

# Welfare Guidelines

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Town of Peterborough, New Hampshire



Adopted by the Select Board May, 1998; last updated October, 2013.



## I. Definitions.

As used in this manual, the following terms have the indicated meanings:

- A. AGENCY:** Any health, social service or other entity that provides services to a client. Any such entity to which a welfare official may refer a client for additional resources and/or assistance.
- B. 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a desire to receive General Assistance or to have his/her eligibility reviewed and whose application has not been withdrawn.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 in person or by an authorized representative of the applicant.
- C. APPLICATION (RE-APPLICATION):** Written action by which a person requests assistance from a Human Services Official. This application must be made on a form provided by the Human Service Department. This application may be written or completed electronically by means of an interview conducted by a welfare official and verified by the applicant's signature.
- D. ASSETS:** All cash, real property, personal property, and future assets owned by the applicant.
- E. AVAILABLE LIQUID ASSETS:** Includes cash on hand, checking accounts, bank and credit union accounts. Retirement accounts, insurance policies with loan value, and non-essential personal property shall be considered as available liquid assets if they can be converted into cash as well as monetary gifts, expectancies and future interests owned by the applicant and household.
- F. CASE RECORD:** Official files containing forms, correspondence and narrative records pertaining to the application. Will include determination of eligibility, reasons for decisions and action by the Human Services Official, and types of assistance given. The case record may be kept electronically. A hard copy of all signed documents shall be kept for a minimum of four years.
- G. CLAIMANT:** A recipient or applicant who has requested a fair hearing, either in person or through an authorized representative.
- H. ELIGIBILITY:** Determination by a Welfare Official, with the assistance of the Guidelines, of a person's inability to support him/herself, and therefore, the need for General Assistance.
- I. FAIR HEARING:** A hearing, in accordance with the standards outlined in these guidelines, which the applicant may request to contest a denial of assistance.
- J. HOUSEHOLD:** A household is defined as:
  - 1. The applicant/recipient and persons residing with him/her in the relationship of a father, mother, stepfather, stepmother, son, daughter, husband, wife, and/or minor children/stepchildren.
  - 2. The applicant/recipient and or any adult (in the role of a substitute parent) to a minor child (a person under 18 years of age). A person "in loco parentis" is one who intentionally accepts the rights and duties of a natural parent with respect to a child not his/her own and who has lived with the child long enough to form a "psychological family."
- K. HUMAN SERVICES OFFICIAL:** The Town of Peterborough Human Services Director or other Human Services Personnel, who perform the function of administering General Assistance

and has the authority to make all decisions regarding the granting of assistance under RSA 165, subject to the overall fiscal responsibility vested in the Select Board. The term includes “overseers of public welfare,” RSA 165:1; 41:46 and “administrator of town or city welfare,” RSA 165:2.

- L. MINOR:** A person under 18 years of age. NOTE: A minor’s residence is always that of the custodial parent.
- M. NEED:** The basic maintenance and support requirements of a person, as determined by a Human Services Official under the standards of these guidelines.
- N. RECIPIENT:** A person who is receiving General Assistance.
- O. “RELIEVE AND MAINTAIN”:** The sustaining of basic needs necessary to the health and welfare of the household.
- P. RESIDENCE:** Residence or residency shall mean a person’s place of abode or domicile. The place of abode or domicile is that place designated by an applicant 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 intent to return to such residence or residency as the principal place of physical presence. RSA 165:1 (i);21:6-a. If another municipality moves a client into the Town of Peterborough they (other Town) should pay for the first 30 days of assistance according to the NHLWAA ethics policy.
- Q. VENDOR/PROVIDER:** Any landlord, utility company, store or other business which provides goods or services needed by the applicant/recipient.
- R. WORKFARE:** Labor performed by welfare recipients at municipal sites or human service agencies as reimbursement for benefits received. RSA 165:31.

## **II. Confidentiality of Information**

Information given by or about an applicant is confidential and privileged, and is not subject to disclosure under the provisions of RSA 91-A. Such information will not be published, released or discussed with any individual or agency without written permission of the applicant or recipient except when disclosure is required by law, or when necessary to carry out the purposes directly connected with the administration of welfare per RSA 165. RSA 165:2-c.

## **III. Roles of the Select Board and Human Service Director**

The responsibility of the day-to-day administration of the General Assistance program is vested in the appointed Human Service Director for the Town of Peterborough. The Human Service Director shall administer the General Assistance program in accordance with these written Welfare Guidelines of the Town of Peterborough. The Select Board is responsible for the adoption of the Human Service Guidelines.

## **IV. Maintenance of Records**

### **A. Legal Requirement**

The Human Services Department is required by law to keep complete records concerning the number of applicants given assistance and the cost for such support. Separate case records shall be established for each individual or family applying for General Assistance.

The purposes for keeping such records are:

1. To provide a valid basis of accounting for expenditure of the Town's funds.
2. To support decisions concerning the applicant's eligibility.
3. To assure availability of information if the applicant or recipient seeks administrative or judicial review of the Human Services Official's decision.
4. To provide with accurate statistical information.
5. To provide a complete history of an applicant's needs and assistance that might aid the Human Services Official in referring the applicant to appropriate agencies.

### **B. Case Records**

The Human Services Department shall maintain case records containing, at a minimum, the following information:

1. The complete application for assistance, including any authorizations signed by the applicant allowing the Human Services Official to obtain or verify any pertinent information in the course of assisting the recipient, to include a signed Authorization to Release Information from the New Hampshire Division of Health and Human Services.
2. Written grounds for approval or denial of an application, contained in a Notice of Decision.
3. A narrative history recording need for assistance, the results of investigations of applicants' circumstances, referrals, changes in status, etc.
4. A tally sheet which has complete data concerning the type, amount and dates of assistance given, which may be kept on paper or electronically.

