

## **WELFARE POLICY:**

### **SECTION I : DEFINITIONS:**

- A) "Applicant": A person who expresses a desire to receive General Assistant or to have his/her eligibility reviewed and whose application has not been withdrawn.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.
- B) "Application (Re-Application)": Action by which a person or their authorized representative requests assistance from a Welfare Official. The completion of a written application form generates the applicant's right to a Notice of Decision under Sections V(D) and/or XII of these Guidelines.
- C) "Application Form": Written confirmation that a person has made an application. This application must be made on a form acceptable to the municipality.
- D) "Available Liquid Assets": Amount of liquid assets after exclusions enumerated in Section VIII (D). Includes cash on hand, checking accounts, bank deposits, credit union accounts, stocks, bonds, and securities. IRA (Individual Retirement Account), 401K accounts and 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.
- E) "Assets": All real property, cash, personal property, expectancies and future interests owned by the applicant.
- F) "Case Record": Official files of forms, correspondence and narrative records pertaining to the application, with determination of initial or continuing eligibility reasons for decisions and action by the Welfare Official, and kinds of assistance given.
- G) "Claimant": A recipient or applicant who has requested, either in person or through an authorized representative, a fair hearing under Section XII of these Guidelines.
- H) "Eligibility": Determination by a Welfare Official, with the assistance of the Guidelines, of a person's poverty and inability to support him/herself, and therefore, the need for General Assistance under the formula of Section VIII.
- I) "Fair Hearing": A hearing, which the applicant or recipient may request, to contest a denial, termination or reduction of assistance. The standards for such a hearing are in Section XIII.
- J) "Household": A household is defined as:
1. The applicant/recipient and persons residing with him/her in the relationship of father, mother, stepfather, stepmother, son, daughter, husband or wife and/or

2. 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 "in loco parentis" is one who intentionally accepts the rights and duties of a natural parent with respect of a child not his own and who has lived with the child long enough to form a "psychological family."
- K) "Minor": A person under 18 years of age.
- L) "Need": The basic maintenance and support requirements of a person, as determined by a Welfare Official under the standards of Section VII (E) of these Guidelines.
- M) "Real Estate": Land, structures and fixtures attached to it.
- N) "Recipient": A person who is receiving General Assistance.
- O) "Residence": Residence or residency shall mean a person's place of abode or domicile. The place of abode or domicile is that place designated by a person as his/her 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 an intent to return to such residence or residency as the principal place of physical presence. RSA 165:1 (I); 21:6-a.
- P) "Residential Unit": All persons physically residing with the applicant, including persons in the applicant's house hold and those not within the household.
- Q) "Voucher System": The system whereby a community issues vouchers directly to the recipient's vendors and creditors rather than cash to the recipient. RSA 165:1 (III). (See Section VII.)
- R) "Welfare Official": The official of the town or city, or his/her 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 selectmen, board of aldermen, town 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).

## **SECTION II : SEVERABILITY:**

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

## **SECTION III : CONFIDENTIALITY OF INFORMATION:**

Information given by or about an applicant or recipient of General Assistance is confidential and privileged, and is not a public record under the provisions of RSA 91-A. Such information will not be published, released or discussed with any individual except when disclosure is required by law, or when necessary to carry out the purposes of RSA 165. RSA 165:2-c.

**SECTION IIIA : ROLE OF LOCAL GOVERNING BODY & WELFARE OFFICIAL:**

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

**SECTION IV : MAINTENANCE OF RECORDS:**

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

B) The purpose for keeping complete records of General Assistance are:

1. To provide a valid basis of accounting for expenditure of the municipality's funds.
2. To support decisions concerning the applicant's eligibility (especially important if a Welfare Official should be required to prove in court that assistance was granted equitably).
3. To assure availability of information if the applicant or recipient seeks administrative or judicial review of the Welfare Official's decision.
4. To provide social welfare agencies with accurate statistical information, including the number of persons assisted and the amount of money spent for their support, in order that taxpayers and officials may be aware of the scope of the General Assistance Program. RSA 165:2-c requires that an itemized account of all General Assistance furnished (without recipients' names) be released to any citizen requesting it.
5. To provide a complete history of an applicant's assistance that might aid a welfare agency in the effort to rehabilitate the applicant (subject to the Guidelines on the confidentiality of such information).

C) The Welfare Official shall maintain case records containing the following information:

1. The complete application for assistance.
2. Written grounds for approval or denial of an application, contained in a Notice of Decision.
3. A narrative history recording need for relief, the results of home visits, if any, collateral information, referrals, changes in status, etc.

4. A tally sheet which has complete data concerning the type, amount and dates of assistance given.
5. A signed authorization by the applicant allowing the Welfare Official to release, obtain or verify any pertinent information in the course of assisting the recipient.

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

#### **SECTION V : APPLICATION PROCESS:**

##### **A) RIGHT TO APPLY:**

1. Anyone may apply for General Assistance by completing a written application form. If more than one adult resides in a household (see definition), they all may be required to appear at the welfare office to apply for assistance, unless one is working or otherwise reasonably unavailable.
2. The Welfare Official shall not be required to accept an application for General Assistance from a person who is subject to a suspension pursuant to Section XII(C) of these guidelines; provided that any person who contests a determination of continuing noncompliance with the guidelines may request a fair hearing as provided in Section XII(C)(7); and provided further that a recipient who has been suspended for at least 6 months due to noncompliance may file a new application. See Section XII(C)(6)(c). RSA 165:1-b (VI).

