

TOWN OF MARLBOROUGH  
DEPARTMENT OF WELFARE  
GENERAL ASSISTANCE GUIDELINES  
As of October 15, 2018

**I. Definitions**

- a. Applicant: 1) A person who expresses a desire to receive general assistance from the Town of Marlborough (herein after Town) or to have eligibility reviewed and whose application has not been terminated. This desire may be expressed either directly or through a person having knowledge of his/her circumstances. 2) Person receiving general assistance.
- b. Application / Re-Application: Action by which a person requests from a Welfare Officer (herein after WO) or the action by which a person's representative indicates to the WO an applicant is found to be without sufficient assets or resources and is unable to support himself-herself or to supply immediate needs. The completion of a written application form with assistance from the WO triggers applicant's right to a notice under Section XI of guidelines.
- c. Application: Written confirmation that a person has made an application. Application must be made on *Application for General Assistance* and a new application made each month assistance is requested.
- d. Liquid Assets: Cash, checking / savings accounts, savings deposits, stocks, bonds, insurances, and securities.
- e. Available Liquid Assets: Amount of liquid assets after exclusions listed in Section IX. Includes cash on hand, bank deposits, credit union accounts, retirement accounts, savings accounts, and securities. Insurance with a loan value and non-essential personal property is considered as available liquid assets when they have been converted into cash.
- f. Assets: All real property, cash, personal property, expectancies and future interests owned by the applicant.
- g. Case Record: Official file of forms, correspondence, and narrative records pertaining to the application with determination of initial or continuing eligibility, reasons for decisions, and kinds of assistance given.
- h. Claimant: Person who has requested either in person or by representative a fair hearing.
- i. Eligibility: Determination by WO of a person's economic status and ability to support him/herself and therefore need for general assistance under formula contained in these guidelines under Section IX.
- j. Fair Hearing: A hearing which the applicant may request to contest a decision by the WO.
- k. Minor: A person under eighteen (18) years old.
- l. Real Estate: Land and structures and fixtures attached to it.
- m. Recipient: Person receiving general assistance.
- n. Residence: Person's place of abode or domicile designated as a person's principal place of physical presence for the indefinite future to the exclusion of others, not interrupted by an absence if there is intent to return to it.
- o. Voucher System: System in which the Town provides general assistance to applicants. Vouchers are issued directly to vendors and creditors. No applicant will receive payments or cash.
- p. Welfare Officer (WO): Person designated by the Town who performs the function of administering general assistance, with the power to make all decisions regarding general assistance, subject to the overall fiscal responsibility vested in selectmen and town manager.

**II Severability**

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

**III Confidentiality of Information**

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

#### **IV Maintenance of Records**

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

#### **V Roles of Local Governing Body and Welfare Officer**

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

#### **VI Application Process**

- a. Right to Apply
  - 1) An applicant may apply for general assistance once per month by making an appointment to see the WO and by completing an application. If more than one adult resides in a household, each shall be required to appear at the appointment unless one is working or is otherwise reasonably unavailable. Unrelated adults may be required to apply separately. Each adult signs an authorization of release of information form.
  - 2) At the time of application the WO will inform the applicant of:
    - Must submit a written application. If help is needed reading or filling out the application, WO will provide it.
    - Eligibility requirements / general guidelines, amounts allotted, and formula to determine eligibility
    - Applicant's right to a fair hearing, and the manner in which a review may be obtained
    - Applicant's responsibility to report facts necessary to determine eligibility
    - Joint responsibility to WO and applicant for exploring facts concerning needs and resources
    - Documentation needed to verify reported information
    - WO will verify facts presented which may take place prior to/during/or subsequent to receipt of assistance.
    - Applicant's responsibility to notify WO of any change in circumstances which may effect eligibility
    - All other programs of assistance or service in place to assist applicant
    - Requirement of placing a lien on any real property owned by recipient for all assistance received
    - Reimbursement of assistance received will be sought when applicant returns to income producing status
    - Applicant's right to review general assistance guidelines
- b. The WO is not required to accept an application for assistance from an applicant subject to a subpoena, provided an applicant who contests a determination may request a fair hearing, and provided an applicant suspended for at least 6 months due to noncompliance may file a new application.
- c. Responsibility of Applicant
  - Provide current information about needs/resources and location of relatives who could help under RSA 165:19
  - Notify WO within 72 hours when there is a change in needs, resources, address, or household size
  - Apply to all WO referrals within 7 (seven) days
  - Keep each appointment as scheduled. Broken appointments will result in 14-day suspension of application
  - Provide any needed documentation / records when requested
  - If unemployed: apply to NHWorks.org / work search log / accept & maintain part/full-time employment
  - Provide doctor statement if stating unable to work due to disability or medical condition / day to return
  - Participate in welfare to work program if physically and mentally able to do so
  - If seeking security deposit, apply to Southwestern Community Services (CAP agency)
  - If seeking first month's rent: save or seek from other sources – 1/2 of first month's rent
  - Reimburse Town for assistance received if returned to income producing status. If recipient receives rental assistance (Sec8), repayment will be 30% of difference between rent payment and rental payment reduction



