

WELFARE GUIDELINES

TOWN OF GILSUM

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I. DEFINITIONS

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a desire to receive General Assistance or to have his/her eligibility reviewed and whose application has not been withdrawn.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 desire may be expressed either directly or by an authorized representative of the applicant.

Application (Re-application): Action by which a person or their authorized representative requests assistance from a Welfare Official. The completion of a written application form, with any assistance of the Welfare Official or the applicant's representative, triggers the applicant's right to a notice under Section XII of these Guidelines.

Application Form: Written confirmation that a person has made an application. This application must be made on a form acceptable to the municipality.

Assets: All real property, cash, personal property, expectancies and future interests owned by the applicant.

Available Liquid Assets: Includes cash on hand, any form of bank deposits or accounts, credit union accounts, Federal and State income tax return money, stocks, bonds and securities. Insurance policies with a loan value and non-essential personal property shall be considered as available liquid assets.

Case Record: Official files of forms, correspondence and narrative records pertaining to the application, with determination of initial or continuing eligibility, reasons for decisions and action by the Welfare Official, and kinds of assistance given.

Claimant: A person who has requested, either in person or through a representative, a fair hearing under Section XIII of these Guidelines.

Eligibility: Determination by a Welfare Official, with the assistance of the Guidelines, of a person's poverty and inability to support himself/herself, and therefore his/her need for General Assistance under the formula of Section VIII.

Fair Hearing: A hearing which the applicant or recipient may request to contest a denial, termination, suspension or reduction of assistance.

Family Unit: The applicant/client and any related or unrelated person(s) residing with the applicant/client. Family unit includes, but is not limited to: • a person "in loco parentis", that is, one who intentionally accepts the rights and duties of a natural parent with respect to a child, who is not his/her own child and who has lived with the child long enough to form a psychological family; or • two unmarried adults who live together and who have a mutual child.

GOOD CAUSE: Includes, but is not limited to: a verified medical emergency or other verified unforeseen emergency circumstance, which precludes the individual from fully complying with mandated requirements.

Household: Persons living together, who share in or benefit from shelter and other expenses and services.

Minor: A person under 18 years of age. Note; A minor's residence is always that of the custodial parent.

Need: The basic maintenance and support requirements of a person, as determined by a Welfare Official under the Standards of Section VIII (E) of these Guidelines.

Real Estate: Land, structures and fixtures attached to it.

Recipient: A person who is receiving general assistance.

Residence: Residence or residency shall mean a person's place of abode or domicile. The place of abode or domicile is that designated by a person as his principal place of physical presence for the indefinite future 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 an intent to return to such residence or residency as the principal place of physical presence (RSA 21: 6a).

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

Voucher System: The system whereby a community issues vouchers directly to the recipient's vendors and creditors rather than cash to the recipient (see Section VII).

Welfare Official: The official of the Town of Gilsum or his/her designee, who performs the function of administering General Assistance. The person with the general power to make all decisions regarding the granting of assistance under RSA Chapter 165, subject to the overall fiscal responsibility vested in the board of selectmen. The term includes "overseers of public welfare" (RSA 165 : 1,41 : 46) and "administrator of town or city welfare" (RSA 165 : 2).

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.

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 released to 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 administering RSA Chapter 165.

III-A. ROLES OF LOCAL GOVERNING BODY AND WELFARE OFFICIAL

The responsibility of the day-to-day administration of the General Assistance program should be vested in the appointed Welfare Official. The Welfare Official shall administer the General Assistance program in accordance with the written Guidelines of the Town of Gilsum. The local governing body is responsible for the adoption of the Guidelines relative to General Assistance (RSA 165 : 1 (II)).

IV. MAINTENANCE OF RECORDS

A. The Welfare Official is required by law to keep complete records of General Assistance. In addition to general statistical records concerning the number of persons given assistance and the cost for such support, a separate case record shall be established for each individual or family applying for General assistance (RSA 41 : 46).

B. The purposes for keeping complete records of General assistance are:

1. To provide a valid basis of accounting for expenditure of the funds of the Town of Gilsum.
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 social welfare agencies with accurate statistical information, including the number of persons assisted and the amount of money spent for their support, in order that taxpayers and officials may be aware of the scope of the General Assistance Program.

C. The Welfare Official shall maintain case records containing a minimum of the following information:

1. The complete application for assistance.
2. Written grounds for approval or denial of application, contained in a Notice of Decision form.
3. A narrative history recording need for relief, the results of home visits if any, collateral information, referrals, change in status, etc.
4. An account card which has complete data concerning the type, amount, and dates of assistance given.
5. A signed authorization by the applicant allowing the Welfare Official to release, obtain, or verify any pertinent information in the course of assisting the recipient.

