

CITY OF NASHUA, NEW HAMPSHIRE  
WELFARE DEPARTMENT



## GENERAL ASSISTANCE GUIDELINES

The City Welfare Office of Nashua provides interim, emergency assistance through a voucher program and referrals to other resource agencies for individuals and families who lack adequate resources to meet their basic needs. The goal of the City Welfare Office is to assist those in need and promote greater independence so they may become productive and contributing members of the community.

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**I. DEFINITIONS:** as used in these Guidelines, the following terms have the indicated meaning:

**APPLICANT:** A person who expresses a desire to receive General Assistance, or to have his/her eligibility for assistance reviewed, and has submitted a completed application.

**APPLICATION:** Action by which a person requests assistance from the Welfare Office through a completed written application obtained from the Welfare Department.

**APPLICATION FORM:** Form obtained from the Welfare Office upon which a written request for assistance or consideration for assistance is made. Such forms may be amended by the Welfare Officer and approved by the Mayor and Board of Alderman.

**ARREARAGES:** Past due amounts on bills for basic needs (i.e.: rent, utility bills); debts that remain after part of an overdue debt have been paid.

**ASSETS:** All real property, cash, real estate, personal property, future interests and anything else of value owned by the applicant. This includes, but is not limited to, annuities, insurance awards, expectancies and retroactive government and insurance payments, etc.

**ASSISTANCE (GENERAL ASSISTANCE):** Support given to applicants through a voucher program administered and funded by each city and town in New Hampshire.

**AVAILABLE LIQUID ASSETS:** Amount of liquid assets after exclusions enumerated herein. Includes, but is not limited to, cash on hand, checking accounts, bank deposits, credit union accounts, stocks, bonds, and securities. IRA (Individual Retirement Account), 401K accounts and insurance policies with a loan value and non-essential personal property shall be considered as available liquid assets when they have been converted into cash. Income tax refunds may also be considered.

**CASE RECORD:** Official files containing forms, correspondence and narrative records pertaining to the application including determination of eligibility, reasons for decisions and actions by the Welfare Official and types of assistance.

**CLIENT:** A person utilizing the services of a social agency.

**COMPLIANCE:** Conformity in fulfilling official requests for information and requirements of the Welfare Official.

**ELIGIBILITY:** Determination by the Welfare Official, with the assistance of the Welfare Guidelines, of a person's poverty and inability to support himself/herself, and therefore, the need for General Assistance under the eligibility formula (section IX).

**FAIR HEARING:** A hearing which the applicant may request in writing to contest a denial, termination or reduction of assistance. A hearing will be held before an impartial Fair Hearings Officer, who is appointed having no prior knowledge of the case.

**HOUSEHOLD:** The total number of persons (related or unrelated) living together who share in or benefit from shelter/food expenses. The individuals share living quarters, but are not financially liable for each other unless they request to be treated as such. Expenses which are shared (rent, utilities, etc.) are divided pro rata for the purposes of calculating the applicant's need, based on the total number of persons in the household. **However, the total shelter cost must approximate the shelter Guideline amounts for the household size.** (For example, three unrelated adults share an apartment, one applies for assistance, rental assistance is determined as one-third of the total shelter cost for three people and the **total** shelter cost for all three must approximate the Guideline amounts for a household of three).

**LIABILITY FOR SUPPORT:** Those persons deemed by New Hampshire Law to have financial responsibility for anyone applying for General Assistance, for example, adult children for parents, parents for adult children and husbands and wives for each other.

**MINOR:** A person who has not attained the age of 18 years. Note that a minor's residence is always that of the custodial parent.

**NEED:** The basic maintenance and support requirements of a person, as determined by a Welfare Official under the standards of SECTION IX (E) of these Guidelines.

**NON-RESIDENT:** A person temporarily in Nashua while his/her residence is elsewhere. Non-residency does not preclude General Assistance, however, assistance will be of a temporary and reasonable nature given his/her temporary status. Duplication of resources available through his/her city or town of residence will be avoided except in cases of emergency. Cities or towns will be contacted for reimbursement.

