

# Non-Resident policy FAQ

Should my library charge non-residents?

First, whether you charge or not, you should have a non-resident policy as a library best practice.

Second, charging non-residents is up to your library board and funding body. This is about fairness. Your legal service area population pays taxes to support your library, even if they are not library users. Should non-residents have the same privileges and services for free? It's up to you. Tax-supported service providers have been sued for giving service to non-residents. Some states have enacted laws requiring tax-supported entities to charge non-residents to avoid possible lawsuits.

## Why should my library have a non-resident policy?

- Consistently apply library borrowing privileges policy for non-residents.
- All staff, volunteers and board members know and follow the non-resident policy.
- Eliminate crisis policy making when a non-resident asks to borrow materials
- Clarify communication about non-resident policies to the public
- Respect and protect your support base, your local taxpayers whose tax dollars pay for library support and services.
- If your library offers services or resources to your legal service area (LSA) populations from licensed agreements, there may be language in your contracts which limits service only to residents in your LSA and requires you to have a non-resident policy and/or additional fees charged for services.

## What is a legal service area (LSA)?

The Institution of Museum and Library Services (IMLS) defines a legal service area this way:

### Population of the Legal Service Area

The number of people in the geographic area for which a public library has been established to offer services and from which (or on behalf of which) the library derives revenue, plus any areas served under contract for which the library is the primary service provider.

Note: The determination of this population figure shall be the responsibility of the state library agency. This population figure should be based on the most recent official state population figures for jurisdictions in your state available from the State Data Center.

The State Data Coordinator should obtain these figures annually from the State Data Center or other official state sources.

STATE CHARACTERISTICS DATA ELEMENT DEFINITIONS,

[http://www.ims.gov/assets/1/AssetManager/PLS\\_Defs\\_FY07.pdf#xml=http://pr-dtsearch001.americaneagle.com/service/search.asp](http://www.ims.gov/assets/1/AssetManager/PLS_Defs_FY07.pdf#xml=http://pr-dtsearch001.americaneagle.com/service/search.asp)

### **If my library charges non-residents, how do I calculate the amount?**

The best fee is based on something close to what the per capita taxes are for residents. Take the total amount you receive from government sources and divide by your legal service area population to get your annual per capital contribution. All of this information is in the public library annual report. Averages (state and national) are in the Data Digests each year. (<http://library.sd.gov/SDSL/publications/index.aspx#Reports>)

What expiration dates should my library use for non-residents?

That is up to you and your library board. Cards should expire at least annually. Some libraries prefer shorter terms, such as 3 or 6 months, to accommodate non-residents in the area temporarily. To renew the card, the non-resident patron should pay any required fees and verify contact information.

### **How often should my library review this policy?**

Like all policies, this one should be reviewed every three to five years, with changes made when necessary as the tax base changes. Some libraries review and adjust their non-resident policy annually.

### **How do I write a non-resident policy?**

Keep it clear and simple. Here are some examples:

Watertown Regional Library's policies: <http://www.watertownsd.us/index.aspx?nid=270>  
(see Out of County Cards Policy and Out of Funding Area Card Policy)

Irving, TX, Public Library: [http://illiad.ci.irving.tx.us/eps\\_scripts/faq.html](http://illiad.ci.irving.tx.us/eps_scripts/faq.html)

Grand County Public Library, Moab, UT: [http://www.moablibrary.org/p\\_nonresident.htm](http://www.moablibrary.org/p_nonresident.htm)

### **Sample template**

(Name of your) Library is a public facility supported by taxes from the residents of the (your municipality).

**IF YOU DO CHARGE:**

Non-residents who desire library borrowing privileges will be charged a (time period, for example, annual) fee based on the per capita cost paid by residents of (name of your municipality).

**IF YOU DO NOT CHARGE AND PROVIDE NON-RESIDENT SERVICE:**

The library also provides services to non-residents, as desired by (your municipality) because \_\_. These services include (specify which services non-residents may use, for example, borrowing books).\_\_

**IF YOU DO NOT CHARGE AND DO NOT PROVIDE NON-RESIDENT SERVICE:**

Non-residents may use library materials in the library during regular hours.