



WELFARE OFFICE

GENERAL ASSISTANCE GUIDELINES

MISSION STATEMENT

We provide assistance to individuals, families and households who lack adequate resources to meet their basic needs. We are facilitators in that we direct those in need to relief agencies, i.e., federal, state, non-profit, etc. therefore reducing the burden on our Departmental budget and the New Durham taxpayers. We strive to promote self-reliance, independence and self-sufficiency.

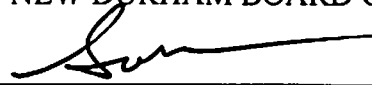
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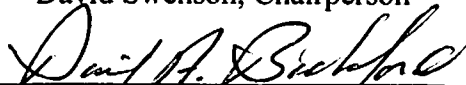
Pursuant to the provisions of New Hampshire Revised Statutes Annotated (RSA) 165:1 (II), the New Durham Board of Selectmen hereby adopts the following written guidelines relative to the provision of general assistance by the Town of New Durham.

These guidelines will be effective upon the vote of the New Durham Board of Selectmen on May 19, 2014. All previous welfare guidelines and amendments to same adopted by the Board of Selectmen since 2003 are rescinded with the adoption of these guidelines.

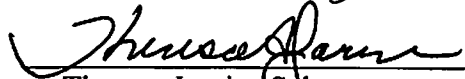
By Order of:
NEW DURHAM BOARD OF SELECTMEN



David Swenson, Chairperson



David Bickford, Selectman



Theresa Jarvis, Selectman

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Chapter 1: DEFINITIONS:

AGENCY: Any health, social service or other entity that provides services to a client or 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 their eligibility reviewed either in person or by an authorized representative of the applicant and whose application has been denied.

APPLICATION or RE-APPLICATION: A form completed by a person or their authorized representative requesting assistance from a welfare official that indicates the assets and resources of the applicant.

ARREARAGES: Past due amounts on bills for basic needs.

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

AVAILABLE LIQUID ASSETS: All cash on hand, bank deposits, credit union accounts, and securities. IRAs (Individual Retirement Account), 401K accounts and insurance policies with a loan value and non-essential personal property when they have been converted into cash.

CASE RECORD: Official files or 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 an authorized representative, a fair hearing under Chapter 14 of these Guidelines.

CLIENT: An individual, either a single person or encompassing a family, who receives services from the welfare office.

ELIGIBILITY: Determination by a welfare official, and with the assistance of the guidelines, of a person's poverty and inability to support themselves, therefore, qualifying for general assistance in accordance with the requirements of Chapter 9, Determination of Eligibility and Amount.

FAIR HEARING: A hearing conducted in accordance with the Chapter 14 Fair Hearings, which the applicant or recipient may request to contest a denial, termination or reduction of assistance.

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

HOUSEHOLD: A household is defined as:

1. The applicant or recipient and persons residing with the applicant or recipient in the relationship of father, mother, stepfather, stepmother, son, daughter, husband, wife, or domestic partner;

2. The applicant or recipient and any adult (including an unrelated person) who resides with the applicant or recipient “in loco parentis” who intentionally accepts the rights and duties of a natural parent with respect to a child not their own

MINOR: A person under 18 years of age.

NEED: The basic maintenance and support requirements of a person, as determined by a welfare official in accordance with Chapter 9 (E) Determination of Eligibility and Amount of these guidelines.

NOTICE OF DECISION: The written determination of a welfare official as to what, in any, financial assistance , shall be given to an applicant.

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 as described in Chapter 9 (E).

RESIDENCE: A person's place of abode or domicile that is designated by a person as their principal place of physical presence for the indefinite future to the exclusion of all others and such residency shall not be interrupted or lost by a temporary absence from it, if there is intent to return to such residency as the principal place of physical presence.

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

SHELTER: A temporary housing provider through which an individual or family may seek emergency housing until permanent housing can be found.

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

VENDOR/PROVIDER: An individual(s), utility company, store or other business which provides goods or services needed by the applicant or recipient.

VOUCHER: The document issued by the town in accordance with Chapter 8 Disbursements, directly to the recipient's vendors and creditors.

WELFARE OFFICIAL: The official of the town, or their designee, who performs the function of administering general assistance and who has the authority to make all decisions regarding the granting of assistance under RSA 165, subject to the overall fiscal responsibility vested in the Board of Selectmen.

WORKFARE: Labor performed by welfare recipients at municipal sites as reimbursement for benefits that have been received.

Chapter 2 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.

Chapter 3 CONFIDENTIALITY OF INFORMATION

As required by **RSA 165:2-c** all information given by or about an applicant or recipient of general assistance is confidential and privileged, and is not subject to disclosure 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**.

