

GUIDELINES AND FORMS
FOR THE
GENERAL ASSISTANCE PROGRAM
FOR THE
TOWN OF HANOVER, NH

Adopted by the Hanover Select Board
September 13, 2004

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GENERAL GUIDELINES FOR ADMINISTRATION OF WELFARE

I. CONFIDENTIALITY OF INFORMATION

Information given by or concerning an applicant or recipient of local welfare is to be considered confidential and privileged information, and is not a public record under the provisions of RSA 91-A. It will not be published, released to, or discussed with any individual or agency without written permission of the client except when disclosure is required by law or is for purposes directly connected with the administration of general assistance. (RSA 165:2-c)

II. ROLES OF LOCAL GOVERNING BODY AND WELFARE OFFICIAL

The responsibility of the day-to-day administration of the Hanover General Assistance program is hereby vested in the Town Manager, who is the appointed Welfare Administrator, or his/her designee. The Administrator or designee shall administer the Program in accordance with these Guidelines. The local governing body is responsible for the adoption of the Guidelines as the same may be amended from time to time by the Board of Selectmen.

III. MAINTENANCE OF RECORDS

The local Welfare Administrator will complete and keep paper and electronic records of all welfare applicants and levels of assistance rendered. In addition to general statistical records concerning the number of persons given assistance and the cost of such support, a separate case record will be kept for each individual or family applying for assistance. (RSA 41:46)

A. Purpose of Case Record

The purpose of these records is to:

1. Provide a valid basis for accounting for expenditures of municipal funds;
2. Support decisions concerning the applicant's eligibility;
3. Assure availability of information if applicant/recipient seeks administrative or judicial review of the eligibility determination;
4. Provide the Welfare Official with accurate statistical information;
5. Provide a complete history of a recipient's assistance that might aid the Welfare Official in ongoing case management and in referring the applicant to appropriate agencies.

B. Content of Case Record

The information to be maintained in case records shall be as follows:

1. Completed application for assistance;
2. Written grounds for approval or denial of application, contained in a Notice of Decision form;
3. A narrative history recording the need for assistance, changes in status, grounds for release of confidential information, referrals, reduction, suspension or termination of assistance, etc.;
4. A tally sheet which has complete data concerning the type, amount, and dates of assistance granted which may be kept on paper or electronically;

5. A signed authorization by the applicant allowing the Welfare Official to release, obtain, or verify any pertinent information in the course of assisting the recipient including a signed Authorization to Release Information from the New Hampshire Division of Health and Human Services;
6. Additional supplemental information as requested by the Welfare Administrator.

The applicant or recipient shall have the right to review the information contained in his/her file; however, the file and contents shall remain the property of the Town of Hanover.

IV. APPLICATION

A. Right to Apply

1. An applicant for general assistance must appear in person at the Hanover General Assistance Office and complete a written or electronic application. Each adult who resides in the applicant's household and joins in the request for assistance may be required to appear at the General Assistance Office as part of the application process.

If special circumstances exist which make a personal appearance impracticable, the Welfare Administrator or designee may waive this requirement in the exercise of their sole discretion and if so, the application may be made by a duly authorized representative of the applicant. Unrelated adults in the applicant's residential unit may be required to apply separately or they do not meet the definition of household. Each adult in the household may be required to sign a release of information form.

A household is defined as

a. The applicant/recipient and persons residing with him/her in the relationship of father, mother, stepfather, stepmother, son, daughter, husband, wife, or domestic partner and/or

b. The applicant/recipient and any adult (including an unrelated person) who resides with the applicant/recipient "in loco parentis" to a minor child. A person "in loco parentis" is one who intentionally accepts the rights and duties of a natural parent with respect to a child not his or her own and who has lived with the child long enough to form a "psychological family."

2. The Welfare Official shall not be required to accept an application for general assistance from a recipient who is subject to a suspension pursuant to Section XI(C) of these guidelines (RSA 165:1-b,VI); provided that any applicant who contests a determination of continuing noncompliance with the guidelines may request a fair hearing as provided in Section XII(B); and provided further that a recipient who has been suspended for at least six months due to noncompliance may file a new application.

B. Administrator's Responsibility at the Time of Application

If application is made for local welfare assistance, the Administrator shall provide the applicant with a Notice of Rights and shall inform the applicant of the following:

1. The requirement of submitting a written application;
2. Eligibility requirements, including a general description of the guidelines amounts and the eligibility formula;
3. The applicant's right to review a fair hearing, the nature of the review process, and the manner in which a review can be obtained.
4. The applicant's responsibility for reporting all facts material to a proper determination of eligibility and penalties for false representation, and for presenting records and documents as requested and as reasonably available to support statements;
5. Joint responsibility of the administrator and the applicant for exploring the facts concerning eligibility, needs and resources;
6. Kinds of verification needed;
7. The fact that an investigation will be conducted in an effort to substantiate the facts and statements as presented by the applicant and that this investigation may take place prior to, during, or subsequent to the applicant's receipt of general assistance.
8. The applicant's responsibility for notifying the Welfare Official of any change in circumstances which may affect eligibility;
9. Any other programs of assistance or service that the Welfare Official may know of for which the applicant appears eligible.
10. The requirement of placing a lien on any real property owned by the recipient for any assistance given, except for good cause.
11. The fact that the applicant is legally required to repay the amount of assistance received if he or she becomes able to do so.
12. The availability of the Welfare Official to make home visits by mutually-agreed appointment to take applications and to conduct ongoing case management for applicants who cannot leave their homes;
13. The applicant's right to review the Guidelines.

C. Responsibility of Each Applicant/Recipient

Each applicant/recipient has the responsibility at the time of initial application and continuing thereafter to:

1. provide accurate, complete, current information concerning his/her needs and resources and the whereabouts and circumstances of potentially liable relatives.
2. apply for and utilize any benefits or resources that will reduce or eliminate the need for General Assistance within seven days of learning of any such resources.
3. keep all appointments as scheduled;

4. notify the Welfare Official within 72 hours of a change in needs, resources, address and change in members of the household;
5. diligently search for employment and provide verification of application for employment when requested, following a determination of eligibility for assistance;
6. accept and maintain employment when offered, following a determination of eligibility for assistance, except for documented reasons of good cause and to maintain such employment.
7. provide a doctor's statement if the applicant/recipient claims an inability to work due to medical problems;
8. To reimburse assistance granted if returned to an income status and if such reimbursement can be made without financial hardship.

