

Welfare Guidelines

CITY OF LACONIA

Approved by the Laconia City Council this 13th day of April 2020

Cheryl Hebert, City Clerk

Revised 2/2020

Table of Contents

I. Definitions.....	3
II. Severability.....	5
III. Confidentiality of Information.....	5
IV. Roles of Local Governing Body and Welfare Official.....	5
V. Maintenance of Records.....	6
VI. Application Process.....	6
VII. Verification of Information.....	10
VIII. Disbursements.....	12
IX. Determination of Eligibility and Amount.....	12
X. Non-Residents.....	21
XI. Municipal Work Programs.....	22
XII. Burials & Cremations.....	24
XIII. Right to Notice of Adverse Action.....	24
XIV. Fair Hearing.....	27
XV. Liens.....	28
XVI. Recovery of Assistance.....	29
XVII. Application of Rents Paid by the Municipality.....	30
Appendix A: Allowable Levels of Assistance Payments.....	32
Appendix B: New Hampshire Welfare Benefit Programs.....	33
Appendix C: RSA 165:19 Liability for Support.....	34

I. Definitions

AGENCY: Any health, social service or other entity that provides services to a client. Any such entity to which a welfare official may refer a client for additional resources and/or assistance.

APPLICANT: A person who expresses a desire to receive general assistance or to have his/her eligibility reviewed and whose application has not been withdrawn. This may be expressed either in person or by an authorized representative of the applicant.

APPLICATION (RE-APPLICATION): Written action by which a person requests assistance from a welfare official. This application must be made on a form provided by the welfare official. The application form may be written or completed electronically by means of an interview conducted by a welfare official and verified by the applicant's signature. A new application is required every three (3) months.

ASSETS: All cash, real property, personal property and future assets owned by the applicant.

AVAILABLE LIQUID ASSETS: Amount of liquid assets after exclusions enumerated in Section IX (D). Includes cash on hand, checking accounts, bank deposits, credit union accounts, stocks, bonds, and securities. IRA (Individual Retirement Account), 401k accounts, insurance policies with a loan value, and non-essential personal property shall be considered as available liquid assets when they have been converted into cash. Internal Revenue Service refunds are also considered as available liquid assets.

3

CASE RECORD: Official files containing forms, correspondence and narrative records pertaining to the application, including determination of eligibility, reasons for decisions and actions by the welfare official, and kinds of assistance given. The case record may be kept electronically. A hard copy of all signed documents shall be kept.

CLAIMANT: A recipient or applicant who has requested, either in person or through an authorized representative, a fair hearing under Section XIV of these guidelines.

CLIENT: An individual who receives services from the welfare department. May be a single person or encompass a family.

ELIGIBILITY: Determination by a welfare official, in accordance with the guidelines, of an applicant's need for general assistance under the formula provided in Section IX.

FAIR HEARING: A hearing which the applicant or recipient may request to contest a denial, termination or reduction of assistance. The standards for such a hearing are in Section XIV.

GENERAL ASSISTANCE: Financial assistance provided to applicants in accordance with RSA 165 and these guidelines.

HOUSEHOLD: A household is defined as:

- The applicant/recipient and persons residing with the applicant/recipient in the relationship of

father, mother, stepfather, stepmother, son, daughter, husband, wife, or domestic partner; and/or

- The applicant/recipient and any adult (including an unrelated person) who resides with the applicant/recipient "in loco parentis" (in the role of a substitute parent) to a minor child (a person under 18 years of age). A person "in loco parentis" is one who intentionally accepts the rights and duties of a natural parent with respect to a child not their own and who has lived with the child long enough to form a "psychological family."

IN LOCO PARENTIS: "in place of the parent." A person or legal entity, like a caregiver or institution, is considered to be operating *in loco parentis* when undertaking the care and control of another person in the absence of the natural parents and in the absence of formal legal approval.

LEGALLY LIABLE RELATIVES: All able-bodied adults under the age of 65, except those regularly attending school, who are related to the applicant, regularly residing in the same household as the applicant, are legally liable to contribute to the support of the applicant. Unrelated adults living in the same household in loco parentis are also obligated to contribute to the poor person's support. RSA 165:32

MINOR: A person under 18 years of age. As a general rule, these individuals will not be serviced on their own since their parents have the legal obligation to care for them until they are over 18.

NEED: The basic maintenance and support requirements of an applicant, as determined by a welfare official under the standards of Section IX (E) of these guidelines.

RECIPIENT: A person who is receiving general assistance.

"RELIEVE AND MAINTAIN": The sustaining of basic needs necessary to the health and welfare of the household.

4

RESIDENCE: Residence or residency shall mean an applicant's place of abode or domicile. The place of abode or domicile is that place designated by an applicant as their principal place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by a temporary absence from it, if there is intent to return to such residence or residency as the principal place of physical presence. RSA 165:1(l);21:6-a.

RESIDENTIAL UNIT: All persons physically residing with the applicant, including persons in the applicant's household and those not within the household.

RESPONSIBLE RELATIVES: See Legally Liable Relatives.

SHELTER (HOMELESS): A temporary housing provider through which an individual or family may seek emergency housing until permanent housing can be found. Shelters are not considered to be a permanent legal residence.

SHELTER (HOUSING): A permanent housing arrangement where the client pays the cost of rent to a landlord or pays a mortgage.

TECHNICIAN (Specialist): Those employees of the City that carry out the day-to-day assistance to clients under the guidelines of the City. Exceptions to the guidelines, up to \$1,000 (on a one-time assist), can be made by a Tech II or higher. These exceptions will be reviewed subsequent to their approval by the Welfare Director. Exceptions over \$1,000 must be approved by the welfare official on a case-by-case

basis before the voucher is processed.

UTILITY: Any service such as electric, gas, oil, water or sewer necessary to maintain the health and welfare of the household.

VENDOR/PROVIDER: Any landlord, utility company, store or other business which provides goods or services needed by the applicant/recipient.

VOUCHER SYSTEM: The system whereby a municipality issues vouchers to the recipient's vendors and providers rather than cash to the recipient. RSA 165:1(111). See Section VIII.

WELFARE OFFICIAL: The official of the City of Laconia, or designee, who performs the function of administering general assistance. Such person has the authority to make all decisions regarding the granting of assistance under RSA 165, subject to the overall fiscal responsibility vested in the city manager, or city council. The term includes "overseers of public welfare" (RSA 165:1; 41:46) and "administrator of town or city welfare" RSA 165:2.

WORKFARE: Labor performed by welfare recipients at municipal sites or human service agencies as reimbursement for benefits received. RSA 165:31. Current rates are: Field Work - \$11.00 per hour and Clerical - \$9.50 per hour.

II. Severability

If any provision of these guidelines is held at law to be invalid or inapplicable to any person or circumstances, the remaining provisions will continue in full force and effect.

5

III. Confidentiality of Information

Information given by or about an applicant or recipient of general assistance is confidential and privileged, and is not a public record under the provisions of RSA 91-A. Such information will not be published, released, or discussed with any individual or agency without written permission of the applicant or recipient except when disclosure is required by law, or when necessary to carry out the purposes of RSA 165. RSA 165:2-c.

IV. Roles of Local Governing Body and Welfare Official

The responsibility of the day-to-day administration of the general assistance program shall be vested in the elected or appointed welfare official. The welfare official shall administer the general assistance program in accordance with the written guidelines of the city. The local governing body (city council) is responsible for the adoption of the guidelines relative to general assistance. RSA 165:1 (11).

V. Maintenance of Records

A. Legal Requirement

Each welfare official is required by law to keep complete paper and/or electronic records concerning the number of applicants given assistance and the cost for such support. Separate case records shall be established for each individual or family applying for general assistance. The purposes for keeping such records are:

1. To provide a valid basis of accounting for expenditure of the city's funds;
2. To support decisions concerning the applicant's eligibility;
3. To assure availability of information if the applicant or recipient seeks administrative or judicial review of the welfare official's decision;
4. To provide the welfare official with accurate statistical information; and
5. To provide a complete history of an applicant's needs and assistance that might aid the welfare official in ongoing case management and in referring the applicant to appropriate agencies.

