

# HOUSE . . . . . No. 5984

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, April 5, 1982.

The committee on Human Services and Elderly Affairs, to whom was referred so much of the recommendations of the Department of Public Welfare (House, No. 164) as relates to the disposition of property in the AFDC and medical programs (accompanied by bill, House, No. 183), reports recommending that the accompanying bill (House, No. 5984) ought to pass.

For the committee,

A. JOSEPH DeNUCCI.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT CONCERNING THE DISPOSITION OF PROPERTY IN THE AFDC AND  
MEDICAID PROGRAMS.

*Be it enacted by the Senate and House of Representatives in General  
Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 118 of the General Laws is hereby  
2 amended by inserting after section 11 the following: —

3 *Section 12.* Assistance under this chapter shall not be granted  
4 to a person who, at any time within two years immediately prior to  
5 the filing of an application for such assistance, had made an  
6 assignment or transfer of real or personal property for the purpose  
7 of rendering himself eligible for assistance. Any person who, while  
8 receiving assistance under this chapter, assigns or transfers real or  
9 personal property for the purpose of maintaining eligibility for  
10 such assistance, shall be ineligible for such assistance for up to two  
11 years. The period of disqualification shall be equal to the sum of the  
12 equity value of the transferred property plus other countable assets  
13 less the amount of the asset limitation divided by the average  
14 monthly amount of assistance the person would otherwise be  
15 eligible for since the date of the transfer or assignment. In no case,  
16 shall such period exceed two years. The period of disqualification  
17 shall begin from the date of the transfer or assignment of the  
18 property. No applicant or recipient of assistance under this chapter  
19 shall be required to expend their own income or resources in order  
20 to prove that a transfer or assignment prohibited under this section  
21 did not occur.

1 SECTION 2. Section 13 of chapter 118E, as most recently  
2 amended by section 184 of chapter 351 of the acts of 1981, is hereby  
3 further amended by inserting after the third sentence, the follow-  
4 ing: —

5 No applicant or recipient of assistance under this chapter shall  
6 be required to expend their own income or resources in order to  
7 prove that a transfer or assignment prohibited under this section  
8 did not occur.