

City of Manchester, NH
Welfare Department



**GENERAL ASSISTANCE
GUIDELINES**

MISSION STATEMENT

We provide financial assistance to needy individuals and families in Manchester. We do so in a thoughtful, professional, and cost-effective manner; while maintaining the dignity and promoting the self-sufficiency of those we serve.

INTRODUCTION

The local governing body, as defined in RSA 672:6, of every town and city in the state shall adopt written guidelines relative to General Assistance. These Guidelines shall include, but not be limited to, the following:

- The process for application for General Assistance.
- The criteria for determining eligibility.
- The process for appealing a decision relative to the granting of General Assistance.

ROLES OF WELFARE DIRECTOR & LOCAL GOVERNING BODY

The appointed Welfare Director shall administer the General Assistance Program in accordance with Federal Legislation, RSA 165 and the City of Manchester General Assistance Guidelines. The local governing body (The Board of Mayor and Aldermen) is responsible for the adoption of the Guidelines relative to General Assistance. (RSA 165:1-II)

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DEFINITIONS

For the purposes of these Guidelines, the following terms have the indicated meaning:

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

ALLOWABLE EXPENSE: An expense that the Welfare Official may allow a client to spend their own money/resources on, but that the Welfare Department does not provide payment for. Examples of allowable expenses include, but are not limited to: child care costs and security deposits.

APPLICANT: A person or persons requesting General Assistance, who have not yet completed the intake process. In these Guidelines, the term applicant is used to designate one or more persons.

ASSETS: All cash, real estate property, personal property and future interests owned by the applicant/client; including, but not limited to: annuities, insurance awards, tax refunds, retroactive government and insurance payments.

AVAILABLE LIQUID ASSETS: Assets readily convertible to cash. See exclusions on page 12 of these Guidelines. Available liquid assets include, but are not limited to: bank accounts, credit union accounts, stocks, bonds, brokerage accounts, securities, tax refunds, tax sheltered funds (IRA, 401K or 403B accounts, etc.), or insurance policies with a loan value. Non-essential personal property shall be considered as available liquid assets when they have been converted into cash.

BASIC NEEDS: Expenses which must be met to ensure a person's essential health and welfare needs. For the purposes of these Guidelines basic needs are outlined under the Standard of Need – Basic Needs Criteria, page 13 of these Guidelines.

CASE FILE: An official file containing forms, documents, correspondence, case notes, and payment cards for each client.

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

CLIENT: A person or persons with an open case at the Welfare Department. In these Guidelines, the term client is used to designate one or more persons.

COMPLIANCE: Fulfilling all official requirements and adhering to these Guidelines and all Notices of Decision.

CONTACT: A Notice of Decision or a client's phone call or visit to the Welfare Department, requesting assistance from a Welfare Official.

ELIGIBILITY: A determination made by a Welfare Official in accordance with RSA 165 and these Guidelines, of an applicant/client who qualifies for General Assistance.

FAIR HEARING: A proceeding, in accordance with the standards described in the Fair Hearings section of these Guidelines, as a result of a client appealing an adverse action.

FAMILY PLACE SHELTER: A shelter for homeless families partially funded by the City of Manchester.

FAMILY UNIT: The applicant/client and any related or unrelated person(s) residing with the applicant/client. Family unit includes, but is not limited to:

- a person “in loco parentis”, that is, one who intentionally accepts the rights and duties of a natural parent with respect to a child, who is not his/her own child and who has lived with the child long enough to form a psychological family; or
- two unmarried adults who live together and who have a mutual child.

FINANCIAL RESOURCES: All assets, financial assistance from relatives, friends, other household members, or other sources (eg. charitable agencies, non-profit agencies, etc.).

GENERAL ASSISTANCE: The term used for local welfare programs administered and funded by each city and town in the State of New Hampshire.

GOOD CAUSE: Includes, but is not limited to: a verified medical emergency or other verified unforeseen emergency circumstance, which precludes the individual from fully complying with mandated requirements.

HOUSEHOLD: Persons living together, who share in or benefit from shelter and other expenses and services.

INELIGIBILITY: A determination made by a Welfare Official in accordance with RSA 165 and these Guidelines, of an applicant/client who does not qualify for General Assistance.

INTAKE: The initial interview at which time the application is processed by a Welfare Official to determine eligibility. This action initiates an open case.

LANDLORD: The property owners/authorized agents of a valid rental property.

LICENSED MEDICAL PROVIDER: A physician, a physician’s assistant, a nurse practitioner or a dentist, who is licensed to practice in the State of New Hampshire.

NOTICE OF DECISION: The form used to detail the determination made by the Welfare Official.

RESIDENCE/RESIDENCY: An applicant’s/client’s principal place of physical presence, for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by temporary absence from it, if there is intent to return to such residence or residency as the principal place of physical presence. (RSA 21:6-a)

ROOMMATES: Two or more people living together who have no legal financial responsibility to provide for each other.

SUSPENSION: A period of time for which a client is ineligible for assistance, due to noncompliance with these Guidelines and/or the requirements of any Notices of Decision. (RSA 165:1-b)

UTILITY: Electric, gas, oil, propane, water or sewer service.

VENDOR: Any landlord, utility company, store or other business that provides goods or services and who is established with the City of Manchester Finance Department to obtain payment from the Welfare Department.

VOUCHER: A means of guaranteed payment to a vendor. (RSA 165:1-III)

WELFARE DEPARTMENT: The City of Manchester Welfare Department.

WELFARE DIRECTOR: The person appointed by the Board of Mayor and Aldermen in accordance with the City of Manchester Charter, who is responsible for operating the Welfare Department.

WELFARE OFFICIAL: An employee of the Welfare Department who determines a client's eligibility for General Assistance in accordance with RSA 165.

WORKING DAYS: Monday through Friday, excluding City of Manchester observed holidays.

MAINTENANCE OF RECORDS

The Welfare Department is required by RSA 41:46 to keep complete records of General Assistance, in addition to general statistical records concerning the number of persons provided assistance and the cost for such support. Separate case files shall be established for each individual or household applying for General Assistance. The purposes for keeping such files are to:

- provide a valid basis of accounting for expenditure of the City of Manchester's funds;
- support decisions concerning the applicant's/client's eligibility;
- assure availability of information if the applicant or client seeks administrative or judicial review of the Welfare Official's decision;
- provide the Welfare Official with accurate statistical information; and
- provide a complete history of a client's needs that might aid the Welfare Official in ongoing case management and in referring the applicant/client to the appropriate agencies.

The Welfare Official shall maintain case files containing the following information:

- the completed Application for Assistance
- all Notices of Decision
- a narrative history recording the need for assistance, the results of home visits (if any), collateral information, referrals and changes in status
- the results of verification of information
- a payment card, which has complete data concerning the type, amount and dates of assistance granted, as well as amounts and dates of reimbursements made

The Application for Assistance and any documents submitted by the applicant/client to the Welfare Department will be retained as part of the applicant/client case file and become property of the City of Manchester in accordance with these written Guidelines.

Copies of case files will be provided to a client or their authorized representative if requested. An authorized representative must have a Release of Information, signed and dated by a client. A service charge for processing copies will be assessed. The charge for copies will be a rate set by the City of Manchester City Clerk. This fee can be waived for clients requesting copies for the purposes of representing themselves at a fair hearing or for other good cause.

CONFIDENTIALITY OF INFORMATION

Information given by or about an applicant for, or client of, General Assistance is confidential and privileged and is not public record under the provisions of RSA 91-A:5. Such information will not be published, released or discussed with any individual except when disclosure is required by law, or when necessary to carry out the purpose of RSA 165. (RSA 165:2-C)

RIGHT TO APPLY

Screening Process

The Welfare Department utilizes a screening process to identify the urgency of an applicant's need. This process generally involves an applicant completing a Contact Sheet to determine the extent of their emergency, the availability of resources, and potential referrals to other agencies.

Individuals requesting General Assistance who are not considered to be in an emergency situation will be given a Notice of Contact which may schedule the applicant a specific intake appointment on another day or refer the applicant to another agency or resource.

Application Process

Anyone may apply for General Assistance by appearing in person at the Welfare Department and completing a written Application for Assistance. If more than one adult resides in a household each adult is required to appear, unless an adult is working and/or otherwise has just cause for his/her absence.

The Application for Assistance must be completed and signed by all adult members of the household, who are requesting or will benefit from assistance.

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, will be required to apply jointly with him/her, if they reside in the same household/family unit.

The Welfare Official shall not be required to accept an Application for Assistance from a person who is under suspension pursuant to RSA 165:1-b, provided that any person who contests a determination of continuing noncompliance with these Guidelines may request a fair hearing.

Home Visit

A home visit may be conducted by mutual agreement of a Welfare Official and an applicant/client whenever there is reasonable basis for such a visit. All home visits will be

conducted in a professional manner as to preserve, to the greatest extent possible, the privacy and dignity of the applicant/client. The Welfare Official(s) conducting the visit shall not knowingly mention or discuss the case with, or within the listening area of, anyone who is not a member of the household or family unit. A home visit may be used as an alternative form of verification of information when other forms of verification are unavailable. All home visits shall be upon notice and shall take place during business hours.

APPLICANT/CLIENT RESPONSIBILITIES

Interviews and/or appointments may be rescheduled if an applicant/client appears to be under the influence of alcohol, drugs or other substances, and as a result appears incapable of comprehending, as well as completing the application/interview process.

From the time of the initial application, and as long as a client is receiving assistance or their case is open, the client shall comply with each of the following responsibilities:

1. to submit a completed, signed Application for Assistance, including any supporting documentation; all information provided (verbal and written) must be accurate and truthful in all respects and without misrepresentation and/or omission;
2. to cooperate fully in answering all questions asked by the Welfare Official, including providing information regarding all legally liable relatives. (RSA 165:19) Refusing to answer all questions asked by the Welfare Official shall be considered withdrawal of application for assistance;
3. to comply with all requirements set forth in each Notice of Decision;
4. to report to the Welfare Official, at each appointment, any and all changes in circumstances, particularly having received and/or benefited from, directly or indirectly, any financial resources from any source;
5. to apply for and accept any benefit or resource (public or private) within seven (7) days of being directed to do so by a Welfare Official and to fulfill all ongoing requirements of such programs;
6. to cooperate fully with the Welfare Official in verifying all information that has been provided and is necessary to determine eligibility;
7. to keep all appointments as scheduled unless an emergency prevents keeping the scheduled appointment. In such an event, providing documentation of the emergency may be required;
8. to provide records and other required information, as well as to provide access to such records and information, when required;
9. to provide a Request for Medical Information Form completed by a licensed medical provider as to the level of work that can be performed by a client, if they are claiming their ability to work is restricted or prohibited;
10. to immediately report any claim of theft or loss of money, voucher or other valuable property to the appropriate entity and law enforcement, and to provide the Welfare Official with proof of the report to law enforcement;
11. to search diligently for any employment, as directed by the Welfare Official;
12. to provide verifiable documentation of work search, with the number of work search contacts being determined by the Welfare Official;
13. to accept any employment when offered, except for documented reasons of good cause and to maintain such employment once assistance has been granted. (RSA 165:1-d);
14. to participate fully in the Welfare Department Work Program, if physically and mentally able. (RSA 165:31);

15. to cooperate fully with the Welfare Official in obtaining reimbursement to the Welfare Department for assistance provided and to notify the Welfare Official of any pending civil judgments, lawsuits, inheritances, financial settlements, insurance claims or any other financial awards;
16. to reimburse the Welfare Department for any assistance granted, when and if returned to an income status that would allow for such reimbursement to be made without financial hardship. (RSA 165:20-b); and
17. to read and sign the Applicant/Client Responsibilities Form which has been provided.

A client may be suspended or determined ineligible for assistance for failure to fulfill any of the above responsibilities without verifiable good cause.

WELFARE OFFICIAL RESPONSIBILITIES

From the time of the applicant's/client's initial contact and as long as a client's case remains open the Welfare Official shall:

1. ensure that a completed Application for Assistance contains all necessary information and that the applicant/client has read and understood all essential information. When necessary the Welfare Official shall provide assistance to the applicant in completing the Application for Assistance;
2. describe eligibility requirements, including a general description of pertinent Guidelines and the eligibility standards;
3. meet the applicant's/client's basic needs in an appropriate and cost effective way. This may include referral to other agencies and/or resources;
4. provide the applicant/client with a scheduled appointment as needed;
5. verify all pertinent information;
6. negotiate with vendors whenever possible. If negotiation is not possible, the least expensive appropriate alternative will be pursued;
7. conduct home visits when an applicant/client is unable to leave their home or when otherwise determined necessary by a Welfare Official;
8. refer a client who is homeless or at risk of homelessness to a shelter or another appropriate housing option;
9. inform the client of their right to request a fair hearing should they receive a Notice of Adverse Action, as well as explain the process by which to do so;
10. place a lien when statutorily required and inform the client of the need to do so; see Liens, page 27 of these Guidelines;
11. pursue reimbursement of all assistance in accordance with RSA 165; and
12. provide the client with a copy of the Applicant/Client Responsibilities form, which he/she signed.

VERIFICATION OF INFORMATION

Welfare Officials will conduct their work with professionalism and integrity as they seek to verify an applicant's/client's information and circumstances.

Verification by the Welfare Official will include, but will not be limited to, the following:

- applicant's/client's address
- names of persons in applicant's/client's household or family unit
- picture identification, birth certificates, Social Security cards and immigration/citizenship documentation (if applicable), for all applicants/clients and their household members

- applicant's/client's marriage certificate, divorce decrees, child support orders, custody papers, proof of guardianship, and physical custody of children
- applicant's/client's and household member's financial resources and expenses
- applicant's/client's and household member's physical and mental condition, only when relevant to their receipt of assistance, such as ability to work, determination of needs or referrals to other agencies or resources
- any special circumstances claimed by an applicant/client
- applicant's/client's employment status and availability for employment
- names, addresses, and financial status of legally liable relatives (RSA 165:19)
- utility costs
- housing costs
- facts relevant to the applicant's/client's residence
- proof of application and/or benefits from other agencies

Information is verified primarily through documentation provided by the client. Failure of the client to provide such documentation does not affect the Welfare Official's responsibility to process the application. The Welfare Official shall inform the client in writing what documentation is necessary and the client is required to produce that documentation within seven (7) days. (RSA 165:1-b, II)

While it is primarily the responsibility of the client to provide the Welfare Official with the necessary verifications to determine eligibility, the Welfare Official may also seek to obtain verifications through various sources once a release of information has been signed by the client.

When through no fault of their own, a client is unable to provide all required documentation within the seven (7) days; the Welfare Official may offer the client an extension to comply with their last notice of decision or may waive the requirement to provide a particular document when producing the document is not possible. Prior to offering an extension the Welfare Official will attempt to obtain the documentation when doing so is feasible. An offer to extend a deadline to provide documentation beyond seven (7) days will be contingent upon a client's willingness to waive their right to a determination of eligibility within seven (7) days. In such cases the Welfare Official would be required to make a determination of eligibility on the date the extension period expires.

