

**CHAPTER 147. RESIDENCE****RESIDENCE PROVISIONS FOR AFDC/GA**

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**Cross References**

This chapter cited in 55 Pa. Code § 140.141 (relating to presumptive eligibility); 55 Pa. Code § 140.221 (relating to conditions of eligibility); 55 Pa. Code § 141.41 (relating to policy); 55 Pa. Code § 141.61 (relating to policy); 55 Pa. Code § 141.71 (relating to policy); 55 Pa. Code § 141.81 (relating to eligibility policy for Medically Needy Only); and 55 Pa. Code § 451.3 (relating to requirements).

**RESIDENCE PROVISIONS FOR AFDC/GA****Authority**

The provisions of these §§ 147.21—147.24 issued under sections 201(2) and 403(b) of the Public Welfare Code (62 P. S. §§ 201(2) and 403(b)), unless otherwise noted.

**§ 147.21. [Reserved].****Source**

The provisions of this § 147.21 reserved October 13, 1982, effective October 15, 1979, 12 Pa.B. 3647. Immediately preceding text appears at serial page (71667).

**§ 147.22. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*County of residence*—The county in which the person normally resides, that is, has his permanent address.

*Permanent move to another Commonwealth county*—A recipient's move to another Commonwealth county is permanent if he is not expected to return within 3 months, or if he remains more than 3 months in the county he went to on a temporary basis.

*Resident*—A person who maintains residence by his continuous physical presence in the Commonwealth, except for temporary absence.

*Temporary absence from this Commonwealth*—An absence of less than 30 days.

**Source**

The provisions of this § 147.22 amended July 9, 1982, effective July 10, 1982, 12 Pa.B. 2172. Immediately preceding text appears at serial page (64929).

**§ 147.23. Requirements.**

(a) *Residence requirements.* Residence is established by a person living in this Commonwealth voluntarily with the intention of making his home here, and not for a temporary purpose. Temporary absences from this Commonwealth will be treated as specified in subsection (c).

(b) *Place of application.* Place of application requirements are as follows:

(1) A person residing in his county of residence shall apply to that CAO and assistance shall be authorized by that office.

(2) A person temporarily in a county other than his county of residence may make application to the other CAO. His eligibility and need shall be determined on the basis of his situation as it exists in the county in which the application is being made. When the person states he is returning to his county of residence, the procedures in § 147.24(a)(4) (relating to procedure) will apply.

(c) *Temporary absences from this Commonwealth.* The absence of a recipient from this Commonwealth for a period of 30 days or longer shall be prima facie evidence of the intent of the recipient to have changed his residence to a place outside this Commonwealth unless:

(1) The recipient is prevented by illness or other good cause from returning to this Commonwealth at the end of the 30 days.

(2) The recipient has not acted to establish residence elsewhere. If the recipient is claiming that he is prevented from returning to this Commonwealth

at the end of 30 days, he shall provide evidence of the circumstances which prevented the return. In order to rebut the prima facie evidence of intent to have changed residence, all AFDC recipients who do not claim illness or good cause but who claim Pennsylvania residency despite absences of 30 days or more shall provide proof that:

(i) They intend or intended to remain residents.

(ii) They will return or have returned to this Commonwealth when the purpose of their absences are or were accomplished.

(d) *Absence from county of residence.* The requirement for absence from county of residence will be as follows:

(1) *Temporary absence from county of residence.* A recipient who leaves his county of residence and goes to another Commonwealth county will be considered temporarily absent if he is expected to return within 3 months.

(2) *Permanent move to another Commonwealth county.* If a resident makes a permanent move to another Commonwealth county and continues to be eligible, assistance will be continued to him at his new address by the county of origin for 2 semimonthly payments (1 monthly for SBP).

(e) *Temporary assistance to nonresidents.* If a nonresident wants to return to his home state or go to another state where he intends to establish his residence and has a definite plan for self-support in that state, he is eligible for assistance as set forth in § 147.24(b). Self-support includes a resource the person has that will meet his needs, such as employment, help from agencies in the other state, income from friends or relatives, and the like.

(f) *Verification.* Verification of residence will consist of proof that the person meets the requirements of § 147.41 or § 147.61 (relating to AFDC residence policy; and GA residence policy). In addition to the person's statement that he intends to maintain Commonwealth residence, proof of address must be seen before authorization of assistance. The proof may include, but is not limited to, rent receipts or affidavit from a person other than the applicant, receipts for mortgage or utility payments, deed, voter registration or driver's license.

