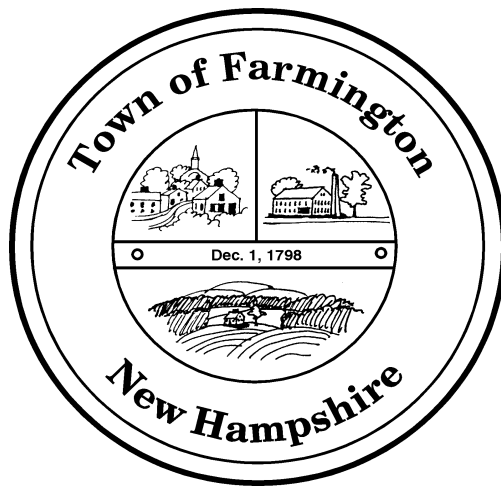


TOWN OF FARMINGTON

WELFARE DEPARTMENT



The mission of the Town of Farmington Welfare Department is to provide assistance to individuals, families and households who, in accordance with New Hampshire RSA 165 "Aid to Assisted Persons", are "poor and unable to support" themselves; lacking the adequate resources to meet their basic needs. Town funds may be expended directly to meet the needs of welfare applicants. The Welfare Director will supervise ("in case manage") welfare recipients to ensure that all alternative and additional sources of financial and programmatic assistance are utilized, thereby facilitating self-reliance of welfare recipients and minimizing the duration of the reliance on Town assistance.

## **I. Definitions**

AS USED IN THE MANUAL THE FOLLOWING TERMS HAVE THE INDICATED MEANINGS:

**ADVERSE ACTION:** A Notice of Decision documenting suspension, denial or reduction of assistance.

**AGENCY:** Any health, social service or other entity that provides services to a client. Any such entity to which a welfare official may refer to 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a desire to receive general assistance or to have his/her eligibility reviewed and whose application has not been withdrawn.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 shall be required every six months, or sooner in the event of significant changes in the household circumstances.

**ARREARAGES:** Past due amounts on bills for basic needs

**ASSETS:** All cash, real estate property, personal property and future assets owned by the applicant. Includes cash on hand, checking accounts, bank and credit union accounts.

**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.

**BASIC NEEDS:** The essential maintenance and support requirements of a welfare applicant, as determined by the Welfare Director in accordance with the "standard of need" described in Section 8 "Determination of Eligibility" of these Guidelines

**CASE RECORD:** Official Town of Farmington Welfare Department files containing forms, documents, correspondence and narrative records pertaining to the application. Case records include determination of eligibility, reasons for

decisions and action by the Welfare Director, and types of assistance requested and assistance provided. The case record may be kept electronically. A hard copy of all signed documents should be kept.

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

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

**COMPLIANCE:** Fulfillment by a welfare recipient of all official requirements and conditions of assistance, and adhering to these guidelines.

**DENIAL:** A determination made by a welfare official that a person does not meet the criteria for assistance.

**ELIGIBILITY:** Determination by the Welfare Director, in accordance with RSA 165 and Section VII of these Guidelines, of an applicant's inability to meet their basic immediate needs, and therefore, the need for General Assistance.

**FAIR HEARING:** A hearing, in accordance with the standards in Section 12 of these Guidelines which the applicant may request to contest an adverse action.

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

**HOUSEHOLD:** A household is defined as:

1. The applicant/recipient and all persons residing with him/her, including those in the relationship of father, mother, stepfather, stepmother, son, daughter, husband or wife, other adult with whom the applicant has produced a child, 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 to a child not his own and who has lived with the child long enough to form a "psychological family."

**INTAKE FORM:** A form to be completed by the applicant the time of each office visit, unless it is time for a new Application to be completed, reporting any changes in circumstance and specifying assistance requested.

**LANDLORD:** An applicant's property owner or the property owner's authorized agent of a valid rental property.

**LIABILITY FOR SUPPORT:** Those legally liable relatives deemed under RSA 165:19 to have financial responsibility for anyone applying for General Assistance.

**MINOR:** A person under 18 years of age.

**NEED:** The basic maintenance and support requirements of a person, as determined by the Welfare Director under the standards described in Section 8 "Determination of Eligibility" 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 applicant's household.

**RESIDENCE:** Residence or residency shall mean an applicant's/client's place of abode or domicile. The place of abode or domicile is that place designated by an applicant/client 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 temporary absence from it if there is intent to return to such residency as the principal place of physical presence. RSA 165:1 (1); 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.

**ROOMMATE:** A person(s) who is/are financially responsible for himself/themselves and living with a client of Town Welfare. The roommate will be assumed to be responsible for a pro-rata share of the basic household expenses, but not for the expenses associated specifically with the applicant (food, prescriptions, etc.).

**SHELTER:** A temporary housing location, which provides an individual or family with emergency housing.

**SUSPENSION:** Period of ineligibility for assistance due to noncompliance with these Guidelines. See RSA 165:1-b.

**TOWN:** The Town of Farmington, New Hampshire.

**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.

**VERIFIABLE GOOD CAUSE:** Includes, but is not limited to a verified medical emergency, or other verified unforeseen emergency circumstances which precludes the individual from fully complying with mandated requirements and/or renders an applicant unable to provide for his/her basic needs.

**VOUCHER SYSTEM:** The system whereby vouchers are issued by the Welfare Director directly to the recipient's vendors and creditors rather than cash to the recipient.

**WELFARE DIRECTOR:** The individual appointed by the Town for the purpose of administering these Guidelines in accordance with NH RSA 165.

**WELFARE WORK PROGRAM:** Labor performed by welfare recipients at municipal sites or human service agencies as reimbursement for benefits received. RSA 165:31.

## **II. Severability**

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

## **III. CONFIDENTIALITY OF INFORMATION**

Information given by or about an applicant is confidential and privileged. Such information will not be released or discussed with any individual or agency without written permission of the applicant except when disclosure is required by law or is for the purposes directly connected with administration of General Assistance per RSA 165:2.

## **IV. ROLES OF SELECTMEN AND WELFARE DIRECTOR**

The responsibility for the day-to-day administration of the General Assistance Program is vested in the appointed Welfare Director of the Town of Farmington. The Welfare Director shall administer the general assistance program in accordance with these written Welfare Guidelines. The Town of Farmington

Board of Selectmen is responsible for the adoption and annual review of the Welfare guidelines.

## **V. MAINTENANCE OF RECORD**

**A: Legal Requirement:** The Welfare Director is required by law to keep complete records concerning the number of persons given assistance and the cost for such support. Separate case records shall be established for each individual or family applying for General Assistance. The purposes for keeping such records are:

1. To provide a valid basis of accounting for expenditure of the Town's funds.
2. To support decisions concerning the applicant's eligibility (especially important if the Welfare Director 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 decision.
4. To provide the Welfare Director with accurate statistical information.
5. To provide a complete history of an applicant's needs and assistance that might aid in the Welfare Director in referring the applicant to appropriate agencies for services (subject to confidentiality guidelines).
6. To aid in the determination of residence under RSA 21:6a; and to allow a smooth transition of information if the recipient is transferred to another legally liable unit.