## **V. Application Procedures**

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

1. Anyone may apply for General Assistance by appearing in person or through an authorized representative and by completing a written or electronic application form. If more than one adult resides in a household, each may be required to appear at the welfare office to apply for assistance, unless one is working or otherwise reasonably unavailable. Unrelated adults in the applicant's residential unit may be required to apply separately if they do not meet the definition of household as defined in these guidelines. Each adult in the household may be requested to sign release of information forms.

2. The Human Services Official shall not be required to accept an application for General Assistance from a person who is subject to a suspension pursuant to RSA 165:1-b, VI; 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 months due to noncompliance may file a new application.

#### **B. Human Services Official's Responsibilities at Time of Application**

When application is made for General Assistance, the Human Service Official shall inform the applicant of:

1. The requirement of submitting a written application and at the time of each request for assistance, an intake form. The Human Service Official shall assist the applicant in completing the application if necessary (e.g., applicant is physically or mentally unable).
2. Eligibility requirements, including a general description of the guideline amounts and the eligibility formula.
3. The applicant's right to fair hearing, and the manner in which a review may be obtained.
4. The applicant's responsibility for reporting all facts necessary to determine eligibility, and presenting records and documents as reasonably available to support statements.
5. The joint responsibility of the Human Services Official and applicant for exploring facts concerning eligibility, needs and resources.
6. The types of verifications needed, as well as a compliance date/appointment date.
7. The fact that an investigation will be conducted in an effort to substantiate the facts and statements presented by the applicant and that the investigation may take place prior to, during, or subsequent to the applicant's receipt of welfare assistance.
8. The applicant's responsibility to notify the Human Services Official of any change in circumstances which may affect eligibility.
9. Other forms of assistance for which the applicant may be eligible.
10. The statutory requirement of placing a lien on any real property owned by the recipient, or any settlements, for any assistance given, except for good cause.
11. The fact that reimbursement from the applicant will be sought if he/she becomes able to repay the amount of assistance given.
12. The applicant's right to review the guidelines, and the responsibilities as set forth in the guidelines.
13. The applicant's responsibility not to voluntarily terminate employment without good cause, as required by RSA 165:1-d.

#### **C. Responsibilities of Each Applicant and Recipient**

At the time of initial application and at all times thereafter, the applicant/recipient has the following responsibilities:

1. To provide accurate, complete and current information concerning needs and resources and the whereabouts and circumstances of relatives who may be responsible under RSA 165:19.
2. To notify the Human Services Department when there is a change in needs, resources, address, or household size.
3. To apply for and utilize immediately, but no later than seven days from initial application, any benefits or resources, public or private, that will reduce or eliminate the need for General Assistance. RSA 165:1-b, I (d).
4. To keep all appointments as scheduled.
5. To provide records and other pertinent information and access to said records and information when requested.
6. To provide a doctor's statement if claiming an inability to work due to medical problems.
7. Following a determination of eligibility for assistance, to diligently search for employment and provide verification of work search, to accept employment when offered, and to maintain such employment.
8. Following a determination of eligibility for assistance, to participate in the Welfare Work Program if physically and mentally able. RSA 165:1-b, I (b).
9. To diligently work towards independence of local welfare assistance thru employment or other forms of public assistance or by banking available assets for moving into affordable housing.
10. To reimburse assistance granted per RSA 165:20-b.

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 165:1-b.

Any person may be denied or terminated from General Assistance, in accordance with, the Town of Peterborough Human Service 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.

#### **D. Actions on Applications**

1. **Decision:** Unless an application is withdrawn, the Human Services Official shall make a decision concerning the applicant's eligibility immediately in the case of emergency, or within five working days after completion of the written 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. 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 fair hearing if dissatisfied with the Human Services Official's decision. RSA 165:1-b, II, III.

2. **Emergency Assistance:** If, at the time of initial contact, the applicant demonstrates and verifies that an immediate need exists, because of which the applicant may suffer a loss of a basic necessity of living or imminent threat to life or health (such as loss of shelter, utilities, heat, hot water, or lack of food or prescriptions) then temporary aid to fill such immediate need shall be given immediately pending a decision on the application. Such emergency assistance shall not obligate the Human Services Official to provide further assistance after the application process is completed.
3. **Temporary Assistance:** In circumstances where required records are not available, the Human Service Official may give temporary approval to an application pending receipt of required documents. Temporary status shall not extend beyond one week.
4. **Withdrawn Applications:** An application shall be considered withdrawn if:
  - i. 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.
  - ii. The applicant dies before assistance is rendered.
  - iii. The applicant avails him/herself of other resources to meet the need in place of assistance.
  - iv. The applicant requests that the application be withdrawn (preferably in writing).
  - v. The applicant does not contact the Human Services Official after the initial interview after being requested to do so.

## **VI. Verification of Information**

Any determination or investigation of need or eligibility shall be conducted in a manner that will not violate privacy or personal dignity of the individual or 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.
3. Names 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 relatives/individuals potentially liable to the Town for reimbursement of benefits provided.
10. Utility costs.
11. Housing costs.
12. Prescription costs.
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 and marriage certificates, pay stubs, pay checks, rent receipts, bankbooks, etc.) as primary sources. The failure of the applicant to bring such records does not affect the Human Services Official's responsibility to process the application promptly. The Human Services Official shall inform the applicant what records are necessary, and the applicant is required to produce records possessed within 7 days. If such records are not available, the applicant may be required to provide an alternative means of verification; such substitution is subject to the acceptance of the Human Services Official.