An applicant shall be denied assistance, and a recipient may be terminated or suspended, if he/she fails to fulfill any of these responsibilities without a reasonable justification. Prior to denying assistance for failure to fulfill these responsibilities, the procedures set forth in Section XII (Fair Hearing Review Procedure) must be followed.

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

D. Action on Application

Unless an application is withdrawn, the Welfare Administrator shall make a decision concerning the applicant's eligibility immediately in an emergency or within five (5) working days after the completion of a written application and the applicant has submitted the application to the Welfare Office. A written notice of decision shall be given in hand, delivered, or mailed on the same day or next working day following the making of the decision. The notice of decision shall state that either assistance of a stated kind or amount has been granted and the time period of aid, or that the application has been denied, in whole or in part, with a statement indicating the reasons for denial. A decision may also be made to pend an application subject to receipt of specified information from the applicant. A first notice of conditions for continued assistance should be given as part of the Notice of Decision. This notification will also inform the applicant of his/her right to seek review if he/she is dissatisfied with the Welfare Official's decision. When a decision relative to reduction, suspension, or termination is made, the above procedures as to notification shall apply.

1. Emergency Aid

If, at the time of initial contact by the applicant, the applicant demonstrates and verifies that an immediate need exists, because of which the applicant may suffer irreparable harm if aid is withheld until a decision is made within the usual limit specified in these guidelines (e.g. food, heat, prescriptions), then temporary aid to fill such immediate needs may be given immediately, pending a decision on the

application. An irreparable harm exists whenever the failure to provide immediate or expedited financial assistance to meet that need would result in loss of a basic necessity of living or imminent threat to life or health, such as loss of shelter, utilities, heat, hot water, or lack of food, or prescriptions. Such emergency assistance shall not obligate the Welfare Official to provide further assistance after the application process is completed.

2. Temporary Approval

In circumstances where required records are not immediately available, the Welfare Official may give temporary approval to an application pending receipt of required documents. Temporary status shall not extend beyond two weeks. If the records are still unavailable after two weeks, through no fault of the applicant, the Welfare Official will make a final decision based on the available information. Any information received after the final decision which affects eligibility will be treated as a change in circumstances.

3. Withdrawal of Application

An application shall be considered withdrawn if:

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

E. Home Visits

A home visit may be made by appointment at the request of any applicant only when it is impossible for the applicant or their representative to apply in person. The home visit shall be conducted in such a manner as to preserve, to the greatest extent possible, the privacy and dignity of the applicant. To this end, the person conducting the visit shall not be in uniform or travel in a law enforcement vehicle, shall be polite and courteous, and shall not knowingly discuss or mention the application within the listening area of someone who is not a member of the household.

V. VERIFICATION OF INFORMATION

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

- A. Verification will normally be required of the following:

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

B. Verification Records

1. Verification may be made through records provided by the applicant (for example, birth and marriage certificates, pay stubs, paychecks, rent receipts, bank books, etc.) as primary sources. The failure of the applicant to bring such records does not affect the Welfare Official's responsibility to process the application promptly. The Welfare Official shall inform the applicant what records are necessary, and the applicant is required to produce records possessed as soon as possible. However, the Welfare Official shall not insist on documentary verification if such records are not available, but should ask the applicant to suggest alternative means of verification.
2. Verification may also be made through other sources, such as relatives, employers, former employers, banks, school personnel, and social or government agencies. The cashier of a national bank or treasurer of a savings and trust company is authorized by law to furnish information regarding amounts deposited to the credit of an applicant or recipient. RSA 165:4.
3. When information is sought from other such sources, the Welfare Official shall explain to the applicant or recipient what information is desired, how it will be used, and the necessity of obtaining it in order to establish eligibility. Before contact is made with any other source, the Welfare Official shall obtain written consent of the applicant or recipient, unless the Welfare Official has reasonable grounds to suspect fraud. In the case of suspected fraud, the Welfare Official shall carefully record his/her reasons and actions, and before any accusation or confrontation is made, the Welfare Official shall give the applicant the opportunity to explain or clarify the suspicious circumstances.
4. Should the applicant or recipient refuse comment and/or indicate an unwillingness to have the Welfare Official seek further information which is necessary, assistance will be denied for lack of eligibility verification.
5. The Welfare Official or designee may seek statements from legally liable relatives regarding their ability to help support the applicant. The

notarized statement of a third party shall not be required if the third party refuses to provide one.

VI. DISBURSEMENTS

The municipality pays in a voucher system only. RSA 165:1 (III). It deals directly with the vendor (e.g. agencies, landlords, stores, etc.) involved. Tobacco products, alcoholic beverages, and pet food cannot be purchased with the voucher.

The amount shown on the voucher is the amount to be used for payment. The municipality will not pay any amount in excess of the amount listed on the voucher. A recipient must sign the voucher to insure proper usage. The vendor returns the voucher with an itemized bill or register tape for payment to the Welfare Official. If there is any unspent money, the voucher shall be returned to the municipality for payment of the actual amount listed on an itemized bill or register tape. Vouchers altered by recipient or vendor may not be honored.

VII. DETERMINATION OF ELIGIBILITY AND AMOUNT

Any individual in Hanover is eligible to receive assistance if he/she lacks sufficient income and available liquid assets to adequately provide for the basic maintenance needs of the individual or the family as determined by the Guideline maintenance amounts.

A. Formula

A person is eligible to receive assistance when (1) he/she meets the non-financial eligibility factors listed in Section B below and (2) when the applicant's basic maintenance need, as determined under Section D below, exceeds his/her available income (Section E below) plus available liquid assets (Section C below). If available income and available liquid assets exceed the basic maintenance need (as determined by the Guideline amounts), the person is not eligible for general assistance. If the need exceeds the available income/assets, the amount of assistance shall be the difference between the two amounts, in the absence of circumstances justifying an exception.