**NOTICE OF DECISION:** Written grounds for approval or denial of an application detailing the amount and type of assistance issued, and/or the type of assistance pending further verification. Additionally, it contains the caseworker's name, date of applicant's next appointment, and a list of all the information to be provided by the applicant at the next appointment.

**PERMANENT RESIDENCE:** Abode or domicile occupied by an applicant. Permanent residency does not include temporary stays in shelters, motels, or other residence not intended to be permanent (RSA 21:6-a).

**REAL ESTATE:** Land, structures and fixtures attached to it.

**RECIPIENT:** A person who is receiving General Assistance.

**REIMBURSEMENT:** Each recipient who becomes financially able must reimburse the City of Nashua for assistance rendered when asked to do so. A schedule of repayment will be determined by the Welfare Department, in conjunction with the recipient, taking into

consideration all necessary current and future obligations. The Welfare Department may also take a lien on real estate or civil judgments in the amount of assistance rendered (RSA 165:28, 28-a).

**RESIDENCE:** Residence or residency shall mean a person's place of abode or domicile. The place of abode or domicile is that place designated by a person as his/her principal place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by temporary absence from it, if there is intent to return to such residency as the principal place of physical presence. RSA 165:1 (I); 21:6-a. If another municipality moves a client into the City of Nashua, they should provide assistance for the first 30 days of assistance according to the New Hampshire Local Welfare Administrators Association's ethics policy.

**RESIDENT:** A person who has a residence within the city of Nashua.

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

**ROOMMATE:** A person(s) who is/are financially responsible for himself/themselves and living with a recipient(s) of General Assistance. Persons living together as domestic partners may be responsible for each other to the extent that they are able.

**SUSPENSION:** Cessation of benefits due to non-compliance.

**VOUCHER SYSTEM:** The system whereby a Welfare Official issues vouchers (authorizations for payment) directly to the recipient's vendors and creditors rather than cash to the recipient. RSA 165:1 (III). (See SECTION VII).

**WELFARE OFFICER:** The Welfare Officer of the City of Nashua is an indefinite position appointed by the Mayor under the Charter § 42 of the City of Nashua. The Welfare Officer is charged with operating the Welfare Department in accordance with municipal, state and federal legislation.

**WELFARE OFFICIAL:** The official of the town or city, or his/her designee, who performs the function of administering General Assistance. Such person has the authority to make all decisions regarding the granting of assistance under RSA 165, subject to the overall fiscal responsibility vested in the Mayor and Board of Aldermen. The term includes "overseers of public welfare" (RSA 165:1) and "administrator of town or city welfare" (RSA 165:2).

**WORK PROGRAM (Nashua Employment Opportunity Program):** The City of Nashua Employment Opportunity Program that requires able-bodied recipients to work for the City at any job within the person's capacity in return for assistance. There are no wages paid. The recipient reimburses the City of Nashua Welfare Department at the going rate for the particular job they are doing for General Assistance provided (RSA 165:31).

## **II. SEVERABILITY**

If any provision of these Guidelines is held at law to be invalid or inapplicable to any person or circumstance, the remaining provisions will continue in full force and effect. The Guidelines contained herein are intended to be advisory and, as such, the Welfare Official or designee shall have sole discretion towards the enforcement, application, or variance of any of the Guidelines contained herein. The Welfare Official shall not exercise this discretion unreasonably.

## **III. CONFIDENTIALITY OF INFORMATION**

Information given by or about an applicant or recipient of General Assistance is confidential and privileged, and is not a public record under the provisions of RSA 91-A, commonly known as the Right to Know Law. Such information will not be published, released or discussed with any individual except when law requires disclosure or when necessary to carry out the purpose of RSA Chapter 165.