- d. Denials - An applicant shall be denied assistance or his/her assistance suspended if she/he fails to fulfill any responsibilities or required conditions without reasonable justification.
- e. An applicant may be denied, terminated, or suspended from general assistance who intentionally presents false statements or misrepresentation or by impersonation or other willfully fraudulent act or device, obtains or attempts to obtain assistance to which they are not entitled. Denial, termination, or suspension shall remain in effect for fourteen (14) days before he/she may reapply for general assistance at which time statements will be re-validated.
- f. Actions on Applications
  - WO will make a decision concerning applicant's eligibility within five (5) days after completion of application. A Notice of Decision shall be mailed within three (7) days.
  - If an applicant demonstrates an immediate need exists, then temporary aid to fulfill such immediate needs shall be given immediately pending a final decision. Emergency assistance will not obligate the WO to provide further assistance after the application is completed if applicant is found to be ineligible.
  - WO may give temporary approval to an application pending receipt of required documents not to exceed two (2) weeks. WO shall not insist on documentation for verification purposes if such records are totally unavailable.
  - An application shall be considered withdrawn if the applicant: has failed to complete the application or provide sufficient information to make a decision, dies before assistance is rendered, avails him/herself of other resources to meet the need, requests application be withdrawn, does not contact the WO after the initial interview.
- g. Home Visits
  - By appointment at applicants' request when he/she cannot attend an in-person appointment which will preserve the privacy and dignity of the applicant. The WO shall not be in uniform or in a law enforcement vehicle, shall not discuss the application within listening area of someone not a member of the household.
  - During the home visit, the WO may discuss noticeable, applicable housing code violations with the applicant and insure all violations are reported to proper authorities. WO will follow-up on all reported violations and may insure any reprisal actions taken by landlords are reported to the proper authorities.
  - Refusal to grant home visits without reasonable justification shall be grounds for termination, suspension, or denial of an application for a period of fourteen (14) days.
- h. Suspected Alcohol or Drug Intoxication
  - An applicant suspected to be under the influence of alcohol or illegal substances during an appointment will be asked to leave the premise and reschedule the appointment.
  - An applicant who voluntarily discloses concerns regarding his/her alcohol or drug use which interferes with his/her ability to manage their finances or otherwise support him/herself, may be asked to submit to random drug testing and/or mandated to seek treatment within fourteen (14) days of disclosure. Future eligibility for general assistance is contingent on meeting this requirement.

## **VII Verification of Information**

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



- d. Should applicant refuse comment or indicate unwillingness to give WO permission to seek information, assistance shall be denied for lack of verification. The WO may use home visits /statements from liable relatives for verification.

## **VIII Disbursements**

- a. The Town pays by a voucher system paid directly to vendors. No cash payments are ever disbursed to an applicant. No expenses an applicant has already paid for are reimbursed. Tobacco products, alcoholic beverages, hair products and pet food cannot be purchased. Vendors return receipts to the Town with actual amounts. The amount shown on voucher is maximum amount to be used. Applicant must sign voucher. Altered vouchers will not be honored.
- b. If an applicant redeems a food or retail store voucher for any purchase other than what is stated on the voucher, he/she will be suspended from seeking general assistance for 30 (thirty) days at which time they may reapply.
- c. When the Town grants assistance to an applicant to pay for rent, a notice will be sent to the Town Inspector to do an inspection of the property to insure all operations are up to code. Any issues the Town Inspector finds shall be addressed by the landlord and corrected within 90 days. If a landlord fails to complete requirements of the Town Inspector, the Town will suspend payment of rent to the landlord until he/she comes into compliance by rectifying issues and the applicant receiving general assistance shall be considered to have paid rent.
- d. The Town does not pay for: dentures, glasses, hearing aids, car payments, tuition, lessons, drivers education, dental braces, cable, credit cards, gym memberships, moving costs except in emergencies, rent-to-own costs, storage unit costs, trash pick-up unless elderly or disabled, pet food or grooming, insurance on owned car, legal fees or fines, car registrations, veterinarian bills, payday or personal loans, online rentals, internet packages, or travel or vacation costs.