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

1. The complete application for assistance, including an authorization signed by the applicant allowing the Welfare Director to release, obtain or verify all pertinent information in the course of assisting the recipient.
2. The results of the investigation and verification of information.
3. Copies of all documents presented by the applicant/recipient to verify assets, income, work search, and applications to other sources of assistance as required by the Welfare Director.
4. Written grounds for approval or denial of an application, contained in a Notice of Decision.

5. A narrative history recording need for relief, the results of investigations of applicant's circumstances, referrals, changes in status, grounds for release of information.
6. A tally sheet which has complete data concerning the type, amount and dates of assistance given.
7. Completed Welfare Work Program documentation, if applicant must participate (Section 10).

## **VI. APPLICATION PROCESS**

### **A. Right to Apply:**

#### **Screening Process**

Individuals presenting themselves at the Town of Farmington Welfare office will be processed in the following manner: the Town of Farmington Welfare office will screen applicants to identify, expedite and prioritize emergency need(s) such as food, shelter, heat (during the winter months), utilities and emergency medication. This process may involve the individual seeking assistance to complete a Welfare Department application to determine the extent of the emergency and the availability of resources and referrals. Based on the above information it may be necessary for the individual to be seen by a welfare official who will conduct the intake interview.

Individuals requesting General Assistance who as a result of the screening process are not considered to be in an emergency situation may be given further instructions such as:

1. Be provided with an appointment scheduled at an appropriate time
2. Be referred to an appropriate agency or resource

### **B. Application Process:**

1. Anyone may apply for general assistance by appearing in person or through an authorized representative and by completing a written application form. Clients are seen by appointment except in the case of a documented bona fide emergency which could result in harm to the applicant. If more than one adult resides in a household, each may be required to appear at the Welfare Department office to apply for assistance, unless one is working or otherwise reasonably unavailable. Each adult in the household should sign a "Release of Information Form".

2. The Welfare Director shall not be required to accept an application for general assistance from a person who is subject to a suspension pursuant to RSA 165: 1b and Section 11 of these Guidelines; provided that any person who contests a determination of continuing noncompliance with the guidelines may request a fair hearing; and provided further that a recipient who has been suspended for at least six (6) months due to noncompliance may file a new application.
3. The welfare official shall not be required to accept an Application for assistance from a person who is subject to a suspension pursuant to RSA 165: 1b, provided that any person who contests a determination of continuing noncompliance with these Guidelines may request a Fair Hearing.
4. The application process may be deferred if an applicant appears to be under the influence of alcohol, drugs or other substances, or appears incapable of comprehending and/or completing the application/interview process
5. If an applicant/client refuses to sign the Notice of Decision, the applicant/client is still responsible to observe and/or fulfill the requirement(s) listed in the Notice of Decision.

**C. Welfare Director's Responsibilities at time of Application:** The Welfare Director shall inform the client of those pertinent sections enumerated below, when appropriate.

1. The requirement of submitting an application. The welfare official shall provide assistance to the applicant in completing the application, if necessary (e.g., applicant is physically or mentally unable, or has a language barrier).
2. The requirement that a completed application contains all necessary information including: the applicant's signatures agreeing to reimbursement, the signatures allowing the Department to contact all necessary sources for investigation and verification, and that they have given, read (or the application has been read to them) and understood all information. An incomplete application may be grounds for denial of assistance.
3. To describe eligibility requirements, including a general description of the Guidelines and the eligibility standard, as necessary.
4. To refer an applicant/client requiring emergency assistance agencies or resources which have agreed to provide emergency, temporary assistance which will meet the needs of the applicant/client until an appointment can be arranged.
5. The requirement to provide the applicant/client with a scheduled appointment.
6. The responsibility of the Welfare Director to verify all documentation required by the Welfare Director and provided by the applicant/client, including, but not limited to: identification for all household members, receipts for expenditures, documentation of employment, documentation of application for other programs which would reduce

or eliminate the need for General Assistance, documentation of income, loss of employment and any other similar claims affecting eligibility.

7. The possible need to relocate to more affordable housing based on the applicant's present and projected verifiable income. Effort will be made to maintain an applicant/client in his/her own housing if the monthly cost falls within the normal housing costs (rent plus utilities) in Farmington, unless it is clear that to do so would probably require an unreasonable period of continuing subsidy from the Welfare Department. In determining whether or not continuing subsidy is warranted the department shall consider, among other relevant factors:
  - i. Efforts by the client to increase household income or obtain less expensive housing
  - ii. The applicant/client's prospects of obtaining other forms of rental assistance.
  - iii. Special consideration will be given to helping an applicant/client residing in federally subsidized housing or other substantially below market rate housing to retain such housing.
8. The amount of assistance provided will be negotiated with vendors whenever possible. In any case where an applicant for rental assistance has resided in his/her current housing for less than thirty (30) days, the Welfare Director will require the landlord to provide copies of the applicant's rental screening documentation. The results of this inquiry will be relevant to any rental negotiation process between the Town and the landlord. The Department will always attempt to provide what is necessary for the least cost possible. If negotiation is not possible, the least expensive appropriate alternative will be sought.
9. The Department will not pay charges which do not directly represent an actual service, for example, late charges, security deposits, key charges, damages, eviction fees, etc.
10. Families or individuals currently without housing and/or income may be referred to a shelter.
11. Verification will be conducted in order to further substantiate facts and statements as presented by the applicant/client, and that this investigation will be ongoing while the case is open.
12. The client's right to request a Fair Hearing and the process by which to do so.
13. The statutory requirement of placing liens. See Section 13 "Liens" of these Guidelines.
14. The requirement to pursue reimbursement of all assistance in accordance with RSA 165.
15. The applicant's/client's right to review the Guidelines and the responsibilities as set forth in the Guidelines.
16. To provide the client with a copy of the "Responsibilities of Applicant/Client" document which he/she signed as set forth in the "Right to Apply" section of these Guidelines.