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

Verification may also be made through other sources, such as relatives, employers, banks, school personnel, and social or government agencies. The cashier of a national bank or a treasurer of a savings and trust company is authorized by law to furnish information regarding amounts deposited to the credit of an applicant or recipient. RSA 165:4.

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

When information is sought from such other sources, the Human Services 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 Human Services Official shall obtain written consent of the applicant or recipient, unless the Human Services Official has reasonable grounds to suspect fraud. In the case of suspected fraud, the Human Services 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 Human Services Official may seek statements from the applicant's former employers, and from 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 Human Services Official seek further information which is necessary, assistance will be denied for lack of eligibility verification.

## **VII. Disbursements**

The Town of Peterborough pays all assistance directly to the vendor via the Accounts Payable process and in accordance with the Town of Peterborough's accounting practices.

## **VIII. Determination of Eligibility**

### **A. Eligibility Formula**

A person 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.

### **B. Legal Standard and Interpretation**

"Whenever a person in any town is poor and unable to support himself he shall be relieved and maintained by the Overseers of Public Welfare of such town, whether or not he has residence there." RSA 165:1.

1. A person cannot be denied assistance solely because he/she is not a resident.
2. "Whenever" means at any or whatever time that person is poor and unable to support him or herself.
  - a. The Welfare Official or Case Technician 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 working days.
  - c. Assistance shall begin as soon as the person is determined to be eligible.
3. "Poor and unable to support" means that an individual lacks income and available liquid assets to adequately provide for the basic maintenance needs of him/herself or family as determined by the Guidelines.

4. “Relieved” means an applicant shall be assisted, as the Human Services Official shall determine, to meet those basic needs.

### 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 does make certain persons eligible for other kinds of state or federal assistance. Minor children are assumed to be the responsibility of their parent(s) or legal guardian(s), unless circumstances warrant otherwise.
2. **Support Actions.** No applicant or recipient shall be compelled, as a condition of eligibility or continued receipt of assistance, to take any legal action against any other person. The Town of Peterborough may pursue recovery against legally liable persons or governmental units.
3. **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 days after being advised to do so by the Human Services Official. Failure to do so may render the applicant or recipient ineligible for assistance. No person receiving cash payments from Old Age Assistance (OAA) or Aid to the Permanently and Totally Disabled (APTD), under RSA 167 or 161, shall at the same time be eligible for General Assistance, except for emergency medical assistance as defined. RSA 167:27. Receipt of medical assistance under Medicaid-APTD does not preclude eligibility for general assistance.
4. **Employment.** A person who is gainfully employed, but whose income and assets are not sufficient to meet necessary family expenses, may be eligible to receive General Assistance. However, recipients who without good cause refuse a job offer or referral to suitable employment, participation in the workfare program, or who voluntarily leave a job may be ineligible for continuing General Assistance in accordance with the procedures for suspension outlined in the Guidelines. The Human Services Official 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.
5. **Registration with the New Hampshire Department of Employment Security.** All unemployed recipients and adult members of their households shall, within seven days after having been granted assistance, register with NHDES to find work and must conduct a reasonable verified job search as determined by the Human Services Official. Each recipient must apply for employment to each employer to whom he/she is referred by the Human Services Official. These work search requirements apply unless the recipient or other adult member of the household is:
  - i. Gainfully employed full-time
  - ii. A dependent 18 or under who is regularly attending school

- iii. Unable to work due to an illness or to a mental or physical disability of him/herself or another member of the household; or
- iv. Is solely responsible for the care of a child aged five or under. A person responsible for the care of a child aged six to twelve shall not be excused from work search requirements, but shall be deemed to have good cause to refuse a job requiring work during hours the child is not usually in school, if there is no responsible person available to provide care, and no other care is available.

The Human Services Official shall give all necessary and reasonable assistance to ensure compliance with registration and work requirements, including the granting of allowances for transportation and work clothes. Failure of a recipient to comply with these requirements without good cause will be reason for denial of assistance.

- 6. **Students.** Applicants who are college students not available for or refusing to seek full-time employment are not eligible for general assistance.
- 7. **Non-Citizens.** The Human Services Officer may, in his/her sole discretion, provide limited assistance to non-citizens not otherwise eligible for general assistance.
  - a. A non-citizen who is not:
    - i. A qualified alien under 8 USCA 1641.
    - ii. A non-immigrant under the federal Immigration and Nationality Act, or
    - iii. An alien patrolled into the United States for less than one year under 8 USCA 1182(d)(5)

Is not eligible for general assistance from the municipality. 8 USCA 1621(a).

- b. Qualified aliens include aliens who are lawfully admitted for permanent residence under the Immigration and Nationality Act, 8 USCA 1101 et seq., aliens who are granted asylum under that act, certain refugees, and certain battered aliens. 8 USCA 1641.
- 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 as the absence of immediate medical attention could reasonably be expected to result in:
  - i. Placing the patient's health in jeopardy;
  - ii. Serious impairment to bodily functions; or
  - iii. 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.

- e. Non-citizen applicants for general assistance may be required to provide proof of eligibility. 8 USCA 1625.
8. **Property Transfers.** No applicant who is otherwise eligible shall receive such assistance if he/she has made an assignment, transfer, or conveyance of property for the purpose of rendering him/herself eligible for assistance within three years immediately preceding his/her application. RSA 165:2-b.
9. **Employment of Household Members.** The employment requirements of these guidelines, or participation in the workfare program, shall be required for all adults aged 18 to 65 years residing in the same household, except those regularly attending secondary school or employed on a full-time basis, who are:
  - a. Members of the recipient's household;
  - b. Legally liable to contribute to the support of the recipient and/or children of the household; and
  - c. Not prevented from maintaining employment and contributing to the support of the household by reason of physical or mental disability or other justifiable cause as verified by the Human Services Official.

