

9500.1219 ASSISTANCE UNIT ELIGIBILITY.

Subpart 1. **Composition of an assistance unit.** The county agency must determine the composition of the assistance unit, as defined in part 9500.1206, subpart 6a, from eligible members of the filing unit. All members of the filing unit must be included in the assistance unit with the exception of and subject to subparts 2 to 6.

Subp. 2. **Exclusion of persons otherwise provided for by law.** Filing unit members shall not be included in an assistance unit if they meet one or more of the following conditions:

A. a filing unit member is receiving benefits under the DWP, MFIP, refugee cash assistance, SSI, or Minnesota supplemental aid programs, or has benefits paid on the member's behalf for foster care, child welfare, or subsidized adoption;

B. a filing unit member appears to be currently eligible for benefits under DWP, MFIP, or refugee cash assistance, or is eligible to have benefits paid on the member's behalf for foster care, child welfare, or subsidized adoption;

C. a filing unit member has been determined to be eligible for DWP, MFIP, or SSI but cannot receive benefits under those programs because the member refused or failed to comply with a requirement of those programs;

D. a filing unit member is a parent of a single adult applicant or recipient who resides with a single adult applicant together with the parents' other family members;

E. a filing unit member who is in a period of disqualification from DWP, MFIP, SSI, or general assistance due to noncompliance with a program requirement;

F. a filing unit member has, without good cause, refused or failed to comply with part 9500.1254; or

G. a filing unit member has refused to sign an interim assistance agreement as required under Minnesota Statutes, section 256D.06, subdivision 5.

Subp. 3. **State residence requirement.** No applicant shall be included in an assistance unit unless the applicant is a resident of Minnesota. A resident is a person living in the state with the intention of making a home here and, not for any temporary purpose, as determined by items A to E.

A. An applicant must state on a form prescribed by the commissioner that the applicant lives in the state and intends to make a home in Minnesota.

B. The county agency must verify an applicant's statement of intent to make a home in Minnesota if questionable. An applicant's statement of intent to make a home in Minnesota is questionable if:

(1) the applicant has no verified residence address in the state;

(2) the applicant provides identification indicating a residence outside the state;

(3) the applicant indicates that he or she maintains or is having maintained a residence outside the state; or

(4) the applicant has only established residence in the state due to time spent in a facility referenced in Minnesota Statutes, section 256G.02, except that time spent in a battered women's shelter shall not be a basis for determining that a residence is questionable.

C. An applicant's intent to make a home in Minnesota can be verified by:

(1) a residence address on a valid Minnesota driver's license, Minnesota identification card, or voter registration card;

(2) a rent receipt or a statement by the landlord, apartment manager, or homeowner showing that the applicant is residing at an address within the county of application;

(3) a statement by a landlord or apartment manager indicating the applicant has located housing which is affordable for the applicant;

(4) postmarked mail addressed to and received by the applicant at the applicant's address within the county;

(5) a current telephone or city directory with the applicant's residence address within the county;

(6) a written statement by an applicant's roommate verifying the applicant's residence and the date the applicant moved in. The roommate must also verify that the roommate lives in the residence by providing a copy of the roommate's mortgage statement, lease agreement, or postmarked mail addressed to and received by the roommate at that address;

(7) documentation that the applicant came to the state in response to an offer of employment;

(8) documentation that the applicant has looked for work by presenting completed job applications or documentation from employers, the local jobs service office, or temporary employment agencies;

(9) documentation that the applicant was formerly a resident of the state for at least 365 days and is returning to the state after an absence of less than 90 days; or

(10) an affidavit from a person engaged in public or private social services, legal services, law enforcement, or health services that the affiant knows the applicant, has had personal contact with the applicant, and believes the applicant is living in the state with the intent of making Minnesota the applicant's permanent home.

D. In addition to meeting one of the requirements of item C, an applicant described by item B, subitem (2), must document that the applicant has severed the applicant's residence in another state. Documentation may include bank statements indicating the closing of accounts, a document showing cancellation or termination of a lease, or verification that real property used as the applicant's residence in another state is abandoned or for sale.

E. Notwithstanding the provisions of item C, any applicant specified in item B, subitems (2) to (4), who also indicates an intention to leave the state within 30 days of application, will be considered to be in the state for a temporary purpose and is not a resident.

Subp. 4. **Minors.** No child under the age of 18 who is not a member of a family as defined in Minnesota Statutes, section 256D.02, subdivision 5, shall be included in an assistance unit unless:

A. the child is legally emancipated;

B. the child lives with an adult who is not a family member or legal custodian with the express written consent of an agency acting in its legal capacity as a custodian of the child;

C. the child lives with an adult who is not a family member or legal custodian with the express written consent of the child's parents or legal guardian, together with the express written consent of the county agency; or

D. the child does not live with an adult but is at least 16 years of age and whose living arrangement is approved in a social services case plan for the child and includes general assistance as a component of the plan.

Subp. 5. [Repealed, 32 SR 1437]

Subp. 6. [Repealed, 32 SR 1437]

Statutory Authority: *MS s 14.388; 256D.01; 256D.04; 256D.051; 256D.06; 256D.08; 256D.09; 256D.111*

History: *15 SR 1842; L 2006 c 212 art 1 s 25; 32 SR 1437*

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