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Residence requirements for various types  
of public assistance and relief

1957

Brief no.59

BRIEF NO. 59. RESIDENCE REQUIREMENTS FOR VARIOUS TYPES  
OF PUBLIC ASSISTANCE AND RELIEF  
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The general requirements in each state for gaining, retaining, and losing residence for assistance are presented in tabular form. Table I applies to programs of general assistance. Table II applies to the categorical programs in which the Federal Government participates.

In using this information the reader is cautioned to keep in mind the many complexities of residence requirements in the various states. Such requirements may be clearly set forth in law or developed by departmental regulation. In some states a definite period of residence is required to be eligible for assistance, while in others there is no such requirement. Many state laws contain specific conditions of residence in addition to physical presence which must be met in order to be eligible for assistance. Some of these requirements are: that the person must have lived in a particular locality within the state for a prescribed period of time; that he intends to remain; that he must not have received public assistance during the period of residence; or that he must have been self-supporting.

The residence requirement is sometimes a device for fixing financial responsibility upon a particular governmental unit rather than a requirement for the receipt of assistance.

Laws governing the loss of residence for assistance purposes are equally complicated. Many of them include the phrase "voluntarily and continuously absent" which frequently requires judicial interpretation.

The information was obtained from the states and it reflects their current policies. These tables are presented for the purpose of giving a general idea of the residence requirements but, due to their brevity, they may not be complete in some instances. No case decisions should be made without first corresponding with the authorities in the state in question in order to determine what pertinent interpretations have been made.

TABLE I. RESIDENCE REQUIREMENTS FOR GENERAL ASSISTANCE  
(AS OF JANUARY 1, 1956)

STATE	TIME REQUIRED TO GAIN RESIDENCE	DURATION OF ABSENCE TO LOSE RESIDENCE	COMMENTS
(1)	(2)	(3)	(4)
Alabama	6 months	6 months	(1) No general assistance program as such. Limited temporary aid-emergency assistance-requires six months' residence; eligibility for temporary aid lost by six months' absence. Aid may be given for thirty days to sick and disabled persons regardless of residence.
Alaska	1 year	1 year	(1) 2 years' residence required for continuing care in a mental hospital.

STATE (1)	TIME REQUIRED TO GAIN RESIDENCE (2)	DURATION OF ABSENCE TO LOSE RESIDENCE (3)	COMMENTS (4)
Arizona	5 years out of the last nine years, the last year continuous.	Up to 5 years or time required to gain residence in other state, whichever is less.	(1) 1 year's county residence sufficient for medical and general hospital care. (2) Requirement for mental hospital care usually 1 year, established through reciprocal agreement with other states.
Arkansas	(see col.4)	(see col. 4)	(1) No provision in Arkansas law. Determination to accept responsibility depends on intentions, wishes, and needs of person involved.
California	3 years	1 year	(1) Under the health laws, no settlement is required for communicable disease. Under the "Indigent Law" 3 years are required for medical and general hospital care. However, "every county may give such emergency relief to dependent nonresidents as the respective boards of supervisors deem necessary." (2) For mental hospital care, only 1 year's residence is required, although reciprocal agreements with five states are based on a requirement of two years' residence.
Colorado	3 years	1 year	(1) Emergency assistance may be granted to non-residents if county department so desires.
Connecticut	4 years	4 years	Aid is given by towns; state reimburses towns for a portion of all funds expended for general assistance.
Delaware	1 year	(see col. 4)	(1) Loss of settlement is not defined by law.
District of Columbia	1 year	1 year	
Florida	(See col. 4)	1 year	(1) No provision in Florida law, but the "1-year" provision is usually applied for both gain and loss of settlement. Dade County requires two(2) years to gain residence.

STATE	TIME REQUIRED TO GAIN RESIDENCE	DURATION OF ABSENCE TO LOSE RESIDENCE	COMMENTS
(1)	(2)	(3)	(4)
Georgia	1 year	(see col. 4)	(1) No provision in Georgia law, but the "1-year" provision is usually applied for gain of settlement. Each county sets its own residence requirements.
Hawaii	(see col. 4)	(see col. 4)	(1) No legal provision. Need may be met without regard to residence. (2) For return of needy persons, Territorial Law provides that the residence laws of the state requesting authorization to return be applied to determine residence in Hawaii.
Idaho	1 year	1 year	(1) Reciprocal agreements with the states of Washington and Oregon fix 2 years as the required period of residence for care in a mental hospital; other states one year.
Illinois	1 year	1 year	(1) 1 year's residence is required to be eligible for general assistance. The program of Assistance to the Medically Indigent (limited to medical and burial expenses for persons not otherwise eligible for public assistance) has no residence requirement. (Assistance to the Medically Indigent is administered by General Assistance agencies, except for residents of Chicago and Cicero, where administration is by the Cook County Department of Welfare.) (2) Retention of Illinois Residence is required in order to remain eligible for all types of assistance. Temporary absence from the state, without intent to abandon residence, does not affect eligibility for assistance. The Commission by administrative rule deems absence from the state for a continuous period of 12 months or longer prima facie evidence of a person's intent to relinquish his residence unless he is able to submit proof to the contrary.