The Human Services Official may waive this requirement where failure of the other household members to comply is not the fault of the recipient and the Human Services Official decides it would be unreasonable for the recipient to establish a separate household. RSA 165:32.

10. **Disqualification for Voluntary Termination of Employment.** Any applicant eligible for assistance who voluntarily terminated employment shall be ineligible to receive assistance for 90 days from the date of employment termination, provided the applicant:
  - a. Has received local welfare within the past 365 days; and
  - b. Has been given notice that voluntary termination of employment without good cause could result in disqualification; and
  - c. Has terminated employment of at least 20 hours a week per week without good cause within 60 days of an application for local welfare; and
  - d. Is not responsible for supporting minor children in his/her household; and
  - e. Did not have a mental or physical impairment which caused him/her to be unable to work.

Good cause for termination shall include any of the following:

- Discrimination
- Unreasonable work demands or unsuitable employment
- Retirement
- Leaving a job in order to accept a bona-fide job offer

- Migrant farm labor or seasonal construction
- Lack of transportation
- Lack of child care

Any good cause claim must be documented or documentable. The Human Services Official may require written substantiation of a good cause claim. An applicant shall be considered to have voluntarily terminated employment if the applicant fails to report to work without good cause. An applicant who is fired or resigns from a job at the request of the employer due to the applicant's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily terminated employment. RSA 165:1-d.

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

1. **Available Liquid Assets.** Cash on hand, bank deposits, credit union accounts, 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 Human Services Official shall allow a reasonable time for such conversion. However, tools of a trade, livestock and farm equipment, and necessary and ordinary household goods are essential items of personal property which shall not be considered as available assets.
2. **Automobile Ownership.** The ownership of one automobile by an applicant/recipient or his/her dependent does not affect eligibility if it is essential for transportation to seek or maintain employment, to procure medical services or rehabilitation services, or if its use is essential to the maintenance of the individual or the family.
3. **Insurance.** The ownership of insurance policies does not affect eligibility. However, when a policy has cash or loan value, the applicant will be required to obtain and/or borrow all available funds, which shall then be considered available liquid assets.
4. **Real Estate.** The type and amount of real estate owned by an applicant does not affect eligibility, although rent or other such income from property should be considered as available to meet need. Applicants owning real estate property, other than that occupied as a home, shall be expected to make reasonable efforts to dispose of it at fair market value. Applicants shall be informed that a lien covering the amount of General Assistance they receive shall be placed against any real estate they own. RSA 165:28

#### **E. Standard of Need**

The basic financial requirement for General Assistance is that a person be poor and unable to support him/herself. A person shall be considered poor when he/she has insufficient available income/assets to purchase either for him/herself or dependents any of the following.

1. **Housing.** The amount to be included as "need" for housing is the actual cost of rent or mortgage necessary to provide housing in the Town of Peterborough. The maximum limit of expenses counted towards housing costs and the maximum limit of assistance provided towards housing

costs shall be determined by the most recent New Hampshire Housing Finance Authority Rental Cost Survey for the Peterborough Labor Market Area, and shall not exceed the guidelines set forth therein.

- a. **Housing Arrearages.** Housing arrearages will be included in the “need” formula if, and only if, such payment is necessary to prevent eviction or foreclosure or to protect the health and safety of the household. However, if the amount of such mortgage or rental arrearage substantially exceeds the cost of alternative, available housing which complies with local health and housing code standards, or if the payment of arrears will not prevent eviction or foreclosure, the Human Services Official may instead payment of security deposit, rent, and/or reasonable relocation expenses for such alternative housing if, under the circumstances of the case, it is reasonable to do so and would not cause undue hardship to the applicant household. Alternative housing may include transitional housing as an option.
  - b. **Duty to Locate Housing/Shelter.** It is not the responsibility of the Human Services Department to locate housing or shelter for applicants. Applicants who are homeless will be directed to call 211 to be put into contact with a homeless outreach case worker, who will be able to find reasonable temporary or transitional shelter for the applicant and their household. The Human Services Department will not authorize payment for a hotel, motel or other retail lodging unless the homeless outreach case worker is unable to locate a reasonable temporary or transitional shelter for the applicant and their household, and has informed the Human Services Official that there is no other reasonable option, either verbally or in writing.
  - c. Shelters that provide life management support services are available throughout the region will be used as necessary. When clients are housed in shelters, at Town expense, they will bank available assets to move into affordable housing.
  - d. **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 municipality, not the recipient.
  - e. **Relative Landlords.** Whenever a relative of an applicant is also the landlord for the applicant, the landlord will be presumed able to assist his/her relative pursuant to RSA 165:19.
2. **Utilities.** When utility costs are not included in the shelter expense, the most recent outstanding monthly utility bill will be included as part of “need” by the Human Services Official. Maximum utility costs shall be determined by the most recent Utility Allowance Schedule for New Hampshire published by the New Hampshire Housing Finance Authority. Arrearages will not normally be included in “need” except as set forth below: (Utilities must be in the client name in order to render assistance.)

- a. **Electric 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 municipality 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 Human Services Official has determined that alternative utility service is not available and alternative shelter is not feasible, arrearages will be included in “need” when restoration of service is necessary to ensure the health and safety of the applicant household. The Human Services Official may negotiate with the utility for payment of less than the full amount of the arrears and/or may attempt to arrange a repayment plan to obtain restoration of service.