Chapter 4 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 New Durham. As required by **RSA 165:1 II** the Board of Selectmen is responsible for the adoption of the guidelines relative to the general assistance.

Chapter 5 MAINTENANCE OF RECORDS

A. **Legal Requirement:** Each welfare official is required by law to keep complete 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 to:

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

B. **Case Records:** The welfare official shall maintain case records containing at a minimum, the following information:

1. The complete application for assistance 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 Department 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 that has been given;
5. A completed workfare program application, if applicable;
6. Fair hearing request and resolution information, if applicable and
7. Lien information, if applicable.

Chapter 6 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 an 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. Each adult in the household should sign release of information forms.
2. The welfare official shall not be required to accept an application for general assistance from a recipient who is subject to a suspension pursuant to **RSA 165:1-b, VI**, provided that the applicant who contests a determination of continuing non-compliance with the guidelines:
 - May request a fair hearing;
 - That a recipient who has been suspended for at least six (6) months due to non-compliance may file a new application.

B. Welfare Official's Responsibilities at Time of Application: When an application is made for general assistance, the welfare official shall provide the applicant with the Notice of Rights and shall inform the applicant of:

1. The requirements of submitting an application and at the time of each request for assistance, an intake form. 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 and the 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;
8. The applicant's responsibility to notify the welfare official 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;
11. The requirements 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;
13. The applicant's right to review the guidelines; a copy will be given upon request;
14. The applicant's responsibility not to voluntarily terminate employment without good cause, as required by **RSA 165:1-d**; and
15. Any other responsibility the applicant has or will have.

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 their 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 the 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, 1(d)**.
4. To keep all appointments as scheduled or call to reschedule if unable to keep an appointment. An application will be considered withdrawn if an applicant fails to notify the welfare official;
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. After a determination of eligibility for assistance, to diligently search for employment and provide verification of work search, to accept employment when offered, except for documented reasons of good cause and to maintain such employment;
8. After a determination of eligibility for assistance, to participate in the workfare program if physically and mentally able as authorized by **RSA 165:1-b, I(b)**; and
9. To reimburse the town for all assistance that has been given if on return to an income status reimbursement can be made without financial hardship as authorized by **RSA 165:20-b**.

An applicant shall be denied assistance if he or 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.

Any recipient may be denied or terminated from general assistance or may be prosecuted for a criminal offense, if he or 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 or she is not entitled

D. Actions on Applications:

1. **Decision.** Unless an application is withdrawn, the welfare official will make a decision concerning the applicant's eligibility immediately in the case of an emergency, or within five (5) 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 decision being made. 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 reason(s) for denial. A decision may also be made to place an application on hold 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 or her right to a fair hearing with the welfare official's decision. **RSA 165:1-b, II, III.**
2. **Emergency Assistance.** If, at any 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 or prescriptions), then temporary aid to fill such emergency assistance shall be given immediately, pending a decision on the application. Such emergency assistance shall not obligate the welfare official to provide further assistance after the application process is completed.
3. **Temporary Assistance.** In circumstances where required records are not available, the welfare official may give temporary approval of an application pending receipt of required documents. Temporary status shall not extend past two (2) weeks. The welfare official shall not insist on documentary verification if such records are totally unavailable.
4. **Withdrawn Application.** An application shall be considered withdrawn if:
 - 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 completion of an application. If an

application is deemed withdrawn for these reasons, the welfare official shall so notify the applicant in a written notice of decision;

- The applicant dies before assistance is rendered;
- The applicant avails him or herself of other resources to meet the need in place of assistance;
- The applicant requests that the application be withdrawn (preferably in writing); or
- The applicant does not contact the welfare official after the initial interview after being requested to do so.

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 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 not be in uniform, or travel in a law enforcement vehicle, 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.

During the home visit the welfare official may discuss any noticeable applicable housing code violations with the applicant and insure that all violations are reported to proper authorities. The welfare official will follow up on all reported violations and may insure that reprisal actions taken by the landlord are also reported to proper authorities.

Refusal to grant home visits, without reasonable justification, shall be grounds for terminating or denying assistance.

CHAPTER 7 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.

A. **Required Verification**: Verification will normally be required of the following:

1. Applicant's address;
2. Facts relevant to the applicant's residence;
3. Names of persons in applicant's residential *unit*;
4. Applicant's and household's income and assets;
5. Applicant's and households 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 referral 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.

- B. Verification Records:** Verification may be made through records provided by the applicant (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 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. The applicant shall be required to fill out and sign a Required Verifications form. However, the welfare official shall not insist on documentary verification if such records are not available, but should ask the applicant to suggest alternative means of verification.
- 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).**
- D. Written Consent of Applicant:** 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.
- 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 seek further information that is necessary, assistance may be denied for lack of eligibility verification.