STATE (1)	TIME REQUIRED TO GAIN RESIDENCE (2)	DURATION OF ABSENCE TO LOSE RESIDENCE (3)	COMMENTS (4)
Indiana	3 years in state including 1 year in one township except additional year in township is needed if received governmental support during first year in township.	1 year	
Iowa	2 years	1 year	(1) With respect to general assistance, after residence is acquired it continues until a new residence is acquired outside the state, or until the person has remained outside the state for a continuous period of 12 months; but such absence from the state without intention on the part of the person to change his residence does not always constitute loss of residence or settlement.
Kansas	5 years out of the last 9 years, the last year continuous.	1 year	(1) 1 year's residence required for continuing care in a state hospital. (2) Veterans not dishonorably discharged, their wives, widows and children under 14, and certain other needy children eligible with one year's residence.
Kentucky	(see col. 4)	(see col. 4)	(1) No legal provision. Determination made by local county judge. (2) 1 year's residence required for continuing care in a mental hospital.
Louisiana	3 years	1 year or less depending on circumstances.	(1) Legal provisions for persons between 60 and 65; no legal provision for persons under 60, but state agencies have established rules with regard to eligibility for general assistance and medical and hospital care.

STATE (1)	TIME REQUIRED TO GAIN RESIDENCE (2)	DURATION OF ABSENCE TO LOSE RESIDENCE (3)	COMMENTS (4)
Maine	5 years	5 years	(1) 1 year's residence required for hospital aid. (2) Special provision is made for granting assistance to needy persons who lack settlement.
Maryland	1 year	1 year	(1) For "any able-bodied person who is able to work," except "registered voters of the State and Veterans of World Wars I and II," two years' residence is required. (2) Otherwise no legal provision, but one year's residence for general assistance is established by rule, and one year's residence is required for care in a mental hospital.
Massachusetts	5 years	5 years	(1) Residence requirements for care in mental hospitals arrived at by individual agreements with other states. (2) Provision is made for granting assistance to needy persons.
Michigan	1 year in a county	1 year	(1) Special provision is made for granting assistance to needy persons who lack settlement. (2) The one year's county residence must be without having received public or private aid. Time spent in a public institution or on parole therefrom is not counted in determining the one year of residence.
Minnesota	2 years	1 year	(1) Where question of residence arises political subdivision where person found to be in need responsible for assistance until legal residence determined.
Mississippi	6 months	6 months	
Missouri	1 year	(see col. 4)	(1) "Intent" to abandon residence is criterion in loss of settlement.
Montana	1 year	(see col. 4)	(1) "Intent" to abandon residence is criterion in loss of settlement.

STATE	TIME REQUIRED TO GAIN RESIDENCE	DURATION OF ABSENCE TO LOSE RESIDENCE	COMMENTS
(1)	(2)	(3)	(4)
Nebraska	1 year	(see col. 4)	(1) 1 year or establishment of a new legal settlement.
Nevada	3 years	(see col. 4)	(1) 1 year's residence required for care in a mental hospital. Time during which the individual is confined in a public institution or receiving public assistance cannot be counted toward establishment of legal residence.
New Hampshire	5 years	5 years	(1) 2 years' residence required for care in a mental hospital. (2) Special provision is made for granting assistance to needy persons who lack the five years' settlement.
New Jersey	2 years	1 year	
New Mexico	1 year	1 year	(1) No legal provision, but an administrative ruling requiring 12 months' continuous residence for General Assistance, 12 months' continuous absence from state to lose residence. One year's residence required for care in State Tuberculosis Sanatoria, Homes for Aged and State Hospital.
New York	(see col. 4)	(see col. 4)	(1) To be eligible a person must reside in or be found in, the state at the time of application. Residence is ordinarily lost by absence from the state for one year or more.
North Carolina	1 year	(see col. 4)	(1) Settlement is not lost until gained elsewhere. (2) 1 year's residence required for care in a tuberculosis sanatorium.
North Dakota	1 year	1 year	
Ohio	1 year	(see col. 4)	(1) 1 year's residence without relief under laws governing relief to the poor. (2) For state hospital care, reciprocal agreements with several states govern. State not responsible for care or treatment of