##### **B) WELFARE OFFICIAL'S RESPONSIBILITIES AT TIME OF APPLICATION:** When application is made for General Assistance, the Welfare Official should provide the applicant with a Notice of Rights (Form B) and shall inform the applicant of:

1. The requirement of submitting a written application.
2. Eligibility requirements, including a general description of the guideline amounts and the eligibility formula in Section VIII.
3. The applicant's right to a fair hearing, and the manner in which a review may be obtained.
4. The applicant's responsibility for reporting all facts necessary to determine eligibility.
5. The joint responsibility of the Welfare Official and applicant for exploring facts concerning eligibility, needs and resources; and the applicant's responsibility for presenting records or documents to support his/her statements. The Welfare Official should assist the applicant in completing the application if necessary (i.e. applicant is physically or mentally unable).
6. The required verifications, as set forth in Section VI, Verification of Information.

7. The fact that an investigation will be conducted in an effort to verify the facts and statements as presented by the applicant and that this investigation may take place prior to, during or subsequent to the applicant's receipt of General Assistance.
8. The applicant's responsibility for notifying the Welfare Official of any change in circumstances which will affect eligibility.
9. Any other programs of assistance or service that the Welfare Official may know of, if the applicant appears ineligible for General Assistance, or of which applicants may avail themselves in addition to receiving General Assistance.
10. The requirement of placing a lien on any real property owned by the recipient for any assistance given, except for good cause.
11. The fact that recovery from applicant is possible if he/she becomes able to repay the amount of assistance given.
12. The applicant's right to review the Guidelines.

C) RESPONSIBILITY OF EACH APPLICANT AND RECIPIENT:

1. At the time of initial application, and at all times thereafter, the applicant/recipient has the following responsibilities:
2. To provide accurate, complete and current information concerning needs and resources and the whereabouts and circumstances of relatives who may be responsible under RSA 165:19.
3. To notify the Welfare Official within 72 hours when a change in needs or resources may affect eligibility for continuing assistance.
4. Within 7 days of application, to apply for and utilize any benefits or resources, public or private, that will reduce or eliminate the need for General Assistance.
5. To keep all appointments as scheduled.
6. To notify the Welfare Official within 72 hours of a change of address and any change in the members of the household.
7. To diligently search for employment and provide verification of application for employment when requested, following a determination of eligibility for assistance.
8. To accept employment when offered, following a determination of eligibility for assistance.
9. To provide a doctor's statement if the applicant/recipient claims an inability to work due to medical problems.

10. To participate in the welfare work program if physically and mentally able, following a determination of eligibility for assistance.

An applicant shall be denied assistance if he/she fails to fulfill any of these responsibilities without reasonable justification. A recipient's assistance may be terminated or suspended for failure to fulfill any of these responsibilities without reasonable justification, in accordance with Section XII.

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

D) ACTIONS ON APPLICATIONS:

1. **DECISION** - Unless an application is withdrawn (see Paragraph 4 below), the Welfare Official shall make a decision concerning the applicant's eligibility immediately when possible, but in no case later than 5 working days after the applicant fills out and submits the application to the Welfare Office. The written notice of decision shall state that assistance shall be delivered or mailed on the same day or next working day following the making of the decision. The notice of decision shall state that assistance of a stated kind or amount has been given and the time period of aid, or that the application has been denied, in whole or in part, with reasons for denial. A first notice of conditions should be given as part of the Notice of Decision. (See Section XII.) The Notice of Decision form shall notify applicants of their right to a fair hearing if they are dissatisfied with the Welfare Official's decision. See Section XIII.
2. **EMERGENCY ASSISTANCE** - If, at the time of initial contact by the applicant, the applicant demonstrates and verifies that an immediate need exists, because of which the applicant may suffer irreparable harm if aid is withheld until a decision is made within the usual limit specified in these guidelines (i.e. food, heat, prescriptions), then temporary aid to fill such immediate need shall be given immediately, pending a decision on the application. An irreparable harm exists whenever the failure to provide immediate or expedited financial assistance to meet that need would result in loss of a basic necessity of living or imminent threat to life or health, such as loss of shelter, utilities, heat, hot water or lack of food, or prescriptions.
3. **TEMPORARY ASSISTANCE** - In circumstances where required records are not available, the Welfare Official may give temporary approval to an application pending receipt of required documents. Temporary status shall not extend beyond 2 weeks. The Welfare Official shall not insist on documentary verification if such records are totally unavailable.
4. An application shall be considered withdrawn if:
  - a) The applicant has refused to complete an application or has refused to make a good faith effort to provide required verifications and sufficient information for the completion of an application, after

having been informed of his/her rights and responsibilities as set forth in sections V(B) and (C) above. If an application is deemed withdrawn for these reasons, the Welfare Official shall so notify the applicant in a written notice of decision. See Form E.

- b) The applicant dies before assistance is rendered.
- c) The applicant avails himself of other resources in place of assistance.
- d) The applicant requests that the application be withdrawn (preferably in writing).
- e) 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 to each applicant only when it is determined necessary for the Welfare official to understand all the services needed to help the applicant, or whenever there is a reasonable basis for such home visit. Home visits shall primarily be used for a helping or rehabilitative purpose.

The home visit 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.

All home visits shall be by appointment only, and shall take place between the hours of 9 am and 5 PM on weekdays, unless the applicant is unavailable and requests otherwise.

During the home visit, the Welfare Official may discuss any noticeable applicable housing code violations with the applicant and may report all violations 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.

A home visit may, with the consent of the applicant/recipient, be used as an alternative form of verification when other forms are unavailable.

