

TOWN OF LEE

HUMAN SERVICES DEPARTMENT

GENERAL ASSISTANCE GUIDELINES



*Town of Lee, NH
7 Mast Road
Lee, New Hampshire 03861*



Our Mission

To provide interim assistance with basic needs for those who do not have the resources to meet these needs and encourage community involvement in addressing issues to help break the cycle of poverty.



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I. DEFINITIONS

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

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a desire to receive general assistance or to have his/her eligibility reviewed and whose application has not been withdrawn.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

APPLICATION (Re-Application): Written action by which a person requests assistance from a Welfare Official. This application must be on a form provided by the Welfare Official.

ASSETS: All cash, real estate property, personal property and future assets owned by the applicant. Includes cash on hand, checking account, bank and credit union accounts, retirements accounts, insurance policies with a loan value and non-essential personal property, which 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.

CASE RECORD: Official files containing forms, correspondence and narrative records pertaining to the application, including determination of eligibility, reasons for decisions and actions by the Welfare Official, and kinds of assistance given. The case record may be kept electronically. A hard copy of all signed documents should be kept.

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

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

ELIGIBILITY: Determination by the Welfare Official, with the assistance of the Guidelines, of a person's inability to support himself/herself, and therefore, the need for general assistance.

FAIR HEARING: A hearing, in accordance with the standards in Section XIII, which the applicant may request to contest a denial, termination or reduction of assistance.

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

HOUSEHOLD: A household is defined as:

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

NOTE: A minor's residence is always that of the custodial parent.

WELFARE OFFICIAL: The official of the Town of Lee who performs the function of administering general assistance and has the authority to make all decisions regarding the granting of assistance under RSA 165.

MINOR: A person under 18 years of age.

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

NEED: The basic maintenance and support requirements of a person, as determined by a Welfare Official.

RECIPIENT: A person who is receiving general assistance.

RESIDENCE: (Residency) A person's place of abode or domicile. The place of abode or domicile is that place designated by a person as his/her principal place of physical presence for the indefinite future to the exclusion of all other. Such residence or residency shall not be interrupted or lost by temporary absence from it if there is intent to return to such residency as the principal place of physical presence. RSA 165:1 (1); 21:6-a. If another municipality moves a client into the Town of Lee, they should pay for the first 30 days of assistance according to the NHLWAA ethics policy. Whenever a non-resident applicant is referred to another local welfare entity pursuant to RSA 165-1-C, the Municipal staff shall make a reasonable effort to contact the local welfare entity to which the applicant is being referred prior to the time the applicant leaves the Lee Human Services Department in order to ensure that the receiving welfare entity is willing to assist the applicant. If the Town staff member cannot make contact

with the other local welfare entity, or the entity refuses to assist the applicant, the Town shall work with the applicant to find adequate emergency services.

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

SHELTER: A temporary housing provider through which an individual or family may seek emergency housing until permanent housing can be found.

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

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

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

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

II SEVERABILITY

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

III CONFIDENTIALITY OF INFORMATION

Information given by or about an applicant or recipient of general assistance is confidential and privileged, and is not a public record under the provisions of RSA 91-A. Such information will not be published, released or discussed with any individual 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 of RSA 165. RSA 165:2-c.

IV ROLES OF BOARD OF SELECTMEN AND WELFARE OFFICIAL

The responsibility for the day-to-day administration of the General Assistance Program is vested in the appointed Welfare Official of the Town of Lee. The Welfare Official shall administer the General Assistance Program in accordance with these written General Assistance Guidelines of

the Town of Lee. The Lee Board of Selectmen is responsible for the review and adoption of the General Assistance Guidelines.

V MAINTENANCE OF RECORDS

- A. Each Welfare Official is required by law to keep complete records concerning the number of persons given assistance and the cost for such support. Separate case records shall be established for each individual or family applying for General Assistance.

- B. The purpose for keeping such records is:
 - 1. To provide a valid basis of accounting for expenditures of the Town's funds.
 - 2. To support decisions concerning the applicant's eligibility (especially important if a Welfare Official should be required to prove in court that assistance was granted equitably).
 - 3. To assure availability of information if the applicant or recipient seeks administrative or judicial review of the Welfare Official's decision.
 - 4. To provide accurate statistical information.
 - 5. To provide a complete history of an applicant's needs and assistance that might aid the Welfare Official in ongoing case management and in referring the applicant to appropriate agencies (subject to confidentiality guidelines).
 - 6. To aid in the determination of residence under RSA 21:6a; and to allow a smooth transition of information if the recipient is transferred to another legally liable unit.

- C. The Welfare Official shall maintain case records containing, as a minimum, the following information:
 - 1. The complete application for assistance, including a signed authorization by the applicant allowing the Welfare Official to release, obtain or verify any pertinent information in the course of assisting the recipient.
 - 2. Written grounds for approval or denial of an application, contained in a Notice of Decision.

3. A narrative history recording need for relief, the results of investigations of applicant's circumstances, referrals, changes in status, and/or grounds for release of information.
4. A tally sheet, which has complete data, concerning the type, amount and dates of assistance given.
5. A completed Welfare Work Program application, if applicable.