## **IX Determination of Eligibility and Amount**

- a. Formula: An applicant is eligible to receive assistance when 1) he she/ meets non-financial eligibility factors, and 2) basic maintenance need, as determined, exceeds available income plus available liquid assets. If available income and liquid assets exceed the basic maintenance need, the applicant is not eligible for general assistance. If the need exceeds the available income and liquid assets, the amount of assistance shall be the difference between the two amounts, in the absence of circumstances deemed by WO to justify an exception.
- b. Legal Standard and Interpretation: Whenever a person in any town is poor and unable to support him/herself, he/she shall be relieved by the Overseers of Public Welfare of such town, whether he/she has residence there. RSA 165:1
- A person cannot be denied assistance because he or she is not a resident.
  - 'Whenever' means at any or whatever time a person is poor and unable to support him or herself.
  - WO shall be available during normal working hours.
  - Eligibility shall be determined no later than five (5) business days after submission of application.
  - Emergency need shall be provided no later than 24 hours after report by applicant.
  - 'Poor and unable to support' - an applicant lacks income / liquid assets to adequately provide for basic needs of him/herself and family as determined by maintenance amounts.
  - 'Relieved' shall mean a person shall be assisted to meet basic needs.
- c. Non-financial Eligibility Factors
- Assistance shall not be denied an applicant due to age.
  - No applicant shall be compelled as a condition of eligibility to take any legal action against any other person. Town of Jaffrey may pursue recovery against legally liable persons or governmental units.
  - Eligibility for Categorical Assistance: Applicant who may be eligible for other public assistance must apply for such assistance within seven (7) days of referral. Failure to do so will render applicant ineligible for assistance until applicants are in full compliance. Only in extraordinary circumstances will an applicant receiving another form of assistance also be considered for general assistance.
  - A person receiving Old Age Assistance (OAA) or Aid to the Permanently and Totally Disabled (APTD) is eligible for assistance. The amount eligible for will be reduced by the APTD/OAA benefit amount.
  - An applicant who is gainfully employed but whose income/ are not sufficient to meet basic needs, may be eligible for general assistance. Applicants who refuse employment offers without good cause or participation in the workfare program or who voluntarily leave employment without good cause, shall be ineligible for general assistance for fourteen (14) days. The WO shall determine good cause taking into account the physical and mental ability of applicant, transportation issues, working conditions risking health, and lack of adequate



child care. In the absence of good cause, the applicant will be ineligible for assistance for fourteen (14) days and must reapply for assistance. Requirements apply to all adults age 18 and over residing in household. An applicant who reduces work hours intentionally to become eligible for additional assistance through local, state, or federal programs is considered ineligible for assistance and will have 21 days to increase hours to maximum allowed by employer and must provide proof before he/she can re-apply for assistance.

- All unemployed or underemployed applicants in a household age 18 and older will within seven days (7) register with Department of Employment, NH Employment Program and are required to conduct a job search applying to 3-5 jobs per business day and submit a written log of such. The job search log may include online applications; two applications per business day must be in-person. Applicants applying electronically may submit the log to the Town electronically to include listing and email responding to each listing. Applicants will apply to all job referrals of WO or other agencies. Failure to conduct complete job searches is grounds for suspension of assistance for fourteen (14) days or until a completed job search log is submitted.
- Requirements for employment apply to all applicants unless applicant is gainfully employed, a dependent under 18 years old attending school, unable to work due to illness or mental or physical ability, or responsible to care for a child under the age of five (5) years of age. If an applicant claims they cannot work or look for work, a doctors note is required stating such and date available to return to work.
- A person responsible for the care of a child aged five (5) to twelve (12), shall not be excused from work search requirements and be deemed to have good cause to refuse only jobs requiring work during the hours the child is not in school and only if there is no childcare available which will be verified by the WO.
- WO will give reasonable assistance to ensure compliance with registration and work requirements including granting allowances for transportation and uniforms. WO may contact DES to verify registration with them. Because DES determined a person not eligible for unemployment compensation does not imply applicant is not eligible for general assistance. Failure of applicant to comply with requirements without good cause will be reason for denial or suspension of assistance for fourteen (14) days.
- Employment requirements are required for all adults in applicant's household aged 18-65, except those regularly attending secondary school or employed on a full-time basis who are:
  - 1) Members of the applicants household
  - 2) Legally liable to contribute to the support of the applicant and/or children in household
  - 3) Not prevented from maintaining employment and contributing to support of household by reason of physical or mental disability or other justifiable cause as verified by WO
- Applicants who attend college not available for or refusing to seek full-time employment are not eligible for general assistance.
- Any applicant eligible for assistance who voluntarily terminated employment shall be ineligible to receive assistance for 90 days from date of employment termination provided the applicant:
  - 1) has received general assistance within the past 365 days and
  - 2) has been given notice voluntary termination of employment without good cause will result in ineligibility
  - 3) has terminated employment of at least 20 hours/week without good cause within 60 days of applying
  - 4) is not responsible for supporting minor children
  - 5) 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, unsuitable employment, retirement, leaving a job in order to accept a better job offer, migrant farm labor or seasonal construction, lack of transportation or childcare. Applicant will be considered to have voluntarily terminated employment if applicant fails to report to work without good cause. An applicant who is fired or resigns from a job at the request of the employer due to applicant's inability to maintain employer's normal work productivity standard shall not be considered to have voluntarily terminated employment.
- WO may provide limited assistance to non-citizens not otherwise eligible for assistance at WO discretion.
- No applicant otherwise eligible shall receive assistance if he/she has made assignment, transfer, or conveyance of property for the purpose of rendering him/herself eligible for assistance within three (3) years immediately preceding his/her application.