#### **SECTION VI : VERIFICATION OF INFORMATION:**

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

A) Verification will normally be required of the following:

1. Applicant's address.
2. Names of persons in applicant's residential unit.

3. Applicant's and household's income and assets.
  4. Applicant's and household's financial obligations.
  5. The physical and mental condition of household members, only where relevant to their receipt of assistance, such as ability to work, determination of needs, or referrals to other forms of assistance.
  6. Any special circumstances claimed by applicant.
  7. Applicant's employment status and availability in the labor market.
  8. Names, addresses, and employment status of potentially liable relatives.
  9. Utility costs.
  10. Housing costs.
  11. Facts relevant to the applicant's residence, as set forth in Section IX.
- B) Verification may be made through records provided by the applicant (for example, birth and marriage certificates, pay stubs, pay check, 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. 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) Verification may also be made through other sources, such as relatives, employers, banks, school personnel, and social or government agencies. The cashier of a national bank or a treasurer of a savings and trust company is authorized by law to furnish information regarding amounts deposited to the credit of an applicant or recipient. RSA 165:4.
- D) 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/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) Should the applicant or recipient refuse comment and/or indicate an unwillingness to have the Welfare Official seek further information which is necessary, assistance will be denied for lack of eligibility verification.
- F) The Welfare Official may seek statements from the applicant's former employers and from legally liable relatives regarding their ability to help support the applicant. The notarized statement of a third party shall not be required if the third party refuses to provide one.

**SECTION VII : DISBURSEMENTS:**

The municipality pays in a voucher system. RSA 165:1 (III). It deals directly with the vendor (i.e. agencies, landlords, stores, etc.) involved. Tobacco products, alcoholic beverages and pet food cannot be purchased with the voucher.

In addition, the amount shown on the voucher is the amount to be used for payment. The municipality will not pay any amount in excess of the amount listed on the voucher. A recipient must not change the amount listed on the voucher. A recipient must sign the voucher to insure proper usage. The vendor returns the voucher with an itemized bill or register tape, for payment, to the Welfare Official. If there is any unspent money, the voucher shall be returned to the municipality for payment of the actual amount listed on an itemized bill or register tape.

**SECTION VIII : DETERMINATION OF ELIBILITY AND AMOUNT:**

- A) ELIGIBILITY FORMULA: A person is eligible to receive assistance when (1) he/she meets the non-financial eligibility factors listed in Section C below, and (2) when the applicant's basic maintenance need, as determined under Section E below, exceeds his/her available income (Section F below) plus available liquid assets (Section D below). If available income and available liquid assets exceed the basic maintenance need (as determined by the guideline amounts), the person is not eligible for general assistance. If the need exceeds the available income/assets, the amount of assistance shall be the difference between the two amounts, in the absence of circumstances justifying an exception.
- B) LEGAL STANDARD AND INTERPRETATION: "Whenever a person in any town is poor and unable to support himself, he shall be relieved and maintained by the Overseers of Public Welfare of such town, whether or not he has residence there." RSA 165:1
1. A person cannot be denied assistance because he/she is not a resident. See Section IX.
  2. "Whenever" means at any or whatever time that person is poor and unable to support him or herself.
    - a) The Welfare Official, or a person authorized to act on his/her behalf, shall be available during normal working hours.
    - b) The eligibility of any applicant for General Assistance shall be determined no later than five (5) working days after the application is submitted. If the applicant has an emergency need, then assistance for such emergency need shall be immediately provided in accordance with Section V.(D) (2).
    - c) Assistance shall begin as soon as the person is determined to be eligible.
  3. "Poor and unable to support" means that an individual lacks income and available liquid assets to adequately provide for the basic maintenance needs of him/herself or family as determined by the Guidelines.

4. "Relieved" means a person shall be assisted to meet those basic needs.

C) NON-FINANCIAL ELIGIBILITY FACTORS:

1. AGE: General Assistance cannot be denied any person because of the person's age; age is not a factor in determining whether or not a person may receive General Assistance. (However, age does make certain persons eligible for other kinds of state or federal assistance e.g. over 65: Old Age Assistance, Social Security; or under 18: AFDC, etc. Income from those other types of assistance does affect eligibility under the Guidelines).
2. SUPPORT ACTIONS: No applicant or recipient shall be compelled, as a condition of eligibility or continued receipt of assistance, to take any legal action against any other person. The town may pursue recovery against legally liable persons or governmental units. See Section XV.
3. ELIGIBILITY FOR OTHER CATEGORICAL ASSISTANCE: Applicants or recipients whom the Welfare Official believes may be eligible for any other form of public assistance must apply for such assistance within 7 days after being advised to do so by the Welfare Official. Failure to do so will render the applicant or recipient ineligible for assistance until he/she makes such application. Unless another form of public assistance is received, a person otherwise eligible is entitled to receive General Assistance. No person receiving old age assistance or aid to the permanently and totally disabled, under RSA 167 or 161 shall at the same time be eligible for General Assistance, except for medical and surgical assistance. RSA 167:27.
4. EMPLOYMENT: A person who is gainfully employed, but whose income and assets are not sufficient to meet necessary family expenses, may be eligible to receive General Assistance. However, recipients who without good cause refuse a job offer or referral to suitable employment are ineligible for continuing General Assistance if the procedures for suspension [Section XII (C)] are followed. The Welfare Official should determine whether there is good cause for such refusal, taking into account the ability, and physical and mental capacity of the person, transportation problems, working conditions that might involve risks to health or safety, or lack of worker's compensation protection, lack of adequate child care, or any other factors that might make refusing a job reasonable.
5. REGISTRATION WITH THE NH DEPARTMENT OF EMPLOYMENT SECURITY (DES): Registration with DES is not necessary for initial eligibility for General Assistance. However, all unemployed recipients and adult members of their households should, within 7 days after having been granted assistance, register with DES to find work and must conduct an adequate work search. The Welfare Official may contact DES to verify the fact that those required to do so have registered with DES or may ask to see DES identification cards. Merely because DES has determined that a person is not eligible for unemployment compensation does not mean that the recipient will no longer be eligible for General Assistance.