Communications between the Welfare Official and the Board of Selectmen shall not be part of the case record, but shall be confidential.

V. APPLICATION PROCESS

A. Right to Apply.

1. Anyone may apply for local welfare assistance by completing a written application form. If more than one adult resides in a household, they all shall be required to appear at the welfare office to apply for assistance unless one is working or otherwise reasonably unavailable.
2. The Welfare Official shall not be required to accept an application for General Assistance from a person who is subject to a suspension pursuant to Section XII (C) of these guidelines; provided that any person who contests a determination of continuing noncompliance with the guidelines may request a fair hearing as provided in Section XII (C)(7).

B. Welfare Official's Responsibilities at time of Application.

When application is made for General assistance the Welfare Official shall inform the applicant of:

1. The requirement of submitting a written application.
2. Eligibility requirements, including a general description of the guideline amounts and the eligibility formula in Section VIII.
3. The applicant's right to a fair hearing and the manner in which review may be obtained.
4. The applicant's responsibility for reporting all facts necessary to determine eligibility.
5. Joint responsibility of the Welfare Official and applicant for exploring facts concerning eligibility, needs and resources, and applicant's responsibility for presenting records or documents to support his or her statements. The Welfare Official shall assist the applicant in completing the application.
6. The required verification as set forth in Section VI.
7. The fact that an investigation will be conducted in an effort to verify the facts and statements as presented by the applicant and that this investigation may take place prior to, during or subsequent to the applicant's receipt of general assistance.
8. The applicant's responsibility for notifying Welfare Official of any change in circumstances which will affect eligibility.

9. Any other programs of assistance or service the Welfare Official may know of, if the applicant appears ineligible for general assistance or of which applicants may avail themselves in addition to receiving General Assistance.

10. The requirement of placing a lien on any settlements or real property owned by the recipient for any assistance given, except for good cause.

11. The fact that recovery from the applicant is possible if he/she becomes able to repay the amount of assistance given.

12. 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 has the following responsibilities:

1. To provide accurate, complete and current information concerning his needs and resources and the whereabouts and circumstances of relatives who may be responsible under RSA 165:19.
2. To notify the Welfare Official within 72 hours of a change in needs or resources which may affect eligibility for continued assistance.
3. Within one week of application, to apply for and utilize any benefits or resources, public or private, that will reduce or eliminate the need for General Assistance.
4. To keep all appointments as scheduled.
5. To notify the Welfare Official within 72 hours of a change of address and/or a change in members of the household.
6. To diligently search for employment and provide verification of application for employment when requested.
7. To accept employment when offered.
8. To provide a doctor's statement if the applicant claims an inability to work due to medical problems.
9. To participate in the welfare work program if physically and mentally able.
10. To provide records and other pertinent information and access to said records and information when requested.
11. To diligently work towards independence of local welfare assistance through employment or other forms of public assistance. An applicant shall be denied assistance if he/she fails to fulfill any of these responsibilities without a 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 XII.

Any person may be denied or terminated from general assistance, in accordance with Section XII and XIII, or may be prosecuted for criminal offense, who, 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 (see paragraph 4 below), the Welfare Official will make a decision concerning the applicant's eligibility immediately, when possible, or within 5 working days after completion of the written application form. When a decision has been made on an application, the applicant will be informed in writing (within 2 working days after the date of decision) that assistance of a stated kind or amount has been given, or that the application has been denied, with reasons for denial. The notice of decision shall also contain information regarding the client's right to appeal an adverse decision and procedures to follow.

2. **Emergency Assistance.** If, at the time the application is received, the applicant demonstrates and verifies that an immediate need exists, because of which the applicant may suffer irreparable harm if aid is withheld until a decision is made within the usual limit specified in these guidelines (e.g. food, heat, prescriptions), then temporary aid to fulfill such immediate needs shall be given immediately, pending a decision on the application.

3. **Temporary Assistance.** In circumstances where required records are not available, the Welfare Official may give temporary approval to an application pending receipt of required documents. Temporary status shall not extend beyond one week.' The Welfare Official shall not insist on documentary verification if such records are totally unavailable.

4. 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, after having been informed of his/her rights and responsibilities as set forth in section V (B) and (C) above. If an application is deemed withdrawn for these reasons, the Welfare Official shall so notify the applicant in a written notice of decision.
- b. The applicant dies before assistance is rendered.
- c. The applicant avails himself of other resources in place of assistance.
- d. The applicant requests that the application be withdrawn.
- e. The applicant does not contact the Welfare Official after the initial interview, after being requested to do so.
- f. General assistance shall not be automatically continued.

