



January 25, 2024

To SUNY Community Colleges:

We are writing to update on recent regulatory changes to the Certificate of Residence procedures as well as New York State law, which took effect following a notice and comment period on November 15, 2023.<sup>1</sup> These changes impact both New York State counties as well as New York State Community Colleges, and thus it is important to read carefully changes to your responsibilities under this procedure. The full text of the updated regulations currently in effect is attached.

Updates include:

#### Date of Issuance

- The window of eligibility for issuance of a new certificate, for any particular term, is clarified as any time between (a) two months prior to the student's registration date (not the start of classes) and (b) 30 days after the start of classes.

#### Incarcerated Students:

- As many of you are aware, it has been a challenge in the past to compile documentation proving domicile for incarcerated students. Moving forward, an incarcerated student's official last known address prior to incarceration as provided by the Department of Corrections and Community Supervision (DOCCS) shall be considered dispositive evidence of a student's county of domicile prior to incarceration.

#### Method of Submission

- Counties must have at least one electronic method for Certificate of Residence submission.\*\*
- Counties must accept both electronic submissions as well as mail-in submissions.
- Counties must have an in-person submission option available for students, but in-person submissions may not be required.

#### Application Requirements

- Certificate of Residence application forms may not require a student to provide a social security number.\*\*
- Certificate of Residence application forms may not require notarization.

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<sup>1</sup> The starred provisions above took effect by operation of law on July 1, 2023 pursuant to Chapter 542 of the Laws of 2022.

## Standard Certificate of Residence Application Form – Anticipated Fall 2024

- SUNY is directed to issue a standard Certificate of Residence application form, in consultation with CUNY, and this form shall be required to be accepted by the chief fiscal officer of each county.
- This standard form is still in development, and SUNY will consult further with both counties and community colleges before finalizing and launching this form.

### Community College Notification Requirements

- Community Colleges are required to take various actions to ensure that out-of-sponsorship-area students are aware of COR procedures and requirements. Failure to comply with these requirements may be grounds for student appeal.
  - Colleges must make a good faith effort to inform students of the requirement of a Certificate of Residence by making multiple contacts to students via emails and/or text messages to their appropriate email and phone number on file, in compliance with communication and consent policies on your campus. We recommend that if a personal email address is available, that be used in addition to a school email, in case a student has decided to withdraw or is otherwise not checking the school email. The communications should include the deadline for obtaining a Certificate of Residence, procedures to apply, and the amount of additional tuition the student would be charged if the Certificate of Residence is not received.
  - **The SUNY Call Center will be assisting in these communications.** For any students who have not complied **two weeks prior to the deadline**, colleges should provide a list to the SUNY call center including, at a minimum, the students' first name, phone number, and county of residence. Campuses may choose to provide access to a System Call Representative directly to campus systems where updated lists are accessed and record of contact can be kept. As an alternative, lists can be manually generated and submitted/resubmitted on a timeline set in consultation with the Call Center. If possible, a copy of the communication sent to students regarding deadline, procedures to apply, and the amount of additional tuition that would be charged will also be shared with the Call Center.

### Community College Website Resources

- Each Community Colleges shall feature resources on its website related to Certificate of Residence, including but not limited to the following.
  - Links to county resources to attain a Certificate of Residence.
  - Appeal information.
  - Campus contacts who can assist with application questions.
- Model language that can be tailored for local campus use is attached.

If you have any questions or concerns, please contact Cassandra Carudo (cassandra.carudo@suny.edu) from the SUNY Office of General Counsel.

