

SECTION .0200 - ELIGIBILITY DETERMINATIONS

10A NCAC 45A .0201 RESIDENCY REQUIREMENT

(a) A person must be a permanent resident of North Carolina to be eligible for benefits provided by any of the payment programs, except as provided in Paragraph (d) of this Rule.

(b) For the purposes of this Rule, all determinations of residency shall be governed by the following rules:

- (1) In order to be a resident of North Carolina, a person must:
 - (A) live in this State, except as provided in Subparagraph (b)(6) of this Rule,
 - (B) pay North Carolina income tax if state income tax liability exists,
 - (C) have the intention of making his permanent home in this State, and
 - (D) intend to return to this State whenever absent.
- (2) An unemancipated minor has the residence of the parent or other relative with whom he resides. If the minor does not reside with a parent or other relative, then the minor has the residence of the adult with whom he resides. Any other minor is a resident of North Carolina if he is present in the State and either of his parents are residents of North Carolina; if the residence of the minor's mother and father is not known, the minor has the residence of the place in which he is found.
- (3) Migrant farmworkers and their families who are migrants as defined in 10A NCAC 39A .0102(2) are considered residents of North Carolina while present in North Carolina for employment purposes.
- (4) Applicants who are citizens of other countries are considered residents of the State if they live in North Carolina and can document their intention to make North Carolina their permanent home with a visa allowing them to remain permanently or an application for a resident visa or for citizenship.
- (5) Individuals in the military who were residents of other states and are stationed in North Carolina are residents of North Carolina if they have formally declared North Carolina as their residence where they intend to pay income taxes.
- (6) North Carolina residents who are temporarily living in another state while attending school are for purposes of this Rule considered to be residents of North Carolina if they have not formally changed their resident status to another state.

(c) The state of residence continues until a new one is acquired. When a new state of residence is acquired, all former residences terminate.

(d) The Director of a payment program may make exceptions to the requirement of Paragraph (a) of this Rule in order to protect the public health when a communicable disease is involved.

History Note: Authority G.S. 130A-5(3); 130A-124; 130A-127; 130A-129; 130A-205; Eff. July 1, 1981; Transferred and Recodified from 10 NCAC 4C .0201 Eff. April 4, 1990; Amended Eff. October 1, 1994; December 1, 1990; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.