Welfare Policy
And Guidelines
for
Public Assistance

Town of Haverhill, NH

Adopted 06/22/2026

Article 1 – General Information

a. Mission Statement

Our mission is to provide interim assistance with basic needs for those who do not have the resources to meet these needs and encourage community involvement in addressing issues to help break the circle of poverty and homelessness through the Town's obligations outlined in RSA 165. It is the Town's intention to provide a hand up, not a handout. By striving to identify and working to address the root cause of the "need", the Town aims to create a Public Assistance system to build independence and autonomy while conforming to the obligations under RSA 165.

b. Role of Public Assistance

To fulfill the Town's legal obligation under RSA 165 to assist persons who are poor and unable to support themselves. As required under state law, the Select Board has established guidelines outlining how this legal obligation is fulfilled in the Town.

c. Role of Local Governing Body

The local governing body is responsible for the adoption of the guidelines relative to general assistance. These guidelines shall establish payment levels for various allowable expenses which shall be based on actual local market conditions and costs (Appendix A)

d. Role of the Public Assistance Clerk

The public assistance clerk is responsible for the day-to-day administration of the general assistance program in accordance with written guidelines of the Town and in accordance with RSA 165.

e. General Principles

1. Assistance is available to those who meet eligibility guidelines
2. Assistance is provided through an application process.
3. The Town provides eligible persons with interim, emergency assistance with basic needs. Basic needs include shelter, medications, food, rental assistance, utilities (electric, heat, etc.) and burials.
4. No cash assistance is provided. Assistance is issued in the form of vouchers paid

directly to the vendor.

5. Welfare assistance is not generally "no strings attached". Persons receiving assistance from the town will likely be asked to fulfill certain responsibilities. This can include conducting job searches, participating in a work program, conducting apartment searches, applying for additional assistance from other agencies, or other responsibilities assigned.
6. Assistance in the form of vouchers must be approved by the Select Board, or their designee, and in the event of an emergency the Public Assistance Clerk or their designee may approve up to $1000.

f. 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.

g. Confidentiality

Information given by or about an applicant's application is confidential and privileged, and is not a public record under the provisions of RSA 91-A. Home visits shall be conducted in such a manner to preserve, to the greatest extent possible, the privacy and dignity of the applicant. In addition, the Public Assistance Clerk, their designee, and Town Administrator shall not knowingly discuss or mention the application within the listening area of someone who is not a member of the household during a home visit. The application, supporting documents, and the report of the Public Assistance Clerk will be viewed by the entire Selectboard, their designee, Town Administrator, and the Public Assistance Clerk in order to evaluate the application.

Article 2 – Application Process

a. Apply for Assistance

Anyone may apply for general assistance through the town. Applications are available at the town offices during regular business hours and at the Town of Haverhill Public Assistance webpage.

Completed applications may be dropped off at the Public Assistance Office (f/k/a the Welfare Office) at the Haverhill Municipal Building. Completed applications must include all required documentation.

To ensure quickest review, applicants are encouraged to call 603-787-6800 option 7 when their application is complete.

b. Application Review

An unbiased review will begin as soon as the complete application arrives in the Public Assistance Office (f/k/a the Welfare Office).

c. Decisions

A decision shall be made within ten business days after submission of the application. In the event of an emergency, decisions will be made as soon as reasonably possible. A written notice of decision shall be hand delivered, mailed or by email (provided the applicant has approved email communications) within five business days from the date of the decision.

Applicants may receive one of the following decision notices:

Granted – shall state a specific basic need, a vendor, and a timeframe.

Denied – In whole or in part, with reason of denial. Should the applicant refuse to comment and/or indicate an unwillingness to provide documentation necessary for processing the application, assistance may be denied for lack of eligibility verifications.

Pending – Shall allow applicant/s up to five business days from the date of the "Pending" decision to gather the specified information. This may be extended by the Select Board or their designee if the financial institution requires more than five business days to respond.

A pending notice will automatically become a denied decision if the applicant fails to provide the requested information.

Terminated or Suspended – Failure to provide required information within a specific timeframe.

An advance notice of seven calendar days will be given if assistance is being terminated or reduced for reasons other than noncompliance. The notice will include a statement of the reason for the denial or proposed terminated or reduced assistance.