**Certificate of Residence: Model Language for Community College Website Resources**

I. Links to New York State County online resources/applications for a certificate of residence:

<a href="#"><u>Albany</u></a>	<a href="#"><u>Herkimer</u></a>	<a href="#"><u>Saratoga</u></a>
<a href="#"><u>Allegany</u></a>	<a href="#"><u>Jefferson</u></a>	<a href="#"><u>Schenectady</u></a>
<a href="#"><u>Broome</u></a>	<a href="#"><u>Lewis</u></a>	<a href="#"><u>Schoharie</u></a>
<a href="#"><u>Cattaraugus</u></a>	<a href="#"><u>Livingston</u></a>	<a href="#"><u>Schuyler</u></a>
<a href="#"><u>Cayuga</u></a>	<a href="#"><u>Madison</u></a>	<a href="#"><u>Seneca</u></a>
<a href="#"><u>Chautauqua</u></a>	<a href="#"><u>Monroe</u></a>	<a href="#"><u>St. Lawrence</u></a>
<a href="#"><u>Chemung</u></a>	<a href="#"><u>Montgomery</u></a>	<a href="#"><u>Steuben</u></a>
<a href="#"><u>Chenango</u></a>	<a href="#"><u>Nassau</u></a>	<a href="#"><u>Suffolk</u></a>
<a href="#"><u>Clinton</u></a>	<a href="#"><u>Niagara</u></a>	<a href="#"><u>Sullivan</u></a>
<a href="#"><u>Columbia</u></a>	<a href="#"><u>NYC Central Office</u></a>	<a href="#"><u>Tioga</u></a>
<a href="#"><u>Cortland</u></a>	<a href="#"><u>Oneida</u></a>	<a href="#"><u>Tompkins</u></a>
<a href="#"><u>Delaware</u></a>	<a href="#"><u>Onondaga</u></a>	<a href="#"><u>Ulster</u></a>
<a href="#"><u>Dutchess</u></a>	<a href="#"><u>Ontario</u></a>	<a href="#"><u>Warren</u></a>
<a href="#"><u>Erie</u></a>	<a href="#"><u>Orange</u></a>	<a href="#"><u>Washington</u></a>
<a href="#"><u>Essex</u></a>	<a href="#"><u>Orleans</u></a>	<a href="#"><u>Wayne</u></a>
<a href="#"><u>Franklin</u></a>	<a href="#"><u>Oswego</u></a>	<a href="#"><u>Westchester</u></a>
<a href="#"><u>Fulton</u></a>	<a href="#"><u>Otsego</u></a>	<a href="#"><u>Wyoming</u></a>
<a href="#"><u>Genesee</u></a>	<a href="#"><u>Putnam</u></a>	<a href="#"><u>Yates</u></a>
<a href="#"><u>Greene</u></a>	<a href="#"><u>Rensselaer</u></a>	
<a href="#"><u>Hamilton</u></a>	<a href="#"><u>Rockland</u></a>	

II. Appeal Information:

If a SUNY community college student is denied a certificate of residence from their home county, such student may appeal to SUNY System Administration for reversal. Such appeal communication should contain the student’s contact information and details about the denial from the county. Please note that denials can only be reversed if either the county or the college made an error or did not follow relevant legal requirements. Students can submit appeals by email to [CCLegalLiaison@suny.edu](mailto:CCLegalLiaison@suny.edu) **or** by physical mail to Johanna Duncan-Poitier, Senior Vice Chancellor for Community Colleges and the Education Pipeline, SUNY H. Carl McCall Building, 353 Broadway, Albany, NY 12246. Please note that CUNY community colleges student appeals must be directed to CUNY at [ogc@cuny.edu](mailto:ogc@cuny.edu).

## **Regulations**

8 NYCRR 602.12: Operating chargebacks for nonresident students.

(a) Definition of a nonresident student.

A nonresident student is one who has resided in the State for a period of at least one year but has resided outside of the sponsorship area during a portion or all of the six months preceding the date of the application for a certificate of residence. Nonresident students may also be referred to as out-of-county students or out-of-sponsorship area students. For tuition purposes, out-of-state students shall be treated in a manner consistent with these regulations and approved by the State University Board of Trustees.

(b) All instructional programs, including off site campus locations (high schools, malls, etc.) supported by State aid shall be entitled to chargeback payment by the county of residence of nonresident students.

(c) Within 30 days after the commencement of each college term, each nonresident student shall submit to the college a valid certificate of residence, unless a valid certificate is already on file. Such certificate must have been issued no earlier than two months prior to the student's registration; is valid for one year from the date of issuance and is applicable for all terms or programs commenced within that 12-month period.