VI APPLICATION PROCESS

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 application form. Clients are seen by appointment. If more than one adult resides in a household, each may be required to appear at the Human Services Office to apply for assistance, unless one is working or otherwise unavailable. Each adult in the household should sign a "Release of Information Form" if possible.
2. The Welfare Official shall not be required to accept an application for general assistance from a person who is subject to a suspension pursuant to RSA 165:1B, provided that any person who contests a determination of continuing non-compliance with the guidelines may request a fair hearing; and provided further that a recipient who has been suspended for at least six (6) months due to non-compliance may file a new application.

B. Welfare Official's Responsibilities at Time of Application

When application is made for general assistance, the Welfare Official shall inform the applicant of:

1. The requirement of submitting an application. The Welfare Official shall provide assistance to the applicant in completing the application if necessary (e.g. applicant is physically or mentally unable or has a language barrier).
2. Eligibility requirements, including a general description of the guideline's amounts and the eligibility formula.

3. The applicant's right to a fair hearing, and the manner in which a review may be obtained.
4. The applicant's responsibility for reporting all facts necessary to determine eligibility, and presenting records and documents as reasonably available to support statements.
5. The joint responsibility of the Welfare Official and applicant for exploring facts concerning eligibility, needs and resources.
6. The types of verification 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 general assistance.
8. The applicant's responsibility to notify the Welfare Official of any change in circumstances, which may affect eligibility.
9. Other forms of assistance for which the applicant may be eligible.
10. The Welfare Official may make home visits to verify information at his/her discretion and in the least intrusive manner possible.
11. 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. The applicant will be requested to sign a lien document to demonstrate the applicant's knowledge and understanding of the lien. Such document may be recorded at the Strafford County Registry of Deeds per RSA 165:28. However, neither the absence of signature of the applicant nor the failure to record such lien document shall diminish the validity of the lien. The right to also place liens on civil judgments per RSA 165:28A.
12. The fact that reimbursement from the applicant will be sought if he/she becomes able to repay the amount of assistance given.

13. The applicant's right to review the guidelines, and the responsibilities as set forth in the guidelines.

C. Responsibilities of Each Applicant and Recipient

At the time of the 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 Office when there is a change in needs, resources, address, household size, etc.
3. To apply for and utilize immediately, but no later than seven (7) days from initial application, any benefits or resources, public or private, that will reduce or eliminate the need for general assistance.
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, contacting at least three places per day, to accept employment when offered (except for documented reasons of good cause (RSA 165:1-d), and to maintain such employment. RSA 165:1-b, I (c).
8. Following a determination of eligibility for assistance, to participate in the Welfare Work Program if required and if physically and mentally able per RSA 165:31.
9. To diligently work towards independence of local Human Services assistance through employment or other forms of public assistance, or by banking available assets for moving into affordable housing.

10. To reimburse the Town of Lee for assistance granted per RSA 165:20b.

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 Lee General Assistance 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 Welfare Official shall make a decision concerning the applicant's eligibility immediately in the case of an emergency, or within five (5) working days after completion of the written application. A written Notice of Decision shall be delivered or mailed on the same day or next working day following the making of the decision. The Notice of Decision shall state that assistance of a 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. A decision may also be made to pend an application subject to receipt of specified information from the applicant. The Notice of Decision shall contain a First Notice of conditions and shall notify the applicant of his/her right to a fair hearing if dissatisfied with the Welfare Official's decision.
2. **Emergency Assistance:** At the time of initial contact, if the applicant demonstrates and verifies that an immediate need exists in which the applicant may suffer a loss of 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 Welfare Official to provide further assistance after the application process is completed.

3. **Temporary Assistance:** In circumstances where required records are not available, the Welfare Official may give temporary approval to an applicant pending receipt of required documents. Temporary status shall not extend beyond one week.
4. **Withdrawn Applications:** An application shall be considered withdrawn if:
 - a. The applicant has refused to complete an application or has refused to make a good-faith effort to provide required verifications and sufficient information for the completion of an application. If an application is deemed withdrawn for these reasons, the Welfare Official shall so notify the applicant in a written Notice of Decision.
 - b. The applicant dies before assistance is rendered.
 - c. The applicant avails himself/herself of other resources in place of assistance.
 - d. The applicant requests that the application be withdrawn (preferably in writing).
 - e. The applicant does not contact the Welfare Official after the initial interview when requested to do so.

VII VERIFICATION OF INFORMATION

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

- A.** Verification will normally be required of the following:
 1. Applicant's address
 2. Names of persons in applicant's household residential unit
 3. Positive identification and social security information of dependents
 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 when relevant to their receipt of assistance, such as ability to work, determination of needs or referrals to other forms of assistance
 7. Any special circumstances claimed by applicant
 8. Applicant's employment status and availability in the labor market
 9. Names, addresses and employment status of potentially liable relatives
 10. Utility costs
 11. Housing costs
 12. Prescription costs
 13. Facts relevant to the applicant's residence
 14. Names, addresses, and employment status of individuals potentially liable to the Town for reimbursement of benefits provided.
- B.** Verification may be made through records provided by the applicant (for example: birth and marriage or civil union certificates, pay stubs, paychecks, rent receipts, bankbooks, etc.) as primary sources. The failure of the applicant to bring such records does not affect the Welfare Official's responsibility to process the application promptly. The Welfare Official shall inform the applicant what records are necessary and the applicant is required to produce records within seven (7) days. However, the Welfare Official shall not insist on documentary verification if such records are not available, but should ask the applicant to suggest alternative means of verification.
- C.** Verification may also be made through other sources, such as relatives, employers, banks, school personnel, and social or government agencies. The cashier of a national bank or a treasurer of a savings and trust company is authorized by law to furnish information regarding amounts deposited to the credit of a recipient. RSA 165:4