## **IV. ROLES OF LOCAL GOVERNING BODY & WELFARE OFFICER**

The responsibility for the day-to-day administration of the General Assistance Program shall be vested in the appointed Welfare Officer of the City of Nashua. The Welfare Officer shall administer the General Assistance Program in accordance with the written City of Nashua General Assistance Guidelines. The local governing body (Mayor & Board of Aldermen) is responsible for the adoption of the Guidelines relative to General Assistance under RSA 165.

## **V. MAINTENANCE OF RECORDS**

A. The Welfare Office 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 for such support, a separate case record shall be established for each individual or family applying for General Assistance. (RSA 41:46)

B. The purposes for keeping complete records of General Assistance are:

1. To provide a valid basis of accounting for expenditure of the municipality's funds.
2. To support decisions concerning the applicant's eligibility.
3. To assure availability of information if the applicant or recipient seeks administrative or judicial review of the Welfare Official's decision.
4. To provide 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 requires that

an itemized account of all General Assistance furnished (without recipients' names) be released to any citizen requesting it.

5. To provide a complete history of an applicant's assistance that might aid a welfare agency in the effort to rehabilitate the applicant (subject to the confidentiality of such information).

C. The Welfare Office shall maintain case records containing, as a minimum, the following information:

1. The completed written application for assistance.
2. Written grounds for approval or denial of an application, contained in a Notice of Decision.
3. A narrative history recording need for relief, the results of home visits, if any, collateral information, referrals, changes in status, etc.
4. A tally sheet that has complete data concerning the type, amount and dates of assistance given for purposes of reimbursement.
5. A signed authorization by the applicant allowing the Welfare Official to release, obtain or verify any pertinent information in the course of determining eligibility of an applicant/recipient.
6. Additional information requested by the Welfare Official pertinent to the applicant's case.

## **VI. APPLICATION PROCESS**

### **A. Right to Apply**

1. Any person residing or temporarily present in Nashua has the right to apply for General Assistance by appearing in person or through an authorized representative and by completing a written application form. Clients are seen by appointment. If more than one adult resides in a household, each household member shall be required to appear at the Welfare Office, unless one is working or otherwise reasonably unavailable.
2. The Welfare Official shall not be required to accept an application for General Assistance from a person who is subject to disqualification or suspension pursuant to RSA 165: 1b, provided that any person who contests a determination of continuing noncompliance with the Guidelines may request a Fair Hearing; and provided further that a recipient who has been suspended for at least six (6) months due to noncompliance may file a new application.
3. Persons who are not legally residing in the United States shall not be considered eligible for assistance for him or her self, however, may be considered for assistance for their eligible children who are here legally.



## **B. Welfare Official's Responsibilities**

When application is made for General Assistance, the Welfare Official shall inform the applicant of the following (including the applicant's responsibility in Section C):

1. The requirement to submit a completed application containing all necessary information: the applicant's signature agreeing to the reimbursement, the signature allowing the Department to contact all necessary agencies for investigation and verification, and that they have been given, read (or the application has been read to them) and understood all information. An uncompleted application may be grounds for denial of assistance.
2. Eligibility requirements, including a general description of the Guideline's amounts and the eligibility formula.
3. Having to refer applicant(s) requiring emergency assistance to agencies or resources who have agreed to provide emergency, temporary assistance which will meet the needs of the applicant(s) until an appointment can be arranged.
4. The applicant's responsibility to provide documentation of all claims, identification for all household members, receipts for expenditures, documentation of employment, documentation of application for other programs which would reduce or eliminate the need for General Assistance, documentation of income from any source, loss of employment and any other similar claims materially affecting eligibility.
5. The necessity of applying for or utilizing other resources that could reduce the need for or eliminate General Assistance.
6. The possible need to relocate to more affordable housing based on client's anticipated income if deemed necessary by the Welfare Official. Every effort will be made to maintain applicants and recipients in their own housing unless it is clear that to do so would probably require a continuing subsidy from the Department. Decisions will be based on anticipated/probable income.
7. The Welfare Official will conduct an investigation to verify and substantiate facts and statements presented by the applicant. That investigation may take place prior to, during or subsequent to the applicant's receipt of assistance. This may include home visits in the least intrusive manner as scheduled with the Welfare Officer and the applicant.
8. The necessity of referral to a shelter for families or individuals currently without housing and/or income.
9. The joint responsibility of both the Welfare Official and applicant in exploring the facts concerning eligibility, needs and resources.
10. The applicant's responsibility for accurately and truthfully reporting all facts necessary in determining eligibility.
11. The applicant responsibility for notifying the Welfare Official of any change in circumstances that would affect eligibility.

