

TOWN OF RICHMOND
DEPARTMENT OF WELFARE
105 Old Homestead Highway
Richmond, NH 03470
(603) 239-4232
GENERAL ASSISTANCE GUIDELINES
ADOPTED NOVEMBER 3 2014

I. Definitions

a. Applicant: 1) Any person who expresses a desire to receive general assistance from the town of Richmond or to have his/her eligibility reviewed and whose application has not been terminated. This desire may be expressed either directly or through a person having knowledge of his/her circumstances. 2) Person receiving general assistance.

b. Application / Re-Application: Action by which a person requests from a Welfare Officer (herein WO) or the action by which a person's representative indicates to the WO that an applicant found to be without sufficient assets or resources, and for the time being is unable to support himself-herself or to supply immediate basic needs. The completion of a written application form, with any assistance from the WO or the applicant's representative, triggers the applicant's right to a notice under Section XI of guidelines.

c. Application: Written confirmation that a person has made an application. This application must be made on Town Application for General Assistance and a new application made each month requesting assistance.

d. Liquid Assets: Cash, checking / savings accounts, savings deposits, stocks, bonds, insurances, and securities.

e. Available Liquid Assets: Amount of liquid assets after exclusions listed in Section IX. Includes cash on hand, bank deposits, credit union accounts, retirement accounts, savings accounts, and securities. Insurance with a loan value and non-essential personal property is considered as available liquid assets when they have been converted into cash.

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

g. Case Record: Official file of forms, correspondence, and narrative records pertaining to the application with determination of initial or continuing eligibility, reasons for decisions, and kinds of assistance given.

h. Claimant: Person who has requested either in person or by representative a fair hearing.

i. Eligibility: Determination by WO of a person's economic status and ability to support him/herself and therefore need for general assistance under formula contained in these guidelines under Section IX.

j. Fair Hearing: A hearing which the applicant may request to contest a decision by the WO.

k. Guidelines- References to these guidelines include these guidelines and all appendices and related documents referenced in this document.

l. Minor: A person under eighteen (18) years old.

m. Real Estate: Land and structures and fixtures attached to it.

n. Recipient: Person receiving general assistance.

o. Residence: Person's place of abode or domicile designated as a person's principal place of physical presence for the indefinite future to the exclusion of others, not interrupted by an absence if there is intent to return to it.

p. Voucher System: System in which the Town provides general assistance to applicants. Vouchers are issued directly to vendors and creditors. No applicant will receive payments or cash.

q. Welfare Officer (WO): Person designated by the Town who performs the function of administering general assistance, with the power to make all decisions regarding general assistance, subject to the overall fiscal responsibility vested in selectmen and town manager.

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

III Confidentiality of Information Information by or about an applicant of general assistance is confidential and privileged and is not a public record under the provisions of RSA 91-A. Such information will not be published, discussed, or released to any individual or agency without written permission of the applicant except when disclosure is required by law or to carry out the purpose of rendering assistance to the applicant in accordance with these guidelines.

IV Maintenance of Records

- a. Each WO is required by law to keep complete paper or electronic records of general assistance dispersed. In addition to general statistical records concerning the number of persons given assistance and the cost for such support, a separate case record shall be established for each individual or family applying for general assistance from the Town. The purpose of maintaining such records are:
 - 1) To provide a valid basis of accounting for welfare expenditures.
 - 2) To support decisions concerning the applicants eligibility for general assistance.
 - 3) To assure availability of information if the applicant seeks administrative review of a WO's decision.
 - 4) To provide the WO with accurate statistical information including the number of persons assisted and the amount of money spent for taxpayers and officials to be aware of the scope of general assistance.
 - 5) To provide a complete history of an applicant's needs and assistance that may aid the WO in ongoing case management and in referring to other agencies.
- b. The WO shall maintain case records containing at least the following:
 - 1) The complete application for assistance including any authorizations signed to verify information
 - 2) Written grounds for approval / denial of application documented on Notice of Decision
 - 3) Narrative history recording needs, results of home visits, investigations, circumstances, changes in status
 - 4) A tally with complete data concerning the type, amount, and dates of assistance rendered

V Roles of Local Governing Body and Welfare Officer

- a. The responsibility of the day to day administration of the general assistance program should be vested in the elected or appointed WO. The WO shall administer the general assistance program in accordance to these guidelines. The Board of Selectmen is responsible for the adoption of the guidelines in relation to general assistance.

