

# WELFARE GUIDELINES

TOWN OF WENTWORTH, NH

Approved by Wentworth Selectman 10-14-03

## **STATEMENT OF PURPOSE FOR THE WELFARE GUIDELINES**

Pursuant to state statute, the Town of Wentworth is required to assist those individuals who are poor and unable to support themselves. The Town, in an effort to discharge its statutory responsibilities, developed these guidelines to provide welfare assistance in a fair and equitable manner to eligible people. The Town and the applicant have certain rights and responsibilities that are covered by these guidelines.

Effective October 14, 2003

# WELFARE GUIDELINES TOWN OF WENTWORTH

## I. DEFINITIONS:

APPLICANT: A person who expresses a desire to receive General Assistance or to have his eligibility reviewed, and has submitted an application form.

APPLICATION: Action by which a person requests assistance from the Welfare Officer through a completed application form.

APPLICATION FORM: Form upon which written application for assistance is made; such form may be amended by the Welfare Officer from time to time (see Forms CI-C10).

ASSETS: All real property, cash, personal property, monetary gifts, expectancies and future interests owned by the applicant.

AVAILABLE LIQUID ASSETS: Amount of liquid assets after exclusions enumerated herein. Includes cash on hand, checking accounts, stocks, bonds and securities, IRA (Individual Retirement Accounts), 401K accounts, insurance policies with a loan value and nonessential personal property will be considered as available liquid assets when they have been converted into cash.

BASIC MAINTENANCE NEED: The basic maintenance and support requirements of a person, as determined by the Welfare Officer under the standards of Section VIII of these Guidelines, as established from time to time.

CASE RECORD: Official files containing forms, correspondence and narrative records pertaining to the application and determination of initial or continuing eligibility, reasons for decisions and action by the Welfare Officer and kinds of assistance given.

COMPLETED APPLICATION: An application is considered complete when all information required in the application form has been provided and when other supporting documentation required by the Welfare Officer has been supplied.

ELIGIBILITY: Determination by Welfare Officer based on the guidelines for basic maintenance needs and a completed application that person has a need for General Assistance under the formula in Section VIII of these Guidelines.

FAIR HEARING: A hearing which the applicant may request in writing to contest a decision of the Welfare Officer. The standards for such a hearing are in Section XIV of these Guidelines.

GAINFULLY EMPLOYED: Work that is usually forty (40) hours per week, compensated

either in cash or its equivalent.

GENERAL ASSISTANCE: Financial aid given to eligible persons by the Town pursuant to RSA Chapter 165.

LIQUID ASSETS: Cash, checking accounts, credit unions, saving deposits, stocks, bonds, insurance policies, other securities and any other nonessential real or personal property. Insurance policies are a liquid asset to the extent that they have a cash value or loan value.

MINOR: A person less than 18 years of age. *NOTE*: A minor's residence is always that of the custodial parent.

REAL ESTATE: Land and any structures and fixtures thereon.

RESIDENCE: Residence or residency will mean a person's place of abode or domicile. The place of abode or domicile is that designated by a person as his principal place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency will not be interrupted or lost by a temporary absence from it, if there is an intent to return to such residence or residency as a principal place of physical presence.

VOUCHER SYSTEM: The system of payment of General Assistance utilized by the Town of Wentworth, whereby the Town issues vouchers directly to the applicant's vendors and creditors rather than cash to the applicant (see Section VII).

WELFARE OFFICE: The department of the Town of Wentworth responsible for administering the General Assistance program under these Guidelines.

WELFARE OFFICER: Those elected and/or appointed Town officials designated to administer General Assistance, receive applications, make decisions concerning applicants' eligibility for assistance, and prepare records and communications.

## II. SEVERABILITY/INTERCHANGEABILITY/DISCRETIONARY CAPACITY

- A. **Severability**: If any provisions of these Guidelines are held at law to be invalid or inapplicable to any person or circumstances, the remaining provisions will continue in full force and effect.
- B. **Interchangeability**: Unless the context clearly requires otherwise, words used in the present tense include the future, words in the masculine gender include the feminine and neuter, and the singular number includes the plural and the plural, the singular.
- C. **Discretionary Capacity**: The Guidelines contained herein are intended to be advisory and, as such, the Welfare Officer or his designee will have sole

discretion for the enforcement, application, or variance of any of the Guidelines contained herein. This discretion will be reasonably exercised by the Welfare Officer.

### **III. CONFIDENTIALITY OF INFORMATION:**

Information given by or about an applicant for local welfare is confidential and privileged, and is not a public record under the provisions of RSA 91-A, commonly known as the Right to Know Law. Such information will not be released to or discussed with any individual or agency without written permission of the applicant except when disclosure is required by law, or when necessary to carry out the purpose of RSA Chapter 165.

### **IV. MAINTENANCE OF RECORDS:**

- A.** The Welfare Officer is required by law to keep complete records of General Assistance. In addition to general statistical records concerning the number of persons given assistance and the cost of such support, separate case records are established for each applicant.

Purpose:

1. To provide a valid basis of accounting for expenditure of the funds of the Town of Wentworth;
  2. To support decisions concerning the applicant's eligibility;
  3. To assure availability of information if the applicant seeks administrative or judicial review of the Welfare Officer's decision; and
  4. To provide social welfare agencies with accurate statistical information, including the number of persons assisted and the amount of money spent for their support in order that taxpayers and officials may be aware of the scope of the General Assistance Program (RSA 165:2-c).
- B.** Each case record will contain, as a minimum, the following information, and it will be a precondition of eligibility of the applicant for General Assistance to provide the information requested.
1. The completed application for assistance;
  2. Written grounds for decision of application contained in a Notice of Decision for General Assistance form (see Form I);

3. A narrative history recording needs for relief, the results of home visits, collateral information, referrals, change in status, etc.;
4. A tally sheet giving type, amount, and dates of assistance;
5. A signed authorization by the applicant allowing the Welfare Officer to release, obtain, or verify any pertinent information in the course of assisting the applicant;
6. Copies of all employment search verification forms from eligible adults in the household; and
7. Other reasonable information as the Welfare Officer may require from time to time.

