicle owned by the filing unit, as well as any recreational vehicles (including snowmobiles, boats and trailers) is countable.

(2) EAEDC Requirement. The first \$1500 of the equity value of one vehicle is noncountable. Any equity value in excess of \$1500 is a countable asset.

The full equity value of all other vehicles owned by the assistance unit (including snowmobiles, boats, trailers, jeeps, vans, and motorcycles) is countable. When the assistance unit owns more than one vehicle, the \$1500 equity limit is applied to the vehicle having the greatest equity value, provided it is used primarily for the transportation of the assistance unit.

(3) Verification. The equity value of all countable vehicles is verified at application, eligibility reviews and when another vehicle is acquired.

(a) Equity Value. Equity value is determined by subtracting the balance of any liens or legal encumbrances from the fair market value of the vehicle.

The balance of an outstanding lien or legal encumbrance is verified by the payment book or a statement from the bank, an online statement, a finance company, or lender showing the payment schedule and the outstanding balance.

(b) Fair Market Value. Fair market value is the price for which the vehicle will sell.

Fair market value shall be verified by one of the following:

1. for cars and trucks, the wholesale value and for recreational vehicles, the finance value tables in the most recent vehicle valuation book used by the Department;
2. if the car or truck is too old to be listed in an older car valuation book, it shall be assigned the value used for excise tax purposes;
3. the written appraisal of a licensed automobile dealer;
4. for recreational vehicles, the projected loan value as quoted by a bank or other lending institution, or documents showing the value of the vehicle for insurance purposes; or a written estimate of the cash value of the vehicle from a licensed recreational vehicle dealer; or
5. any information obtained by the Department from a recognized vehicle valuation source, including online sources.

If a vehicle is specially equipped for persons with disabilities or has low mileage, these factors shall not increase the value of the vehicle.

The valuation assigned by the Department may be rebutted by submitting evidence such as the written estimate of a licensed automobile dealer or a value from a more recent and/or different vehicle valuation source.

(c) Ownership. When joint ownership by two or more persons is claimed for a countable vehicle, verification of ownership of the vehicle is mandatory at application, eligibility reviews and when a change regarding joint ownership of vehicles is reported. Joint ownership is verified in accordance with 106 CMR 704.130 unless all of the owners are members of the filing unit.

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**(H) Real Estate.**

(1) Requirement. The equity value of all real estate owned by a member of the filing unit other than the principal place of residence and the land on which it rests, is a countable asset, except as specified in 106 CMR 704.140.

Equity value is the fair market value less liens or encumbrances.

Fair market value is the price for which the real estate will sell in the area.

(2) Verification. The fair market value and equity value of all countable real estate owned by the filing unit is verified at application, eligibility reviews and at times of reported change.

Fair market value is verified by a copy of the tax bill or the property tax assessment most recently issued by the taxing jurisdiction, provided that this assessment is not:

- (a) a special purpose assessment;
- (b) based on a fixed rate per acre method; or
- (c) based on an assessment ratio or providing only a range.

If the lender is an organization, the verification of liens or encumbrances on the property shall be by a copy of documents showing the outstanding balance of the loan. If the lender is an individual, the amount of the liens or encumbrances is verified by either a copy of the loan and a signed statement from the lender showing the payment schedule and outstanding balance of the loan, or other document that shows the outstanding balance of the loan.

If a current property tax assessment is not available or the grantee wishes to rebut the fair market value determined by the Department, a comparable market analysis or a written appraisal of the value of the property from a knowledgeable source establishes the fair market value. A knowledgeable source is a licensed real estate agent or broker, a real estate appraiser, bank, savings and loan association or similar lending organization, or an official of the local real property tax jurisdiction. The grantee shall be informed how to rebut the Department's fair market value determination. The grantee can rebut the fair market value determined by the Department at any time.

**(I) Income Tax Refunds.**

(1) Requirements. Income tax refunds, except for any portion received as an earned income credit (EIC), is a countable asset but non-countable as income. The earned income credit of an income tax refund is non-countable as an asset or income in the month of receipt and the following month. The remaining portion of the earned income credit is a countable asset in the third month.

