

State Residency Requirements policy

Determinations of Kentucky residency are made on a case-by-case basis. Each file is reviewed for a preponderance of evidence that supports a claim of Kentucky residency. The Review Committee particularly looks for indicators of permanent KY residency rather than transient residency within the Commonwealth. KY auto registration, driver's license, and/or voter's registration are more readily obtainable. Accordingly, these three items alone would not demonstrate the preponderance of evidence needed to prove Kentucky residency. However, an absence of these items would refute a claim of KY residency.

Requirements for KY Residency (examples, not inclusive):

- Minimum 1 year of residency (mortgage, lease,)
- Minimum 1 year of having KY DL
- Showing filed KY State tax returns for at least one year
- Not covered by Section 4 below such as graduated HS from OOS HS, moved to KY for school only,
- Must demonstrate student will reside in KY post-graduation (could be statement, job contract, etc) (residency for OD/DO/Tanner excluded) see section 10 of 13 KAR 02:045
- Resolve any conflicting information between two consecutive years of FAFSAs

Appeal Process

If a student wishes to appeal their residency status, they may do so by providing evidence of State Residency and submitting documentation to the Office of Financial Aid. Students must include a statement indicating they wish to have their Residency reviewed and provide supporting documentation.

Below is a list of documents you may submit. This is not an exhaustive list.

- Full time employment in KY
- File KY State Income Tax Return
- KY Professional or occupational license
- Mortgage or deed to property in KY
- Long-term lease of non-collegiate housing in KY
- Marriage to KY resident
- Automobile registration in KY
- KY driver's license
- Pay KY property taxes
- KY voter's registration

Regulation:

Section 4. Presumptions Regarding Residency Status.

(1) In making a determination of residency status, it shall be presumed that a person is a nonresident if:

(a) A person is, or seeks to be, an undergraduate student and admissions records show the student to be a graduate of an out-of-state high school within five (5) years prior to a request for a determination of residency status;

(b) A person's admissions records indicate the student's residence to be outside of Kentucky when the student applied for admission;

(c) A person moves to Kentucky primarily for the purpose of enrollment in an institution;

(d) A person moves to Kentucky and within twelve (12) months enrolls at an institution more than half time;

(e) A person has a continuous absence of one (1) year from Kentucky; or

(f) A person attended an out-of-state higher education institution during the past academic year and paid in-state tuition at that institution.

(2) A presumption arising from subsection (1) of this section shall only be overcome by preponderance of evidence sufficient to demonstrate that a person is domiciled in and is a resident of Kentucky.

Section 10. Criteria Used in a Determination of Residency Status.

(1)

(a) A determination of Kentucky domicile and residency shall be based upon verifiable circumstances or actions.

(b) A single fact shall not be paramount, and each situation shall be evaluated to identify those facts essential to the determination of domicile and residency.

(c) A person shall not be determined to be a Kentucky resident by the performance of an act that is incidental to fulfilling an educational purpose or by an act performed as a matter of convenience.

(d) Mere physical presence in Kentucky, including living with a relative or friend, shall not be sufficient evidence of domicile and residency.

(e) A student or prospective student shall respond to all requests for information regarding domicile or residency requested by an institution.

(2) The following facts, although not conclusive, shall have probative value in their entirety and shall be individually weighted, appropriate to the facts and circumstances in each determination of residency:

(a) Acceptance of an offer of full-time employment or transfer to an employer in Kentucky or contiguous area while maintaining residence and domicile in Kentucky;

(b) Continuous physical presence in Kentucky while in a nonstudent status for the twelve (12) months immediately preceding the start of the academic term for which a classification of Kentucky residency is sought;

(c)

1. Filing a Kentucky resident income tax return for the calendar year preceding the date of application for a change in residency status; or

2. Payment of Kentucky withholding taxes while employed during the calendar year for which a change in classification is sought;

(d) Full-time employment of at least one (1) year while living in Kentucky;

(e) Attendance as a full-time, nonresident student at an out-of-state institution based on a determination by that school that the person is a resident of Kentucky;

(f) Abandonment of a former domicile or residence and establishing domicile and residency in Kentucky with application to or attendance at an institution following and incidental to the change in domicile and residency;

(g) Obtaining licensing or certification for a professional and occupational purpose in Kentucky;

(h) Payment of real property taxes in Kentucky;

(i) Ownership of real property in Kentucky, if the property was used by the student as a residence preceding the date of application for a determination of residency status;

(j) Marriage of an independent student to a person who was domiciled in and a resident of Kentucky prior to the marriage; and

(k) The extent to which a student is dependent on student financial aid in order to provide basic sustenance.

(3) Except as provided in subsection (4) of this section, the following facts, because of the ease and convenience in completing them, shall have limited probative value in a determination that a person is domiciled in and is a resident of Kentucky:

(a) Kentucky automobile registration;

(b) Kentucky driver's license;

(c) Registration as a Kentucky voter;

(d) Long-term lease of at least twelve (12) consecutive months of noncollegiate housing;
and

(e) Continued presence in Kentucky during academic breaks.

(4) The absence of a fact contained in subsection (3) of this section shall have significant probative value in determining that a student is not domiciled in or is not a resident of Kentucky.