#### Source

The provisions of this § 147.23 amended through July 9, 1982, effective July 10, 1982, 12 Pa.B. 2172. Immediately preceding text appears at serial pages (64929) to (64930).

#### Cross References

This section cited in 55 Pa. Code § 108.7 (relating to requirements subject to waiver); 55 Pa. Code § 147.24 (relating to procedure); 55 Pa. Code § 227.24 (relating to procedures); and 55 Pa. Code § 299.36 (relating to eligibility requirements for SSP-only).

### § 147.24. Procedure.

(a) *Change in residence.* The procedure in change of residence situations will be as follows:

(1) *Temporary absence from this Commonwealth.* The procedures for temporary absence will be as follows:

(i) If a recipient notifies the CAO that he plans to reside temporarily out of this Commonwealth for less than 30 days, the CAO will send a Form PA 162-C to confirm the address change. A reminder to the recipient will be included that if he is absent from this Commonwealth after 29 days the provisions of § 147.23(c) (relating to requirements) will apply. If the recipient returns to this Commonwealth within 30 days, he will continue to receive assistance. If on the 30th day the client has not returned and has not demonstrated continued residence in this Commonwealth under § 147.23(c), the CAO worker will send an advance notice that assistance will be discontinued effective with the first regular payment date by which the advance notice requirement can be met.

(ii) If the recipient reports that his temporary out-of-State residence will continue beyond 29 days and he has provided the CAO with evidence that the extended absence is caused by circumstances allowed under § 147.23(c), the CAO will review the case at appropriate intervals to determine whether the extended absence is caused by circumstances allowed under § 147.23(c). In cases of extended absence, this review shall occur at least once every 30 days. If, at any time, the CAO concludes that the client has not returned and has not demonstrated a continued residence in this Commonwealth under § 147.23(c), the CAO will send an advance notice that assistance will be discontinued effective with the first regular payment date by which the advance notice requirement can be met.

(iii) [Reserved].

(2) *Permanent move from this Commonwealth.* If a recipient reports a permanent move to another state, assistance from this Commonwealth will be discontinued effective with the first regular payment date after the permanent move occurs, provided that 10 days advance notice of a proposed adverse action, Form PA 162-A, is issued to the client in accordance with § 133.4(b)(1) (relating to procedures) before the telephone hold deadline of the payment date. If advance notice cannot be given within the time limit stated in this paragraph, eligibility is not affected until the next regular payment date. If a person fails to report a permanent move on a timely basis, that is, within 1 week of the move, a determination must be made as to whether an overpayment has occurred and should be referred to claim settlement, in accordance with § 255.4(f)(1) (relating to procedures).

(3) *Temporary absence from county of residence.* Changes in residence resulting from temporary absence from county of residence will be governed by the following:

(i) If the recipient continues to be eligible for assistance, the county of residence will continue assistance at the new address.

(ii) If the recipient has not returned to his county of residence after the payment date for the sixth semimonthly check (third monthly SBP check) the provisions of subsection (a)(4) will apply.

(iii) The eligibility of the recipient for assistance while he is temporarily absent from his county of residence will be redetermined as frequently as appropriate to the individual case, and in accordance with § 133.23(a) (relating to requirements).

(iv) The redetermination will be made in accordance with the following:

(A) By writing directly to the recipient. The caseworker will plan with the recipient in clear and specific terms for the information required to establish continued eligibility and will set a date for receipt of the data.

(B) Through the CAO in the county where the recipient is temporarily staying, if it is necessary to supplement the information the client gives, or to arrange a personal interview.

(4) *Permanent move to another Commonwealth county.* Procedure for residents who move to another Commonwealth county will be as follows:

(i) *County of origin.* The county of origin shall conform with the following:

(A) Adjust the grant to meet the known or anticipated need in the new county based on the schedule of allowances in § 175.23 (relating to requirements) in effect for the county of origin.

(B) Inform the client that he shall get in touch with the CAO in the new county of residence immediately to establish his eligibility and have assistance authorized in the new county.

(C) Authorize discontinuance of assistance effective the third semi-monthly check (second SBP check) after the move was reported.

(D) Send the client a Form PA 162-C (Confirming Notice) to confirm the change of address, any change in the grant and the date assistance will be discontinued from the county of origin. Put the address and phone number of the new CAO on the Form PA 162-C because any appeal taken will be heard in the new county of residence with the CAO's position presented by the staff of the new county.

(E) Transfer the case record to the new county of residence within five days after the move is reported.

(I) The record will be brought up to date. The last entry in the narrative should state the reason for the transfer.