CHAPTER 8 DISBURSEMENT

In accordance with **RSA 165:1 III** the Town of New Durham does not provide cash payments. Vouchers are payable directly to the vendor involved. 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 Town of New Durham'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. After the initial transaction, if there is any unspent money, the voucher shall be returned to the Town 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. In cases where the vendor does not accept vouchers and immediate payment is necessary, the Town will use a credit card to pay the vendor and the vendor will mail or fax a copy of the receipt with the applicant or their representative's signature or the applicant will bring the receipt to the welfare official.

CHAPTER 9 DETERMINATION OF ELIGIBILITY AND AMOUNT

A. Eligibility Formula: An applicant is eligible to receive assistance when:

1. He or 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 or 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 need exceeds the available income and or assets, the amount of assistance granted to the applicant shall be the difference between the two amounts, in the absence of circumstances deemed by the welfare official to justify an exception.

B. Legal Standard and Interpretation: RSA 165: states "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."

1. An applicant cannot be denied assistance because he or she is not a resident of New Durham;
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 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;
 - c. Assistance shall begin as soon as the person is determined eligible.
 - d. During non-business hours, applicant is to call the New Durham Police Department at 859-2751. The Police Department will notify the welfare officer.
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 or herself or family as determined by the guidelines.
4. "Relieved"

C. Non-Financial Eligibility Factors:

1. **Age.** General assistance cannot be denied to any applicant because of the applicant's age as 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 Town may pursue recovery against legally liable persons or governmental entities.
3. **Eligibility for Other Categorical Assistance.** Applicants or 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 (7) days after being advised to do so by the welfare official. Failure to do so may render the recipient ineligible for assistance and subject to action. In accordance with **RSA 167:27** applicants receiving cash payments from Old Age Assistance (OAA) or Aid to the Permanently and Totally Disabled (APTD), shall be eligible for general assistance so long as they are otherwise qualified for local welfare.
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 these guidelines. The welfare official 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, or 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.
5. **Registration with the N.H. Department of Employment Security (NHES) & Work Search Requirements.** All unemployed recipients and adult members of their household shall, within seven (7) days after having been granted assistance, register with NHES to find work and they must conduct a reasonable, verified job search as determined by the welfare official. The applicant shall receive a job search form from the welfare official. The job search form shall be turned into the welfare official on a weekly basis. The form must contain jobs that can be verified by the welfare official (Name of person contacted and phone number). Each recipient must apply for employment to each employer to whom he or she is referred by the welfare official. These work search requirements apply unless the recipient and each other adult member of the household is:
 - Gainfully employed;
 - A dependent 18 or under who is regularly attending secondary school;
 - Unable to work due to illness or mental or physical disability of him or herself or another member of the household, as verified by the welfare official; or
 - Is solely responsible for the care of a child under the age of five and no other care is available. 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 that no other care is available. **RSA 165:31.**
III

The welfare official shall give all necessary and reasonable assistance to ensure compliance with registration and work requirements, including the granting of allowances for transportation.

The welfare official may contact NHES to verify the fact that the recipient has registered with NHES, or the official may ask to see the recipient's NHES identification card. Merely because NHES 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. Failure of the applicant to comply with these requirements without good cause will be reason for denial of assistance.

6. **Students:** Applicants who are college students not available for or refusing to seek full-time employment are not eligible for general assistance.
7. **Non-citizens:** The welfare official may, in his or her sole discretion, provide limited assistance to non-citizens not eligible otherwise for general assistance.
 - A non-citizen is not eligible for general assistance from the Town if they are not:
 - i. A qualified alien under **8 USCA 1641**,
 - ii. A non-immigrant under the federal Immigration and Nationality Act, or
 - iii. An alien paroled into the United States for less than one year under **8 USCA 1182(d)(5)**
8 USCA 1621(a)
 - Qualified aliens include:
 - i. Aliens who are lawfully admitted for permanent residence under the Immigration and Nationality Act, **8 USCA 1101 et seq.**,
 - ii. Aliens who are granted asylum under that act,
 - iii. Certain refugees, and
 - iv. Certain battered aliens. **8 USCA 1641**
 - 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:
 - i. Placing the patient's health in serious jeopardy,
 - ii. Serious impairment to bodily functions, or
 - iii. Serious dysfunction of any bodily organ or part. **8 USCA1621(b)** and **42 USCA 1369 (v)**
(3)
 - A non-citizen may also be eligible for general assistance for treatment of an emergency medical condition.
 - Non-citizen applicants for general assistance may be required to provide proof of eligibility. **8 USCA 1625.**

8. **Property Transfers:** No applicant who is otherwise eligible shall receive such assistance if he or she has made an assignment, transfer, or conveyance of property for the purpose of rendering him or herself eligible for assistance within three (3) years immediately preceding his or her application as required by RSA 165:2-b.
9. **Employment of Household Members:** The employment requirements in these guidelines, or participation in the workfare program, shall be required for all adults aged 18 to 65 if they are:
- Members of the recipient's household;
 - Legally liable to contribute to the support of the recipient and/or children of the household; and
 - 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.