- d. Available Assets: shall be cash on hand, bank deposits, credit union accounts, retirement accounts and securities. Insurance policies with a loan value and non-essential personal property will be considered available liquid assets when they have been converted to cash. WO shall allow a for a 2-week conversion time. Tools of trade, livestock, farm equipment, and necessary household goods personal property are not considered available assets.
- e. Ownership of one automobile does not affect eligibility if it is essential to seek or maintain employment or to procure medical or rehabilitation services. \$250.00 is maximum for a reasonable car payment for purposes of determining eligibility. Car insurance is considered an expense up to maximum of \$100/m only if there is a loan on the vehicle requiring coverage. Applicants shall compare automobile insurance policies to secure the least expensive as a condition of consideration for eligibility. If an applicant has an SR-22 the actual insurance amount is included.
- f. Ownership of a life insurance or other insurance policy with a cash or loan value requires the applicant to obtain and/or borrow all available funds which will then be considered available liquid assets. Life insurance policies will be cancelled until such time the applicant is financially able to reapply for insurance.
- g. Type and amount of real estate owned by an applicant does not affect eligibility. Rent or other income from a property will be considered as available income. Applicants owning real property other than primary residence are expected to dispose of it at fair market value. A lien covering the amount of general assistance is placed on real estate owned. Upon returning to an income producing status or sale of the real estate, the applicant will repay the lien.

#### **X Standard of Need**

- a. **Shelter:** Amounts used for shelter costs are according to allotted amounts. Arrearages are not included in need and an application to the local CAP agency is required of applicants before general assistance will be granted. General assistance will be granted after denial from other assistance programs is documented, to prevent eviction or foreclosure. If a relative is his/her landlord, landlord is expected to assist before payments for shelter are made.
- b. **Homeless Shelters / Transitional Shelters / Transitional Housing: The Town will pay:**
  - A maximum of \$ 500.00 per month for an individual for up to a maximum of eight (8) months
  - A maximum of \$ 700.00 per month for a family of two (2) members or more for a maximum of eight (8) months
  - Organizations invoicing the Town for housing sponsorship are required to submit monthly reports and weekly email updates to WO on each client being sponsored for the duration of program enrollment to include housing, financial, employment, childcare, transportation, legal, child support/custody, and other requests of WO.
  - Reports: refer to clients by first name and last name initial. No other identifying information is to be included.
  - Continued sponsorship is contingent on WO receiving timely reports.
  - Shelters or transitional housing agency charging resident fees to client will have Town sponsorship payments reduced by the amount charged.
  - WO maintains right to review extended stays on a case by case basis.
  - Sponsorship will terminate automatically after 8 months from date of enrollment, when client vacates shelter, or if case management reports are not received weekly.
- c. **Hotel / Motel: The Town will pay:**
  - A maximum of \$ 40.00 per night for an individual / single room for a maximum of 14 days
  - A maximum of \$ 65.00 per night for a family / double room for a maximum of 14 days
  - Applicants/clients receiving shelter assistance while at a hotel/motel are required to submit weekly work search logs seeking work at 3-5 places; weekly apartment search logs showing 2 searches with landlord name and contact number; verified by WO prior to giving further assistance. If applicant is in noncompliance a written action to comply shall be provided to applicant who then has 7 days to comply. If applicant remains in noncompliance, assistance is suspended until such time as logs are received and verified by WO. Assistance is NOT RETROACTIVE. Logs containing fraudulent information are cause for 30-day suspension.
- d. **Utility:** If utility costs are not included in shelter, the most recent outstanding monthly electricity bill stating current charges is included as need. Arrearages will not be included except when to insure the health of applicant. WO shall pay current charges. Applicant's reconnect fee will not be paid by Town and will be posted to their utility account. Applicant shall call electric company to set up a payment plan before the utility will reconnect power.