C. Communications between the Welfare Officer and legal counsel are not part of a case record but are confidential communications subject to attorney-client privilege held by the Town and the Welfare Officer.

#### **V. APPLICATION PROCESS:**

**A. Right to Apply:** Any person residing or temporarily present in Wentworth has the right to apply for benefits available under the General Assistance program. He may do so by appearing in person at the Wentworth Town Office or the home of the Overseer of Public Welfare and by submitting a completed application. If more than one adult resides in the household, each such adult will be required to personally appear at the above office unless, in the opinion of the Welfare Officer, the appearance of one or more of them is not required in order to properly evaluate the application for assistance. Except in emergencies, applications are not accepted until completed.

**B. Welfare Officer's Responsibilities at Time of Application:** When an application is made for General Assistance, the Welfare Officer will inform the applicant of the following:

1. The requirement of submitting a completed written application;
2. Eligibility requirements;
3. The applicant's right to a fair hearing and the manner in which such review may be obtained;
4. Applicant's responsibility for reporting all facts necessary to determine eligibility;
5. Joint responsibility of the Welfare Officer and applicant for exploring facts concerning eligibility, needs and resources, and applicant's responsibility for presenting records or documents in support of his or her application form;

6. Kinds of verification of information needed, as well as a compliance date/appointment date;
7. The fact that an investigation will be conducted in an effort to substantiate the facts and statements as presented by the applicant, and that the investigation may take place prior to, during, or subsequent to the applicant's receipt of General Assistance;
8. The applicant's responsibility for notifying the Welfare Officer of any change in circumstances affecting eligibility;
9. The statutory requirement that any assistance given will, except for just cause, give the Town the right to place a lien upon any real property owned by the applicant (the applicant will be requested to sign a lien document to demonstrate the applicant's knowledge and understanding of the lien); such documents may be recorded at the Grafton County Registry of Deeds, though neither the absence of the signature of the applicant nor the failure to record such lien documents will diminish the validity of the lien;
10. The applicant's right to review these Guidelines;
11. The fact that the Town of Wentworth is entitled to recovery from the applicant of assistance given according to RSA 165:20-b;
12. Applicant's responsibility as outlined in Section C below; and
13. That applicant's legally liable relations or other liable parties may be responsible for repaying benefits provided to the applicant pursuant to RSA 165:19 or other applicable law.

**C. Responsibility of Each Applicant:** Each applicant has a responsibility at the time of initial application and continuing at all times thereafter:

1. To provide current and past information which is accurate and complete concerning his resources and needs and the whereabouts and circumstances of relatives or other individuals who may be responsible under RSA 165:19 or other applicable law;
2. To provide records and any other pertinent information requested, and to sign release forms authorizing the Welfare Officer to obtain such records and information;
3. To fully assist the Welfare Officer in determining liability of either public or private sources and in determining eligibility;

- 4.** To notify the Welfare Office within forty-eight (48) hours of any change in needs and/or resources;
- 5.** To notify the Welfare Officer within forty-eight (48) hours of a change of address and a change in the members of his household;
- 6.** To apply for and utilize any benefits and resources, public or private, which will reduce or eliminate the need for General Assistance;
- 7.** To keep appointments as scheduled;
- 8.** To diligently search for employment and provide verification of application for employment as required by the Welfare Officer;
- 9.** To immediately accept employment when offered;
- 10.** To provide a doctor's statement if the applicant claims an inability to work due to medical problems;
- 11.** To participate in the Town work program if physically and mentally able;
- 12.** To provide updated information or to complete re-application or new applications when reasonably requested by the Welfare Officer;
- 13.** To comply with such additional requests of the Welfare Officer for the administration of the General Assistance program;
- 14.** To budget income/benefits and expenses as required by the Welfare Officer;
- 15.** If an applicant is eligible for any state or federal employment, welfare opportunities/programs, then he or she will apply for such programs and maintain eligibility continuously, or if he or she fails to maintain eligibility then he or she must requalify and/or comply with the applicable provisions of those state and federal programs;
- 16.** At the option of the Welfare Officer, an applicant may be required to Adirect vendor@ any payment;
- 17.** To act reasonably and promptly to secure and maintain housing/shelter, including complying with any housing/shelter's rules and regulations;
- 18.** Any adult family member may be required to appear at any scheduled appointment with the Welfare Officer;

19. To grant home visits as required in Section V (E); and

20. To secure and maintain affordable housing and utilities as determined by the Welfare Officer within thirty (30) days after notice from the Welfare Officer.

Any applicant will be denied or suspended from assistance if he fails to fulfill any of these responsibilities without reasonable justification. Any person may be denied or suspended from General Assistance who, by means of intentional false statements or intentional misrepresentation or by impersonation or other willfully fraudulent act or device, obtains or attempts to obtain any assistance to which he is not entitled, or who fails to comply with the requirements set forth in these Guidelines. Also, disqualification for General Assistance may occur as set forth in RSA 165:1-b.

**D. Actions on Applications:** Unless an application is withdrawn by the applicant, the Welfare Officer will make a decision concerning the applicant's eligibility immediately or within five (5) business days after submission and acceptance of the completed application. If, at the time of initial contact with the Welfare Officer, the applicant demonstrates and verifies that an immediate need exists, because of which the applicant may suffer irreparable harm if aid is withheld until the decision is made, then temporary aid to fill such immediate need will be given, pending a decision on the application. When a decision has been made on an application, the applicant will be notified in writing, either delivered in person or sent by mail, within three (3) business days of the decision.

In circumstances where required records are not available, the Welfare Officer may give temporary approval to an application pending receipt of required documents. Temporary status will not exceed two weeks or 14 calendar days from the date temporary approval is given. The Welfare Officer may not insist on documentary verification if such records are totally unavailable.