The eligibility of any applicant for General Assistance shall be determined no later than five working days after the application is submitted. Assistance shall begin as soon as the person is determined to be eligible. If the applicant has an emergency need, then assistance for such emergency need shall be immediately provided in accordance with Section IVD (Action on Application).

B. Non-financial Eligibility Factors

1. Age

General Assistance will not be denied any person because of age. Minor children are assumed to be the responsibility of their parents or legal guardian(s) unless circumstances warrant otherwise.

2. Support Actions

No applicant or recipient shall be compelled, as a condition of eligibility or continued receipt of assistance, to take any legal action

against any other person. The municipality may pursue recovery against legally liable persons or government units.

3. Eligibility for Other Categorical Assistance

Applicants or recipients whom the Welfare Official believes may be eligible for any other form of public assistance must apply for such assistance within seven days after being advised to do so by the Welfare Official. Failure to do so will render the applicant or recipient ineligible for assistance until he/she makes such application. Unless another form of public assistance is received, a person otherwise eligible is entitled to receive General Assistance. No person receiving old age assistance or aid to the permanently and totally disabled, under RSA 167 or 161, shall at the same time be eligible for General Assistance, except for medical and surgical assistance. RSA 167:27.

4. Employment

Any person who is gainfully employed but whose income and assets are insufficient to meet necessary family expenses, may be eligible to receive General Assistance. Any applicant who refuses a job offer or referral to suitable employment without good cause or who voluntarily leaves a job without good cause shall be considered ineligible for continuing General Assistance if the procedures for suspension are followed. The determination for whether there was good cause for refusal shall take into account such factors as the ability and physical and mental capacity of the person to do work, transportation problems, working conditions that might involve risks to health or safety, lack of worker's compensation protection, lack of adequate child care, or any other factors that might make refusing or terminating a job reasonable. These employment requirements shall extend to all adult members of the household.

5. Registration with NH Department of Employment Security (DES) and Work Search

Registration with DES is not necessary for initial eligibility to receive General Assistance. However, all unemployed recipients and adult members of their households shall, within 7 days after having been granted assistance, register with DES and must conduct a reasonable, verified job search as determined by the Welfare Official.

Each applicant must apply for employment with each employer to whom he/she is referred by the Welfare Official. The Welfare Official may require a reasonable number of daily/weekly job applications. The above requirements do not apply to a recipient or other adult member of the household who is:

- a. Gainfully employed on a full-time basis;
- b. A dependent 18 or under who is regularly attending school;
- c. A person unable to work due to illness or to a mental or physical disability of him/herself or another member of the household, as verified by the Welfare Official;
- d. A person whose presence in the home is required because of illness or disability of another member of the household;
- e. A parent or other required caretaker of a child under the age of 5. RSA 165:31, III. A person responsible for the care of a child aged 5-12 shall not be excused from work search requirements, but shall be deemed

to have good cause to refuse a job requiring work during hours the child is not usually in school, if there is no responsible person available to provide care and it is verified by the Welfare Official that no other care is available.

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

The Welfare Official may contact DES to verify the fact that those required to do so have registered with DES or may ask to see DES identification cards. Merely because DES has determined that a person is not eligible for unemployment compensation does not mean that the recipient will no longer be eligible for General Assistance.

6. Students

College students will be treated in the same manner as other adults for purposes of determining eligibility for General Assistance. Enrollment in college classes will not excuse any adult from the requirements of subsection 5 above regarding work search, or from any other requirement in these Guidelines. College students not available for or refusing to seek full-time employment are not eligible for general assistance.

7. Non-Citizens

The welfare officer may, in his/her sole discretion, provide limited assistance to non-citizens not otherwise eligible for general assistance.

a. A non-citizen who is not:

- A qualified alien under 8 USCA 1641,
- A non-immigrant under the federal Immigration and Nationality Act, or
- An alien paroled into the United States for less than one year under 8 USCA 1182(d)(5)

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

b. Qualified aliens include aliens who are lawfully admitted for permanent residence under the Immigration and Nationality Act (8 USCA 1101 et seq.), aliens who are granted asylum under that act, certain refugees, and certain battered aliens. 8 USCA 1641.

c. A non-citizen who is not eligible for general assistance may be eligible for state assistance with health care items and services that are necessary for the treatment of an emergency medical condition, which is defined as a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

- Placing the patient's health in serious jeopardy;
- Serious impairment to bodily functions; or

- Serious dysfunction of any bodily organ or part. 8 USCA 1621(b) and 42 USCA 1396(v)(3).

d. A non-citizen may also be eligible for general assistance for treatment of an emergency medical condition, pursuant to Section VII(D)(8) of these guidelines.

e. Non-citizen applicants for general assistance may be required to provide proof of eligibility. 8 USCA 1625.

8. Property Transfers

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

9. Employment of Household Members

The employment requirements of these guidelines, shall be required for all adults aged 18 to 65 years residing in the same household, except those regularly attending secondary school or employed on a full-time basis, who are:

- a. Members of the recipient's household;
- b. Legally liable to contribute to the support of the recipient and/or children of the household; and
- c. Not prevented from maintaining employment and contributing to the support of the household by reason of physical or mental disability or other justifiable cause as verified by the Welfare Official.

Except for good cause, failure to do so will be grounds for denial of General Assistance to the applicant. However, the requirements of this section will not apply to deny needed support to any minor dependent child. The Welfare Official may waive this requirement where failure of the other household members to comply is not the fault of the applicant, and the Welfare Official decides it would be unreasonable for the applicant to establish a separate household.

10. Disqualification for Voluntary Termination of Employment

Any applicant eligible for assistance who voluntarily terminated employment shall be ineligible to receive assistance for 90 days from the date of employment termination, provided the applicant:

- a. Has received local welfare within the past 365 days; and
- b. Has been given notice that voluntary termination of employment without good cause could result in disqualification; and
- c. Has terminated employment of at least 20 hours per week without good cause within 60 days of an application for local welfare; and
- d. Is not responsible for supporting minor children in his/her household;
- e. Did not have a mental or physical impairment which caused him/her to be unable to work.