The applicant or any adult in the household may be prosecuted for a criminal offense, if he/she, by means of intentionally falsifying statements or intentional misrepresentation, or by impersonation or other willfully fraudulent act or device, obtains or attempts to obtain any assistance to which they are not entitled shall lead to a denial or termination from general assistance.

d. Right to Appeal

All applicants have the right to request a Fair Hearing within 5 business days of the date on the notice they disagree with. If there was initial eligibility, until the date of the hearing and the

applicant would like to continue assistance must also be included in the request for a Fair Hearing. (See Article 8).

e. Appeal Process

All requests must be made in writing and submitted to the Public Assistance Office within the time limits for a Fair Hearing.

Article 3 – Determining Eligibility

a. General/Legal Standard

"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/she has residence there." RSA 165:1. See Definitions

An applicant is eligible when the basic maintenance need (determined by the guideline amounts) exceed the available income and liquid assets.

b. Eligibility Formula

If the need exceeds the available income/assets, the assistance granted shall be **UP TO** the difference between the two amounts, unless an exception is justified.

The average cost of a utility or utilities will be included when determining eligibility even when the applicant is on a much higher payment plan. An allowance will be applied for a household maintenance not exceeding the amounts located in the guidelines.

c. Standard of Need

Need shall be determined in a manner consistent with the Town Basic Needs Policy. (See Appendix B)

Rental Assistance – The amount to be included as "need" for rental is the lesser of the cost of rent being paid by the recipient or the NH housing Fair Market Rents. 30 days or longer with permanent loss of income may result in moving to more affordable housing. It is not the responsibility of the Public Assistance office to locate permanent housing. All approved rental assistance will be paid on a weekly basis. Single adults with one child (under the age of 7) will only qualify for a one bedroom if there is not sufficient income for a larger unit.

Homeless Shelters – See Appendix E for a list of shelters in NH.

Financial assistance will not be provided if the shelter allows the residents to earn their "keep" by providing community services.

In cases in which the town has made an appropriate referral for emergency, temporary shelter

and the applicant refuses to accept shelter from the town, town welfare will not be liable for any alternative housing/shelter for a minimum of 6 months but may consider other forms of non-housing assistance which he/she is otherwise eligible for. Furthermore, in cases that an appropriate referral to a shelter was given as a self-pay and the client's circumstances change, the client has two business days to notify the town and apply for financial assistance for the cost of the shelter.

All recipients of shelter/housing shall abide by shelter/housing rules and policies. In cases in which a client is involuntarily exited from a shelter due to a violation of rules/policies or voluntarily exits the shelter without a reasonable long-term housing option, resulting in the need for further emergency housing assistance shall be considered refusal of housing and the applicant will not be eligible for housing assistance from the Town for a minimum of 6 months.

The applicant must accept the least costly alternative for emergency housing assistance that is deemed suitable by the Selectboard or their designee for the applicant's household. This may include moving from one emergency shelter setting to another emergency shelter.

Rental Arrearage – Normally, arrearage (back) rent is not a standard need unless landlord negotiations fail and there are no other available alternatives (I.e.., relocating to affordable housing, shelters, moving in with relatives, etc.) or eviction and/or homelessness is imminent. The Town will not pay or consider arrearage to a shelter prior to the application being determined eligible.

Security Deposit Assistance – Security deposits may be granted if an additional payment is required by the property owner and only after the applicant submits and is approved by the Community Action Security Loan Program. If the applicant is unable to afford to pay all or part of the security deposit deemed necessary to secure housing or an eviction is unable to be rectified, the Town may assist with all or a portion of the security deposit. The Town shall be entitled to a refund or return of any such deposit to which the applicant would otherwise be entitled pursuant to law. (RSA 540-A:7) Security deposits requests may be denied if the Town is able to negotiate with the property owner to a reduced deposit or payment arrangements for the tenant or if the Public Assistance Clerk promptly locates suitable alternative housing for which a deposit is not required. The Town is unable to assist if the move to a new housing unit was voluntary.