(2) Verification. An income tax refund is verified at the time of receipt by one of the following:

- (a) a copy of the check or payment document;
- (b) a written statement from the agency making the payment; or
- (c) a copy of the tax return.

(J) Lump Sum Income. Any lump sum income over \$600 is countable in the month of receipt as provided in 106 CMR 704.240(A)(3). Any portion of the first \$600 remaining in the month after the month of receipt is considered a countable asset for both TAFDC and EAEDC.

(K) TAFDC Individual Asset Account. Funds received from the Individual Asset Account upon termination of Full Employment Program employment is countable as provided in 106 CMR 707.180(D).

704.125: Inaccessible Assets

(A) **Requirements.** An inaccessible asset is one that is not available to the individual and is not counted when determining eligibility for Transitional Cash Assistance. Inaccessible assets include, but are not limited to:

- (1) Property that is the subject of legal proceedings and irrevocable trust funds; and
- (2) Any funds in a trust, and the income produced by that trust, to the extent it is not available to the assistance unit, if all of the following conditions are met:
  - (a) No assistance unit member has the power to revoke the trust or change the name of the beneficiary;
  - (b) The trustee administering the trust is:
    1. a court or an institution, corporation, or organization that is not owned or operated by any assistance unit member;
    2. an individual appointed by the court who has court imposed limitations placed on his or her use of the funds; or
    3. an individual whose responsibilities are governed by the terms of the irrevocable trust and who is not under the direction or control of any assistance unit members; and
  - (c) Trust investments made on behalf of the trust do not directly involve or assist any business or corporation owned or operated by an assistance unit member.

Except as provided in 106 CMR 704.120(B)(3)(a), all assets to which the applicant or client is legally entitled are considered accessible to the applicant or client:

- (3) from the date of application or ownership, whichever is later, if the applicant or client does not meet the conditions provided in 106 CMR 704.125(A)(2); or
- (4) from the period beginning six months after the date of application or ownership, whichever is later, if the applicant or client is incapable of competently representing his or her own interests, has no guardian or conservator capable of representing his or her interests, and the representative of such applicant or client is making a good faith effort to secure the appointment of a competent guardian or conservator.

(B) **Verifications.** Verification of the inaccessibility of an asset is mandatory at application, eligibility reviews or whenever circumstances regarding the accessibility of the asset have changed. The following documents may be used to verify inaccessibility:

- (1) The document establishing the inaccessibility of the asset;
- (2) Relevant legal or financial statements proving the inaccessibility of the asset, if the above document is not available;
- (3) Documents showing how the holder's name appears on a bank account or security.
  - (a) If the account is titled A and B, neither individual has access to the account without the consent of the co-holder. The applicant or client must submit a written statement from the co-holder denying such consent. If the applicant or client is unable to obtain the written statement of the co-holder, he or she may submit an affidavit stating that he or she does not have the co-holder's consent.
  - (b) If the account is titled A in trust for B, or A for B, A has full access to the account and B has no access to the account; and
- (4) A copy of the trust or other documentation that verifies it is irrevocable and meets all conditions provided in 106 CMR 704.125(A)(2).

If an applicant or client shows lack of ownership, inaccessibility to the asset, or both, the asset is not countable in determining eligibility.

704.130: Joint Ownership of Assets

(A) **Definition.** Any asset, other than a bank account, owned by two or more persons is considered owned in equal parts unless a different ownership share is verified. If joint ownership exists, only that portion owned by persons included in the filing unit is countable. For treatment of joint bank accounts, see 106 CMR 704.120(B).

(B) **Verification.** Documents that verify other than equal ownership include, but are not limited to, titles, purchase contracts, or other certificates of ownership.

704.135: Transfers of Income and/or Assets**(A) Transfers for less than Fair Market Value.**

(1) If, within 12 months before applying for Transitional Cash Assistance, a member of the filing unit transfers any income or an asset in whole or in part for less than its fair market value or places the income or asset into an irrevocable trust, it is presumed that the transfer was made to become eligible for Transitional Cash Assistance, unless the presumption is rebutted in accordance with 106 CMR 704.135(A)(2). If the presumption is not rebutted, or if the transfer is prohibited by law, the filing unit will be ineligible for Transitional Cash Assistance for the period of time calculated in accordance with 106 CMR 704.135(C) and (D).