- e. **Food:** Expense for food shall be in accordance with NH Department of Health and Human Services Food Stamp Maximum Allotment program. This amount may be increased with a doctor's note stating a family member requires a special diet not covered by the family's food stamp allotment.
- f. **Maintenance:** Maintenance necessities for household supplies. See Allotted Amounts.
- g. **Telephone:** If the absence of a telephone would create an unreasonable risk to the applicant's health or safety, the expense of one landline or one cell phone up to a maximum of \$30.00 will be included as part of need. .
- h. **Emergency / Other:** In the event an applicant has paid the following current expenses within the last 30 days, the actual costs of payments will be included in need to determine assistance:
  - **Medical – WO** shall not consider including amounts for medical, dental, or eye services until applicant can verify all other sources have been exhausted including state and federal programs, local and area clinics, services organizations, and hospital programs including Hill-Burton Act. WO must have written proof of services applied for and denial statement within 24 hours without creating any significant risk to applicant.
- i. **Legal:** No legal expenses including court fees, attorney fees, or fines will be included in need. Exception: If applicant paid a fine to reimburse back child support payment include maximum of \$300/m.
- j. **Moving:** No moving expenses are to be paid for or included in need except when returning a person to his residence.
- k. **Rent-to-Own:** No Rent-to-Own expenses will be included in need. Applicants are encouraged to return items and buy used items to eliminate this expense completely.
- l. **Credit Cards:** No credit card expenses will be included in need except charges made for basic needs charges, and clients are referred to credit counseling services to consolidate cards.
- m. **Private School:** No school tuition will be included in need. College loans are required to be put into deferment or forbearance. College student applicants receiving financial aid loans through their college can request maximum loan limits resulting in refunds directly to applicant for living expenses.
- n. **Pets:** No veterinary expenses, pet grooming expenses, pet tags, or pet food will be included in need.
- o. **Garbage:** Trash pick-up expenses will not be included in need except for elderly, disabled, or homebound applicants- \$40/m maximum is included in need.
- p. **Cable:** A maximum monthly charge of \$15.00/m will be included.
- q. **Internet:** No internet expense will be included in need. Internet use is free at the public library.
- r. **Medications:** Actual amount for previous 4 weeks. Generics must be purchased whenever possible.
- s. **Vehicle:** Maximum of \$250.00/m for primary vehicle will be included in need, and insurance only if required by lien holder up to maximum of \$100.00/m. No second vehicle payments or insurance are included in need. If insurance covers more than one vehicle, only include costs for primary vehicle.
- t. **Gasoline:** Maximum of \$150/m-4cyl / \$200/m-6cyl / \$250/m-8-cyl. \$100/m-for homebound, unemployed, disabled, or elderly. If medical treatment necessitates travel, include maximum for cylinder vehicle stated above.
- u. **Clothing:** Up to \$50.00/month non-emergency clothing is included in need after all other resources have been exhausted. Up to \$50.00 per child may be included for school clothing during school year.
- v. **Car Repairs:** Repairs to a vehicle paid within the last 30 days up to a maximum of \$300.00 to maintain employment or medical appointments shall be included in need after WO has been provided proof that said repair has been paid for.
- w. **Security Deposits:** Applicant must apply to local CAP agency for security deposit. If potential landlord does not accept CAP agreement, general assistance can provide a Security Deposit Agreement. Applicant must produce half of first month's rent if CAP is paying security deposit, and 100% if receiving security deposit from general assistance. If landlord does not accept agreement, Town will pay a maximum of \$966.00 toward security deposit.

- x. **Adjustments:** If WO determines applicant's needs to have substantially changed or that strict application to Standard of Need will result in unnecessary or undue hardship to the applicant, WO may make minor adjustment to criteria, recording reasons thereof in the narration of applicants case record.