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 Human Services 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 funds for the payment of the deposit and is unable to secure utility service without a deposit. Such deposits shall, however, be the property of the Town of Peterborough.
3. **Food.** The amount included as “need” for food purchases will be in accordance with the most recent standard food stamp allotment, as determined under the food stamp program administered by the New Hampshire Department of Health and Human Services. An amount in excess of the food stamp allotment may be granted if a physician has stated in writing that one or more members of the household needs a special diet, the documented cost of which is greater than can be purchased with the family’s allotment of food stamps.
  4. **Non-Food Grocery Items.** “Need” allowance shall be given for paper goods, soap products, and personal items in the following amounts:
  5. **Telephone.** If the absence of a telephone would create an unreasonable risk to the recipient’s health or safety (verifiable in writing by a physician) or, for other good cause as determined by the Human Services Official, the lowest available basic monthly rate will be budgeted as “need”. While payments will not be made for telephone bills, under exceptional circumstances where no other source of assistance is available payments may be made to maintain basic telephone service.
  6. **Transportation.** If the Human Service Official determines that transportation is necessary (e.g., for health or medical reasons, to maintain employment, or to comply with conditions of assistance), “need” may include the cost of transportation (gasoline, repair, taxi — non-purchase of vehicle considerations.) If, and only if, the transportation need cannot be reasonably provided by alternative means, such as carpooling or volunteer drivers, a reasonable amount for car payments and gasoline will be included when determining eligibility or amount of aid.

7. **Maintenance of Insurance.** In the event that the Human Services Official determines that the maintenance of medical insurance is essential, an applicant may include as “need” the reasonable cost of such premiums.
8. **Emergency and Other Expenses.** In the event that the applicant has the following current expenses, the actual cost shall be included as emergency and other expenses to determine eligibility and amount of assistance:
  - a. **Medical Expenses.** The Human Services Official shall not consider including amounts for medical, dental or eye services unless the applicant can verify that all other potential sources have been investigated and that there is no source of assistance other than local welfare. Other sources to be considered shall include state and federal programs, local and area clinics, area service organizations and area hospital indigent programs designed for such needs. When an applicant requests medical service, prescriptions, dental service or eye service, the local welfare official may require verification from a doctor, 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’s wellbeing will be placed in serious jeopardy. The Human Service Official may accept oral verification from the provider, but shall seek written confirmation. The applicant will seek service from a Medicaid, Medicare, hospital Grant Program or Veterans Administration provider physician. They are also required to apply for prescription help thru the prescription programs prior to requesting help from the Town. If advance payment is required for such medical services, the Human Service Official may approve payment of the fee up to the reimbursable amount set for the procedure by the NH Medicaid Program. Whenever possible generic medications should be used, unless specified differently by the physician.
  - b. **Legal Expenses.** Except for those specifically required by statute, no legal expenses will be included.
  - c. **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. **Miscellaneous.** No cost to prevent repossession of any kind will be included. No moving expenses shall be included. Furniture storage charges shall not be included.
10. **Home Ownership Expenses.** Where the applicant owns a home and is otherwise eligible for assistance, fire insurance and essential repairs may be made as deemed necessary by the Human Services Official to prevent foreclosure, preserve the home, and promote the health and safety of the applicant. Taxes and fees paid to the Town will not be paid, but the Town may opt to put a Deferral Lien Against the property.
11. **Unusual Needs Not Otherwise Provided For in These Guidelines.** If the Human Services 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 stated in .... of these guidelines. Any such determination, and reasons therefore, shall be stated in writing in the applicant's case record.

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

## **F. 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 week or month. The following items will be included in the computation:

1. **Earned Income.** Income in cash or in-kind earned by the applicant or any member of his/her family or household through wages, salary, commission, or profit, whether self-employed or as an employee, is to be considered as income. Rental income and profits from produce sold are in this category. With respect to self-employment, total profit is arrived at by subtracting business expenses from gross income in accordance with standard accounting principles. When income consists of wages, the amount computed should be that available after income taxes, social security and other payroll deductions required by state, federal, or local law, court-ordered support payments and child care costs, and work-related clothing costs have been deducted from income. Wages that are trusted, or income similarly unavailable to the applicant or applicant's dependents, should not be included.
2. **Income or Support from Other Persons.** Contributions from relative or other household members shall be considered as income only if actually received by or to the benefit of the applicant. The income of non-household members of the applicant's residential unit shall not be counted as income.
3. **Income from Other Assistance or Social Insurance Programs.**
  1. State categorical assistance benefits, OASDI payments, Social Security payments, VA benefits, unemployment insurance benefits, and payment from other government sources shall be considered income. RSA 167:82, VIII.
  2. Food Stamps cannot be counted as income pursuant to federal law 7 USC 2017(b).
  3. Fuel assistance also cannot be counted as income pursuant to federal law 42 USC 8624 (f) (1).
4. **Court-Ordered Support Payments.** Alimony and child support shall be considered income only if actually received by the applicant or recipient.
5. **Income from Other Sources.** Payment from pension and trust funds and the like shall be considered income. Any income actually available to the applicant from members of their household shall be considered as income.
6. **Earnings of a Child.** No inquiry shall be made into the earnings of a child 14 years of age or less unless that child makes a regular and substantial contribution to the family. Income provided

to an adult member of the household on behalf of a minor member of the household (i.e. SSI income) shall be considered income.

