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 | INFORMATIONAL LETTER |  
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TRANSMITTAL: 96 INF-2

TO: Commissioners of  
 Social Services

DIVISION: Temporary  
 Assistance

DATE: January 8, 1996

SUBJECT: Public Assistance Resources: Automobile Ownership

SUGGESTED

DISTRIBUTION: Staff Development Coordinators  
 Public Assistance Directors  
 Medical Assistance Directors  
 Food Stamp Directors  
 CAP Coordinators

CONTACT PERSON: Public Assistance, Greg Nolan, Bureau of Program  
 Eligibility (518) 474-9313.

ATTACHMENTS: None

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		352.23	Sections 2108 and 2113 of the Vehicle and Traffic Law	<u>PASB</u> XXI-A-1	

This is to inform social service districts (SSD's) of a change in public assistance (PA) resource policy. The change only involves what constitutes proof of ownership of an automobile. It does not impact current resource rules in any other way.

Right now, the proof of ownership for an automobile is the title to the car. Public assistance applicants/recipients (a/r's) who have title to an automobile are considered to own the vehicle. This is true even if the a/r demonstrates that the automobile actually was purchased and is being used by someone else (a third party).

As a result of clarification received from the Federal government, the Department is revising its PA policy on ownership of automobiles. The title to an automobile will now be considered rebuttable proof of ownership. This means that the holder of a certificate of title is presumed owner of the vehicle unless the titleholder is able to substantiate that the automobile is actually owned by a third party.

To overcome the social service district's presumption and substantiate that the automobile is actually owned by the third party, the a/r must document that the car was purchased and paid for by third party and that the third party has dominion and control of the vehicle. Documentation of purchase and payment would include the original bill of sale, cancelled checks or a written statement from the original owner indicating that the car was purchased and paid for by the third party. Documentation that the third party has dominion and control would include written statements from the titleholder and third party or statements from credible outside parties indicating that the third party has possession and primary use of the vehicle.

If the a/r is unable to document that the automobile is owned by the third party, the equity value of the vehicle must be counted towards the PA resource limit to the extent that such value exceeds \$1500. If the a/r does demonstrate that the vehicle is actually owned by the third party, then the a/r has 30 days to comply with Section 2113 of the Vehicle and Traffic Law which requires that title to a vehicle be transferred to the actual owner (the third party). If at the end of 30 days, the title has not been transferred, the a/r will be considered owner and the value of the vehicle counted towards the PA resource test to the extent it exceeds \$1500.

This change is effective immediately. This information will be included in the next PASB update.

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Patricia A. Stevens  
Deputy Commissioner  
Division of Temporary Assistance