B. Case Records

The welfare official shall maintain case records containing the following information:

1. The complete application including any authorizations signed by the applicant allowing the welfare official to obtain or verify any pertinent information in the course of assisting the recipient, to include a signed Authorization to Release Information from the New Hampshire Division of Health and Human Services.
2. Written grounds for approval or denial of an application, contained in a notice of decision.
3. A narrative history recording need for assistance, the results of investigations of applicants' circumstances, referrals, changes in status, etc.
4. A tally sheet, which has complete data concerning the type, amount and dates of assistance given which may be kept on paper or electronically.

VI. Application Process

A. Right to Apply

1. Anyone may apply for general assistance by appearing in person or through an authorized representative and by completing a written application form. If more than one adult resides in a household, each may be required to appear at the welfare office to apply for assistance, unless one is working or otherwise reasonably unavailable. Unrelated adults in the applicant's residential unit may

be required to apply separately if they do not meet the definition of household as defined in these guidelines. Each adult in the household may be requested to sign release of information forms. Clients should bring the completed application to the interview. Typically, a decision will be made during the appointment.

2. The welfare official or technician shall not be required to accept an application for general assistance from a recipient who is subject to a suspension pursuant to Section XIII (C) of these guidelines (RSA 165:1-b,VI); provided that any applicant who contests a determination of continuing noncompliance with the guidelines may request a fair hearing as provided in Section XIII (C)(7);

B. Welfare Official's or Technician's Responsibilities at Time of Application

When application is made for general assistance, the welfare official /technician shall inform the applicant of:

1. The requirement of completing an application. Once the application is completed the client should call the office to make an appointment. In case of an emergency, clients will be seen immediately. All others will be scheduled out 5 working days. The welfare official shall provide assistance to the applicant in completing the application, if necessary (e.g., applicant is physically or mentally unable, or has a language barrier);
2. Eligibility requirements, including a general description of the guideline amounts and the eligibility formula;
3. The applicant's right to a fair hearing, and the manner in which a review may be obtained;
4. The applicant's responsibility for reporting all facts necessary to determine eligibility, and for presenting records and documents as requested and as reasonably available to support statements;
5. The joint responsibility of the welfare official/technician and applicant for exploring facts concerning eligibility, needs and resources;
6. The kinds of verifications needed;
7. The fact that an investigation will be conducted in order to verify facts and statements presented by the applicant and that this investigation may take place prior, during, and subsequent to the applicant's receipt of welfare assistance.
8. The applicant's responsibility to notify the welfare official / technician of any change in circumstances that may affect eligibility;
9. Other forms of assistance for which the applicant may be eligible;
10. The availability of the welfare official to make home visits by mutually-agreed appointment to take applications and to conduct ongoing case management for applicants who cannot leave their homes; (Home visits will always be conducted by two employees.)
11. The requirement of placing a lien on any real property owned by the recipient, or any civil judgments

or property settlements, for any assistance given, except for good cause;

12. The fact that reimbursement from the recipient will be sought if he/she becomes able to repay the amount of assistance given; and

13. The applicant's right to review the guidelines.

C. Responsibility of Each Applicant and Recipient

At the time of initial application, and at all times thereafter, the applicant/recipient has the following responsibilities:

1. To provide accurate, complete and current information concerning needs and resources and the whereabouts and circumstances of relatives who may be responsible under RSA 165:19;
2. To notify the welfare official promptly when there is a change in needs, resources, address or household size;
3. To apply for immediately, but no later than 7 days from initial application, and accept any benefits or resources, public or private, that will reduce or eliminate the need for general assistance. RSA 165:1-b, I (d);
4. To keep all appointments as scheduled;
5. To provide records and other pertinent information and access to said records and information when requested;
6. To provide a doctor's statement if claiming an inability to work due to medical problems;
7. Following a determination of eligibility for assistance, to diligently search for employment and provide verification of work search (the number of work search contacts to be determined by the welfare official / technician), to accept employment when offered (except for documented reasons of good cause (RSA 165:1-d), and to maintain such employment. RSA 165:1-b, I (c);
8. Following a determination of eligibility for assistance, to participate in the workfare program (workfare) if physically and mentally able. RSA 165:1-b, I (b); and
9. To reimburse assistance granted if returned to an income status and if such reimbursement can be made without financial hardship. RSA 165:20-b.
10. To notify the welfare official/technician within 72 hours of a change in members of the household, to provide records and other pertinent information and access to said records and information as requested.
11. Following determination of eligibility for assistance, to diligently search for an apartment in accordance with city established market rent allowances, documenting such search.
12. If approved by landlord to go into apartment based on personal credentials & financial eligibility with City assistance, the client must accept apartment when it is available.

An applicant shall be denied assistance if he/she fails to fulfill any of these responsibilities without

reasonable justification. A recipient's assistance may be terminated or suspended for failure to fulfill any of these responsibilities without reasonable justification, in accordance with Section XIII(C).

Any recipient may be denied or terminated from general assistance, in accordance with Section XIII, or may be prosecuted for a criminal offense, if he/she, by means of intentionally false statements or intentional misrepresentation, or by impersonation or other willfully fraudulent act or device, obtains or attempts to obtain any assistance to which he/she is not entitled.

D. Actions on Applications

1. Decision. Unless an application is withdrawn, the welfare official / technician shall make a decision concerning the applicant's eligibility immediately in the case of emergency, or within five working days after submission of the application. A written notice of decision shall be given in hand, delivered or mailed on the same day or next working day following the making of the decision. The notice of decision shall state that assistance of a specific kind and amount has been given and the time period of aid, or that the application has been denied, in whole or in part, with reasons for denial. A decision may also be made to pend an application subject to receipt of specified information from the applicant. The notice of decision shall contain a first notice of conditions for continued assistance and shall notify the applicant of his/her right to a fair hearing if dissatisfied with the welfare official's / technician's decision. RSA 165:1-b, II, III.

2. Emergency Assistance. If, at the time of initial contact, the applicant demonstrates and verifies that an immediate need exists, because of which the applicant may suffer a loss of a basic necessity of living or imminent threat to life or health (such as loss of shelter, utilities, heat, or lack of food, prescriptions or burials), then temporary aid to fill such immediate need shall be given immediately, pending a decision on the application. Such emergency assistance shall not obligate the welfare official / technician to provide further assistance after the application process is completed. (A 7-10 day supply of medications will be given to the client with the notice of decision instructing them to apply for/and show evidence of applying for Medication Connection before further assistance will be granted.)

3. Temporary Assistance. In circumstances where required records are not available, the welfare official / technician may give temporary approval of an application pending receipt of required documents. Temporary status shall not extend beyond two weeks. The welfare official / technician shall not insist on documentary verification if such records are totally unavailable.

4. Withdrawn Applications. An application shall be considered withdrawn if:

- a. The applicant has refused to complete an application or has refused to make a good faith effort to provide required verifications and sufficient information for the completion of an application. **If an application is deemed withdrawn for these reasons, the welfare official / technician shall so notify the applicant in a written notice of decision;**
- b. The applicant dies before assistance is rendered;
- c. The applicant avails him/herself of other resources to meet the need in place of assistance;
- d. The applicant requests that the application be withdrawn (preferably in writing); or
- e. The applicant does not contact the welfare official/technician after the initial interview after being requested to do so.

- f. The applicant does not make the weekly appointment for a voucher or work relief assignment or contact the welfare official / technician and request a new appointment.

E. Home Visits

A home visit may be made by appointment at the request of any applicant, only when it is impossible for the applicant or their representative to apply in person. The city requires home visits be made in pairs. (i.e. no employee is to make a home visit alone)

The home visit shall be conducted in such a manner as to preserve, to the greatest extent possible, the privacy and dignity of the applicant. To this end, the person conducting the visit, shall be polite and courteous, and shall not knowingly discuss or mention the application within the listening area of someone who is not a member of the household. The Welfare Official reserves the right to be accompanied by another authorized city employee for any home visit if the Welfare Official deems safety or the knowledge of any city employee would be needed or helpful to the application of assistance.

VII. Verification of Information

Any determination or investigation of need or eligibility shall be conducted in a manner that will not violate the privacy or personal dignity of the individual or harass or violate his or her individual rights.