12. The applicant's right to a Fair Hearing, and the manner in which the review may be obtained.
13. The applicant's responsibilities as set forth in Section C.
14. The requirement of working on the Welfare Work Program, if physically and mentally capable.
15. The statutory requirement of placing a lien on any real property owned by the recipient, or any settlements or civil judgments, for any assistance given, except for verifiable good cause and approved by the Officer or Deputy Officer. The applicant will be requested to sign a lien document. Such document will be recorded at the Hillsborough County Registry of Deeds per RSA 165:28. However, neither the absence of signature of the applicant nor the failure to record such lien document shall diminish the validity of the lien.
16. The requirement of reimbursement of all assistance when returned to an income status and when the income is more than that required to provide a reasonable subsistence compatible with decency and health.
17. The applicant's right to review the Guidelines, and the responsibilities as set forth in the Guidelines.

**C. Responsibilities of Each Applicant and Recipient**

Each applicant at the time of the initial application and at all times thereafter, has the following responsibilities:

1. To provide accurate, complete and current information concerning needs and resources and the whereabouts and circumstances of relatives who may be responsible under RSA 165:19; RSA 165:1-b.
2. To provide identification and documentation of income and resources of all household members applying for assistance, including medical records if disability is claimed and any other pertinent information when requested.
3. To notify the Welfare Office within 72 hours when a change in needs or resources may affect eligibility for continuing assistance.
4. Within 7 days of application, to apply for and utilize any benefits or resources, public or private, that will reduce or eliminate the need for General Assistance.
5. To keep all scheduled appointments.
6. To notify the Welfare Official within 72 hours of a change of address and any changes in the members of the household or family unit.
7. To diligently search for employment and provide verification of work search as directed by the Welfare Official.
8. To accept employment when offered.
9. To be available for full-time work.
10. To secure and maintain adequate housing/shelter and comply with rules and guidelines of housing/shelter.
11. To grant home visits as reasonably requested by the Welfare Officer.

12. To provide a doctor's statement as to the level of work that may be performed if the recipient claims an inability to work due to medical problems.
13. To participate in the Welfare Work Program [NEOP] if appropriate once assistance has been granted.
14. To budget income/benefits and expenses as required by the Welfare Official. If required by the Welfare Official, a recipient may be required to "direct vendor" payments.

Any applicant shall be denied assistance if he/she fails to fulfill any responsibilities or requests by the Welfare Official as set forth in the Welfare Guidelines without reasonable and verifiable justification. A recipient's assistance may be terminated or suspended for failure to fulfill any of these responsibilities without reasonable and verifiable justification. Disqualification for General Assistance may occur as set forth in RSA 165:1-b.

Any person may be denied or terminated from General Assistance, in accordance with the Nashua Welfare Guidelines and State Law, or may be prosecuted for a criminal offense if he/she, by means of intentionally false statements, omissions, misrepresentation, by impersonation, or other willfully fraudulent act or device, obtains or attempts to obtain any assistance to which he/she is not entitled (RSA 641:3).

**NOTE:** Applicant(s)/Recipient(s) who claim their money or vouchers were stolen must report these incidents to the appropriate police jurisdiction where the incident occurred. Applicant(s)/Recipient(s) will provide proof that the incident has been reported.