An Application is deemed withdrawn if:

1. The Applicant has failed to cooperate in completing an application or to provide accurate and sufficient information for the completion of an application.
2. The applicant dies before assistance is rendered.
3. The applicant avails himself of other resources instead of General Assistance.
4. The applicant requests that the application be withdrawn.
5. The applicant fails to conduct or supply proof of employment search by eligible adults in the household.
6. The applicant does not contact the Welfare Officer at the next scheduled contact

date after the initial interview, or at any subsequent scheduled contact date. If an applicant cannot make an appointment, he or she must contact the Welfare Officer before the appointment. A new appointment must be rescheduled by the close of the next business day. An applicant is permitted to reschedule only once. In any event, an initial interview will not be scheduled beyond two (2) weeks from the date of initial contact. Once the two (2) week period has passed and the applicant has not had an initial interview, then the person seeking assistance may reapply for assistance.

Benefits will be paid only from the date of the decision rendered upon a completed application, as indicated on a Notice of Decision for General Assistance. If an application is completed within the time frame allotted by the Welfare Officer at the initial contact with the Welfare Office, it will be deemed to have been completed as of that date for purposes of calculation of benefits.

**E. Home Visits:** A visit may be made to the home of each applicant. The applicant will be informed that a visit will be made within specified hours. At the applicant's request, a specific appointment may be made if the Welfare Officer is available at the requested time and date.

The home visit is necessary for the Welfare Office to understand all the services needed to help the applicant and for more efficient administration of the welfare program.

During the home visit, the Welfare Officer may discuss any noticeable, applicable health and/or fire violations with the applicant and inform the applicant of the procedure for reporting such violations to proper authorities.

Refusals to grant home visits, without reasonable justification, will be grounds for denying assistance.

**VI. VERIFICATION OF INFORMATION:** Any determination or investigation of need or eligibility will 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.

Verification will normally be required of the following:

1. Applicant's address.
2. Name(s) and income(s) of person(s) residing with an applicant.
3. Positive identification and social security information of dependents.
4. An applicant's income and assets.

5. An applicant's financial obligations.
6. An applicant's physical and mental condition, if relevant.
7. Facts relevant to applicant's past, present and future employment and employability.
8. Names, addresses, and employment status of individuals potentially liable to the Town for reimbursement of benefits provided.
9. Utility costs
10. Housing costs
11. Facts relevant to the person's residence, as discussed in Section IX.

Verification may be made through records provided by the applicant (including but not limited to: birth and marriage certificates, pay stubs, paychecks, rent receipt, bankbooks, etc.) as primary sources. The Welfare Officer will inform the applicant what records are necessary and the date by which the applicant is required to produce records.

The Welfare Officer may amend the list of required records from time to time as circumstances require.

Verification may also be made through other sources, such as relatives, employers, banks, school personnel, and social or government agencies. The cashier of a national bank and a treasurer of a savings and trust company are authorized by law to furnish information regarding amounts deposited to the credit of an applicant. (RSA 165:4)

When other information is sought from other sources, the Welfare Officer will explain to the applicant what information is desired, how it will be used, and the necessity of obtaining it in order to establish eligibility. Applicants will sign information release authorization forms, as requested, as part of the application process.

Should the applicant refuse to consent to have the Welfare Officer seek necessary information, the application will be deemed to be withdrawn and a notice of withdrawal will be issued. Disqualification may occur pursuant to Section XIII for failure to comply with this section, as required by the Welfare Officer once eligibility has been established.

The Welfare Officer may use home visits for verification purposes. See Section V(E).

## **VII. DISBURSEMENTS:**

The Town of Wentworth pays General Assistance on a weekly basis with a voucher system. 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 maximum amount which the Town will pay. An applicant may not exceed the amount listed on the voucher, nor may the applicant change the amount listed. If the total purchase is less than the voucher amount, no change will be given to the applicant. An applicant 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 Officer.

It is the responsibility of the applicant to safeguard any voucher he may receive from theft, loss or misuse. No duplicate voucher will be issued if the original is lost, stolen, misplaced or misused. If the applicant causes, permits or neglects to prevent the transfer, gift or sale of a voucher to a person other than a vendor, or if he causes, permits or neglects to prevent the alteration of the face value of a voucher, then such acts will be considered misuse of that voucher and a violation of these Guidelines for which benefits may be denied or suspended.

## **VIII. DETERMINATION OF ELIGIBILITY AND AMOUNT:**

**A. Formula:** An applicant is eligible to receive assistance when (1) the applicant meets the non-financial eligibility factors listed in Section C below AND (2) when the applicant's basic maintenance needs (as determined under Section E below) exceed his or her available income (Section F below) plus available liquid assets (Section D below). An applicant is eligible for the difference up to the maximum allowable benefits. If available income and available liquid assets exceed the basic maintenance needs as determined by the Welfare Office based on guideline amounts revised periodically to remain current, the person is not eligible for General Assistance.

**B. Legal Standards and Interpretation:** Whenever a person in any town is poor and unable to support himself, he will be relieved and maintained by the overseers of public welfare of such town, whether or not he has residence there. (RSA 165:1).

1. A person cannot be denied assistance merely because he is not a resident. See Section IX below.
2. Whenever means at any or whatever time that person is poor and unable to support himself.
3. Poor and unable to support means that an individual lacks income and available liquid assets to adequately provide for the basic maintenance needs of himself or his family as determined by the Guidelines; and

4. Relieved means a person will be assisted to meet basic maintenance needs.

**C. Non-Financial Eligibility Factors:**

1. Age: General assistance cannot be denied any person because of the person's age. Age is not a factor in determining whether or not a person may receive General Assistance; however, age may make certain applicants eligible for other types of assistance, which may affect eligibility under these Guidelines.