A. Required Verifications

Verification will normally be required of the following:

1. Applicant's address;
2. Facts relevant to the applicant's residence, as set forth in sections IX(B) and X;
3. Names of persons in applicant's residential unit;
4. Applicant's and household's income and assets;
5. Applicant's and household's financial obligations;
6. The physical and mental condition of household members, only where relevant to their receipt of assistance, such as ability to work, determination of needs, or referrals to other forms of assistance;
7. Any special circumstances claimed by applicant;
8. Applicant's employment status and availability in the labor market;
9. Names, addresses, and employment status of potentially liable relatives;
10. Utility costs;

11. Housing costs;
12. Prescription costs; and
13. Any other costs that the applicant wishes to claim as a necessity.
14. Applicants claiming to be sex offenders must obtain documentation from the local police department to confirm their registration.

B. Verification Records

Verification may be made through records provided by the applicant (for example, birth and marriage certificates, pay stubs, pay checks, rent receipts, bankbooks, etc.) as primary sources. The failure of the applicant to bring such records does not affect the welfare official's/technician's responsibility to process the application promptly. The welfare official/technician shall inform the applicant what records are necessary, and the applicant is required to produce records possessed as soon as possible. The welfare official/technician may waive verification under special circumstances.

Applicants claiming to be registered sex offenders must obtain documentation from the local Police Department verifying that they are registered before the welfare official/technician can look to assist.

C. Other Sources of Verification

Verification may also be made through other sources, such as relatives, employers, former employers, banks, school personnel, and social or government agencies. The cashier of a national bank or a treasurer of a savings and trust company is authorized by law to furnish information regarding amounts deposited to the credit of an applicant or recipient. RSA 165:4. (Most often banks are reluctant to furnish this information even with a signed authorization by the client).

D. Written Consent of Applicant

When information is sought from such other sources, the welfare official/technician shall explain to the applicant or recipient what information is desired, how it will be used, and the necessity of obtaining it in order to establish eligibility. Before contact is made with any other source, the welfare official / technician shall obtain written consent of the applicant or recipient, unless the welfare official / technician has reasonable grounds to suspect fraud. In the case of suspected fraud, the welfare official/technician shall carefully record his/her reasons and actions, and before any accusation or confrontation is made, the applicant shall be given an opportunity to explain or clarify the suspicious circumstances.

E. Legally Liable Relatives

The welfare official may seek statements from the applicant's legally liable relatives regarding their ability to help support the applicant.

F. Refusal to Verify Information

Should the applicant or recipient refuse comment and/or indicate an unwillingness to have the welfare official/technician seek further information that is necessary, **assistance may be denied** for lack of eligibility verification.

VIII. Disbursements

The municipality pays in a voucher system. RSA 165:1 (III). Vouchers are payable directly to the vendors (utilities, landlords, stores, etc.) involved. **Vouchers will be valid for 30 days after issue.** No cash assistance will be provided. Tobacco products, alcoholic beverages and pet food cannot be purchased with a voucher.

The amount shown on the voucher is the maximum amount to be used for payment. In accordance with the municipality's accounting practices, a recipient may be required to sign the voucher to insure proper usage. The vendor returns the voucher with the required documentation, for payment, to the welfare official / technician. After the initial transaction, if there is any unspent money, the voucher shall be returned to the municipality for payment of the actual amount listed on an itemized bill or register tape. Vouchers altered by the recipient or vendor may not be honored.

IX. Determination of Eligibility and Amount

A. Eligibility Formula

An applicant is eligible to receive assistance when:

1. He/she meets the non-financial eligibility factors listed in Section C below; and
2. The applicant's basic maintenance need, as determined under Section E below, exceeds his/her available income (Section F below) plus available liquid assets (Section D below). If available income and available liquid assets exceed the basic maintenance need (as determined by the guideline amounts), the applicant is not eligible for general assistance. If the need exceeds the available income/assets, the amount of assistance granted to the applicant shall be **UP TO** the difference between the two amounts, in the absence of circumstances deemed by the welfare official/technician to justify an exception. (Examples, but not limited to emergency illness; car repairs if the vehicle is used to get to and from work; loss of day care, etc) Food stamps will not be included as income or resource, nor will the food stamps be deducted from the food allowance for purposes of calculating eligibility for, or amount of, general assistance.

B. Legal Standard and Interpretation

"Whenever a person in any town is poor and unable to support himself he shall be relieved and maintained by the overseers of public welfare of such town, whether or not he has residence there." RSA 165:1.

1. **An applicant cannot be denied assistance because he/she is not a resident.** See Section X.

2. "Whenever" means at any or whatever time that person is poor and unable to support him or herself.

a. The welfare official, or a person authorized to act on his/her behalf, shall be available during normal business hours.

b. The eligibility of any applicant for general assistance shall be determined no later than five (5) working days after the application is submitted. If the applicant has an emergency need, then assistance for such emergency need shall be immediately provided in accordance with Section VI (D)(1), (2).

c. Assistance shall begin as soon as the applicant is determined to be eligible.

3. "Poor and unable to support" means that an individual lacks income and available liquid assets to adequately provide for the basic maintenance needs of him/herself or family as determined by the guidelines.

4. "Relieved" means an applicant shall be assisted to meet those basic needs.

C. Non-Financial Eligibility Factors

1. Age. General assistance cannot be denied any applicant because of the applicant's age; age is not a factor in determining whether or not an applicant may receive general assistance. Minor children are assumed to be the responsibility of their parent(s) or legal guardian(s), unless circumstances warrant otherwise.

2. Support Actions. No applicant or recipient shall be compelled, as a condition of eligibility or continued receipt of assistance, to take any legal action against any other person. The municipality may pursue recovery against legally liable persons or governmental units. See Section XVI.

3. Eligibility for Other Categorical Assistance. Recipients who are, or may be, eligible for any other form of public assistance must apply for such assistance immediately, but no later than seven days after being advised to do so by the welfare official /technician. Failure to do so may render the recipient ineligible for assistance and subject to action pursuant to Section XIII of these guidelines. No person receiving Old Age Assistance (OAA) or Aid to the Permanently and Totally Disabled (APTD), under RSA 167 or 161, shall at the same time be eligible for general assistance, except for emergency medical assistance as defined in Section IX (E)(8)(a) of these guidelines. RSA 167:27.

4. Employment. An applicant who is gainfully employed, but whose income and assets are not sufficient to meet necessary household expenses, may be eligible to receive general assistance. However, recipients who without good cause refuse a job offer or referral to suitable employment, participation in the workfare program, or who voluntarily leave a job without good cause may be ineligible for continuing general assistance in accordance with the procedures for suspension outlined in the guidelines. The welfare official /technician shall first determine whether there is good cause for such refusal, taking into account the ability and physical and mental capacity of the applicant, transportation problems, working conditions that might involve risks to health or safety, lack of adequate child care, or any other factors that might make refusing a job reasonable. These employment requirements shall extend to all adult members of the household. Child care searches must be documented.

5. Registration with the New Hampshire Department of Employment Security (NHES) and Work Search Requirements. All unemployed recipients and adult members of their households shall, within seven days after having been granted assistance, register with NHES to find work and must conduct a reasonable, verified job search as determined by the welfare official/technician and must conduct an adequate work search each per week at the number determined by the technician. These work search requirements apply unless the recipient and each other adult member of the household is:

- a. Gainfully employed full-time;
- b. A dependent 18 or under who is regularly attending secondary school;
- c. Unable to work due to illness or mental or physical disability of him/herself or another member of the household, as verified by the welfare official /technician or
- d. Is solely responsible for the care of a child under the age of five. (RSA 165:31,III). A recipient responsible for the care of a child aged five to twelve shall not be excused from work search requirements, but shall be deemed to have good cause to refuse a job requiring work during hours the child is not usually in school, if there is no responsible person available to provide care, and it is verified by the welfare official /technician that no other care is available.

The welfare official/technician shall give all necessary and reasonable assistance to ensure compliance with registration and work requirements, including the granting of allowances for transportation and work clothes. Failure of a recipient to comply with these requirements without good cause will be reason for denial of assistance.

6. Students. Applicants who are students not available for or refusing to seek full-time employment are not eligible for general assistance.

7. Non-Citizens. The welfare officer /technician may, in his/her sole discretion, provide limited assistance to non-citizens not otherwise eligible for general assistance.