6. WORK SEARCH: Each recipient must apply for employment to each employer to whom he is referred by the Welfare Official. The Welfare Official may require a reasonable number of daily/weekly job applications. These work search requirements apply unless the recipient or other adult member of the household is: (a) gainfully employed full-time; (b) a dependent 18 or under who is regularly attending school; (c) unable to work due to illness or to a mental or physical disability of him/herself or another member of the household; (d) is a single parent responsible for the care of a child age 5 or under. RSA 165:31.
  - a) A person responsible for the care of a child over 5 but under 12, shall not be excused from work search requirements, but shall be deemed to have good cause to refuse a job requiring work during hours the child is not usually in school, if there is no responsible person available to provide care, and no other care is available.
  - b) The Welfare Official should give all necessary and reasonable assistance to ensure compliance with registration and work requirements, including the granting of allowances for transportation and work clothes. Failure of a recipient to comply with these requirements without good cause will be reason for denial of assistance.
7. COLLEGE STUDENTS REFUSING FULL-TIME EMPLOYMENT: are not eligible for general assistance.
8. PROPERTY TRANSFERS: No person who is otherwise eligible shall receive such assistance if he/she has made an assignment, transfer, or conveyance of property for the purpose of rendering him/herself eligible for assistance within three years immediately preceding his/her application. RSA 165:2-b.
9. EMPLOYMENT OF HOUSEHOLD MEMBERS: The employment requirements of Paragraphs 5 and 6 above, or participation in the Work Program (Section X), shall be required for all able-bodied adults under the age of 65 years, except those regularly attending school or employed on a full time basis, who are (a) related to the person, (b) residing in the same household, (c) legally liable to contribute to the support of such person, and (d) not prevented from maintaining employment and contributing to the support of the person by reason of physical or mental disability or other substantial or justifiable cause. RSA 165:32. However, the Welfare Official may waive this requirement where failure of the other household members to comply is not the fault of the applicant and the Welfare Official decides it would be unreasonable for the applicant to establish a separate household.

D) AVAILABLE ASSETS:

1. AVAILABLE LIQUID ASSETS: Cash on hand, bank deposits, credit union accounts, and securities 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 his dependent does not affect eligibility if it is essential for transportation to seek employment, to procure medical services or rehabilitation services, or if its use is essential to the maintenance of the individual or the family.
  3. INSURANCE: The ownership of insurance policies, in and of itself, does not affect eligibility. However, when a policy has cash or loan value, the applicant will be required to obtain and/or borrow all available funds, which shall then be considered available liquid assets.
  4. REAL ESTATE: The type and amount of real estate owned by an applicant does not affect eligibility, although rent or other such income from property should be considered as available to meet need. Applicants owning real estate property, other than that occupied as a home, shall be expected to make reasonable efforts to dispose of it at fair market value. Applicants shall be informed that a lien covering the amount of any General Assistance they receive shall be placed against any real estate they own.
- E) STANDARD OF NEED: The basic financial requirement for General Assistance is that a person be poor and unable to support him/herself. A person shall be considered poor when he/she has insufficient available income/assets to purchase either for him/herself or dependents any of the following:
1. SHELTER: The amount to be included as "need" for shelter is the cost of rent or mortgage necessary to actually provide shelter. Such cost shall be determined in accordance with subparagraph 11 below.
    - a) 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 the payment of arrears will not prevent eviction or foreclosure, the Welfare Official may instead authorize payment of 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 if to do so would not cause undue hardship to the applicant household.
    - b) 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/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) Whenever a relative of an applicant is also the landlord for the applicant, that landlord will be presumed able to assist his/her relatives pursuant to RSA 165:19, and must prove an inability to assist before any aid payment for shelter is made.
2. UTILITIES: When utility costs are not included in the shelter expense, the most recent outstanding monthly utility bill will be included as part of "need" except as set forth below.
- a) Arrearages. Arrearages will not be included except when necessary to ensure the health and safety of the applicant household or to prevent termination of utility service.
- b) Electric Arrearages. Arrearages for electric service need not be paid if the Welfare Official notifies the electric company that the municipality guarantees payment of current and future electric bills as long as the recipient remains eligible for General Assistance, in accordance with the Rules of the NH Public Utilities Commission relating to electric utilities.
- c) Restoration of Service. 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 (see Section VIII(E)(1)(a) re: alternative shelter considerations), 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 to obtain restoration of service.
- d) Restoration of Electric Service. When electric service has been terminated and restoration is required, arrearages may either be included as set forth in paragraph (c) above, or may be paid in accordance with a reasonable payment plan entered into by the applicant and the electric company, if the Welfare Official notifies the electric company that the municipality agrees to pay future bills for as long as the applicant household remains eligible for General Assistance.
- e) Deposits. Utility security deposits will be considered as "need" if and only if the applicant is unable to secure funds for the payment of the deposit and is unable to secure utility service without a deposit. Such deposits shall, however, be the property of the Town.
- f) Guarantee in Lieu of Deposit. If a deposit is required for electric service, the municipality may provide to the utility a written guarantee of payment of current and future bills as long as the recipient remains eligible, provided that such guarantee shall end once all bills have been paid for 12 consecutive months.
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

Division of Welfare under RSA 161:2 (XIII). More than the food stamp allotment may be granted if a physician has stated in writing that one or more members of the household needs a special diet, the cost of which is greater than can be purchased with the family's allotment of food stamps.