7. **Option to Treat a Qualified State Assistance Reduction as Deemed Income.** The Human Services Officer may deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82, VIII, as set forth in RSA 165:1-e. When an applicant receiving benefits through the Division of Human Services is sanctioned by a reduction in benefits for non-compliance, the amount of income considered available will be the amount the applicant was receiving prior to the sanction.

#### **G. Residents of Shelters for Victims of Domestic Violence and Children**

An applicant residing in a shelter for victims of domestic violence and children who has income, and owns resources, jointly with abusive members of the applicant's household shall be required to cooperate with the normal procedures for 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 shelter 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 procedures taken in accordance with these Guidelines to recover assistance granted shall not delay such assistance.

## **IX. 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 their 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 non-residents, and for temporary assistance pending final decision shall be the same as for residents.

#### **E. Determination of Residence**

No determination of residence shall be made unless the applicant requests return home transportation or unless the Human Service Official has some reason to believe the person is a

resident of another New Hampshire municipality from which recovery can be made under RSA 165:20.

1. **Minors.** The residence of a minor 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 definition of “residence”. The following criteria shall aid the Human Service Official in determining the applicant’s residence:
  - a. Does the person have, or immediately intend to establish a dwelling place within the municipality?
  - b. Does the person have property, an established dwelling place or employment in any other municipality, to which he/she intends to return?
  - c. Does the person have a present intent to leave the municipality at some specific future time?
  - d. Has the person evidenced his/her domiciliary intent in some manner, such as registering a vehicle, paying residence tax, registering to vote, opening local bank accounts, etc., or does he/she intend to do so in the immediate future?

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

#### **F. Return Home Transportation.**

At the request of a nonresident applicant, any aid, temporary or otherwise, to which he/she would be otherwise entitled under the standards set forth in these Guidelines, may be used by the Welfare Official to cause the person to be returned to his/her community of residence. RSA 165:1-c.

#### **G. Recovery.**

Any aid given to a nonresident, including the costs of return home transportation, may be recovered from his/her community of residence as provided by law.

#### **H. Burials.**

Payment for burial of Town indigents is limited to the amount set forth in Appendix A for burial/cremation and is paid only if relatives, other persons, the State Social Security or other sources will not cover the entire expense.

## **X. Municipal Work Program - Workfare**

### **A. Participation**

Any recipient of general assistance may be required to work for the Town of Peterborough or other appropriate local human service agencies at any available bona fide job that is within his/her capacity (RSA 165:31) for the purpose of reimbursement of benefits received. Participants

in the workfare program are not considered employees of the Town of Peterborough, and any work performed by Welfare Work participants does not give rise to any employee-employer relationship between the recipient/welfare worker and the Town of Peterborough.

#### **B. Reimbursement Rate**

Required recipient/welfare workers hours are based on the amount of aid rendered and are calculated at the prevailing wage, in no case less than the minimum wage. All hours attributable to workfare program participation shall be used to reimburse the Town of Peterborough for current assistance given. No recipient shall work more hours than necessary to reimburse for aid rendered. Welfare work under this section shall continue for as long as assistance is required and received. No cash compensation shall be paid for workfare participation.

#### **C. Continuing Financial Liability**

If, due to lack of available work or other good cause, a recipient does not work a sufficient number of hours to fully compensate the Town of Peterborough the amount of his/her aid, the full amount of aid for which he/she is eligible under these standards shall still be paid. The full amount of aid received less the value of workfare hours completed shall be owed to the municipality.

#### **D. Allowance for Work Search**

The Town shall provide reasonable time during working hours for recipient to conduct a documented employment search.

#### **E. Workfare Program Attendance**

Refusal to work does not include failure to appear for or to perform work under the circumstances listed below. The recipient should, however, attempt to schedule appointments so as not to conflict with the municipal work program and must notify his/her supervisor in advance of the appointment. The Human Service Official may require recipients to provide documentation of their attendance at a conflicting interview or appointment. The circumstances include when a recipient:

1. Has a conflicting interview for a job possibility;
2. Has a conflicting interview at a service or welfare agency;
3. Has a verifiable medical appointment or illness;
4. As a parent or person "in loco parentis," must care for children under the age of five. A person responsible for a child over five but under twelve years of age shall be deemed to have good cause to refuse to work during the hours the child is not in school, if there is no responsible person available to provide care, and no other care is available;
5. Is unable to work due to mental or physical disability, as determined by the Human Services Official; must remain at home because of illness or disability to another member of the household (verified in writing by a physician).

The workfare participant should attempt to schedule appointments so as not to conflict with the workfare program and must notify his/her supervisor in advance of the appointment. The Human

Services Official may require participants to provide documentation of their attendance at a conflicting interview or appointment.

**F. Workfare Hours**

Working hours are subject to approval of the supervisor and the recipient. Failure of the recipient to adhere to the agreed working hours (except for the reasons listed above) will prompt review of the recipient's eligibility for general assistance, and may result in a suspension or termination of assistance.

**G. Workers' Compensation**

The provisions of the workers' compensation laws are not applicable to workfare program participants. RSA 281-A:2, VII(b).

## **XI. Burials and Cremations**

The Human Services Department shall provide for proper burial or cremation, at municipal expense, of persons found in the municipality at the time of death, regardless of whether the deceased person ever applied for or received general assistance from any municipality. In such cases, assistance may be applied for on behalf of the deceased person, However, the application should be made before any burial or cremation expenses are incurred. The expense may be recovered from the deceased person's municipality of residence, or from a liable relative pursuant to RSA 165:3, II. If relatives, other private persons, the state or other sources are unable to cover the entire burial/cremation expense, the municipality will pay up to the amount set forth in Appendix A for burial/cremation. RSA 165:3 and RSA 165:1-b; see also RSA 165:27 and 165:27-a.