- a. A non-citizen who is not:
 - A qualified alien under 8USCA 1641,
 - A non-immigrant under the federal Immigration and Nationality Act, or
 - An alien paroled into the United States for less than one year under 8USCA 1182(d)(5)
 is not eligible for general assistance from the municipality. 8USCA 1621(a).
- b. Qualified aliens include aliens who are lawfully admitted for permanent residence under the Immigration and Nationality Act (8USCA 1101 et seq.), aliens who are granted asylum under that act, certain refugees, and certain battered aliens. 8USCA 1641.
- c. A non-citizen who is not eligible for general assistance may be eligible for state assistance with health care items and services that are necessary for the treatment of an emergency medical condition, which is defined as a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:
 - Placing the patient's health in serious jeopardy;
 - Serious impairment to bodily functions; or
 - Serious dysfunction of any bodily organ or part. 8USCA 1621(b) and 42USCA 1396(v)(3).
- d. A non-citizen may also be eligible for general assistance for treatment of an emergency medical condition, pursuant to Section IX(E)(8)(a) of these guidelines.
- e. Non-citizen applicants for general assistance may be required to provide proof of eligibility. 8USCA 1625.

8. Property Transfers. No applicant who is otherwise eligible shall receive such assistance if he/she has made an assignment, transfer, or conveyance of property for the purpose of rendering him/herself eligible for assistance within three years immediately preceding his/her application. RSA 165:2-b.

9. Employment of Household Members. The employment requirements of these guidelines, or participation in the workfare program, shall be required for all adults aged 18 to 65 years residing in the same household, except those regularly attending secondary school or employed on a full-time basis, who are:

- a. Members of the recipient's household;
- b. Legally liable to contribute to the support of the recipient and/or children of the household; and
- c. Not prevented from maintaining employment and contributing to the support of the household by reason of physical or mental disability or other justifiable cause as verified by the welfare official/technician .

The welfare official/technician may waive this requirement where failure of the other household members to comply is not the fault of the recipient and the welfare official/technician decides it would be unreasonable for the recipient to establish a separate household. RSA 165:32.

10. Disqualification for Voluntary Termination of Employment. Any applicant eligible for assistance that voluntarily terminated employment shall be ineligible to receive assistance for 90 days from the date of employment termination, provided the applicant:

- a. Has received local welfare within the past 365 days; and
- b. Has been given notice that voluntary termination of employment without good cause could result in disqualification; and
- c. Has terminated employment of at least 20 hours per week without good cause within 60 days of an application for local welfare; and
- d. Is not responsible for supporting minor children in his/her household; and
- e. Did not have a mental or physical impairment which caused him/her to be unable to work.

Good cause for terminating employment shall include any of the following: discrimination, unreasonable work demands or unsuitable employment, retirement, leaving a job in order to accept a bona-fide job offer, migrant farm labor or seasonal construction, and lack of transportation or child care. An applicant shall be considered to have voluntarily terminated employment if the applicant fails to report for work without good cause. An applicant who is fired or resigns from a job at the request of the employer due to applicant's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily terminated employment. RSA 165:1-d.

D. Available Assets

1. Available Liquid Assets. Cash on hand, bank deposits, credit union accounts, securities and retirement plans (i.e., IRA's, deferred compensation, Keogh's, etc.) are available liquid assets. Insurance policies with a loan value, and non-essential personal property, may be considered as available liquid assets when they have been converted into cash. The welfare official/technician shall allow a reasonable time for such

conversion.

- IRS Tax refunds are also considered available liquid assets. If the client has not applied for his/her tax refund, the notice of decision shall state the refund must be applied for within 7 days of the notice if further assistance is expected.
- If sanctioned at any federal program that offers cash benefits, the City will add amount of those benefits into income as if they were not sanctioned.
- Tools of a trade, livestock and farm equipment, and necessary and ordinary household goods are essential items of personal property which shall not be considered as available assets.

2. Automobile Ownership. The ownership of one automobile by an applicant/recipient or his/her dependent does not affect eligibility if it is essential for transportation to seek or maintain employment, to procure medical services or rehabilitation services, or if its use is essential to the maintenance of the individual or the family. Car payments of no more than \$200 may be considered allowable expenses, at the discretion of the welfare official/technician, if the car is used for employment or medical reason. A reasonable gas allowance can be allowed in these circumstances. (Gas allowances will vary based on the price of gas and the distance traveled to work or medical appointments.) Non-essential vehicles shall be sold at fair market value to meet needs. If not working, housing, utilities are to be paid prior to the car payment.

3. Insurance. The ownership of insurance policies does not affect eligibility. However, when a policy has cash or loan value, the recipient will be required to obtain and/or borrow all available funds, which shall then be considered available liquid assets. Premium payments will not be considered basic living need expenses when determining eligibility (medical insurance excepted). The City does not allow any insurance with the exception of health to be paid prior to the basic living expenses.

4. Real Estate. The type and amount of real estate owned by an applicant does not affect eligibility, although rent or other such income from property shall be considered as available to meet need. Applicants owning real estate property, other than that occupied as their primary residence, shall be expected to make reasonable efforts to dispose of it at fair market value. Applicants shall be informed that a lien covering the amount of any general assistance they receive shall be placed against any real estate they own. RSA 165:28.

E. Standard of Need

The basic financial requirement for general assistance is that an applicant be poor and unable to support him/herself. An applicant shall be considered poor when he/she has insufficient available income/assets to purchase either for himself/herself or dependents any of the following.

1. Shelter (Housing). The amount to be included as "need" for shelter is the actual cost of rent or mortgage necessary to provide shelter in the City as determined either by HUD Fair Market Rents, NH Housing Finance Authority Rental Survey, or by minimum, reasonable local market rent factors. Such cost shall be determined in accordance with subparagraph 11 below. See Appendix A.

- All rents will be paid on a weekly basis.
- The City will not consider pets (unless service animals) as a reason for paying more than the allowed rents in the guidelines.
- Single adults with one child (under the age of 7) will only qualify for a one bedroom if there is not sufficient income for larger unit.

- If utilities are not included in the rent the average cost of those utilities will be deducted from the rental allowance when determining need.
- a. Shelter Arrearages Normally shelter arrearage will not be paid, however, in circumstances where landlord negotiations fail, no other remedial alternatives are available (i.e., relocation; moving in with relatives, etc.) and eviction is imminent in an emergency situation, shelter arrearage may be considered at the discretion of the welfare official. (Technician has authority to make exceptions of up to \$500 on a one-time basis) Whenever a legally liable relative of the applicant is also the landlord for the applicant, the landlord will be expected to assist their relative whenever possible pursuant to RSA 165:19. Specifically, the legally liable relative/landlord must prove an inability to assist before any aid payment for shelter is made.
- b. Notice of Eviction. When a client has presented their application with an unexpired eviction notice every effort will be made to schedule an appointment with the client before the expiration of that notice. At the time of the appointment a notice of decision will be issued. A notice of eviction does not guarantee assistance. The client must still meet eligibility requirements.
- c. Security Deposits. Shelter security deposits may be paid when (1) payment is required by a landlord, (2) payment of a deposit is deemed necessary to secure shelter for the applicant, and (3) the applicant is unable to afford to pay all or part of a security deposit or is otherwise unable to secure housing.

Payment of a security deposit need not be made if (1) the welfare official/technician promptly locates suitable alternative housing for which a deposit is not required, or (2) the landlord agrees to a reduced deposit. Security deposits for eligible households will only be considered with verifiable reason. If under eviction and not rectifiable, security deposit need will be considered. The City will not consider a security deposit request for a voluntary move. The welfare official/ technician may negotiate with the landlord for either a reduced deposit or for a waiver of the advance deposit requirement and payment in installments, provided, however, that such efforts shall not unreasonably delay placement of the applicant into suitable alternative housing. Security deposits paid by the City are not the property of the applicant or recipient of general assistance. The City shall be entitled to the refund or return of any such security deposit to which the recipient would otherwise be entitled pursuant to law (RSA 540-A:7).

d. Homeless Shelters. Some shelters allow the residents to earn their "keep" by providing community service. In those cases, since the resident has an opportunity to satisfy rents costs on their own, no assistance will be provided. In cases where the resident does not have sufficient means to cover their shelter costs the resident can apply to the City for assistance. If the City grants assistance and the client is "work ready" they will be required to participate in the workfare program. A list of shelters is attached as Appendix D.

2. Utilities. When utility costs are not included in the shelter expense, the most recent outstanding monthly utility bill will be included as part of "need" by the welfare official/technician. Arrearages will not normally be included in "need" except as set forth below.

