

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2250

02/15/2012 Authored by Daudt, Garofalo, Drazkowski, Kieffer, LeMieur and others

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act  
1.2 relating to human services; modifying residency requirements; amending  
1.3 Minnesota Statutes 2010, sections 256D.02, subdivision 12a; 256J.12,  
1.4 subdivisions 1a, 2.  
1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2010, section 256D.02, subdivision 12a, is amended to  
1.7 read:

1.8 Subd. 12a. **Resident.** (a) For purposes of eligibility for general assistance ~~and~~  
1.9 ~~general assistance medical care~~, a person must be a resident of this state.

1.10 (b) A "resident" is a person living in the state for at least ~~30~~ 60 days with the  
1.11 intention of making the person's home here and not for any temporary purpose. Time spent  
1.12 in a shelter for battered women shall count toward satisfying the ~~30-day~~ 60-day residency  
1.13 requirement. All applicants for ~~these programs~~ this program are required to demonstrate  
1.14 the requisite intent and can do so in any of the following ways:

1.15 (1) by showing that the applicant maintains a residence at a verified address, other  
1.16 than a place of public accommodation. An applicant may verify a residence address by  
1.17 presenting a valid state driver's license, a state identification card, a voter registration card,  
1.18 a rent receipt, a statement by the landlord, apartment manager, or homeowner verifying  
1.19 that the individual is residing at the address, or other form of verification approved by  
1.20 the commissioner; or

1.21 (2) by verifying residence according to Minnesota Rules, part 9500.1219, subpart  
1.22 3, item C.

1.23 ~~(c) For general assistance medical care, a county agency shall waive the 30-day~~  
1.24 ~~residency requirement in cases of medical emergencies.~~ For general assistance, a county

shall waive the ~~30-day~~ 60-day residency requirement where unusual hardship would result from denial of general assistance. For purposes of this subdivision, "unusual hardship" means the applicant is without shelter or is without available resources for food.

The county agency must report to the commissioner within 30 days on any waiver granted under this section. The county shall not deny an application solely because the applicant does not meet at least one of the criteria in this subdivision, but shall continue to process the application and leave the application pending until the residency requirement is met or until eligibility or ineligibility is established.

(d) For purposes of paragraph (c), the following definitions apply (1) "metropolitan statistical area" is as defined by the United States Census Bureau; (2) "shelter" includes any shelter that is located within the metropolitan statistical area containing the county and for which the applicant is eligible, provided the applicant does not have to travel more than 20 miles to reach the shelter and has access to transportation to the shelter. Clause (2) does not apply to counties in the Minneapolis-St. Paul metropolitan statistical area.

(e) Migrant workers as defined in section 256J.08 and, until March 31, 1998, their immediate families are exempt from the residency requirements of this section, provided the migrant worker provides verification that the migrant family worked in this state within the last 12 months and earned at least \$1,000 in gross wages during the time the migrant worker worked in this state.

(f) For purposes of eligibility for emergency general assistance, the ~~30-day~~ 60-day residency requirement under this section shall not be waived.

(g) If any provision of this subdivision is enjoined from implementation or found unconstitutional by any court of competent jurisdiction, the remaining provisions shall remain valid and shall be given full effect.

Sec. 2. Minnesota Statutes 2010, section 256J.12, subdivision 1a, is amended to read:

Subd. 1a. ~~30-day~~ 60-day **residency requirement.** An assistance unit is considered to have established residency in this state only when a child or caregiver has resided in this state for at least ~~30~~ 60 consecutive days with the intention of making the person's home here and not for any temporary purpose. The birth of a child in Minnesota to a member of the assistance unit does not automatically establish the residency in this state under this subdivision of the other members of the assistance unit. Time spent in a shelter for battered women shall count toward satisfying the ~~30-day~~ 60-day residency requirement.

Sec. 3. Minnesota Statutes 2010, section 256J.12, subdivision 2, is amended to read:

3.1 Subd. 2. **Exceptions.** (a) A county shall waive the ~~30-day~~ 60-day residency  
3.2 requirement where unusual hardship would result from denial of assistance.

3.3 (b) For purposes of this section, unusual hardship means an assistance unit:

3.4 (1) is without alternative shelter; or

3.5 (2) is without available resources for food.

3.6 (c) For purposes of this subdivision, the following definitions apply (1) "metropolitan  
3.7 statistical area" is as defined by the U.S. Census Bureau; (2) "alternative shelter" includes  
3.8 any shelter that is located within the metropolitan statistical area containing the county and  
3.9 for which the family is eligible, provided the assistance unit does not have to travel more  
3.10 than 20 miles to reach the shelter and has access to transportation to the shelter. Clause (2)  
3.11 does not apply to counties in the Minneapolis-St. Paul metropolitan statistical area.

3.12 (d) Applicants are considered to meet the residency requirement under subdivision  
3.13 1a if they once resided in Minnesota and:

3.14 (1) joined the United States armed services, returned to Minnesota within 30 days of  
3.15 leaving the armed services, and intend to remain in Minnesota; or

3.16 (2) left to attend school in another state, paid nonresident tuition or Minnesota  
3.17 tuition rates under a reciprocity agreement, and returned to Minnesota within 30 days of  
3.18 graduation with the intent to remain in Minnesota.

3.19 (e) The ~~30-day~~ 60-day residence requirement is met when:

3.20 (1) a minor child or a minor caregiver moves from another state to the residence of  
3.21 a relative caregiver; and

3.22 (2) the relative caregiver has resided in Minnesota for at least ~~30~~ 60 consecutive  
3.23 days and:

3.24 (i) the minor caregiver applies for and receives MFIP; or

3.25 (ii) the relative caregiver applies for assistance for the minor child but does not  
3.26 choose to be a member of the MFIP assistance unit.