E. Home Visits

A home visit may be made to each applicant only when it is determined necessary for the Welfare Official to understand all the services needed to help the applicant, or whenever there is a reasonable basis for such home visit. Home visits shall primarily be used for a helping or rehabilitative purpose.

The home visit is necessary for the Welfare Official to understand all the services needed to help the applicant. The Welfare Official will guard against such violations of legal rights and common decencies as entering the home by force, without permission, or under false pretenses, making home visits outside working hours, particularly during sleeping hours, and searching the home (i.e. in rooms, closets, drawers, or papers to seek clues to possible deceptions).

Refusal to grant home visits, without reasonable justification, shall be grounds for terminating or denying assistance. A home visit may, with the consent of the applicant/recipient, be used as an alternative form of verification when other forms are unavailable.

VI. VERIFICATION OF INFORMATION

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

1. Verification will normally be required of the following:

- a. Applicant's address.
- b. Names and incomes of persons in residential unit
- c. Applicant's and household income and assets.
- d. Applicant's and household financial obligations.
- e. 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.
- f. Any special circumstances claimed by applicant.
- g. Applicant's employment status, work history and availability in the labor market.
- h. Names, addresses and employment status of potentially liable relatives.
- i. Utility costs
- j. Housing costs.
- k. Facts relevant to the person's residence, as set forth in Section IX.

2. Verification may be made through records provided by the applicant (for example, birth and marriage certificates, pay stubs, pay checks, rent receipts, doctor's certificates of disability, DES cards, settlement award letters, bankbooks, etc.) as primary sources. The failure of the applicant to bring such records does not affect the Welfare Official's responsibility to process the application promptly. The Welfare Official shall inform the applicant what records are necessary, and the applicant is required to produce records possessed as soon as possible. However, the Welfare Official shall not insist on documentary verification if such records are not available.

3. Verification may also be made through other sources, such as relatives, employers, banks, school personnel, and social or government agencies. The cashier of a national bank or a treasurer of a savings and trust company are authorized by law to furnish information regarding amounts deposited to the credit of an applicant or recipient.
4. When information is sought from such other sources, the Welfare Official 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 shall obtain written consent of the applicant or recipient, unless the Welfare Official has reasonable grounds to suspect fraud. In the case of suspected fraud, the Welfare Official shall carefully record his or 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.
5. Should the applicant or recipient refuse comment and indicate any unwillingness to have the Welfare Official seek further information which is necessary, assistance will be denied for lack of eligibility verification.
6. The Welfare Official may seek statements from the applicant's former employers and legally liable relatives regarding their ability to help support the applicant.

VII DISBURSEMENTS

The municipality pays in a voucher system. It deals directly with the vendor (e.g. agencies, landlords, stores, etc.) involved. Tobacco products, alcoholic beverages and pet food cannot be purchased with the voucher. 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.

In addition, the amount shown on the voucher is the amount to be used for payment. An applicant may not exceed the amount listed on the voucher, nor may he change the amount listed. An applicant must sign the voucher to insure proper usage. The vendor returns the voucher with an itemized bill or register tape, for payment, to the Welfare Official.

VIII. DETERMINATION OF ELIGIBILITY AND AMOUNT

A. Formula

A person is eligible to receive assistance when (1) he/she meets the non-financial eligibility factors listed in Section C below, and (2) when 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 person is not eligible for general assistance. If the basic maintenance need exceeds the available income/assets, the amount of assistance shall be the difference between the two amounts, in the absence of circumstances justifying an exception.

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. A person cannot be denied assistance because he is not a resident. See Section IX.
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 behalf, shall be available during posted working hours or by appointment.
 - b. The eligibility of any applicant for General Assistance shall be determined no later than five working days after the application is submitted.
 - c. Assistance shall begin as soon as the person 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 himself or family as determined by the Guideline maintenance amounts.
4. "Relieved" means a person shall be assisted to meet those basic needs.

C. Non-financial eligibility factors.

1. Age. General assistance cannot be denied any person because of the person's age; age is not a factor in determining whether or not a person may receive General Assistance. (However, age does make certain persons eligible for other kinds of state or federal assistance, e.g. over 65, Old Age Assistance, Social Security; or under 18: TANF, foster care, etc. Income from those other types of assistance does affect eligibility under the Guidelines.
2. Support Actions: No applicant or recipient shall be compelled, as a condition of eligibility or continued of eligibility or continued receipt of assistance, to take any legal action against any other person. The town may pursue recovery against legally liable persons or governmental units. See Section XV.
3. Eligibility for other categorical assistance. Applicants or recipients whom the Welfare Official believes may be eligible for any other form of public assistance, must apply for such assistance within one week after being advised to do so by the Welfare Official. Failure to do so will render the applicant or recipient ineligible for assistance until he/she makes such application. Unless and until another form of public assistance is received, a person otherwise eligible is entitled to receive General Assistance. No person receiving Old Age Assistance or Aid to the Permanently and Totally Disable, under RSA 167 or 161, shall at the same time be eligible for General Assistance, except for medical or surgical assistance (RSA 167:27).