(d) Within 45 days after the commencement of each college term or program, the president of the college or designee shall submit to the

chief fiscal officer of each county a list of nonresident students attending the college on the basis of a certificate of residence and a voucher for the amount payable by each county for these students. The billing of the county of residence for each nonresident student attending a community college shall be determined on the basis of the fractional full-time equivalent student load that each student is enrolled in as of the census date (as defined by the student data file manual).

(e) The operating chargeback rate per full-time equivalent student shall be an amount equal to the community college sponsor's actual contributions, including appropriated fund balance for the support of a full-time equivalent student attending the community college from the sponsorship area as determined in the college operating budget request approved by the State University trustees, rounded downward to the nearest multiple of \$10. Such operating chargeback rate and calculated adjustment thereto, shall be determined as follows:

(1) subtract from the approved total operating budget, the budgeted offsetting revenues including Federal aid, other operating expenses not allowable for State aid, budgeted student revenues and budgeted State operating aid;

(2) divide the result of paragraph (1) by the budgeted number of full-time equivalent students;

(3) adjust the result of paragraph (2) by 100 percent of the difference between budgeted and actual operating cost per full-time equivalent student for the most recent fiscal year for which an annual financial

report is available;

(f) On or before March 31, 1995, and every year thereafter, the State University shall, subject to the availability of appropriations therefor, reimburse each county which has issued a certificate of residence for any nonresident student in attendance at the Fashion Institute of Technology during the 1993-94 academic year and every year thereafter in an amount equal to 50 percent of the actual amount paid by each such county on behalf of such students, upon certification of such payment by the Fashion Institute of Technology, and on or before June 1, 1995, and every year thereafter, the State University shall, subject to the availability of appropriations therefor, reimburse each county for the remaining 50 percent of the actual amount paid by each such county on behalf of such students, upon certification of such payment by the Fashion Institute of Technology.

(g) Procedures for certificate of residence issuance.

(1) The chief fiscal officer of each county, as defined in section 2.00 of the Local Finance Law, shall, upon application and submission to such chief fiscal officer of satisfactory evidence in-person or electronically, issue to any person desiring to enroll in a community college as a non-sponsorship-area student, a certificate of residence form showing that said person is a resident of said county. The chancellor or designee may issue policy or guidance regarding residency determinations on topics including but not limited to what shall constitute satisfactory evidence of residency. For incarcerated students, the offi-

cial last known address prior to incarceration as provided by the Department of Corrections and Community Supervision shall be considered dispositive evidence of a student's county of domicile prior to incarceration.

(2) For purposes of paragraph (1) of this subdivision, electronic submission shall include at least one online-only method, including but not limited to an online-only form, portal or email submission. Counties shall accept application forms submitted by mail in addition to electronic submission. While in-person application shall continue to be provided as an option to students, an in-person appearance shall not be required.

(3) The chancellor or designee, in consultation with the chancellor of the city university of New York, shall publish a standard application form, which shall be required to be accepted by the chief fiscal officer of each county. Certificate of residence application forms shall not require that students provide a social security number and shall not require notarization.

(4) Community colleges shall take the following steps to ensure that out-of-sponsorship-area students are aware of procedures necessary to procure a certificate of residence in order to avoid additional tuition charges:

(A) make a good faith effort to inform students of the requirement consisting with campus communication and consent policies, including but not limited to multiple contacts by email and/or text messages to all

appropriate email addresses and mobile phone numbers on file for the student explaining the certificate of residence deadline, procedure to apply, and the amount of the additional tuition charged if a certificate of residence is not received; and

(B) send a list of names and contact information of non-sponsorship area students who have not submitted a valid certificate of residence by 15 days prior to the due date to the chancellor or designee so that SUNY system administration staff may make additional attempts to notify such students. Failure to take such actions shall be grounds for the student to appeal to the chancellor or designee pursuant to the procedures set forth in subdivision 3 of section 6305 of the Education Law; if the college cannot document compliance with the requirements of this paragraph, the college will be directed to remove the nonresident charges from the student's account.

Community colleges may apply to the chancellor or designee for an exemption from subparagraph (B) of this paragraph upon good cause shown.

(5) Each community college website shall feature resources related to the certificate of residence including, but not limited to, links to county resources provided to attain a required certificate of residence; appeal information; and campus contacts who can assist with application questions. The chancellor or designee shall provide model language for colleges to use.