

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 585
HOUSE BILL 355

AN ACT TO AMEND ARTICLE 2, PART 6 OF CHAPTER 108 OF THE GENERAL STATUTES TO PROVIDE FOR PERIODS OF INELIGIBILITY FOR STATE-COUNTY SPECIAL ASSISTANCE FOR ADULTS IN CASES WHERE REAL PROPERTY IS TRANSFERRED FOR THE PURPOSE OF QUALIFYING FOR SUCH ASSISTANCE.

The General Assembly of North Carolina enacts:

Section 1. A new section is hereby added at the end of Article 2, Part 6 of Chapter 108 of the General Statutes, as follows:

"§ 108-65.1. Transfer of real property for purposes of qualifying for State-county special assistance for adults; periods of ineligibility. — Any person applying for State-county special assistance for adults who has conveyed, transferred or disposed of any real property within one year prior to the date of making application and any person applying for or receiving State-county special assistance for adults who conveys, transfers or disposes of any real property during the application process or during any period of continuing eligibility without receiving consideration equivalent to the latest tax value of said property, as ascertained according to Subchapter II of Chapter 105 of the General Statutes, shall, unless shown to the contrary, be presumed to have made such transfer, conveyance or disposition in order to qualify or continue to qualify for State-county special assistance for adults and shall be ineligible to receive such benefits thereafter until an amount equivalent to the latest tax value of such property shall have been expended by or in behalf of such person for his maintenance need, including needs for medical care, or in accordance with the following schedule, whichever is sooner:

- (1) property tax value of ten thousand dollars (\$10,000) or more - three-year period of ineligibility from date of transfer;
- (2) property tax value of less than ten thousand dollars (\$10,000) but more than five thousand dollars (\$5,000) - two-year period of ineligibility from date of transfer;
- (3) property tax value of five thousand dollars (\$5,000) or less but more than one thousand dollars (\$1,000) - one-year period of ineligibility from date of transfer.

Any State-county special assistance for adults applicant or recipient shall have a right to appeal, in accordance with the provisions of G.S. 108-44, the decision denying or terminating such assistance."

Sec. 2. This act shall become effective July 1, 1979, and shall only apply to those transfers, conveyances or dispositions made on or after July 1, 1979.

In the General Assembly read three times and ratified, this the 17th day of May, 1979.