Utilities – Rental allowances includes utilities. When utilities are not included in the rent, the average cost of a monthly utility will be deducted from the rental allowance. If, all resources have been utilized and it is necessary to ensure the health and safety of the applicant and/or household arrearages, restoration fees and deposits may be considered for utility assistance.

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 (SNAP) program administered by DHHS. An amount more than the standard food allotment may be granted if one or more members can provide proof that they need a special diet.

Household Maintenance Allowance – (See Appendix A) for allowable amounts. Diapers shall be based upon usage and not the allowance amount.

Telephone – Generally, not considered a basic need expense except if the absence of a phone puts the health and/or safety at a significant risk then an amount from appendix A will be

applied and the applicant will need to apply for a “free” cell phone from either Safelink, Qlink, or Uconnect.

Transportation – The ownership of one automobile by an applicant/household does not affect eligibility if it is essential for transportation to seek or maintain employment, medical or rehabilitation services. Costs related to vehicle ownership or lease must be appropriate to the client’s income and a reasonable amount will be included as “need”. However, the Town does not provide payment for car loans, car repair, car maintenance, registration, inspections, insurance, towing or impound fees. If unemployed, utilities and housing needs are to be paid prior to the car payment. Misappropriation of expenses shall be considered voluntary refusal of housing and the applicant will not be eligible for Town assistance for a minimum of 6 months. See Appendix A

Gasoline allowance will be based upon the current price of gas and the number of estimated miles driven monthly.

Storage – The city will not consider storage a necessary living expense. However, if no alternative for storage is available, the city may consider for a limited time, up to $70 per month as an allowable expense, paid for by the client for up to 3 months.

Emergency Medical Expenses – When an applicant has exhausted all other potential sources and has had no avail, a physician note stating the services are absolutely necessary and cannot be postponed, the town shall consider payment for medical, dental or eye care with the condition the applicant must apply and be accepted for Medicaid. The Town does not provide payment for substance misuse treatment and/or recovery programs. Grants are available for these types of facilities. Contact the Doorway at Concord Hospital Laconia, Tri County Cap in Woodsville, OAS in Bradford, VT, The Friendship House in Bethlehem, or your program for more information about grants and other recovery resources.

A 7 -10-day supply of emergency medication may be granted. As a rule, the Town will not provide payment for birth control medications or devices, smoking cessations, narcotics, sleep aids, opioid antagonists, or stimulant blocking pharmaceutical items, nor will the Town provide for monthly maintenance medications. However, out of pocket expenses may be considered “need”.

Legal Expenses - Legal expenses will not be included in calculating “need”.

Clothing - If an emergency clothing need cannot be met in a timely fashion by other community resources (i.e., Salvation Army, Red Cross, St Vincent DePaul) the expense of the emergency clothing need will be included.

Shared Expenses – If the applicant and household members share shelter, utility, or other expenses with a non-applicant (i.e., roommate) then need will be calculated as a pro rata share, based on the total number of adults in the residential unity, (e.g.: three adults in a residential unity, but only one applies for assistance-shelter, need is 1/3 of the total cost of allowable amounts).

Miscellaneous – Moving expenses, household furnishings condo fees, late fees, eviction fees or home repairs are unavailable for assistance and are unusable in calculating “need”. See Appendix B for full listing. The Public Assistance Clerk may grant an exception to the prohibition on counting late fees or eviction fee if needed to prevent imminent homelessness.

d. Determining an Applicant's Income

Income is based upon the last 30 days of your net pay from employment wages, salary, commissions, profits, self-employment (total profit is arrived by subtracting business expenses from gross income in accordance with standard accounting principles), tax return refunds, child support or alimony received, rental income, profits from items sold, Unemployment benefits, Workers Compensation, Social Security benefits, VA benefits, contributions from relatives including loans, payments from trust funds, pensions, or other similar programs, TANF, FAP , securities and retirement plans (i.e., IRA's, deferred compensation, Keogh's etc.) Non-essential personal property may be considered an asset if it has been converted into cash.

Food stamps (SNAP), fuel assistance, and/or electrical assistance shall not be considered income.

The ownership of insurance policies 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 be considered available assets. Premium payments will not be considered basic living need expenses when determining eligibility. The only exception is medical/health insurance can be paid prior to the basic living expenses.