2. Minors: Minor applicants will be referred to Protective Services of the Division of Children Youth and Family for case management. Minors have the residence of their custodial parent.

3. Support or Other Legal Action: An applicant may be required, as a condition of eligibility or continued receipt of assistance, to take any legal action against any other person who may have liability to, or for, the support of the applicant and his or her dependents. The Town may pursue recovery against legally liable persons or governmental units, and the applicant will cooperate with the Town as required. The applicant may be required to apply for child support services through the Department of Health and Human Services (DHHS) as a continued aid.

4. Eligibility for Other Categorical Assistance: Applicants whom the Welfare Officer believes may be eligible for any other form of public assistance must apply for such assistance within seven (7) calendar days after being required to do so by the Welfare Officer. Failure to do so will render applicant ineligible for assistance pursuant to RSA 165:1-b until he makes such application. Unless and until another form of public assistance is authorized, a person otherwise eligible is entitled to receive General Assistance. Currently RSA 167:27 prohibits an applicant already receiving Aid to the Permanently and Totally Disabled (APTD) and Old Age Assistance (OAA) from receiving General Assistance, except for medical and surgical assistance. Acceptance of General Assistance will revoke such other state assistance.

5. Employment: A person who is gainfully employed (receiving compensation either in cash or its equivalent), but whose income and assets are not sufficient to meet necessary maintenance or family expenses as determined by the Welfare Office may be eligible to receive General Assistance. However, for any applicant who, without good cause, refuses to conduct a reasonable work search, or refuses a job offer, or voluntarily awaits a job, or refuses referral to suitable employment, or refuses to work on any work program, including the Welfare Workfare Program, will become ineligible for assistance as provided in RSA 165:1-b and these Guidelines. Applicants are expected to work forty (40) hours per week unless otherwise authorized by the Welfare Officer for good cause shown.

**6. Registration with the New Hampshire Department of Employment Security (DES) and Work Search:** Registration with DES is not a precondition for initial eligibility for General Assistance. However, all applicants and adult members of their family must, within seven (7) calendar days after applying for assistance, register with DES to find work, and must conduct a reasonable work search. The Welfare Officer may require a reasonable number of daily job applications, and the applicant will present his DES identification card to the Welfare Officer upon request.

These work search requirements apply unless the applicant or adult member of his family is/are: (a) gainfully employed full time: or, (b) unable to work due to documented illness or disability of another member of the household.

**7. Students:** Students refusing full time employment are not eligible for General Assistance.

**8. Voluntary Quit Law:** Applicants subject to the New Hampshire Voluntary Quit Law (where persons voluntarily terminate their employment) will become ineligible for assistance as provided by law. (RSA 165:1-d)

#### **D. Available Assets**

**1. Available Liquid Assets:** Available liquid assets include, but are not limited to, cash on hand, bank deposits, credit union accounts, and securities. Insurance policies with a cash or loan value and non-essential personal property may be considered as available liquid assets when they have been converted into cash.

The Welfare Office will allow a reasonable time for such conversion. However, tools of a trade, livestock, farm equipment, and necessary and ordinary household goods are essential items of personal property which will not be considered as available liquid assets.

**2. Automobile Ownership:** The ownership of one automobile by the applicant or his dependent does not affect eligibility if it is essential for: medical or rehabilitation services, transportation to and from employment, or if it is necessary to the maintenance of the individual or family. Essential means that there is no other transportation available. Car payments will not be considered justifiable expenses when determining eligibility. The cost of purchase and maintenance of a necessary vehicle must be appropriate to the applicant's income. The book value of a vehicle may be considered a liquid asset and converted to cash prior to eligibility for anything other than extreme emergency assistance such as food and medication.

Ineligibility for the USDA Food Stamp program as a result of owning a vehicle does not affect eligibility for Town assistance except to the extent mentioned in the above paragraph.

Ownership of any other vehicle shall be deemed non-essential personal property.

**3. Insurance:** The ownership of insurance policies in and of itself does not affect eligibility. However, when a policy has cash or loan value, the applicant will be required to obtain and/or borrow all available funds which will then be considered available liquid assets. Premiums will not be included as a need in determining eligibility or amount of aid.

**4. Real Estate:** All real estate not occupied by the applicant as a primary residence will be considered nonessential and an available liquid asset to be disposed of at fair market value with reasonable efforts. Real estate occupied by the applicant will be considered in the same general manner as rental assistance. Is the size reasonable and appropriate to the number in the household? Is there a reasonable expectation that the applicant will be able to maintain it in the foreseeable future? If answers to either or both of the above questions are no, are there extenuating medical or other circumstances which presently preclude moving the household and/or selling the property?

Other considerations applied to real estate occupied as primary residences which are not applied to rental assistance: joint ownership, when only one owner is an applicant for General Assistance (as a rule, unless the mortgagee accepts partial payment, mortgage payments cannot be considered when only one owner is an applicant); the amount of equity will be considered and the Town will file a lien against any real estate owned by an applicant given General Assistance.

The Welfare Officer will not make mortgage payments when the applicant has a cosigner on the note. All applicants will be required to execute any and all documents necessary to perfect the Town's lien interest as aforementioned.

**E. Standards for Basic Maintenance Needs:** The basic financial requirement for General Assistance is that a person is presently poor and unable to support himself. A person will be considered for General Assistance when he has insufficient income, assets and/or net worth (not exceeding the dollar maximums determined by the Welfare Office) to purchase either for himself or his dependents the following basic needs:

**1. Shelter:** The amount to be included as need for shelter is the actual weekly cost of a rent or mortgage necessary to actually provide shelter. Such cost is determined by examining multiple factors including, but not limited to, local market conditions, availability, characteristic of units, geographic location and size, and the cost allowance so determined by the Welfare Office, reviewed periodically by the Welfare Officer, and applicants will be apprised as to the amount allowed.