- D.** When information is sought from such other sources, the Welfare Official shall explain to the applicant or recipient what information is desired, how it will be used and the necessity of obtaining it in order to establish eligibility. Before contact is made with any source, the Welfare Official shall obtain written consent of the applicant or recipient, unless the Welfare Official has reasonable grounds to suspect fraud. In the case of suspected fraud, the Welfare Official shall carefully record his/her reasons and actions, and before any accusation or confrontation is made, the applicant shall be given an opportunity to explain or clarify the suspicious circumstances.
- E.** The Welfare Official may seek statements from the applicant's former employers and from legally liable relatives regarding their ability to help support the applicant.
- F.** Should the applicant or recipient refuse comment and/or indicate an unwillingness to have the Welfare Official seek further information that is necessary, assistance will be denied for lack of eligibility verification.

VIII DISBURSEMENTS

The Town of Lee pays vouchers directly to vendors or creditors up to the dollar amount designated on the voucher, or for the actual amount listed on an itemized bill or register tape if less than the voucher amount. Tobacco products, alcoholic beverages, pet food, magazines, plants, cards, and children's toys are some of the items that cannot be purchased with the food or maintenance vouchers. It is the responsibility of the applicant to safeguard from theft, loss, or misuse of any voucher he/she receives. No duplicate voucher will be issued if the original is lost, stolen, misplaced or misused.

IX. DETERMINATION OF ELIGIBILITY AND AMOUNT

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 needs exceed 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 person is not eligible for general assistance.

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 times that person is poor and unable to support himself/herself.
 - a. The Welfare Official shall be available to speak with persons seeking assistance during normal working hours.
 - b. The eligibility of an applicant for general assistance shall be determined at the time of application if an emergency, or within five (5) working days.
 - c. Assistance shall begin as soon as the person is determined eligible.
3. “Poor and unable to support” means that an individual lacks income and available liquid assets to adequately provide for the basic maintenance needs for himself/herself or family as determined by the Guidelines.
4. “Relieved” means a person shall be assisted, as the Welfare 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 may make certain persons ineligible for other kinds of state or federal assistance.
2. **Minors:** Minor applicants shall be referred to Protective Services of the Division of Children, Youth and Families for case management. Minors have the residence of their custodial parent.

3. **Residence:** Residence and residency shall mean a person's place of abode or domicile. The place of abode or domicile is that designated by a person as his/her principal place of physical presence for the indefinite future to the exclusion of all other. 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 21:60
4. **Support Actions:** No applicant or recipient shall be compelled, as a condition of eligibility or continued receipt of assistance, to take any legal action against any other person. The Town of Lee may pursue recovery against legally liable persons or governmental units.
5. **Eligibility for Other Categorical Assistance:** Applicants or recipients who are eligible for any other form of public assistance, must apply for such assistance immediately, but no later than seven (7) days after being advised to do so by the Welfare Official. Failure to do so may render the applicant or recipient ineligible for assistance. No person receiving Old Age Assistance, or FINANCIAL Aid to the Permanently and Totally Disabled, under RSA 167 or RSA 161, shall at the same time be eligible for general assistance, except for emergency medical assistance as defined. RSA 167:27
6. **Employment:** A person who is gainfully employed, but whose income and assets are not sufficient to meet necessary family expenses, may be eligible to receive general assistance. However, recipients who without good cause refuse a job offer or referral to suitable employment, or who voluntarily leave a job (RSA 165:1 d) may be ineligible for continuing general assistance in accordance with the procedures for suspension outlined in the Guidelines. The Welfare 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 workers compensation protection, or any other factors that might make refusing a job reasonable. These employment requirements shall extend to all adult members of the household.

7. **Work Search:** All unemployed recipients and adult members of their households shall, within seven (7) days after having been granted assistance, register with NHES to find work and must conduct a reasonable, verified job search as determined by the Welfare Official. Each recipient must apply for employment to each employer to whom he/she is referred by the Welfare Official. These work search requirements apply unless the recipient and each other adult member of the household is:
 - a. Gainfully employed full-time.
 - b. A dependent 18 years of age or under who is regularly attending secondary school.
 - c. Medical documentation of inability to work due to illness or due to a mental or physical disability of himself/herself or another member of the household;
or
 - d. Is solely responsible for the care of a child aged one (1) or under. A person responsible for the care of a child aged one (1) through twelve (12) shall not be excused from work search requirements, but shall be deemed to have good cause to refuse a job requiring work during hours the child is not actually in school or if there is no responsible person available to provide care and no other care is available. A person will be asked to demonstrate contacts made to locate childcare.

