

the regular public assistance programs because they are in need, are not receiving public assistance from any other state, and would appear to continue to be in need for an indefinite period, or for as long as they may continue to reside in the District of Columbia. A primary consideration in evaluating the responsibility of the Department of Public Welfare to applicants for regular public assistance is the recent decision by the United States District Court for the District of Columbia in the case of *Minnie Harrell, et al v. Walter E. Washington, et al*, in which the District Court enjoined the Department of Public Welfare, among other things, "From refusing to process any application for Aid to Families with Dependent Children, Aid to the Blind, Aid to the Permanently and Totally Disabled, or General Public Assistance made to the District of Columbia Department of Public Welfare or in any way denying public assistance in any of the forementioned categories of aid to any resident of the District of Columbia solely for the reason that such person has not resided in the District of Columbia for a period of one year."

It is important to note that although the District Court by its decree eliminated the durational requirement of one year's residence as a prerequisite to the granting of public assistance, it did not eliminate the residence requirement itself. In fact, in referring to the question of whether a state could constitutionally confine the benefits of its public assistance program to its own domiciliaries, the Court said:

"We also are not called upon to decide this question, for it is not disputed that the plaintiffs are bona fide domiciliaries of the District who came for reasons disassociated from the desire to obtain relief not elsewhere available."

Thus, it is clear that the residence requirement applies to all applications for regular public assistance albeit that the duration of such residence may, based upon the District Court's decision, no longer be a blanket one year.

This interpretation of Section 3-203 of the District of Columbia Code in the light of the recent District Court opinion is reinforced by several considerations. First, there is no indication that Congress, in enacting the public assistance provisions of the District of Columbia Code, intended that the District assume the burden of rendering public assistance to anyone who was present in the District regardless of whether or not such person resided therein. Secondly, applying a practical approach to the question, it would make no sense to permit a resident of another state to come to the District, have himself placed on the welfare rolls and subsequently returned to his home state, which would be a consequence of eliminating the residence requirement in its entirety. Lastly, it must be acknowledged that the primary obligation of the Department of Public Welfare is to the bona fide residents of the District of Columbia which is necessitated by the limited resources available to meet the needs of all persons requesting public assistance.

It is thus clear that the Department of Public Welfare, in evaluating applications for regular public assistance, must apply the requirement that the applicant be a resident of the District of Columbia. The term "residence" has been defined by the courts of this jurisdiction to be "the place of abode, a dwelling, a habitation, the act of abiding or dwelling in a place for some continuance of time. To reside in a place is to abide, to sojourn, to dwell there permanently or for a length of time. It is to have a permanent abode for the time being, as contradistinguished from a mere temporary locality of existence." Residence has been considered not only to be the personal presence of one in a place but an attachment to the place by those activities or habits which express the closest connection between a person and a place. It is a place where an individual actively dwells and ordinarily has his home; the place where his wife and children reside, a fixed and permanent abode or dwelling place and more than a place of mere sojourning or transient visiting. The establishment of a home of some permanence with all its attendant characteristics such as the presence of family and household effects is evidence of the establishment of residence. In evaluating the location of the residence of an individual, the expression of intent to make a particular abode his home, as well as the duration of time during which he has resided there, are factors to be considered.

In applying this guideline of residence to potential applications for public assistance by those participating in the "Poor Peoples March", it may be concluded that one who moves into an apartment of a friend or relative, bringing with him his family and household possessions, and manifests an intention to remain, may, upon meeting other requirements, be considered a resident for welfare purposes. However, if an applicant is encamped in so-called "Tent City",