STATE (1)	TIME REQUIRED TO GAIN RESIDENCE (2)	DURATION OF ABSENCE TO LOSE RESIDENCE (3)	COMMENTS (4)
Ohio (cont.)			any person whose condition requiring care existed prior to the person's becoming a legal resident. (3) Legal settlement is lost by continued absence from the state for a period of one year or by acquiring legal settlement in another state.
Oklahoma	1 year	(see col. 4)	(1) "Intent" to reside in Oklahoma is the criterion governing care in a mental hospital. (2) "Intent" to abandon residence is the criterion for loss of settlement.
Oregon	3 years	1 year	(1) 2 years' residence required for care in mental hospitals. (2) Special provision is made for granting assistance to needy persons who lack settlement. Authorization to return to state of settlement considered a resource in determining eligibility.
Pennsylvania	1 year (see col. 4)	(see col. 4)	(1) Assistance is granted to an eligible applicant who has not 1 year's residence if he comes from a state with which Pennsylvania has an agreement to grant assistance without regard to duration of residence. (2) Residence is lost by absence with intent to abandon residence.
Puerto Rico	(see col. 4)	(see col. 4)	(1) No legal provision. Need may be met without regard to residence.
Rhode Island	1 year	1 year	(1) Initial general assistance may be granted to an individual who has not resided in the state for one year. Continuing general assistance may be granted to an individual who has not resided in the state for more than 1 year if evidence can be produced indicating that the applicant may become independent of such assistance within a reasonable time.

STATE (1)	TIME REQUIRED TO GAIN RESIDENCE (2)	DURATION OF ABSENCE TO LOSE RESIDENCE (3)	COMMENTS (4)
South Carolina	3 years	(see col. 4)	(1) No legal provisions for loss of settlement. (2) State of Citizenship means the last state in which a person resided for one or more consecutive years, exclusive of time spent in public or private hospitals and penal institutions or on parole or unauthorized absence therefrom and of time spent in service in any of the armed forces of the United States. The residence of a person shall be determined by the actual physical presence, not by the expressed intent of such person.
South Dakota	1 year	1 year	
Tennessee	(see col. 4)	(see col. 4)	(1) No time limit, residence established by combinations of intent and overt act.
Texas	1 year	(see col. 4)	(1) General assistance is administered on local basis only. In most counties the applicant is required to have 1 year residence in state and 6 months in the county. This varies from county to county. (2) "Intent" to abandon residence is the criterion for loss of settlement. (3) Six months residence required for care in a mental hospital unless dangerously insane when admission is requested.
Utah	1 year	(see col. 4)	(1) Unemployable general assistance cases may have assistance continued until residence is established in the state to which they have moved. (2) Assistance to employables discontinued immediately upon removal from state.
Vermont	3 years	3 years	(1) Local municipality reimburses 100% on non-settled cases by state.

STATE (1)	TIME REQUIRED TO GAIN RESIDENCE (2)	DURATION OF ABSENCE TO LOSE RESIDENCE (3)	COMMENTS (4)
Virgin Islands	(see col. 4)	(see col. 4)	(1) Applicant must be residing in the islands at the time of application.
Virginia	(see col. 4)	(see col. 4)	(1) Settlement is acquired by self-sustained residence for twelve consecutive months in a county or a city. Persons who are dependent when they enter the state must reside therein for at least three years including twelve consecutive months of self-maintenance in a county or city. (2) Settlement is lost when acquired elsewhere.
Washington	1 year	1 year	(1) To be eligible, a GA applicant must have lived in this state continuously for one year immediately prior to the date of application, except for temporary absences for such purposes as visits, employment, illness, etc. Provision is made for assistance to non-residents pending return to their state of residence.
West Virginia	1 year	(see col. 4)	(1) Depends on intent to establish residence elsewhere.
Wisconsin	1 year (Self-sustaining)	1 year	(1) No legal residence requirement for care in a mental hospital. (2) Legal settlement is not a requirement for general assistance eligibility, but it is required for care in the State of Wisconsin General Hospital.
Wyoming	1 year	1 year	

TABLE II. RESIDENCE REQUIREMENTS FOR OLD AGE ASSISTANCE, AID TO THE BLIND, AID TO DEPENDENT CHILDREN, AND AID TO THE PERMANENTLY AND TOTALLY DISABLED. (AS OF JANUARY 1, 1956)