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

8. **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 a least 20 hours 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 terminating employment 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, and lack of transportation or child care. An applicant shall be considered to have voluntarily terminated employment if the applicant fails to report for work without good cause. An applicant who is fired or resigns from a job at the request of the employer due to 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

- 9. **Students:** Applicants who are college students who are not available for and/or refusing to seek full-time employment are not eligible for general assistance.
- 10. **Non-Citizens:** The Welfare Official 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 paroled 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 that the absence of immediate medical attention could reasonably be expected to result in:
 - i. Placing the patient's health in serious 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, pursuant to Section VIII (7) (a) of these Guidelines.
 - e. Non-citizen applicants for general assistance may be required to provide proof of eligibility. 8 USCA 1625
11. **Property Transfers:** No person who is otherwise eligible shall receive such assistance if he/she has made an assignment, transfer or conveyance of property for the purpose of rendering himself/herself eligible for assistance within three (3) years immediately preceding his/her application. RSA 165:2b
12. **Employment of Household Members:** The employment requirements of these guidelines 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 Welfare Official.
13. The Welfare Official may waive this requirement where failure of the other household member to comply is not the fault of the recipient and the Welfare Official decides it would be unreasonable for the recipient to establish a separate household. RSA 165:32

D. Available Assets

1. **Available Liquid Assets:** Cash on hand, bank deposits, credit union accounts, and securities are available liquid assets, insurance policies with loan value and non-essential personal property may be considered as available liquid assets when they have been converted to cash. The Welfare Official shall allow a reasonable time for such conversion. However, tools of a trade, livestock and farm equipment, and necessary and ordinary household goods are essential items of personal property, which shall not be considered as available assets.
2. **Automobile Ownership:** The ownership of one automobile by an applicant or his/her dependent does not affect eligibility if it is essential for transportation to seek or maintain employment, to procure medical or rehabilitation services. Reasonable car payments will be considered justifiable expenses when determining eligibility.
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 assets. Premium payment shall not be included as "need" in determining eligibility or amount of aid.
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 the need. Applicants owning real estate property,

other than that occupied as a home, shall be expected to make reasonable efforts to dispose of it at fair market value. Applicants shall be informed that a lien covering the amount of any general assistance they receive shall be placed against any real estate they own. (RSA 165:28) The Welfare Official shall not make mortgage payments when the applicant has a co-signer on the note.

E. Standard of Need

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

1. Housing:

- a. The amount to be included as "need" for shelter is the actual cost of rent or mortgage necessary to provide shelter in that municipality.
- b. **Rental Rates:** Consideration will be given to fair market rental rates when it is necessary to maintain housing and no other less expensive alternatives are available, in accordance with RSA 165.1.
- c. **Arrearages:** Will not be paid except in an emergency situation where eviction or repossession is imminent and no other immediately available affordable housing exists, including transitional housing. Emergency means a situation not arising from any action or lack of action by the client. The Town of Lee does not pay security deposits. It is not the responsibility of the Human Services Department to locate housing for applicants.
- d. **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, and must prove an inability to assist before any aid payments for shelter are made. Rent will not be paid to non-landlords such as friends and relatives.

- e. Client's name must be on the lease in order for rental assistance to be rendered.

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 Welfare Official. 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. **Arrearages:** Arrearages will not be included except when necessary to ensure the health and safety of the applicant household or to prevent termination of utility service.
- b. **Electric Arrearages:** Arrearages for electric service need not be paid if the Welfare Official notifies the electric company that the municipality guarantees payment of current and future electric bill as long as the recipient remain eligible for general assistance, in accordance with the rules of the New Hampshire Public Utilities Commission relating to electric utilities.
- c. **Restoration of Service:** When utility service has been terminated and the Welfare Official has determined that alternative utility service is not available and alternative shelter is not feasible, arrearages will be included in "need" when restoration of service is necessary to ensure the health and safety of the applicant household. The Welfare Official may negotiate with the utility for payment of less than the full amount of the arrears and/or may attempt to arrange a repayment plan to obtain restoration of service.
- d. **Restoration of Electric Service:** When electric service has been terminated and the Welfare Official has determined that alternative electric 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 Welfare Official may negotiate with the utility for payment of less than the full amount of the arrears and/or may

attempt to arrange a repayment plan to obtain restoration of service.

- e. **Deposits:** Utility security deposits will be considered as “need” if and only if the applicant is unable to secure utility service without a deposit. Such deposits shall, however, be the property of the Town of Lee.

3. **Emergency Shelter**

The Welfare Official will assist the homeless individual(s) to locate emergency shelter and will help the applicant with transportation to the shelter if necessary. If emergency shelter is located for the applicant(s) and the client refuses to accept the referral, the Welfare Official will not be obligated to pay for alternative housing. This does not preclude the applicant(s) from being entitled to other types of assistance for which he/she is eligible.

4. **Food**

The amount included as “need” for food purchases will be in accordance with the most recent standard Food Stamps allotment, as determined under the program administered by the New Hampshire Department of Health and Human Services per RSA 161:12. 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 cost of which is greater than can be purchased with the family’s allotment of Food Stamps. Food vouchers may not be used for alcohol, tobacco or pet food.

5. **Non-Grocery Items**

If an applicant is residing in a shelter, essential maintenance items will only be provided if totally unavailable through the shelter. Needs allowance shall be given for paper goods, soap products and personal items in the amounts included on the Levels of Assistance guidelines (Appendix A.)

6. **Telephone**

If the absence of a telephone would create an unreasonable risk to the recipient’s health or safety (verifiable in writing by a physician) or, for other good cause as determined by the Welfare Official, the lowest available basic monthly rate will

be budgeted as "need". Payments will not be made for telephone bills and the Welfare Official will not provide telephone equipment.