## **XI Income**

- a. Standard of Need as determined in section X of these guidelines, shall be compared to available income and assets of applicant. Computations of income and expenses will be on a monthly basis. Computation to be as follows:
- Earned income in cash or in-kind earned by applicant or any member of household over age 18 through wages, salary, tips, commission, rental income, profits from items sold, or profit if self-employed (arrived at by deducting business expenses from income), are income. OA, APTD, SSDI, TANF, Social Security, VA benefits, unemployment payments, pensions, trust funds, inheritances, and governmental state or local sources is considered income. Income as gifts from relatives shall be considered when stated by applicant as having been received. No inquiry shall be made into the earnings of a child 14 years of age or less unless that child makes a regular and substantial contribution to the family.
  - Amount computed will be gross amount less taxes, social security, payroll deductions required by state, federal, or local law, court-ordered child support, and cost for employment required uniforms.
  - No optional deductions from gross income: IRA and 401K contributions, life insurance, dental insurance, personal loans, disability insurance, and medical insurance if it has not been utilized within the last 30 days, will be deducted from gross income. Applicant will be required to cancel optional deductions until such time they are returned to an income status that allows it without financial hardship to maintaining basic necessities.
  - Food Stamps, Fuel assistance, and Electrical assistance are not regarded as income.

## **XII Non-Residents**

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

## **XIII Municipal Work Programs / Self-Employment**

- a. Any person receiving general assistance will be required to work at any bona fide job within his/her capacity and shall be encouraged to apply for available town positions for which they are qualified.



- b. Applicant will be paid at least minimum wage, and used to reimburse the Town for assistance received until repaid in full. No applicant shall be required to work more than necessary to reimburse for aid rendered. Employment under this section shall continue for as long as assistance is required and received until repaid in full.
- c. The Town shall provide reasonable time during working hours for applicants to secure work in the labor market and will provide Worker's Compensation coverage for applicant.
- d. With prior notice to the WO, an applicant may be excused from workfare participation if they:
  - have a conflicting interview for possible employment
  - have a medical appointment or illness
  - must care for a child under the age of 5 and cannot secure childcare verified by WO
  - must remain at home because of illness or disability of another member of the household verified by WO
  - do not possess the materials or tools required to perform the tasks and the Town of Jaffrey fails to provide them
- e. Working hours are subject to approval of the supervisor and the applicant. Failure of the applicant to adhere to the agreed working hours, except for reasons listed in section d. will prompt review of eligibility and result in suspension of assistance for a period of fourteen (14) days
- f. An applicant claiming to be self-employed must conduct a work search log to be eligible for assistance.
- g. An applicant claiming to conduct a service business (ie childcare) in his/her home must produce documentation proving they are legally able to do so ie: registering with State of NH, Attorney General, EIN #. If applicant cannot provide proof, all work search requirements remain the same as for unemployed and self-employed.

#### **XIV Burials**

- a. WO shall provide for proper burial of assisted persons found in the community at the time of death. The expense may be recovered from the deceased person's municipality of residence or from a liable relative. If relatives, other private persons, the state of NH, or others cannot pay the burial expense, the Town will pay up to \$1,000.00 for burial services.

#### **XV Right to Notice of Adverse Action**

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

#### **XVI Suspension for Non-Compliance**

- a. Applicants must comply with guidelines and reasonable requests of WO. WO must enforce guidelines while ensuring all applicants receive due process. Applicants should be given reasonable notice of the conditions and requirements of eligibility and continuing eligibility and notice that noncompliance will result in termination/suspension of assistance.
- b. Applicants otherwise eligible for assistance shall become ineligible under RSA 165:1-b if he/she willfully and without good cause fails to comply with the requirements of these guidelines relating to the obligation to:
  - Cancel luxury expenses as identified by WO until such time applicant can afford to reconnect
  - Disclose and provide verification of income, resources, rent or utility subsidies, or other material financial data
  - Participate in the work program to the extent assigned by the welfare official
  - Comply with the work search requirements imposed by the WO
  - Apply for other public assistance as required by WO