VI Application Process

- a. Right to Apply
 - 1) An applicant may apply for general assistance once per month by making an appointment to see the WO and by completing an application. If more than one adult resides in a household, each shall be required to appear at the appointment unless one is working or is otherwise reasonably unavailable. Unrelated adults may be required to apply separately. Each adult signs an authorization of release of information form.
 - 2) At the time of application the WO will inform the applicant of:
 - The requirement of submitting a written application. If help is required reading, understanding, and filling out the application, it will be provided by the WO
 - Eligibility requirements / general guidelines, amounts allotted, and formula to determine eligibility
 - Applicant's right to a fair hearing, and the manner in which a review may be obtained
 - Applicant's responsibility to report facts necessary to determine eligibility
 - Joint responsibility to WO and applicant for exploring facts concerning needs and resources
 - Documentation needed to verify reported information
 - An investigation will be conducted in an effort to verify facts presented; and may take place prior to, during, or subsequent to applicant's receipt of general assistance
 - Applicant's responsibility to notify WO of any change in circumstances which may effect eligibility
 - All other programs of assistance or service in place to assist applicant

- Requirement of placing a lien on any real property owned by recipient for all assistance received
 - Reimbursement of assistance received will be sought when applicant returns to income producing status
 - Applicant's right to review general assistance guidelines
- b. The WO shall not be required to accept an application for general assistance from an applicant who is subject to a suspension under these guidelines, provided an applicant who contests a determination may request a fair hearing.
- c. Responsibility of Applicant
- Provide accurate, complete, and current information concerning needs and resources, and location and circumstances of relatives who may be responsible for his/her support under RSA 165:19
 - Notify WO within 72 hours when there is a change in needs, resources, address, or household size
 - Apply to all WO referrals within 7 (seven) days
 - Keep each appointment as scheduled. Broken appointments will result in a one month suspension of application
 - Provide any needed documentation / records when requested
 - If unemployed, apply to NH Employment office and provide WO with work search log, to accept part of full-time employment when offered and to maintain such employment
 - Provide doctor statement if applicant is unable to work due to disability or medical condition
 - Participate in welfare to work program if physically and mentally able to do so
 - If seeking security deposit, apply to Southwestern Community Services (CAP agency)
 - If seeking first month's rent will be required to raise one half of first months rent
 - Reimburse Town for assistance received if returned to income producing status.
- d. Denials - An applicant shall be denied assistance or his/her assistance suspended if she/he fails to fulfill any responsibilities without reasonable justification.
- e. An applicant may be denied, terminated, or suspended from general assistance who by means of intentionally presenting false statements or misrepresentation or by impersonation or other willfully fraudulent act or device, obtains or attempts to obtain assistance to which they are not entitled, be it from the Town or with respect to assistance under any federal, state or other assistance program. Denial, termination, or suspension shall remain in effect for six months before he/she may reapply for general assistance at which time statements will be re-validated. A subsequent instance of such conduct by an applicant shall render the applicant ineligible for a period of not less than one year.
- f. Actions on Applications
- Unless an application is withdrawn, the WO will make a decision concerning the applicant's eligibility within five (5) days after completion of application. A Notice of Decision shall be given by hand or mailed within three (3) days
 - If at the time the application is received the applicant demonstrates and verifies that an immediate need exists, then temporary aid to fulfill such immediate needs shall be given immediately pending a final decision on the application. Such emergency assistance will not obligate the WO to provide further assistance after the application is completed if applicant is found to be ineligible.
 - WO may give temporary approval to an application pending receipt of required documents. Temporary status shall not exceed two (2) weeks. WO shall not insist on documentation for verification purposes if such records are totally unavailable.
 - An application shall be considered withdrawn if the applicant: has failed to complete the application or provide sufficient information for the completion of the application, dies before assistance is rendered, avails him or herself of other resources to meet the need in place of general assistance, requests the application be withdrawn, does not contact the WO after the initial interview after being requested to do so.
- g. Home Visits
- A home visit may be made by appointment at the applicant's request when it is physically impossible to apply in person. The home visit shall be conducted to preserve the privacy and dignity of the applicant. The WO shall not be in uniform or in a law enforcement vehicle, shall not discuss the application within listening area of someone not a member of the household.

- During the home visit, the WO may discuss noticeable, applicable housing code violations with the applicant and insure all violations are reported to proper authorities. WO will follow-up on all reported violations and may insure any reprisal actions taken by landlords are reported to the proper authorities.
- Refusal to grant home visits without reasonable justification shall be grounds for termination, suspension, or denial of an application for a period of one month.

h. Suspected Alcohol or Drug Intoxication

- An applicant suspected to be under the influence of alcohol or illegal substances at the time of his/her appointment will be required to reschedule the appointment for a later date.