Good cause for terminating employment shall include any of the following: discrimination, unreasonable work demands or unsuitable employment, retirement, leaving a job in order to accept a bona-fide job offer, migrant farm labor or

seasonal construction, and lack of transportation or child care. An applicant shall be considered to have voluntarily terminated employment if the applicant fails to report for work without good cause. An applicant who is fired or resigns from a job at the request of the employer due to applicant's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily terminated employment. RSA 165:1-d.

C. Available Assets

1. Personal Property

Personal property consists of cash on hand, bank deposits, credit union accounts, securities, motor vehicles, boats, trailers, or other assets owned or possessed by the applicant that are convertible into cash. Insurance policies with a loan value, and non-essential personal property, may be considered as available liquid assets when they have been converted into cash. The Welfare Official shall allow reasonable time for such conversion. Tools of a trade, livestock, farm equipment and necessary and ordinary household goods are essential items of personal property and will not be considered as available assets.

2. Automobile Ownership

The ownership of one automobile of reasonable retail market value by an applicant or his dependent does not affect eligibility and will not be included in determining an applicant's personal property if it is essential for transportation, i.e. to seek or maintain employment, to procure medical services, rehabilitation services, or if it is essential for general use necessary to the maintenance of the individual or the family.

3. Insurance

There is no limitation on the ownership of insurance policies. However, in the case where there exists cash/loan value, the applicant will be required to obtain and/or borrow to the full extent available all funds which shall then be considered available liquid assets. Premium payments will not be considered justifiable expenses when determining eligibility.

4. Real Estate

The type and amount of real estate owned by the applicant does not affect eligibility, although rent or other income derived from property will be considered as available to meet needs. If the applicant owns real property other than that occupied as his/her primary residence, however, continued eligibility depends on making reasonable efforts to dispose of that property at fair market value in order to convert it into cash which can be applied toward meeting present needs. Applicants should be made aware that the Town shall file a lien covering the amount of any general assistance they receive against any real estate owned by a recipient of local welfare assistance. All applicants/recipients will be required to execute any and all documents to perfect the Town's lien interest as aforementioned.

D. Standard of Need

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

1. Shelter

The amount to be included as "need" for shelter is the actual cost of rent or mortgage necessary to provide shelter in the municipality. General Assistance payments will not be used to pay shelter security deposits except where essential to obtain adequate housing. Security deposits may be included in the 'need' formula if and only if the applicant is unable to secure alternative shelter for which no security deposit is required or is unable to secure funds, either him/herself or from alternative sources, for payment of the deposit. Any security deposit provided by the General Assistance Program which is returned under RSA 540 - A: 7 shall be returned to the Town, not the recipient.

Arrearages will not be included as a cost of shelter under this section, unless authorized by the Welfare Official or designee in the exercise of his or her sole discretion as likely to be a less costly alternative for the Town than the consequences of eviction or foreclosure. However, if the amount of such mortgage or rental arrearage substantially exceeds the cost of alternative, available housing which complies with local health and housing code standards, or if the payment of arrears will not prevent eviction or foreclosure, the Welfare Official may instead authorize payment of security deposit, rent, and/or reasonable relocation expenses for such alternative housing if, under the circumstances of the case, it is reasonable to do so and would not cause undue hardship to the applicant household. Alternative housing may include transitional housing as an option.

Whenever a legally liable relative of an applicant is also the landlord for the applicant, that landlord will be presumed able to assist his/her relatives pursuant to RSA 165:19 and must prove an inability to assist before any aid payment for shelter is made.

2. Utilities

When Utility costs are not included in the rental expense, the most recent outstanding monthly utility bill will be included as part of "need" by the Welfare Official. Arrearages will not normally be included except as set forth below.

a. Arrearages

Arrearages will not be included except when necessary to ensure the health and safety of the applicant household or to prevent termination of utility service where no other resources or referrals can be utilized. Arrearages for electric service need not be paid if the Welfare Official notifies the electric company that the municipality guarantees payment of current and future electric bills as long as the recipient remains eligible for General Assistance, in accordance with the Rules of the NH Public Utilities Commission relating to electric utilities.

b. Restoration of service

When utility service has been terminated and the Welfare Official has determined that alternative utility service is not available and alternative shelter is not feasible, arrearages will be included in "need" when restoration of service is necessary to ensure the health and safety of the applicant household. The Welfare Official may negotiate with the utility for payment of less than the full amount of the arrears and/or may attempt to arrange a repayment plan to obtain restoration of services.

c. Restoration of electric services

When electric service has been terminated and restoration is required, arrearages may either be included as set forth above, or may be paid in accordance with a reasonable payment plan entered into by the applicant and the electric company if the Welfare Official notifies the electric company that the municipality agrees to pay future bills for as long as the applicant household remains eligible for General Assistance. The Welfare Official may hold the recipient accountable for the payment arrangement for as long as the recipient continues to request general assistance on a regular basis. Payment of a payment plan may be a required element of a notice of decision or case plan.

d. Deposits.

Utility security deposits will be considered as "need" if and only if the applicant is unable to secure funds for the payment of the deposit and is unable to secure utility service without a deposit. Such deposits shall, however, be the property of the Town.

e. Guarantee in lieu of deposit

If a deposit is required for electric service, the municipality may provide to the utility a written guarantee of payment of current and future bills as long as the recipient remains eligible, provided that such guarantee shall end once all bills have been paid for 12 consecutive months.

3. Food.

The amount included as "need" for food purchases will be in accordance with the most recent standard food stamp allotment, as determined under the food stamp program administered by the New Hampshire Department of Health and Human Services.

All applicants are expected to participate in the food stamp program to the fullest extent possible under state and federal law.