No shelter arrearage, such as back rent, mortgage payments, interest, condominium fees or taxes, will be included by the Wentworth Welfare Department

in the calculation of need but every effort will be made to contact landlords and banks to prevent eviction. Security deposits are not included in the need formula. No home equity loans will be paid or considered as a need. Whenever a relative of an applicant is also the landlord for the applicant, that landlord will be expected to assist his relative pursuant to RSA 165:19. Homeless shelters will be used as necessary. The Welfare Officer will provide information on available homeless shelters. **IT IS NOT THE RESPONSIBILITY OF THE WELFARE OFFICE TO LOCATE HOUSING FOR APPLICANTS.**

**2. Food:** The amount included as a need for food purchases will be in accordance with the food stamp allotment as administered by the Department of Health & Human Services (RSA 161:2(XIII)). The Welfare Officer will issue a food voucher to an eligible grocery or supermarket according to food stamp allotment figures published by the Department of Agriculture for people with zero income. This allotment will be adjusted downward if necessary to reflect on-hand supplies or income. Food vouchers will not be issued to applicants residing in shelters where food is provided or readily available through soup kitchens and food pantries.

**3. Utilities:** Current utility bills may be paid when necessary to prevent termination of service which are important for the health and safety of the applicant. No utility arrearage or deposits will be included in the calculation of need. Utility bills for accounts other than in the applicant's name, or in the name of minors, will not be paid.

**4. Maintenance Allowance:** Supplementary vouchers may be issued under extenuating circumstances to provide maintenance necessities for personal or household supplies where need is demonstrated. If an applicant is residing in a shelter, essential maintenance items will only be provided if totally unavailable through the shelter.

**5. Telephone:** If the absence of a telephone would create an unreasonable risk to the applicant's health and safety (verified in writing by a physician), then the lowest available basic monthly rate for telephone service will be budgeted as a need. The Welfare Officer will not provide telephone equipment. Use of the telephone for unnecessary calls will be grounds for revocation of this form of assistance.

**6. Medical:** The Welfare Officer will not provide for medical, dental or eye services. Modification to this will be made on an as-needed basis based on medical need only as determined by the Welfare Officer. This may require supplemental medical documentation. The applicant must verify and document that all other potential sources have been investigated and applied for and that there is no other source of assistance other than local welfare or that budgeted or deferred payment arrangements cannot be made by the applicant with health providers. Other sources which must be exhausted are state and federal programs, local and area clinics, area service organizations, area hospital programs (including the Hill-Burton

Act) designed for such need.

In addition, when a person applies to the Welfare Office for medical services, prescriptions, dental services or eye services, he must provide written documentation 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 health will be placed in serious jeopardy.

**7. Miscellaneous:** Assistance will not be provided for legal expenses. No assistance to prevent repossession of any kind, automobile payments, registration or licensing costs will be included. No moving expenses will be included. Furniture storage charges will not be included.

Obligations other than rent, utilities and food costs (and other necessary costs as determined by the Welfare Officer) will not be considered when determining eligibility or the level of assistance.

**F. Income:** In determining eligibility and the amount of assistance, the Standards for Basic Maintenance Needs will be compared to available income/assets and net worth. Computation of income and expenses will be by the week or month, as appropriate. Money, benefits, and/or goods that are received may not be replaced if they are reported lost or stolen and may be counted as available assets for the month they were received.

The following items will be included in the computation:

**1. Earned Income:** Income in cash or in kind earned by the applicant or any member of his household through wages, salary, commission or profit, whether self-employed or as an employee, is to be included. Rent income and profits from produce sold are in this category. 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 should be that available after income taxes, social security and other payroll deductions required by state, federal, or local law, court-ordered support payments and certain un-reimbursed child care costs, and required work-related clothing costs have been deducted from income by the employer. Wages that are trusteed, or income similarly unavailable to the applicant or applicant's dependents should not be considered.

**2. Income or Support from Relatives:** Contributions from relatives will be considered as income only if actually received or given to the benefit of the applicant.

**3. Income From Other Assistance or Social Insurance Program:** State categorical assistance benefits, Social Security payments, VA benefits, unemployment insurance benefits, pensions and payments from other government sources will be

considered as income.

**4. Court-Ordered Support Payments:** Alimony and child support payments will be considered income only to the extent actually received by the applicant.

**5. Income from Other Sources:** Payments from pensions and trust funds and the like, or from any other source, will be considered income. Any income actually available to the applicant from members of his household will be considered income. Persons in the relationship of father, mother, stepfather, stepmother, son, daughter, husband or wife, are legally liable to support the applicant (RSA 165:19) and therefore may be required to apply jointly with him if they are in the same household. Any adult (even an unrelated person or roommate) who resides in the same household *Ain loco parentis* (in the role of a substitute parent) to a minor child is liable for contributing to that child's support (RSA 165:32) and can thus be required to apply jointly with that household.

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

**6. Earnings of a Child:** No inquiry should be made into the earnings of a child 18 years of age or younger unless the child in fact makes a regular and substantial financial contribution to the family.

**7. Deemed Income:** The Welfare Officer will deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82, VIII, as set forth in RSA 165:1, II(e). When the applicant receiving benefits through the Division of Human Services is sanctioned by a reduction in benefits for noncompliance, the amount of income considered available will be the amount the applicant was receiving prior to the sanction.

**G. Income and Expenses in Certain Households:** In households consisting of persons unrelated by blood or marriage, the income available to the applicant will be compared to the applicant's expenses. The applicant's expenses will be determined by dividing the total amount of qualified expenses for the operation of the household by the number of residents.

