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H.443

Introduced by Representatives Fagan of Rutland City, Gage of Rutland City,
Batchelor of Derby, Browning of Arlington, Christie of
Hartford, Cupoli of Rutland City, Devereux of Mount Holly,
Donaghy of Poultney, Donahue of Northfield, Hebert of
Vernon, Helm of Fair Haven, Higley of Lowell, Hubert of
Milton, Juskiewicz of Cambridge, Koch of Barre Town,
Larocque of Barnet, Lawrence of Lyndon, Lewis of Berlin,
Mitchell of Fairfax, Morrissey of Bennington, Myers of Essex,
Potter of Clarendon, Quimby of Concord, Russell of Rutland
City, Savage of Swanton, Shaw of Pittsford, Shaw of Derby,
Smith of New Haven, Strong of Albany, Terenzini of Rutland
Town, Van Wyck of Ferrisburgh, and Winters of Williamstown

Referred to Committee on

Date:

Subject: Human services; public assistance; proof of residency

Statement of purpose of bill as introduced: This bill proposes to require
applicants for public assistance to prove, under penalties of perjury, that they
are Vermont residents.

20 An act relating to proof of Vermont residency for public benefits

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 33 V.S.A. § 145 is added to read:

3 § 145. PROOF OF VERMONT RESIDENCY

4 (a) For purposes of this chapter, “Vermont resident” means an individual
5 domiciled in Vermont as evidenced by an intent to maintain a principal
6 dwelling place in Vermont and to return to Vermont if temporarily absent,
7 coupled with an act or acts consistent with that intent.

8 (b) To the extent permitted under federal law, each applicant for new or
9 renewed aid or benefits under a state or federally funded assistance program in
10 this State shall prove to the satisfaction of the Commissioner at least annually
11 that he or she is a bona fide Vermont resident. No person shall be provided
12 any public assistance until he or she has proven Vermont residency.

13 (c) Proof of Vermont residency may be made in one or more of the
14 following ways:

15 (1) A current, valid driver’s license or nondriver identification card
16 issued by the Vermont Department of Motor Vehicles.

17 (2) Two pieces of official mail with the applicant’s current name and
18 street address. Personal mail is not acceptable. The following is an exclusive
19 list of mail that may be used to prove Vermont residency:

20 (A) A utility bill dated within the last 60 days listing the service
21 address;

1 (B) A property tax bill including the physical location;

2 (C) A lease or landlord statement;

3 (D) A copy of a homeowner's or renter's insurance policy or proof of
4 claim; or

5 (E) First-class mail from any federal or state agency or court dated
6 within the last 12 months that displays the applicant's residential address.

7 (3) Proof of current Vermont voter registration.

8 (4) Filing of a Vermont personal income tax return as a Vermont
9 resident for the most recent tax year.

10 (5) For applicants who, by reason of physical or intellectual disability,
11 or both, are unable to produce evidence of Vermont residency but meet the
12 definition of a Vermont resident, by such process as the Commissioner shall
13 determine by rule.

14 (d)(1) All applicants shall be required to produce a current, valid driver's
15 license or nondriver identification card.

16 (2) The burden shall be on an applicant who does not possess a driver's
17 license or nondriver identification card to explain to the satisfaction of the
18 Commissioner why he or she does not have such a license or card.

19 (3) An out-of-state license or identification card shall create a rebuttable
20 presumption that the applicant is not a Vermont resident until the applicant

1 provides satisfactory evidence of Vermont residency through one or more of
2 the methods described in subsection (c) of this section.

3 (e) The Commissioner shall require all applicants for new or renewed
4 benefits under this section to sign a statement swearing, under penalties of
5 perjury, that the person is a Vermont resident. Any applicant who is found not
6 to be a Vermont resident shall be considered to have failed to disclose a
7 material fact in violation of subsection 141(a) of this title and shall be subject
8 to the penalties for fraud set forth in section 143 of this title and the penalties
9 for false swearing set forth in 13 V.S.A. chapter 65.

10 (f) Any person who knowingly aids or abets an individual in falsely
11 claiming Vermont residency in order to obtain public benefits under this
12 chapter shall be in violation of section 142 of this title and shall be obligated to
13 support the needy person at his or her own expense as set forth in that section.

14 (g) The Commissioner shall adopt rules to carry out the provisions of this
15 section.

16 Sec. 2. APPLICABILITY AND EFFECTIVE DATE

17 This act shall take effect on passage and shall apply to all new and renewal
18 applications for public assistance pending or filed on or after such date.