- c. No recipient otherwise eligible shall be suspended for noncompliance unless he/she has been given a written notice of the actions required to remain eligible and a seven-day (7) period within which to comply. The first notice is given at the time of the notice of decision and thereafter as conditions change. Additional notice of actions required will be given as eligibility is re-determined but without an additional seven-day (7) period unless new actions are required.
- d. If an applicant willfully and without good cause fails to come into compliance during the seven-day (7) period, or willfully falls into noncompliance within 30 days from receipt of a first notice, the WO shall send a suspension notice.
- e. If a recipient falls into noncompliance for the first time more than 30 days after receipt of a first notice, the WO shall give the applicant a new first notice with a new seven-day (7) period to comply before giving the suspension notice.
- f. Written notice of suspension due to failure to comply with the conditions required in a first notice shall include:
  - List of requirements applicant is not in compliance with and description of actions necessary
  - The period of suspension.
  - Notice of the right to a fair hearing on willful noncompliance and that such request must be made in writing within five (5) days of receipt of suspension notice.
  - A statement that assistance may continue in accordance with the prior eligibility determination until the fair hearing decision is made if the recipient so requests on the form for fair hearing, however, if applicant fails to prevail at the hearing the suspension will start after the decision, and aid must be repaid by applicant.
  - A form which the individual may request a fair hearing and the continuance of assistance pending outcome.
- g. Suspension period for failure to comply with these guidelines or WO requests shall last:
  - Seven (7) days or fourteen (14) days if the recipient has had a prior suspension ending within past 6 months
  - Until applicant complies with guidelines and WO requests upon the expiration of seven (7) or fourteen (14) days suspension period, continues to fail to carry out the specific actions in notice of decision
  - Notwithstanding above, an applicant who has been suspended for noncompliance for at least six (6) months may reapply for assistance without coming back into compliance
- h. An applicant who has been suspended until he/she complies with WO requests, may request a fair hearing to resolve a dispute until he/she has satisfactorily complied with WO requests, however no assistance shall be available.
- i. An applicant who has been subject to a suspension now in compliance shall have assistance resumed provided eligible.
- j. Any applicant who is found to be involved in illegal activities shall have all assistance immediately terminated.

## **XVII Fair Hearings**

1. Requests - Request for fair hearing is a written expression by applicant that he wants an opportunity to present his/her case to a higher authority. When a request for assistance is denied or an applicant wishes to challenge a decision, the applicant must present a request for a fair hearing within five (5) working days of receipt of notice of decision.
2. Time Limits - Hearings requested by an applicant must be held within seven (7) working days of the receipt of the request. WO shall give notice to the applicant setting the time and location of the hearing. The notice must be given to the applicant at least 48 hours in advance of the hearing or mailed to applicant at least 72 hours in advance of the hearing.
  - a. The fair hearing officer may be chosen by the town manager or chairman of selectpersons and must:
    - Not have participated in the decision causing dissatisfaction / and be impartial
    - Be sufficiently skilled in interviewing to be able to obtain evidence and facts for a fair determination
    - Be capable of evaluating evidence fairly, to explain to applicant laws and regulations under which WO operated, and to interpret to the WO any evidence of unsound, unclear, or inequitable policies, practices, or actions.
3. Procedures
  - a. All fair hearings shall be conducted in such a manner as to ensure due process of law. Fair hearings shall not be conducted according to the strict rules of evidence. The burden of proof shall be on the applicant/claimant, who shall be required to establish his/her case by a preponderance of the evidence.
  - b. WO is responsible for the disputed decision shall attend the hearing and testify about actions and reasons thereof.
  - c. Both parties are given the opportunity to offer evidence and explain their positions as fully and completely as they wish. The applicant shall have the opportunity to present his/her case or with the aid of others, and to bring witnesses to establish all pertinent facts, to advance any arguments without undue interference, to question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.



- d. An applicant has the right to examine prior to a fair hearing, all records, papers and documents from the claimants file which either party may wish to introduce at the fair hearing, as well as any available documents not contained in the case file but which are relevant to the WO's action of which the claimant complains. The claimant may introduce any such documents, papers or records into evidence. No record, paper, or document which claimant has requested to review but has not been allowed to examine prior to the hearing shall be introduced at the hearing or become a record.
- e. The WO shall have the right to examine at the fair hearing all documents on which the claimant plans to rely at the fair hearing and may request a 24-hour continuance if such documents contain evidence not previously provided or disclosed by the claimant. Should the applicant have new documentation relevant to the disputed decision, he/she may reapply for assistance and file a written with-drawl of the fair hearing request.
- f. The decision of the fair hearing officer(s) must be based solely on the record, in light of theses guidelines. Evidence both written and oral which is admitted at the hearing shall be the sole contents of the record. The fair hearing officer shall not review the case record or other materials prior to introduction at the hearing
- g. The parties may stipulate to any facts
- h. All fair hearings may be tape-recorded and retained for six (6) months
- 4. Decisions
  - a. Fair hearings decisions are rendered within seven (7) working days of the hearing. Decisions shall be in writing setting forth the reasons for decision and the facts on which the fair hearing officer relied in reaching the decision. A copy of the decision shall be mailed or delivered to the claimant and the WO.
  - b. Fair hearing decisions are rendered on the basis of officer's findings of fact, these guidelines, and state and federal law. The fair hearing decision shall set forth appropriate relief.
  - c. Decision shall be dated. In the case of a hearing to review a denial of aid, decision is retroactive to date of action being appealed. If a claimant fails to prevail at hearing, assistance given pending hearing shall be a debt owed by applicant.
  - d. WO shall keep all fair hearing decisions on file in chronological order.