In accordance with RSA 165:1-b, should an applicant/client refuse to provide material information required to determine if they are otherwise eligible for assistance and/or they indicate an unwillingness to have the Welfare Official seek said information then they may be determined ineligible for assistance. If an applicant/client is determined to be otherwise eligible, then the failure to provide required information would be subject to RSA 165:1-b, II.

Should the applicant/client refuse to provide required information and/or indicate an unwillingness to have the Welfare Official seek further information that is necessary, then the applicant/client may be determined ineligible for assistance.

DETERMINATION OF ELIGIBILITY

Legal Standard

"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)

For the purposes of these General Assistance Guidelines:

- A person cannot be denied assistance solely because he/she is not a resident.
- "Whenever" means at any time that a person is poor and unable to support himself/herself.
 - A Welfare Official shall be available during normal working hours.
 - The eligibility of an applicant for General Assistance shall be determined within seventy-two (72) hours if an emergency exists, see page 19 of these Guidelines; or seven (7) days after the date of the interview.
- "Poor and unable to support" means that an individual lacks the financial resources to adequately provide for basic needs for himself/herself or family unit as determined by these Guidelines.
- "Relieved" means a person shall be assisted, as a Welfare Official determines eligible, to meet those basic needs.
- "Maintained" means assistance will continue for as long as the client remains eligible.

Eligibility Formula

A client is eligible to receive General Assistance when:

- They meet the Non-Financial Eligibility Standards and Assets Criteria sections of these Guidelines; and
- their basic need expenses, see page 13 of these Guidelines, exceed their available financial resources, see page 18 of these Guidelines; and
- they otherwise comply with the requirements of these Guidelines and their Notices of Decision.

Non-Financial Eligibility Standards

Minors

Minors are the financial responsibility of their parents or legal guardians, unless circumstances warrant otherwise. A minor's residency is generally considered to be that of their parents or legal guardians. The Division of Children, Youth and Families will be notified of any minor who is not residing with their parent or legal guardian and is in need of services. A minor who is married will be considered an adult for the purposes of these Guidelines.

Eligibility for Other Program Assistance

A client, who may be eligible for any other assistance program, must apply for such assistance no later than seven (7) days after being required to do so by a Welfare Official. Failure to do so may result in suspension of assistance. Clients must also fulfill all ongoing requirements of such programs.

Refusal of Employment

A client who without verifiable good cause refuses a job offer, referral to employment, or participation in the Welfare Department Work Program may be determined ineligible for continuing General Assistance in accordance with the procedures for suspension outlined in these Guidelines. (RSA 165:1-b) The Welfare Official shall first determine whether there is

verifiable good cause for such refusal, taking into account the physical and mental capacity of the person, working conditions that might involve risks to health or safety, and other barriers to employment. Employment requirements shall extend to all employable adult members of the household/family unit.

Work Search

Within seven (7) days after having been granted assistance, clients shall provide proof that they are pursuing all available means of securing employment, as directed by a Welfare Official. Work search requirements apply unless the client:

- is employed full-time.
- is a dependent eighteen (18) years of age or under, who is regularly attending school.
- is unable to work due to illness or due to a mental or physical disability, verified by a licensed medical provider's note.
- is unable to work due to the necessity to care for a disabled family/household member, verified by a licensed medical provider's note; only one (1) adult will be exempt from work search.

Disqualification for Voluntary Termination of Employment

A client who voluntarily terminates employment will be determined ineligible for assistance pursuant to the provisions of RSA 165:1-d.

Students

Clients enrolled in General Equivalency Diploma (GED) Programs, Trade Schools, Certificate Programs or Higher Education Programs must be employed full-time or be available for full-time employment, participate in the Welfare Department Work Program, and/or undertake a diligent, verifiable job search, as assigned by a Welfare Official in order to be considered eligible for General Assistance. Full-time students are generally not considered eligible for assistance, as their schooling prevents them from meeting these requirements.

Immigration Status

The Welfare Department utilizes the Department of Homeland Security's SAVE (Systematic Alien Verification for Entitlements) Program to verify an applicant's immigration status or naturalization/derived citizenship. Persons who do not meet the qualified alien status (8 USC 1641 and 1621) are ineligible for public welfare benefits. However, they may still be eligible for assistance with health care items (eg. medication and medical supplies) necessary for the treatment of an emergency medical condition (8 USC 1369). In cases where a family unit has some members who are citizens and/or qualified aliens, and others who are not, assistance will be determined for those members who are eligible to receive public welfare benefits. The Welfare Director, in his/her sole discretion, may also provide limited assistance to non-citizens, not otherwise eligible for General Assistance.

Assets Criteria

Available Liquid Assets

See definition section of these Guidelines. All readily available liquid assets shall be converted to cash immediately. For all other available liquid assets, the Welfare Official shall allow reasonable time for such conversion. However, tools of a trade, livestock and farm equipment, as well as necessary and ordinary household goods, which are essential items of personal property, shall not be considered as available assets.

Vehicle Ownership

The ownership of one vehicle by an applicant/client or their dependents does not affect eligibility if the vehicle is determined essential by the Welfare Official. Essential means that there is no other more affordable available means of transport to: employment, medical, or other essential services. The book value of a new vehicle, luxury vehicle or multiple vehicles may be considered a liquid asset. In such cases a client may be required to take all steps necessary to sell their assets to meet their own needs before being determined eligible for anything other than emergency short term assistance.

Insurance

The ownership of whole life insurance policies could affect eligibility. When a policy has a cash or loan value, the client may be required to obtain and/or borrow available funds, which shall then be considered available assets. Payment of a life insurance premium shall not be considered a basic need when determining eligibility. Motor vehicle insurance premiums and/or SR22 insurance premiums are not considered a basic need when determining eligibility.

Real Estate

The type and amount of real estate owned by a client could affect eligibility. Rent or other income from property would be considered an available financial resource to meet a client's basic needs. A client owning real estate, other than that occupied as their primary home, may be expected to make reasonable efforts to dispose of it at fair market value. A client shall be informed that a lien covering the amount of any General Assistance received, shall be placed (except for just cause) against any real estate he/she owns. (RSA 165:28)

Property Transfers

No person who is otherwise eligible for assistance under RSA 165, shall receive such assistance if he/she has made an assignment, transfer or conveyance of property for the purpose of rendering himself/herself eligible for assistance within three (3) years immediately preceding his/her application. (RSA 165:2-b)

Cosigners

In cases involving a request for assistance for a basic need expense for which applicants/clients have secured a cosigner, a Welfare Official will attempt to contact the cosigner regarding their ability to fulfill their legal obligation. However, assistance to the applicant/client will not be delayed or denied due to a cosigner's failure to meet their legal obligation. If a cosigner is also a legally liable relative under RSA 165:19, a Welfare Official may pursue reimbursement from the cosigner.

STANDARD OF NEED – BASIC NEEDS CRITERIA

A client must utilize all income and financial resources available to them to meet their own basic needs. Basic needs are: rent, food, cleaning and personal hygiene items, utilities, prescriptions, diapers, and car gas or the cost of public transportation for essential travel. Documented child care costs and court ordered child support payments may be considered allowable expenses. At each appointment clients must provide legitimate, dated receipts to account for all expenses. Non-basic need expenses include, but are not limited to: credit card payments, rent-to-own items, cable or satellite television service, Internet service, repayment of personal loans, traffic citations, bail, and court fines. Any income or financial resources that are used for non-basic needs, and/or that are not accounted for with receipts, will be considered available to the client when determining eligibility or will be grounds for suspension of assistance.

The basic financial requirement for General Assistance is that a person is poor and has insufficient financial resources to meet their basic need expenses as described above. When determining a client's eligibility for General Assistance the Welfare Official must apply the following standards:

Rent/Mortgage/Utilities

Rental Allowance Guidelines

The Welfare Department assists with housing costs necessary to provide shelter. To determine these costs, Rental Allowance Guidelines which reflect local market factors have been established. These Rental Allowance Guidelines are periodically updated as local market conditions change. When utilities are not included in the rent, the average monthly cost of the required utility payments will be added to rent to determine if the total housing costs are within the Rental Allowance Guidelines.

Maintaining Housing

Rental/mortgage/utility assistance is in part determined by the client's ability to afford their overall housing cost (rent/mortgage and utilities) based on their present and projected verifiable income. Clients who are unable to afford their housing may be advised to relocate to more affordable housing. The Welfare Official will make an effort to maintain a client in his/her own housing if it is within the Welfare Department's Rental Allotment Guidelines, unless it is clear that to do so would probably require an unreasonable period of continuing subsidy from the Welfare Department. In determining whether or not continuing subsidy is warranted, the Welfare Official shall consider, among other relevant factors:

- efforts by the client to increase household financial resources or obtain affordable, less expensive housing;
- the client's prospects of obtaining other forms of rental assistance; and
- helping a client residing in federally subsidized housing or other substantially below market rate housing to retain such housing.

Housing Costs Over Guidelines

Clients whose housing costs are above the Rental Allotment Guidelines, may be determined ineligible for assistance with their housing related expenses. An exception may be made if a client is able to demonstrate that their present/projected verifiable income is sufficient to afford the housing cost themselves going forward without continued assistance from the Welfare Department.

Arrearages

Arrearages related to housing costs (rent, mortgage, property taxes, utility, etc), are not normally considered a basic need expense when determining eligibility for General Assistance. Exceptions can be made if the payment of the expense is necessary to prevent eviction/foreclosure or to protect the health and safety of the household members and payment of the expense is less than the cost of alternative available housing. A Welfare Official may offer alternate means to accommodate the health and safety of the household members when a less costly option exists.

Eviction Notice

When an applicant/client submits a completed Application for Assistance with an Eviction Notice for non-payment of rent, prior to the date on which the Eviction Notice expires, the Welfare Official shall make a reasonable effort to:

- process the application/request in a manner which, if determined eligible and assistance is granted, would enable the applicant/client to tender a voucher in the amount necessary to defeat eviction by the day the Eviction Notice expires; or

- obtain a commitment from the landlord that he/she will agree to accept General Assistance paid on behalf of the applicant/client and/or will wait for a decision from the Welfare Official and not pursue the eviction, unless a specified date following the expiration of the Eviction Notice passes without the landlord receiving a commitment to pay from the Welfare Official.

In no case shall the decision on the application for rental assistance, to cure an eviction for non-payment of rent, be issued later than seventy-two (72) hours from the time of the application or by the date of expiration on the Eviction Notice, whichever is later.

This process does not apply to a client who is presently under suspension or ineligible status.

Court Ordered Arrangements

Clients who have made an arrangement through the court regarding payment for rental/mortgage arrearages are the financially responsible party to fulfill the terms of the arrangement. The Welfare Department is not financially obligated to the terms thereof; however, a Welfare Official may assist with court ordered payments when doing so is in keeping with the Maintaining Housing section, on page 14 of these Guidelines.

Rental Assistance not Provided for

The Welfare Department does not provide payment for the following scenarios, including, but not limited to:

- rental space which does not meet the requirements of the City of Manchester Housing and Zoning codes;
- subletting;
- additional bedroom(s) for child visitation or other guests; or
- any period of time in which the client is not occupying the housing. The necessity for the absence from housing will be considered when determining eligibility. While rental/mortgage assistance during hospitalization may be considered, absences for vacation or other non-essential purposes will not.

Relative Landlords

Whenever a legally liable relative of a client is also the landlord of the client, they will be presumed able to assist his/her relatives pursuant to RSA 165:19 with rent, mortgage, and/or utilities, and must prove an inability to assist before any assistance is granted for housing.

Mortgage Assistance

Clients will be required to explore all loan modifications and/or other options through their lender.

Utility Assistance

A Welfare Official will negotiate with the utility company to pay the least amount possible to prevent disconnect or restore service. When utility service has been disconnected and a determination regarding utility assistance cannot be made immediately, a referral to shelter can be offered, until such time as eligibility can be determined. If a utility company requires a client to agree to a repayment plan and a client refuses to do so, and/or if the payment from the Welfare Department alone is insufficient to restore or retain service a Welfare Official may deny assistance with the utility payment. A utility must be in the client's legal name in order for a Welfare Official to render assistance with a utility bill.

PUC Regulations

The Welfare Department will abide by the current Chapter PUC 1200 Rules and Regulations for NH Utilities enforced by the State of New Hampshire Public Utilities Commission.

Roommates' Shared Housing Expenses

Expenses which benefit the household (rent, utilities, etc.) are divided pro rata for the purposes of calculating the client's basic need expenses, based on the total number of persons in the household. However, the total shelter cost must approximate the Rental Allowance Guideline amounts according to household size. (eg. If three unrelated adults share an apartment, and one applies for rental assistance, rental assistance is determined as one-third of their total shelter cost. The total shelter cost must then approximate the Rental Allowance Guideline amount for a household of three.) An applicant's/client's roommates who are not requesting assistance with their portion of the rent, will not be required to apply with the applicant/client nor will they be required to sign the application. However, prior to authorizing assistance with the client's portion of the rent, the Welfare Official will need to verify that the balance of the household's rent has in fact been paid.

Shelter

The cost associated with staying at the Family Place Shelter is \$25 per night. Clients will pay for their shelter stay based on their financial ability to do so, as determined by a Welfare Official. Unpaid balances owed upon leaving the shelter will reflect a debt owed to the Welfare Department, to be reimbursed according to RSA 165.

The Family Place Shelter is intended for families who have no other housing options and also have no ability to secure other housing. Shelter stays are expected to be short term while a client pursues other housing options. The Welfare Department does not authorize shelter stay for an indefinite period of time (eg. while a client is awaiting subsidized housing), as rooms at the Family Place Shelter must be available for clients who are homeless and without any other housing options. Clients staying at the Family Place Shelter will be required to diligently look for alternate housing and to use their own resources to secure first available alternate housing.

In cases in which the Welfare Official has made an appropriate referral for temporary emergency shelter or other housing arrangements, and the applicant/client refuses to accept such a referral, the Welfare Official is under no obligation to seek or pay for alternate housing/shelter.

If a client fails to comply with Notice of Decision requirements and/or these Guidelines, all assistance, including his/her shelter stay, can be suspended or the client may be determined ineligible for assistance, see page 20 of these Guidelines. Information may be provided to the client so that he/she may pursue alternate shelter.

If a client fails to abide by the Temporary Housing Addendum to a Notice of Decision, the Welfare Department will not continue to provide emergency housing, nor will the Welfare Department be obligated to locate or provide payment for other temporary housing options. If the client has otherwise complied with the requirements of their Notices of Decision and these Guidelines, he/she may be eligible for rental assistance to secure permanent, affordable housing once the client has located such.