7. **Transportation**

If the Welfare Official determines that transportation is necessary (e.g., for health or medical reasons, to maintain employment, or to comply with conditions of assistance), "need" should include a reasonable amount for car payments and gasoline when determining eligibility or amount of aid, as shown in Appendix A.

8. **Maintenance of Insurance**

In the event that the Welfare Official determines that the maintenance of medical insurance is essential, an applicant may include as "need" the reasonable cost of such premiums.

- a. **Medical Expenses:** The Welfare Official shall not include amounts for medical, dental or eye services unless the recipient or applicant can verify that all other potential sources have been investigated and that there is no source of assistance other than local Human Services. Other sources to be considered shall include state and federal programs, local and area clinics, area service organizations and area hospital programs (including the Hill-Burton Act) designed for such needs. When a person applies for medical service, prescriptions, dental service or eye service to the local Welfare Official, he/she must provide written documentation from a doctor, dentist or person licensed to practice optometry in the area, indicating that these services are absolutely necessary and cannot be postponed without creating a significant risk that the applicant or recipient's well-being will be placed in serious jeopardy. The Welfare Official may accept oral verification from the provider, but shall seek written confirmation. Whenever possible, the applicant will seek service from a Medicaid provider physician. If advance payment is required for such medical services, the Welfare Official may approve payment of the fee up to the reimbursable amount set for the procedure by the New Hampshire Medicaid Program. Whenever

possible, generic medications should be used unless specified differently by the physician.

9. **Legal Expenses:** Except for those specifically required by statute, no legal expenses will be included.
10. **Miscellaneous:** No cost to prevent repossession of any kind, no automobile payments, no registration or licensing costs will be included. No moving expenses shall be included. Furniture storage charges shall not be included.
11. **Shared Expenses:** If the applicant/recipient household shares shelter or other expenses with a non-applicant/recipient (i.e., is a part of a residential unit), then "need" should be determined on a pro-rata share, based on the total number of persons in the residential unit (i.e., three persons in residential unit, but only one applies for assistance: Shelter need is one third of shelter allowance for a household of three persons; if the individual's name appears on the lease).
12. **Payment Levels for Allowable Expenses:** The payment levels established in these guidelines are shown in Appendix A and shall be based on actual local market conditions. The Welfare Official shall periodically review them and make recommendations to the Board of Selectmen to modify, as necessary.

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

1. **Earned Income:** Income in cash or in-kind earned by the applicant or any member of his/her family or household through wages, salary, commission, or profit, whether self-employed or as an employee, is to be considered as income. Rent income and profits from produce sold are included in this category. With respect to self-employment, subtracting business expenses from gross income in accordance with standard accounting principles arrives at total profit. When income consists of wages, the amount computed should be the amount 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 trustee, or income similarly unavailable to the applicant or applicant's dependents should not be included.

2. **Income or Support from other Persons:** Contributions from relatives or other household members shall be considered as income only if actually 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. (Expenses shared with non-household members may affect the level of need, however).
3. **Income from other assistance or social insurance programs:** State categorical assistance benefits, OAA payments, social security payments, VA benefits, unemployment insurance benefits and payments from other government sources shall be considered as income.
 - a. Food stamps cannot be counted as income pursuant to federal law. 7 USC 2017 (b)
 - b. 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 his/her household shall be considered as income. Persons in the relationship of father, mother, stepfather, stepmother, son, daughter, husband or wife, are legally liable to support the applicant (RSA 165:19), and therefore may be required to apply jointly with him/her if they are in the same household.

Any adult (even an unrelated person or roommate) who resides in the same household "in loco parentis" (in the role of substitute parent) to a minor child is liable for contributing to that child's support (RSA 165:32), and thus be required to apply jointly with that household.

For the purposes of determining eligibility under these Guidelines, the income of a member of the household may be considered available to the applicant if he/she lives together with the applicant in a single housekeeping unit and shares the facilities.

6. **Earnings of a child:** No inquiry shall be made into the earning of a child 14 years of age or under unless that child makes a regular and substantial contribution to the family.
7. **Deemed income:** The Welfare Official may deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82, VIII. The following criteria shall apply to any action to deem income under this section. RSA 165:1-e.
 - a. The authority to deem income under this section shall terminate when the Qualified State Assistance Reduction no longer is in effect.
 - b. Applicants for general assistance may be required to cooperate in obtaining information from the Department of Health and Human Services as to the existence and amount of any Qualified State Assistance Reduction. No applicant for general assistance may be considered to be subject to a Qualified State Assistance Reduction unless the existence and amount has been confirmed by the Department of Health and Human Services.
 - c. The Welfare Official shall provide the applicant with a written decision which sets forth the amount of any deemed income used to determine eligibility for general assistance.
 - d. Whenever necessary to prevent an immediate threat to the health and safety of children in the household, the Welfare Official shall waive that portion, if any, of the Qualified State Assistance Reduction as necessary.

G. Residents of Shelters for Victims of Domestic Violence and Their Children

An applicant residing in a shelter for battered women and children who had income and other resources, jointly with abusive members of the applicant's household shall be required to cooperate with the normal procedure for the purposes of verification, but may have these resources and income excluded from eligibility determinations unless an agreement exists with a member of the abusive household to give the 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 procedure taken in accordance with these Guidelines to recover assistance granted shall not delay assistance.