## **XII. Right to Notice of Adverse Action**

**A. Right to a Written Decision**

All persons have a constitutional right to be free of unfair, arbitrary or unreasonable action taken by local government. This includes applicants for and recipients of general assistance whose aid has been denied, terminated or reduced. Every applicant and recipient shall be given a written notice of every decision regarding assistance. The Human Services Official will make every effort to insure that the applicant understands the decision.

**B. Action Taken for Reasons Other than Non-Compliance with the Guidelines**

1. Whenever a decision is made to deny assistance or to refuse to grant the full amount of assistance request, a notice of the decision shall be given to the applicant immediately 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 individual 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 individual may request a fair hearing.
  - d. A statement advising the individual of the time limits which must be met in order to receive a fair hearing.
  - e. A statement that assistance may continue, if there was initial eligibility, until the date of hearing, if requested by the claimant. Aid must be repaid if the claimant fails to prevail at the hearing.

### **C. Suspension for Noncompliance with the Guidelines**

1. **Due Process.** Recipients must comply with these Guidelines and the reasonable requests of Human Services Official. The Human Services Official must enforce the Guidelines while ensuring that all recipients and applicants receive due process. Recipients should be given reasonable notice of the conditions and requirements of eligibility and continuing eligibility and notice that noncompliance may result in termination or suspension.
2. **Conditions.** Any person otherwise eligible for assistance shall become ineligible under RSA 165:1-b if he/she willfully fails to comply with the requirements of these Guidelines relating to the obligation to:
  - a. Disclose and provide verification of income, resources or other material financial data, including any changes in this information;
  - b. Participate in the workfare program as assigned by the Human Services Official;
  - c. Comply with the work search requirements imposed by the Human Services Official;
  - d. Apply for other public assistance which would alleviate the need for General Assistance, as requested by the Human Services Official.
3. **First Notice.** No recipient otherwise eligible shall be suspended for noncompliance with conditions unless he/she has been given a written notice of the actions required in order to remain eligible and a seven day period within which to comply. The first notice shall be given at the time of the notice of decision. 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.
4. **Non-compliance.**
  - a. If a recipient willfully fails to come into compliance during the seven day period, or willfully falls into noncompliance within thirty days from receipt of a first

notice, the Human Services Official shall give the recipient a suspension notice as set forth in paragraph 5 of this section.

b.If a recipient falls into noncompliance for the first time more than thirty days after receipt of a first notice, the Human Services Official must 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;

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 until the fair hearing decision is made if the recipient so requests on the request form for the fair hearing; however, if the recipient fails to prevail at the hearing: 1) the suspension will start after the decision, and 2) such aid must be repaid by the recipient;

e.And 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 fourteen 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 fourteen day suspension period, continues to fail to carry out the specific action 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.

## **XIII. Fair Hearings**

### **A. Requests**

A request for a fair hearing is a written expression, by the applicant or recipient, or any person acting for him/her, to the effect that he/she wants an opportunity to present his/her case to a higher authority. When a request for assistance is denied or when an applicant desires to challenge a decision made by the Human Services Official relative to the receipt of assistance, the applicant must present a request for a fair hearing to the Human Services Official within five working days of receipt of the notice of decision at issue. RSA 165:1-b, III.

### **B. Time Limits for Hearings**

1. Hearings requested by claimants must be held within seven working days of the receipt of the request. The Welfare Official shall give notice to the claimant setting forth time and location of the hearing. His/her 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.

### **C. The Fair Hearing Board/Officer.** The Fair Hearing Board or Officer shall be chosen by the Select Board. The Fair Hearing Board/Officer 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.
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 Welfare Officials any evidence of unsound, unclear or inequitable policies, practices or action.

### **D. Fair Hearing Procedures**

- 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.
- c. However, in order to protect the right of cross-examination, the Fair Hearing official(s) shall not rely solely upon any hearsay evidence in making a decision if any party objects to its introduction.
- d. The burden of proof shall be on the claimant, who shall be required to establish his/her case by a preponderance of the evidence.
- e. The Human Services Official responsible for the decision complained of shall attend the hearing and testify about his/her actions and the reasons therefore.

- f. Both parties shall be given the opportunity to offer evidence and explain their positions as fully and completely as they wish.
- g. The claimant or his/her representative and the Human Services Official or his/her representative, shall have the opportunity to examine all records and documents used at the hearing. The claimant shall have the opportunity to present his/her own case or, at the claimant's option, with the aid of others, and to bring witnesses, to establish all pertinent facts, to advance any arguments without undue interference, to question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.
- h. The decision of the Fair Hearing Board/Officer must be based solely on the record, in light of these Guidelines. Evidence, both written and oral, which is admitted at the hearing shall be the sole contents of the records. The hearing officers shall not review the case record or other materials prior to introduction at the hearing.
- i. The parties may stipulate to any facts.
- j. Any applicant may withdraw, in writing, his/her request for a fair hearing at any time up to the time of the hearing. An applicant who fails to appear for any scheduled fair hearing shall be deemed to have withdrawn his/her request for such hearing. An applicant who believes he has good cause to request a continuance or postponement of a scheduled fair hearing shall contact the Human Services Officer at the earliest possible time prior to the hearing. Upon good cause shown, the Human Services Officer may reschedule such hearing; however, an 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 Human Services Officer no later than 72 hours after the request for postponement is made. If the applicant does not provide documentation of such circumstances to the Human Services Officer within 72 hours, then the request shall be deemed withdrawn by the applicant.