Any adult aged 18 to 65 residing in the same household as the recipient who is regularly attending secondary school or employed on a full time basis, is exempt from the employment and workfare program requirements.

The welfare official may waive this requirement where failure of the other household members to comply is not the fault of the recipient and the welfare official 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 ninety (90) days from the date of employment termination provided the applicant:
- Has received local welfare within the past 365 days;
 - Has been given notice that voluntary termination of employment without good cause could result in disqualification;
 - Has terminated employment of at least twenty (20) hours per week without good cause within sixty (60) days of an application for local welfare;
 - Is not responsible for supporting minor children in his or her household; or
 - Did not have a mental or physical impairment which caused him or 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 to 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 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 recipient or his or 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. The welfare official may determine if a second owned vehicle is necessary for such things as employment or is medically necessary.

One car payment per month shall be included as part of "need" when determining eligibility or amount of aid if it is essential for transportation. The amount allowed for car payments shall not exceed \$300 per month

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 recipient will be required to obtain and/or borrow all available funds, which shall then be considered available liquid assets.

Premium payments for car insurance shall not exceed \$75 a month and medical insurance shall be included in "need" when determining eligibility or amount of aid.

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 or herself. A person shall be considered poor when he or she has insufficient available income/assets to purchase either for him or herself or dependents any of the following.

Extraordinary needs may be counted as allowed expenses for purposes of determining eligibility for aid at the discretion of the welfare official.

1. **Shelter:** The amount to be included as "need" for shelter is determined by the current Fiscal Year Fair Market Rent table. The cost determined will be reviewed yearly or as needed by the welfare official.
 - a. **Shelter Arrearages:** Shelter arrearages will be included in the "need" formula if, and only if, such payment is necessary to prevent eviction or foreclosure or to protect the health and safety of the household. However, 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 if payment of arrears will not prevent eviction or foreclosure, the welfare official may instead authorize payment for a security deposit, rent, and/or reasonable relocation

expenses for such alternative housing if, under the circumstances of the case, it is reasonable to do so and would not cause undue hardship to the applicant household. Alternative housing may include transitional housing. Mortgage interest payments shall not exceed current HUD Fair Market rents or local market factors whichever is less. (The welfare official shall do research to ensure current rates are being used.) Home equity loans shall not be considered as shelter "need".

- b. **Security Deposit:** Security deposits may be included in the "need" formula if, and only if, the applicant is unable to secure alternative shelter for which no security deposit is required or is unable to secure funds, either him or herself or from alternative sources, for payment of the deposit. Any security deposit provided by the general assistance program which is returned under **RSA 540-A: 7** shall be returned to the Town, not the recipient.
- c. **Relative Landlord:** Whenever a relative of an applicant is also the landlord for the applicant, a financial analysis shall be made in accordance with **RSA 165:19**.
- d. **Minimum Housing Standards for Rental Housing:** The welfare official shall not pay rental assistance for any house or apartment that does not meet the health and safety standards established in **RSA 48-A: 14** which states that no landlord can rent a residential dwelling that has any of the following conditions:
 - i. The premises are infected by insects and rodents where the landlord is not conducting a periodic inspection and eradication program;
 - ii. There is defective internal plumbing or a back-up of sewage caused by a faulty septic or sewage system;
 - iii. There are exposed wires; improper connectors, defective switches outlets or other conditions which create a danger of electrical shock or fire;
 - iv. The roof or walls leak consistently;
 - v. The plaster is falling or has fallen from the walls or ceilings;
 - vi. The floors, walls or ceiling contain substantial holes that seriously reduce their function or render them dangerous to the inhabitants;
 - vii. The porches, stairs or railings are not structurally sound;
 - viii. There is an accumulation of garbage or rubbish in common areas resulting from the failure of the landlord to remove or provide a sufficient number of receptacles for storage prior to removal, unless the tenant has agreed to be responsible for removal under the rental agreement and the landlord has removed all garbage at the beginning of the tenancy;
 - ix. There is an inadequate supply of potable water or whatever equipment that is available to heat water is not properly operating;
 - x. There are leaks in any gas lines or leaks or defective pilot lights in any appliances furnished by the landlord; or
 - xi. The premises do not have heating facilities that are properly installed, safely maintained and in good working condition, or are not capable of safely and adequately heating all habitable rooms and bathrooms to a temperature of at least an average of 65 degrees F.