VII Verification of Information

- a. 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, harass or violate his or her individual rights. Verification is required for:
- Address
 - Names and incomes of all persons over 18 residing with the applicant
 - Resources and assets including stocks, bonds, savings, and retirement accounts
 - Physical and mental diagnoses
 - Special circumstances claimed
 - Employment status and availability and limitations
 - Income tax returns if claiming self-employment and proof of registry with Secretary of State of NH
 - Names and addresses of potentially liable relatives
 - Housing costs, utility costs, and medication costs
 - Facts relevant to the residence
- b. Verification may be made through records provided by applicant as primary sources. Failure of the applicant to bring such records does not affect the WO's responsibility to process the application promptly. The WO shall inform the applicant what records are necessary and he/she is required to produce records before granting eligible assistance.
- c. Verification may be made through relatives, past or current employers, banks, school personnel, and social or governmental agencies. When information is sought from other sources, the WO shall describe to applicant what information is needed, how it will be used, and the necessity of it in order to establish eligibility. The WO shall obtain written consent from applicant unless the WO has reason to suspect fraud in which case the WO shall record all actions and applicant shall be given an opportunity to clarify suspicious circumstances.
- d. Should applicant refuse comment or indicate unwillingness to give WO permission to seek information, assistance shall be denied for lack of verification. The WO may use home visits and statements from liable relatives for verification purposes.

VIII Disbursements

- a. The Town pays by voucher system paid directly to the vendor. Tobacco products, alcoholic beverages, and pet food cannot be purchased. Vendors return receipts to the Town with actual amounts. The amount shown of voucher is maximum amount to be used. Applicant must sign voucher. Altered vouchers will not be honored.
- b. If an applicant redeems a food or retail store voucher for any purchase other than what is stated on the voucher, he/she will be suspended from seeking general assistance for 30 (thirty) days at which time he or she may reapply.
- c. When the Town grants assistance to an applicant to pay for rent, the Town may do an inspection of the property to insure the premises are safe and up to reasonable standards of habitability. Any issues the Town finds shall be addressed by the landlord and corrected within 60 days. If a landlord fails to complete requirements of the Town, the Town may suspend payment of rent to the landlord until he/she comes into compliance by rectifying issues and the applicant receiving general assistance shall be considered to have paid rent.

IX Determination of Eligibility and Amount

- a. Formula: An applicant is eligible to receive assistance when 1) he she/ meets non-financial eligibility factors, and 2) basic maintenance need, as determined under these guidelines, exceeds available income plus available liquid assets. If

available income and liquid assets exceed the basic maintenance need, the applicant is not eligible for general assistance. If the need exceeds the available income and liquid assets, the amount of assistance shall be calculated with reference to the Town's schedule of assistance amounts, up to a maximum of the difference between the two amounts, in the absence of circumstances deemed by WO to justify an exception.

b. Legal Standard and Interpretation: Whenever a person in any town is poor and unable to support him/herself, he/she shall be relieved and maintained by the Overseers of Public Welfare of such town, whether he/she has residence there. RSA 165:1

- A person cannot be denied assistance because he or she is not a resident.
- 'Whenever' means at any or whatever time a person is poor and unable to support him or herself.
- WO or its designee shall be available during his or her normal working hours, by appointment scheduled through the Selectmen's Office.
- Eligibility shall be determined no later than five (5) business days after submission of application.
- Emergency need shall be provided as soon as possible after report is received by the Selectmen's Office. Need shall not be considered to be emergency need under these Guidelines if the applicant could reasonably have anticipated the need in advance. .
- 'Poor and unable to support' shall mean an applicant lacks income and available liquid assets to adequately provide for basic needs of him or herself and family as determined by maintenance amounts.
- 'Relieved' shall mean a person shall be assisted to meet basic needs.