(2) The presumption that a transfer for less than its fair market value or placement into an irrevocable trust was made to receive Transitional Cash Assistance, may be rebutted if the applicant establishes one of the following:

(b) At the time of the transfer, the filing unit member had enough other income and/or assets to pay for 12 months of his or her day-to-day living and medical expenses as defined in 106 CMR 704.135(A)(2)(c) as well as those individuals that the filing unit member was legally obligated to support. This determination is based on the filing unit's average monthly expenses for the six months immediately prior to the date of the transfer;

(c) The transfer of the income or assets was for self-support because the filing unit member's income and assets at the time of the transfer did not meet the filing unit member's day-to-day living and medical expenses. Day-to-day living expenses are limited to expenses for shelter, fuel, utilities, and food and cannot exceed the greater of what the filing unit member was paying for those expenses prior to the date the income and/or assets was transferred or the payment standard provided in 106 CMR 704.420 or 704.425 for the assistance unit. Medical expenses are limited to health insurance premiums or health care treatment or services essential for the treatment of members of the filing unit not covered by any health insurance or MassHealth, and not incurred as the result of cosmetic surgery unrelated to illness, accident or surgery. Expenditures which would not be essential health care treatment include, but are not limited to, those for vacations or recreational activities;

(d) The transfer of the income or asset was made while the filing unit member was legally incompetent or as a result of undue coercion. The applicant must demonstrate that every effort has been made to recover the property by court action or by other such procedures as indicated by the circumstances; or

(e) The transfer of the income or asset was the result of a legal action such as a court order, judgment, foreclosure, or delinquent tax sale.

The applicant must verify that the transfer of income or asset was done exclusively for a purpose other than becoming eligible for Transitional Cash Assistance. A subjective statement of intent or of ignorance of the transfer rules is not sufficient. The applicant must give objective evidence of one or more of the factors provided in 106 CMR 704.135(A)(2).

**(B) Transfers for Fair Market Value or More.**

(1) If, within 12 months before applying for Transitional Cash Assistance, a member of the filing unit transfers income or asset for fair market value or greater value and the transfer was for an extraordinary expense or a vacation, it will be presumed the transfer was made to receive Transitional Cash Assistance. The presumption that the income or asset was transferred for the purpose of becoming eligible for Transitional Cash Assistance may be rebutted as provided in 106 CMR 704.135(A)(2). If the presumption is not rebutted, the filing unit will be ineligible for TAFDC for the period of time calculated in accordance with 106 CMR 704.135(D).

An item is considered an extraordinary expense if:

(a) the expense is not normally incurred by the filing unit; and

(b) the expense is more than 25% of the filing unit's average monthly gross income, excluding the receipt of any non-recurring lump sum income, for the six months immediately before the date of the transfer.

(2) An item is not considered an extraordinary expense if it is:

(a) for a day-to-day expense as defined in 106 CMR 704.240(B)(4)(a) through (f);

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- (b) necessary for work, employment, education or job training; or
- (c) used to buy a prepaid funeral arrangement, not to exceed \$1,500, and one burial plot for each member of the assistance unit. A prepaid funeral arrangement may include a contract with a funeral director or a separately identifiable trust fund. Use of any portion of this asset for any purpose other than funeral arrangements shall make the balance of the asset countable.

(3) Other than as provided in 106 CMR 704.135(B)(1), a transfer of income or assets for its fair market or greater value will not be considered a transfer for the purpose of becoming eligible for Transitional Cash Assistance as long as the transfer is not prohibited by law.

(C) Value of Transferred Income and/or Asset(s). If the income or assets are considered to have been transferred to become eligible for Transitional Cash Assistance, the value is determined as follows:

- (1) Use the fair market value of the transferred income or assets as of the date of transfer.
- (2) Deduct from the fair market value:
  - (a) any legal encumbrances to the transferred income or assets which were paid on or after the date of transfer; and
  - (b) any compensation received in excess of the paid legal encumbrances. Compensation may be in the form of money, goods or services. The value of goods and services received as compensation is valued at fair market value as of the date services were received. Compensation does not include the value of extraordinary expenses as defined in 106 CMR 704.135(B)(1) or a vacation or any compensation received in a transfer prohibited by law.
- (3) The remainder is the value of the transferred income or assets.