Rental housing must also have adequate smoke & carbon monoxide detectors in compliance with the National Fire Protection Association in order to be eligible for general assistance payments by the Town of New Durham.

The welfare official may conduct an inspection of any rental housing to see that the house or apartment meet the above listed health and safety standards, and/or may have another town official (i.e. - building inspector, health officer, selectman, police officer, or fire fighter perform the inspection or accompany the welfare official in performing the inspection. A health and safety inspection must be performed every two years or upon entrance of new tenants and a report shall be on file in the welfare official's office.

e. Schedule of Rents /Mortgage: Rents and Mortgages shall be paid on a per bedroom need basis.

The following schedule shall apply:

- i. Single person - 1 bedroom
- ii. Two cohabiting people - 1 bedroom
- iii. Two non-cohabiting people - 2 bedrooms
- iv. Parent and Child - 2 bedrooms
- v. Children under Age Six (6) - 2 to a bedroom regardless of sex
- vi. Children over Age Six (6) - 2 to a bedroom, same sex

The welfare official maintains the ability to modify the outline listed above as situations may warrant.

f. Single Person Living with Family: The number of bedrooms divided by the number of people living in the house equals the amount paid as rent by the Town. Other assistance may be granted in addition to rent subsidy.

2. Utilities: 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.

- a. Arrearages:** Arrearages will not be included except when it is necessary to ensure the health and safety of the applicant household or to prevent termination of utility service where no other sources or referrals can be utilized. In accordance with the PUC relating to electric utilities, arrearages for electric service need not be paid if the welfare official notifies the electric company that the Town guarantees payment of the current electric bill as long as the recipient remains eligible for general assistance. It is the recipient's responsibility to notify the welfare official if assistance is still needed and to provide a copy of the current electric bill.
- b. Restoration of Services:** When utility service has been terminated and the welfare official 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 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 for the recipient to obtain restoration of service.

When electric service has been terminated and restoration is required, arrearages may either be included as set forth above or may be paid in accordance with a reasonable payment plan entered into by the applicant and the electric company, the welfare official may hold the recipient accountable for the payment arrangement for as long as the recipient continues to request general assistance on a regular basis 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 payment of the deposit and is unable to secure utility service without a deposit. Such deposits shall, however, be the property of the Town.

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 N.H. Department of Health & 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, 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 for alcohol, tobacco, or pet food.

The welfare officer strives to provide the recipients of local assistance with food through referring clients to relevant organizations such as the New Durham Food Pantry. Unless required due to some extraordinary circumstance(s) or emergency, as determined by the welfare official, the Town of New Durham will not issue food vouchers.

4. **Household Maintenance Allowance:** Applicants may include, in calculating "need" the cost of providing personal and household necessities (i.e. soap, shampoo, deodorant, diapers and other baby necessities, laundry soap, dish soap, toilet paper, etc.; does not include perfumes, cosmetics, etc.). The allowable amount will be established by the IRS National Standards (See Chapter 9(E)(11)).
5. **Telephone:** If the absence of a telephone would create an unreasonable risk to the recipient's health or safety which is verified in writing by a physician or an Advanced Practice Registered Nurse or for other good cause as determined by the welfare official, the lowest available basic monthly rate will be budgeted as "need". While payments will not be for telephone bills, under exceptional circumstances where no other source of assistance is available payments may be made to maintain basic telephone service. Cell phones do not fall under "need" unless it is the only phone in the household and it is determined by the welfare official to be necessary.
6. **Transportation:** If the welfare official determines that transportation is necessary (e.g. for health or medical reasons, to maintain employment, or to comply with conditions of assistance) "need" should include the costs of public transportation, where available. If, and only if, the transportation need cannot be reasonably provided by alternative means, such as public transportation or volunteer drivers, a reasonable amount for car payments and gasoline should be included as part of "need" when determining eligibility or amount of aid. The Standard mileage rate established by the IRS shall be used to determine amount allowed for gasoline. (See Chapter 9 (E) (11)).
7. **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 Expenses:** The welfare official shall not consider including amounts for medical, dental or eye services unless the applicant/recipient 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, service organizations and area hospital programs designed for such needs. When an applicant requests medical service, prescriptions, dental service or eye service, the local welfare official may require verification from a doctor, nurse practitioner, dentist or person licensed to practice optometry in the state, 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. **Legal Expenses:** Except for those specifically required by **RSA 165:20**, no legal expenses will be included.

c. **Clothing:** If the applicant has emergency clothing need which cannot be met by other community resources (i.e. Salvation Army, Red Cross, local churches, etc.), the expense of reasonably meeting the emergency need for clothing will be included. The welfare official shall require verification in writing from each of the organizations and churches that they were not able to meet the need of the applicant for emergency clothing and the reason why Example did not have the applicant's size clothing. Emergency clothing need shall be determined by the welfare official (e.g. job interview, work clothes for new job, etc.).