X BURIALS AND CREMATIONS

The Welfare Official shall provide for proper burial or cremation, at municipal expense, of persons found in the municipality at time of death, regardless 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 \$750 for burial/cremation. Payment for burial/cremation is limited to \$750 on total expenses that do not exceed \$1500. RSA 165:3 and RSA 165:1-b; also see RSA 165:27 and 165:27-a

XI NON-RESIDENTS

- A. Eligibility:** No persons shall be refused assistance solely on the basis of residence. RSA 165:1
- B. Standards:** The application procedure, eligibility standards and standard of need shall be the same for non-residents 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 (See Paragraph F, below) or unless the Welfare Official has some reason to believe the person is a resident of another New Hampshire municipality from which recovery can be made under RSA 165:20.

1. **Minors:** The residence of a minor shall be presumed to be the residence of his/her custodial parent/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 Welfare Official in determining the applicant's residence:

a. Does the person have or immediately intend to establish a dwelling place within the municipality?

b. Does the person have property, an established dwelling place or employment in any other municipality, to which he/she intends to return?

c. Does the person have a present intent to leave the municipality at some specific future time?

d. Has the person evidenced his/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 is 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 non-resident applicant, temporary or otherwise, for assistance to which he/she would be otherwise entitled under the standards set forth in these

Guidelines, the Welfare Official may have the person returned to his/her community of residence per RSA 165:1-c.

- G. Recovery:** Any aid given to a non-resident, including the costs of return home transportation, may be recovered from his/her community of residence.

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 to whom aid has been denied, terminated or reduced. Every applicant and recipient shall be given written notice of every decision in an effort to ensure 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 requested, a notice of the decision shall be given to the applicant immediately or within five (5) working days from the time the application is filled out and submitted.

 - 2. In any case where the Welfare Official decides to terminate or reduce assistance for reasons other than non-compliance with the Guidelines, the official shall send notice at least seven (7) days in advance of the effective date of the decision to the recipient stating the intended action.

 - 3. The notice required by Paragraph 1 and Paragraph 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 within five (5) 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 claimants. Aid must be repaid if the claimant fails to prevail at the hearing.

C. Suspension for non-compliance with the Guidelines

- 1. **Compliance:** Recipients must comply with these Guidelines and the reasonable requests of the Welfare Official. Welfare Officials must enforce the Guidelines while ensuring that all recipients and applicants receive due process. Recipients should be given reasonable notice of the conditions and requirements of eligibility and continuing eligibility and notice that non-compliance may result in termination or suspension.
- 2. **Conditions:** Any applicant/recipient otherwise eligible for assistance shall become ineligible under RSA 165:1b 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 financial material data, including any changes in this information.
 - b. Participate in the Municipal Work Program as assigned by the Welfare Official.
 - c. Comply with the work search requirements imposed by the Welfare Official.
 - d. Apply for other public assistance, which would alleviate the need for general assistance, as requested by the Welfare Official.
- 3. **First Notice:** No recipient otherwise eligible shall be suspended for non-compliance with conditions unless he/she has been given a written notice of the actions required in order to remain eligible and a seven (7) day period within which to comply. The first notice shall be given at the time of the Notice of Decision and thereafter as the conditions change. Additional notice of actions required should also be

given as eligibility is re-determined but without an additional seven (7) day period unless new actions are required.

4. **Non-Compliance:** If a recipient willfully fails to come into compliance during the seven (7) day period, or willfully falls into non-compliance within thirty (30) days from receipt of a First Notice, the Welfare Official shall give the recipient a suspension notice. If a recipient falls into non-compliance for the first time more than thirty (30) days after receipt of a First Notice, the Welfare Official must give the recipient a new First Notice with a new seven (7) day period to comply before giving the recipient the suspension notice.
5. **Sanction 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 non-compliance and that such request must be made in writing within five (5) days of receipt of the suspension notice.
 - d. A statement that assistance may continue in accordance with the prior eligibility determination until the fair hearing decision is made, if the recipient so requests on the request form for the fair hearing; however, if the recipient fails to prevail at the hearing, the suspension will start after the decision and such aid must be repaid by the recipient.
 - e. A form on which the individual may request a fair hearing and the continuance of assistance pending the outcome.
6. **Suspension period:** The suspension period for failure to comply with these guidelines shall be:
 - a. Either seven days or 14 days if the recipient has had a prior suspension which ended within the past six months, and

- b. Until the recipient complies with the guidelines if the recipient, upon expiration of the seven or 14-day suspension period, continues to fail to carry out the specific actions set forth in the notice.
 - c. Notwithstanding paragraph C(6)(b) above, a recipient who has been suspended for non-compliance for at least six months may file a new application for assistance without coming back into compliance.
- 7. **Fair Hearing on continuing non-compliance:** 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 B (5) (d) above. The burden of proof lies with the client to show that the Lee Human Services office was incorrect in their non-assistance of the client's request.
 - 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 (7) 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 Welfare Official relative to the receipt of assistance, the applicant must present a request for a fair hearing to the Welfare Official within five (5) working days of receipt of the notice of decision at issue. RSA 165:1-b, III
- B. **Fair Hearing Officer:** The fair hearing officer shall be approved by the Town Administrator. The person serving the fair hearing authority 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 actions.