(D) Calculation of Period of Ineligibility. Depending upon the value of the transferred income or asset, all members will be subject to an uninterrupted ineligibility period. The calculation for the period of ineligibility period is as follows:

- (1) Divide the value of the transferred income or assets, as determined in 106 CMR 704.135(C), by the appropriate Payment Standard for the TAFDC assistance unit or the appropriate standard of assistance for the EAEDC assistance unit. The result will be the number of months in the period of ineligibility.
- (2) Any remainder from the above calculation shall be considered unearned income in the first month following the period of ineligibility and deducted from the appropriate Payment Standard for the TAFDC assistance unit or the appropriate standard of assistance for the EAEDC assistance unit, provided there is a reapplication for assistance during that month.
- (3) The period of ineligibility shall begin on the first day of any transfer, in whole or in part, of income or assets within 12 months of application. Any assistance received during the ineligibility period is considered an overpayment in accordance with 106 CMR 706.200: *Overpayments and Underpayments*.

(E) Ineligibility for Transitional Cash Assistance. Any member of the filing unit who is determined to be ineligible for EAEDC due to the transfer of income or assets is concurrently ineligible for TAFDC. Conversely, any member of the filing unit who is determined to be ineligible for TAFDC due to the transfer of income or assets is concurrently ineligible for EAEDC.

#### 704.140: Noncountable Assets

The following are not countable assets for Transitional Cash Assistance purposes. They do not effect eligibility.

- (A) Highway Relocation assistance payments, Urban Renewal Assistance payments, disaster relief payments used for relocation, and payments from private agencies used for relocation;
- (B) The filing unit's principal place of residence and the undivided land on which it rests;
- (C) For TAFDC, the value of one vehicle owned by the filing unit as provided in 106 CMR 704.120(G);



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For EAEDC, the first \$1500 of the equity value of one vehicle as provided in 106 CMR 704.120(G);

(D) Household belongings such as furniture, appliances, household decorations, linens and cookware, personal belongings, such as jewelry, books and toys, even if of more than usual value;

(E) Property to which the filing unit has no ready access, such as property the ownership of which is the subject of legal proceedings (*e.g.*, wills being probated, divorce suits, *etc.*), and irrevocable trust funds placed in trust 12 months or longer before application for Transitional Cash Assistance;

(F) Home produce grown or preserved by the filing unit for its own consumption;

(G) Supplemental Nutrition Assistance Program (SNAP) benefits;

(H) A loan verified by a written document, signed by the borrower and the lender, that states the borrower's intent to repay and the conditions of repayment, the terms of which specify the purpose of the loan and which cannot be used to meet current living costs;

(I) A grant or scholarship to a student, which cannot be used to meet current living costs;

(J) A grant or loan to an undergraduate student for educational purposes made or insured under any program administered by the U.S. Secretary of Education;

(K) Student financial assistance provided under Title IV of the Higher Education Act of 1965 or under the Bureau of Indian Affairs Education Assistance programs, or student financial aid for costs, such as, but not limited to, tuition, fees, equipment or books, under programs developed pursuant to the Perkins Vocational and Applied Technology Education Act;

(L) Assets of any member of the household:

- (1) who receives Supplemental Security Income (SSI) payments;
- (2) in a TAFDC household, for whom state and/or federal foster-care maintenance payments are made, including the child of the foster child when the foster-care maintenance payment includes the child; or
- (3) in a TAFDC household, for whom state and/or federal adoption assistance is provided except when the person is included as a member of the assistance unit in accordance with 106 CMR 704.305(A)(3);

(M) Lands held in trust for Native Americans; property purchased with payments made to Native Americans under Public Laws 92-254, 93-134, 94-540 and 94-114; and funds distributed to, or held in trust for, members of any Indian tribe pursuant to a judgment of the Indian Claims Settlements or the Secretary of the Interior under Public Laws 94-114, 93-134, 96-420, 97-458, 98-64 and 102-71;

(N) For each member of the Assistance Unit:

- (1) one burial plot; and
- (2) the value of a prepaid funeral arrangement, not to exceed \$1,500.