Applicants owning real estate 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. A lien will be placed on the real estate for any general assistance. RSA 165:28

Article 4 - Assistance Provided

a. Types of Assistance

General Assistance – May include assistance with shelter/rent, food, utilities, medication or burials.

Emergency Assistance – If, at the time of initial contact, the qualified applicant demonstrates and verifies that an emergency need exists, which may result in loss of a basic necessity of living or imminent threat to life or health. Emergency assistance shall not obligate further assistance until the application process is completed. Applicants who have waited until the last minute to apply for assistance are not normally covered under emergency assistance. An eviction notice may be required to assist the applicant in documenting the need for emergency assistance.

Temporary Assistance – Assistance provided pending receipt of required documents. Assistance shall not extend beyond a specific time period determined by the welfare office.

b. Use of Vouchers

The Town guarantees payment directly to vendors through a voucher system. Vouchers must be returned within 15 days from the date of issue. Failure to return a voucher within the timeframe will result in the guarantee of payment becoming null and void. Vouchers altered by the applicant and/or vendor will NOT be honored. No expenses prior to the date the application is received will be provided.

c. Voucher Amounts

The amount shown on the voucher is the maximum amount for the time period indicated from the specific vendor in accordance with the Town's purchasing policy.

d. Voucher Purchases

All vouchers are valid for the specific vendor and the amount granted except for food vouchers. Food vouchers are for the specific vendor and up to the amount granted. Food vouchers do not include the purchases of tobacco products, alcoholic beverages, paper products, vitamins, personal hygiene, hot foods or pet food. See Appendix B for a full list of products that are not allowed to be purchased with a voucher.

Article 5 - Applicant's Responsibilities

The applicant has responsibilities that if not met, may result in a denial of assistance

a. Must comply with the guidelines.
b. Provide accurate, complete and current verification/information/records concerning needs and resources and the whereabouts and circumstances of relatives who may be responsible under RSA 165:19
c. Contact the Public Assistance office within two business days if there is a change in circumstances. · Apply immediately, but no later than 7 calendar 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, I(d)
d. Search diligently for full-time employment and accept employment when offered. · Register with New Hampshire Department of Employment Security (NHES) if unemployed.
e. Accept shelter when offered.
f. Search for permanent housing (if applicable)
g. Reimburse the city for assistance granted if returned to an income status and if such reimbursement can be made without financial hardship.
    i. Applicants claiming to be sex offenders must obtain documentation from the local police department verifying that they are registered before the city can look to assist.

Article 6 – Public Assistance Clerk's Responsibilities

The Haverhill Public Assistance Clerk shall:

a. Administer the guideline and allowing all applicants due process.
b. Keep all records both paper and electronic during the active phase plus 7 years which shall include a narrative of assistance for the applicant's including circumstances, referrals, changes in status, etc.
c. Provide information and answer any questions regarding anything within the welfare office.

d. Verify and investigate the information provided by the applicant.
e. Provide information on other resources which the applicant may be eligible for. ·
f. Determine if the request qualifies for emergency assistance.
g. Explain the decision and information about the Fair Hearing.
h. Be available during normal business hours.
i. Determine if a home visit is warranted.
j. Negotiate with landlord(s) when an eviction notice is presented.
k. Provide recommendations about the guidelines to the Town Administrator at least annually if a change is warranted.
l. Review the standard of need to prevent unnecessary or undue hardship.
m. Evaluate the need for transportation/gas allotment based upon the price, number of miles driven, type/fuel efficiency of the vehicle compared to other methods of transportation.
    i. · Hold applicant accountable for payment arrangements of a payment plan.
n. Contact the appropriate agency including law enforcement to report abuse, neglect, exploitation of any child under the age of 18 or any adult. RSA 169-C:29-31, 161-F:46.

Article 7 - Special Considerations

The city may take into consideration special circumstances if warranted.

a. Assistance to Non-Citizens –

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

A non-citizen is a person who is not a US citizen and who is not:

a. A qualified alien under 8USCA 1641,
b. A non-immigrant under the federal Immigration and Nationality Act

An alien paroled into the United States for less than one year under 8 USCA l 182(d)(5) is not eligible for general assistance from the municipality. 8 USCA 1621(a).