c. Non-financial Eligibility Factors

- Assistance shall not be denied an applicant due to age.
- No applicant shall be compelled as a condition of eligibility to take any legal action against any other person. Town of Richmond may pursue recovery against legally liable persons or governmental units.
- Eligibility for Categorical Assistance: Applicant who may be eligible for other public assistance must apply for such assistance within seven (7) days of referral. Failure to do so will render applicant ineligible for assistance until applicants are in full compliance. Only in extraordinary circumstances will an applicant receiving another form of assistance also be considered for general assistance.
- Receipt of Old Age Assistance (OAA) or Aid to the Permanently and Totally Disabled (APTD) shall not render an applicant ineligible for assistance.
- An applicant who is gainfully employed but whose income and assets are not sufficient to meet basic needs, may be eligible for general assistance. Applicants who refuse employment offers without good cause or participation in the municipal workfare program (if any), or who voluntarily leave employment without good cause, shall be ineligible for general assistance for three months. The WO shall determine good cause taking into account the physical and mental ability of applicant, transportation issues, working conditions risking health, and lack of adequate child care after diligent search for same. Requirements apply to all adults age 18 and over residing in household. An applicant who reduces work hours intentionally to become eligible for additional assistance through local, state, or federal programs is considered ineligible for assistance and will have one month to increase hours to maximum allowed by employer and must provide proof before he/she can re-apply for assistance. If the applicant fails to increase the work hours within that month, the applicant shall be ineligible for assistance for an additional two months.
- All unemployed or underemployed applicants of a household will within seven days (7) register with Department of Employment, NH Employment Program and will be required to conduct a job search applying to at least 3 jobs per business day and submit a written log of such. The job search log may include a maximum of 2 electronic/online applications; one application per business day must be in-person. Applicants applying electronically may submit the log to the Town electronically and must include job listing and email responding to each listing. Applicants will apply to all job referrals of WO or other agencies. Failure to conduct complete job searches is grounds for ineligibility n of assistance for one month or until a completed 30 day job search log is submitted to this office. Applicants making an initial application may be excused from the requirement of a monthly job log in the initial application, but the requirement will be imposed in subsequent months.

- Requirements for employment apply to all applicants unless applicant is gainfully employed, a dependent under 18 years old attending primary or secondary school, unable to work due to illness or mental or physical ability, or responsible to care for a child under the age of five (5) years of age. If an applicant claims they cannot work or look for work, a doctors note is required stating such.
 - A person responsible for the care of a child aged five (5) to twelve (12), shall not be excused from work search requirements and be deemed to have good cause to refuse only jobs requiring work during the hours the child is not in school and only if there is no childcare available which will be verified by the WO.
 - WO will give reasonable assistance to ensure compliance with registration and work requirements including granting allowances for transportation and uniforms. WO may contact DES to verify registration with them. Because DES determined a person not eligible for unemployment compensation does not imply applicant is not eligible for general assistance. Failure of applicant to comply with requirements without good cause will be reason for denial or suspension of assistance for one month.
 - Employment requirements are required for all adults in applicant's household aged 18-65, except those regularly attending secondary school or employed on a full-time basis who are:
 - 1) Members of the applicants household
 - 2) Legally liable to contribute to the support of the applicant and/or children in household
 - 3) Not prevented from maintaining employment and contributing to support of household by reason of physical or mental disability or other justifiable cause as verified by WO
 - Applicants who attend college not available for or refusing to seek full-time employment are not eligible for general assistance.
 - Any applicant eligible for assistance who voluntarily terminated employment without good cause shall be ineligible to receive assistance for three months from date of employment termination. Good cause for terminating employment shall include any of the following: discrimination, unreasonable work demands, unsuitable employment, retirement, leaving a job in order to accept a better job offer, migrant farm labor or seasonal construction, lack of transportation or childcare. Applicant will be considered to have voluntarily terminated employment if applicant fails to report to work without good cause.
 - WO may provide limited assistance to non-citizens not otherwise eligible for assistance at WO discretion.
 - No applicant otherwise eligible shall receive assistance if he/she has made assignment, transfer, or conveyance of property for the purpose of rendering him/herself eligible for assistance within three (3) years immediately preceding his/her application.
- a. Available Assets: shall be cash on hand, bank deposits, credit union accounts, retirement accounts and securities. Insurance policies with a loan value and non-essential personal property will be considered available liquid assets when they have been converted to cash. WO shall allow a for a 2-week conversion time. Tools of trade, livestock, farm equipment, and necessary household goods personal property are not considered available assets.
 - b. Ownership of one automobile does not affect eligibility if it is essential to seek or maintain employment or to procure medical or rehabilitation services. A maximum of \$200.00 per month is considered as a reasonable car payment for purposes of determining eligibility.
 - c. Ownership of a life insurance or other insurance policy with a cash or loan value requires the applicant to obtain and/or borrow all available funds which will then be considered available liquid assets. Life insurance policies will be cancelled until such time the applicant is financially able to reapply for insurance.
 - d. Type and amount of real estate owned by an applicant does not affect eligibility. Rent or other income from a property will be considered as available income. Applicants owning real property other than primary residence are expected to dispose of it at fair market value. A lien covering the amount of general assistance is placed on real estate owned. Upon returning to an income producing status or sale of the real estate, the applicant will repay the lien.