A prepaid funeral arrangement may include a contract with a funeral director or a separately identifiable trust fund. Use of any portion of this asset for any purpose other than funeral arrangements shall make the balance of the asset countable;

(O) Real Estate that is not the principal residence of the assistance unit, but which the assistance unit is making a good faith effort to sell, as long as:

- (1) The owner of the real estate signs an agreement on a form specified by the Department to repay the amount of Transitional Cash Assistance benefits received while the real estate was owned by the assistance unit. The amount of the repayment is the net proceeds from the sale or the amount of Transitional Cash Assistance benefits paid, whichever is less. The net proceeds of the sale, when added to all other countable assets at the time of the sale, must exceed the asset limit of the specific Transitional Cash Assistance program for repayment to be required; and

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(2) The real estate may be excluded for no more than six months from the date of the signing of the agreement.

A good faith effort to sell shall be defined as an offer to sell at or about fair market value.

The good faith offer must be verified. Verification shall be by a copy of a newspaper advertisement, letter from a licensed real estate salesperson, or other appropriate document.

If the assistance unit becomes ineligible during the six-month period for categorical or financial reasons other than ownership of real estate, or if the assistance unit fails to sell the real estate at the end of six months, assistance shall be terminated, and all Transitional Cash Assistance benefits paid shall be considered an overpayment.

A client who does not report receiving or buying a piece of real estate, other than that used as the principal residence, within ten days of getting the title to the real estate, shall be considered to have received an overpayment. The period of overpayment shall begin from the date title was received to the date the ownership of the real estate was reported to the Department, as long as the equity value of the real estate when added to all other countable assets is higher than the program limit of the specific Transitional Cash Assistance program. The Department must pursue recovery in accordance with 106 CMR 706.200: *Overpayments and Underpayments*;

(P) Any portion of a Workers' Compensation, property damage, personal injury, Compensation to Victims of Violent Crimes Act, death settlement or award, except for compensation for lost wages, that is received as a reimbursement for specified items and used to pay for such items. See 106 CMR 704.240(B) for verification;

(Q) Property that is essential to employment or self-employment shall include, but is not limited to, work-related equipment such as a tradesperson's tools, farming machinery, and property such as farm land. Income from the property is countable;

(R) Earned income credits, whether received as an advance payment or as part or all of an income tax refund, in the month of receipt and the following month;

(S) Payments to eligible individuals of Japanese ancestry or their survivors under the Civil Liberties Act of 1988 and payments to eligible Aleuts (who were former residents of the Aleutian and Pribilof Islands) or their survivors under the Aleutian and Pribilof Islands Restitution Act pursuant to Public Law 100-383;

(T) Agent Orange Settlement Fund payments made to Vietnam veterans or their survivors, pursuant to Public Law 101-201, effective January 1, 1989;

(U) The value of Transitional Cash Assistance for the remainder of the cyclical month of issuance. If any or all of the money from these cash benefits is retained beyond the cyclical month of issuance, that amount is a countable asset, except as provided in 106 CMR 706.210: *Correction of Overpayments and Underpayments* regarding the correction of an underpayment or a fair hearing decision;

(V) Payments made under the Radiation Exposure Compensation Act of 1990;

(W) Payments credited to an escrow account under the Family Self-sufficiency Program administered by the Department of Housing and Urban Development (HUD) when the filing unit lacks the legal ability to use the money for its support and maintenance;

(X) Transitional Assistance Cash benefits from a correction of an underpayment or a fair hearing decision, in the month of receipt and the following month;

(Y) For TAFDC clients, the Individual Asset Account maintained for assistance unit members until receipt of such funds upon termination of Full Employment Program employment as provided in 106 CMR 707.180(D); and

(Z) Other Department-approved asset accumulation accounts such as the Economic Independence Accounts as defined in 106 CMR 707.111: *Economic Independence Accounts*.