Qualified aliens include aliens who are lawfully admitted for permanent residence under the Immigration and Nationality Act (8 USCA 1101 et seq.), aliens who are granted asylum under that act, certain refugees, and 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:

a. Placing the patient's health in serious jeopardy;
b. Serious impairment to bodily functions; or

c. Serious dysfunction of any bodily organ or part. 8 USCA 1621(b) and 42 USCA 1396(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.

b. **Assistance to Non-Residents –**

Individuals who are temporarily in town which is not their city or town and who do not intend to make the Town of Haverhill a residence are nonetheless eligible to receive general assistance, provided they are poor and unable to support themselves. RSA 165:1-c
The application procedure, eligibility standards and standard of need shall be the same for nonresidents as for residents. The nonresident shall not be refused assistance solely on the basis of residency. (RSA 165:1) Application verification shall not be considered unavailable because the documentation is located in the applicant's municipality of residence. An applicant looking to return to his/her municipality shall be otherwise entitled under the standards set forth in the guidelines. Any assistance rendered may be recovered from his/her municipality of residence using the proper procedures.

It is the goal of the Town of Haverhill to try to help create systems to end the cycle of poverty, within the reasonable limits defined in RSA 165:1. When determined to be reasonably feasible and cost effective, and in the best interest of the applicant and the Town, the Public Assistance Clerk may be authorized to prioritize placing applicants in a community where the applicant has an existing support system and where the applicant can be the most successful. The Town may provide transportation to the applicant's town of residence.

c. **Burials and Cremations**

The Town shall provide for a decent burial or cremation when a "need" is justified.

If a person at time of death is in Haverhill and next of kin cannot be located, the Town shall provide for a proper burial/cremation, regardless of whether the deceased person ever applied for or received general assistance from the Town of Haverhill. RSA 165:3

Relatives and/or other private citizens, may apply for assistance for the deceased person, however the application must be made before any funeral expenses are incurred, immediately following the time of death. The Town is unable to assist with past funeral expenses or if state or federal burial benefits are available. RSA 165:25, 165:27 and 165:27-a.

If liquid assets are available at the time of death such as a bank account, there shall be an automatic assignment to the funeral director or the person who paid for the funeral/burial/cremation to the cost of up to $2,000. RSA 154:27-a.

Unclaimed Body. Per RSA 611-B:25 the medical examiner shall release a dead body if unclaimed for a period of not less than 48 hours following completion of the death investigation to the overseer of public welfare in the town or in the case of an unincorporated place, to a county commissioner, who shall decently bury or cremate the body or with the consent of the

commissioners or the overseer, it might be sent to the medical department of a medical school or university to be used for the advancement of the scient of anatomy and surgery.

d. Eligibility for Other Categorical Assistance.

Recipients who are, or may be, eligible for any other form of public assistance must apply for such assistance immediately, but no later than seven calendar days after being advised to do so by the Public Assistance Clerk. Failure to do so may render the recipient ineligible for assistance and subject to action. No person receiving Old Age Assistance (OAA) or Aid to the Permanently and Totally Disabled (APTD), under RSA 167 or 161, shall at the same time be eligible for general assistance, except for emergency medical assistance. RSA 167:27.

e. Deemed Income –

See Deemed under Definitions.

f. Disqualification for Voluntary Termination of Employment

Applicant and/or household members that is eligible for assistance that voluntarily terminated employment within 90 calendar days of filing an application for assistance shall be ineligible to receive assistance for 90 calendar days from the date of employment termination, provided the following conditions are met:

a. The applicant had applied within the last 365 calendar days and was given notice that voluntary termination of employment without good cause could lead to disqualification from receiving assistance in the future.
b. The applicant is not legally responsible for supporting minor or dependent children in the household.
c. The applicant is unable to work due to a documented mental or physical impairment. · The employment terminated consisted of at least 20 hours per week and the applicant has not been reemployed for at least 2 weeks consisting of at least 20 hours per week.

An applicant who is fired or resigns from a job at the request of the employer due to the inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily terminated employment. RSA 165:1-d.

g. Employment of Applicant –

An applicant who is gainfully employed full-time but whose income and assets are not sufficient to meet necessary household expenses, may be eligible to receive general assistance.