(II) The record will be sent by first class mail with a Form PA 361-S (Standard Transmittal) for return by the new CAO.

(III) If the record will not be ready for transfer within the 5 days, the CAO shall immediately send to the new county a copy of the Form PA 162-C.

(ii) *Other county.* Other counties shall conform with the following:

(A) If the client gets in touch with the new CAO before the effective discontinuance date authorized by the county of origin, a new application will not be required. The new county shall redetermine eligibility and authorize assistance.

(B) If the client gets in touch with the new county after the effective discontinuance date authorized by the county of origin, the case shall be handled as a new application as prescribed in Subpart B (relating to intake and redetermination).

(5) *Recipient absent from the United States.* Recipients absent from the United States shall be governed by the following:

(i) The United States includes the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands and Guam.

(ii) In addition to applying the appropriate procedure in subsection (a)(1) or (2), when AFDC or GA recipients are absent from the United States, assistance may be continued for no more than 2 semimonthly payments unless need can be determined. If a determination cannot be made, assistance will be suspended effective with the third semimonthly payment date until the recipient returns to this Commonwealth and reestablishes need. After an absence of 60 days the case will be closed.

(b) *Temporary assistance to nonresidents.* Procedures for temporary assistance to nonresidents will be as follows:

(1) There shall be a clear finding that the person's plan for self-support is real and immediate. The CAO will obtain the specifics of the plan.

(2) If the person is able to provide sufficient information about his plan for self-support that additional evidence or verification is not needed, the CAO will authorize a grant to enable the person to reach his destination.

(3) If additional or substantiating evidence is required, the CAO will promptly contact the appropriate agency in the other state to verify the information. The person is eligible for one one-time grant while the facts are being verified. If the other state confirms the person's plan for self-support, and he still wants to go there, he is eligible for a grant to reach his destination.

(4) The grant will be for 7 days or less, as needed.

(5) The amount of the one-time grant for each person will be the prorated amount of the county's maximum monthly allowance per person as set forth in § 175.23.

(6) The grant to reach destination will include the actual minimum cost of all of the following items that the person needs:

(i) Transportation to his destination by the most economical means of travel. Food enroute and for one day after arrival, at the rate of \$2 a day per person.

(ii) Lodging enroute, if necessary.

(c) *Requests from out-of-State agencies.* Requests from out-of-State agencies will be provided by the following:

(1) The CAO has authority and responsibility to provide information to an out-of-State agency when requested.

(2) The CAO does not “authorize” the return of a person to this Commonwealth because any person has the right to move freely from one state to another and choose where he wishes to reside.

(3) If an agency requests information about a person’s eligibility for public services other than public assistance, the CAO will refer the inquiry as follows:

|                        |     |                                                                                                          |
|------------------------|-----|----------------------------------------------------------------------------------------------------------|
| tuberculosis care—     | to  | Division of Chronic Respiratory Diseases<br>Department of Health<br>Harrisburg, Pennsylvania             |
| other public services— | see | Public Welfare Directory<br>current edition<br>section under Pennsylvania<br>Instructions—Where to Write |

#### Source

The provisions of this § 147.24 amended through July 9, 1982, effective July 10, 1982, 12 Pa.B. 2172. Immediately preceding text appears at serial pages (64931) to (64935).

#### Cross References

This section cited in 55 Pa. Code § 147.23 (relating to requirements); and 55 Pa. Code § 227.24 (relating to procedures).

### AFDC RESIDENCE PROVISIONS

#### § 147.41. AFDC residence policy.

(a) A person will be considered to have met the residence requirements for AFDC if either of the following conditions exists:

(1) He is living in this Commonwealth voluntarily with the intention of making his home here and not for a temporary purpose; a child is a resident of the state in which he is living, other than on a temporary basis.

(2) He is living in this Commonwealth, entered this Commonwealth with a job commitment or seeking employment, and is not receiving assistance from another state. An individual who received assistance from another state prior to entering this Commonwealth will be considered a resident of this Commonwealth for AFDC purposes so long as he has taken the steps necessary to terminate his assistance in the other state. Under this definition, the child is a resident of the state in which the caretaker is a resident.

(b) A person residing in this Commonwealth for a temporary purpose, such as a visit, or school attendance, who plans to leave this Commonwealth upon completion of the purpose, will not be considered to have met the residence requirements.

**Source**

The provisions of this § 147.41 adopted October 9, 1981, effective October 15, 1979, 11 Pa.B. 3516.