NOTE: The New Hampshire Public Utilities Commission (PUC) has established comprehensive rules governing the provision of some utility services. Generally speaking, the PUC governs electric, telephone, water, and sewer; it does not govern any municipal utilities, propane tanks, or fuel oil. With the exception of telephone, the rules are consistent across utilities. These rules and regulations cover the initiation of service, payment arrangements, termination of service, the terms of restoration of service, the requirement of deposits, municipal guarantees and guarantees from other third parties.

There are special rules as to winter termination. The welfare official / technician shall be familiar with these rules in order to ensure that needs are properly met at the

lowest available cost. The PUC has a toll-free consumer assistance number: 800-852-3793.

a. Arrearages. Arrearages will not be included except when necessary to ensure the health and safety of the applicant household or to prevent termination of utility service where no other resources or referrals can be utilized. In accordance with the rules of the PUC relating to electric utilities, arrearages for electric service need not be paid if the welfare official/technician notifies the electric company that the municipality guarantees payment of current electric bills as long as the recipient remains eligible for general assistance.

b. Restoration of Service. When utility service has been terminated and the welfare official/technician has determined that alternative utility service is not available and alternative shelter is not feasible, arrearages will be included in "need" when restoration of service is necessary to ensure the health and safety of the applicant household. The welfare official/ technician may negotiate with the utility for payment of less than the full amount of the arrears and/or may attempt to arrange a repayment plan to obtain restoration of service.

When electric service has been terminated and restoration is required, arrearages may either be included as set forth in the above paragraph, or may be paid in accordance with a reasonable payment plan entered into by the applicant and the electric company. The welfare official/technician may hold the recipient accountable for the payment arrangement for as long as the recipient continues to request general assistance on a regular basis. Payment of a payment plan may be a required element of a notice of decision or case plan.

c. Deposits. Utility security deposits will be considered as "need" if, and only if, the applicant is unable to secure funds for the payment of the deposit and is unable to secure utility service without a deposit. Such deposits shall, however, be the property of the City.

18

3. Food. The amount included as "need" for food purchases will be in accordance with the most recent standard food stamp allotment, as determined under the food stamp program administered by the New Hampshire Department of Health and Human Services. An amount in excess of the standard food allotment may be granted if one or more members of the household need a special diet, as verified by the welfare official/technician, the documented cost of which is greater than can be purchased with the family's allotment of food stamps. Food vouchers may not be used to buy nonfood items—such as alcoholic beverages, tobacco, paper products, vitamins, soap, or hot foods.

4. Household Maintenance Allowance. Applicants may include, in calculating "need," the cost of providing personal and household necessities in an amount not to exceed these guidelines, as determined in accordance with subparagraph 11 below. (See Appendix A.) Need allowance for diapers shall be calculated based on usage.

5. Telephone. If the absence of a telephone (either land line or cell) would create an unreasonable risk to the applicant's health or safety (as verified by the welfare official/technician), or for other good cause as determined by the welfare official/technician, the lowest available basic monthly rate will be budgeted as "need." While payments will not be made for telephone bills, under exceptional circumstances where no other source of assistance is available, payments may be made to maintain basic telephone service. The cost of the basic service can vary depending on the type of service (land line or cell).

6. Transportation. If the welfare official/technician determines that transportation is necessary (e.g., for

health or medical reasons, to maintain employment, or to comply with conditions of assistance) "need" shall include the costs of public transportation. In no event shall the city make automobile payments on behalf of an applicant, although up to \$200 of any necessary automobile payment may be included in allowable expenses. (See section IX, D, 2 on automobile ownership).

7. Maintenance of Insurance. In the event that the welfare official/technician determines that the maintenance of medical insurance is essential, an applicant may include as "need" the reasonable cost of such premiums.

8. Emergency and Other Expenses. In the event that the applicant has the following current expenses, the actual cost shall be included as emergency and other expenses to determine eligibility and amount of assistance:

a. Medical Expenses. The welfare official/technician shall not consider including amounts for medical, dental or eye services unless the applicant can verify that all other potential sources have been investigated and that there is no source of assistance other than local welfare. Other sources to be considered shall include state and federal programs, local and area clinics, area service organizations and area hospital programs (including Hill-Burton Act and Health Link) designed for such needs. When an applicant requests medical service, prescriptions, dental service or eye service, the local welfare official/technician may require verification from a doctor, dentist or person licensed to practice optometry in the area, indicating that these services are absolutely necessary and cannot be postponed without creating a significant risk that the applicant's well-being will be placed in serious jeopardy. As a general rule, the city will not pay for pain medications; however, in extraordinary circumstances (such as the brief period immediately following surgery) the welfare official/technician may agree to pay for a limited amount of pain medications.

b. Legal Expenses. Except for those specifically required by statute, no legal expenses will be included.

c. Clothing. If the applicant has an emergency clothing need which cannot be met in a timely fashion by other community resources (i.e.: Salvation Army, Red Cross, church group), the expense of reasonably meeting that emergency clothing need will be included.

9. Unusual Needs Not Otherwise Provided for in These Guidelines. If the welfare official /technician determines that the strict application of the standard of need criteria will result in unnecessary or undue hardship (e.g. needed services are inaccessible to the applicant), such official may make minor adjustments in the criteria, or may make allowances using the emergency need standards stated in Section VI(D)(2) of these guidelines. Any such determination, and the reasons therefore, shall be stated in writing in the applicant's case record.

10. Shared Expenses. If the applicant/recipient household shares shelter, utility, or other expenses with a non-applicant/recipient (i.e.: is part of a residential unit), then need shall be determined on a pro rata share, based on the total number of adults in the residential unit (e.g.: three adults in residential unit, but only one applies for assistance-shelter need is 1/3 of shelter allowance for household of three adults).

11. Payment Levels for Allowable Expenses. When adopting these guidelines, the municipal governing body shall establish payment levels for various allowable expenses which shall be based on actual local market conditions and costs (see Appendix A). The payment levels shall be reviewed by the welfare official at least annually and modifications presented to the municipal governing body where market conditions have changed. RSA 165:1, II.

12. Storage. Normally the City will not consider storage a necessary living expense. However, if no alternative

for storage is found, the welfare official/technician may consider for a limited time, up to \$70 per month as an allowable expense, paid for by the client.

F. Income

In determining eligibility and the amount of assistance, the standard of need shall be compared to the available income/assets. Computation of income and expenses will be by the week or month. The following items will be included in the computation:

1. **Earned Income.** Income in cash or in-kind earned by the applicant or any member of the household through wages, salary, commissions, or profit, whether self-employed or as an employee, is to be included as income. Rental income and profits from items sold are considered earned income. With respect to self-employment, total profit is arrived at by subtracting business expenses from gross income in accordance with standard accounting principles. Tax returns can be used to verify this income. When income consists of wages, the amount computed shall be that available after income taxes, social security and other payroll deductions required by state, federal, or local law, court ordered support payments and child care costs, and work-related clothing costs have been deducted from income. Wages that are trusteed, or income similarly unavailable to the applicant or applicant's dependents, shall not be included.

2. **Income or Support from Other Persons.** Contributions from relatives or other household members shall be considered as income only if actually available and received by the applicant or recipient. The income of non-household members of the applicant's residential unit shall not be counted as income. (Expenses shared with non-household members may affect the level of need, however. See Section IX(E)(IO) regarding determination of need in cases of non-household residential units.)

3. **Income from Other Assistance or Social Insurance Programs.**

a. State categorical assistance benefits, OASDI payments, Social Security Payments, VA benefits, unemployment insurance benefits, and payment from other government sources shall be considered income (include in this category any cash assistance provided by other states as well).

b. Food Stamps cannot be counted as income pursuant to federal law. (7 USC 2017(b))

c. Fuel assistance cannot be counted as income pursuant to federal law. (42 USC 8624(£)(1))

4. **Court-Ordered Support Payments.** Alimony and child support payments shall be considered income only if actually received by the applicant or recipient. To verify a child support payment, call the child support auto-line at 1-800-371-8844. You will need to enter payee's social security number.

5. **Income from Other Sources.** Payment from pension, trust funds, and similar programs shall be considered income. IRS tax refunds are also considered income.