**H. Responsibility for Rent Payments:** The Town of Wentworth will have no contractual relationship with landlords providing housing to assisted applicants. The assisted applicant is the contracting party with any such landlord. In the event that the Welfare Officer makes payments for rental housing units on behalf of a welfare applicant, said payments being directed to the landlord/owner of the property, the landlord/owner of the property will have no contractual relationship with or recourse against the Town of Wentworth, the Welfare Officer, or any other party associated with the payment of these rents should the Welfare

Officer determine that the welfare applicant is no longer entitled to benefits under the Town Welfare Guidelines. If the applicant continues to reside at the premises after welfare assistance from the Town of Wentworth has been terminated, any and all rent due to the landlord/property owner, including any past and/or future rents, will be the contractual obligation of the applicant and in no way will the Town and/or the Welfare Office be responsible, in whole or in part, for any rents due to the landlord/property owner after the termination date of welfare assistance.

**I. Withholding of Rent Payments:** In the event that an applicant's rental unit is deemed to be uninhabitable (as a result of a determination made by the Welfare Officer, Town Health Officer or other authorized person in accordance with state health regulations), the Welfare Officer will be justified in withholding rent payments due to the landlord/property owner, if said payments have been made directly to the landlord/property owner by the Town Welfare Officer. Reasonable rents will be payable to the landlord/property owner upon resolution and abatement of said violations. A reasonable adjustment in the rent charge during the period of the violation will be made by the Welfare Officer of the Town of Wentworth.

## **IX. NONRESIDENTS:**

**A. Eligibility:** No person will be refused assistance solely on the basis of residence. (RSA 165:1)

**B. Standards:** The application procedure, eligibility standards and standards of basic maintenance needs will be the same for nonresidents as for residents.

### **C. Verification:**

1. Verification records will 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, or in some other location, unless the Welfare Officer deems such records unavailable.

2. If a home visit to a residence outside the municipality is impractical, the decision will be made on the basis of other sources of verification, or in some other location unless the Welfare Officer deems such records unavailable.

**D. Temporary or Emergency Aid:** The standard for the fulfilling of immediate or emergency needs of nonresidents, and for temporary assistance pending final decision, will be the same as for residents, as set forth in Section V(D).

**E. Determination of Residence:**

1. Minors: The residence of a minor will be the residence of his custodial parents or guardian.

2. Adults: For adults, the standard for determining residence will be the overall intent of the applicant, as set forth in the Section I definition of residence. The following criteria will aid the Welfare Officer in determining the applicant's residence, although no one factor is necessarily conclusive, and the Welfare Officer will examine all relevant facts and circumstances:

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

b. Does the person have property, an established dwelling place or employment in any other municipality to which he 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, registering to vote, opening local bank accounts, etc., or does he intend to do so in the immediate future?

**F. Return Home Transportation:** At the request of a nonresident applicant, any aid, temporary or otherwise, to which he is entitled under the standard set forth in these Guidelines, may be used by the Welfare Officer to cause the person to be returned to his community of residence. (RSA 165:1-c)

**G. Recovery:** Any aid given to a nonresident, including the cost of return home transportation, may be recovered from his community of residence using the procedures of Section XV.

**X. TOWN WORK PROGRAM:**

**A.** According to NH RSA 165:31, anyone receiving General Assistance may be required to work for the Town at any job which it has available that is within the capacity of the applicant.

**B.** In no case will an applicant/worker be paid or allotted less than the prevailing wage. All wages attributable to such employment will be used to reimburse the Town for assistance given except where wages exceed aid granted, in which case the excess amount will be paid to the applicant. Employment under this section may continue for as long as assistance is required and received. Work program participants will not be deemed to be

employees of the Town of Wentworth.

**C.** The Wentworth Board of Selectmen, through adoption of this guideline, has voted to make the provisions of RSA Chapter 281-A (related to workers' compensation) not applicable to the welfare work program participants, pursuant to RSA 281-A:2, VII(b). (Voted 11/15/00 by Board of Selectmen)

**D.** If, due to lack of work or other good cause, an applicant does not work a sufficient number of hours to fully compensate for the amount of aid to which he is otherwise entitled under these standards, the full amount of aid for which he is eligible will still be paid.

**E.** The Town will provide reasonable times during working hours for applicants to secure work in the labor market.

**F.** Refusal to work does not include failure to appear for or to perform work where the applicant has notified the Welfare Officer in advance, AND:

1. has a conflicting interview for a job possibility.
2. has a conflicting interview at a service or welfare agency.
3. has a medical appointment or illness.
4. must care for minor children or an incapacitated adult.
5. does not possess the materials or tools required to perform the task and the municipality fails to provide the same.
6. has secured a minimum wage (or greater) employment which conflicts with scheduled work time.

**G.** Working hours will be established by the Welfare Officer. Failure of the applicant to adhere to the working hours and to call the Welfare Office and provide evidence that one or more of the criteria listed in Section F above has been satisfied will prompt review of the applicant's eligibility for General Assistance and/or possible suspension.

In all cases as listed above, the applicant must notify the Town prior to being absent. Failure to do so constitutes grounds for suspension. The Welfare Officer will terminate aid and the applicant will be suspended if the applicant fails to complete the work schedule without good cause (criteria 1 through 6 listed above).

**H.** Work rules appropriate to the work to be performed will be established by the Welfare Officer for each case in which the Town assigns work to a recipient of general assistance. The Welfare Officer will advise assisted applicants of these rules in writing. Failure to

comply with work rules will constitute a violation of these Guidelines.

**XI. BURIALS:** The Welfare Office will assist with burial costs only when the Welfare Officer gives prior approval and authorization of the funeral and burial costs, and only after vigorous attempts have been made by hospitals and funeral directors to find relatives or other parties responsible for payment.

In order to be considered for funeral/burial assistance, a family member must come to the Welfare Office to apply for funeral assistance on behalf of the deceased prior to the funeral and burial. The Welfare Officer will make a determination of eligibility for assistance after an analysis of the applying relative's income and liabilities, as well as the existence of other parties responsible for payment, or the assets of the deceased. The funeral may consist of either cremation with no burial or burial in a Town cemetery. Total cost of the funeral and burial must not exceed \$1,500. If it exceeds \$1,500, no welfare payment will be made.