X Standard of Need

- a. **Shelter:** Amounts used for shelter costs are according to allotted amounts. Arrearages are not included in need and an application to the local CAP agency is required of applicants before general assistance will be granted. General assistance will be granted after denial from other assistance programs is documented, to prevent eviction or foreclosure. If a relative is his/her landlord, landlord is expected to assist before payments for shelter are made.
- b. **Homeless Shelters / Transitional Shelters / Transitional Housing:** There are no shelters or transitional housing in Richmond. If emergency shelter is needed, the WO will work with social agencies and near-by shelters and motels to find emergency housing for the applicant on an interim basis (maximum of fourteen days unless extended by the WO).
- c. **Utility:** If utility costs are not included in shelter, the amount allowed for reasonable usage or the amount under a payment plan, as applicable, will be included in need. At the discretion of the WO, in the case of a first application submitted by a new applicant, the most recent outstanding monthly electricity bill stating current charges may be included as need. Arrearages will not be included except when to insure the health of applicant. In emergency cases, the WO may pay current charges & reconnect fee, requiring applicant to call electric company within 24 hours to set up payment plan for remaining balance.
- d. **Food:** Expense for food shall be in accordance with amounts determined by the Town from time to time, see allotted amounts. This amount may be increased with a doctor's note stating a family member requires a special diet not covered by the family's food stamp allotment and other available resources. The town maintains a food pantry stocked with adult and baby food and non-food maintenance items that is available to applicants and others. The NH Co-operative Extension Service maintains information on planning nutritious meals at low cost. In summer, there is usually a "take what you need, pay what you can" farmstand on Route 32 north of Town Hall. In addition, local farms allow gleaning of crops, ask WO for details.
- e. **Maintenance:** Maintenance necessities for household supplies are included in need, in the monthly amount of \$25 to \$75, depending on the size of the household and any special needs that may be applicable, see allotted amounts.
- f. **Telephone:** Only if the absence of a telephone would create an unreasonable risk to the applicant's health or safety, the expense of one landline up to a maximum of \$10.00 monthly will be included as part of need. Applicant will be required to apply to the Lifeline Assistance Program as a condition of eligibility.
- g. **Emergency / Other:** In the event an applicant has paid the medical, dental or vision expenses within the last 30 days, the actual costs of payments may be included in need to determine assistance, in the discretion of the WO, based on risk to the health and safety of the applicant. WO shall not consider including amounts for medical, dental, or eye services until applicant can verify all other sources have been exhausted including state and federal programs, local and area clinics, services organizations, and hospital programs including Hill-Burton Act. WO must have written proof of services applied for and denial statement within 24 hours without creating any significant risk to applicant.
- h. **Legal:** No legal expenses including court fees, attorney fees, or fines will be included in need.
- i. **Moving:** No moving expenses are to be paid for or included in need except when returning a person to his residence.
- j. **Rent-to-Own:** No Rent-to-Own expenses will be included in need. Applicants are encouraged to return items and buy used items to eliminate this expense completely.
- k. **Credit Cards:** No credit card expenses will be included in need except for documented basic needs charges.
- l. **Private School:** No school tuition or loan repayments will be included in need. College loans are required to be put into deferment or forbearance. College student applicants receiving financial aid loans through their college, are required to request maximum loan limits (resulting in refunds directly to applicant for living expenses) in lieu of general assistance.
- m. **Pets:** No veterinary expenses, pet grooming expenses, pet tags, or pet food will be included in need.
- n. **Garbage:** Trash pick-up expenses will not be included in need. For elderly, disabled, or homebound applicants that are unable to dispose of trash due to physical limitations, ask WO for sources of assistance in trash pick-up.

- o. **Cable:** No cable expense will be included in need.
- p. **Internet:** No internet expense will be included in need. Applicants are encouraged to use public access to the internet, such as is available in and around the library.
- q. **Vehicle:** Maximum of \$200.00/m for payments on a primary vehicle will be included in need subject to the terms of paragraph IX b. above. No second vehicle payments or insurance are included in need.
- r. **Medication:** Actual amount for previous 4 weeks, subject to subparagraph (g) above. Generics must be purchased whenever possible.
- s. **Vehicle:** if maintenance of a car is necessary to maintain employment or obtain medical services, the actual amount expendable for commuting to and from such work or medical appointments, based on mileage and current cost of gas, monthly, will be included in need, reduced by any opportunities to car pool or find alternate transportation, subject to a maximum of up to \$50.
- t. **Clothing:** If the applicant has an emergency clothing need which cannot be met in a timely manner by other community services, the expense of reasonably meeting that need will be included. Ask WO about local resources for clothing.
- u. **Security Deposits:** Security deposits are not included in need and are not provided by the town. Applicant must apply to local CAP agency for security deposit.
- v. **Adjustments:** If WO determines applicant's needs to have substantially changed or that strict application to Standard of Need will result in unnecessary or undue hardship to the applicant, WO may make minor adjustment to criteria, recording reasons thereof in the narration of applicant's case record.