Unemployed applicants who are able to work must actively search diligently for full-time employment and/or participate in the Workfare Program. See Job Search Requirements and Workfare Program.
Student applicants 18 and older and are not available for or refusing to seek full-time employment are not eligible for general assistance. Applicants must accept employment when offered and when applicants who without good cause refuse a job offer or voluntarily leave a job without good cause may be ineligible for continued general assistance in accordance with the guidelines. See Suspension.

h. Employment of Household Members –

Adults who are not attending secondary school and are between the ages of 18 – 65 that are residing in the same household as the applicant must search for full-time employment. Refusing full-time employment without good cause or voluntarily leaving a place of employment may result in a denial for assistance. See Employment of Applicant, Job Search Requirements.

i. 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 leave their home. For the purpose of personal safety or assistance in conducting the interview, the Public Assistance Clerk may request to be accompanied by another authorized town employee, including a non-uniformed police officer.

j. Job Search Requirements –

Work search requirements apply to the applicant and all members of the household aged 18 and older. Only valid job searches will count towards your job search requirements. The welfare official will determine the number of employment opportunities you and/or household members must apply for weekly. Disqualification from assistance may result if you apply for invalid employment positions or positions you are unable to accept due to transportation and/or needing a special license. Applications for different positions at the same job site is allowed, however you may not reapply for the same position within a 30-day period.

k. Listing of Available Assets –

See Determining Applicant's Income

l. Property Transfers

No applicant or household member 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

m. Pets

The Town shall have the authority to determine if an animal is an authorized service animal. Emotional support animals are not service animals and will not be allowed in a shelter/housing setting. Contact the Humane Society for options on housing for your pets.

n. Suspension for Non-Compliance –

Unexcused missed appointments are subject to suspension. Any applicant otherwise eligible for assistance shall become ineligible under RSA 165:1-b if he/she willfully and without good cause fails to comply with the guidelines and does not satisfy the requests on the Notice of Decision.

A suspension letter shall be given to the applicant suspending for a 7 calendar day period. If the recipient has had a prior suspension which ended within the past six months and the applicant falls into noncompliance, a notice will be issued for 14 calendar days. An applicant will remain in noncompliance

until they comply or 6 months have past.

o. Veteran's Relief

Whenever any person, resident in this state, who served in the armed forces of the United States, in any war insurrection, campaign or expedition in which the United States was engaged and who received an honorable discharge, not being under guardianship or legal restraint shall become poor and unable to provide maintenance for himself/herself, the Town shall provide assistance in accordance with RSA 165 and these guidelines.

p. Victims of Domestic Violence and Their Children

Victims of domestic violence will be responsible for completing the application process. If the applicant does not have safe access to joint resources, joint resources and income may be excluded from eligibility determinations.

q. Workfare Program –

Any applicant or household member, 18 years old and older who is able and not gainfully employed may be required to work for the city at any available bona fide job that is within his/her capacity (RSA 165:31) for the sole purpose of repayment of benefits received. (See Article 9 Recovery of Assistance).

Participants are not considered employees of the municipality, and any work performed does not give rise to an employee-employer relationship nor shall the participant be compensated with cash. The city shall compensate a wage value not less than the minimum wage for the State of New Hampshire for the purpose of reimbursement.

Failure to participate in the Workfare Program will require prompt review of the eligibility for general assistance and may result in a suspension or termination of assistance. See Section XIII (C)(2)(b).

Article 8 - Fair Hearings

a. Requests –

When a request for assistance is denied or when an applicant desires to challenge a decision made by the Selectboard or Public Assistance Clerk relative to the receipt of assistance, the applicant or any person acting for him/her, to the effect that he/she wants an opportunity to present his/her case to a higher authority, the applicant must present the request in writing within five business days of the date on the Notice of Decision.