4. MAINTENANCE ALLOWANCE: Applicants may include, in calculating "need" the costs of providing personal and household necessities in an amount not to exceed these Guidelines, as determined in accordance with subparagraph 11 below.
5. TELEPHONE: If the absence of a telephone would create an unreasonable risk to the recipient's health or safety (Verifiable in writing by a physician) or for other good cause as determined by the Welfare Official, the lowest available basic monthly rate will be budgeted as "need".
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.
7. MAINTENANCE OF INSURANCE: In the event that the Welfare Official determines that the maintenance of medical insurance is essential, an applicant may include as "need" the reasonable cost of such premiums.
8. EMERGENCY AND OTHER EXPENSES: In the event that the applicant has the following current expenses, the actual cost shall be included as emergency and other expenses to determine eligibility and amount of assistance:
  - a) Medical, etc. The Welfare Official shall not consider including amounts for medical, dental or eye services unless the recipient or applicant can verify that all other potential sources have been investigated and that there is no other source of assistance other than local welfare. Other sources to be considered shall include state and federal programs, local and area clinics, area service organizations and area hospital programs (including the Hill-Burton Act) designed for such needs. When a person applies for medical service, prescriptions, dental service or eye service to the local Welfare Official, he/she must provide written documentation from a doctor, dentist or person licensed to practice optometry in the area, indicating that these services are absolutely necessary and cannot be postponed without creating a significant risk that the applicant or recipient's well being will be placed in serious jeopardy. In the event advance payment is required for such documentation, the Welfare Official may accept other forms of verification, may obtain oral verification from the provider, or the Town shall be responsible for payment of the fee.

- b) Except for those specifically required by statute, no legal expenses will be included.
  - c) Moving expenses shall be included in accordance with paragraph E(1) above and for the expense of returning a person to his residence at his request pursuant to RSA 165:1-c, unless alternative arrangements are made by the Welfare Official at no cost to the Town.
  - d) If the applicant has an emergency clothing need which cannot be met in a timely fashion by other community resources (i.e.: Salvation Army, Red Cross, church group), the expense of reasonably meeting that emergency clothing need will be included.
9. UNUSUAL NEEDS NOT OTHERWISE PROVIDED FOR IN THESE GUIDELINES: If the Welfare Official 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 stated in Section V(D) (2) of these Guidelines. Any such determination, and the reasons therefore, shall be stated in writing in the applicant's case record.
10. SHARED EXPENSES: If the applicant/recipient household shares shelter, utility, or other expenses with a non-applicant/recipient (i.e.: is part of a residential unit), then need should be determined on a pro rate share, based on the total number of persons in the residential unit (e.g.: 3 persons in residential unit, but only 1 applies for assistance – shelter need is 1/3 of shelter allowance for household of 3 persons).
11. THE LOCAL GOVERNING BODY shall establish and maintain maximum payment levels for various allowable expenses, i.e.: shelter, maintenance, burial. The maximum payment level for any particular allowable expense shall be based on actual local market conditions and costs. The payment levels should be reviewed by the Town annually and updated and modified where market conditions have changed.
- F) INCOME: In determining eligibility and the amount of assistance, the standard of need, as determined under paragraph E above, shall be compared to the available income/assets. Computation of income and expenses will be by the week or month. The following items will be included in the computation:
- 1. EARNED INCOME: Income in cash or in-kind earned by the applicant or any member of his family or household through wages, salary, commissions, or profit, whether self-employed or as an employee, is to be included as income. Rent income and profits from produce sold are in this category. With respect to self-employment, total profit is arrived at by subtracting business expenses from gross income in accordance with standard accounting 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 trusted, 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. See Section VIII(E) (10) re: determination of need in cases of non-household residential units.)
  3. INCOME FROM OTHER ASSISTANCE OR SOCIAL INSURANCE PROGRAMS:
    - a) State categorical assistance benefits, OASDI payments, Social Security payments, VA benefits, unemployment insurance benefits, and payment from other government sources shall be considered income.
    - b) Food Stamps cannot be counted as income pursuant to federal law.
    - c) Fuel assistance also cannot be counted as income pursuant to federal law.
  4. COURT-ORDERED SUPPORT PAYMENT: Alimony and child support payments shall be considered income only if actually received by the applicant or recipient.
  5. INCOME FROM OTHER SOURCES: Payment from pension and trust funds and the like, shall be considered income.
  6. EARNINGS OF A CHILD: No inquiry shall be made into the earnings of a child 14 years of age or less unless that child makes a regular and substantial contribution to the family.

**SECTION IX : NONRESIDENTS:**

- A) ELIGIBILITY: No person shall be refused assistance solely on the basis of residence.
- B) STANDARDS: The application procedure, eligibility standards and standard of need shall be the same for nonresidents 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 nonresidents, and for temporary assistance pending final decision shall be the same as for residents, as set forth in Section V(D).

E) DETERMINATION OF RESIDENCE:

1. No determination of residence shall be made unless the applicant requests return home transportation (see paragraph F below) or unless the Welfare Official has some reason to believe the person is a resident of another New Hampshire municipality from which recovery can be made under RSA 165:20.
2. MINORS: The residence of a minor shall be presumed to be the resident of his/her custodial parent or guardian.
3. ADULTS: For competent adults, the standard for determining residence shall be the overall intent of the applicant, as set forth in the Section I definition of "residence". The following criteria shall aid the Welfare Official in determining the applicant's residence:
  - a) Does the person have, or immediately intend to establish a dwelling place within the municipality?
  - b) Does the person have property, an established dwelling place or employment in any other municipality, to which he/she intends to return?
  - c) Does the person have a present intent to leave the municipality at some specific future time?
  - d) Has the person evidenced his domiciliary intent in some manner, such as registering a vehicle, paying residence tax, registering to vote, opening local bank accounts, etc., or does he/she intend to do so in the immediate future?