XI Income

- a. Standard of Need as determined in section X of these guidelines, shall be compared to available income and assets of applicant. Computations of income and expenses will be on a monthly basis. Computation to be as follows:
 - Earned income in cash or in-kind earned by applicant or any member of household through wages, salary, tips, commission, rental income, profits from items sold, or profit if self-employed (arrived at by deducting business expenses from income), are included as income. OA, APTD, SSDI, TANF, Social Security, VA benefits, unemployment payments, pensions, trust funds, inheritances, and other governmental or state or local sources is considered income. Income as gifts from relatives shall be considered when stated by applicant as having been received. 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.
 - Amount computed will be gross amount less taxes, social security, payroll deductions required by state, federal, or local law, court-ordered child support, and cost for employment required uniforms.
 - No optional deductions from gross income including IRA and 401K contributions, life insurance, dental insurance, personal loans, disability insurance, and medical insurance if it has not been utilized within the last 30 days will be deducted from gross income. Applicant will be required to cancel optional deductions until such time they are returned to an income status that allows it without financial hardship to maintaining basic necessities.
 - Food Stamps are not regarded as income but are used to off-set food allowance amounts.
 - Fuel Assistance or Electrical Assistance discounts are not regarded as income but are used to off-set applicable allowance amounts.

XII Non-Residents

- a. No person shall be refused assistance solely on the basis of residence. Application procedures, eligibility standards, and standard of need are the same for residents and non-residents.
- b. Verification of records shall not be considered unavailable nor the applicant's responsibility to provide such records relaxed because they are located in the applicant's municipality of residence.
- c. If a home visit to a residence outside of Town is impractical, the decision shall be made on the basis of other sources of verification.
- d. The standard for fulfilling emergency needs of non-residents shall be the same as for residents.
- e. The residence of a minor shall be presumed to be the residence of his/her custodial parent(s) or guardian.
- f. The standard for determining residence shall be the overall intent of the applicant for competent adults. The WO shall use the following criteria for determining residence:
 - Does the person have or immediately intend to establish a dwelling place in the Town?
 - Does the person have property or an established dwelling place or employment in another municipality to which they intend to return?
 - Does the person have a present intent to leave the Town at some point in the future?
 - Has the person evidenced his domiciliary intent such as registering a vehicle, paying residence tax, registering to vote, or opening a bank account or intend to do so in the immediate future?
 - None of the above factors are conclusive. The statement of a person over the age of 18 as to his/her residence or intent to establish residency shall be accepted in the absences of strongly inconsistent evidence.
- g. At the request of a non-resident applicant, any aid to which he/she would be eligible under the standards set forth in these guidelines may be used by the WO to cause the person to be returned to his/her community of residence.
- h. Any aid given to a non-resident including the cost of return home transportation may be recovered from his/her municipality of residence.

XIII Municipal Work Programs / Self-Employment

- a. If the Town maintains a Municipal Work Program, any person receiving general assistance will be required to work at any bona fide job within his/her capacity and shall be encouraged to apply for available town positions for which they are qualified.
- b. In no case shall an applicant be paid or allotted less than minimum wage in any municipal work program. All wages attributable to such employment shall be used to reimburse the Town for assistance received until repaid in full. No applicant shall be required to work more than necessary to reimburse for aid rendered.
- c. The Town shall provide reasonable time during working hours for applicants to secure work in the labor market and will provide Worker's Compensation coverage for applicant.
- d. With prior notice to the WO, an applicant may be excused from workfare participation if they:
 - have a conflicting interview for possible employment
 - have a medical appointment or illness
 - must care for a child under the age of 5 and cannot secure childcare verified by WO
 - must remain at home because of illness or disability of another member of the household verified by WO
 - do not possess the materials or tools required to perform the tasks and the Town of Richmond fails to provide them
- e. Working hours are subject to approval of the supervisor and the applicant. Failure of the applicant to adhere to the agreed working hours, except for reasons listed in section d. will prompt review of the applicants eligibility for assistance and result in suspension of assistance for a period of one month.
- f. An applicant claiming to be self-employed must conduct a work search log to be eligible for assistance.