6. **Earnings of a Child.** No inquiry shall be made into the earnings of a child 14 years of age or less unless that child makes a regular and substantial contribution to the family.

7. **Option to Treat a Qualified State Assistance Reduction as Deemed Income.** The welfare official/technician may deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82, VIII. The following criteria shall apply to any action to deem income under this section. RSA 165:1-e.

- a. The authority to deem income under this section shall terminate when the Qualified State Assistance Reduction no longer is in effect.
- b. Applicants for general assistance may be required to cooperate in obtaining information from the Department of Health and Human Services as to the existence and amount of any Qualified State Assistance Reduction. No applicant for general assistance may be considered to be subject to a Qualified State Assistance Reduction unless the existence and amount has been confirmed by the Department of Health and Human Services.
- c. The welfare official/technician shall provide the applicant with a written decision which sets forth the amount of any deemed income used to determine eligibility for general assistance.
- d. Whenever necessary to prevent an immediate threat to the health and safety of children in the household, the welfare official/technician shall waive that portion, if any, of the Qualified State Assistance Reduction as necessary.

G. Residents of Shelters for Victims of Domestic Violence and Their Children

An applicant residing in a shelter for victims of domestic violence and their children who has income, and owns resources jointly with the abusive member of the applicant's household, shall be required to cooperate with the normal procedures for purposes of verification. Such resources and income may be excluded from eligibility determinations unless the applicant has safe access to joint resources at the time of application. The verification process may be completed through an authorized representative of the shelter of residence. The normal procedures taken in accordance with these guidelines to recover assistance granted shall not delay such assistance.

X. Non-Residents

A. Eligibility

Applicants who are temporarily in the City which is not their City of residence and who do not intend to make a residence there are nonetheless eligible to receive general assistance, provided they are poor and unable to support themselves. RSA 165:1-c. No applicant shall be refused assistance solely on the basis of residence. RSA 165:1. (Technicians shall contact the municipality that the client reports as his residence to determine eligibility for assistance and to get historical information about said client).

B. Standards

The application procedure, eligibility standards and standard of need shall be the same for nonresidents as for residents.

C. Verification

Verification records shall not be considered unavailable, nor the applicant's responsibility for providing such records relaxed, solely because they are located in the applicant's municipality of residence.

D. Temporary or Emergency Aid

The standards for the fulfilling of immediate or emergency needs of nonresidents and for temporary assistance pending final decision shall be the same as for residents, as set forth in Section VI (0)(2).

E. Determination of Residence

Determination of residence shall be made if the applicant requests return home transportation (See paragraph F below), or if the welfare official/technician has reason to believe the applicant is a resident of another New Hampshire municipality from which recovery can be made under RSA 165:20.

1. Minors. The residence of a minor applicant shall be presumed to be the residence of his/her custodial parent or guardian.

2. Adults. For competent adults, the standard for determining residence shall be the overall intent of the applicant, as set forth in the Section I definition of "residence." The statement of an applicant over 18 as to his/her residence or intent to establish residence shall be accepted in the absence of strongly inconsistent evidence or behavior.

F. Return Home Transportation

At the request of a nonresident applicant, any aid, temporary or otherwise, to which he/she would be otherwise entitled under the standards set forth in these guidelines, may be used by the welfare official/technician to cause the applicant to be returned to his/her municipality of residence. RSA 165:1-c.

22

G. Recovery

Any aid given to a nonresident, including the costs of return home transportation, may be recovered from his/her municipality of residence using the procedures of Section XVI (B).

XI. Municipal Work Programs

A. Participation

Any recipient of general assistance who is able and not gainfully employed may be required to work for the City or an appropriate local human service agency at any available bona fide job that is within his/her capacity (RSA 165:31) for the purpose of reimbursement of benefits received. Participants in the workfare program are not considered employees of the municipality, and any work performed by workfare participants does not give rise to any employee-employer relationship between the recipient/workfare participant and the City.

B. Reimbursement Rate

The workfare participant shall be allotted the prevailing municipal wage for work performed, but in no case less than the minimum wage. No cash compensation shall be paid for workfare participation; the wage value of all hours worked shall be used to reimburse the municipality for assistance given. No workfare participant shall be required to work more hours than necessary to reimburse aid rendered.

C. Continuing Financial Liability

If, due to lack of available municipal work or other good cause, a recipient does not work a sufficient number of hours to fully reimburse the City for the amount of his/her aid, the amount of aid received less the value of workfare hours completed shall still be owed to the City.

D. Allowance for Work Search

The City shall provide reasonable time during working hours for the workfare participant to conduct a documented employment search.

E. Workfare Program Attendance

With prior notice to the welfare official/technician, a recipient may be excused from workfare participation if he/she:

1. Has a conflicting job interview;
2. Has a conflicting interview at a service or welfare agency;
3. Has a medical appointment or illness;
4. As a parent or person "in loco parentis," must care for a child under the age of five. A recipient responsible for a child age five but under 12 shall not be required to work during hours the child is not in school, if there is no responsible person available to provide care, and no other care is available;
5. Is unable to work due to mental or physical disability, as verified by the welfare official/technician;
6. Must remain at home because of illness or disability to another member of the household, as verified by the welfare official/technician; or
7. Does not possess the materials or tools required to perform the task and the City fails to provide them.

However, the workfare participant shall attempt to schedule appointments so as not to conflict with the workfare program and must notify his/her supervisor in advance of the appointment. The welfare official/technician may require participants to provide documentation of their attendance at a conflicting interview or appointment.

F. Workfare Hours

Workfare hours are subject to approval of the supervisor and the welfare official/technician. Failure of the participant to adhere to the agreed workfare hours (except for the reasons listed above) will require prompt review of the recipient's eligibility for general assistance, and may result in a suspension or termination of assistance. See Section XIII (C)(2)(b).

G. Workers Compensation

Pursuant to RSA 281-A:2, VII(b), the provisions of RSA 281-A (the workers' compensation law) shall apply to any person participating in a local welfare work program.

XII. Burials & Cremations

The welfare official/technician shall provide for proper burial or cremation, at the City's expense, of persons found in the City at time of death, regardless of whether the deceased person ever applied for or received general assistance from the City, RSA 165:3. In such cases, assistance may be applied for on behalf of the deceased person, however the application should be made **before** any burial or cremation expenses are incurred. The expense may be recovered from the deceased person's municipality of residence, or from a liable relative pursuant to RSA 165:20, II. If relatives, other private persons, the state or other sources are unable to cover the entire burial/cremation expense, the municipality will pay **up to** \$2,000 for burial/cremation (see Appendix A). The City will not assist if state or federal burial benefits are available. See RSA 165:25, 165:27 and 165:27-a.

The City will not consider paying burial benefits in the instance of past funeral charges. The request should be made **prior** to the funeral, in a timely manner, immediately following the time of death.

XIII. Right to Notice of Adverse Action

A. Right to a Written Decision

All persons have a constitutional right to be free of unfair, arbitrary or unreasonable action taken by government. This includes applicants for and recipients of general assistance whose aid has been denied, terminated or reduced. Every applicant and recipient shall be given a written notice of every decision regarding assistance (See Section VI (D) for notice where application is granted.) The welfare official/technician will make every effort to ensure that the applicant understands the decision.

B. Action Taken for Reasons Other Than Noncompliance with the Guidelines

1. Whenever a decision is made to deny assistance or to refuse to grant the full amount of assistance requested, a notice of the decision shall be given or mailed to the applicant either the same day or next work day following the making of the decision or within five working days from the time the application is filled out and submitted, whichever occurs first.
2. In any case where the welfare official/technician decides to terminate or reduce assistance for reasons other than noncompliance with the guidelines, the official shall send notice at least seven days in advance of the effective date of the decision to the recipient stating the intended action.
3. The notice required by paragraphs 1 and 2 above shall contain:
 - a. A clear statement of the reasons for the denial or proposed termination or reduction.

- b. A statement advising the recipient of his/her right to a fair hearing and that any request for a fair hearing must be made in writing within five working days.
- c. A form on which the recipient may request a fair hearing.
- d. A statement advising the recipient of the time limits which must be met in order to receive a fair hearing.
- e. A statement that assistance may continue, if there was initial eligibility, until the date of hearing, if requested by the claimant. Aid must be repaid if the claimant fails to prevail at the hearing.