4. Maintenance Allowance.

Maintenance costs include personal care and household supplies, laundry expenses, transportation, necessary pay station telephone charges, and necessary clothing, and shall be included as needs in the computation of eligibility. An allowance shall be provided in the form of either cash, check, or voucher to cover the expenses of personal care and household

supplies. In addition, laundry expenses, transportation, necessary pay station telephone charges and necessary clothing where these needs exist, shall be provided for. The Welfare Official may provide for payment of these needs by giving cash, a check, by means of voucher or an in-kind donation. An allowance shall be provided as needed, but shall not exceed \$10 per week for a single person household, and \$5.00 per week for additional persons in the household, unless extenuating circumstances are demonstrated.

5. Telephone

If the absence of a telephone would create an unreasonable risk to the recipient's health or safety, or for other good cause as determined by the Welfare Official the lowest available basic monthly rate will be budgeted as need. While payments will not be made for telephone bills, under exceptional circumstances where no other source of assistance is available payments may be made to maintain basic telephone service.

6. Transportation

If the Welfare Official determines that transportation is necessary (e.g. for health or medical reasons, to maintain employment, or to comply with conditions of assistance) "need" should include the costs of public transportation, where available. If and only if the transportation need cannot be reasonably provided by alternative means, such as public transportation or volunteer drivers, a reasonable amount for car payments and gasoline should be included as part of "need" when determining eligibility or amount of aid.

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

8. Medical, Dental and Eye Services

Generally the Welfare Administrator will not consider providing for medical, dental or eye services unless the recipient or applicant can verify and document that all other potential sources have been investigated and that there is no other source of assistance other than local welfare. When a person applies for medical service, prescriptions, dental service, or eye service, the local Welfare Administrator may require verification from a doctor, dentist or person licensed to practice optometry in the area indicating these services are absolutely necessary and cannot be postponed without running a significant risk that the applicant's or recipient's well-being will be placed in serious jeopardy. In the event advance payment is required for such documentation, the Welfare Officer may accept other forms of verification, may obtain oral verification from the provider, or the Town shall be responsible for payment of the fee.

9. Emergency and Other Expenses

In the event that the applicant has the following current expenses, their actual cost shall be included as emergency and other expenses to determine eligibility and amount of assistance:

- a. Where the recipient owns a home and is otherwise eligible for General Assistance, payments necessary to prevent foreclosure or protect the health and safety of the recipient may be included in "need";
- b. Except for those specifically required by statute, no legal expenses will be included;
- c. Emergencies not otherwise provided for in these Guidelines. If the Welfare Official determines that the applicant's needs have substantially changed, or that strict application of the Standard of Need criteria will result in unnecessary or undue hardship (e.g. needed services are inaccessible to the person), such official may make minor adjustments in the criteria or may make allowances using the emergency needs standards stated in Section IV (D) (Action on Application) of these Guidelines. Any such determination, and the reasons therefore, shall be stated in writing in the applicant's case record.
- d. If the applicant has an emergency clothing need which cannot be met in a timely fashion by other community resources, the expense of reasonably meeting that emergency clothing need will be included.

10. Shared expenses

If the applicant/recipient household shares shelter, utility, or other expenses with a non-applicant/recipient (i.e.: is part of a residential unit), then need will be determined on a pro rata share, based on the total number of persons in the residential unit (eg: 3 persons in residential unit, but only 1 applies for assistance--shelter need is 1/3 of shelter allowance for household of 3 persons).

11. Moving expenses

Moving expenses shall be included for the expense of returning a person to his residence at his/her request pursuant to RSA 165: 1-c, unless alternative arrangements are made by the Welfare Official at no cost to the Town.

E. Computation of Income

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

1. Income

Income includes income from all sources including money or in-kind payments made to or for the benefit of the applicant or any member of his/her household. Examples of income include, but are not limited to wages, salary, pensions, or income from trusts, commissions, gambling winnings, lottery winnings, profits from items sold or rental income. With respect to self-employment, total profit is arrived at by subtracting business expenses from gross income in accordance with standard accounting principles. When income consists of wages, the amount computed will be that available after income taxes and Social Security and other payroll deductions required by state, federal, and local law, court ordered support payments and child care costs, and work-related clothing costs have been deducted from income. Wages that are trusteed, or income

similarly unavailable to the applicant, or applicant's dependents, will not be considered.

2. Income or Support from Other Persons

Contributions from relatives or other household members will be considered as income only if actually available and received by the applicant or recipient or in the case of non-cash contributions, only after a reasonable dollar value has been established for these contributions. The income of non-household members of the applicant's residential unit shall not be counted as income. (Expenses shared with non-household members may affect the level of need, however, in the determination of need in cases of non-household residential units.)

3. Income from Other Assistance or Social Insurance Programs

State categorical assistance benefits, Social Security payments, SSI payments, VA payments, Unemployment Insurance benefits and payment from other government sources will be considered as income. Food Stamps cannot be counted as income pursuant to federal law. Fuel assistance also cannot be counted as income pursuant to federal law.

4. Court-Ordered Support Payments

Alimony and child support payments will be considered income only if actually received by the applicant or recipient.

5. Earnings of a Child

The earned income of a child under the age of 14 will normally not be considered in determining eligibility for assistance under these Guidelines.

6. Option to Treat a Qualified State Assistance Reduction as Deemed Income. The Welfare Official may deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82,VIII. The following criteria shall apply to any action to deem income under this section. RSA 165:1-e.

a. The authority to deem income under this section shall terminate when the Qualified State Assistance Reduction no longer is in effect.

b. Applicants for general assistance may be required to cooperate in obtaining information from the Department of Health and Human Services as to the existence and amount of any Qualified State Assistance Reduction. No applicant for general assistance may be considered to be subject to a Qualified State Assistance Reduction unless the existence and amount has been confirmed by the Department of Health and Human Services.

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

d. Whenever necessary to prevent an immediate threat to the health and safety of children in the household, the Welfare Official shall waive that portion, if any, of the Qualified State Assistance Reduction as necessary.

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

An applicant residing in a shelter for victims of domestic violence and their children who has income, and owns resources jointly with the abusive member of the applicant's household, shall be required to cooperate with the normal procedures for purposes of verification. Such resources and income may be excluded from eligibility determinations unless the applicant has safe access to joint resources at the time of application. The verification process may be completed through an authorized representative of the shelter of residence. The normal procedures taken in accordance with these guidelines to recover assistance granted shall not delay such assistance.