- D. **Rights of Each Applicant and Recipient:** At the time of the initial application, and as long as a client is receiving assistance or the case is open, the client shall comply with each of the following responsibilities:

**IMPORTANT NOTICE**

**For safety and health reasons, applicants, clients and anyone accompany of them in the waiting room must immediately inform the Welfare Officer if they have any communicable diseases, contagious diseases, infestations, and any other health hazards. These include, but are not limited to; conjunctivitis, flu, lice, bed bugs, chicken pox, hepatitis, tuberculosis, or other health related issue.**

1. To submit an Application for Assistance, all releases of information signed, or an Intake Form if a recent Application for Assistance is on file, including any supporting documentation, that is complete, accurate and truthful in all respects and to comply with all requirements set forth in each Notice of Decision, for example, client must provide proof of all household income and dated receipts for all
2. To provide accurate and complete information without misrepresentation or omission concerning needs and resources. To cooperate fully and completely in answering all questions asked by the Welfare Director, including providing information regarding all legally liable relatives (RSA 165:19). Refusing to answer all questions asked by the Welfare Director relevant to the applicant's receipt of assistance may result in a denial of the requested assistance;
3. To report to the Welfare Director, within three (3) working days, any and all changes in circumstances, particularly the receipt of any financial resources from any source;
4. To apply for and accept any benefit or resource (public or private) that reduces or eliminates the need for local General Assistance upon application and within seven (7) days after the date of the interview;
5. To cooperate fully and completely with the Welfare Director in verifying all information that has been provided and is necessary to determine eligibility; and to notify the Welfare Director, within three (3) working days, of any changes which differ from the information provided on the Application for Assistance or on the Intake Form;
6. To keep all appointments as scheduled unless a verifiable emergency prevents keeping the scheduled appointment. In such an event, promptly providing verifiable documentation of the emergency;
7. To provide records and other required information and access to such records and information, when requested;
8. To provide the Town's medical information form which has been completed by a medical doctor or physician's assistant as to the level of work that can be performed by the client if claiming an inability to work due to medical problems;
9. To immediately report the theft and/or loss of any money, voucher or other valuable property to the appropriate entity and/or law enforcement authority and to the Welfare Director with proof of the report to law enforcement.
10. To diligently search for employment. At least one-half of the documented employment contacts must be made in person;

11. provide verifiable documentation of work search (the number of work search contacts to be determined by the Welfare Director), to accept employment when offered (except for documented reasons of good cause (RSA 165:1-d), and to maintain such employment once assistance has been granted. RSA 165:1-b, I(c);
12. To cooperate fully and completely with the Welfare Director to obtain reimbursement to the Town for assistance provided by any means authorized by law, and to notify the Welfare Director of any pending civil judgment(s), law suit(s), inheritance(s), financial settlement(s), insurance claim(s), tax refund(s), and any other financial award(s);
13. To make reimbursement of any assistance granted when and if returned to income status and if such reimbursement can be made without financial hardship. RSA 165:20-b;
14. To read and sign a copy of the "Responsibilities of Applicant/Client" document which has been provided.

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. Also, disqualification for general assistance may occur as set forth in RSA 165 I-b.

Interviews and/or appointments may be deferred if the applicant/client appears to be under the influence of alcohol, drugs or other substances, or otherwise appears incapable of comprehending/completing the application/interview process.

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

#### **E. Action on Applications:**

1. **Decision.** Unless an application is withdrawn, the welfare official shall make a decision concerning the applicant's eligibility immediately in the case of emergency, or within five working days after submission of the application. A written notice of decision shall be given in hand, delivered or mailed on the same day or

next working day following the making of the decision. The notice of decision shall state that assistance of a specific kind and amount has been given and the time period of aid, or that the application has been denied, in whole or in part, with reasons for denial.

An application may be placed on Pending Status subject to receipt of specified information from the applicant. The notice of decision shall contain a first notice of conditions for continued assistance and shall notify the applicant of his/her right to a hearing if dissatisfied with the welfare official's decision. RSA 165:1-b, II, III.

- 2. Emergency Assistance.** If, at the time of initial contact, if the applicant/client demonstrates and verifies that an immediate need exists in which the threat to life or health (such as loss of ~~the~~ heat sources, in winter, lack of food or prescriptions which are an immediate medical necessity), then temporary aid to fill such immediate need(s) shall be given no later than seventy-two (72) hours from the time of the request. If a determination regarding utility assistance cannot be made immediately, a referral to shelter may be offered until such time as eligibility can be determined. Such emergency assistance shall not obligate the welfare official to provide further assistance after the application process is completed.
- A. When an applicant/client submits a completed application for assistance with a Notice to Quit for non-payment of rent, prior to the date on which the Notice to Quit expires, the welfare official shall make a reasonable effort to:

  1. process the application/request in a manner which, if determined eligible and assistance is granted, would enable the applicant/client to tender a voucher in the amount necessary to defeat eviction by the day the Notice to Quit expires; or
  2. obtain a commitment from the landlord that he/she will agree to accept welfare assistance paid on behalf of the applicant/client and will wait for a decision from the Welfare Department and not pursue the eviction unless a specified date following the expiration of the Notice to Quit passes without the landlord receiving a commitment to pay from the department.
  3. In no case shall the decision on the application for rental assistance to cure a Notice to Quit for non-payment of rent be issued later than 72 hours from the time of the application or by the date of the expiration of the Notice to Quit, whichever is later.

4. This process does not apply to a client who is presently in the suspension or denial status.

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

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

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

## **VII. Verification of Information**

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

### **A. Required Verifications**

Verification will normally be required of the following:

1. Applicant's address;

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

## **B. Verification Records**

Verification may be made through records provided by the applicant (for example, birth, marriage, and civil union certificates, pay stubs, pay checks, rent receipts, bankbooks, etc.) as primary sources. The failure of the applicant to bring such records does not affect the welfare official's responsibility to process the application promptly. The welfare official shall inform the applicant what records are necessary, and the applicant is required to produce records possessed as soon as possible. However, the welfare official shall not insist on documentary verification if such records are not available, but should ask the applicant to suggest alternative means of verification.

## **C. Other Sources of Verification**

Verification may also be made through other sources, such as relatives, employers, former employers, banks, school personnel, and social or government

agencies. The cashier of a national bank or a treasurer of a savings and trust company is authorized by law to furnish information regarding amounts deposited to the credit of an applicant or recipient. RSA 165:4.

#### **D. Written Consent of Applicant**

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

#### **E. Legally Liable Relatives**

The relation of any poor person in the line of father, mother, stepfather, stepmother, son, daughter, husband or wife shall assist or maintain such person when in need of relief. Said person shall be deemed able to assist such person if his/her income is more than sufficient to avoid causing a financial hardship. RSA 195:19. The welfare official may seek statements from the applicant's legally liable relatives regarding their ability to help support the applicant.

#### **F. Refusal to Verify Information**

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

### **VIII. Disbursements**

The Town of Farmington pays using a voucher system. RSA 165:1 (III). Vouchers are payable directly to the vendors (utilities, landlords, stores, etc.) involved.