**Cross References**

This section cited in 55 Pa. Code § 147.23 (relating to requirements); and 55 Pa. Code § 147.41a (relating to receipt of cash assistance—statement of policy).

**§ 147.41a. Receipt of cash assistance—statement of policy.**

Section 147.41(a) (relating to AFDC residence policy) sets forth residence requirements. This section clarifies that the receipt of cash assistance benefits in another state, Puerto Rico or the Virgin Islands before moving to this Commonwealth has no effect on whether or not a person is now a resident of this Commonwealth. If an applicant is a resident, the household is eligible for cash assistance in this Commonwealth if the household meets other eligibility requirements. It may be necessary to consider benefits actually received from another state in computing the grant in this Commonwealth. This will be done in accordance with § 183.31 (relating to benefits, dividends and interest) concerning unearned income.

**Source**

The provisions of this § 147.41a adopted January 4, 1991, effective January 5, 1991 and apply retroactively to January 4, 1991, 21 Pa.B. 12.

**GA RESIDENCE PROVISIONS****§ 147.61. GA residence policy.**

(a) A person will be considered to have met the residence requirements for GA if he is living in this Commonwealth voluntarily and not for a temporary purpose.

(b) A person residing in this Commonwealth for a temporary purpose such as a visit, school attendance or seasonal employment such as migrant working who plans to leave this Commonwealth upon completion of the purpose, will not be considered to have met the residence requirements.

(c) A person temporarily residing in this Commonwealth who has a job that is real, such as migrant workers, and is not working because of reasons beyond his control, for example, maturity of crops delays harvesting, general weather conditions and the like, will be eligible for a one-time grant while the facts are being verified. If the facts substantiate that the person will definitely be employed when the reasons beyond his control no longer exist, additional one-time grants may be authorized until the person receives his first pay. A migrant worker family with children under 21 will be eligible for Family Cash Assistance under the

Emergency Assistance Program as described in § 289.4 (relating to procedures) for a period not to exceed 30 consecutive days or less as needed.

(d) A migrant and his family receiving a money payment may also be eligible for burial payment, food stamps and social services. If otherwise eligible, a migrant worker and his family may receive MA services when there is an emergency medical need as the result of an emergency situation as provided for in Chapter 289 (relating to emergency assistance).

**Source**

The provisions of this § 147.61 adopted October 9, 1981, effective October 15, 1979, 11 Pa.B. 3516.

**§ 147.71. [Reserved].**

**Source**

The provisions of this § 147.71 amended October 9, 1981, effective October 15, 1979, 11 Pa.B. 3516; reserved July 13, 1990, effective July 14, 1990, 20 Pa.B. 3844. Immediately preceding text appears at serial page (108737).

**§ 147.72. [Reserved].**

**Source**

The provisions of this § 147.72 adopted October 9, 1981, effective October 15, 1979, 11 Pa.B. 3516; reserved July 13, 1990, effective July 14, 1990, 20 Pa.B. 3844. Immediately preceding text appears at serial pages (108737) to (108738).

**§ 147.73. [Reserved].**

**Source**

The provisions of this § 147.73 adopted October 9, 1981, effective October 15, 1979, 11 Pa.B. 3516; reserved July 13, 1990, effective July 14, 1990, 20 Pa.B. 3844. Immediately preceding text appears at serial pages (108738) to (108740).

**§ 147.81. [Reserved].**

**Source**

The provisions of this § 147.81 amended October 9, 1981, effective October 15, 1979, 11 Pa.B. 3516; reserved July 13, 1990, effective July 14, 1990, 20 Pa.B. 3844. Immediately preceding text appears at serial page (47576).

**§ 147.82. [Reserved].**

**Source**

The provisions of this § 147.82 reserved October 9, 1981, effective October 15, 1979, 11 Pa.B. 3516. Immediately preceding text appears at serial pages (47576) to (47577).

**§ 147.83. [Reserved].**

**Source**

The provisions of this § 147.83 reserved October 9, 1981, effective October 15, 1979, 11 Pa.B. 3516. Immediately preceding text appears at serial page (47577).

**APPENDIX A**

**[Reserved]**

**Source**

The provisions of this Appendix A reserved July 11, 1986, effective July 12, 1986, 16 Pa.B. 2524. Immediately preceding text appears at serial page (47578).

**APPENDIX B**

**[Reserved]**

**Source**

The provisions of this Appendix B reserved July 11, 1986, effective July 12, 1986, 16 Pa.B. 2524. Immediately preceding text appears at serial pages (47579) to (47580).

[Next page is 148-1.]