VIII. REDETERMINATION OF ELIGIBILITY

A person whose application has been denied or whose eligibility has been terminated has a right to reapply, and the continuing eligibility of a recipient is subject to change. Eligibility of each applicant or recipient will be reviewed and redetermined each time assistance is requested.

IX. NON-RESIDENTS

A. Eligibility

No person physically present in Hanover who is otherwise eligible for General Assistance under these Guidelines will be refused assistance on the basis of his or her legal residence.

B. Standards

The application procedure, eligibility standards and standards of need will be the same for non-residents as for residents.

C. Verification

Verification records shall not be considered unavailable, nor the applicant's responsibility for providing such records relaxed, solely because they are located in the applicant's community of residence.

D. Temporary or Emergency Aid

The standards for the fulfilling of immediate or emergency needs of non-residents, and for temporary assistance pending final decision, shall be the same as for residents as set forth in Section IV (D) (Action on Application).

E. Determination of Residence

No determination of residence shall be made unless the applicant requests return home transportation or unless the Welfare Official has some reason to believe the person is a resident of another NH municipality from which recovery can be made under RSA 165:20.

1. Minors

The residence of a minor shall be presumed to be the residence of his/her custodial parent or guardian.

2. Adults

For competent adults, residence or residency shall mean the person's place of abode or domicile. The place of abode or domicile is that designated by the 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 intent to return to such residence or residency as the principal place of physical presence. The following criteria shall aid the Welfare Officer in determining the applicant's residence:

- a. Does the person have, or immediately intend to establish, a dwelling place within the municipality?
- b. Does the person have property and an established dwelling place or employment in any other municipality to which he/she intends to return?
- c. Does the person have a present intent to leave the municipality at some specific future time?
- d. Has the person evidenced his domiciliary intent in some manner, such as registering a vehicle, paying residence tax, registering to vote, opening local bank accounts, etc., or does he/she intend to do so in the immediate future?

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

F. Transportation to Community of Residence

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

G. Recovery

Any aid give to a non-resident, including the cost of transportation, may be recovered from his/her community of residence using the procedures of Section XIV (Procedure for Billing and Recovering from Governmental Unit of Residence or Relative).

X. BURIALS AND CREMATIONS

The Welfare Official shall provide for proper burial or cremation, at municipal expense, of persons found in the community at the time of death, regardless of whether the deceased person ever applied for or received general assistance from any community. The expenses may be recovered from the deceased person's municipality of residence or from a liable relative. If relatives, other private persons, the State, or other sources will not cover the entire

burial/cremation expenses, the Town should pay up to \$875 for cremation and up to \$2,000 for burial. (RSA 165:3; also RSA 165:27 and 165:27-a) However, the Town is not responsible for any burial/cremation costs which were not preauthorized by the Town.

XI. RIGHT TO NOTICE OF ADVERSE ACTION

A. Right to a Written Decision

1. All persons have a constitutional right to be free of unfair, arbitrary or unreasonable action taken by government. This includes applicants for and recipients of general assistance whose aid has been denied, terminated or reduced. Every applicant and recipient will be given a written notice of every decision regarding assistance within the time frames set forth in Section IV D (Action on Application). The Welfare Official will make every effort to insure that the applicant understands the decision.

2. Whenever a decision is made to deny assistance or to refuse to grant the full amount of assistance requested, a notice of decision shall be given or mailed to the applicant either the same day or next work day following the making of the decision or within 5 working days from the time the application is filled out and submitted, whichever occurs first.

3. In any case where the Welfare Official decides to terminate or reduce assistance for reasons other than noncompliance with the Guidelines, the official shall send notice at least seven days in advance of the effective date of termination or reduction to the recipient stating the intended action. The notice shall comply with paragraph B below.

B. Contents of Notice

Where the application is granted, the notice shall state the type of assistance and the time period of the aid. Where the application is denied or the official proposes to terminate or reduce assistance, the notice shall contain:

1. A clear statement of the reasons for the denial or a proposed termination or reduction. If the denial, termination or reduction is due to the person's failure to comply with these Guidelines, the procedures set forth in Section XI (C) (Suspension for Noncompliance with the Guidelines) must be followed.

2. A statement advising the individual of his/her right to a fair hearing, and that any request for a fair hearing must be made in writing within five days.

3. A form on which the individual may request a fair hearing.

4. A statement advising the individual of the time limits which must be met in order to receive a fair hearing.

5. A statement that assistance may continue, if there was initial eligibility, until the date of hearing if requested by applicant, and that aid must be repaid if the applicant fails to prevail at the hearing.

C. Suspension for Noncompliance with the Guidelines

Recipients must comply with these Guidelines and the reasonable requests of Welfare Officials. Welfare Officials must enforce the guidelines while ensuring that all recipients and applicants receive due process. Recipients should be given reasonable notice of the conditions and requirements of eligibility and continuing eligibility and notice that noncompliance may result in termination or suspension.

Any applicant otherwise eligible for assistance shall be considered ineligible under 165: 1-b if he or she willfully and without good cause fails to comply with any of the requirements of these Guidelines relating to the obligation to:

- a. disclose and provide verification of income, resources or other material financial data, as set out in Sections V (Verification of Information) and VII (Determination of Eligibility and Amount) of these Guidelines including any changes in this information;
- b. comply with the work search requirements imposed by the Welfare Official;
- c. apply for other public assistance, as requested by the Welfare Official.

Prior to declaring an applicant ineligible for failure to comply, the following procedure must be followed:

1. First Notice

No recipient otherwise eligible shall be suspended for noncompliance with conditions unless he/she has been given a written notice of the actions required in order to remain eligible and a 7-day period within which to comply. The first notice should be given at the time of the notice of decision and thereafter as conditions change. Additional notice of actions required should also be given as eligibility is redetermined, but without an additional 7 day period unless new actions are required.