## **XII. NOTICE OF ACTION:**

### **A. Notice Required:**

1. Every applicant will be given a written notice of decision regarding an application for assistance.
2. The written notice of decision will be given or mailed to the applicant within three (3) business days of the decision.

### **B. Contents of Notice:**

1. Where the application is granted, the notice will state the type of assistance and the time period of the aid.
2. Where the application is denied, withdrawn or the Welfare Officer suspends assistance, the notice will contain:
  - a. A clear statement of the reasons for the suspension, withdrawal or denial. If a suspension is due to the applicant's failure to comply with these Guidelines, the notice will list the Guidelines with which the applicant presently does not comply, those specific actions deemed necessary to meet those obligations, and the consequences of noncompliance.
  - b. A statement advising the applicant of his rights to a fair hearing, and that any request for a fair hearing must be made in writing within five (5) calendar days.

c. A form on which the applicant may request a fair hearing.

d. If the Welfare Officer denies or suspends assistance, a statement that assistance may continue, when authorized by law, if the applicant so requests.

### **XIII. DISQUALIFICATION FOR NONCOMPLIANCE WITH GUIDELINES**

**A.** Any person otherwise eligible for assistance will become ineligible to receive such assistance if he fails to comply with the Guidelines relating to:

1. Disclosure of income, resources, or other material financial data;
2. Participation in a work program;
3. Reasonable work searches; or
4. Application with other public assistance agencies, including keeping appointments and otherwise cooperating with said agencies.

**B.** No applicant will be suspended from assistance until he has been first given written notice as a warning, stating those specific actions he must take in order to comply with the Guidelines and a 7-calendar-day period within which to comply.

**C.** If an applicant does not comply within seven (7) calendar days, the Welfare Officer will provide written notice of suspension which will be in the form set forth in Section XII. (See RSA 165:1-b.)

**D.** The period of suspension will be at least seven (7) calendar days and will continue until the applicant complies with the Guidelines. Any second or subsequent suspensions within six (6) months will be for at least fourteen (14) calendar days and until the applicant so complies with the Guidelines.

**E.** It is the obligation of the applicant to demonstrate that he has come into compliance with the Guidelines once the Welfare Office has suspended him. The Welfare Officer may require an applicant to reapply for assistance once he has complied with the Guidelines.

**F.** The Welfare Officer will not accept an application from a person who is subject to a suspension.

### **XIV. FAIR HEARINGS**

**A. Request:** A request for a fair hearing is a written statement by the applicant to the effect

that he wants an opportunity to present his case to a higher authority in order to contest a denial, or suspension, of assistance as of the date of decision by the Welfare Officer. The statement must specifically identify the relief requested.

**B. Time Limits for Request:** A request for a fair hearing must be in writing on the form provided by the Welfare Officer. It must be received by the Welfare Officer within five (5) calendar days of the date of the decision.

**C. Time Limits of Hearing:** Hearings requested by the applicant must be held within a reasonable time. The Welfare Officer will give notice to the applicant setting forth the time and location of the hearing. The notice will be mailed by certified mail addressed to the applicant at the last address provided to the Welfare Office by the applicant at least 72 hours prior to the time scheduled for the hearing. Notice will be deemed to be given when it is mailed.

**D. Continuances, Withdrawals, Failure to Appear:** Any applicant may withdraw, in writing, his request for a fair hearing at any time up to the time of the hearing. An applicant who fails to appear for any scheduled fair hearing will be deemed to have withdrawn his request for such hearing. An applicant who believes he has good cause to request a continuance or postponement of a scheduled fair hearing will contact the Welfare Officer at the earliest possible time prior to the hearing. Upon good cause shown, the Welfare Officer may reschedule such hearing; however, an applicant is entitled to only one (1) such postponement or continuance per fair hearing request. Good cause will include, but not necessarily be limited to, demonstrated medical emergency, or other demonstrated unforeseen circumstances which reasonably prevents the applicant from attending such scheduled hearing. An applicant will provide documentation of such circumstances to the satisfaction of the Welfare Officer no later than 72 hours after the request for postponement is made. If the applicant does not provide documentation of such circumstances to the Welfare Officer within 72 hours, then the request will be deemed withdrawn by the applicant.

**E. Procedures at the Hearing:**

1. The applicant has the right to examine, prior to the hearing, all records, papers, and comments from the applicant's case file (as described in Section IV) which either party may wish to introduce at the fair hearing, as well as any available document not contained in the case file but relevant to the action of which the applicant complains. The applicant may introduce any such documents, papers, or records into evidence.

2. The Welfare Officer will have the right to examine, prior to the fair hearing, all documents on which the applicant plans to rely or present at the fair hearing and may request a continuance if such documents contain evidence not previously provided or disclosed by the applicant.

3. All fair hearings will be conducted in such a manner as to ensure due process of law.
4. Fair hearings will not be conducted according to strict rules of legal procedure and strict rules of evidence.
5. The burden of proof will be with the applicant, who will be required to establish by a preponderance of evidence, that the decision or action of the Welfare Officer was unlawful or unreasonable under these Guidelines as of the date upon which such decision was made. The Welfare Officer will be presumed to have acted correctly.
6. The Welfare Officer responsible for the decision under review will attend the hearing and testify about his actions and the reasons therefor.
7. Both parties will be given the opportunity to offer evidence and explain their positions as fully and completely as they wish. The hearing officer will have authority to exclude unreliable or unduly repetitive evidence and to maintain order. Each party will be afforded an opportunity for rebuttal. The applicant will present his or her case first.
8. The Welfare Officer and applicant, along with their representatives, will have the opportunity to examine all records and documents used at the hearing. The applicant will have an opportunity to present his case for himself or, at his option, with the aid of others, 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.
9. The parties may stipulate to any facts.