C. Time Limits for Hearings

1. Hearings requested by claimants must be held within seven (7) 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. This notice must be given to the claimant at least forty-eight (48) hours in advance of the hearing or mailed to the claimant at least seventy-two (72) hours in advance of the hearing.

D. Fair Hearing Procedures

1. All fair hearings shall be conducted in such a manner as to ensure due process of law. Fair hearings shall not be conducted according to strict rules of evidence. The burden of proof shall be on the claimant, who shall be required to establish his/her case by a preponderance of the evidence.
2. The Welfare Official responsible for the disputed decision shall attend the hearing and testify about his/her actions and the reasons therefore.
3. Both parties shall be given the opportunity to offer evidence and explain their positions as fully and completely as they wish. The claimant shall have the opportunity to present his/her own case or, at the claimant's option, with the aid of other, and bring witnesses, to establish all pertinent facts, to advance any arguments without undue interference, to question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.

4. A claimant or his/her duly authorized representative has the right to examine, prior to a fair hearing, all records, papers and documents from the claimant's case file which either party may wish to introduce at the fair hearing, as well as any available documents not contained in the case file but relevant to the Welfare Official's action of which the claimant complains. The claimant may introduce any such documents, papers or records into evidence. No record, paper or document, which the claimant has requested to review but has not been allowed to examine prior to the hearing, shall be introduced at the hearing or become part of the record.
5. The Welfare Official (or duly authorized representative) shall have the right to examine at the fair hearing, all documents on which the claimant plans to rely at the fair hearing and may request a 24-hour continuance if such documents contain evidence not previously provided or disclosed by the claimant. Should the applicant have new documentation relevant to the disputed decision, he/she may reapply for assistance and file a written withdrawal of the fair hearing request.
6. The decision of the fair hearing officer 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.
7. The parties may stipulate to any facts.
8. 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 request for such a hearing.
9. An applicant who believes he has good cause to request a continuance or postponement of a scheduled fair hearing shall contact the Welfare Official at the earliest possible time prior to the hearing. Upon good cause shown, the Welfare Official may reschedule such hearing, however, the applicant is entitled to only one (1) such postponement or continuance per fair hearing request. Good cause shall include, but not necessarily be limited to, demonstrated medical emergency

or other demonstrated unforeseen circumstances, which reasonably prevents the applicant from attending such scheduled hearing. An applicant shall provide documentation of such circumstances to the satisfaction of the Welfare Official no later than 72 hours after the request for postponement is made. If the applicant does not provide documentation of such circumstances to the Welfare Official within 72 hours, then the request shall be deemed withdrawn by the applicant.

10. **Decisions**

- a. Fair hearing decisions shall be rendered within seven (7) working days of the hearing. Decisions shall be in writing, setting forth the reasons for the decisions and the facts on which the fair hearing officer relied in reaching his/her decision. A copy of the decision shall be mailed or delivered in to the claimant and to the Welfare Official.
- b. Fair hearing decisions will be rendered on the basis of the officer's finding 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 individual to the municipality.
- d. The Welfare Official shall keep all fair hearing decisions on file in chronological order.
- e. 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 Lee to place a lien for Human Services assistance received on any real estate owned by an assisted person in all cases except for just cause. (This section does not authorize the placement of a lien on the real estate of legally liable relative, as defined by RSA 165:19).

The Welfare Official shall file a Notice of Lien with the County Registry of Deeds, complete with the owner's name and description of the property sufficient to identify it. Interest at the rate of 6% per year shall be charged on the amount of money constituting the lien commencing one year after the date the lien is filed, unless waived by the municipality. The lien remains in effect until enforced or released or until the amount of the lien is repaid to the municipality. The lien shall not be enforced so long as the real estate is occupied as the sole residence of the assisted person, his/her surviving children who are under age 18 or blind or permanently and totally disabled. At such time as the lien may become enforceable, the welfare officer shall attempt to contact the attorney handling the real estate or estate before enforcing the lien. Upon repayment of a lien, the municipality must file written notice of the discharge of the lien with the County Registry of Deeds.

B. Civil Judgments (RSA 165:8-a)

1. The Town of Lee shall be entitled to a lien upon property passing under the terms of a will or an intestate succession, a property settlement or civil judgment of personal injuries (except workers' compensation) awarded any person granted assistance by the Town for the amount of assistance granted by the Town.
2. The Town of Lee 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 award of the property settlement or civil judgment. When the Welfare Official becomes aware of such a claim against a civil judgment he/she shall contact the attorney representing the recipient.
3. The lien shall take precedence over all other claims.

XV RECOVERY OF ASSISTANCE

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

- A. Recovery from responsible relatives:** The amount of money spent by a municipality to assist a recipient who has a father,

mother, stepfather, stepmother, husband, wife, child (who is no longer a minor) of sufficient ability to also support the recipient, may be recovered from the liable relative. Sufficient ability shall be deemed to exist when the relative's weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health. The Welfare Official may determine that "in kind" assistance or the provision of products/services to the client is acceptable as a relative's response to liability for support. Written notice of money spent in support of a recipient must be given to the liable relative. The Welfare Official shall make reasonable efforts to give such written notice prior to the giving of aid, but aid to which an applicant is entitled under these guidelines, shall not be delayed due to inability to contact possibly liable relatives. RSA 165:19