The amount shown on the voucher is the maximum amount to be used for payment. In accordance with the Town of Farmington's accounting practices, a recipient may be required to sign the voucher to insure proper usage. The vendor returns the voucher with the required documentation, for payment, to the welfare official. After the initial transaction, if there is any unspent money, the voucher shall be returned to the Town of Farmington for payment of the actual amount

listed on an itemized bill or register tape. Vouchers altered by the recipient or vendor may not be honored.

A voucher previously issued, but not yet paid, may be revoked and voided under certain circumstances. If facts are discovered that would negate such issuance or fraud is determined the voucher will be cancelled promptly. If fraud is involved, the facts surrounding the matter will be given to the appropriate law enforcement authorities for action. The revocation of assistance is not meant to replace the suspensions process for issues of noncompliance.

## **IX. Determination of Eligibility and Amount**

**A. Legal Standard and Interpretation:** "Whenever a person in any town is poor and unable to support him/her, he/she shall be relieved and maintained by the Overseers of Human Services of such town, whether or not he/she has residence there." RSA 165:1.

1. A person cannot be denied assistance solely because he/she is not a resident.
2. "Whenever" means at any or whatever times that person is poor and unable to support him/her.
  - a. The Welfare Director shall be available during normal working hours.
  - b. The eligibility of an applicant for general assistance shall be determined at the time of application if an emergency, or within five (5) working days.
  - c. Assistance shall begin as soon as the person is determined 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 for himself/herself or family as determined by the guidelines.
4. "Relieved" means a person shall be assisted, as the Welfare Director shall determine, to meet those basic needs.
5. "Maintained" means to be continued on assistance as long as
6. "Shelter" means an applicant shall be assisted to meet those basic needs.

## **B. Eligibility Formula**

An applicant is eligible to receive assistance when:

1. He/she meets the non-financial eligibility factors, and
2. When the applicant's basic maintenance need exceeds his/her available income plus available liquid assets. If available income and available liquid assets exceed the basic maintenance need (as determined by the guideline amounts), the applicant is not eligible for general assistance. If the need exceeds the available income/assets, the amount of assistance shall be the difference between the two amounts, in the absence of circumstances justifying an exception.

## **C. Non-Financial Eligibility Factors**

1. **Age:** Age is not a factor in determining whether or not a person may receive general assistance. However, age may make certain persons eligible for other kinds of State or Federal assistance.
2. **Minors:** Minor applicants shall be referred to Protective Services of the Division of Children, Youth, and Families for case management. Minors have the residence of their custodial parent.
3. **Residence:** Residence and residency shall mean a person's place of abode or domicile. The place of abode or domicile is that designated by a person as his/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 21:6; RSA 21:6-a).
4. **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.
5. **Eligibility for Other Categorical Assistance:** Applicants or recipients, who are eligible for any other form of public assistance, must apply for such assistance immediately, but no later than seven(7) days after being advised to do so by the Welfare Director. Failure to do so may render the applicant or recipient ineligible for assistance. No person receiving Old Age Assistance (OAA), or cash payments through Aid to the Permanently and Totally Disabled (APTD), under RSA 167 or RSA 165, shall at the same time be

eligible for general assistance, except for emergency medical assistance as defined. RSA 167:27.

- 6. 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, participation in the Welfare Work Program (RSA 165:31) or who voluntarily leave a job (RSA 165:1-d), may be ineligible for continuing general assistance in accordance with the procedures for suspension outlined in these Guidelines. The Welfare Director shall first 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, lack of adequate child care, lack of worker's compensation protection, or any other factors that might make refusing a job reasonable. These employment requirements shall extend to all adult members of the household.
- 7. Unemployed Recipients:** All unemployed recipients and adult members of their households shall, within seven (7) days after having been granted assistance, provide proof that they are utilizing the NH WORKS Resource Centers to find work and must conduct a reasonable verifiable job search as determined by the Welfare Director). Each recipient must apply for employment to each employer to whom he/she is referred to by the Welfare Director. At least half of the required employment contacts must be made by personal contact; a work search exclusively conducted electronically ("on-line") will not be accepted as meeting these requirements. 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 years of age or under who is regularly attending school.
  - c.** Unable to work due to the necessity to care for a disabled family/ household member verified by a licensed medical provider's note.
  - d.** In a multi-adult family/household only one (1) adult will be exempt from the work search due to caregiver responsibilities.

The Welfare Director shall give all necessary and reasonable assistance to ensure compliance with work placement 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 or sanction of assistance.

8. **Voluntary Quit Law:** Applicants subject to the New Hampshire Voluntary Quit Law shall become ineligible for assistance for 90 days from the time of a voluntary quit as provided by law. RSA 165:1-d. Applicants must have:
  - a. Received General Assistance from the Town within the past 365 days;
  - b. Received prior written notice that a voluntary quit could lead to disqualification.
  - c. No documented mental or physical impairment that causes him/her to be unable to work
  - d. Been employed at a job working at least twenty (20) hours per week;
  - e. Quit said employment without good cause, as defined in the statute, within 60 days of application for assistance.
  - f. No minor children in the household supported by the applicant
9. **Students:** Post-secondary students who are refusing or unable to work will not be eligible for assistance. Students must be employed in order to be eligible for general assistance.
10. **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 himself/herself eligible for assistance within three (3) years immediately preceding his/her application. RSA 165:2-b.
11. **Employment of Household Members:** The employment requirements of these guidelines, or participation in the Welfare Work Program, shall be required of all adults aged 18 to 65 years residing in the same household, except those regularly attending school or employed on a full-time basis, who are related to the recipient, legally liable to contribute to the support of the recipient, and 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. The Welfare Director may waive this requirement where failure of the other household members to comply is not the fault of the applicant and the Welfare Director decides it would be unreasonable for the applicant to establish a separate household
12. **Non-Citizens.** The welfare official may, in his/her sole discretion, provide limited emergency life-safety assistance to non-citizens not otherwise eligible for general assistance.

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

#### **D. Available Assets**

- a. **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 to cash. The Welfare Director shall allow a reasonable time for such conversion. 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.
- b. **Automobile Ownership:** The ownership of one automobile by an applicant or his dependent does not affect eligibility. Auto payments may be considered justifiable expenses when determining eligibility if the applicant can document that no

alternative exists for transportation to verified employment and/or to essential medical services.

- c. Insurance:** The ownership of life insurance policies does not affect eligibility. However, when such 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 assets.
- d. 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. (RSA 165:28). The Welfare Director shall not make mortgage payments when the applicant has a co-signer on the note.

**D. Standard of Need** the basic financial requirement for general assistance is that a person be poor and unable to support himself/herself. A person shall be considered poor when he/she has insufficient available income/assets to purchase either for himself/herself or dependents any of the following services with some exceptions below, and enumerated in the Appendices of these Guidelines, the payment level for any particular allowable expense shall be based on local market conditions and costs. The payment levels shall be reviewed by the Welfare Director, and if warranted, will be updated to reflect changes in the market.