2. Noncompliance

If a recipient willfully and without good cause fails to come into compliance during the 7 day period, or willfully falls into noncompliance within 30 days from receipt of a first notice, the Welfare Official shall give the recipient a suspension notice. If a recipient falls into noncompliance for the first time more than 30 days after receipt of a first notice, the Welfare Official must give the recipient a new first notice with a new 7-day period to comply before giving the recipient the suspension notice.

3. Suspension notice

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

- a. a list of the guidelines with which the recipient is not in compliance and description of those actions necessary for compliance;
- b. the period of suspension;
- c. notice of the right to a fair hearing on the issue of willful noncompliance and that such request must be made in writing within 5 days of receipt of the suspension notice;
- d. a statement that assistance may continue in accordance with the prior eligibility determination until the fair hearing decision is made

recipient so requests on the fair hearing request form; however, if the recipient fails to prevail at the hearing,

- 1) the suspension will start after the decision, and
 - 2) such aid must be repaid by the recipient;
- e. a form on which the individual may request a fair hearing and the continuance of assistance pending the outcome.

4. Suspension Period

The suspension period for failure to comply with these guidelines shall last:

- a. either 7 days, or 14 days if the recipient has had a prior suspension which ended within the past 6 months, and
- b. until the recipient complies with the Guidelines if the recipient, upon the expiration of the 7 or 14-day suspension period, continues to fail to carry out the specific actions set forth in the notice.
- c. Notwithstanding paragraph b above, a recipient who has been suspended for noncompliance for at least 6 months may file a new application for assistance without coming back into compliance.

5. Fair hearing on continuing noncompliance

A recipient who has been suspended until he/she complies with the Guidelines may request a fair hearing to resolve a dispute over whether or not he/she has satisfactorily complied with the required Guidelines, however no assistance shall be available under paragraph C 3 (d) above.

6. Compliance after suspension

A recipient who has been subject to a suspension and who has come back into compliance shall have his/her assistance resumed, provided he/she is still otherwise eligible. The notice of decision stating that assistance has been resumed should again set forth the actions required to remain eligible for assistance, but need not provide a 7-day period for compliance unless new conditions have been imposed.

XII. FAIR HEARING REVIEW PROCEDURE

A. Right to Review

Any applicant or recipient who is aggrieved by any decision relative to his or her claim for assistance has the right to fair hearing review upon request. A request for a fair hearing is a written expression, by the applicant or recipient, or any person acting for him/her, that he or she wants the opportunity to present his or her case to a higher authority. A fair hearing may be requested to review any procedural aspect of welfare administration, including the amount of assistance or a change in the amount of assistance rendered, factors in determining eligibility, suspension or discontinuance of assistance in whole or in part, conditions of assistance (including work requirements), undue delay in making a decision or any other aspect of welfare administration which the applicant or recipient feels has been or may be detrimental to their particular situation.

B. Time limits for Requests

When an application is denied, or when an applicant desires to challenge a decision made by the Welfare Official relative to the receipt of assistance, the applicant must present a request for a fair hearing to the Welfare Official within five working days from the date when written notification of denial was received.

C. Contents of Requests for Review

On a printed form supplied by the Welfare Administrator or on a plain sheet of paper, the claimant must give the following information:

1. the decision on which review is sought;
2. The reason or reasons for the claimant's dissatisfaction and the circumstances he or she believes entitles him or her to a different decision;
3. The relief he or she seeks.

The Administrator will assist the claimant in completing the request if necessary. The Administrator cannot deny or dismiss a request for a fair hearing unless it has been withdrawn by the claimant.

D. Time Limits for Hearings

Hearings requested by claimants must be held within seven days of receipt of the request. The Welfare Official shall give notice to the claimant setting forth the time and location of the hearing. This notice must be given to the individual at least 48 hours in advance of the hearing, or mailed to the individual at least 72 hours in advance of the hearing.

E. The Fair Hearing Authority

The Fair Hearing Authority shall review any decision of the local Welfare Administrator upon request by any claimant. The Fair Hearing Authority shall consist of three individuals appointed by the Town Manager. In determining appointments to the Fair Hearing Authority, the following criteria will be applied:

1. Persons serving on the Fair Hearing Authority must not have participated in the decision causing dissatisfaction;
2. Persons shall be impartial and objective;
3. Persons shall be sufficiently skilled in interviewing to be able to obtain evidence and the facts necessary for a fair determination;
4. Persons shall be capable of evaluating all evidence fairly and realistically, to explain to the claimant the laws and regulations under which the Welfare Official operates, and to interpret to the Welfare Official any evidence of unsound, unclear, or inequitable policies, practices, or actions.

F. Fair Hearing Procedure

The following procedure will govern all Fair Hearings:

1. Fair hearings will be conducted privately and open only to the claimant, witnesses, legal counsel, or others whom he/she wishes to be present and the Welfare Official and/or his or her agents.

2. The fair hearing will be opened with a presentation of the issues to be discussed by the Fair Hearing Authority.
3. The fair hearing will be conducted informally, without technical rules of evidence.
4. The burden of proof shall be on the claimant who shall be required to establish his/her case by a preponderance of the evidence;
5. The claimant or his/her representative and the Welfare Official or his/her representative has the right to examine, prior to a fair hearing, all records, documents, from the claimant's case file which either party may wish to introduce at the fair hearing, as well as any available documents not contained in the case file but relevant to the Welfare Official's action of which the claimant complains. No record, paper or document, which the claimant has requested to review but has not been allowed to examine prior to the hearing, shall be introduced at the hearing or become part of the record.
6. The Welfare Official (or a duly authorized representative) shall have the right to examine at the fair hearing all documents on which the claimant plans to rely at the fair hearing and may request a 24-hour continuance if such documents contain evidence not previously provided or disclosed by the claimant. Should the applicant have new documentation relevant to the disputed decision, he/she may reapply for assistance and file a written withdrawal of the fair hearing request.
7. Both parties shall be given the opportunity to offer evidence and explain their positions as fully and completely as they wish. The claimant shall have the opportunity to present his or her case for him or herself and/or, at his or her option, with the aid of others. Both parties will have the opportunity to present oral or written testimony, to establish all pertinent facts, to offer rebuttal, to bring witnesses, to advance any arguments without undue interference, and to question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses;
8. The Decision of the Fair Hearing Authority will be based exclusively on evidence or testimony presented at the hearing, both oral and written. Evidence, both written and oral, which is admitted at the hearing shall be the sole contents of the record. The Authority shall not review the case record or other materials prior to introduction at the hearing.
9. The parties may stipulate to any facts.
10. All fair hearings may be tape-recorded and retained for six (6) months.

