



Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

FIA ACTION TRANSMITTAL

Control Number:

99-47

Effective Date: IMMEDIATELY

Issuance Date: June 1, 1999

**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF**

**FROM: *Robert J. Everhard*
ROBERT J. EVERHARD, EXECUTIVE DIRECTOR**

RE: RESCINDED MARYLAND RESIDENCY REQUIREMENTS

PROGRAM AFFECTED: TEMPORARY CASH ASSISTANCE AND FOOD STAMPS

ORIGINATING OFFICE: OFFICE OF POLICY, RESEARCH AND SYSTEMS

SUMMARY

Effective immediately, local departments are to stop applying the following three durational residency requirements:

- Families moving from another state with a shorter welfare time limit than Maryland's 60-month limit for Temporary Cash Assistance (TCA) are subject to the shorter time limit for the first 12 months of Maryland residency.
- Families moving from a state with lower TCA benefit levels than Maryland's are subject to that lower level for the first 12 months of Maryland residency.
- Immigrants moving from a state with no federal or state-funded cash assistance or state-funded food stamps for immigrants are not eligible for Maryland's programs for immigrants for the first 12 months of Maryland residency.

On May 17, 1999, a Supreme Court decision found that a provision in California law limiting the maximum welfare benefits of new residents to the amount they could have received in their prior state of residency violated the residents' right to travel. The Office of the Attorney General has advised that Maryland's three welfare durational residency requirements would also likely to be found unconstitutional.

Staff at DHR have identified the active cases receiving the lower benefit amount from a prior state of residence and not the Maryland benefit amount. The TCA payment amount for June will be corrected centrally and notices will be sent to the families and the local departments. The local departments are not required to take any action on these cases.

ACTION REQUIRED

Local departments are to **stop** applying the residency requirements to pending and future eligibility determinations.

Effective immediately, treat families who move to Maryland from other states and who meet program financial and technical eligibility requirements as follows:

- Pay the Maryland TCA benefit amount for the families' household size, regardless of the prior state's benefit amount.
- Apply Maryland's 60-month TCA time limit, regardless of the prior state's time limit.
- Issue benefits for Maryland's immigrant programs, regardless of whether the prior state had federal or state-funded cash assistance and food stamps programs for immigrants.

Obsolete/Changed Action Transmittals

- The following action transmittals are now **obsolete**:
 - 99-14 – CUSTOMERS SUBJECT TO TIME LIMITS OF OTHER STATES
 - 97-76 REVISED – PAYMENT STANDARDS FROM OTHER STATES
 - 97-76 – NEW STATE RESIDENTS (INTER-STATE MIGRATION)
- On page 3 of Action Transmittal 99-03 (replaced AT#98-39 Revised) – LEGAL IMMIGRANTS – TEMPORARY CASH ASSISTANCE, strike the following paragraph:

“Exception:

A legal immigrant who arrived in the United States after August 22, 1996 and has resided in Maryland for less than 12 months after moving from another state, may not receive cash benefits unless the other state has a state-funded legal immigrant cash program.”

ACTION DUE

Immediately, upon receipt.

INQUIRIES

Please direct TCA policy questions to Edna McAbier at 410.767.7939, Bureau of Policy and Training. Direct Food Stamp policy questions to Kay Finegan at 410.767.7939, Bureau of Policy and Training.

c: FIA Management Staff
Constituent Services
OIM Help Desk
CTF