- g. An applicant claiming to conduct a service business (ie childcare) in his/her home must produce documentation proving they are legally able to do so ie: registering with State of NH, Attorney General, EIN #. If applicant cannot provide proof, all work search requirements remain the same as for unemployed and self-employed.

XIV Burials

- a. WO shall provide for proper burial or cremation at the Town's expense of assisted persons found in the community at the time of death. The expense may be recovered from the deceased person's municipality of residence or from a liable relative. If relatives, other private persons, the state of NH, or others cannot pay the burial expense, the Town will pay up to \$750 for burial services.

XV Right to Notice of Adverse Action

- a. All persons have a constitutional right to be free of unfair, arbitrary or unreasonable action taken by government. This includes applicants of general assistance whose aid has been denied, terminated, suspended or reduced.
- b. Every applicant shall be given a written notice of every decision regarding assistance. The WO will make every effort to insure the applicant understands a decision about his/her case.
- c. When a decision is made to deny assistance or to refuse to grant the full amount of assistance requested, a notice of decision shall be given or mailed to the applicant within seven (7) business days from the time the decision is made.
- d. A clear statement of reasons for denial or proposed termination or reduction will be stated in Notice of Decision. If reason is due to applicant's failure to comply the notice shall list guidelines outlining such, specific actions needed to be taken by applicant, and statement of consequences of noncompliance.

XVI Suspension for Non-Compliance

- a. Applicants must comply with guidelines and reasonable requests of WO. WO must enforce guidelines while ensuring all applicants receive due process. Applicants should be given reasonable notice of the conditions and requirements of eligibility and continuing eligibility and notice that noncompliance will result in termination/suspension of assistance.
- b. Applicants 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:
 - Cancel luxury expenses as identified by WO until such time applicant can afford to reconnect
 - Disclose and provide verification of income, resources, or other material financial data, as set out in these guidelines including any changes in this information
 - Participate in the work program to the extent assigned by the welfare official
 - Comply with the work search requirements imposed by the WO
 - Apply for other public assistance as required by WO
- c. 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 or become eligible.
- d. Suspension period for failure to comply with these guidelines or WO requests shall last for the applicable period noted in these guidelines and until the applicant has remedied the circumstances causing the suspension, if such circumstance is capable of remediation. :
- h. An applicant who has been suspended until he/she complies with guidelines and/or WO requests, may request a fair hearing to resolve a dispute until he/she has satisfactorily complied with guidelines and/or WO requests, however no assistance shall be available.
- i. An applicant 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 eligible.

- j. Any applicant who is found to be involved in illegal activities shall have all assistance immediately terminated.

XVII Fair Hearings

1. Requests

- a. A request for a fair hearing is a written expression by an applicant that he wants an opportunity to present his/her case to a higher authority. When a request for assistance is denied or an applicant wishes to challenge a decision, the applicant must present a request for a fair hearing within five (5) working days of receipt of notice of decision.

2. Time Limits

- a. Hearings requested by an applicant must be held within seven (7) working days of the receipt of the request. WO shall give notice to the applicant setting the time and location of the hearing. The notice must be given to the applicant at least 48 hours in advance of the hearing or mailed to applicant at least 72 hours in advance of the hearing.
- b. The fair hearing officer may be chosen by the town manager or chairman of the board of selectmen. The person serving as the fair hearing authority must:
 - Not have participated in the decision causing dissatisfaction
 - Be impartial
 - Be sufficiently skilled in interviewing to be able to obtain evidence and facts for a fair determination
 - Be capable of evaluating all evidence fairly and realistically, to explain to the applicant the laws and regulations under which the WO operated, and to interpret to the WO any evidence of unsound, unclear, or inequitable policies, practices, or actions.

3. Procedures

- a. 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 the strict rules of evidence. The burden of proof shall be on the applicant/claimant, who shall be required to establish his/her case by a preponderance of the evidence.
- b. WO is responsible for the disputed decision shall attend the hearing and testify about actions and reasons thereof.
- c. Both parties shall be given the opportunity to offer evidence and explain their positions as fully and completely as they wish. The applicant shall have the opportunity to present his/her case or 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.
- d. An applicant has the right to examine prior to a fair hearing, all records, papers and documents from the claimants 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 which are relevant to the WO'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 claimant has requested to review but has not been allowed to examine prior to the hearing shall be introduced at the hearing or become a record.
- e. The WO 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.
- f. 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 shall not review the case record or other materials prior to introduction at the hearing
- g. The parties may stipulate to any facts
- h. All fair hearings may be tape-recorded and retained for six (6) months

4. Decisions

- a. Fair hearings decisions shall be rendered within seven (7) working days of the hearing. Decisions shall be in writing setting forth the reasons for decision and the facts on which the fair hearing officer relied in reaching the decision. A copy of the decision shall be mailed or delivered to the claimant and the WO.
- b. 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.
- c. 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 applicant/claimant to the Town.
- d. WO shall keep all fair hearing decisions on file in chronological order.