#### **E. Decisions**

1. Fair Hearing decisions shall be rendered within five (5) working days of the hearing. Decisions shall be in writing, setting forth the reasons for decisions and the facts on which the Fair Hearing Board/Officer relied in researching the decision. A copy of the decision shall be mailed or delivered to the claimant and to the Human Services Official.
2. Fair Hearing decisions will be rendered on the basis of the officers' findings of fact, these guidelines and state and federal law. The Fair Hearing decision shall set forth appropriate relief.
3. The decision shall be dated. In the case of a hearing to review a denial of aid, the decision is retroactive to the date of the action being appealed. If a claimant fails to prevail at the hearing, the assistance given pending the hearing shall be a debt owed by the individual to the municipality.

4. The Human Services Official shall keep all fair hearing decisions on file in chronological order.

None of the procedures specified herein shall limit any right of the applicant or recipient to subsequent court action to review or challenge the adverse decision.

## **XIV. Liens**

### **A. Real Estate (RSA 165:28)**

The law requires the Town of Peterborough 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 relative, as defined by RSA 165:19.) The Human Services Official shall file a Notice of Lien with the County Registry of Deeds, complete with the owner's name and a description of the property sufficient to identify it. The lien shall not be enforced so long as the real estate is occupied as the sole residence of the assisted person, his/her surviving spouse, or his/her surviving children who are under age 18 or blind or permanently and totally disabled. At such time as the lien may become enforceable, the Human Services Official shall attempt to contact the attorney handling the real estate or estate before enforcing the lien. Upon repayment of a lien, the municipality must file written notice of the discontinuance of the lien with the County Registry of Deeds.

### **B. Civil Judgments (RSA 165:20-a)**

1. The Town of Peterborough shall be entitled to a lien upon property passing under the terms of a will or intestate succession, a property settlement, or a civil judgment or personal injuries (except worker's compensation) awarded any person granted assistance by the Town for the amount of assistance granted by the Town.
2. The Town of Peterborough shall be entitled to the lien only if the assistance was granted no more than six (6) years before the receipt of the inheritance or the award of the property settlement or civil judgment. When the Human Services Official becomes aware of such a claim against a civil judgment, he/she shall contact the attorney representing the recipient.
3. The lien shall take precedence over all other claims.

## **XV. Recovery of Assistance**

The Human Services 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 Human Services Official is pursuing the procedural or statutory avenues to secure reimbursement. Any legal action to recover must be filed in a court within six years after the expenditure. RSA 165:25.

### **A. Recovery from Responsible Relatives**

The amount of money spent by a municipality to support a person who has a residence in another municipality or has a father, mother, stepfather, stepmother, husband, wife, or child (who is no longer a minor) of sufficient ability to also support the assisted person, may be covered from the municipality of residence or the liable relative. Sufficient ability shall be deemed to exist when the relative's weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health. Written notice of money spent in support of an assisted person must be given to the liable relative. The Human Services 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 Municipality of Residence**

The Human Services Official shall seek to recover from the municipality of residence the amount of money spent by the municipality to assist a recipient who has a residence in another municipality. Written notice of money spent in support of a recipient must be given to the Human Services 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 Peterborough for the assistance provided, if such reimbursement can be made without financial hardship. RSA 165:20-b.

**D. Recovery from State and Federal Sources.**

The amount of money spent by a municipality to support a person 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 Department of Health and Human Services. Prescription expenses paid by the Town of Peterborough for the applicants who have applied for Medicaid shall be recovered through the New Hampshire Department of Health and Human Services if and when the applicant is approved for medical coverage.

**E. Delayed State Claims**

For those recipients of general assistance deemed eligible for state assistance, New Hampshire Department of Health and Human Services shall reimburse a municipality the amount of general assistance as a result of delays in processing within the federally mandated time periods. Any claim 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.

## **XV. Application of Rents Paid by the Town of Peterborough**

Whenever the owner of property rented to a person receiving General Assistance from the Town of Peterborough 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)

### **A. Payment Arrears**

A payment shall be considered in arrears if more than thirty 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.)

### **B. Order of Priority**

Delinquent Property Tax balances will be first priority, followed by delinquent Sewer/Water balances.

### **C. Procedure**

1. The Human Services Official will issue a notification on behalf of the tenant to the landlord for the allowed amount of rent. The notification 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 Services Official will issue a duplicate notification to the appropriate department (i.e., tax collector, water department), and will authorize payment of the applied amount to the delinquent account. Upon receipt of payment, the department will issue a receipt of payment to the delinquent landlord.

# Appendix A – Allowable Levels of Assistance Payments

## A. Food Allowances

Food allowances shall be determined by the New Hampshire Department of Health and Human Services Maximum Food Stamp Allotments.

**B. Maintenance Allowance.** The maintenance allowance is intended to provide personal hygiene items.

Family Size	Monthly Allotment
1 person	\$15.00
2 people	\$30.00
3 people	\$45.00
4 people	\$50.00
For each additional person add	\$5.00

## C. Shelter Allowances

Shelter Allowances shall be determined by the most current New Hampshire Housing Finance Authority Residential Rental Cost Survey for the Peterborough Labor Market Area.

## D. Utility Allowances

Utility allowances not included in the applicant household rent shall be determined by the New Hampshire Housing Authority Utility Allowance Schedule for New Hampshire.

## E. Telephone Allowance

Telephone allowance shall be set at \$50.00 per month, the average cost of basic telephone service. There shall be no additional allowances made for a cell phone that is used in lieu of a standard telephone.

## F. Burial/Cremation Allowance

The Burial/Cremation Allowance is set at \$1,400.00. This allowance cannot be used to offset funeral expenses, a premium marker or a premium casket.

# Appendix B - Forms