**NOTE:** A client must first utilize resources for basic needs: which are rent, food (minus Food Stamp Allotment), cleaning and personal hygiene items, utilities, prescriptions, diapers, and gas for a vehicle (when vehicle is used for medical and work purposes only). Documented child care costs and court ordered child support payments may be considered. Clients must provide legitimate dated and signed receipts. Credit Card payments, rent-to-own items, cable service, Internet service, repayment of personal loans, payment of traffic citations, bail, court fines and court ordered restitution are examples of non-basic needs. The above cited examples are not all inclusive of non-basic needs. Any income used for basic needs must be accounted for with legitimate dated receipts. Any income used for non-basic needs and/or unaccounted for will be considered available when determining eligibility.

- a. Rental / Housing** Anyone wishing to have any rents paid through the Welfare Department may have their premises inspected by the Building Inspector/Code Officer/Health Officer. The premises/living quarters must meet all State Laws, Section 8 Housing regulations and Town Ordinances prior to any rent(s)

being paid. The Fire Chief may also inspect said premises also for life safety codes. Rental assistance is determined by the client's ability to afford housing based on present and projected verifiable income. The Town will not assist applicants to move into housing which they cannot document that they will be able to afford once they are housed.

- b. **Permanent Housing/Shelter.** The amount to be included as "need" for permanent housing/shelter including tenancy is the actual cost of rent or mortgage necessary to provide shelter in the Town of Farmington, as determined either by the most HUD Fair Market Rents, New Hampshire Housing Finance Authority Rental Survey or by minimum reasonable local market rent factors, as chosen by the welfare official.
- c. **Shelter Arrearages.** Shelter arrearages are not normally included. The welfare official may assist in the least costly manner, or provide alternate means to accommodate the health and safety of the household unit. The welfare official may, in his/her sole discretion assist with shelter arrearages if, such payment is necessary to prevent eviction or foreclosure and to protect the health and safety of the household and if household can verify ability to afford/maintain housing based on present and/or projected verifiable income. However, if the amount of such mortgage or rental arrearage substantially exceeds the cost of alternative, available housing which complies with local health and housing code standards, or if the payment of arrears will not prevent eviction or foreclosure, the welfare official may instead authorize payment of first month's rent, or portion thereof for such alternative housing if, under the circumstances of the case, it is reasonable to do so and would not cause undue hardship to the applicant household. Alternative housing may include transitional housing, i.e., shelters as an option. Special consideration will be given to assisting an applicant/client residing in federally subsidized housing or other substantially below market rent housing to retain such housing. Residents seeking rent or mortgage assistance within the first three months of occupancy may be expected to verify ability to reasonably financially maintain said expenses at time of move in.
- d. **Hotel, Motel and Inns:** Occupants of hotels, motels, inns and classified as such, are not normally considered "tenants" and are exempt from the legal eviction process defined as RSA 540, RSA 540:1-a. Persons residing in housing exempt from the legal eviction process are not normally considered to be residing in permanent housing under these guidelines.

- e. **Single Family Home Boarders:** Occupants of single-family homes in which the occupant has no lease, which is the primary and usual residence of the owner are not normally considered “tenants” and are exempt from the legal eviction process defined in RSA 540, RSA 540:1, RSA 540:1-a. Persons residing in housing exempt from the legal eviction process is not normally considered to be residing in permanent housing under these guidelines.
- f. **First Month Rent:** Assistance with first month’s rent will be considered only in the event of verifiable emergency need, need, i.e., inability to financially maintain current housing’s basic expenses, homelessness, uninhabitable housing as determined by the local building/code inspector or other appropriate local authority and the verified ability at the time of application to financially maintain such proposed housing is verified. Applicant is expected to seek first month rental assistance prior to moving into proposed housing, including receiving rental keys from the landlord/owner or moving personal belonging into proposed rental housing.
- g. **Security Deposits.** 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 of Farmington, not the recipient.
- h. **Relative Landlords.** Whenever a relative of an applicant is also 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.
- i. **Shelters.** The welfare official may provide referrals to homeless shelters and/or transitional housing when appropriate or needed to resolve a basic health and safety housing need. Shelter and/or transitional housing recipients are expected to abide by shelter/transitional housing rules and policies. In cases in which an appropriate referral for emergency temporary housing/shelter is provided and the applicant/recipient refuses to accept such a referral City Welfare will not be liable for any alternative housing/shelter but may consider other forms of non-housing assistance to which he/she is otherwise eligible. In cases in which a client is involuntarily exited from emergency shelter for 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, city welfare will seek alternative

emergency temporary housing/shelter. However, the city will not be liable for the cost of any alternative housing. The New Hampshire Division for Children, Youth and Families may be contacted to provide support for families involuntarily exited or voluntarily leaving the provided shelter without a reasonable housing/shelter option for their children/family. RSA 169-C: 29.

- j. **Mortgage Payments.** May be considered with a property lien placed by the Town of Farmington, if assistance is provided.
  - k. **Condominium/Park Fees.** May be considered if failure to pay these will put the applicant at risk of homelessness.
1. **Utilities** When utility costs are not included in the shelter expense, the most recent outstanding monthly utility bill will be included as part of “need” by the welfare official (service must be in applicant’s name). Arrearages will not normally be included in “need” except as set forth below.

**NOTE:** The New Hampshire Public Utilities Commission (PUC) has established comprehensive rules governing the provision of some utility services. Generally speaking, the PUC governs electric, telephone, water, and sewer; it does not govern any municipal utilities, propane tanks, or fuel oil. With the exception of the telephone, the rules are consistent across utilities. These rules and regulations cover the initiation of service, payment arrangements, termination of service, the terms of restoration of service, the requirement of deposits, municipal guarantees and guarantees from other third parties. There are special rules as to winter termination. The welfare official should be familiar with these rules in order to ensure that needs are properly met at the lowest available cost. The PUC has a toll-free consumer assistance number: 800/852-3793

- a. **Arrearages.** Arrearages will not be included except when necessary to ensure the health and safety of the applicant household or to prevent termination of utility service where no other resources or referrals can be utilized. In accordance with the rules of the PUC relating to electric utilities, arrearages for electric service need not be paid if the welfare official notifies the electric company that the Town of Farmington guarantees payment of current electric bills as long as the recipient remains eligible for general assistance.
- b. **Restoration of Service.** When utility service has been terminated and the welfare official has determined that alternative utility service is not available and alternative shelter

is not feasible, arrearages will be included in “need” when restoration of services 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 services.