4. Employment. A person who is gainfully employed, but whose income and assets are not sufficient to meet necessary family expenses, may be eligible to receive General Assistance. However, applicants who without good cause refuse a job offer or referral to suitable employment are ineligible for General Assistance. The Welfare Official should determine whether there is a good cause for such refusal, taking into account the ability, and physical and mental capacity of the person, transportation problems, working conditions that might involve risks to health or safety, or lack of worker's compensation protection, lack of adequate child care, or any other factors that might make refusing a job reasonable.

5. Voluntary Quit Law. Applicants subject to the New Hampshire Voluntary Quit Law shall become ineligible for assistance as provided bylaw.RSA165:l-d.

6. Registration with the N.H. Department of Employment Security and Work Search. Registration with DES is not necessary for initial eligibility for General assistance. However, all recipients and adult members of their families should, with one week after having been granted assistance, register with DES to find work, and must conduct an adequate work search. Each applicant must apply for employment to each employer to whom he is referred by the Welfare Official. Merely because DES has determined that a person is not eligible for unemployment compensation does not mean that the recipient will no longer be eligible for General Assistance.

7. Work Search. Each recipient must apply for employment to each employer to whom he is referred by the Welfare Official. The Welfare Official may require a reasonable number of daily or weekly job contacts/applications. These work search requirements apply unless the applicant or adult member of his family is: a. gainfully employed; b. a dependent 18 or under who is regularly attending school; c. unable to work due to illness or a mental or physical disability of him/herself or another member of the household; d. is a single parent responsible for the care of a child age 5 or under (RSA 165:31).

A person responsible for the care of a child over 5 but under 12 shall not be excused from work search requirements, but shall be deemed to have good cause to refuse a job requiring work during the hours the child is not usually in school, if there is no responsible person available to provide care, and no other care is available.

The Welfare Official should give all necessary and reasonable assistance to ensure compliance with registration and work requirements, including the granting of allowance for transportation and work clothes. The Welfare Official may contact DES (Department of Employment Security) to verify the fact that the recipient has registered with DES, or he may ask to see the recipient's DES identification card. Failure of the applicant to comply with these requirements without good cause will be reason for denial of assistance.

8. Students. College students refusing full time employment are not eligible for general assistance.

9. Property Transfers. No person 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).

10. Employment of Household Members. The employment requirements of paragraphs 6 and 7 above, or participation in the work program shall be required for all able-bodied adults under the age of 65 years except those regularly attending school or employed on a full time basis, who are a. related to the person; b. residing in the same household; c. legally liable to contribute to the support of such person; and d. not prevented from maintaining employment and contributing to the support of the person by reason of physical or mental disability or other substantial or justifiable cause. However, the Welfare Official may waive this requirement where failure of the other household members to comply is not the fault of the applicant and the Welfare Official decides it would be unreasonable for the applicant to establish a separate household.

D. Available Assets

1. Available Liquid Assets. Cash on hand, bank deposits. State and Federal tax return money, credit union accounts, and securities are available liquid assets. Insurance policies with a loan value, and nonessential personal property, may be considered as available liquid assets when they have been converted to cash. The Welfare Official shall allow a reasonable time for such conversion. However, 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 or his dependent does not affect eligibility if it is essential for transportation to seek employment, to procure medical services or rehabilitation services or if its use is essential to the maintenance of the individual or the family.

3. Insurance. The ownership of insurance policies in and of itself, does not affect eligibility. However, when a policy has cash or loan value, the applicant will be required to obtain and/or borrow all available funds, which shall then be considered available liquid assets. Premium payments shall not be included in "need" when determining eligibility or amount of aid, medical insurance may be accepted.

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 should be considered as available to meet need. Applicants owning real estate property, other than that occupied as a home, 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 may be placed against any real estate they own.

E. Standard of Need

The basic financial requirement for General Assistance is that a person be poor and unable to support himself. A person shall be considered poor when he has insufficient available income/assets to purchase either for himself or his dependents.