#### **XVIII Liens**

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

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

#### **XIX Recovery of Assistance**


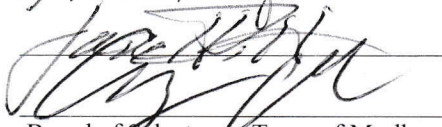
- a. The WO shall seek to recover money expended to assist eligible applicants. There shall be no delay, refusal to assist, reduction, or termination of assistance while the WO is pursuing the procedural or statutory avenues to secure reimbursement. Any legal action to recover must be filed in a court within ten (10) years after the expenditure.
  - Relatives: Amounts spent by Town to assist applicant who has a father, mother, stepfather, stepmother, husband, wife, or child who is no longer a minor, who is of sufficient ability to support applicant, may be recovered from the liable relative. 'Sufficient ability' exists when relative's weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health. The WO may determine that "in-kind" assistance or the provision of products/services to the applicant is acceptable as a relative's response to liability for support. Written notice of assistance for an applicant is given to liable relative. The WO shall try to give written notice prior to giving aid to which an applicant is entitled - shall not be delayed due to inability to contact liable relatives.

- **Municipality of Residence:** The WO shall seek to recover from the municipality of residence the amount of money spent by the Town to assist an applicant who has residence in another municipality. Written notice of money spent in support of an applicant must be given to the WO of the municipality of residence. In any civil action for recovery brought under RSA 165:20 the court shall award costs to the prevailing party.
- **Former Applicant's Income:** A former applicant who is returned to an income status after receiving general assistance where income is in excess of allowed expenses, will be required to reimburse the Town for all assistance provided if such reimbursement can be made without additional financial hardship. If an applicant receives other rental assistance, the reduction in the portion of his/her rental payment will be viewed as an increase in income and 30% of the difference will be determined to be the repayment amount to the Town.
- **State and Federal Sources:** Money spent by Town to support an applicant who has made initial application for SSI and has signed the Department of Health and Human Services FORM 151 "AUTHORIZATION FOR REIMBURSEMENT OF INTERIM ASSISTANCE" shall be recovered through the Social Security Administration and the NHDHHS. Prescription expenses paid by the Town for applicants who have applied for Medicaid shall be recovered through NHDHHS if and when applicant is approved for insurance coverage.
- **Delayed State Claims:** For applicants of general assistance deemed eligible for state assistance NHDHHS shall reimburse Town the amount of general assistance as a result of delays in processing within the federally mandated time periods. Claims for reimbursement shall be held until the end of the fiscal year and may be reimbursed on a pro-rated basis dependent upon the total claims filed per year. Form 340 "REQUEST FOR STATE REIMBURSEMENT" may be obtained from NHDHHS 351-3510 for this purpose.

#### XX Application of Rents Paid by Town

1. When the owner of property is in arrears in sewer, water, or taxes to Town, the Town may apply assistance the property owner would have received for rent to owner's delinquent balances regardless if delinquent balances are for property occupied by applicant. Applicant's rent will be considered paid for amount of assistance granted.
2. A payment shall be considered in arrears if more than thirty (30) days have elapsed since the mailing of the a bill or in the case of real estate taxes if interest has begin to accrue pursuant to RSA 76:13, RSA 165:4-a.
3. Delinquent balances are offset in order of the following priority if applicable: **1) Taxes    2) Water    3) Sewer**
4. WO will issue a voucher to landlord for allowed amount of assistance which 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.
5. WO will issue 1 voucher to be submitted to the accounts payable department for payment.
6. An apartment building owned by a landlord for which any tenant residing in it receives assistance will be inspected by the Town's Housing Inspector to ensure building is up to code, inspecting entire building for safety and health issues and report back to landlord needed repairs to bring building up to code and expected timeframe to make repairs. If the Inspector suspects a child's health may be in jeopardy, he may report such concerns to DCYF to further investigate.
7. Whenever an applicant renter owes water or sewer, WO shall not make payments for such on behalf of the applicant. However, if applicant has paid water or sewer payments in the previous four weeks of appointment, such expense shall be included in budget worksheet to determine actual expenses paid by applicant to determine assistance amount.
8. When an applicant homeowner owes water or sewer or taxes - applicant is required to set up a payment plan with the Tax Collector for water, sewer, or taxes before receiving assistance. If applicant has paid water, sewer, or taxes as a monthly expense, it is included in budget worksheet to determine actual expenses paid in previous four weeks.

DATE: October 15, 2018 Approved & Adopted :

  
  
 Board of Selectmen, Town of Marlborough