9. **Unusual Needs 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 emergency need standards described in Chapter 6 (D)(2). Any such determination and the reasons therefore, shall be documented in writing in the applicant's case record.

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

11. **Payment Levels for Allowable Expenses:** When adopting these guidelines, the Board of Selectmen shall establish payment levels for various allowable expenses which shall be based on actual market conditions and costs. The payment levels shall be reviewed by the welfare official annually and modifications presented to the Board of Selectmen whenever market conditions have changed. **RSA 165:1, II.**

F. **Income:** In determining eligibility and the amount of assistance, the standard of need shall be compared to the available income and 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. When income consists of wages, the amount computed should 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, should 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).

3. Income from Other Assistance or Social Insurance Programs:

- a. State categorical assistance benefits, OASDI (Old Age, Survivor and Disability Insurance) payments, Social Security payments, VA benefits, Unemployment insurance benefits and payment from other government sources shall be considered income.
- b. Pursuant to 7 USC 2017(b) food stamps cannot be counted as income.
- c. Pursuant to 42 USC 8624(f)(1) fuel assistance cannot be counted as income.

4. Court-Ordered Support Payments: 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, trust funds, and similar programs shall be 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 regular and substantial contribution to the family.

7. Option to Treat a Qualified State Assistance Reduction as Deemed Income: The welfare official may deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82,

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 shall provide the applicant with a written decision which set 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 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 the application. The verification process may be completed through an authorized representative of the shelter of residence. The normal procedure taken in accordance with these guidelines to recover assistance granted shall not delay such assistance.

CHAPTER 10 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.
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 or Emergency Aid**: The standards for the fulfilling of immediate or emergency needs of non-residents, and for temporary assistance pending final decision shall be the same as for residents.

E. **Determination of Residence**:

1. Minors: The residence of a minor shall be presumed to be the residence of his or 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 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 or 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 or she intend to do so in the immediate future?

None of the above factors are conclusive. The statement of a person over 18 as to his or her residence or intent to establish residence shall be accepted in the absence of strongly inconsistent evidence or behavior.

F. **Return Home Transportation**: (RSA 165:1-c). At the request of a nonresident applicant, any aid, temporary or otherwise, to which he or 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 or her community of residence.

G. **Recovery**: Any aid given to a nonresident, including the cost of return home transportation, may be recovered from his or her community of residence as provided by law.

CHAPTER 11 MUNICIPAL WORKFARE PROGRAM

- A. **Participation**: Any recipient of general assistance who is able to work and is not gainfully employed may be required to work for the Town of New Durham at any available bona fide job that is within his or her capacity, as determined by the welfare official, for the purpose of reimbursement of assistance that has been received. Participants in the workfare program are not considered employees of the Town, and any work performed by workfare participants does not give rise to any employee-employer relationship between the recipient/workfare participant and the Town. **RSA 165:31**
- B. **Reimbursement Rate**: The workfare participants shall be allotted the prevailing municipal wage for work performed, but in no case less than minimum wage. No cash compensation shall be paid for workfare participation; the wage value of all hours worked shall be used to reimburse the Town for assistance given. No workfare participant shall be required to work more hours than necessary to reimburse the Town.
- C. **Continuing Financial Liability**: If, due to lack of available Town work or other good cause, a recipient does not work a sufficient number of hours to fully reimburse the Town for the amount of his or her aid, the amount of aid received less the value of workfare hours completed shall still be owed the Town.
- D. **Allowance For Work Search**: The town 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, a recipient may be excused from workfare participation if he or she:
1. Has a conflicting interview for a job possibility;
 2. Has a conflicting interview at a service or welfare agency; or
 3. Has a medical appointment or illness;

Note: The recipient should attempt to schedule appointments so as not to conflict with the workfare program and must notify his or her supervisor at least 24 hours in advance of the appointment unless otherwise approved by the welfare official. The welfare official may require participants to provide documentation of their attendance at a conflicting interview or appointment.

4. A parent or person “in locus parentis,” that must care for a child under the age of five (5) and no other care is available. A recipient responsible for a child age five (5) but under twelve (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 (written statement from a physician or Advanced Practice Registered Nurse (APRN));
6. Must remain at home because of illness or disability to another member of the household, as verified by information that is given to the welfare official.
7. Does not possess the materials or tools required to perform the task and the Town fails to provide them.

F. **Workfare Hours:** Workfare hours are subject to approval by the supervisor and the welfare official. Failure of the participant to adhere to the agreed work hours (except for the reasons listed above) will prompt review of the recipient's eligibility for general assistance, and may result in a suspension or termination of assistance.