1. Shelter. The amount to be included as "need" for shelter is the actual cost of rent or mortgage necessary to provide shelter. Rental rates, which would be considered allowable expense, range from \$575 to \$1672 depending on family size or may be determined in accordance with local market conditions.

a. No shelter arrearage will be included in the "need" formula, but every effort will be undertaken to prevent eviction unless suitable housing can be obtained elsewhere at a reasonable cost. If the amount of such mortgage or rental arrearage substantially exceeds the cost of alternative, available housing which complies with local health and housing code standards, or the payment of arrears will not prevent eviction or foreclosure, the Welfare Official may instead authorize payment to secure alternative affordable housing.

b. Whenever a relative of an applicant is also the landlord for the applicant, that landlord will be expected to assist his relatives pursuant to RSA 165:19, and must prove an inability to assist before any aid payment for shelter is made.

c. Security deposits are not included in the "need" formula

d. Shelter is to be paid on a weekly basis or at the discretion of the Welfare Official.

e. Homeless shelters shall be used as necessary. Southwestern Community Services has information on available homeless shelters. It is not the responsibility of the Welfare Department to locate housing for applicants.

2. Utilities.

a. When utility costs are not included in the rental expense, the most recent outstanding monthly utility bill will be included as part of "need" by the Welfare Official

b. Arrearages will not be included except when necessary to ensure the health and safety of the applicant or prevent termination of utility service.

c. In accordance with N.H. Public Utilities Commission rules, electric arrearages need not be paid if the Welfare Official notifies the electric company that the municipality guarantees payment of current and future electric bills, as long as the recipient remains eligible for General Assistance. Utility bills for accounts other than in the applicant's name or in the name of minors, shall not be paid.

3. Food. The amount included as "need" for food purchases will be in accordance with the most recent standard food stamp allotment, as determined by the Department of Health and Human Services under RSA 161:2 (XIII). More than the food stamp allotment may be granted if a physician has stated in writing that one or more members of the family needs a special diet, the cost of which is greater than can be purchased with the family's allotment of food stamps.

4. Maintenance Allowance. The cost of personal and household necessities may be included when calculating "need". The standard in arriving at the amount calculated as "need" is listed below in accordance with family size.

5. Telephone. If the absence of a telephone would create an unreasonable risk to the recipient's health or safety (verifiable in writing by a physician), the lowest available basic monthly rate will be budgeted as "need".

6. Transportation. If the Welfare Official determines that transportation is necessary for health, medical, employment or general assistance compliance, "need" should include the costs of public transportation, where available. Car payments shall not be included as need when determining eligibility. If and only if the transportation need cannot be reasonably provided by alternative means, such as public transportation or volunteer drivers, and the recipient has no reasonable means of transportation for emergency medical purposes or means of transportation to and from work, a reasonable amount for transportation may be considered by the Welfare Official.

7. Maintenance of Insurance. In the event that the Welfare Official determines that the maintenance of medical insurance is essential, an applicant may include as "need" the reasonable cost of such premium.

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

a. Medical, etc. The Welfare Official shall not consider including the amounts for medical, dental or eye services unless the recipient or applicant can verify that all other potential sources have been investigated and that there is no other 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 the Hill-Burton Act) designed for such needs. When a person applies for medical service, prescriptions, dental service or eye service to the local Welfare Official, he must provide written documentation 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 or recipient's well being will be placed in serious jeopardy.

b. Where the recipient owns a home and is otherwise eligible for General Assistance, payments necessary to prevent foreclosure and protect the health and safety of the recipient may be included in "need". The Welfare Official may require applicants to search for more affordable housing if the applicants can not maintain current housing or if the Welfare Official cannot reasonably prevent foreclosure.

c. Except for those specifically required by statute, no legal expenses will be included.

d. No moving expenses shall be included, except the expense of returning a person to his residence at his request pursuant to RSA165:1-c.

e. Emergencies not otherwise provided for in these guidelines. If the Welfare Official determines that the applicant's needs have substantially changed, or that strict application of the Standard of Need criteria will result in unnecessary or undue hardship (e.g. needed services are inaccessible to the person), such Official may make minor adjustments in the

criteria, or may make allowances using the guidelines. Any such determination, and the reasons therefore, shall be stated in writing in the applicant's case record.

9. Shared Expenses. If the applicant/recipient household shares shelter, utility or other expenses with a non-applicant/recipient, then need should be determined on a pro rata share, based on the total number of persons in the residential unit.

F. Income

In determining eligibility and the amount of assistance, the standard of need, as determined under Section E above, 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 his family or 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 produce sold are in this category. With respect to self-employment, total profit is arrived at by subtracting business expenses from gross income in accordance with standard accounting should that be 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, should not be included.

2. Income or Support from Relatives. Contributions from relatives shall be considered as income only if actually received by the applicant or recipient.

3. Income from Other Assistance or Social Insurance Program. State categorical assistance benefits, OASDI payments, Social Security payments, VA benefits, unemployment insurance benefits and payment from other government sources shall be considered income.