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

- c. Deposits.** Utility security deposits will be considered as “need” if and only if the applicant is unable to secure utility service without a deposit. Such deposits shall, however, be the property of the Town.
- 2. Food** The amount included as "need" for food purchases will be in accordance with the most recent standard food stamps allotment for household size, as determined under the food stamp program administered by the New Hampshire Department of Health and Human Services per RSA 161:12. The applicant's food allowance will equal the maximum Food Stamp allotment available for household size, less the dollar amount of food stamps actually received in the month prior to application for General Assistance benefits. An amount in excess of the food stamp allotment may be granted as an allowance if a physician has stated in writing that one or more members of the household needs a special diet, the documented cost of which is greater than can be purchased with the family's allotment of food stamps.
- 3. Maintenance Allowance.** Intended to provide personal hygiene and household cleaning supplies, the maintenance allowance, also known as “personal goods”, will be 20% of the maximum food stamp allotment for household size.
- 4. 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 Director, the lowest available basic monthly rate will be budgeted. The Welfare Department will not provide telephone equipment.

5. **Transportation.** If the Welfare Director 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 cost of public transportation. The possession of one motor vehicle by a client or his/her dependent(s) does not affect eligibility if it is essential for: medical or rehabilitation services, transportation to and from employment, or if it is essential for use necessary to the maintenance of the individual or family. Essential means that there is no other transportation available. The costs and maintenance of a necessary vehicle must be appropriate to the client's current and projected income.
6. **Maintenance of Insurance:** Life Insurance premium payments shall not be included as "need" in determining eligibility or amount of aid. Payment of premiums for health insurance policies and COBRA health insurance extensions may be determined a valid expense if it is documented that the policies reduce the applicant/recipient's need for medical assistance from the Town.
7. **Medical Expenses.** The Welfare Director shall not include 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 source of assistance other than local General Assistance. Other sources to be considered shall include state and federal programs; local and area clinics, area service organizations and area hospital programs (include the Hill-Burton Act) designed for such needs. An applicant seeking medical service, prescriptions, dental service or eye service 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. The Welfare Director may accept verbal verification from the provider, but shall seek written confirmation. Whenever possible, the applicant will seek service from a Medicaid provider physician. If advance payment is required for such medical services, the Welfare Director may approve payment of the fee up to the reimbursable amount set for the procedure by the New Hampshire Medicaid Program. This office will consider only those medications that are considered life-saving/sustaining and the New Hampshire Division of Health and Human Services Medicaid program would consider reimbursable. Generic medications must be used unless specified otherwise by a licensed medical provider. The City of Somersworth Welfare Office will not normally authorize assistance for medications which would not meet the criteria of treating a diagnosed life-threatening medical condition. Dental assistance is limited to emergency extraction of teeth.

- 8. Clothing.** If the applicant has an emergency clothing need which cannot be met in a timely fashion by other community resources (i.e.: Salvation Army, Red Cross, church group), the expense of reasonably meeting that emergency clothing need will be included.
- 9. Legal Expenses.** Except for those specifically required by the statute, no legal expenses, including fines/citations will be included in “need”.
- 10. Home Ownership Expenses.** Where the applicant owns a home and is otherwise eligible for assistance, payment for essential repairs to retain heat, electric, water, and/or sanitary facilities may be made as deemed necessary by the Welfare Director to prevent foreclosure, preserve the home, and promote the health and safety of the applicant.
- 11. Shared Expenses.** If the applicant/recipient household shares shelter, or other expenses with a non-applicant/recipient (i.e., is a part of a residential unit), then need should be determined on a pro-rata share, based on the total number of persons in the residential unit (i.e., three persons in residential unit, but only one applies for assistance: Shelter need is one-third of shelter allowance for a household of three persons; if the individual's name appears on the lease).
- 12. Miscellaneous:** The “Standard of Need” shall not include costs to prevent repossession of any kind, “rent-to-own” furniture or appliance payments, moving expenses, furniture storage charges, or other costs and fees unrelated to the applicant’s health and safety.
- 13. Unusual Needs Not Otherwise Provided for in These Guidelines.** If the welfare official determines that the strict application of the standard of need criteria will result in unnecessary or undue hardship (e.g., needed services are inaccessible to the applicant), such official may make minor adjustments in the criteria, or may make allowances using the emergency need standards state in Section VI(D)(2) of these guidelines. Any such determination and the reasons therefore, shall be stated in writing in the applicant’s case record.

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

- 1. Earned Income.** Income in cash or in-kind earned by the applicant or any member of the household through wages, salary, commissions, or profit, whether self-employed or as an employee, is to be included as income. Rental income and profits from items sold are considered earned income. With respect to self-employment, total profit is arrived at by subtracting business expenses from gross as reported on the client’s 1099

form will be considered when determining eligibility. 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.)
- 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 (7 USC 2017(b))
  - c. Fuel assistance cannot be counted as income pursuant to federal law. (42 USC 8624(f)(1))
- 4. Court-Ordered Support Payments.** Alimony and child support payments shall be considered income only if actually received by the applicant or recipient.
- 5. Income from Other Sources.** Payment from pension, trust funds, and similar programs shall be considered income. Any income actually available to the applicant from members of their household shall be considered as income. Persons in the relationship of father, mother, stepfather, stepmother, son, daughter, husband or wife, are legally liable to support the applicant (RSA:19), and therefore may be required to apply jointly with him/her if they are in the same household.
- 6. Earnings of a Child.** No inquiry shall be made into the earnings of a child 14 years of age or less unless that child makes a regular and substantial contribution to the family.
- 7. Option to Treat a Qualified State Assistance Reduction as Deemed Income.** The welfare official may deem as income all or any

portion of any qualified state assistance reduction pursuant to RSA 167:82,

**VIII.** The following criteria shall apply to any action to deem income under this section. RSA 165:1-e.

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

**F. Residents of Shelters for Battered Women and Children.** An applicant residing in a shelter for battered women and children who had income and other resources jointly with abusive members of the applicant's household shall be required to cooperate with the normal procedure for the purposes of verification, but may have these resources and income excluded from eligibility determinations unless an agreement exists with a member of the abusive household to give the sheltered household safe access to joint resources at the time of application. The verification process may be completed through an authorized representative of the shelter of residence. The normal procedure taken in accordance with these guidelines to recover assistance granted shall not delay assistance.

**G. Burials.** Payment for burial of Town indigents is limited to \$500.00 and is paid only if relatives, other persons, Department of Health and Human Services, Social Security or other sources will not cover the entire expense. Town assistance will not be considered if the decedent's family has already contracted for costlier services.