State	OAA	AB	ADC	AD
Alabama	b	b	l	b
Alaska	k	k <sub>1</sub>	d	.....
Arizona	a	a <sub>1</sub>	a	.....
Arkansas	b	b <sub>1</sub>	a	b
California	a <sup>15</sup>	a <sub>1</sub>	a <sup>2</sup>	.....
Colorado	k	a <sub>1</sub>	a	b
Connecticut	b	d	b	b
Delaware	b	b <sub>4</sub>	a	b
District of Columbia	b	a <sub>4</sub>	a	b
Florida	a	a <sub>5</sub>	a	a
Georgia	b	b	d	b
Hawaii	d	d	d	d
Idaho	b <sup>3</sup>	b <sub>3</sub>	a <sup>3</sup>	b
Illinois	b <sup>13</sup>	b <sub>1</sub>	a	b
Indiana	a	a <sub>1</sub>	a	.....
Iowa	a <sup>3</sup>	a <sub>3-1</sub>	a	.....
Kansas	a <sup>9</sup>	a <sub>9</sub>	a	a <sup>9</sup>
Kentucky	e	e	a	.....
Louisiana	h <sup>10</sup>	h <sub>1</sub>	a	h
Maine	a	a	a	a
Maryland	b <sup>7</sup>	b <sub>7-1</sub>	a <sup>7</sup>	b
Massachusetts	h	h <sub>1</sub>	a	b
Michigan	a <sup>11</sup>	a <sub>1-11</sub>	a	b <sup>8</sup>
Minnesota	b	b <sub>1</sub>	a <sup>7</sup>	b
Mississippi	b	d	d	b
Missouri	a	a	a	b
Montana	a	a	a	b
Nebraska	a <sup>14</sup>	b	a	a
Nevada	a	j <sub>1</sub>	a	.....
New Hampshire	a <sup>7</sup>	b <sub>7</sub>	a <sup>7</sup>	a <sup>7</sup>
New Jersey	b <sup>7</sup>	b <sub>7</sub>	a	b <sup>7</sup>
New Mexico	b	b <sub>1</sub>	a	b
New York	f	f	f	f
North Carolina	b	b	a	d
North Dakota	b <sup>11</sup>	b	a	b
Ohio	a	a <sub>1</sub>	a	b
Oklahoma	a	a <sub>1</sub>	a	a
Oregon	a	a <sub>3</sub>	a	b
Pennsylvania	b <sup>3-7</sup>	b <sub>3-7</sub>	b <sup>3-7</sup>	b <sup>3-7</sup>
Puerto Rico	d	d	d	d
Rhode Island	f	f	f	f
South Carolina	b	b <sub>1</sub>	a	d
South Dakota	a <sup>16</sup>	b <sup>11</sup>	a <sup>7</sup>	b <sup>12</sup>
Tennessee	b	b	a	b
Texas	a	a	a	.....
Utah	b	b	b	b
Vermont	i	j	a	b
Virgin Islands	f	f	f	f
Virginia	b	b	a	b
Washington	a	g <sub>1</sub>	a	b
West Virginia	b <sup>7</sup>	b <sub>7</sub>	a	b
Wisconsin	b <sup>11</sup>	b <sub>7-1</sub>	d <sup>17</sup>	b
Wyoming	b	b	a	b

See footnotes next page.

Footnotes for Table II

- a-Federal Maximum: OAA, AB, AD-5 of 9 years immediately preceding application and 1 continuous year immediately preceding application; ADC-1 year immediately preceding application or born within state within 1 year immediately preceding application if the parent or other relative with whom the child is living has resided in state for 1 year immediately preceding child's birth.
- b-1 year immediately preceding application.
- c-5 years.
- d-No residence requirement.
- e-3 of 7 years immediately preceding application and 1 continuous year immediately preceding application.
- f-Presence of person in the state at time of application with intent of making state his place of residence.
- g-5 out of 10 years immediately preceding application without reference to the year preceding application.
- h-3 of last 9 years with 1 year immediately preceding application.
- i-3 of 10 years preceding application.
- j-2 of 9 years preceding application, with last year continuous.
- k-5 of 9 years immediately preceding application without reference to the year preceding application.
- l-1 year immediately preceding application or born within State 1 year immediately preceding application, or the parent or other relative with whom the child is living has resided in State 1 year immediately preceding child's birth.
- 1 Not required if became blind while resident of state.
- 2 Not required if child born in state.
- 3 Alternative sometimes provided.
- 4 1 year if became blind while a resident.
- 5 Blind child must meet same residence requirement as for ADC.
- 6 Continuous residence last year not required.
- 7 Reciprocal agreements may be made with other states.
- 8 Not required if became disabled from accidents or causes occurring while resident of state.
- 9 1 year immediately preceding application for honorably discharged veterans, their wives or widows or in AB, their children under 14 years of age.
- 10 If moved into state and established residence after May 1, 1948, same as "a".
- 11 If recipient or eligible in another state, same requirements as that state.
- 12 5 years if receiving AD from another state at time of application.
- 13 If moved to state within last 5 years must meet same residence requirements as required in that state but not less than 1 year nor more than federal maximum (See "a").
- 14 Not required if at any time a resident during 25 consecutive years and also resided in state one year immediately preceding application.
- 15 After declaration of intent to reside in state.
- 16 Changed to 1 year in 1957.
- 17 Changed to "a" in 1957.

Footnotes 15 to 17 indicate 1957 changes as reported by the Wisconsin Department of Public Welfare.

SOURCE: The Public Welfare Directory, 1956, pp. 371-81. American Public Welfare Association.