4. Court-ordered support payment. Alimony and child support payments shall be considered income only if actually received by the applicant or recipient.

5. Income from other sources. Payment from pension and trust funds and the like shall be considered income. Federal and state tax return money shall be considered a source of income. Any income actually available to the applicant or recipient from members of their household shall be considered as 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. Deemed Income. The Welfare Official shall deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82, VIII as set forth in RSA 165:1:e. When an applicant receiving benefits through the Division of Human Services is

sanctioned by a reduction in benefits for non-compliance, the amount of income considered available will be the amount the applicant was receiving prior to the sanction.

G. Length of Eligibility.

Assistance is authorized on an as-needed basis and is not continued automatically. The length of assistance varies from a few days to a week, depending on the need. The applicant is expected to contact this office each time the circumstances are reviewed to determine further eligibility.

IX. NON-RESIDENTS

A. Eligibility.

No person shall be refused assistance solely on the basis of residence. RSA 165:1.

B. Standards.

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

C. Verification

1. 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 community of residence. If such records are not available at the time of the initial application, information may be provided verbally. However, the applicant must produce the required records within one week of the initial application.

2. If a home visit to a residence outside the municipality is impractical, the decision shall be made on the basis of other sources of verification.

D. Temporary 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 V (D).

E. Determination of Residence.

1. No determination of residence shall be made unless the applicant requests return home transportation or unless the Welfare Official has some reason to believe the person is a resident in another municipality from which recovery can be made under RSA 165:20.

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

3. 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 following criteria shall aid the Welfare Official in determining the applicant's residence:

- a. Does the person have, or immediately intend to establish, a dwelling place within the municipality?
- b. Does the person have property, an established dwelling place or employment in any other municipality, to which he/she intends to return?
- c. Does the person have a present intent to leave the municipality at some specific future time?
- d. Has the person evidenced his domiciliary intent in some manner, such as registering a vehicle, paying residence tax, registering to vote, opening local bank accounts, etc. or does he/she intend to do so in the immediate future?

None of the above factors is conclusive; The Statement of a person over 18 as to his/her residence or intent to establish residence shall be accepted in the absence of strongly consistent evidence or behavior.

F. Return Home Transportation.

At the request of a non-resident 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 to cause the person to be returned to his/her community of residence (RSA 165:1 -c).

G. Recovery.

Any aid given to a non-resident, including the cost of return home transportation, may be recovered from his/her community of residence using the procedures of Section XV.

X. MUNICIPAL WORK PROGRAMS

A. Anyone receiving General Assistance may be required to work at any available bona fide job that is within his capacity. RSA 165:31. Applicants shall be encouraged to apply for available town positions for which they are qualified.

B. In no case shall a recipient/worker be paid or allotted less than the minimum wage. All wages attributable to such employment shall be used to reimburse the locality for current assistance given. No recipient shall be required to work more hours than necessary to reimburse for aid rendered. Employment under this section shall continue for as long as assistance is required and received.

C. If, due to lack of available town work or other good cause, a recipient does not work a sufficient number of hours to fully compensate the town for the amount of his aid, the full amount of aid for which he is eligible under these standards shall still be paid.

D. The town shall provide reasonable time during working hours for the recipient to secure work in the labor market.

E. Refusal to work does not include failure to appear for or to perform work where the applicant:

1. has a conflicting interview for a job possibility.
2. has a conflicting interview at a service or welfare agency.
3. has a medical appointment or illness.
4. must care for children under the age of 5. A person responsible for a child over 5 but under 12 shall be deemed to have good cause to refuse 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 determined by the Welfare Official.
6. must remain at home because of illness or disability of another member of the household (verified in writing by a physician).
7. does not possess the materials or tools required to perform the task and the municipality fails to provide them.
8. is a dependent 16 or over who regularly attends high school.

F. Working hours are subject to the approval of the supervisor and the recipient. Failure of the recipient to adhere to the agreed working hours (except for the reasons listed above in section E) will prompt review of the applicant's eligibility for General Assistance.

XI BURIALS

A. The Welfare Official shall provide for proper burial, at municipal expense, of assisted persons found in the community at time of death. The expense may be recovered from the deceased person's municipality of residence or from a liable relative.