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

F) RETURN HOME TRANSPORTATION: At the request of a nonresident applicant, any aid, temporary or otherwise, to which he/she would be otherwise entitled under the standards set forth in these Guidelines, may be used by the Welfare Official to cause the person to be returned to his/her community of residence.

G) RECOVERY: Any aid given to a nonresident, including the costs of return home transportation, may be covered from his/her community of residence using the procedures of Section XV.

**SECTION X : MUNICIPAL WORK PROGRAMS:**

- A) Anyone found eligible for and receiving General Assistance may be required to work at any available bona fide job that is within his/her capacity. RSA 165:31. Applicants shall be encouraged to apply for available town positions for which they are qualified.
- B) The recipient/worker shall be paid or allotted the prevailing wage for the work they perform, and in no case less than the minimum wage. All wages attributable to such employment shall be used to reimburse the locality for current assistance given. No recipient shall be required to work more hours than necessary to reimburse for aid rendered. Employment under this section shall continue for as long as assistance is required and received.
- C) If, due to lack of available town work or other good cause, a recipient does not work a sufficient number of hours to fully compensate the town for the amount of his/her assistance, the full amount of aid for which he/she is eligible under these standards shall still be paid.
- D) The Town shall provide reasonable time during working hours for recipient to secure work in the labor market.
- E) Refusal to work does not include failure to appear for or to perform work under the circumstances listed below. The recipient should, however, attempt to schedule appointments so as not to conflict with the municipal work program and must notify his/her supervisor in advance of the appointment. The Welfare Official may require recipients to provide documentation of their attendance at a conflicting interview or appointment. The circumstances include when the recipient:
1. Has a conflicting interview for a job possibility;
  2. Has a conflicting interview at a service or welfare agency;
  3. Has a medical appointment or illness;
  4. Must care for children under the age of 5. A person responsible for a child over 5 but under 12 shall be deemed to have good cause to refuse working during hours the child is not in school, if there is no responsible person available to provide care, and no other care is available;
  5. Is unable to work due to mental or physical disability, as determined by the Welfare Official;
  6. Must remain at home because of illness or disability to another member of the household (verified in writing by a physician);
  7. Does not possess the materials or tools required to perform the task and the municipality fails to provide them.

- F) Working hours are subject to approval of the supervisor and the recipient. Failure of the recipient to adhere to the agreed working hours (except for the reasons listed above in paragraph E) will prompt review of the recipient's eligibility for General Assistance.
- G) The municipality shall provide Workers Compensation coverage to participants in municipal work programs in the same manner such coverage is provided to other municipal employees.

**SECTION XI : BURIALS:**

The Welfare Official shall provide for proper burial, at municipal expense, of persons found in the community at time of death, regardless of whether the deceased person ever applied for or received general assistance from any community. In such cases, assistance may be applied for on behalf of the deceased person, however the application shall be made before any burial expenses are incurred. The expense may be recovered from the deceased person's municipality of residence, or from a liable relative. If relatives, other private persons, the state or other sources will not cover the entire burial expense, the municipality should pay up to \$300.00 for burial. RSA 165:27 and 165:27-a.

**SECTION XII : RIGHT TO NOTICE OF ADVERSE ACTION:**

- A) All persons have a constitutional right to be free of unfair, arbitrary or unreasonable action taken by local government. This includes applicants for and recipients of General Assistance whose aid has been denied, terminated or reduced. Every applicant and recipient shall be given a written notice of every decision regarding assistance. (See Section V(D) for notice where application granted.) The Welfare Official will make every effort to insure that the applicant understands the decision.

B) ACTION TAKEN FOR REASONS OTHER THAN NONCOMPLIANCE:

1. Whenever a decision is made to deny assistance or to refuse to grant the full amount of assistance requested, a notice of the decision shall be given or mailed to the applicant either the same day or next work day following the making of the decision or within 5 working days from the time the application is filled out and submitted, whichever occurs first.
2. In any case where the Welfare Official decides to terminate or reduce assistance for reasons other than noncompliance with the Guidelines, the official shall send notice at least 7 days in advance of the effective date of the decision to the recipient stating the intended action.
3. The notice required by paragraphs 1 and 2 above shall contain:
  - a) A clear statement of the reasons for the denial or proposed termination or reduction.
  - b) A statement advising the individual of his/her right to a fair hearing, and that any request for a fair hearing must be made in writing within 5 days.

- c) A form on which the individual may request a fair hearing.
- d) A statement advising the individual of the time limits which must be met in order to receive a fair hearing.
- e) A statement that assistance may continue, if there was initial eligibility, until the date of hearing, if requested by the claimant. Aid must be repaid if the claimant fails to prevail at the hearing.

