§ 117. State residence. 1. Any person who shall reside in the state continuously for one year under the conditions hereinafter specified shall be deemed to have state residence. State residence so acquired shall continue until such person shall have removed from the state and remained therefrom for one year; provided, however, that no person shall lose state residence by absence from the state while serving in the armed forces of the United States or in the United States merchant marine, or while attached to and serving with the armed forces of the United States and, provided further, that no member of the family of any such person shall lose state residence by absence from the state while living with or near such person during the period of such service and on account thereof.

2. An infant shall, at the time of birth, whether within or without the state, be deemed to have state residence if he is in the custody of both birth parents and either of them has state residence or if the birth parent having his custody has state residence. State residence so acquired by a child born within the state shall continue until the child shall have removed from the state and remained therefrom for one year. State residence so acquired by a child born without the state shall terminate when he becomes one year of age if he remains without the state during such year. For the purpose of this subdivision and section, a child born out of wedlock whose birth parents were living together on the date of his birth shall be deemed to have been in the custody of both his parents on such date if his birth father has acknowledged or been adjudicated to be such.

3. (a) Notwithstanding any other provision of law, no public assistance benefits shall be paid to or for any person who is not a resident of the state as provided in this article, except that assistance shall be provided to a person who is otherwise eligible during the first twelve months in the state at a rate not exceeding the higher of fifty percent of the amount otherwise payable or the standard of need applicable to the person under the laws of the state, if any, in which he or she resided immediately prior to arrival in this state, but under no circumstances may such allowances exceed the amounts payable to a resident under this chapter; and no assistance shall be provided for

any noncitizen during the first twelve months such person resides in the United States, except as set forth in paragraph (b) of this subdivision and except persons domiciled in the state on the effective date of this section, and except as otherwise required by federal law. For purposes of this section, the standard of payment applicable in another state shall refer to a schedule of comparative grants to be promulgated biennially, setting forth the amount of that state's maximum standard of payment with respect to each such program, if any, for each household size for any state which financially participates in or mandates a program under title IV-A of the federal social security act or a general assistance or disability assistance program.

(b) This subdivision shall not apply to any person entitled to federally funded refugee cash assistance under Title IV of the Immigration and Nationality Act or to any person participating in a project authorized under section 412(e) of the Immigration and Nationality Act.