A client vacating their room at the shelter for one or more nights will not be readmitted until a Welfare Official determines further eligibility.

If a client refuses to leave the shelter, when alternate housing is available and shelter assistance is no longer a necessity, no further shelter assistance will be authorized.

Food/Toiletries/Cleaning Supplies/Diapers

Whenever possible the Welfare Official will meet the client's needs for food, toiletries, cleaning supplies and/or diapers with available items from the Bob Power's Memorial Food Pantry or with a referral to another social service agency to meet their need. The amount allowable for food purchases will be in accordance with the most recent standard Food Stamp allotment, as determined under the Food Stamp program, administered by the NH Department of Health and Human Services. The food allotment may be modified, if a licensed medical provider has stated in writing that one or more members of the household require a special diet, which cannot be adequately met by the standard food allotment.

Medical Expenses

Prescriptions

The Welfare Department may only assist with medications which are necessary and are for conditions where the absence of the medication would pose a significant risk to an individual's health. Only the cost of least expensive medications to meet the client's need will be considered. Medications that the Welfare Department will not authorize payment for, include, but are not limited to: birth control medications/devices, experimental medications, and performance enhancing medications.

Generic medications must be used whenever possible. If a prescriber is requiring a brand name medication, when there is a generic equivalent available, the prescriber would need to substantiate to the Welfare Official why the generic medication is not adequate.

A client shall be directed to seek sample medications and/or apply for free medications through their prescriber or through an agency.

The Welfare Department will not provide payment for medications not covered by Medicaid, supplements, vitamins, or alternative medications or products.

Other Medical Expenses

The Welfare Department does not provide payment for any of the following:

- substance misuse treatment and recovery programs
- dental services
- eye care services and supplies
- medical/hospitalization/rehabilitation services
- medical equipment and supplies
- medical insurance

Other Expenses

Telephone

Phone service is generally not considered a basic need expense. However, if the absence of a phone would create a significant risk to a client's health and/or safety and if the client is not eligible for free cell phone service, then the least expensive option (not including texting or

Internet services) may be considered by a Welfare Official to be an allowable expense. Written documentation from a licensed medical provider detailing why the absence of a phone creates a significant risk to the client's health and safety must be provided to a Welfare Official for consideration. In addition, written documentation stating that a client has applied for and has been determined ineligible for free cell phone service must also be provided.

Transportation

If a Welfare Official determines that transportation is necessary, the cost of car gas or public transportation will be considered a basic need expense. The Welfare Department does not provide payment for vehicle expenses, including, but not limited to: loan payments, repairs, maintenance, registrations, inspections, insurance, towing, or impound fees, as these expenses are not considered to be basic need expenses. The ongoing costs related to vehicle ownership or lease must be appropriate to the client's income.

Legal Expenses

Unless specifically required by statute, no legal expenses or fees will be considered an allowable expense. The Welfare Department will not provide payment for any legal expenses.

Clothing

If an applicant/client has an emergency clothing need which cannot be met in a timely fashion by other community resources, then the cost of the emergency clothing will be considered a basic need expense.

Miscellaneous

The Welfare Department does not provide payment for moving expenses, security deposits, storage fees, household furnishings, condo fees, late fees, eviction fees, or home repairs. However, should the Welfare Official determine that payment of such an expense is essential; it will be considered an allowable expense for the client to use their own resources to pay.

Long Term Treatment Programs

Organizations administering long term treatment for individuals to overcome addictions and restrict the individuals from working are responsible for the individual's basic needs while the individual is in such a program.

Unusual Needs

If a Welfare Official determines that a client has an unusual need and that strict adherence to the Standard of Need - Basic Needs Criteria would create an undue hardship, the Welfare Official may make minor adjustments to the eligibility criteria. Significant adjustments to the eligibility criteria will require the approval of the Welfare Director. Any such adjustments and the reason for them will be stated in case notes.

Available Financial Resources

In determining a client's eligibility and the amount of General Assistance a client requires, the client's basic needs are compared to their available financial resources. The following financial resources will be considered when determining eligibility:

Earned Income

Income in cash or tips earned by the applicant/client or any member of his/her family or household through wages, salary, commissions, or profit, whether self-employed or as an employee, is to be included as income. Rental income and business profits are included in this category. With respect to self-employment, subtracting business expenses from gross income in accordance with standard accounting principles will be considered when

determining eligibility. When income consists of wages, the amount computed should be that which is available after income taxes, social security and other payroll deductions required by state, federal, or local law have been deducted. Child care costs, court ordered support payments and work-related clothing costs will also be deducted from income when made through payroll deduction.

Financial Assistance or Support from Other Persons

Contributions from relatives, household members or other persons shall be considered a financial resource. Any adult (even an unrelated person) who resides in the same household with a minor child, “in loco parentis”, is liable for contributing to that child’s support pursuant to RSA 165:32 and may be required to apply jointly with the household. For the purposes of determining eligibility under these Guidelines, the financial resources of a member of the household may be considered, if he/she lives together with the applicant/client in a single household unit and shares facilities.

Financial Benefits from Other Government Sources and/or Social Service Agencies

Benefits from the Department of Health and Human Services, Social Security Administration, and payments from other government and/or private sources shall be considered a financial resource. Food Stamps cannot be counted as income, pursuant to 7 USC 2017 and Fuel Assistance cannot be counted as income, pursuant to 42 USC 8624.

Financial Resources from Other Sources

Any financial resources a client has access to, from any source, shall be considered available.

Payments Made by Others

Any payment applied to a client’s expense by another person will be considered an available financial resource to the client.

Court Ordered Support Payments

Alimony and child support shall be considered a financial resource only if actually received by the client.

Earnings of a Child

No inquiry shall be made into the earnings of a child, less than 16 years of age, unless that child makes a regular and substantial contribution to the family.

Option to Treat a Qualified State Assistance Reduction as Deemed Income

A Welfare Official may deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82, VIII, if all criteria as set forth in RSA 165:1-e are met.

ACTIONS ON APPLICATIONS

A Welfare Official utilizes these Guidelines to determine a client’s eligibility, while ensuring that each client receives due process. Unless an applicant withdraws their application, or a client withdraws their request, the Welfare Official has a legal obligation to determine the client’s eligibility for assistance in a timely fashion. Every client shall be given a written Notice of Decision after each appointment. A Welfare Official will make every effort to ensure that the client understands their Notice of Decision.

Withdrawn Application

An application is considered withdrawn, if:

- the applicant refuses to answer material questions listed on the application;
- the applicant leaves before the intake interview begins; or
- the client dies while their case is open.

Open Case

A case is considered open once an intake interview has begun and it remains open until three (3) months after the client's last request of assistance from the Welfare Department. Once a case is open a client is obligated to comply with the requirements of these Guidelines and their Notice(s) of Decision. A withdrawn request for assistance does not result in the closing of a case.

Withdrawn Request

A request shall be considered withdrawn if at any time while a case is open:

- the client refuses to answer material questions asked by the Welfare Official;
- the client avails themselves of other resources to meet their need;
- the client indicates, preferably in writing, that they no longer wish to pursue assistance;
- the client leaves during an interview without an explanation; and/or
- the client does not contact the Welfare Official after the initial interview when requested to do so. However, a client's failure to keep a scheduled appointment will not be considered a withdrawn request.

Emergency Assistance

At the time of contact, if an immediate need in which a threat to life or health exists (eg. loss of shelter or heat source in winter, lack of food or medications), then a determination regarding assistance will be given no later than seventy-two (72) hours from the time of the request. In emergency circumstances, where required documentation is not available, the Welfare Official may give temporary assistance to an client pending receipt of required documents. Temporary status shall not extend beyond one week.

Notice of Decision

Unless the request for assistance is withdrawn, or an emergency requiring immediate action exists, the Welfare Official has up to seven (7) days after the date of the interview to make a decision concerning client eligibility. A written Notice of Decision shall be delivered in person or mailed to the client no later than the next working day following the decision. The Notice of Decision shall specify action taken, the time period covered, and the required documentation to be provided by the client at the next appointment.

Clients are expected to read and sign each Notice of Decision to acknowledge receipt of their Notice of Decision. A client's refusal to sign their Notice of Decision does not negate the client's obligation to comply with its requirements in order to qualify for future assistance.

Adverse Action

All persons have a constitutional right to be free of unfair, arbitrary or unreasonable action taken by local government. This includes clients of General Assistance who have been determined ineligible, or whose aid has been suspended or reduced. When a Welfare Official determines that a client is ineligible for the assistance that he/she is requesting, the Notice of Decision is considered an adverse action. If the Notice of Decision identifies an adverse action, the client has the right to request a fair hearing.

Suspension for Noncompliance

If a client willfully fails to comply with these Guidelines and/or their Notice(s) of Decision, the Welfare Official may suspend assistance. A Notice of Decision in which assistance is suspended shall include:

- a list of the requirements with which the client has not complied with, and a description of those actions necessary to come into compliance;
- the length of suspension; and
- notice of their right to request a fair hearing to address the reason(s) for noncompliance and that such request must be made in writing, and presented to a Welfare Official within five (5) working days starting with the date of the Notice of Decision at issue.

Suspension Periods for Noncompliance

A client who has been determined otherwise eligible shall be subject to the procedure outlines in RSA 165:1-b, II-IV.

Seven (7) Day Suspension

The initial period of time when a client is ineligible for assistance due to failure to comply with a Notice of Decision and/or these Guidelines will be 7 days. (RSA 165:1-b V)

Fourteen (14) Day Suspension

The period of time a client is ineligible for assistance due to continued noncompliance after a seven (7) day suspension has expired will be an additional fourteen (14) days. If a client has had a prior suspension within the past six (6) months, and again fails to comply with a Notice of Decision and/or these Guidelines, the period of time a client will be ineligible for assistance shall be fourteen (14) days. (RSA 165:1-b V)

Ongoing Suspension

Continued noncompliance after a fourteen (14) day suspension period has expired, will result in continued ineligibility until the client complies with their Notices of Decision and/or these Guidelines. (RSA 165:1-b V)

Compliance after Suspension

A client, who has been subject to a suspension and who has now complied, shall have his/her assistance initiated or resumed after the period of ineligibility, provided that he/she is still otherwise eligible. A Notice of Decision stating that assistance has been initiated or resumed should again set forth the actions required to remain eligible for assistance.

Noncompliance Which Cannot be Corrected

A client cannot be repeatedly suspended for an issue of noncompliance that they cannot correct.

Suspension Due to Misrepresentation and/or Omission of Information

A client's misrepresentation and/or omission of facts that could affect their eligibility for assistance are grounds for suspension of assistance. Examples of such misrepresentation and/or omission which may result in suspension include but are not limited to: misrepresentation and/or omission of household members, employment, and financial resources. (See Department Fraud Policy, page 29.)

Adverse Actions for Reasons Other than Noncompliance

Ineligibility of assistance and/or a reduction in the amount of assistance being granted will occur when a Welfare Official determines that such action is necessary and consistent with these Guidelines and/or RSA 165. The reasons for ineligibility or reduction include, but are not limited to: a client's refusal to cooperate fully in answering all material questions asked by a Welfare Official, a client's ability to meet their own needs based on available financial resources, a request is for a non-basic need, or rent is over the Welfare Department's rental allowance guidelines.

Closed Cases

Cases are closed three (3) months after the date of last request of assistance by a client to a welfare official. Once a case is closed a former client must complete a new application for assistance.

FAIR HEARINGS

Requests and Time Limits for Hearings

A client may challenge all or part of any adverse action by requesting a fair hearing. A client requesting a fair hearing must complete the Welfare Department's Fair Hearing Request Form.

A request for a fair hearing must be received within five (5) working days, starting with the date of the Notice of Decision at issue.

Fair hearings must be held within seven (7) working days of the receipt of the request. A Welfare Official shall give notice to the claimant setting forth, time and location of the hearing. Notice must be given to the claimant at least forty-eight (48) hours in advance of a fair hearing or mailed to the claimant's last known address at least seventy-two (72) hours in advance of a fair hearing. A claimant, who fails to appear for a scheduled fair hearing shall be found in default and the Notice of Decision in question upheld.

The Fair Hearing Officer

Whenever possible the Welfare Director will utilize lawyers authorized to practice law in the State of New Hampshire to act as Fair Hearing Officers. At a minimum, in order to be qualified to be a Fair Hearing Officer, the Fair Hearing Officer must:

- not have participated in the decision being contested,
- be impartial,
- be sufficiently skilled in interviewing, in order to be able to obtain and evaluate evidence and facts necessary for a fair determination, and
- be capable of explaining to the claimant the statutes and guidelines under which the Welfare Official based their decision and to clarify to the Welfare Official any evidence of unsound practices or actions.

Withdrawal

A claimant may withdraw his/her request for a fair hearing at any point up to the time of the fair hearing.

Failure to Appear

A claimant and/or their authorized representative who fails to appear for a scheduled fair hearing within fifteen (15) minutes after its scheduled starting time without good cause shall be deemed to have lost his/her appeal by default and shall be notified of such judgment in writing by the Fair Hearing Officer.

Postponements

Claimant or Welfare Official's Requests for Postponement

Fair hearings will only be postponed for reasons deemed by the Fair Hearing Officer to be good cause. A claimant or Welfare Official, who believes that they have good cause to request a postponement, shall advise the other party at the earliest possible time. The Welfare Official will also immediately notify the Fair Hearing Officer of the request. The Fair Hearing Officer shall determine whether the asserted grounds for a postponement amount to "good cause" to continue the hearing. "Good cause" as used in this section may include but is not limited to: illness of a party, party's attorney, or party's representative; want of material testimony, document, or other essential evidence; unavoidable absence of an essential witness; and such other exceptional grounds as the Fair Hearing Officer may deem to be in the interest of justice. The Fair Hearing Officer may require that any party seeking to continue the scheduled hearing provide documentation to support their proffered need for postponement of the hearing prior to ruling on the request. If the Fair Hearing Officer deems that good cause exists to postpone a fair hearing it will be rescheduled at the earliest available date. If the Fair Hearing Officer does not authorize the postponement then the fair hearing will be held as scheduled.

Fair Hearing Officer's Necessity for Postponement

If the Fair Hearing Officer is unable to keep the scheduled fair hearing, the claimant will be contacted by a Welfare Official upon notification of the need for postponement. The fair hearing will be rescheduled at the earliest available date.

Fair Hearing on Continuing Noncompliance

A client, who is under suspension for continued noncompliance with their Notice of Decision, may request a fair hearing to determine whether or not he/she has satisfactorily complied. No assistance shall be available under 165: 1-b, IV until a Fair Hearing Officer has determined that the client has in fact satisfactorily complied.