XVIII Liens

The law requires the Town to place a lien for general assistance received on any real estate owned by an applicant or assisted person in all cases except for just cause. Selectmen or Town Clerk shall file the notice of lien with the County Registry of Deeds complete with the owner's name and a description of the property sufficient to identify it. Interest at the rate of 6% per year shall be charged on the total amount of assistance received constituting the lien commencing at date of assistance. The lien remains in effect until enforced, released, or repaid to the Town. The lien shall not be enforced so long as the real estate is occupied by the assisted person. Upon sale of the real estate the lien shall be repaid from proceeds. Upon repayment of a lien, the Town will file a written notice of discharge of lien with the County Registry of Deeds.

- a. The Town shall put a lien on a property passing under the terms of a will or by in testate succession, a property settlement, or a civil judgment of personal injuries, except Workers Compensation, awarded any person granted assistance by the Town for the amount of assistance granted.
- b. The Town shall be entitled to the lien only if the assistance was granted no more than ten (10) years before the receipt of the inheritance or the award of the property settlement or civil judgment. When WO becomes aware of such a claim against a civil judgment, he/she shall contact the attorney representing the applicant.
- c. This lien shall take precedence over all other claims.

XIX Recovery of Assistance

- a. The WO 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 WO is pursuing the procedural or statutory avenues to secure reimbursement. Any legal action to recover must be filed in a court within ten (10) years after the expenditure.
 - **Relatives:** The amount of money spent by the Town to assist an applicant 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 WO may determine that "in-kind" assistance or the provision of products/services to the applicant is acceptable as a relative's response to liability for support. Written notice of money spent in support of an applicant must be given to the liable relative. The WO 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 possible liable relatives
 - **Municipality of Residence:** The WO shall seek to recover from the municipality of residence the amount of money spent by the Town to assist an applicant who has residence in another municipality. Written notice of money spent in support of an applicant must be given to the WO 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.
 - **Former Applicant's Income:** A former applicant who is returned to an income status after receiving general assistance where income is in excess of allowed expenses, will be required to reimburse the Town for all assistance provided if such reimbursement can be made without additional financial hardship. If an applicant receives other rental assistance, the reduction in the portion of his/her rental payment will be viewed as an increase in income and 30% of the difference will be determined to be the repayment amount to the Town

- State and Federal Sources: The amount of money spent by Town to support an applicant who has made initial application for SSI and has signed the Department of Health and Human Services FORM 151 "AUTHORIZATION FOR REIMBURSEMENT OF INTERIM ASSISTANCE" shall be recovered through the Social Security Administration and the NHDHHS. Prescription expenses paid by the Town of Richmond for applicants who have applied for Medicaid shall be recovered through NHDHHS if and when applicant is approved for medical and prescription insurance coverage.
- Delayed State Claims: For applicants of general assistance deemed eligible for state assistance NHDHHS shall reimburse Town the amount of general assistance as a result of delays in processing within the federally mandated time periods. 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. Form 340 "REQUEST FOR STATE REIMBRUSEMENT" may be obtained from NHDHHS 351-3510 for this purpose.

XX Application of Rents Paid by Town

1. When the owner of property (who rents to an applicant eligible for assistance) is in arrears in tax payments to the Town, the Town may apply the assistance the property owner would have received in payment of rent on behalf of applicant to the property owner's delinquent balances regardless of whether such delinquent balances are for property occupied by applicant. Applicant's rent will be considered paid for amount of assistance granted.
2. A payment shall be considered in arrears if more than thirty (30) days have elapsed since the mailing of the a bill or in the case of real estate taxes if interest has begin to accrue pursuant to RSA 76:13, RSA 165:4-a.
3. The WO will issue a voucher on behalf of the applicant to the landlord for the allowed amount of assistance. 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.
4. Whenever an applicant homeowner owes taxes, WO shall not make payment for such on behalf of the applicant. Applicant is required to set up a payment plan with the Tax Collector forr taxes arrearages before receiving general assistance.

DATE:

Approved & Adopted by the Board of Selectmen, Town of Richmond at its November 3, 2014 meeting