C. Suspension for Noncompliance with the Guidelines

1. Due Process. Recipients must comply with these guidelines and the reasonable requests of welfare official/technician. Welfare officials must enforce the guidelines while ensuring that all recipients and applicants receive due process. Recipients shall be given reasonable notice of the conditions and requirements of eligibility and continuing eligibility and notice that noncompliance may result in termination or suspension. (Clients that miss scheduled appointments without calling can also be subject to suspension)

2. Conditions. Any applicant/recipient otherwise eligible for assistance shall become ineligible under RSA 165:1-b if he/she willfully and without good cause fails to comply with the requirements of these guidelines relating to the obligation to:

- a. Disclose and provide verification of income, resources or other material financial data, as set out in Sections VI(C) and VII of these guidelines, including any changes in this information;
- b. Participate in the work program under Section VI(C), to the extent assigned by the welfare official/technician;
- c. Comply with the work search requirements imposed by the welfare official/technician under Section VI(C); and
- d. Apply for other public assistance, as required by the welfare official/technician under Section VI(C).

3. First Notice. No recipient otherwise eligible shall be suspended for noncompliance with conditions unless he/she has been given a written notice of the actions required in order to remain eligible and a seven-day period within which to comply. The first notice shall be given at the time of the notice of decision and thereafter as conditions change. Additional notice of actions required shall also be given, as eligibility is re-determined, but without an additional seven-day period unless new actions are required. RSA 165:1-b, IL

4. Noncompliance.

- a. If a recipient willfully and without good cause fails to come into compliance during the seven-day period, or willfully falls into noncompliance within 30 days from receipt of a first notice, the welfare official/technician shall give the recipient a suspension notice as set forth in paragraph 5.
- b. If a recipient falls into noncompliance for the first time more than 30 days after receipt of a first

notice, the welfare official/technician shall give the recipient a new first notice with a new seven-day period to comply before giving the recipient the suspension notice. RSA 165:1-b, III.

5. Suspension Notice. Written notice to a recipient that he/she is suspended from assistance due to failure to comply with the conditions required in a first notice shall include:

- a. A list of the guidelines with which the recipient is not in compliance and a description of those actions necessary for compliance;
- b. The period of suspension (See paragraph 6 below);
- c. Notice of the right to a fair hearing on the issue of willful noncompliance and that such request must be made in writing within five days of receipt of the suspension notice;
- d. A statement that assistance may continue in accordance with the prior eligibility determination until the fair hearing decision is made if the recipient so requests on the request form for the fair hearing, however, if the recipient fails to prevail at the hearing: 1) the suspension will start after the decision, and 2) such aid must be repaid by the recipient; and
- e. A form on which the individual may request a fair hearing and the continuance of assistance pending the outcome.

6. Suspension Period. The suspension period for failure to comply with these guidelines shall last:

- a. Either seven days, or 14 days if the recipient has had a prior suspension which ended within the past six months, and
- b. Until the recipient complies with the guidelines if the recipient, upon the expiration of the seven or 14-day suspension period, continues to fail to carry out the specific actions set forth in the notice.

7. Fair Hearing on Continuing Noncompliance. A recipient who has been suspended until he/she complies with the guidelines may request a fair hearing to resolve a dispute over whether or not he/she has satisfactorily complied with the required guidelines, however no assistance shall be available under paragraph C(5)(d) above.

XIV. Fair Hearings

A. Requests

A request for a fair hearing is a written expression, by the applicant or recipient, or any person acting for him/her, to the effect that he/she wants an opportunity to present his/her case to a higher authority. When a request for assistance is denied or when an applicant desires to challenge a decision made by the welfare official/technician relative to the receipt of assistance, the applicant must present a request for a fair hearing to the welfare official within five (5) working days of receipt of the notice of decision at issue. RSA 165:1-b, III.

B. Time Limits for Hearings

Hearings requested by claimants must be held within seven (7) working days of the receipt of the request. The welfare official shall give notice to the claimant setting the time and location of the hearing. This notice must be given to the claimant at least forty-eight (48) hours in advance of the hearing, or mailed to the claimant at least seventy-two (72) hours in advance of the hearing.

C. The Fair Hearing Officer(s)

The fair hearing officer or officers may be chosen by the City Manager or his/her designee. RSA 165:20. The person(s) serving as the fair hearing authority must:

1. Not have participated in the decision causing dissatisfaction;
2. Be impartial;
3. Be sufficiently skilled in interviewing to be able to obtain evidence and facts necessary for a fair determination; and
4. Be capable of evaluating all evidence fairly and realistically, to explain to the claimant the laws and regulations under which the welfare official/technician operated, and to interpret to the welfare official/technician any evidence of unsound, unclear or inequitable policies, practices or action.

D. Fair Hearing Procedures

All fair hearings shall be conducted in such a manner as to ensure due process of law. Fair hearings shall not be conducted according to strict rules of evidence. The burden of proof shall be on the claimant, who shall be required to establish his/her case by a preponderance of the evidence.

2. The welfare official/technician responsible for the disputed decision shall attend the hearing and testify about his/her actions and the reasons therefore.

3. Both parties shall be given the opportunity to offer evidence and explain their positions as fully and completely as they wish. The claimant shall have the opportunity to present his/her own case or, at the claimant's option, with the aid of others, and to bring witnesses, to establish all pertinent facts, to advance any arguments without undue interference, to question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.

4. A claimant or his/her duly authorized representative has the right to examine, prior to a fair hearing, all records, papers and documents from the claimant's case file which either party may wish to introduce at the fair hearing, as well as any available documents not contained in the case file but relevant to the welfare official's/technician's action of which the claimant complains. The claimant may introduce any such documents, papers or records into evidence. No record, paper or document, which the claimant has requested to review but has not been allowed to examine prior to the hearing, shall be introduced at the hearing or become part of the record.

5. The welfare official (or a duly authorized representative) shall have the right to examine at the fair hearing all documents on which the claimant plans to rely at the fair hearing and may request a 24-hour continuance if such documents contain evidence not previously provided or disclosed by the claimant. Should the applicant have new documentation relevant to the disputed decision, he/she may reapply for assistance and file a written withdrawal of the fair hearing request.

6. The decision of the fair hearing officer(s) must be based solely on the record, in light of these guidelines. Evidence, both written and oral, which is admitted at the hearing shall be the sole contents of the record. The fair hearing officer(s) shall not review the case record or other materials prior to introduction at the hearing.

7. The parties may stipulate to any facts.

8. All fair hearings may be tape-recorded and retained for six (6) months.

E. Decisions

1. Fair hearing decisions shall be rendered within seven (7) working days of the hearing. Decisions shall be in writing setting forth the reasons for decision and the facts on which the fair hearing officer relied in reaching the decision. A copy of the decision shall be mailed or delivered to the claimant and to the welfare official.

2. Fair hearing decisions will be rendered on the basis of the officer's findings of fact, these guidelines and state and federal law. The fair hearing decision shall set forth appropriate relief.

3. The decision shall be dated. In the case of a hearing to review a denial of aid, the decision is retroactive to the date of the action being appealed. If a claimant fails to prevail at the hearing, the assistance given pending the hearing shall be a debt owed by the individual to the municipality.

4. The welfare official shall keep all fair hearing decisions on file in chronological order.

5. None of the procedures specified herein shall limit any right of the applicant or recipient to subsequent court action to review or challenge the adverse decision.

XV. Liens

A. Real Estate

The law requires the municipality to place a lien for welfare aid received on any real estate owned by an assisted person in all cases except for just cause. (This section does not authorize the placement of a lien on the

real estate of legally liable relatives, as defined by RSA 165:19.) The city council, welfare official/technician shall file a Notice of Lien with the County Registry of Deeds, complete with the owner's name and a description of the property sufficient to identify it. Interest at the rate of 6% per year shall be charged on the amount of money constituting the lien commencing one year after the date the lien is filed, unless waived by the City. The lien remains in effect until enforced or released or until the amount of the lien is repaid to the City. The lien shall not be enforced so long as the real estate is occupied as the sole residence of the assisted person, his/her surviving spouse, or his/her surviving children who are under age 18 or blind or permanently and totally disabled. At such time as the lien may become enforceable, the welfare officer/technician shall attempt to contact the attorney handling the real estate or estate before enforcing the lien. Upon repayment of a lien, the City must file written notice of the discharge of the lien with the County Registry of Deeds. RSA 165:28.