Fair Hearing Officer(s)

The Fair Hearing Officer (a non-biased third party) shall be chosen by the Selectboard or their designee. RSA 165:20. The person serving as the overseer for the hearing must not have participated in the decision causing dissatisfaction, be impartial, be sufficiently skilled in interviewing to be able to obtain evidence and facts necessary for a fair determination and be

capable of evaluating all evidence fairly and realistically. The hearing officer will explain the laws and regulations under which the Selectboard or Public Assistance Clerk operated, and to interpret to the Public Assistance Clerk any evidence of unsound, unclear or inequitable policies, practices or actions.

b. Procedures –

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

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

A claimant or his/her duly authorized representative has the right to examine, prior to a fair hearing, all records, papers and documents from the case file which either party may wish to introduce at the fair hearing, as well as any available document not contained in the case file relevant to the action the claimant complains. Any documents submitted by the claimant not in the claimant case file, the Town reserves the right to request a 24-hour continuance to review the new documents.

All fair hearings may be recorded.

c. Decisions –

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

Within 7 business days of the hearing a decision shall be rendered. Decisions shall be in writing setting forth the reasons for decision and the facts relevant to the decision. All decisions are based upon the officer's findings of fact, the guidelines and state and federal law. The fair hearing decision shall set forth appropriate relief.

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 city. The applicant has the right to subsequent court action to review or challenge the adverse decision.

Article 9 - Recovery of Assistance

There shall be no delay, refusal to assist, reduction or termination while the Town pursues all available avenues to recover reimbursement for assistance provided. If the Town files legal action to recover assistance provided, the Town must file in a court within six (6) years after the expenditure. RSA 165:25

a. From Responsible Relative

The relation of any poor person in the line of father, mother, stepfather, stepmother, son, daughter, husband, wife or child (who is no longer a minor) shall assist or maintain such person when in need of relief. RSA 165:19

Aid to a person who is otherwise eligible for assistance under this chapter shall not be withheld due to the failure of a legally liable relative to respond to the welfare administrator or their refusal to provide aid. The Town may seek reimbursement from any legally liable relative with sufficient means to provide the reimbursement without financial hardship. RSA 165:19

b. From Municipality of Residence

The Town shall seek to recover the amount of money spent to assist a resident who resides in another municipality. RSA 165:19.

c. From Former Recipient's Income

An applicant who returns to an income status after receiving assistance may be required to reimburse the Town for the assistance provided, if such reimbursement can be made without financial hardship.

d. From State or Federal Source –

The amount of money spent by a Town to support a recipient who has made initial application for SSI and has signed DHHS FORM 151 "AUTHORIZATION FOR REIMBURSMENT OF INTERIM ASSISTANCE" shall be recovered though the SSA and DHHS. Applicants who have applied for Medicaid due to medical and prescription costs shall be recovered though DHHS.

e. From Delayed State Claims –

New Hampshire Department of Health and Human Services shall reimburse the city the amount of general assistance as a result of failure to process within the federally mandated time periods.

f. Liens –

RSA 165:28 – Real Estate – The law requires the Town to place a lien for welfare assistance received on any real estate owned by an assisted person in all cases except for just cause. (This section does not authorize the placement of a lien on the real estate of legally liable relatives, as defined by RSA 165:19). The Town shall file a Notice of Lien with the County Registry of Deeds, complete with the owner's name and a description of the property sufficient to identify it. Interest at the rate of 6% per year shall be charged on the amount of money constituting the lien commencing one year after the date the lien is filed, unless waived by the Selectboard. The lien shall not be enforced so long as the real estate is occupied as the sole residence of the assisted person, his/her surviving spouse, or his/her surviving children who are under age 18 or blind or permanently and totally disabled. At such time as the lien may become enforceable the Public Assistance Clerk shall attempt to contact the attorney handling the real estate or estate

before enforcing the lien. Upon repayment of a lien, the Town must file written notice of the discharge of the lien with the County Registry of Deeds.

RSA 165:28-a – Civil Judgments –The Town shall be entitled to a lien upon property passing under the terms of a will or by an estate succession, a property settlement, or a civil judgement for personal injuries (except Workers Compensation) awarded any person granted assistance by the municipality for the amount of assistance granted by the Town. The Town 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. The lien for a civil judgment takes precedence over all other claims.

g. Application to Landlord's Delinquent Balances –

RSA 165:4-a Whenever the owner of rental property is in arrears (more than 30 calendar days have elapsed) since the mailing of the bill or in the case of property taxes (if interest has begun to accrue RSA 76:13), water and sewer, to the municipality), the municipality may apply, the rental assistance to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of the property occupied by the assisted person. Payment shall first be paid to the tax collector for property taxes, then to water and sewer.