**F. The Hearing Officer:**

1. The fair hearing officer will be chosen by the Board of Selectmen for the Town of Wentworth. The person serving as the fair hearing officer must:
  - a. not have participated in the decision under review;
  - b. be impartial;
  - c. be sufficiently skilled in interviewing to be able to obtain evidence and the facts necessary for a fair determination; and
  - d. be capable of evaluating all evidence fairly and realistically, to explain to the claimant the laws and regulations under which the Welfare Officer

operated, and to interpret to a Welfare Officer any evidence of unsound, unclear or inequitable policies, practices, or actions.

2. The decision of the fair hearing officer must be based solely on the record, in light of these standards. Evidence, both written and oral, which is admitted at the hearing will be the sole contents of the record. The hearing officer will not review the case record or other material prior to introduction at hearing.

3. The record of the fair hearing will be compiled by the hearing officer and kept by him or her until after a decision is rendered. Thereafter the record will be transmitted to the Welfare Officer for storage. The record will consist of a tape recording of the fair hearing, the documentary evidence submitted, and the written decision of the hearing officer. However, neither the failure of the hearing officer to tape record the hearing, nor the failure of the Welfare Officer to retain any such tape, will act to invalidate the hearing or decision of the hearing officer. Any party may record the hearing at their own expense. A copy of the recorded hearing may be obtained at the Welfare Office for a price to be set periodically by the Welfare Officer.

#### **G. Standard for Decision; Decisions:**

1. The hearing officer will determine whether or not the applicant has proven, by a preponderance of the evidence, that the decision of the Welfare Officer under review was unlawful or unreasonable under these Guidelines as of the date upon which it was made.

2. If the hearing officer determines that the decision was not unlawful or unreasonable as set forth above, he will affirm the decision of the Welfare Officer.

3. If the hearing officer determines that the decision was unlawful or unreasonable as set forth above, he may order that some or all of the benefits requested by the applicant be granted and may make orders pertinent to those benefits as may be reasonable in accordance with these Guidelines.

4. In no case will the hearing officer make any order or grant any benefit or set any level of benefits not expressly authorized by these Guidelines and requested by the applicant. Any change in these Guidelines is a decision to be made by the Board of Selectmen for the Town of Wentworth and not a quasi-judicial one within the jurisdiction of the hearing officer.

**H. Procedure on Decisions:** Fair hearing decisions will be rendered within seven (7) business days of the hearing, intervening Saturdays, Sundays and Holidays excepted. Decisions will be in writing, dated, setting forth the reasons for decisions and the facts on which the fair hearing officer relied in reaching the decision. A copy of the decision will be

sent by certified mail or delivered to the applicant and the Welfare Officer.

**XV. PROCEDURE FOR BILLING AND RECOVERING FROM GOVERNMENTAL UNIT OF RESIDENCE, RELATIVE OR OTHER:**

The amount of money spent by a municipality to support an applicant who has a residence in another municipality, or who has a father, mother, stepfather, stepmother, husband, wife and/or child (who is no longer a minor) of sufficient ability to support the assisted applicant, may be recovered from the municipality of residence or the liable relative. However, written notice of money spent in support of an assisted applicant must be given to the liable relative. The Welfare Officer will make reasonable efforts to give such written notice prior to the giving of aid, but aid to which an applicant is entitled under these Guidelines will not be delayed due to inability to contact a possibly liable relative. Any legal action to recover must be filed in a court within six (6) years after the expenditure. (RSA 165:19, 20 and 25)

The amount of money spent by the Town to support an assisted applicant who has made initial application for SSI and has signed an Interim Assistance Program reimbursement form may be recovered through the SSA and Department of Health and Human Services.

The amount of money spent by the Town to support an assisted applicant who has a lawsuit or settlement pending will be recovered by notifying the attorney or insurance carrier of the Town's right to a lien to the property settlement or civil judgment for all the aid rendered. (RSA 165:28-a)

Whenever an assisted applicant returns to income status after receiving assistance which enables him to reimburse the Town without financial hardship, the Town will seek recovery of sums expended. (RSA 165:20-b) The Town may receive reimbursement for eligible expenses from the State of New Hampshire as provided by RSA 165:20-c or other pertinent law.

There will be no delay, refusal to assist, reduction or termination of assistance while the Welfare Officer is pursuing the statutory remedies to secure reimbursement of assistance given.

**XVI. Welfare Offset/Delinquent Municipal Payments:** The Board of Selectmen, through the adoption of these Guidelines, approves the application of assistance, which a property owner would have received in payment of rent on behalf of such assisted applicant, to the property owner's delinquent taxes from the Town as set forth in RSA 165:4-a.

**A. Determination of Delinquency:** 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.)

**B. 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 (i.e., Tax Collector), which shall forward the voucher to the Board of Selectmen for payment. Upon receipt of payments, the department will issue a receipt of payment to the delinquent landlord.

**XVII. INTERPRETATION AND APPLICABILITY OF GUIDELINES:** The Welfare Officer is empowered to interpret and implement these Guidelines so as to best effectuate their purpose.

**XVIII. FORMS:** The sample forms attached hereto are subject to change at the discretion of the Welfare Officer.

- Form A. Verification Information Required From Applicants for Welfare
- Form B. Voluntary Quit Bill
- Form C. Application for Welfare Assistance
- Form D. Authorization to Release Information
- Form E. DES Verification Request
- Form F. Rental Request
- Form G. Portion Deposit Agreement
- Form H. Full Deposit Agreement
- Form I. Notice of Decision
- Form J. First Notice of Sanction
- Form K. Budget Worksheet
- Form L. Conditions of Employment - Workfare Program
- Form M. Notice of Rights
- Form N. Medical Screening
- Form O. Work Search
- Form P. Fair Hearing Notice and Procedure
- Form Q. Fair Hearing Decision
- Form R. Notice of Lien
- Form S. Lien Discharge
- Form T. Landlord Tax Delinquency Notice
- Form U. Repayment Letter
- Form V. Intake & Update Current Information