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RESIDENCY

For most Americans, residency is tied to the state in which you live and are physically present for at least six months of the year. Each time a person moves to a new state and declares their intent to remain there indefinitely, they have 30 days to declare their residency and start to establish ties with that new state. There is no single form or formal procedure necessary. However, various state agencies may require that a person demonstrate the intent to remain permanently in the state before establishing eligibility for some benefits.

Servicemembers are an exception to this rule. Under the Servicemembers' Civil Relief Act, active-duty military members may maintain their legal residence in the state they consider home. Because servicemembers are moved involuntarily to live in places that they may otherwise not stay indefinitely, they are allowed to retain the state of residence where they joined the military or any intervening state in which they intend to remain indefinitely. What does that mean? If you joined in, for example Texas, and you intend to remain a Texas resident forever – you can. If, however, while stationed in, for example North Carolina, you decide to become a resident of North Carolina, you can retain that state of residency indefinitely – even when you are stationed outside North Carolina.

If you choose to establish residency in a new state, the new state will require you to establish ties with that state and may require proof of residency status before confirming eligibility for certain benefits in the state. These residency requirements can vary in length and in required contacts. Residency benefits include college tuition expenses, hunting and fishing license fees, and certain other benefits the state provides.

For people establishing a new state of residence, it is also important to assure that the old state is aware you have taken actions to become a resident of another state. This is especially true in states with state and local income taxes. The old state might continue to treat a person as a resident for tax purposes unless the person has taken all actions necessary to prove they are no longer a resident of the old state.

The following actions may help demonstrate you have intended to establish residency in a new state. The state, both old and new, will look for what is phrased as “significant contacts,” in other words “ties” to determine intent to become a resident. The more ties established with a new state and the more ties severed with a former state, the more convincing residency becomes. Active-duty members who wish to change their legal residence, should consider the following list of ways to demonstrate ties with the new state. These actions are not required or conclusive but are the most frequently used methods used to establish ties. Use the following list as a checklist and try to complete as

many as possible, keeping records of the steps you take to become a resident of your new state.

- ✓ Register to vote in your new state of residence and establish a voting record in primaries, local, and general elections. Contact the Elections Clerk in your old state and cancel your old voters' registration.
- ✓ Obtain a driving license in your new state and surrender your driver's license from your old state.
- ✓ Register all your vehicles in your new state.
- ✓ Contact the Department of Revenue in your old state and request that they remove your name from their tax rolls. Retain copies of any related correspondence. Pay state taxes in your new state (if applicable).
- ✓ Active Duty should ensure that their LES Block 25 reflects the new state code. This is done by Completing DD Form 2058, Change of Residence, through a soldier's PAC and through E-Finance for Airmen.

MILITARY SPOUSES

Military spouses may also retain or declare the same state of legal residency as their active duty spouse. The Military Spouses' Residency Relief Act was created so that the military spouse does not have to change residency each time the servicemember moves. This law allows the spouse to declare residency in the same state as the active duty spouse, regardless of whether they are or have been physically present in the state, and allow him/her to maintain that residency as long as the active duty member does. In order to qualify, the military spouse must be living in the same state as the active duty service member; and both parties must be living in that state solely because the military spouse has been stationed there under military orders.