B. Civil Judgments – RSA 165:28-a.

1. The City shall be entitled to a lien upon property passing under the terms of a will or by intestate succession, a property settlement, or a civil judgment for personal injuries (except Workers Compensation) awarded any person granted assistance by the municipality for the amount of assistance granted by the City.
2. The City shall be entitled to the lien only if the assistance was granted no more than 6 years before the receipt of the inheritance or the award of the property settlement or civil judgment. When the welfare officer/technician becomes aware of such a claim against a civil judgment, he/she shall contact the attorney representing the recipient.
3. This lien shall take precedence over all other claims.

XVI. Recovery of Assistance

The welfare official/technician shall seek to recover money expended to assist eligible applicants. There shall be no delay, refusal to assist, reduction or termination of assistance while the welfare official/technician is pursuing the procedural or statutory avenues to secure reimbursement. Any legal action to recover must be filed in a court within six (6) years after the expenditure. RSA 165:25.

A. Recovery from Responsible Relatives

The amount of money spent by the City to assist a recipient who has a father, mother, stepfather, stepmother, husband, wife or child (who is no longer a minor) of sufficient ability to also support the recipient, may be recovered from the liable relative. Sufficient ability shall be deemed to exist when the relative's weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health. The welfare official/technician may determine that "in kind" assistance or the provision of products/services to the client is acceptable as a relative's response to liability for support. Written notice of money spent in support of a recipient must be given to the liable relative. The welfare official/technician shall make reasonable efforts to give such written notice prior to the giving of aid, but aid to which an applicant is entitled under these guidelines, shall not be delayed due to inability to contact possibly liable relatives. Should a relation refuse to render such aid when requested to do so by a county commissioner, selectman, or overseer of public welfare, such persons shall, upon complaint of one of these officials, be summoned to appear in court. Appendix C, RSA 165:19.

B. Recovery from the Municipality of Residence

The welfare official/technician shall seek to recover from the municipality of residence the amount of money spent by the City to assist a recipient who has a residence in another municipality. Written notice of money spent in support of a recipient must be given to the welfare official/technician of the municipality of residence. In any civil action for recovery brought under RSA 165:20, the court shall award costs to the prevailing party. RSA 165:19 and 20. (See RSA 165:20-a providing for arbitration of such disputes between communities.) RSA 165:20.

C. Recovery from Former Recipient's Income

A former recipient who is returned to an income status after receiving assistance may be required to reimburse the City for the assistance provided, if such reimbursement can be made without financial hardship. RSA 165:20-b.

D. Recovery from State and Federal Sources

The amount of money spent by a City to support a recipient who has made initial application for SSI and has signed HHS FORM 151 "AUTHORIZATION FOR REIMBURSEMENT OF INTERIM ASSISTANCE" shall be recovered through the SSA and the New Hampshire Department of Health and Human Services. Prescription expenses paid by the City for applicants who have applied for Medicaid shall be recovered through the New Hampshire Department of Health and Human Services if and when the applicant is approved for medical coverage.

E. Delayed State Claims

For those recipients of general assistance deemed eligible for state assistance, New Hampshire Department of Health and Human Services shall reimburse the City the amount of general assistance as a result of delays in processing within the federally mandated time periods. Any claims for reimbursement shall be held until the end of the fiscal year and may be reimbursed on a pro-rated basis dependent upon the total claims filed per year. RSA 165:20-c. A Form 340 "REQUEST FOR STATE REIMBURSEMENT" may be obtained from the New Hampshire Department of Health and Human Services for this purpose.

XVII. Application of Rents Paid by the Municipality

Whenever the owner of property rented to a person receiving general assistance from the City is in arrears in sewer, water, electricity, or tax payments to the City, the City may apply the assistance which the property owner would have received in payment of rent on behalf of such assisted person to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of property occupied by the assisted person. RSA 165:4-a.

A. Payment Arrears

A payment shall be considered in arrears if more than thirty (30) days have elapsed since the mailing of the

bill, or in the case of real estate taxes, if interest has begun to accrue pursuant to RSA 76:13. RSA 165:4-a.

B. Procedure

1. The welfare official/technician will issue a voucher on behalf of the tenant to the landlord for the allowed amount of rent. The voucher will indicate any amount to be applied to a delinquent balance owed by the landlord, specifying which delinquency and referring to the authority of RSA 165:4-a.
2. The welfare official/technician will issue a duplicate voucher to the appropriate department (i.e.: tax collector, sewer department, water precinct), which shall forward the voucher to the treasurer or finance director for payment. Upon receipt of payment, the department will issue a receipt of payment to the delinquent landlord.

Appendix A

ALLOWABLE LEVELS OF ASSISTANCE PAYMENTS

FOOD/NON- FOOD

HOUSEHOLD SIZE***	MONTHLY MAINTENANCE	MONTHLY LAUNDRY	WEEKLY FOOD
1	\$14	\$20	\$46
2	\$20	\$26	\$85
3	\$26	\$28	\$121
4	\$32	\$30	\$154
5	\$38	\$32	\$183
6	\$44	\$34	\$220
7	\$50	\$36	\$243
8	\$56	\$38	\$277
Add Each	\$6	\$2	\$34

*MONTHLY RENTAL ALLOWANCES

(includes heat, electric, hot water)

Room	Efficiency	1BR	2BR	3BR	4BR	
\$750	\$750	\$906	\$1057	\$1391	\$1547	Monthly
\$173	\$173	\$209	\$244	\$321	\$357	Weekly

BURIAL ALLOWANCE: UP TO \$2,000

TELEPHONE ALLOWANCE: \$25/month.

INTERNET ALLOWANCE: \$70/month if the Welfare Official determines a special need, only available if children are in the household.

*If utilities are not included in the rent the average cost of those utilities will be deducted from the rental allowance when determining need.
 **The city will not consider animals as exceptions for paying more than the guidelines allow for rent unless pets are service animals (with medical credentials)
 ***Dependents will only be considered in determining the size of the household if the client has primary custody of the child.

Rents are based on median rents for Belknap County as determined by NH Housing Finance Authority

APPENDIX B

NEW HAMPSHIRE WELFARE BENEFIT PROGRAMS

BENEFIT PROGRAM	PERSONS ELIGIBLE	SOURCE OF FUNDS	GOV'T WHICH ADMINISTERS	GOV'T WHICH SETS STANDARDS
TOWN				
1. Town Welfare RSA 165:1,1	Poor and in need	Local Property Tax	Town	Town
STATE				
2. APTD Aid to the Permanently & Totally Disabled RSA 167:6, VI	Low Income Adults 18-64 Permanently & Totally Disabled	County & State	State	State
3. OAA Old Age Assistance RSA 167:6, I	Low Income Adults, 65 and over	County & State	State	State
4. ANB Aid to Needy Blind RSA 167:6, IV	Low Income Blind Adults	State	State	State
5. TANF Temporary Assistance to Needy Families 42 USC § 601 RSA 167:6, V	Low Income Families with Dependent Children	State & Federal	State	Federal & State
FEDERAL				
6. FOOD STAMPS 7 USC §2011	Lower Income	Federal Households	State	Federal
7. SSI Supplemental Security Income 42 USC §1831	Low Income	Federal	Federal	Federal

APPENDIX C

Liability for Support, and Recovery Over

RSA 165:19 Liability for Support. The relation of any poor person in the line of father, mother, stepfather, stepmother, son, daughter, husband, or wife shall assist or maintain such person when in need of relief. Said relation shall be deemed able to assist such person if his weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health.

Should a relation refuse to render such aid when requested to do so by a county commissioner, selectman or overseer of public welfare, such person or persons shall upon complaint of one of these officials be summoned to appear in court. If after hearing it is found that the alleged poor person is in need of assistance, and that the relation is able to render such assistance, the court shall enter a decree accordingly and shall fix the amount and character of the assistance which the relation shall furnish. If the relation neglects or refuses to comply with the court order without good cause, as determined by the court at a hearing, or by refusing to work or otherwise voluntarily places himself in a position where he is unable to comply, he shall be deemed to be in contempt of court and shall be imprisoned not more than 90 nor fewer than 60 days. If a poor person has no relation of sufficient ability, the town or city in which he resides shall be liable for his support.