Article 10 – Definitions

"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.

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

"Relieved" implies an applicant shall be assisted either directly or through referral to meet basic needs as determined by the Municipality's Welfare Guidelines.

"Maintained" implies that assistance, either directly or through referral, be continued as long as the applicant is eligible as determined by the Municipality's Welfare Guidelines.

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

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

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

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

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

BUSINESS DAY: A business day is Monday through Friday 8:30 am to 4:30 pm excluding holidays.

CASE RECORD: Official files containing forms, correspondence and narrative records pertaining to the application, including determination of eligibility, reasons for decisions and actions by the welfare official, and kinds of assistance given. The case record may be kept electronically. Welfare applications and related records must be retained during the active phase of any application plus 7 years.

CLAIMANT: A recipient or applicant who has requested, either in person or through an authorized representative, a fair hearing.

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

DEEMED: Determining countable household income. If a federal program (examples, Social Security, TANF etc.) sanctions your cash benefit for any reason, the full amount will be used to determine eligibility.

ELIGIBILITY: Determination by a welfare official, in accordance with the guidelines, of an applicant's need for general assistance under the formula provided in Article 3.

FAIR HEARING: A hearing which the applicant or recipient may request to contest a denial, termination, or reduction of assistance. The standards for such a hearing are in Article 8.

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

HOUSING:

- **Emergency Shelter:** Temporary or non-permanent and non-tenancy housing from a housing provider through which an individual or family may seek emergency housing when other housing is available.
- **Non-Permanent Non-Tenancy Housing:** Room(s) in Rooming or Boarding House; Hotels; Motels; Inns or Tourist Home or other dwellings which rent for recreational or vacation use. Room(s) in a single-family home with no lease which is the primary and usual residence of the owner. Other occupancies noted as non-tenancy under RSA 540:1-a, IV.
- **Permanent Tenancy Housing:** Apartment, home or room or real property rented for the sole purpose of residential and non-transient purposes. Applicant(s) may or may not have a lease or contract.
- **Transitional Housing:** Non-permanent and non-tenancy housing which is usually provided by an Assistance Program which can require rules or policies to stay in their housing and programs.

HOUSEHOLD: A household is defined as:

- The applicant/recipient and persons residing with the applicant/recipient in the relationship of father, mother, stepfather, stepmother, son, daughter, husband, wife, or domestic partner; and/or
- The applicant/recipient and any adult (including an unrelated person) who resides with the applicant/recipient "in loco parentis" (in the role of a substitute parent) to a minor child (a person under 18 years of age). A person "in loco parentis" is one who intentionally accepts the rights and duties of a natural parent with respect to a child not their own and who has lived with the child long enough to form a "psychological family."

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

LEGALLY LIABLE RELATIVES: All able-bodied adults under the age of 65, except those regularly attending school, who are related to the applicant, regularly residing in the same household as the applicant are legally liable to contribute to the support of the applicant.

Unrelated adults living in the same household in loco-parentis are also obligated to contribute to the poor person's support. RSA 165:32.

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

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

RECIPIENT: A person who is receiving general assistance.

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

RESIDENCE: Residence or residency shall mean an applicant's place of abode or domicile. The place of abode or domicile is that place designated by an applicant as their principal place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by a temporary absence from it, if there is intent to return to such residence or residency as the principal place of physical presence. RSA165:1(I);21:6-a.

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

RESPONSIBLE RELATIVES: See Legally Liable Relatives.

SANCTION: Reduction or elimination of benefits due to non-compliance.

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

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

TECHNICIAN (Specialist): The employees of the city that carry out the day-to-day assistance to clients under the guidelines of the City. Exceptions to the guidelines, up to $1,000 (on a one-time assistance), can be made by a designee appointed by the director. These exceptions will be

reviewed subsequent to their approval by the Welfare Director. Exceptions over $1,000 must be approved by the welfare official on a case-by-case basis before the voucher is processed.

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

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

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

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

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