C) SUSPENSION FOR NONCOMPLIANCE WITH THE GUIDELINES:

1. Recipients must comply with these Guidelines and the reasonable requests of Welfare Officials. Welfare Officials must enforce the Guidelines while ensuring that all recipients and applicants receive due process. Recipients should be given reasonable notice of the conditions and requirements of eligibility and continuing eligibility and notice that noncompliance may result in termination or suspension.
2. CONDITIONS: Any person otherwise eligible for assistance shall become ineligible under RSA 165:1-b if he/she willfully fails to comply with the requirements of these Guidelines relating to the obligation to:
  - a) disclose and provide verification of income, resources or other material financial data, as set out in Sections V (C) and VI of these Guidelines, including any changes in this information;
  - b) participate in the work program under Section X, to the extent assigned by the Welfare Official;
  - c) comply with the work search requirements imposed by the Welfare Official under Section VIII(C)(6);
  - d) apply for other public assistance, as requested by the Welfare Official.
3. FIRST NOTICE: No recipient otherwise eligible shall be suspended for noncompliance with conditions unless he/she has been given a written notice of the actions required in order to remain eligible and a 7 day period within which to comply. The first notice should be given at the time of notice of decision and thereafter as conditions change. Additional notice of actions required should also be given as eligibility is redetermined, but without an additional 7 day period unless new actions are required.
4. NONCOMPLIANCE: If a recipient willfully fails to come into compliance during the 7 day period, or willfully falls into noncompliance within 30 days from receipt of a first notice, the Welfare Official shall give the recipient a suspension notice, as set forth in paragraph 5. If a recipient falls into noncompliance for the first time more than 30 days after receipt of a first notice, the Welfare Official must give the recipient a new first notice with a new 7 day period to comply before giving the recipient the suspension notice.

5. **SUSPENSION NOTICE:** Written notice to a recipient that he/she is suspended from assistance due to failure to comply with the conditions required in a first notice shall include:
  - a) a list of the guidelines with which the recipient is not in compliance and a description of those actions necessary for compliance;
  - b) the period of suspension;
  - c) notice of the right to a fair hearing on the issue of willful noncompliance and that such request must be made in writing within 5 days of receipt of the suspension notice;
  - d) a statement that assistance may continue until the fair hearing decision is made if the recipient so requests on the request form for the fair hearing, however, if the recipient fails to prevail at the hearing, 1) the suspension will start after the decision and 2) such aid must be repaid by the recipient; and
  - e) a form on which the individual may request a fair hearing and the continuance of assistance pending the outcome.
6. **SUSPENSION PERIOD:** The suspension period for failure to comply with these guidelines shall last:
  - a) either 7 days, or 14 days if the recipient has had a prior suspension which ended within the past 6 months, and
  - b) until the recipient complies with the Guidelines if the recipient, upon the expiration of the 7 or 14 day suspension period, continues to fail to carry out the specific actions set forth in the notice.
  - c) Notwithstanding paragraph b above, a recipient who has been suspended for noncompliance for at least 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 required Guidelines, however no assistance shall be available under paragraph C(5) (d) above.
8. **COMPLIANCE AFTER SUSPENSION:** A recipient who has been subject to a suspension and who has come back into compliance shall have his/her assistance resumed, provided he/she is still otherwise eligible. The notice of decision stating that assistance has been resumed should again set forth the actions required to remain eligible for assistance, but need not provide a 7 day period for compliance unless new conditions have been imposed.

**SECTION XIII : FAIR HEARINGS:**

A) REQUESTS: A request for a fair hearing is a written expression, by the applicant or recipient, or any person acting for him/her, to the effect that he/she wants an opportunity to present his/her case to a higher authority.

B) TIME LIMITS FOR REQUESTS:

1. WHERE APPLICATION DENIED: When an application is denied, a request for a fair hearing must be received within 5 working days of the receipt of the written notice of denial.
2. IN OTHER CASES: When a recipient desires to challenge a decision made by the Welfare Officer relative to the receipt of assistance (e.g. amount of assistance, conditions imposed) a request for a fair hearing must be received within 5 working days of receipt of the notice of decision at issue.

C) TIME LIMITS FOR HEARING: Hearings requested by claimants must be held within 7 days of the receipt of the request. The Welfare Official shall give notice to the claimant setting forth time and location of the hearing. This notice must be given to the individual at least 48 hours in advance of the hearing, or mailed to the individual at least 72 hours in advance of the hearing.

D) PROCEDURES AT THE HEARING:

1. A claimant or his/her duly authorized representative has the right to examine, prior to a fair hearing, all records, papers and documents from the claimant's case file which either party may wish to introduce at the fair hearing, as well as any available documents not contained in the case file but relevant to the Welfare Official's action of which the claimant complains.

The claimant may introduce any such documents, papers or records into evidence. No record, paper or document which the claimant has not been allowed to examine prior to the hearing shall be introduced at the hearing or become part of the record.

2. The Welfare Official (or a duly authorized representative) shall have the right to examine at the fair hearing all documents on which the claimant plans to rely at the fair hearing and may request a 24 hour continuance if such documents contain evidence not previously provided or disclosed by the claimant.
3. All Fair Hearings may be tape-recorded and retained for 6 months.
4. Procedures for Fair Hearings.
  - a) All fair hearings shall be conducted in such a manner as to ensure due process of law.

- b) Fair Hearings shall not be conducted according to strict rules of legal procedure and strict rules of evidence. However, in order to protect the right of cross-examination, the Fair Hearing official shall not rely solely upon any hearsay evidence in making a decision if any party objects to its introduction.
  - c) The burden of proof shall be on the claimant, who shall be required to establish his/her case by a preponderance of the evidence.
  - d) The Welfare Official responsible for the decision complained of shall attend the hearing and testify about his/her actions and the reasons therefor.
  - e) Both parties shall be given the opportunity to offer evidence and explain their positions as fully and completely as they wish.
  - f) The claimant or his/her representative and the Welfare Official or his/her representative, shall have the opportunity to examine all records and documents used at the hearing. 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.
  - g) 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 hearing officer shall not review the case record or other materials prior to introduction at the hearing.
  - h) The parties may stipulate to any facts.
5. The Fair Hearing officer or officers may be chosen by the Town Administrator or Chairman of the Board of Selectmen. The person(s) serving as the Fair Hearing authority must:
- a) Not have participated in the decision causing dissatisfaction.
  - b) Be impartial.
  - c) Be sufficiently skilled in interviewing to be able to obtain evidence and facts necessary for a fair determination.
  - d) Be capable of evaluating all evidence fairly and realistically, to explain to the claimant the laws and regulations under which the Welfare Official operated, and to interpret to Welfare Officials any evidence of unsound, unclear or inequitable policies, practices or action.