B. Eligibility Criteria:

1. Assistance with burial costs will only be paid by City Welfare when approval is authorized prior to the burial. When just cause is present for failing to gain pre-authorization, the decision shall be at the discretion of the Welfare Official.
2. A family member must come to the Welfare Office to apply for assistance prior to the burial. Family members must provide evidence of their inability to assist with burial costs. At that time, we will explain what we can provide:

- a. Burial in least expensive casket with graveside service and burial at a town cemetery, marked with a metal disk.
- b. There will be no calling hours.
- c. There will be no embalming.
- d. Local Welfare will contribute a maximum of \$1100

XII RIGHT TO NOTICE OF ADVERSE ACTION

A. All persons have a constitutional right to be free of unfair, arbitrary or unreasonable action taken by local 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. The Welfare Official 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 decision shall be given or mailed to the within 2 working days following the making of the decision or within 7 working days from the time the application is filled out and submitted, whichever occurs first.

2. In any case where the Welfare Official decides to terminate or reduce assistance in advance of the next anticipated date of assistance, the official shall send notice at least seven days in advance to the recipient stating the intended action.

3. The notice required by paragraph 1 and 2 above shall contain:

a. A clear statement of the reasons for the denial or proposed termination or reduction. If the denial, termination or reduction is due to the person's failure to comply with these guidelines, the notice shall list the guidelines with which the person presently does not comply, those specific actions which are deemed necessary to meet those obligations and a statement of the consequences of noncompliance.

b. A statement advising the individual of his right to a fair hearing, and that any request for a fair hearing must be made in writing within 5 calendar days.

c. A form on which the individual may request a fair hearing.

d. A statement advising the individual 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 applicant. Aid must be repaid if the applicant fails to prevail at the hearing.

A copy of the Notice of Decision shall be given or mailed to the applicant within 3 working days after the decision is made, with a copy placed in the case file.

C. Suspension for Noncompliance with Guidelines.

1. Recipients must comply with these guidelines and the reasonable requests of the Welfare Official. The Welfare Official must enforce the guidelines while ensuring that all recipients and applicants receive due process. Recipients should be given reasonable notice of the conditions and requirements of eligibility and continuing eligibility and notice that noncompliance may result in termination or suspension.

2. Conditions. Any person otherwise eligible for assistance shall become ineligible under [RSA 165:1-b](#) if he/she willfully 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 [V \(C\)](#) and [VI](#) of these guidelines, including any changes in this information.

b. participate in the work program under Section [X](#), to the extent assigned by the Welfare Official.

c. comply with the work search requirements imposed by the Welfare Official under [VIII \(C\) \(6\)](#).

d. apply for other public assistance, as requested by the Welfare Official

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 (7) day period within which to comply. The first notice should be given at the time of the notice of decision and thereafter as conditions change. Additional notice of actions required should also be given as eligibility is redetermined, but without an additional seven (7) day period unless new actions are required.

4. Noncompliance. If a recipient willfully fails to come into compliance during the seven (7) day period, or willfully falls into noncompliance within thirty (30) days from receipt of a first notice, the Welfare Official shall give the recipient a suspension notice, as set forth in paragraph 5. If a recipient falls into noncompliance for the first time more than 30 days after receipt of a first notice, the Welfare Official must give the recipient a new first notice with a new seven (7) day period to comply before giving the recipient the suspension notice.

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.

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 (5) calendar days of receipt of the suspension notice.

d. a statement that assistance may continue 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.

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 7 days or 14 days if the recipient has had a prior suspension which ended within the past six (6) months.

b. until the recipient complies with the guidelines if the recipient, upon the expiration of the 7 or 14 day suspension period, continues to fail to carry out the specific actions set forth in the notice.

c. The Welfare Official will not accept an application from a person who is subject to suspension.

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.

8. Compliance after suspension. A recipient who has been subject to a suspension and who has come back into compliance shall have his/her assistance resumed, provided he/she is still otherwise eligible. Arrearages accrued during the period of suspension shall not be paid; assistance will resume for current expenses. The notice of decision stating that assistance has been resumed should again set forth the actions required to remain eligible for assistance, but need not provide a 7 day period for compliance unless new conditions have been imposed.

XIII 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, to the effect that he wants an opportunity to present his case to a higher authority.

B. Time Limits for Request.

1. Where application denied. When an application is denied, a request for a fair hearing must be received within five calendar days of the denial.

2. In other cases. When a recipient desires to challenge a decision made by the Welfare Official, relative to the receipt of assistance (i.e. amount of assistance, conditions imposed) a request for fair hearing must be received within 5 calendar days of receipt of the notice of decision at issue.

C. Time Limits for Hearing. Hearings requested by claimants must be held within seven working days from the receipt date of the request. The Welfare Official shall give notice to the claimant setting forth time and location of the hearing. This notice must be given to the individual at least 48 hours in advance of the hearing or mailed to the individual at least 72 hours in advance of the hearing.

D. Procedures at the Hearing.

1. A claimant or his 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 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 not been allowed to examine prior to the hearing shall be introduced at the hearing or become part of the record.