Fair Hearing Procedures

At the time of scheduling a fair hearing, the Fair Hearing Officer will be given the claimant's name to ensure that a conflict of interest does not exist. The Fair Hearing Officer may also request a copy of the claimant's Fair Hearing Request Form. The Fair Hearing Officer shall not otherwise review the case file or other materials prior to their introduction at a fair hearing. Evidence, both written and verbal, which is admitted at a fair hearing, shall be limited to facts pertaining to the claimant's appeal. The decision of the Fair Hearing Officer must be based on evidence, RSA 165 and these Guidelines. 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 evidence.

If the claimant desires to be represented by another party at a fair hearing, the claimant must provide a written statement to the Welfare Official indicating the name and contact information of the representing party as soon as they establish who will be representing them.

Prior to a fair hearing, a claimant and/or their authorized representative has the right to make an appointment to examine all documents from the claimant's case file related to the Notice of Decision at issue.

Whenever possible both parties are to disclose all new evidence to be introduced at a fair hearing that is not contained in the case file, no later than one (1) working day before the scheduled fair hearing. Should the client or their authorized representative submit new evidence at a fair hearing, the Fair Hearing Officer will give the Welfare Official two (2) working days to submit a written response to this evidence.

The Welfare Official, the claimant, and any authorized representatives, shall attend a fair hearing and present their case to the Fair Hearing Officer.

A fair hearing may be audio recorded by any of the parties, as long as all parties are made aware of the recording in advance.

Both parties shall be given the opportunity to offer evidence and explain their position at a fair hearing. The claimant, or their authorized representatives and the Welfare Official, shall have the option to bring witnesses, to establish all pertinent facts, to advance any arguments without undo interference, to question or refute testimony or evidence, including the opportunity to confront, and to cross-examine witnesses.

The parties may stipulate to any facts.

None of the fair hearing procedures specified herein shall limit any right of the claimant to subsequent court action to review or challenge an adverse fair hearing decision.

Fair Hearing Decisions

Fair hearing decisions shall be rendered within seven (7) working days of a fair hearing. Decisions shall be in writing, setting forth the reasons for the decision. Fair hearing decisions will be rendered on findings of fact, RSA 165 and these Guidelines. A copy of the fair hearing decision shall be mailed or delivered to the claimant and to the Welfare Official.

A fair hearing decision will determine which party prevails. If the claimant prevails, the Welfare Official shall set forth the appropriate relief based on the fair hearing decision. If the Welfare Department prevails, any assistance given pending a fair hearing decision shall be a debt owed by the claimant to the Welfare Department.

The Welfare Department shall keep all fair hearing decisions on file.

DISBURSEMENTS

The Welfare Department does not accept financial responsibility for any services rendered before application with the department. Payment for authorized assistance is made through a voucher system. An individual or business receiving a voucher must be an established vendor with the City of Manchester Finance Department in order for the voucher to be processed for payment. To become a vendor, the City must have a signed w-9 on file. The vendor has sixty (60) days in which to return the signed voucher for payment. No voucher will be honored after that time. All vouchers are for one-time use only and are non-transferable. It is the responsibility of the client

to safeguard any voucher he/she receives from theft, loss, or misuse. No replacement voucher will be issued if the original is lost, stolen, misplaced or misused, unless authorized by the Welfare Director. Vouchers exceeding one month's assistance for any basic need expense require approval of the Welfare Director or in the Director's absence a Welfare Specialist III, prior to being issued.

Stores

Vouchers will be honored 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. The City of Manchester will not pay an amount in excess of the amount listed on a voucher.

Alterations, reproductions and/or misuse of vouchers may be reported to law enforcement. A client must sign the voucher and present valid identification in the presence of store personnel to insure proper usage. Each voucher issued to a store contains a list of prohibited items. Stores allowing prohibited items to be purchased will not be paid for those items. All stores must attach the cash register tape to the voucher and return it to the Welfare Department in order for the voucher to be processed for payment.

Landlords

No voucher will be processed for payment until a Landlord Form generated by the Welfare Department has been completed and returned to the Welfare Department. Only a property owner or an authorized agent, are authorized to complete the Landlord Form. The completed Landlord Form must be accurate and without omission. Forms which misrepresent or omit information for the purposes of obtaining assistance which otherwise may not be issued, will not be accepted. Rent may only be made payable to the owner of the property, unless the Welfare Department is in receipt of a notarized Agent Authorization Form which allows otherwise.

Revocation of Assistance Granted

A voucher previously issued, but not yet paid, may be revoked under certain circumstances. If facts are discovered that would negate such issuance, or fraud is determined, the voucher will be cancelled promptly. If the voucher has already been paid, the client will be contacted to immediately reimburse the Welfare Department. If fraud is involved, the facts surrounding the matter may be reported to law enforcement. The revocation of assistance is not meant to replace the suspension process for issues of noncompliance.

WORK PROGRAM

Participation

Any client receiving General Assistance, who is able to work, but is not gainfully employed full time, may be required to work for the City of Manchester or a local social service agency for the purpose of reimbursement of assistance received, pursuant to RSA 165:31.

Participants in the Welfare Department Work Program are not considered employees of the City of Manchester and any work performed by work program participants does not give rise to any employee-employer relationship between the work program participant, social service agency and/or the City of Manchester.

Reimbursement Rate

A work program participant shall be allotted the prevailing wage for work performed, but in no case be allotted less than the minimum wage. No cash compensation shall be paid for

work program participation. The wage value of all hours worked shall be used to reimburse the Welfare Department for assistance given. No work program participant shall be required to work more hours than necessary to reimburse assistance granted. The reimbursement rate shall be reviewed by the Welfare Director, and if warranted, will be updated to reflect changes in the market.

Continuing Financial Liability

If, due to the lack of available work or other good cause, a work program participant does not work a sufficient number of hours to fully reimburse the Welfare Department for the amount of his/her assistance, the amount of assistance received, less the value of the work program hours completed, shall still be owed to the Welfare Department.

Allowance for Work Search

The Welfare Department shall provide reasonable time during normal business hours for the work program participant to conduct a documented employment search, as determined by a Welfare Official.

Work Program Attendance

With prior notice to the Welfare Official, a client may be excused from work program participation if he/she:

- has a conflicting job interview;
- has a conflicting interview at another social service agency;
- has a medical appointment or illness, as verified by a licensed medical provider;
- as a parent or person “in loco parentis” must care for a child under the age of five (5). A client responsible for a child age five (5) but under twelve (12) shall not be required to work during hours the child is not in school, if there is no responsible person available to provide care and no other care is available;
- is unable to work due to mental or physical disability, as verified by a licensed medical provider;
- must remain at home because of illness or disability to another member of the household, as documented by a licensed medical provider; or
- does not possess the materials or tools required to perform the task and the City of Manchester fails to provide them.

Work Program Hours

Work program hours will be assigned by the Work Program Coordinator in coordination with a Work Program Site Supervisor. Failure of the participant to adhere to the agreed upon work program hours, except for reasons listed above, may result in suspension of assistance. Work performed outside of assigned hours is not authorized by the Welfare Department and is outside the jurisdiction of the Welfare Department Work Program; therefore, it will not be covered by Workers’ Compensation, nor will it reduce the reimbursement obligation to the Welfare Department.

Workers’ Compensation

The City of Manchester shall provide Workers’ Compensation coverage to participants in the work program.

RECOVERY OF ASSISTANCE

The Welfare Official shall seek to recover money expended to assist a former or current client in accordance with RSA 165.

Recovery from Legally Liable Relatives

The amount of money spent by a municipality to assist a client, who has legally liable relatives of sufficient ability to also support the client, may be recovered from those legally liable relatives. Sufficient ability shall be deemed to exist when a relative's weekly income is more than sufficient to provide reasonable subsistence compatible with decency and health. A 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. A Welfare Official shall attempt to notify the legally liable relative prior to the giving of assistance; but assistance to which a client is eligible under these Guidelines, shall not be delayed due to inability to contact legally liable relatives. Inability to contact legally liable relatives must not be the result of a client's failure to provide the information. (RSA 165:19) Written notice of assistance granted in support of a client, must be given to the legally liable relatives.

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 Welfare Department to assist a client who resides in another municipality. Written notice of the money spent in support of a client 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.

Recovery from Former/Current Client's Income

A former/current client, who is returned to an income status after receiving assistance, is obligated by statute to reimburse the municipality for the assistance provided, if such reimbursement can be made without financial hardship. (RSA 165:20-b)

Recovery from State and Federal Sources

The amount of money spent by a municipality to support a client, who has applied for SSI and who has signed the NH Department of Health and Human Services Authorization for Reimbursement of Interim Assistance Form, shall be recovered through the Social Security Administration and the NH Department of Health and Human Services. Prescription expenses paid by the Welfare Department for a client, who has applied for Medicaid, can be recovered through the NH Department of Health and Human Services, when the client is approved for medical coverage.

LIENS

Real Estate

A lien for General Assistance received shall be placed on any real estate owned by an assisted person, except for just cause, approved by the Welfare Director. The accrual of interest and the enforcement of the lien will be in accordance with RSA 165:28.

Civil Judgments

In accordance with RSA 165:28-a, the City of Manchester shall be entitled to place a lien upon property passing under the terms of a will or by intestate succession, a property settlement or a civil judgment for personal injuries awarded any person granted assistance by

the City of Manchester. The City of Manchester is only entitled to the lien for assistance granted no more than six (6) years before the receipt of the inheritance or the award of the property settlement or civil judgement. A lien cannot be placed upon a workers' compensation claim. (RSA 281-A:52)

APPLICATION OF RENT PAID BY THE CITY OF MANCHESTER

In accordance with RSA 165:4-a, whenever the owner of property rented to a person receiving assistance from the Welfare Department is in arrears in sewer, water, or tax payments owed to the City, the Welfare Department may apply the assistance which the property owner would have received in payment of rent on behalf of the client to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of property occupied by the assisted person.

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.

Delinquent property tax balances will be first priority, followed by delinquent sewer balances then water balances.

A Welfare Official will issue a letter and a corresponding voucher on behalf of the tenant to the landlord for rent. The letter will refer to the authority of RSA 165:4-a and RSA 540:9-a. It will indicate the amount of money being applied to a landlord's delinquent balance and specify which delinquency the rental payment is being applied to. A Welfare Official will issue a duplicate voucher to the appropriate departments (Tax Collector and/or Water Department), who will in turn resubmit the voucher to the Welfare Department for payment. Once the voucher is processed and the payment is received and applied to the landlord's debt, a receipt of payment will be mailed to the landlord.

BURIAL OR CREMATION

The Welfare Department shall provide assistance with burial or cremation of eligible persons found in the City of Manchester at the time of death. The Welfare Department will not provide payment for burial or cremation that has been performed prior to a determination of eligibility. The Welfare Department complies with RSA 165:3 II regarding the liability of final arrangements for residents of county nursing homes.

Whenever possible, the legal next of kin, as established by RSA 165:19, will complete the application process and receive a determination of eligibility, prior to making any final arrangements or incurring any costs. In such cases where there is no legal next of kin, a relative or a person handling final arrangements will be asked to complete the application process on behalf of the deceased.

The Welfare Official will make a determination of eligibility, based on the financial resources of the deceased and his or her legally liable relatives. Payment for burial or cremation is limited to \$750.00. All financial resources will be considered when making a determination of eligibility and will be applied toward the potential cost to the Welfare Department. The person handling financial arrangements shall not insist on other than the least expensive arrangement. Special religious rites or preferences will not be paid for by the Welfare Department.

In such cases where the deceased or legally liable relatives have financial resources in excess of \$750.00, the Welfare Department will not provide assistance with burial or cremation. (RSA 165:19, RSA 165:27a)

In any case where the legally liable relative of the deceased person refuses to apply with the Welfare Department or refuses to assist with burial or cremation expenses, a body will be considered unclaimed. In accordance with RSA 611-b:25, the Welfare Department shall provide assistance with burial or cremation of unidentified/unclaimed bodies found within the City of Manchester at the time of their death. In such cases where the deceased, at the time of death, had a residence in another city, town or state, the person handling final arrangements will be referred to contact the appropriate agency.

All possible avenues of recovery for the expense of final arrangements may be pursued. This includes recovery from the deceased person's municipality of residence, from legally liable relatives, from their estate or bank account, or from the holder of the deceased person's liquid assets. (RSA 165:20, RSA 165:27 and RSA 165:27-a)

NON-RESIDENTS

No persons shall be refused assistance solely on the basis of residence. (RSA 165:1) However, applicants who currently reside in another NH municipality may be directed to apply for assistance in their city or town, when the assistance they are seeking can be delayed until they return to their municipality. The Welfare Department complies with the NH Local Welfare Administrators Association's Ethics Resolution; see page 61.

DEPARTMENT FRAUD POLICY

The Welfare Department will not provide payment for expenses incurred as a result of fraudulent activity by any party.

Cases of suspected fraud may be reported to other agencies and/or persons when deemed appropriate. When making such reports, the Welfare Department may provide related documents in its possession to the appropriate party.

Clients may be prosecuted for a criminal offense, should that client obtain, or attempt to obtain, any General Assistance to which they are not entitled to by means of misrepresentation, omission or any other fraudulent act. (RSA 641:3, RSA 637:4)

DEPARTMENT THREAT POLICY

An applicant/client, who makes threatening statements and/or actions against Welfare Department employees, may be prohibited from returning to the Welfare Department. In such cases, an applicant/client may be required to conduct all business with the Welfare Department via phone, fax, and/or e-mail. The Welfare Director will report such statements, threats and/or actions to the City of Manchester Police Department when deemed appropriate.

PRE-APPROVAL TO SUPERCEDE GUIDELINES

The Welfare Official is empowered to interpret and implement these Guidelines so as to best fulfill the humanitarian purpose of RSA 165. If through emergency, necessity or unusual circumstances, these Guidelines need to be superseded to meet a client's needs, the Welfare

Official must obtain approval from the Welfare Director or in the Director's absence a Welfare Specialist III, to take appropriate action.

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.

APPENDICES

RSA 672:6 - Local Governing Body
RSA 165 - Aid to Assisted Persons
RSA 21:6-a - Residence
RSA 41:46 - Overseers of Public Welfare
RSA 91-A:5 - Access to Governmental Records and Meetings
8 U.S. Code 1641 - Definitions
8 U.S. Code 1621 - Aliens who are not qualified aliens or nonimmigrants ineligible for State and local public benefits
8 U.S. Code 1369 - Treatment of expenses subject to emergency medical services exception
7 U.S. Code 2017 - Value of allotment
42 U.S. Code 8624 - Applications and requirements
RSA 167:82, VII - NH Employment Program and Family Assistance Program
RSA 281-A:52 – Workers’ Compensation
RSA 76:13 - Apportionment, Assessment and Abatement of Taxes
RSA 540:9-a - Payment by Voucher and Application of Rents Paid by a Municipality
RSA 611-B:25 - Unclaimed Body
RSA 641:3 - Unsworn Falsification
Adopted Ethics Resolution on Responsibility for Persons who Change their Residence While, or as a Result of, Applying for Local Welfare
RSA 637:4 - Theft by Deception

TITLE LXIV
PLANNING AND ZONING
CHAPTER 672
GENERAL PROVISIONS

Words and Phrases Defined

672:6 Local Governing Body. –

"Local governing body" means, in addition to any other appropriate title:

- I. Board of selectmen in a town;
- II. City council or board of aldermen in a city;
- III. Village district commissioners in a village district; or
- IV. County commissioners in a county in which there are located unincorporated towns or unorganized places.