## **X. NON-RESIDENTS**

- A. Eligibility.** Applicants who are temporarily in a municipality which is not their municipality of residence and who do not intend to make a residence there are nonetheless eligible to receive general assistance, provided they are poor and unable to support themselves. RSA 165:1-c. No applicant shall be refused assistance solely on the basis of residence. RSA 165:1.
- B. Standards.** The application procedure, eligibility standards and standard of need shall be the same for nonresidents as for residents.
- C. Verification.** Verification records shall not be considered unavailable, nor the applicant's responsibility for providing such records relaxed, solely because they are located in the applicant's community of residence.
- D. Temporary or Emergency Aid.** The standards for the fulfilling of immediate or emergency needs of nonresidents and for temporary assistance pending final decision shall be the same as for residents.
- E. Determination of Residence.** Determination of residence shall be made if the applicant requests return home transportation (See paragraph F below), or if the welfare official has reason to believe the applicant is a resident of another New Hampshire municipality from which recovery can be made under RSA 165:20.
  - 1. Minors.** The residence of a minor applicant shall be presumed to be the residence of his/her custodial parent or guardian.
  - 2. Adults.** For competent adults, the standard for determining residence shall be the overall intent of the applicant, as set forth in the Section I definition of "residence." The statement of an applicant over 18 as to his/her residence or intent to establish residence shall be accepted in the absence of strongly inconsistent evidence or behavior.
    - 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/her domiciliary intent in some manner, such as registering a vehicle, paying a residence tax, registering to vote, opening local bank accounts, etc., Or does he/she intend to do so in the immediate future?

- 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 applicant to be returned to his/her community of residence. RSA 165:1-c.
- G. Recovery.** Any aid given to a non-resident, including the costs of return home transportation, may be recovered from his/her community of residence. If another municipality moves an applicant/client into the Town, the Town will seek reimbursement from the “sending” town for the first thirty (30) days of the applicant’s/client’s residence in Farmington, in accordance with the New Hampshire Local Welfare Administrators Association’s ethics policy.
- H.** Whenever a non-resident applicant is referred to another local welfare entity pursuant to RSA 165-1-c, the Welfare Director shall make a reasonable effort to contact the local welfare entity to which the applicant is being referred prior to the time the applicant leaves the Town Welfare Department in order to ensure that the receiving welfare entity is willing to assist the applicant. If the Welfare Director cannot make contact with the other local welfare entity, or the entity refuses to assist the applicant, the Welfare Director shall work with the applicant to find adequate alternative emergency services.

## **XI. RIGHT TO NOTICE OF ADVERSE ACTION**

- A. Right to Notice of Decision.** All persons have a constitutional right to be free of unfair, arbitrary or unreasonable action taken by government. This includes applicants for and recipients of general assistance, whose aid has been denied, terminated or reduced. Every applicant and recipient shall be given a written notice of every decision regarding assistance. The welfare official will make every effort to ensure that the applicant understands the decision.
- B. Actions taken for reasons other than Noncompliance with Guidelines.**
  - 1.** Whenever a decision is made to deny assistance or to refuse to grant the full amount of assistance requested, a notice of the decision shall be given or mailed to the applicant either the same day or next work day following the making of the decision or within five working days from the time the application is filled out and submitted, whichever occurs first.
  - 2.** In any case where the welfare official decides to terminate or reduce assistance for reasons other than noncompliance with the guidelines the official shall send notice at least seven days in

advance of the effective date of the decision to the recipient stating the intended action.

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

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

**C. Sanctions for Noncompliance with Guidelines**

- 1. Due Process.** Recipients must comply with these guidelines and the reasonable request 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 applicant/recipient otherwise eligible for assistance shall become ineligible under RSA 165:1-b if he/she willfully and without good cause fails to comply with the requirements of these guidelines relating to the obligation to:
  - a.** Disclose and provide verification of income, resources or other material financial data, as set out in Sections VI(C) and VII of these guidelines, including any changes in this information;
  - b.** Participate in the work program under Section VI(C), to the extent assigned by the welfare official;
  - c.** Comply with the work search requirements imposed by the welfare official under Section VI(C); and

- d. Within 7 days, apply for other public assistance, as required by the welfare official under Section VI(C).

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

**4. Noncompliance.**

- a. If a recipient willfully and without good cause fails to come into compliance during the seven-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.
- b. If a recipient falls into noncompliance for the first time more than 30 days after receipt of a first notice, the welfare official shall give the recipient a new first notice with a new seven-day period to comply before giving the recipient the suspension notice. RSA 165:1-b, III.

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

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

fails to prevail at the hearing: 1) the suspension will start after the decision, and 2) such aid must be repaid by the recipient; and

- e. A form on which the individual may request a fair hearing and the continuance of assistance pending the outcome.

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

- a. Either seven days, or 14 days if the recipient has had a prior suspension which ended within the past six months, and
- b. Until the recipient complies with the guidelines if the recipient, upon the expiration of the seven or 14-day suspension period, continues to fail to carry out the specific actions set forth in the notice.
- c. Notwithstanding paragraph C(6)(b) above, a recipient who has been suspended for noncompliance for at least six 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 seven-day period for compliance unless new conditions have been imposed.

## **XII. FAIR HEARINGS**

- A. **Requests.** A request for a fair hearing is a written expression, by the applicant or recipient, or any person acting for him/her, to the effect that he/she wants an opportunity to present his/her case to a higher authority. When a request for assistance is denied or when an applicant desires to challenge a decision made by the welfare official relative to the receipt of assistance, the applicant must present a request for a fair hearing to the

welfare official within five (5) working days of receipt of the notice of decision at issue. RSA 165:1-b, III.

**B. The Fair Hearing Officer/Board.** The Board of Selectman may appoint a Fair Hearing Board or may authorize the Welfare Director to arrange for a Fair Hearing Officer from among regional Welfare Directors. The person serving must:

1. Not have participated in the decision causing dissatisfaction;
2. Be impartial;
3. Be sufficiently skilled in interviewing to be able to obtain evidence and facts necessary for a fair determination; and
4. Be capable of evaluating all evidence fairly and realistically, to explain to the claimant the laws and regulations under which the welfare official operated, and to interpret to the welfare official any evidence of unsound, unclear or inequitable policies, practices or action.
5. In case of a regional Welfare Director assuming the duty of Fair Hearing Officer, the Town Welfare Director should make certain this individual has had no prior interaction with the Claimant.

**C. Time Limits for Request and Hearing.**

1. When an application is denied or when an applicant desires to challenge a decision made by the Welfare Director relative to the receipt of assistance, a request for a Fair Hearing must be received within five (5) working days of receipt the Notice of Decision at issue.
2. Hearings requested by claimants must be held within seven (7) working days of the receipt of the request. The Welfare Director shall give notice to the claimant setting forth time and location of the hearing. His notice must be given to the claimant at least forty- eight (48) hours in advance of the hearing or mailed to the claimant at least seventy-two (72) hours in advance of the hearing.