E) DECISIONS:

1. Fair Hearing decisions shall be rendered within 7 working days of the hearing. Decisions shall be in writing setting forth the reasons for decision and the facts on which the Fair Hearing officer relied in reaching his decision. A copy of the decision shall be mailed or delivered to the claimant and to the Welfare Official.
2. Fair Hearing decisions will be rendered on the basis of the officer's findings of fact, these Guidelines and state and 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.

**SECTION XIV : LIENS:**

A) REAL ESTATE (RSA 165:28): The law requires the town to place a lien for welfare aid received on any real estate owned by an assisted person in all cases except for just cause. (This section does not authorize the placement of a lien on the real estate of legally liable relatives, as defined by RSA 165:19). The Selectmen 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 municipality. 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 so long as the real estate is occupied as the sole residence of the assisted person, his/her surviving spouse, or his/her surviving children who are under age 18 or blind or permanently and totally disabled. At such time as the lien may become enforceable, the Welfare Officer shall attempt to contact the attorney handling the real estate or estate before enforcing the lien. Upon repayment of a lien, the municipality must file written notice of discontinuance of the lien with the County Registry of Deeds.

B) CIVIL JUDGMENTS (RSA 165:28-A):

1. A town shall be entitled to a lien upon property passing under the terms of a will or by intestate succession, property settlement, or a civil judgment for personal injuries (except workers compensation) awarded any person granted assistance by the town for the amount of assistance granted by the town.

2. A 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.
3. This lien shall take precedence over all other claims.

**SECTION XV : PROCEDURE FOR BILLING AND RECOVERING FROM GOVERNMENTAL UNIT OF RESIDENCE OR RELATIVES:**

- A) The amount of money spent by a municipality to support a person who has a residence in another municipality or has a father, mother, stepfather, stepmother, husband, wife or child (who is no longer a minor) of sufficient ability to also support the assisted person, may be recovered from the municipality of residence or the liable relative. 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. Written notice of money spent in support of an assisted person must be given to the liable relative. The Welfare Official shall make reasonable efforts to give such written notice prior to the giving of aid, but aid to which an applicant is entitled under these guidelines, shall not be delayed due to inability to contact possibly liable relatives. 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.
- B) A former recipient who is returned 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.
- C) Any legal action to recover must be filed in a court within 6 years after the expenditure.
- D) The amount of money spent by a municipality to support a person who has made initial application for SSI and has signed an Interim Assistance Program Reimbursement Form, shall be recovered through the SSA and Department of Health and Human Services.
- E) There shall be NO delay, refusal to assist, reduction or termination of assistance while the Welfare Official is pursuing the statutory remedies to secure reimbursement from responsible relatives or from the municipality of residence.

**SECTION XVI : APPLICATION OF RENTS PAID BY THE MUNICIPALITY:**

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

B) A payment shall be considered in arrears if more than 30 days have elapsed since the mailing of the bill, or in the case of real estate taxes, if interest has begun to accrue pursuant to RSA 76:13. (RSA 165:4-a)

C) Delinquent balances will be offset in order of the following priority: real estate taxes.

D) PROCEDURE:

1. The Welfare Official will issue a voucher on behalf of the tenant to the landlord for the allowed amount of rent. The voucher will indicate any amount to be applied to a delinquent balance owed by the landlord, specifying which delinquency and referring to the authority of RSA 165:4-a.
2. The Welfare Official will issue a duplicate voucher to the appropriate department which shall forward the voucher to the treasurer for payment. Upon receipt of payment, the department will issue a receipt of payment to the delinquent landlord.

**SECTION XVII : HARDSHIP ABATEMENTS:**

If an individual is unable to pay property taxes owed to the Town of Windham, they may apply to the Board of Selectmen for a Hardship Abatement. The Board will review the financial status of the individual and make a determination whether the individual does not have the assets to pay the property taxes. If the Board finds that the assets are not available, they shall pay the amount of taxes owed and place a lien on the property in accordance with RSA 165:28. To be eligible to apply for a Hardship Abatement, the amount of taxes owed must be in a tax lien status and in jeopardy of going to a tax deed status. If the amount owed is not presently in a tax lien status, the individual will not be eligible for a Hardship Abatement. Deadline for filing for a Hardship Abatement is two (2) months from date of notice of tax.

**SECTION XVIII : AMENDMENTS:**

These guidelines may be amended by vote of the Board of Selectmen at a properly posted meeting. Notice of proposed changes shall be posted in at least two (2) public places, one of which must be the Town Hall, for at least fourteen (14) days prior to the meeting. The day of posting and the date of the meeting will not be counted towards the fourteen (14) day posting requirement.

**Adopted by the Board of Selectmen - December 5, 1994**

**Charles E. McMahon**  
**Galen A. Stearns**  
**Edward J. Milan**  
**Elizabeth A. Dunn**  
**Douglass L. Barker**  
Board of Selectmen

Re-codified and affirmed by the Board of Selectmen - May 11, 1998

**Charles E. McMahon**  
**Douglass L. Barker**  
**Carolyn B. Webber**  
**Margaret M. Crisler**  
**Galen A. Stearns**  
Board of Selectmen