G. Decisions

1. Fair Hearing decisions shall be rendered within 7 working days of the hearing. Decisions shall be in writing setting forth the reasons for

decision and the facts on which the Fair Hearing Authority relied in reaching its decision. A copy of the decision shall be mailed or delivered to the claimant and to the Welfare Official.

2. Fair Hearing decisions will be rendered on the basis of the authority's findings of fact, these regulations, and state and federal law. The fair hearing decision shall set forth appropriate relief where applicable.

3. The decision shall be dated. In the case of a hearing to review the denial of aid, the decision is retroactive to the date of the action being appealed. If the claimant fails to prevail at the hearing, the assistance given pending the hearing shall be a debt owed by the individual to the municipality.

4. A copy of the decision of the Fair Hearing Authority shall be filed in the claimant's case record.

5. The procedures specified herein will not limit any right of the applicant or recipient to subsequent court action to review or challenge the adverse decision.

XIII. LIENS AND RECOVERY FROM RECIPIENTS AND/OR ESTATES

A. Real Estate

The law requires the Town to place a lien for welfare aid received on any real estate of an assisted person in all cases except for just cause. (RSA 165:28). Selectmen shall file the notice of lien with the county registry of deeds complete with the owner's name and description of the property sufficient to identify it. Interest at the rate of 6% per year shall be charged on the amount of money constituting the lien commencing one year after the date the lien is filed, unless waived by the municipality. The lien remains in effect during the lifetime of a person until it is released by the Town or until the amount of the lien is repaid to the municipality. The lien shall not be enforced so long as the real estate is occupied as the sole residence of the assisted person, his/her surviving spouse, or his/her surviving children who are under 18 or blind or permanently and totally disabled. At such time as the lien may become enforceable, the Welfare Officer shall attempt to contact the attorney handling the real estate or estate before enforcing the lien. Upon repayment of a lien, the municipality must file written notice of discontinuance of the lien with the county registry of deeds.

B. Inheritance or Civil Judgments

A lien may also be placed by the Town on property passing to a recipient under the terms of a will; by intestate succession, a property settlement, or a civil judgment for personal injuries (except workers compensation), provided that assistance was granted within 6 years before receipt of such property or funds. (RSA 165:28-a) When the Welfare Officer becomes aware of such a claim against a civil judgment, he/she shall contact the attorney representing the recipient.

This lien shall take precedence over all other claims.

C. Recovery from Recipients and/or Estates

The Town may recover the amount of assistance provided from a recipient after he or she is returned to an income status if he or she is able to reimburse the town without financial hardship. (RSA 165:26) The Town of Hanover may also recover from the estates of persons assisted. (RSA 165:27)

XIV. PROCEDURE FOR BILLING AND RECOVERING FROM GOVERNMENTAL UNIT OF RESIDENCE OR RELATIVE

The father, mother, stepfather, stepmother, husband, wife or adult child of an assisted person is legally required to contribute to such person's support to the extent that the relative's income is more than sufficient to provide a reasonable subsistence compatible with decency and health. The amount of money spent by a municipality to support a person who has a residence in another municipality or who has a relative as set forth above, of sufficient ability to also support the assisted person, may be recovered from the municipality of residence or the liable relative. Sufficient ability shall be deemed to exist when the relative's weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health. Written notice of money spent in support of an assisted person will be given to the liable relative as soon as the identity of any such person becomes known to the Welfare Official. The Welfare Official shall make reasonable efforts to notify potentially liable relatives prior to the giving of aid, but aid to which an applicant is entitled under these Guidelines will not be delayed due to inability to contact possibly liable relatives. Any legal action to recover sums spent for support must be filed within six years after the expenditure. (RSA 165:19, 20, and 25.) In any civil action for recovery brought under RSA 165:20, the court shall award costs to the prevailing party. There will be no delay, refusal to assist, reduction, or termination of assistance while the Welfare Official is pursuing the statutory remedies to secure reimbursement from responsible relatives or from the municipality of residence.

The amount of money spent by a municipality to support a person who has made initial application for SSI and has signed HHS Form 151 "Authorization for Reimbursement of Interim Assistance," shall be recovered through the SSA and Department of Health and Human Services. Prescription expenses paid by the municipality for applicants who have applied for Medicaid shall be recovered the NH Department of Health and Human Services if and when the applicant is approved for medical coverage.

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

XV. APPLICATION OF RENTS PAID BY THE MUNICIPALITY

A. Whenever the owner of property rented to a person receiving general assistance from the municipality is in arrears in sewer, water, electricity, or tax payments to the municipality, the municipality may apply the assistance which the property owner would have received in payment of rent on behalf of such assisted person to the property owner's

delinquent balances, regardless of whether such delinquent balances are in respect of property occupied by the assisted person. (RSA 165: 4-a)

B. A payment shall be considered in arrears if more than 30 days have elapsed since the mailing of the bill, or in the case of real estate taxes, if interest has begun to accrue pursuant to RSA 76:13. (RSA 165:4-a)

C. Delinquent balances will be offset in order of the following priority: sewer, water, taxes.

D. Procedure

1. The Welfare Officer will issue a voucher on behalf of the tenant to the landlord for the allowed amount of rent. The voucher will indicate any amount to be applied to a delinquent balance owed by the landlord, specifying which delinquency and referring to the authority of RSA 165:4-a.

2. The Welfare Officer will issue a duplicate voucher to the appropriate department (ie: tax collector, sewer department, water precinct,), which shall forward the voucher to the finance director for payment. Upon receipt of payment, the department will issue a receipt of payment to the delinquent landlord.

XVI. SEPARABILITY CLAUSE

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