**D. Fair Hearing Procedures.**

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

2. The welfare official responsible for the disputed decision shall attend the hearing and testify about his/her actions and the reasons therefore.
3. Both parties shall be given the opportunity to offer evidence and explain their positions as fully and completely as they wish. The claimant shall have the opportunity to present his/her own case or, at the claimant's option, with the aid of others, and to bring witnesses, to establish all pertinent facts, to advance any arguments without undue interference, to question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.
4. A claimant or his/her duly authorized representative has the right to examine, prior to a fair hearing, all records, papers and documents from the claimant's case file which either party may wish to introduce at the fair hearing, as well as any available documents not contained in the case file but relevant to the welfare official's action of which the claimant complains. The claimant may introduce any such documents, papers or records into evidence. No record, paper or document, which the claimant has requested to review but has not been allowed to examine prior to the hearing, shall be introduced at the hearing or become part of the record.
5. The welfare official (or a duly authorized representative) shall have the right to examine at the fair hearing all documents on which the claimant plans to rely at the fair hearing and may request a 24-hour continuance if such documents contain evidence not previously provided or disclosed by the claimant. Should the applicant have new documentation relevant to the disputed decision, he/she may reapply for assistance and file a written withdrawal of the fair hearing request.
6. The decision of the fair hearing officer(s) must be based solely on the record, in light of these guidelines. Evidence, both written and oral, which is admitted at the hearing, shall be the sole contents of the record. The fair hearing officer(s) shall not review the case record or other materials prior to introduction at the hearing.
7. The parties may stipulate to any facts.
8. 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 evidence. However, in order to protect the right to cross-examination, the Fair Hearing Officer/Board 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 Director responsible for the decision complained of shall attend the hearing and testify about his/her actions and the reasons therefore.
  - e. Both parties shall be given the opportunity to offer evidence and explain their positions as fully and completely as they wish.
  - f. The claimant or his/her representative and the Welfare Director 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/Board 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 records. 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.
- i. Any applicant may withdraw in writing his request for a Fair Hearing at any time up to the time of the hearing. An applicant who fails to appear for any scheduled Fair Hearing shall be deemed to have withdrawn his request for such a hearing.
- j. An applicant who believes he has good cause to request a continuance or postponement of a scheduled Fair Hearing shall contact the Welfare Director at the earliest possible time prior to the hearing. Upon good cause shown, the Welfare Director may reschedule such hearing; however, the applicant is entitled to only one (1) such postponement or continuance per Fair Hearing request. Good cause shall include, but not necessarily be limited to, demonstrated medical emergency, or other demonstrated unforeseen circumstances, which reasonably prevents the applicant from attending such scheduled hearing. An applicant shall provide documentation of such circumstances to the satisfaction of the Welfare Director no later than 72 hours after the request for postponement is made. If the applicant does not provide documentation of such circumstances to the Welfare Director within

#### **E. Decisions.**

1. Fair hearing decisions shall be rendered within seven (7) working days of the hearing. Decisions shall be in writing setting forth the reasons for the decision and the facts on which the fair hearing officer relied in reaching the decision. A copy of the decision shall be mailed or delivered to the claimant and to the welfare official.
2. Fair hearing decisions will be rendered on the basis of the officer's findings of fact, these guidelines and state and federal law. The fair hearing decision shall set forth appropriate relief.
3. The decision shall be dated. In the case of a hearing to review a denial of aid, the decision is retroactive to the date of the action being appealed. If a claimant fails to prevail at the hearing, the assistance given pending the hearing shall be a debt owed by the individual to the City of Somersworth.
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.

### **XIII. LIENS**

- A. **Real Estate.** The law requires the Town of Farmington 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 Welfare Director shall file a Notice of Lien with the County Registry of Deeds, complete with the owner's name and 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 Town of Farmington. The lien remains in effect until enforced or released or until the amount of the lien is repaid to the Town of Farmington. The lien shall not be enforcing 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 official shall attempt to contact the attorney handling the real estate or estate before enforcing the lien. Upon repayment of a lien, the Town of Farmington must file written notice of the discharge of the lien with the County Registry of Deeds. RSA 165:25.

#### **B. Civil Judgments – RSA 165:28-a.**

1. The Town of Farmington shall be entitled to a lien upon property passing under the terms of a will or by in testate succession, a property settlement, or a civil judgment for personal injuries (except Workers Compensation) awarded any person granted assistance by the Town of Farmington for the amount of assistance granted by the Town of Farmington.
2. The Town of Farmington 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.

### **XIV. Recovery of Assistance**

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

**A. Recovery from Responsible Relatives.** The amount of money spent by the Town of Farmington to assist a recipient who has a father, mother, stepfather, stepmother, husband, wife or child (who is no longer a minor) of sufficient ability to also support the recipient, may be recovered from the liable relative. Sufficient ability shall be deemed to exist when the relative's weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health. The welfare official may determine that "in kind" assistance or the provision of products/services to the client is acceptable as a relative's response to liability for support. Written notice of money spent in support of a recipient must be given to the liable relative. The welfare official shall make reasonable efforts to give 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. RSA 165:19.

**B. Recovery from the Municipality of Residence.** The welfare official shall seek to recover from the municipality of residence the amount of money spent by the Town of Farmington to assist a recipient who has a residence in another municipality. Written notice of money spent in support of a recipient

must be given to the welfare official of the municipality of residence. In any civil action for recovery brought under RSA 165:20, the court shall award costs to the prevailing party. RSA 165:19 and 20. (See RSA 165:20-a providing for arbitration of such disputes between communities.) RSA 165:20.

**C. Recovery from Former Recipient's Income.** A former recipient who is returned to an income status after receiving assistance may be required to reimburse the Town of Farmington for the assistance provided, if such reimbursement can be made without financial hardship. RSA 165:20-b.

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

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

## **XVII. APPLICATION OF RENTS PAID BY THE TOWN OF FARMINGTON**

**A.** Whenever the owner of property rented to a person receiving assistance from the Town is in arrears in sewer, water, or tax payments to the Town, the Town 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 thirty (30) days have elapsed since the mailing of the bill, or in the case of real estate taxes, if interest has begun to accrue pursuant to RSA 76:13. (RSA 165:4-a).

**C.** Delinquent Property Tax balances will be first priority, followed by delinquent sewer/water balances.

### **D. Procedure**

1. The Welfare Director will issue a voucher on behalf of the tenant to the landlord for 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 Human Service Officer will issue a duplicate voucher to the appropriate department (i.e., Tax Collector, Water Department), which shall forward the voucher to the Treasurer of Finance Director for payment; the department will issue a receipt of payment to the delinquent landlord.

Adopted this day, the \_\_\_\_\_ day of \_\_\_\_\_, 2016 by:

Town of  
Farmington Board  
of Selectman

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