- B. Recovery from the Municipality of Residence:** The Welfare Official shall seek to recover from the municipality of residence the amount of money spent by the Town of Lee to assist a recipient who has a residence in another municipality. Written notice of money spent in support of a recipient must be given to the Welfare Official of the municipality of residence. In any civil action for recovery brought under RSA 165:20, the court shall award costs to the prevailing party. RSA 165:19 and 20. (See RSA 165:20-a providing for arbitration of such disputes between communities.) RSA 165:20
- C. Recovery from Former Recipient's Income:** A former recipient who is returned to an income status after receiving assistance may be required to reimburse the Town for the assistance provided, if such reimbursement can be made without financial hardship. RSA 165:20
- D. Recovery from State and Federal Sources:** The amount of money spent by the Town to support a recipient who has made initial application for SSI and has signed HHS FORM 151 'AUTHORIZATION FOR REIMBURSEMENT OF INTERIM ASSISTANCE" shall be recovered through the SSA and New Hampshire Department of Health and Human Services. Prescription expenses paid by the Town for applicants who have applied for Medicaid shall be recovered through the New Hampshire Department of Health and Human Services if and when the applicant is approved for medical coverage.
- E. Delayed State Claims:** For those recipients of general assistance deemed eligible for state assistance, New Hampshire Department of Health and Human Services shall reimburse the Town the

amount of general assistance as a result of delays in processing within the federally mandated time periods. Any claims for reimbursement shall be held until the end of the fiscal year and may be reimbursed on a pro-rated basis dependent upon the total claims filed per year. RSA 165:20-c. A form 340 "REQUEST FOR STATE REIMBURSEMENT" may be obtained from the New Hampshire Department of Health and Human Services for this purpose.

XVI APPLICATION OF RENTS PAID BY THE TOWN OF LEE

- A. Whenever the owner of a property rented to a person receiving assistance from the Town of Lee is in arrears in tax payments to the Town, the Town may apply the assistance which the property owner would have received in payment of rent on behalf of such assisted person to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of property occupied by the assisted person. RSA 165:4-a
- B. A payment shall be considered in arrears if more than thirty (30) days have elapsed since the mailing of the bill, or in the case of real estate taxes, if interest has begun to accrue pursuant to RSA 76:13. RSA 165:4-a
- C. Procedure:
 - 1. The Welfare Official will issue a voucher on behalf of the tenant to the landlord for allowed amount of rent. The voucher will indicate any amount to be applied to a delinquent balance owed by the landlord, specifying which delinquency and referring to the authority of RSA 165:4-a.
 - 2. The Welfare Official will issue a duplicate voucher to the Tax Collector, which shall forward the voucher to the Finance Office for payment, who will issue a receipt of payment to the delinquent landlord.

Appendix A

ALLOWABLE LEVELS OF ASSISTANCE PAYMENTS
For the Town of Lee

Established by vote of the Governing Body, date: _____

Food Allowance

Based on DHHS Maximum Food Stamp Allotments
SR 12-25 Dated 10/12

Assistance Group Size	Maximum Food Stamp Allotment
1	\$189
2	\$347
3	\$497
4	\$632
5	\$750
6	\$900
7	\$995
8	\$1,137

For each additional person, add: \$142

Personal Maintenance

Assistance Group Size	Personal Maintenance/Mo.	Personal Maintenance/Wk.
1	\$40	\$10
2	\$73	\$18.50
3	\$105	\$26
4	\$134	\$33.50
5	\$159	\$40
6	\$190	\$48
7	\$210	\$52.50
8	\$240	\$60

The maximum amount allowed for a car payment is \$400 per month. This maximum allowable amount will be used when determining eligibility for general assistance.

APPENDIX A

FOOD/NON-FOOD

HOUSEHOLD SIZE	MONTHLY FOOD	MONTHLY NON-FOOD	WEEKLY FOOD	WEEKLY NON-FOOD	DAILY FOOD
1	_____	_____	_____	_____	_____
2	_____	_____	_____	_____	_____
3	_____	_____	_____	_____	_____
4	_____	_____	_____	_____	_____
5	_____	_____	_____	_____	_____
6	_____	_____	_____	_____	_____
7	_____	_____	_____	_____	_____
8	_____	_____	_____	_____	_____
(add each)	_____	_____	_____	_____	_____

MONTHLY SHELTER ALLOWANCES

	1 BR	2 BR	3 BR	4 BR
_____	\$838.00	\$1,065_	\$1,459_	\$1,523

Heat

Electric	_____	_____	_____	_____	_____
Oil	_____	_____	_____	_____	_____
Nat. Gas	_____	_____	_____	_____	_____
Bottled Gas	_____	_____	_____	_____	_____

(Top row is allowance for heated shelter. If unheated, add amounts indicated in "heat" columns to basic shelter cost in top row. Allowances MUST reflect actual housing market.)

BURIAL ALLOWANCE: \$750.00

TELEPHONE ALLOWANCE: _____

OTHER

(SPECIFY): _____

Certification of Adoption General Assistance Guidelines

On February 18, 2014, after duly-noticed meeting, the Board of Selectmen voted unanimously to **APPROVE and ADOPT** the Lee Human Services General Assistance Guidelines.

3/3/14
Date

Caude ...

3/3/14
Date

3/3/14
Date

See copy on file with the
TC/TX Office
Or
General Assistance Office

*These guidelines supersede all
previously issued guidelines*