Source. 1983, 447:1. 1989, 266:7, eff. July 1, 1989.

TITLE XII
PUBLIC SAFETY AND WELFARE
CHAPTER 165
AID TO ASSISTED PERSONS

165:1 Who Entitled; Local Responsibility. –

I. 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. For the purposes of this chapter the term "residence" shall have the same definition as in RSA 21:6-a.

II. The local governing body, as defined in RSA 672:6, of every town and city in the state shall adopt written guidelines relative to general assistance. The guidelines shall include, but not be limited to, the following:

- (a) The process for application for general assistance.
- (b) The criteria for determining eligibility.
- (c) The process for appealing a decision relative to the granting of general assistance.
- (d) The process for the application of rents under RSA 165:4-b, if the municipality uses the offset provisions of RSA 165:4-a.
- (e) A statement that qualified state assistance reductions under RSA 167:82, VIII may be deemed as income, if the local governing body has permitted the welfare administrator to treat a qualified state assistance reduction as deemed income under RSA 165:1-e.

III. Whenever a town provides assistance under this section, no such assistance shall be provided directly to a person or household in the form of cash payments.

Source. RS 66:1. CS 70:1. GS 74:1. GL 82:1. PS 84:1. PL 106:1. RL 124:1. RSA 165:1. 1979, 243:1; 351:2. 1985, 380:2. 1986, 5:2. 1991, 355:56. 1992, 184:1. 1996, 175:2, eff. Aug. 2, 1996.

165:1-a Assisted Person Defined; Local Responsibility. –

Any person in a town or city who is poor and unable to support himself shall be known as a town or city assisted person, and shall be relieved and maintained at the expense of the town or city of residence.

Source. 1977, 336:1. 1985, 380:3, eff. Jan. 1, 1986.

165:1-b Disqualification for Noncompliance With Guidelines. –

I. Any person otherwise eligible for assistance under this chapter shall become ineligible to receive such assistance if he willfully fails to comply with written guidelines adopted by the governing body of the town or city relating to:

- (a) Disclosure of income, resources, or other material financial data;
- (b) Participation in a work program authorized under this chapter;
- (c) Reasonable work search; or
- (d) Application with other public assistance agencies.

II. No person shall be found ineligible for assistance or suspended from assistance pursuant to paragraph I until he has been given:

- (a) A written notice stating those specific actions he must take in order to comply; and
- (b) A 7-day period within which to comply after receiving such notice.

III. If a person does not comply within the 7 days, the town or city may issue to the person a written notice that the person is ineligible for assistance or suspended from assistance. The written notice shall include a list of the guidelines with which the person is not in compliance, those actions necessary for compliance, and written notice of the opportunity to request a hearing within 5 days.

IV. If such person requests a hearing, the town or city shall give him an opportunity to continue to receive assistance, pending the outcome of the hearing, in accordance with any prior eligibility determination.

V. The period of ineligibility or suspension pursuant to this section shall be 7 days; provided, however, that any such suspension within 6 months after the end of any prior suspension period shall be for 14 days; and provided further that if upon the expiration of the 7-day or 14-day disqualification period the person continues to fail to carry out the specific actions set forth in the notice required in paragraph III, the disqualification shall continue until the person complies.

VI. The overseers of public welfare shall not be required to accept an application for general assistance from a person who is subject to disqualification or suspension under this section; provided, however, that in the event such disqualification or suspension continues beyond the 7 or 14-day period due to continued noncompliance pursuant to paragraph IV, and there is a dispute over a contention by such person that he has satisfactorily complied with the requirements set forth in the notice required by paragraph III, such person shall be given an opportunity to request a hearing to determine that issue, but paragraph IV shall not apply to such a hearing.

Source. 1985, 106:1. 1986, 142:1, eff. Jan. 1, 1987.

165:1-c Nonresidents. –

Any person, poor and unable to support himself, who is temporarily in a town or city which is not his residence, and who does not intend to make it his residence, shall be provided such temporary assistance as is reasonable and necessary by such town or city. Such town or city may, if requested, cause such person to be returned to his residence.

Source. 1985, 380:4, eff. Jan. 1, 1986.

165:1-d Disqualification for Voluntary Termination of Employment. –

I. Any person eligible for assistance under this chapter, who voluntarily terminated employment within the 60-day period before filing an application for assistance, shall be ineligible to receive assistance for 90 days from the date of employment termination, provided the following conditions are met:

(a) The person received general assistance within the last 365 days and was given notice that voluntary termination of employment without good cause could lead to disqualification from receiving general assistance in the future.

(b) There are no minor or dependent children in the person's household which the person is legally responsible for supporting.

(c) At the time of termination of employment, the person did not have a mental or physical impairment which caused such person to be unable to work.

(d) The employment that the person voluntarily terminated consisted of at least 20 hours of work per week, and the person has not become reemployed for at least 2 weeks at a level consisting of at least 20 hours of work per week.

(e) The person did not have good cause for terminating the employment, as defined in paragraph II.

II. Good cause for terminating employment shall include any of the following:

(a) Discrimination by an employer based on age, race, sex, physical or mental disability, religion, or national origin.

(b) Work demands or conditions that render continued employment unreasonable.

(c) Retirement by a person 62 years of age or over or resignation by a person under 62 years of age which is recognized by the employer as retirement.

(d) Employment which becomes unsuitable following the applicant's acceptance of such employment.

(e) Leaving a job in order to accept a bonafide job offer which, because of circumstances beyond the control of the applicant, subsequently either does not materialize or results in employment of fewer than 20 hours per week or weekly earnings of less than the state or federal hourly minimum wage multiplied by 20 hours.

(f) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work, even though employment at the new site has not actually begun.

(g) Leaving a job because of circumstances, such as lack of transportation or a household emergency, which are beyond the control of the applicant to remedy as determined by the overseer of public welfare and which make continued employment impracticable.

(h) Termination of employment for other good cause.

III. The applicant shall be responsible for demonstrating good cause. The welfare officer may offer assistance in obtaining necessary information.

IV. An applicant shall be considered to have voluntarily terminated employment if the applicant fails to report for work without good cause, as defined in paragraph II, resulting in the termination of the applicant's employment. An applicant who is fired or resigns from a job at the request of the employer due to the applicant's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily terminated employment.

V. No person shall be found ineligible for assistance due to a voluntary employment termination unless the applicant has been given a written application for assistance and a written notice stating the reason for the denial of assistance and the specific actions which must be taken in order to reinstate eligibility, along with a written notice of the opportunity to request a hearing within 5 days.

VI. Notwithstanding a voluntary termination without good cause, assistance under this chapter may be given if the welfare officer determines that denial of assistance will put that person or members of the person's household at substantial risk of injury to health or other serious harm, which cannot be avoided or mitigated by other public or private resources.

VII. The provisions of RSA 165:1-b, II-VI shall not apply to persons found ineligible for assistance because of voluntary termination of employment without good cause. However, if at any time during the disqualification period, there is a dispute whether a person has satisfactorily complied with the requirements set forth in the written notice provided for by paragraph V, the person shall be given an opportunity to request a hearing to determine that issue only.

Source. 1995, 221:1, eff. Aug. 11, 1995.

165:1-e Option to Treat a Qualified State Assistance Reduction as Deemed Income. –

The local governing body of a town or city may permit the welfare administrator to 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:

I. The authority to deem income under this section shall terminate when the qualified state assistance reduction no longer is in effect.

II. 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 of the reduction has been confirmed by the department of health and human services.

III. The welfare administrator shall provide the applicant with a written decision which sets forth the amount of any deemed income used to determine eligibility for general assistance.

IV. Whenever necessary to prevent an immediate threat to the health and safety of children in the household, the welfare administrator shall waive that portion, if any, of the qualified state assistance reduction as is necessary.

Source. 1996, 175:3, eff. Aug. 2, 1996.

165:2 Administration of General Assistance. –

The administrator of town or city welfare in each town or city shall administer general assistance to all persons who are eligible for such assistance as provided under RSA 165:1-a and RSA 165:1-c.

Source. 1875, 7:3. GL 269:20. PS 84:7. PL 106:7. RL 124:2. RSA 165:2. 1985, 380:5. 1988, 180:1, eff. June 25, 1988.

165:2-a Expense of General Assistance. –

The financial responsibility for general assistance for assisted persons shall be the responsibility of the town or city in which the person making application resides, except as otherwise provided in RSA 165:1-c and 165:20-c.

Source. 1985, 380:6. 1988, 180:1. 1993, 229:2, eff. July 1, 1993.

165:2-b Disqualification for Certain Property Transfers. –

No person who is otherwise eligible for assistance under this chapter shall receive such assistance if he has made an assignment, transfer or conveyance of property for the purpose of rendering himself eligible for such assistance within 3 years immediately preceding his application for such assistance.

Source. 1985, 380:6, eff. Jan. 1, 1986.

Section 165:2-c

165:2-c Withholding Names of Recipients of Aid. –

Notwithstanding any other provision of law to the contrary, no town, city or county official shall publish or disclose or allow to be published or disclosed in the annual report of the town, city or county, or in any other document or letter, except as is necessary for and connected with the administration of this chapter, the name, address or any other identifying information of any recipient who is receiving assistance or aid; provided, however, that any taxpayer shall be allowed to see the itemized account of such aid furnished. Any person violating any provision of this section shall be guilty of a violation.

Source. 1985, 380:6, eff. Jan. 1, 1986.

Section 165:3

165:3 Burial or Cremation. –

I. If an assisted person shall die in any town or city the overseers of public welfare shall cause such person to be decently buried or cremated at the expense of the town or city.

II. Notwithstanding any provision of paragraph I to the contrary, if an assisted person dies in a county nursing home, the overseers of public welfare shall cause such person to be decently buried or cremated at the expense of the town or city in which the assisted person was a resident, as that term is defined in RSA 21:6, on the date on which the assisted person entered the county nursing home.

Source. RS 66:7. CS 70:7. GS 74:7. GL 82:7. PS 84:8. PL 106:8. RL 124:3. RSA 165:3. 1985, 380:45, 47. 1993, 308:3. 2000, 202:1, eff. Jan. 1, 2001.

165:4 Information Regarding Bank Deposits. –

A cashier of a national bank and a treasurer of a savings bank and a trust company may, when requested by an overseer of public welfare of a town or city in the state, furnish to said overseer any information asked relative to the deposit of a person receiving or applying for public support.

Source. 1933, 116:1. RL 124:4. RSA 165:4. 1985, 380:45, eff. Jan. 1, 1986.

165:4-a Application of Rents Paid by the Municipality. –

Whenever the owner of property rented to a person receiving assistance under this chapter is in arrears in sewer, water, electricity, or tax payments to the municipality, the municipality may apply, upon approval of the governing body, 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. For purposes of this section, a payment shall be considered "in arrears" if more than 30 days have elapsed since the mailing of the bill, or in the case of real estate taxes, if interest has begun to accrue pursuant to RSA 76:13.

Source. 1992, 184:2, eff. July 11, 1992.

165:4-b Process for Application of Rents Paid by the Municipality. –

Prior to utilizing the optional offset provisions of RSA 165:4-a, the governing body shall adopt, as part of the guidelines required under RSA 165:1, II, rules governing the process, including a policy which specifically sets out which bill shall be offset first and any further priority of such offset payments and a procedure for notifying the landlord.

Source. 1992, 184:2, eff. July 11, 1992.

Veterans' Relief

165:5 Who Entitled. –

Whenever any person, resident in this state, who served in the armed forces of the United States, in any war, insurrection, campaign, or expedition, in which the United States was engaged, and who received an honorable discharge, not being under guardianship or legal restraint, shall become poor and unable to provide maintenance for himself and his dependent family, such person, his wife, widow, or minor children, shall be supported at the public expense in the town or city of their abode, at their own home or such place, other than a town or county almshouse, as the overseers of public welfare or the county commissioners shall deem proper.

Source. 1885, 41:1, 2. 1887, 45:1. 1889, 81:1. 1891, 38:2. PS 84:9. 1901, 116:1. 1921, 104:1. PL 106:9. 1933, 78:1. RL 124:5. RSA 165:5. 1959, 98:1, eff. July 13, 1959.

165:6 Limitations. – [Repealed 1985, 380:51, II, eff. Jan. 1, 1986.]

165:7 to 165:11 Repealed. – [Repealed 1988, 180:5, eff. June 25, 1988.]

165:12 Withholding Names of Certain Recipients of Aid. – [Repealed 1985, 380:51, III, eff. Jan. 1, 1986.]

165:13 Inspection of Account. – [Repealed 1985, 380:51, IV, eff. Jan. 1, 1986.]

165:14 Penalty. – [Repealed 1988, 180:5, eff. June 25, 1988.]

165:15 Admission to Home. – [Repealed 1985, 380:51, V, eff. Jan. 1, 1986.]

165:16 Burial Expenses. –

Whenever any person, a resident in this state, who served in the armed forces of the United States in any of the wars or conflicts defined in RSA 165:17 for a total of 90 days, unless sooner released from such service by reason of disability incurred in service, and whose services were terminated under conditions other than dishonorable, dies and did not leave sufficient estate to pay the expenses of his funeral, or was an assisted person, the overseers of public welfare shall cause him to be decently buried at the expense of the municipality in which he died. Funds received from the Department of Veterans Affairs towards burial expenses shall be retained by the municipality. The municipality shall make a request to the Department of Veterans Affairs to provide a suitable monument.

Source. 1909, 130:1. 1911, 31:1. 1919, 135:1. 1921, 63:1. 1925, 93:1. PL 106:20. 1929, 28:1. RL 24:16. 1943, 102:1. 1945, 88:1. 1947, 214:1. 1949, 28:1; 167:4. RSA 165:16. 1959, 77:1. 1965, 87:1. 1967, 171:1. 1988, 180:3, eff. June 25, 1988.

165:17 Definition of Terms. –

The following shall constitute wars or conflicts for purposes of RSA 165:16:

I. Any war or armed conflict that occurred between July 3, 1921 and December 6, 1941 and in which the resident earned an armed forces expeditionary medal or theater of operations service medal.

II. "World War II" between December 7, 1941 and December 31, 1946.

III. "Korean Conflict" between June 25, 1950 and January 31, 1955.

IV. "Vietnam Conflict" between July 1, 1958 and December 22, 1961, if the resident earned the Vietnam service medal or an armed forces expeditionary medal.