G. **Worker's Compensation:** The Town of New Durham shall provide worker's compensation coverage to participants in the workfare program in the same manner such coverage is provided to other Town employees, unless the Board of Selectmen has voted to adopt the guidelines making the provisions of workers' compensation laws not applicable to workfare program participants. **RSA 281-A: 2, VII(b).**

CHAPTER 12 BURIALS & CREMATIONS

The welfare official shall provide for proper burial or cremation, at Town expense, of assisted persons found in the Town at time of death, regardless of whether the deceased person ever applied for or received general assistance from any municipality. 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 165:3,II**. If relatives, other private persons, the state or other sources will not cover the entire burial expenses, the municipality will pay up to \$750 for burial/cremation. Payment for burial/cremation is limited to \$750 on total expenses that do not exceed \$1,500. **RSA 165:3 and RSA 165:1-b; also see RSA 165:27 and RSA 165:27-a.**

Assistance with burial costs will only be paid by the Town welfare official when approval is authorized prior to the funeral and burial. Attempts by hospitals and funeral directors must be as vigorous as in the past to find relatives and payment.

CHAPTER 13 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. The welfare official will make every effort to ensure that the applicant understands the decision.

B. Action Taken for Reasons Other Than Non-Compliance 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 working day following the decision or within five (5) working days from the time the application is filled out and submitted.
2. In any case where the welfare official decides to terminate or reduce assistance for reasons other than non-compliance with the guidelines, the official shall send notice at least seven (7) days in advance of the effective date of the decision to the recipient stating the intended action.
3. The notices required by paragraphs 1 and 2 above shall contain:
 - a. Clear statement of the reasons for the denial or proposed termination or reduction;

- b. Statement advising the recipient of his or her right to a fair hearing and that any request for a fair hearing must be made in writing within five (5) working days;
- c. Form on which the recipient may request a fair hearing;
- d. Statement advising the recipient of the time limits which must be met in order to receive a fair hearing; and
- e. Statement that assistance may continue, if there was initial eligibility, until the date of hearing, if requested in writing by the claimant. Aid must be repaid if the claimant fails to prevail at the hearing.

C. Suspension for Noncompliance with the Guidelines:

1. **Compliance:** Recipients must comply with these guidelines and the requests of the welfare officials. The welfare official must enforce the guidelines while ensuring that all recipients and applicants receive due process. Recipients should be given reasonable notice of conditions and requirements of eligibility and continuing eligibility and notice that noncompliance may result in termination or suspension.
2. **Conditions:** Any applicant or recipient otherwise eligible for assistance shall become ineligible under **RSA 165:1-b** if he or 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, including any changes in this information;
 - b. Participate in the workfare program to the extent assigned by the welfare official;
 - c. Comply with the work search requirements imposed by the welfare official; and
 - d. Apply for other public assistance, which would alleviate the need for general assistance, as required by the welfare official.
3. **First Notice:** No recipient otherwise eligible shall be suspended for noncompliance with conditions unless he or 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 re-determined, but without an additional seven (7) day period unless new actions are required. **RSA 165:1-b, II.**
4. **Noncompliance:**
 - a. If a recipient willfully and without good cause 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.
 - b. If a recipient falls into noncompliance for the first time more than thirty (30) days after receipt of first notice, the welfare official shall give the recipient a new first notice with a new seven (7) 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 or 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 which the recipient is not in compliance with 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) 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, the suspension will start after the decision and 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 be:
- a. Either seven (7) days, or fourteen (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 seven (7) or fourteen (14) day suspension period, continues to fail to carry out the specific actions set forth in the notice;
 - c. Notwithstanding paragraph C (6) (b) above, a recipient who has been suspended for noncompliance for at least six (6) months may file a new application for assistance without coming back into compliance.
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 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 or her assistance resumed, provided he or she is still otherwise eligible. The notice of decision stating that assistance has been resumed should again set forth the actions to remain eligible for assistance, but need not provide a seven (7) day period for compliance unless new conditions have been imposed.