2. The Welfare Official (Director 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.

3. All fair hearings may be tape-recorded and retained for 6 months.

4. Procedure for Fair Hearings:

a. All fair hearings shall be conducted in such manner as to insure due process of law.

b. Fair Hearings shall not be conducted according to strict rules of legal procedure and strict rules of evidence. However, in order to protect the right of cross-examination, the fair hearing official shall not rely upon any hearsay evidence in making his decision if any party objects to its introduction.

c. The burden of proof shall be on the claimant, who shall be required to establish his/her case by a preponderance of the evidence.

d. The Welfare Official responsible for the decision complained of shall attend the hearing and testify about his/her actions and the reasons therefore.

e. Both parties shall be given the opportunity to offer evidence and explain their positions as fully and completely as they wish.

f. The claimant or his representative and the Welfare Official or his representative shall have the opportunity to examine all records and documents used at the hearing. The claimant shall have the opportunity to present his case for himself or, at his option, with the aid of others, 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.

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

h. The parties may stipulate to any facts.

5. The Fair Hearing Officer or Officers shall be chosen by the Chairman of the Board of Selectmen.

The person(s) serving as the fair hearing authority must:

a. not have participated in the decision causing dissatisfaction.

b. be impartial.

c. be sufficiently skilled in interviewing to be able to obtain evidence and facts necessary for a fair determination.

d. be capable of evaluating all evidence fairly and realistically, to explain to the claimant the laws and regulations under which the Welfare Official operated, and to interpret to the Welfare Official any evidence of unsound, unclear or inequitable policies, practices or action.

1. Fair hearing decisions shall be rendered within seven working days of the hearing. Decisions shall be in writing setting forth the reasons for the decision and the facts on which the fair hearing officer relied in reaching his 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 action being appealed. If the recipient 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.

XIV LIENS

A. Real Estate.

1. The law requires the town or city to place a lien for welfare aid received on any real estate owned by an assisted person in all cases except for just cause. RSA 165:28. The Welfare Official shall file the 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. The lien remains in effect during the lifetime of a person or until the amount of the lien is repaid to the municipality. Interest at the rate of 6 percent shall be charged on the amount of money constituting such lien, commencing one year after the date of the filing of the lien unless a majority of the Selectmen vote to waive such interest. Upon repayment of a lien, the municipality must file written notice of the discontinuance of the lien with the county registry of deeds.

2. Civil Judgments.

a. A town or 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 worker's compensation) awarded any person granted assistance by the town or city for the amount of assistance granted by the town or city.

b. The town or 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 Official becomes aware of such a claim against a civil judgment, he/she shall contact the attorney representing the recipient.

c. This lien shall take precedence over all other claims.

XV. PROCEDURE FOR BILLING AND RECOVERING FROM GOVERNMENTAL UNIT OF RESIDENCE OF RELATIVE

A. The amount of money spent by a municipality to support a person who has a residence in another community or has a father, mother, stepfather, stepmother, husband, wife or child (who is no longer a minor) of sufficient ability to also support the assisted person, may be recovered from the municipality of residence or the liable relative. However, written notice of money spent in support of an assisted person must be given to the liable relative. The Welfare Official 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 possible liable relatives. Any legal action to recover must be filed in a court with 6 years after the expenditure. RSA 165:19, 20 and 25.

B. A former recipient who is returned to an income status after receiving assistance may be required to reimburse the town or city for the assistance provided, if such reimbursement can be made without financial hardship.

C. Any legal action to recover must be filed in a court within 6 years after the expenditure (RSA 165:25).

D. The amount of money spent by a municipality to support a person who has made initial application for SSI and has signed an Interim Assistance Program Reimbursement Form, shall be recovered through the Social Security Administration and the Department of Health and Human Services. There shall be no delay, refusal to assist, reduction or termination of assistance while the Welfare Official is pursuing the statutory remedies to secure reimbursement from responsible relatives or from the municipality of residence.

XVI. APPLICATION OF RENTS PAID BY THE MUNICIPALITY.

A. Whenever the owner of property rented to a person receiving general assistance from the municipality is in arrears tax payments to the municipality, the municipality 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-b)

B. A Payment shall be considered in arrears if more than 30 days has elapsed since the mailing of bill, or in the case of real estate taxes, if interest has begun to accrue pursuant to RSA 79:13 (RSA 165:4-a)

C. Delinquent balances will be offset in order of the following priority:

1. taxes

D. Procedure.

1. The Welfare 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 Officer will issue a duplicate of the voucher to the appropriate department. Payment shall be issued directly to the appropriate department at which time the department shall issue a receipt for payment to the delinquent landlord.