V. "Vietnam Conflict" between August 5, 1964 and May 7, 1975.

VI. Any war or armed conflict that has occurred between May 8, 1975 and August 1, 1990 and in which the resident earned an armed forces expeditionary medal or theater of operations service medal.

VII. "Persian Gulf War" between August 2, 1990 and the date thereafter prescribed by Presidential proclamation or by law.

Source. 1949, 167:5. 1951, 176:1. RSA 165:17. 1965, 69:1. 1967, 171:2. 1988, 180:4. 2010, 79:1, eff. July 18, 2010.

165:18 Limitation. – [Repealed 1988, 180:5, eff. June 25, 1988.]

Liability for Support, and Recovery Over

165:19 Liability for Support. –

The relation of any poor person in the line of father, mother, stepfather, stepmother, son, daughter, husband, or wife shall assist or maintain such person when in need of relief. Said relation shall be deemed able to assist such person if his weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health. Should a relation refuse to render such aid when requested to do so by a county commissioner, selectman, or overseer of public welfare, such person or persons shall upon complaint of one of these officials be summoned to appear in court. If, after hearing, it is found that the alleged poor person is in need of assistance, and that the relation is able to render such assistance, the court shall enter a decree accordingly and shall fix the amount and character of the assistance which the relation shall furnish. If the relation neglects or refuses to comply with the court order without good cause, as determined by the court at a hearing, or by refusing to work or otherwise voluntarily places himself in a position where he is unable to comply, he shall be deemed to be in contempt of court and shall be imprisoned not more than 90 nor fewer than 60 days. If a poor person has no relation of sufficient ability, the town or city in which he resides shall be liable for his support.

Source. RS 66:8. CS 70:8. GS 74:8. GL 82:8. PS 84:12. 1925, 112:1. PL 106:22. 1933, 65:1. RL 124:18. RSA 165:19. 1973, 115:1. 1985, 380:11, eff. Jan. 1, 1986.

165:20 Recovery of Expense. –

If a town, city, or county acting as agent for a town under RSA 165:34 spends any sum for the support, return to his home, or burial of an assisted person having a residence in another town or city, or for an assisted person having relations able to support him under RSA 165:19, such sum may be recovered from the town, city or relation so chargeable or from a county acting as agent for the town under RSA 165:34. In any civil action brought under this section to recover such sum, the court shall award costs to the prevailing party.

Source. RS 66:9. CS 70:9. GS 74:9. 1875, 7:4. GL 82:10; 269:21. PS 84:13. PL 106:23. RL 124:19. RSA 165:20. 1967, 192:3. 1977, 152:2; 367:1. 1985, 380:12, eff. Jan. 1, 1986.

165:20-a Settlement of Disputes. –

- I. In any case where a town, city, county or the state seeks to recover a sum spent on assistance to a person and there is a dispute between a town, city, county or the state as to the liability for such assistance, the voluntary arbitration system established by this section shall be available.
- II. The department of health and human services shall maintain a roster of the selectmen and welfare administrators of the cities, towns, and counties of the state. If a town, city, county or the state decides to avail itself of the voluntary arbitration system, the commissioner of the department of health and human services or his designee shall randomly select a panel of 3 persons from the roster to arbitrate the dispute. No selectman or welfare administrator shall serve on any panel resolving a dispute concerning his own city, town or county.
- III. Any such voluntary arbitration session shall be held at a time and place to be determined by the commissioner of health and human services.
- IV. The costs of such voluntary arbitration shall be equally divided between the town, city, county or the state involved in the dispute.
- V. Any town, city, county or the state choosing the forum of the voluntary arbitration system shall lose the right to litigate the issue, and the decision of the panel of arbitrators shall be final.
- Source. 1977, 373:1. 1979, 228:1. 1983, 291:1. 1985, 380:13. 1995, 310:176, 181, 182, eff. Nov. 1, 1995.

165:20-b Recovery From Recipients. – Any town or city furnishing assistance to any person who is returned to an income status after receiving the assistance which enables him to reimburse the town or city without financial hardship may recover from such person the amount of assistance provided.

Source. 1981, 503:8. 1985, 380:45, eff. Jan. 1, 1986.

165:20-c Reimbursement From the State of New Hampshire. –

- I. If any person receiving general assistance from a town or city under the provisions of this chapter is deemed to be eligible for assistance under the provisions of RSA 167, the commissioner of health and human services shall reimburse such town or city the amount of assistance provided by the town or city as a result of the commissioner of health and human services' delays in processing within the federally mandated time periods.
- II. Any claims for reimbursement under this section shall be held until the end of the fiscal year. If the total of all claims for reimbursement does not exceed \$100,000, all validated claims shall be paid in full. If such total exceeds \$100,000, claims shall be reimbursed on a prorated basis so that the total paid out for claims shall not exceed \$100,000.
- Source. 1993, 229:1. 1995, 310:179, eff. Nov. 1, 1995.

165:21 to 165:24 Repealed. – [Repealed 1967, 192:10, eff. Jan. 1, 1968.]

165:25 Limitation of Action. –

Actions by towns and cities to recover the expense of support, return to his home, or burial of a poor person may be brought within 6 years after the cause of action accrued and not afterward.

Source. RS 66:14. CS 70:14. GS 74:14. GL 82:15. PS 84:18. PL 106:28. RL 124:24. RSA 165:25. 1967, 192:4. 1981, 503:4. 1985, 380:14, eff. Jan. 1, 1986.

165:26 Transfer of Action. –

Whenever a county in which an action for the support of an assisted person is pending may eventually be liable for such support, the court, on motion, shall transfer the action to an adjoining county for adjudication.

Source. RS 66:15. CS 70:15. GS 74:15. GL 82:16. PS 84:19. PL 106:29. RL 124:25. RSA 165:26. 1985, 380:47, eff. Jan. 1, 1986.

165:27 Recovery From Estates. –

Towns and cities may recover from the estates of persons assisted in like manner as counties under RSA 166:19.

Source. 1903, 42:1. PL 106:30. RL 124:26. RSA 165:27. 1985, 380:15, eff. Jan. 1, 1986.

165:27-a Assignment for Funeral and Burial or Cremation Expenses. –

I. Except when a town or city assisted person has made arrangements for a prepaid funeral, if the total of his liquid assets at death are less than \$1,000, there shall be an automatic assignment to the funeral director or the person who paid for the funeral and burial or cremation of the deceased to the extent of funeral and burial or cremation expenses up to \$1,000.

II. The funeral director or the person who paid for the funeral and burial or cremation expenses may submit a notarized statement to the effect that he has paid the expenses, together with an itemized list of the expenses, to the entity holding the assets. Upon submission of the statement and the list, the person shall receive payment to the extent of the expenses authorized under this section.

III. The entity making the payment shall provide a receipt and shall send a copy of the receipt to the town selectmen or city council of the appropriate town or city.

IV. If no assets remain after a payment is made under this section, the entity making the payment shall so notify the probate court having jurisdiction over the estate.

Source. 1981, 253:2. 1985, 380:16. 2000, 202:3, eff. Jan. 1, 2001.

165:28 Liens on Real Property. –

The amount of money spent by a town or city to support an assisted person under this chapter shall, except for just cause, be made a lien on any real estate owned by the assisted person. The liens are effective until enforced as provided in this chapter, or until released by the selectmen or city council; provided that there shall be no enforcement of the lien so long as the real estate is occupied as the sole residence of the assisted person, his surviving spouse, or his surviving children who are under age 18 or blind or permanently and totally disabled. Interest at the rate of 6 percent per year shall be charged on the amount of money constituting such lien commencing one year after the date of the filing of the lien unless a majority of the selectmen in the town or the councilmen in the city vote to waive such interest. The selectmen or council may file a notice of the lien or an acknowledgment of satisfaction of the lien with the register of deeds of the county in which the assisted person owns real property. A notice of lien which contains the owner's name and a description of the real property sufficient to identify it is a valid lien on the property. The register of deeds shall keep a suitable record of such notices without charging any fee therefor, and he shall enter an acknowledgment of satisfaction of the lien upon written request of the selectmen or the council without fee.

Source. 1965, 42:1. 1975, 303:1. 1985, 380:17. 1988, 180:2, eff. June 25, 1988.

165:28-a Liens on Civil Judgments. –

I. A town or city shall be entitled to a lien upon property passing under the terms of a will or by intestate succession, a property settlement, or a civil judgment for personal injuries awarded any person granted assistance by the town or city under RSA 165 for the amount of assistance granted by the town or city.

II. The town or city shall be entitled to the lien only if the assistance was granted no more than 6 years before the receipt of the inheritance or the award of the property settlement or civil judgment, provided that this section shall not apply to inheritances, property settlements, or civil judgments awarded before August 28, 1981.

III. This lien shall take precedence over all other claims.

Source. 1981, 503:1. 1985, 380:45, eff. Jan. 1, 1986.

165:29 Enforcement of Liens. –

Liens arising under RSA 165:28 or RSA 165:28-a may be enforced by a bill in equity.
Source. 1965, 42:1. 1981, 503:3, eff. Aug. 28, 1981.

165:30 Relative Priority. –

Any lien arising under RSA 165:28 shall be subordinate to mortgages and other valid liens, recorded with the register of deeds prior to the recording of the notice of the lien referred to in RSA 165:28.

Source. 1965, 42:1. 1981, 503:5, eff. Aug. 28, 1981.

165:31 Work Program Requirements for Assisted Persons. –

I. The overseer of public welfare may require any person who is receiving support under this chapter and who is physically able to work, to participate in the municipality's work program as a condition of continued eligibility for assistance. The overseer of public welfare of the town or city may require the person receiving aid to work for the town or city at any job which it has available that is within the capacity of the person receiving support. Such persons shall receive aid in return for such required work at a rate of exchange equivalent to the prevailing wage for the kind of work they are required to perform in the community from which they receive support, as determined by the municipality's pay schedules prevailing at the time of application for assistance. The amount an assisted person may be required to reimburse the town or city for aid received shall be reduced by the credits received from participation in the municipal work program.

II. The overseer of public welfare of the town or city may require the person receiving aid to perform services for a nonprofit organization if that organization has agreed to participate as a municipal work program, and has been approved by the overseer of public welfare, provided the person is credited according to the prevailing wage scale of that institution.

III. In no case shall participation in a work program be required of the following persons as a condition of receiving assistance:

- (a) Single parents with children under the age of 5 years; and
- (b) Persons with mental or physical disabilities, as determined by the overseer of public welfare.

Source. 1965, 321:1. 1977, 59:1. 1985, 380:18. 1987, 261:1. 1996, 213:2, eff. Aug. 9, 1996.

165:32 Employment of Relatives. –

No person who is otherwise eligible for support under this chapter shall receive such support unless and until all able-bodied adults under the age of 65 years, except those regularly attending school, who are related to such person, regularly residing in the same household as such person, legally liable to contribute to the support of such person and not prevented from maintaining employment and contributing to the support of such person by reason of physical or mental disability or other substantial or other justifiable cause, are employed on a full-time basis. The amount or amounts earned by the persons obligated to maintain employment under this section shall be taken into consideration in determining the level of need for town or city support.

Nothing in this section shall be so construed to deny to any minor dependent child any needed support to which he would otherwise be entitled. Unrelated adults living in the same household in loco parentis as to any such person seeking town or city support shall be obligated to contribute to the poor person's support to the same extent as the parent of such person, and in default thereof, shall be subject to the same penalties as the parent of such person would be in such case.

Source. 1969, 451:2. 1985, 380:19, eff. Jan. 1, 1986.

165:33 City or Town Districts. –

Any city or town may contract with one or more cities or towns to form districts. Such districts shall administer general assistance for which the respective city or town is responsible. The

districts are authorized to establish the rate which will be paid to the districts by the respective city or town and to establish written guidelines under which general assistance shall be administered.

Source. 1985, 380:20, eff. Jan. 1, 1986.

165:34 City or Town may Contract With County. –

Any city or town may contract with its respective county to permit the county to act as its agent in administering general assistance for which the city or town is responsible. The city or town and the county are further authorized to establish the rate which will be paid by the cities or towns to the counties and to establish written guidelines under which general assistance shall be administered.

Source. 1985, 380:20, eff. Jan. 1, 1986.

165:35 Rulemaking. –

The commissioner of health and human services shall adopt rules, pursuant to RSA 541-A, relative to:

- I. Establishing forms for claims under RSA 165:20-c.
- II. Processing and validating claims under RSA 165:20-c.
- III. [Repealed.]

Source. 1993, 229:3. 2012, 171:26, IX, eff. Aug. 10, 2012.

TITLE I
THE STATE AND ITS GOVERNMENT
CHAPTER 21
STATUTORY CONSTRUCTION

[RSA 21:6-a effective until July 1, 2019; see also RSA 21:6-a set out below.]

21:6-a Residence. -

Residence or 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 principal place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by a temporary absence from it, if there is an intent to return to such residence or residency as the principal place of physical presence.

[RSA 21:6-a effective July 1, 2019; see also RSA 21:6-a in the main volume.]

21:6-a Residence. -

Residence or 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 or her principal place of physical presence to the exclusion of all others. Such residence or residency shall not be interrupted or lost by a temporary absence from it, if there is an intent to return to such residence or residency as the principal place of physical presence.

Source. 1981, 261:1, eff. June 16, 1981. 2018, 370:1, eff. July 1, 2019.

TITLE III
TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES
CHAPTER 41
CHOICE AND DUTIES OF TOWN OFFICERS
Overseers of Public Welfare

41:46 Duties. –

Overseers of public welfare shall keep full and accurate records of the assisted persons fully supported, the persons relieved and partially supported, and the travelers and vagrants lodged at the expense of their respective towns, together with the amounts paid by them for such support and relief, and shall make an annual return of the number of said persons supported and relieved, with the cost of such support and relief, to the department of health and human services, on or before July 1 in each year, on blanks furnished by said department. The commissioner of the department of health and human services may designate an overseer of public welfare to act on his behalf in the administration of old age assistance, aid to families with dependent children and aid to the permanently and totally disabled. Actions of such overseers shall be limited to assisting applicants to complete applications, verifying statements on applications and recertifying recipients as required by law.

Source. 1901, 26:2. PL 47:20. RL 59:20. RSA 41:46. 1957, 198:2. 1975, 315:1. 1983, 291:1. 1995, 310:175, 181, 182, eff. Nov. 1, 1995.

TITLE VI
PUBLIC OFFICERS AND EMPLOYEES
CHAPTER 91-A
ACCESS TO GOVERNMENTAL RECORDS AND MEETINGS

91-A:5 Exemptions. –

The following governmental records are exempted from the provisions of this chapter:

I. Records of grand and petit juries.

I-a. The master jury list as defined in RSA 500-A:1, IV.