CHAPTER 14 FAIR HEARINGS

- A. **Request:** When a request for assistance is denied or when an applicant desires to challenge a decision made by the welfare official 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 Hearing:** Hearings requested by claimants must be held within seven (7) working days of the receipt of the written 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 48 hours in advance of the hearing, or mailed to the claimant at least 72 hours in advance of the hearing.
- C. **The Fair Hearing Officer(s):** The fair hearing officer or officers may be chosen by the Town Administrator or the Chairman of the Board of Selectmen. The person(s) serving as the fair hearing authority must:
1. Not have participated in the decision causing dissatisfaction;
 2. Be impartial;
 3. Be 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 operated, and to interpret to the welfare official any evidence of unsound, unclear or inequitable policies, practices, or action.
- D. **Fair Hearing Procedures:**
1. 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 or her case by a preponderance of the evidence.
 2. The welfare official responsible for the disputed decision shall attend the hearing and testify about his or her actions and the reason for the decision.
 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 or her case or, at the claimant's option, with the aid of others, to bring witnesses, to establish all pertinent facts, to advance any argument without undue interference, to question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.
 4. Prior to the fair hearing, a claimant or his or her duly authorized representative has the right to examine 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 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. At the fair hearing, the welfare official (or a duly authorized representative) shall have the right to examine all documents which the claimant plans to rely on 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 or 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. 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 material 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.
9. An applicant may withdraw in writing, his or her request for a fair hearing at any time up to the time of the hearing. An applicant who fails to appear for any scheduled fair hearing shall be deemed to have withdrawn their request for such a hearing.
10. An applicant who believes he or she has good cause to request a continuance or postponement of a scheduled fair hearing shall contact the welfare official at the earliest possible time prior to the hearing. Upon showing good cause, the welfare official may reschedule the hearing. However, the applicant is entitled to only one (1) such postponement or continuance per fair hearing request. Good cause shall include, but not necessarily be limited to, demonstrated medical emergency or other demonstrated unforeseen circumstances, which reasonably prevents the applicant from attending the scheduled hearing. An applicant shall provide documentation of the circumstances to the satisfaction of the welfare official no later than 72 hours after the request for postponement is made. If the applicant does not provide documentation of the circumstances to the welfare official within 72 hours, the request shall be deemed withdrawn by the applicant.

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 the decisions and the facts on which the fair hearing officer relied in reaching his or her 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.

CHAPTER 15 LIENS:

- A. **Real Estate:** The law requires the Town of New Durham 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** This section does not authorize the placement of a lien on the real estate of legally liable relative, as defined by **RSA 165:19** The Selectmen shall file the Notice of Lien with the County Registry of Deeds, complete with the owner's name and a sufficient description of the property 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 was filed, unless waived by the Town. The lien remains in effect until enforced or released or until the amount of the lien is repaid to the municipality. The lien shall not be enforced as long as the real estate is occupied as the sole residence of the assisted person, his or her surviving spouse, or children who are under the age of eighteen (18) or blind or permanently and totally disabled. At such time as the lien may become enforceable, the welfare officer shall attempt to contact the attorney handling the real estate or estate before enforcing the lien (RSA 165:30). Upon receipt of payment of the lien, the Town must file written notice of the discharge of the lien with the County Registry of Deeds. RSA 165:28.

B. Liens on Civil Judgment:

1. A town or city shall be entitled to a lien upon property passing under the terms of a will, by intestate succession, by a property settlement, or a civil judgment for personal injuries(except Worker's Compensation) awarded any person granted assistance by the town for the amount of assistance granted by the town. RSA 165:28-a.
2. The town shall be entitled to the lien only if the assistance was granted no more than six (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 or she shall contact the attorney representing the recipient.
3. This lien shall take precedence over all other claims.

CHAPTER 16 RECOVERY OF ASSISTANCE

The welfare official shall seek to recover money expended to assist eligible applicants. There shall be no delay, refusal to assist, or reduction or termination of assistance while the welfare official 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 a municipality 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 may determine that "in kind" assistance or the provision of products or 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 shall make reasonable efforts to give 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. RSA 165:19

B. Recovery from the Municipality of Residence: The welfare official shall seek to recover from the municipality of residence the amount of money spent by the municipality 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 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 municipality 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 municipality 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 municipality 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 a municipality the amount of general assistance as a result of delays in processing within the federal mandate time period. 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.

CHAPTER 17 APPLICATION OF RENTS PAID BY THE MUNICIPALITY

In accordance with RSA 165:4-a, whenever the owner of property rented to a person receiving general assistance from the municipality is in arrears in tax payments to the municipality, the municipality may apply, upon approval of the BOS, 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 or not such delinquent balances are in respect to the property occupied by the assisted person. Property Taxes will be considered in arrears if interest has started to accrue pursuant to **RSA 76:13**. The welfare official shall check with the tax collector to see if there are any delinquent balances prior to authorizing the expenditure.

A. Procedure For Issuing a Voucher:

1. The welfare official shall issue a voucher on behalf of the tenant to the landlord for the authorized amount of rent. The voucher will indicate any amount to be applied to a delinquent balance owed to the Town of New Durham by the landlord. **RSA 165:4-a.**
2. The welfare official shall issue a duplicate voucher to the finance officer, who shall then issue a check to the tax collector for payment. The Tax Collector shall issue a receipt to the landlord, finance officer, and welfare official showing payment has been made.