II. Records of parole and pardon boards.

III. Personal school records of pupils, including the name of the parent or legal guardian and any specific reasons disclosed to school officials for the objection to the assessment under RSA 193-C:6.

IV. Records pertaining to internal personnel practices; confidential, commercial, or financial information; test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examinations; and personnel, medical, welfare, library user, videotape sale or rental, and other files whose disclosure would constitute invasion of privacy. Without otherwise compromising the confidentiality of the files, nothing in this paragraph shall prohibit a public body or agency from releasing information relative to health or safety from investigative files on a limited basis to persons whose health or safety may be affected.

V. Teacher certification records in the department of education, provided that the department shall make available teacher certification status information.

VI. Records pertaining to matters relating to the preparation for and the carrying out of all emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.

VII. Unique pupil identification information collected in accordance with RSA 193-E:5.

VIII. Any notes or other materials made for personal use that do not have an official purpose, including but not limited to, notes and materials made prior to, during, or after a governmental proceeding.

IX. Preliminary drafts, notes, and memoranda and other documents not in their final form and not disclosed, circulated, or available to a quorum or a majority of the members of a public body.

X. Video and audio recordings made by a law enforcement officer using a body-worn camera pursuant to RSA 105-D except where such recordings depict any of the following:

(a) Any restraint or use of force by a law enforcement officer; provided, however, that this exemption shall not include those portions of recordings which constitute an invasion of privacy of any person or which are otherwise exempt from disclosure.

(b) The discharge of a firearm, provided that this exemption shall not include those portions of recordings which constitute an invasion of privacy of any person or which are otherwise exempt from disclosure.

(c) An encounter that results in an arrest for a felony-level offense, provided, however, that this exemption shall not apply to recordings or portions thereof that constitute an invasion of privacy or which are otherwise exempt from disclosure.

Source. 1967, 251:1. 1986, 83:6. 1989, 184:2. 1990, 134:1. 1993, 79:1. 2002, 222:4. 2004, 147:5; 246:3, 4. 2008, 303:4, eff. July 1, 2008. 2013, 261:9, eff. July 1, 2013. 2016, 322:3, eff. Jan. 1, 2017. 2018, 91:2, eff. July 24, 2018.

8 U.S. Code §1641. Definitions

(a) In general

Except as otherwise provided in this chapter, the terms used in this chapter have the same meaning given such terms in section 101(a) of the Immigration and Nationality Act [8 U.S.C. 1101(a)].

(b) Qualified alien

For purposes of this chapter, the term "qualified alien" means an alien who, at the time the alien applies for, receives, or attempts to receive a Federal public benefit, is-

(1) an alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.],

(2) an alien who is granted asylum under section 208 of such Act [8 U.S.C. 1158],

(3) a refugee who is admitted to the United States under section 207 of such Act [8 U.S.C. 1157],

(4) an alien who is paroled into the United States under section 212(d)(5) of such Act [8 U.S.C. 1182(d)(5)] for a period of at least 1 year,

(5) an alien whose deportation is being withheld under section 243(h) of such Act [8 U.S.C. 1253] (as in effect immediately before the effective date of section 307 of division C of Public Law 104–208) or section 241(b)(3) of such Act [8 U.S.C. 1231(b)(3)] (as amended by section 305(a) of division C of Public Law 104–208),

(6) an alien who is granted conditional entry pursuant to section 203(a)(7) of such Act [8 U.S.C. 1153(a)(7)] as in effect prior to April 1, 1980; 1 or

(7) an alien who is a Cuban and Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980).

(c) Treatment of certain battered aliens as qualified aliens

For purposes of this chapter, the term "qualified alien" includes-

(1) an alien who-

(A) has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented to, or acquiesced in, such battery or cruelty, but only if (in the opinion of the agency providing such benefits) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided; and

(B) has been approved or has a petition pending which sets forth a prima facie case for-

(i) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act [8 U.S.C. 1154(a)(1)(A)(ii), (iii), (iv)],

(ii) classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of the Act [8 U.S.C. 1154(a)(1)(B)(ii), (iii)],

(iii) suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act [8 U.S.C. 1254(a)(3)] (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).²

(iv) status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of such Act [8 U.S.C. 1154(a)(1)(A)(i)], or classification pursuant to clause (i) of section 204(a)(1)(B) of such Act [8 U.S.C. 1154(a)(1)(B)(i)]; ³

(v) cancellation of removal pursuant to section 240A(b)(2) of such Act [8 U.S.C. 1229b(b)(2)];

(2) an alien-

(A) whose child has been battered or subjected to extreme cruelty in the United States by a spouse or a parent of the alien (without the active participation of the alien in the battery or cruelty), or by a member of the spouse or parent's family residing in the same household as the

alien and the spouse or parent consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery or cruelty, but only if (in the opinion of the agency providing such benefits) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided; and

(B) who meets the requirement of subparagraph (B) of paragraph (1);

(3) an alien child who-

(A) resides in the same household as a parent who has been battered or subjected to extreme cruelty in the United States by that parent's spouse or by a member of the spouse's family residing in the same household as the parent and the spouse consented or acquiesced to such battery or cruelty, but only if (in the opinion of the agency providing such benefits) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided; and

(B) who meets the requirement of subparagraph (B) of paragraph (1); or

(4) an alien who has been granted nonimmigrant status under section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) or who has a pending application that sets forth a prima facie case for eligibility for such nonimmigrant status.

This subsection shall not apply to an alien during any period in which the individual responsible for such battery or cruelty resides in the same household or family eligibility unit as the individual subjected to such battery or cruelty.

After consultation with the Secretaries of Health and Human Services, Agriculture, and Housing and Urban Development, the Commissioner of Social Security, and with the heads of such Federal agencies administering benefits as the Attorney General considers appropriate, the Attorney General shall issue guidance (in the Attorney General's sole and unreviewable discretion) for purposes of this subsection and section 1631(f) of this title, concerning the meaning of the terms "battery" and "extreme cruelty", and the standards and methods to be used for determining whether a substantial connection exists between battery or cruelty suffered and an individual's need for benefits under a specific Federal, State, or local program.

(Pub. L. 104–193, title IV, §431, Aug. 22, 1996, 110 Stat. 2274 ; Pub. L. 104–208, div. C, title III, §308(g)(8)(E), title V, §501, Sept. 30, 1996, 110 Stat. 3009–624 , 3009-670; Pub. L. 105–33, title V, §§5302(c)(3), 5562, 5571(a)–(c), 5581(b)(6), (7), Aug. 5, 1997, 111 Stat. 599 , 638, 640, 643; Pub. L. 106–386, div. B, title V, §1508, Oct. 28, 2000, 114 Stat. 1530 ; Pub. L. 110–457, title II, §211(a), Dec. 23, 2008, 122 Stat. 5063 .)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this title" meaning title IV of Pub. L. 104–193, Aug. 22, 1996, 110 Stat. 2260 , which enacted this chapter, section 1183a of this title, and sections 611a and 1437y of Title 42, The Public Health and Welfare, amended section 1383 of this title, sections 32 and 6213 of Title 26, Internal Revenue Code, and sections 1436a and 1471 of Title 42, and enacted provisions set out as notes under section 1183a of this title and section 32 of Title 26. For complete classification of title IV to the Code, see Tables.

The Immigration and Nationality Act, referred to in subsec. (b)(1), is act June 27, 1952, ch. 477, 66 Stat. 163 , as amended, which is classified principally to chapter 12 (§1101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of this title and Tables.

Section 243 of such Act, referred to in subsec. (b)(5), is section 243 of act June 27, 1952, which is classified to section 1253 of this title. Section 1253 of this title was amended generally by Pub.

L. 104–208, div. C, title III, §307(a), Sept. 30, 1996, 110 Stat. 3009–612 , and, as so amended, no longer contains a subsec. (h). For effective date of section 307 of Pub. L. 104–208, see section 309 of Pub. L. 104–208, set out as an Effective Date of 1996 Amendments note under section 1101 of this title.

Section 203(a)(7) of such Act as in effect prior to April 1, 1980, referred to in subsec. (b)(6), means section 203(a)(7) of act June 27, 1952, which was classified to section 1153(a)(7) of this title. Section 1153(a)(7) of this title was repealed and section 1153(a)(8) was redesignated section 1153(a)(7) by Pub. L. 96–212, title II, §203(c)(3), (6), Mar. 17, 1980, 94 Stat. 107 , effective Apr. 1, 1980.

Section 501(e) of the Refugee Education Assistance Act of 1980, referred to in subsec. (b)(7), is section 501(e) of Pub. L. 96–422, as amended, which is set out in a note under section 1522 of this title.

Section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, referred to in subsec. (c)(1)(B)(iii), is section 309 of title III of div. C of Pub. L. 104–208, as amended, which is set out as a note under section 1101 of this title.

AMENDMENTS

2008-Subsec. (c)(4). Pub. L. 110–457 added par. (4).

2000-Subsec. (c)(1)(B)(iii). Pub. L. 106–386 amended cl. (iii) generally. Prior to amendment, cl. (iii) read as follows: "cancellation of removal under section 240A of such Act (as in effect prior to April 1, 1997),".

1997-Subsec. (b)(5). Pub. L. 105–33, §5562, substituted "section 243(h) of such Act (as in effect immediately before the effective date of section 307 of division C of Public Law 104–208) or section 241(b)(3) of such Act (as amended by section 305(a) of division C of Public Law 104–208)" for "section 243(h) of such Act".

Subsec. (b)(7). Pub. L. 105–33, §5302(c)(3), added par. (7).

Subsec. (c). Pub. L. 105–33, §5571(b), inserted at end "After consultation with the Secretaries of Health and Human Services, Agriculture, and Housing and Urban Development, the Commissioner of Social Security, and with the heads of such Federal agencies administering benefits as the Attorney General considers appropriate, the Attorney General shall issue guidance (in the Attorney General's sole and unreviewable discretion) for purposes of this subsection and section 1631(f) of this title, concerning the meaning of the terms 'battery' and 'extreme cruelty', and the standards and methods to be used for determining whether a substantial connection exists between battery or cruelty suffered and an individual's need for benefits under a specific Federal, State, or local program."

Subsec. (c)(1)(A). Pub. L. 105–33, §5571(a), substituted "agency providing such benefits)" for "Attorney General, which opinion is not subject to review by any court)".

Subsec. (c)(1)(B)(iii). Pub. L. 105–33, §5581(b)(7)(A), substituted "(as in effect prior to April 1, 1997)," for ", or".

Subsec. (c)(1)(B)(v). Pub. L. 105–33, §5581(b)(7)(B), added cl. (v).

Subsec. (c)(2)(A). Pub. L. 105–33, §5571(a), substituted "agency providing such benefits)" for "Attorney General, which opinion is not subject to review by any court)".

Subsec. (c)(2)(B). Pub. L. 105–33, §5581(b)(6), substituted "subparagraph (B) of paragraph (1)" for "clause (ii) of subparagraph (A)".

Subsec. (c)(3). Pub. L. 105–33, §5571(c), added par. (3).

1996-Subsec. (c). Pub. L. 104–208, §501, added subsec. (c).

Subsec. (c)(1)(B)(iii). Pub. L. 104–208, §308(g)(8)(E), substituted "cancellation of removal under section 240A of such Act" for "suspension of deportation and adjustment of status pursuant to section 244(a)(3) of such Act".

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110–457, title II, §211(b), Dec. 23, 2008, 122 Stat. 5063 , provided that: "The amendments made by subsection (a) [amending this section] shall apply to applications for public benefits and public benefits provided on or after the date of the enactment of this Act [Dec. 23, 2008] without regard to whether regulations have been implemented to carry out such amendments."

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by section 5302(c)(3) of Pub. L. 105–33 effective, except as otherwise provided, as if included in the enactment of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104–193, see section 5308 of Pub. L. 105–33, set out as a note under section 1612 of this title.

Amendment by sections 5562, 5571(a)–(c), 5581(b)(6), (7) of Pub. L. 105–33 effective as if included in the enactment of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104–193, see section 5582 of Pub. L. 105–33, set out as a note under section 1367 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 308(g)(8)(E) of Pub. L. 104–208 effective, with certain transitional provisions, on the first day of the first month beginning more than 180 days after Sept. 30, 1996, see section 309 of Pub. L. 104–208, set out as a note under section 1101 of this title.

Amendment by section 501 of Pub. L. 104–208 effective Sept. 30, 1996, see section 591 of Pub. L. 104–208, set out as a note under section 1101 of this title.

1 So in original. The semicolon probably should be a comma.

2 So in original. The period probably should be a comma.

3 So in original. The semicolon probably should be ", or".

8 U.S. Code § 1621 - Aliens who are not qualified aliens or nonimmigrants ineligible for State and local public benefits

Aliens who are not qualified aliens or nonimmigrants ineligible for State and local public benefits

(a) In general Notwithstanding any other provision of law and except as provided in subsections (b) and (d), an alien who is not—

- (1) a qualified alien (as defined in section 1641 of this title),
- (2) a nonimmigrant under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.], or
- (3) an alien who is paroled into the United States under section 212(d)(5) of such Act [8 U.S.C. 1182(d)(5)] for less than one year, is not eligible for any State or local public benefit (as defined in subsection (c)).

(b) Exceptions Subsection (a) shall not apply with respect to the following State or local public benefits:

- (1) Assistance for health care items and services that are necessary for the treatment of an emergency medical condition (as defined in section 1396b(v)(3) of title 42) of the alien involved and are not related to an organ transplant procedure.
- (2) Short-term, non-cash, in-kind emergency disaster relief.
- (3) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease.
- (4) Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the Attorney General, in the Attorney General's sole and unreviewable discretion after consultation with appropriate Federal agencies and departments, which (A) deliver in-kind services at the community level, including through public or private nonprofit agencies; (B) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and (C) are necessary for the protection of life or safety.

(c) "State or local public benefit" defined

(1) Except as provided in paragraphs (2) and (3), for purposes of this subchapter the term "State or local public benefit" means—

- (A) any grant, contract, loan, professional license, or commercial license provided by an agency of a State or local government or by appropriated funds of a State or local government; and
- (B) any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of a State or local government or by appropriated funds of a State or local government.

(2) Such term shall not apply—

- (A) to any contract, professional license, or commercial license for a nonimmigrant whose visa for entry is related to such employment in the United States, or to a citizen of a freely associated state, if section 141 of the applicable compact of free association approved in Public Law 99-239 or 99-658 (or a successor provision) is in effect;
- (B) with respect to benefits for an alien who as a work authorized nonimmigrant or as an alien lawfully admitted for permanent residence under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] qualified for such benefits and for whom the United States under reciprocal treaty

agreements is required to pay benefits, as determined by the Secretary of State, after consultation with the Attorney General; or

(C) to the issuance of a professional license to, or the renewal of a professional license by, a foreign national not physically present in the United States.

(3) Such term does not include any Federal public benefit under section 1611(c) of this title.

(d) State authority to provide for eligibility of illegal aliens for State and local public benefits
A State may provide that an alien who is not lawfully present in the United States is eligible for any State or local public benefit for which such alien would otherwise be ineligible under subsection (a) only through the enactment of a State law after August 22, 1996, which affirmatively provides for such eligibility.

8 U.S. Code § 1369 - Treatment of expenses subject to emergency medical services exception

Treatment of expenses subject to emergency medical services exception

(a) In general

Subject to such amounts as are provided in advance in appropriation Acts, each State or political subdivision of a State that provides medical assistance for care and treatment of an emergency medical condition (as defined in subsection (d)) through a public hospital or other public facility (including a nonprofit hospital that is eligible for an additional payment adjustment under section 1395ww of title 42) or through contract with another hospital or facility to an individual who is an alien not lawfully present in the United States is eligible for payment from the Federal Government of its costs of providing such services, but only to the extent that such costs are not otherwise reimbursed through any other Federal program and cannot be recovered from the alien or another person.

(b) Confirmation of immigration status required

No payment shall be made under this section with respect to services furnished to an individual unless the immigration status of the individual has been verified through appropriate procedures established by the Secretary of Health and Human Services and the Attorney General.

(c) Administration

This section shall be administered by the Attorney General, in consultation with the Secretary of Health and Human Services.

(d) “Emergency medical condition” defined—For purposes of this section, the term “emergency medical condition” means 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—

- (1) placing the patient’s health in serious jeopardy,
- (2) serious impairment to bodily functions, or
- (3) serious dysfunction of any bodily organ or part.

(e) Effective date

Subsection (a) shall apply to medical assistance for care and treatment of an emergency medical condition furnished on or after January 1, 1997.

(Pub. L. 104–208, div. C, title V, § 562, Sept. 30, 1996, 110 Stat. 3009–682.)

Codification

Section was enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and also as part of the Omnibus Consolidated Appropriations Act, 1997, and not as part of the Immigration and Nationality Act which comprises this chapter.

Abolition of Immigration and Naturalization Service and Transfer of Functions

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

7 U.S. Code § 2017 - Value of allotment

(b) BENEFITS NOT DEEMED INCOME OR RESOURCES FOR CERTAIN PURPOSES

The value of benefits that may be provided under this chapter shall not be considered income or resources for any purpose under any Federal, State, or local laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs, and no participating State or political subdivision thereof shall decrease any assistance otherwise provided an individual or individuals because of the receipt of benefits under this chapter.

42 U.S. Code § 8624 - Applications and requirements

(f) PAYMENTS OR ASSISTANCE NOT TO BE DEEMED INCOME OR RESOURCES FOR ANY PURPOSE UNDER FEDERAL OR STATE LAW; DETERMINATION OF EXCESS SHELTER EXPENSE DEDUCTION

(1) Notwithstanding any other provision of law unless enacted in express limitation of this paragraph, the amount of any home energy assistance payments or allowances provided directly to, or indirectly for the benefit of, an eligible household under this subchapter shall not be considered income or resources of such household (or any member thereof) for any purpose under any Federal or State law, including any law relating to taxation, supplemental nutrition assistance program benefits, public assistance, or welfare programs. TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 167

PUBLIC ASSISTANCE TO BLIND, AGED, OR DISABLED PERSONS, AND TO DEPENDENT CHILDREN

New Hampshire Employment Program and Family Assistance Program

Section 167:82 –

VIII. When the department has made a final determination that a parent or caretaker relative, without good cause, has failed to comply with employment program work requirements under RSA 167:85, and assistance to the household has been reduced or closed pursuant to RSA 167:82, III(c)-(e) or IV(a), the amount of reduction shall be a qualified state assistance reduction. The reduction or closure shall remain a qualified state assistance reduction for so long as the parent or caretaker relative is a New Hampshire employment program recipient and maintains the present ability to cure the reduction by complying with employment program work requirements. The department shall provide advance notice to the parent or caretaker relative of the amount and effective date of the qualified state assistance reduction or closure and that a city or town may consider the amount as deemed income for purposes of calculating eligibility for and the amount of general assistance. Upon request, the department, in a timely manner, shall make available to the welfare administrator of any city or town information as to the existence and amount of any qualified state assistance reduction or closure or denial that has been imposed on any person applying for assistance from that municipality. Such reporting shall be in accordance with a confidentiality agreement executed between the department and the New Hampshire Local Welfare Administrators Association and in a manner sufficient to enable the tracking of any additional municipal cost which may result from the qualified assistance reduction, closure, or denial.

Source. 1995, 310:62. 1996, 170:3, II; 175:4. 2006, 325:8. 2007, 349:9-12, eff. Sept. 14, 2007.

CHAPTER 281-A
WORKERS' COMPENSATION
Section 281-A:52

281-A:52 Assignments; Exemption From Claims of Creditors; Attorneys' Fees. –

I. Claims for compensation under this chapter shall not be assignable, and the compensation and any claim for compensation shall be exempt from all claims of creditors except as provided in this section. Claims for payment by physicians, hospitals, and for other remedial care chargeable to the employee and rendered in connection with a compensated injury and claims of attorneys for services rendered an employee in prosecuting a claim under this chapter, when approved by the superior court, may be enforced against the compensation award in such manner as the superior court may direct.

II. Claims for child support payments, pursuant to RSA 458-B, may be enforced against compensation awards.

Source. 1988, 194:2, eff. July 1, 1989.

TITLE V
TAXATION
CHAPTER 76
APPORTIONMENT, ASSESSMENT AND ABATEMENT OF TAXES

Assessment

[RSA 76:13 effective until April 1, 2019; see also RSA 76:13 set out below.]

76:13 Interest. –

Interest at 12 percent per annum shall be charged upon all taxes except resident taxes, except as otherwise provided by statute, not paid on or before December 1 after their assessment, which shall be collected from that date with the taxes as incident thereto, except in the case where a tax bill sent to the taxpayer on or after November 2 and before April 1 of the following year interest shall not be charged until 30 days after the bills are mailed. Interest due in an amount up to \$25 may be waived by the collector, with the approval and consent of the board of selectmen and the board of assessors, if in the collector's judgment the administrative and collection costs involved do not warrant collection of the amount due. The tax collector shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the collector sends out the last tax bill on the list. The collector shall notify the board of tax and land appeals in writing of the date on which the last tax bill was sent.

[RSA 76:13 effective April 1, 2019; see also RSA 76:13 in the main volume.]

76:13 Interest. –

Interest at 8 percent per annum shall be charged upon all taxes except resident taxes, except as otherwise provided by statute, not paid on or before December 1 after their assessment, which shall be collected from that date with the taxes as incident thereto, except in the case where a tax bill sent to the taxpayer on or after November 2 and before April 1 of the following year interest shall not be charged until 30 days after the bills are mailed. Interest due in an amount up to \$25 may be waived by the collector, with the approval and consent of the board of selectmen and the board of assessors, if in the collector's judgment the administrative and collection costs involved do not warrant collection of the amount due. The tax collector shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the collector sends out the last tax bill on the list. The collector shall notify the board of tax and land appeals in writing of the date on which the last tax bill was sent.

Source. 1860, 2373. 1861, 2491. GS 53:9. 1872, 42:1. GL 57:9. PS 59:8. PL 64:11. RL 77:11. 1943, 55:1. 1949, 61:1. RSA 76:13. 1965, 81:1. 1969, 206:1. 1970, 30:1. 1973, 486:4; 544:8. 1977, 354:1. 1981, 465:14. 1989, 39:1. 1991, 54:1; 306:9. 2001, 63:1, eff. April 1, 2001. 2018, 282:1, eff. Apr. 1, 2019.

TITLE LV
PROCEEDINGS IN SPECIAL CASES
CHAPTER 540
ACTIONS AGAINST TENANTS

540:9-a Payment by Voucher and Application of Rents Paid by a Municipality. –

I. Any rental payment or partial rental payment tendered by the tenant in the form of a written promise to pay on behalf of the tenant by the state, a county or a municipality of this state, or a payment by any organization which disburses federal or state funds, and any application by a municipality of amounts owed to it by a landlord pursuant to RSA 165:4-a, shall constitute payment by the tenant of the amount represented in the voucher, and of any amount applied by a municipality to delinquent balances of the landlord; provided, that this section shall not be construed to obligate a landlord to accept partial rental payments or payments tendered after the expiration of the eviction notice.

II. In any eviction based on non-payment of rent, it shall be an affirmative defense that:

(a) The tenant tendered timely payment pursuant to paragraph I, and such payment was refused;
or

(b) The tenant could have tendered timely payment pursuant to paragraph I had the landlord provided ordinary and reasonable verification of rental information requested by the agency.

Source. 1988, 100:2. 1992, 184:3. 2000, 48:1. 2006, 192:1, eff. Jan. 1, 2007. 2007, 153:1, eff. Aug. 17, 2007.

TITLE LIX
PROCEEDINGS IN CRIMINAL CASES
CHAPTER 611-B
OFFICE OF THE CHIEF MEDICAL EXAMINER

611-B:25 Unclaimed Body. –

If a dead body is unidentified or unclaimed for a period of not less than 48 hours following completion of the death investigation, the medical examiner shall release the body to the overseer of public welfare in the town or, in the case of an unincorporated place, to a county commissioner, who shall decently bury or cremate the body, or, with the consent of the commissioners or the overseer, it may be sent to the medical department of a medical school or university, to be used for the advancement of the science of anatomy and surgery, as provided for by law.

Source. 2007, 324:1, eff. Sept. 14, 2007.

TITLE LXII
CRIMINAL CODE
CHAPTER 641
FALSIFICATION IN OFFICIAL MATTERS

641:3 Unsworn Falsification. –

I. A person is guilty of a misdemeanor if:

(a) He or she makes a written or electronic false statement which he or she does not believe to be true, on or pursuant to a form bearing a notification authorized by law to the effect that false statements made therein are punishable; or

(b) With a purpose to deceive a public servant in the performance of his or her official function, he or she:

(1) Makes any written or electronic false statement which he or she does not believe to be true; or

(2) Knowingly creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or

(3) Submits or invites reliance on any writing which he or she knows to be lacking in authenticity; or

(4) Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he or she knows to be false.

II. No person shall be guilty under this section if he or she retracts the falsification before it becomes manifest that the falsification was or would be exposed.

III. A form adopted by a state agency pursuant to RSA 541-A, or in use by a state agency prior to January 1, 2016, containing a notification that false statements made therein are punishable under this section shall be considered authorized by law.

Source. 1971, 518:1. 2003, 158:2, eff. June 17, 2003. 2016, 196:14, eff. Aug. 5, 2016.

**ADOPTED ETHICS RESOLUTION ON RESPONSIBILITY FOR PERSONS
WHO CHANGE THEIR RESIDENCE WHILE, OR AS A RESULT OF,
APPLYING FOR LOCAL WELFARE
(New Hampshire Local Welfare Administrators Association)**

I. “Dumping” is hereby declared to be an unethical practice. For purposes of this resolution, “dumping” consists of attempting to end, or avoid acquiring, a local welfare financial responsibility by encouraging, persuading or pressuring a client:

- A. not to establish, or to discontinue, a residence in the town which he/she has applied for assistance, or
- B. to establish a residence in another town.

II. In order to avoid “dumping” the following standards should be observed:

A welfare administrator should not encourage, direct, or knowingly allow a client who has applied for assistance in his/her town to apply for assistance in another town without making a good faith effort to contact the welfare administrator in that other town to explain why the person is coming to the other town. This applies whether or not the welfare administrator has accepted initial financial responsibility for the person (i.e. treat him/her as a resident) unless:

- A. he/she has an established place of abode (specific address, place to sleep) in another town which he/she intends to return to (even for just one night – i.e., hasn’t moved out of yet), or
- B. he/she has NO established place of abode ANYWHERE, (i.e., any prior specific address was in some other town and has been abandoned) AND has a specific intent to go somewhere else rather than staying in the town for any time.

(Even when an applicant falls into A. or B. above, some temporary, non-resident assistance may be necessary, depending on the circumstances, in order to send the person on his/her way.)

III. Where a town has accepted initial financial responsibility under paragraph II above, the welfare administrator should not grant any assistance which he/she knows will be used so as to help establish the recipient’s residence in another town, unless:

- A. a good faith effort is made to explore local resources, after which it is discovered that none within reason is available, or
- B. unless the client has indicated an intent to move to another town for some non-welfare-related reason.

In either case the welfare administrator who has accepted initial financial responsibility should contact the official of the other town and offer to pay up to one month’s assistance following the move if necessary.

Towns must avoid “special” treatment. If a town never pays security deposits, the town must not pay security deposits in special instances to establish a client’s residence elsewhere. The sending town should pay actual allowable shelter costs as determined by the receiving town’s guidelines.

IV. Residency

According to RSA 126-A:43-h, persons receiving emergency housing (shelter) shall continue to maintain their legal residence as it existed at the time of entering the emergency housing facility. When a person leaves the originating shelter of their own free will, the liability no longer remains the responsibility of the original town. A person does not gain or lose residency while in a shelter, hospital or treatment center.

Persons who are sanctioned by local welfare, and arrive in another community, are not the liability of the community where the sanction originated. However, arrangements may be made between the two communities to have the sanction resolved.

TITLE LXII
CRIMINAL CODE
CHAPTER 637
THEFT

637:4 Theft by Deception. –

I. A person commits theft if he obtains or exercises control over property of another by deception and with a purpose to deprive him thereof.

II. For the purposes of this section, deception occurs when a person purposely:

(a) Creates or reinforces an impression which is false and which that person does not believe to be true, including false impressions as to law, value, knowledge, opinion, intention or other state of mind. Provided, however, that an intention not to perform a promise, or knowledge that it will not be performed, shall not be inferred from the fact alone that the promise was not performed; or

(b) Fails to correct a false impression which he previously had created or reinforced and which he did not believe to be true, or which he knows to be influencing another to whom he stands in a fiduciary or confidential relationship; or

(c) Prevents another from acquiring information which is pertinent to the disposition of the property involved; or

(d) Fails to disclose a known lien, adverse claim or other legal impediment to the enjoyment of property which he transfers or encumbers in consideration for the property obtained, whether such impediment is or is not valid, or is or is not a matter of official record; or

(e) Misrepresents to or misleads any person, in any manner, so as to make that person believe that the person on whose behalf a solicitation or sales promotion is being conducted is a charitable trust or that the proceeds of such solicitation or sales promotion shall be used for charitable purposes, if such is not the fact.

III. Theft by deception does not occur, however, when there is only falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. "Puffing" means an exaggerated commendation of wares in communications addressed to the public or to a class or group.

IV. A person commits theft under this section notwithstanding that the victim has suffered no actual or net pecuniary loss.

Source. 1971, 518:1. 1986, 222:2. 1992, 239:4, eff. July 1, 1992.