#### **D. Actions on Applications**

1. **Decision.** Unless an application is withdrawn, the Welfare Official shall make a decision concerning the applicant's eligibility within five (5) business days after submission and acceptance of a completed written application. A written Notice of Decision shall be produced and provided to the applicant in person or mailed within three (3) business days following the decision. The Notice of Decision shall state that assistance of a specific kind and amount has been given and the time period of aid, or that the application has been denied, in whole or in part, with reasons for denial. The First Notice outlining the requirements of the applicant shall be given as part of the Notice of Decision when assistance has been granted. The Notice of Decision shall notify the applicant of his/her right to a Fair Hearing if dissatisfied with the Welfare Official's decision.
2. **Emergency Assistance.** At the time of initial contact, if the applicant demonstrates and verifies that an immediate need exists in which the applicant may suffer a loss of a basic necessity of living or imminent

threat to life or health (such as loss of shelter, heat sources in winter, lack of food or prescriptions), then temporary aid to fill such immediate need shall be given no later than 72 hours from the time of the request. Such emergency assistance shall not obligate the Welfare Official to provide further assistance after the application process is completed.

3. Temporary Assistance. In circumstances where required records are not available, the Welfare Official may give temporary approval to an applicant pending receipt of required documents. Temporary status shall not extend beyond two (2) weeks.
4. Withdrawn Applications. An application is deemed withdrawn if:
  - a. The applicant has failed to complete an application or to make a good-faith effort to provide required verifications and sufficient information for the completion of an application. If an application is deemed withdrawn for these reasons, the Welfare Official shall so notify the applicant in a written Notice of Decision.
  - b. The applicant dies before assistance is rendered.
  - c. The applicant avails himself/herself of other resources in place of assistance.
  - d. The applicant requests that the application be withdrawn (preferably in writing).

#### **E. Home Visits**

A home visit may be made to any applicant/recipient as determined necessary for the Welfare Official to understand all the services needed to help the applicant, or whenever there is a reasonable basis for such home visit. A home visit may be used as an alternative form of verification of information when other forms of verification are unavailable. Refusal to grant home visits without reasonable justification shall be grounds for denial of assistance based on the applicant's refusal to verify or provide required information to determine eligibility/assistance.

All home visits shall be conducted in such a manner as to preserve, to the greatest extent possible, the privacy and dignity of the applicant(s) / recipient(s).

All home visits shall be pre-arranged, and shall take place between the hours of 9 am and 5 pm on weekdays, unless the applicant is unavailable and requests otherwise.

During the home visit the Welfare Official may discuss any noticeable applicable housing code violations with the applicant and may report all violations to proper authorities. The Welfare Official will follow up on all reported violations and may insure that reprisal actions taken by the landlord are also reported to proper authorities.

## **VII. VERIFICATION OF INFORMATION**

Any determination or investigation of need or eligibility shall be conducted in a professional manner so as not to violate the privacy or personal dignity of an applicant.

- A. Verification will normally be required of the following:
1. Applicant's address.
  2. Names of persons in applicant's household residential unit or family unit.
  3. Picture identification(s), birth certificate(s), and social security card(s). Immigration and Naturalization Service documentation for applicant(s) and household members, where applicable.
  4. Proof of physical custody of children.
  5. Applicant's and household's/family unit's income and assets.
  6. Applicant's and household's/family unit's financial obligations.
  7. The physical and mental condition of household/family unit members, only when relevant to their receipt of assistance, such as ability to work, determination of needs or referrals to other forms of assistance.
  8. Any special circumstances claimed by applicant.
  9. Applicant's past and present employment status and employability.
  10. Utility costs.
  11. Housing costs.
  12. Facts relevant to the applicant's residence.
  13. Names, addresses, and employment status of individuals potentially liable to the City for reimbursement of benefits provided (RSA 165:19).
- B. Verification may be made through records provided by the applicant (for example, birth and marriage certificates, pay stubs, paychecks, rent receipts, bankbooks, etc.) as primary sources. Failure of the applicant to bring such records does not affect the Welfare Official's responsibility to process the application promptly. The Welfare Official shall inform the applicant in writing what records are necessary and the applicant is required to produce records within seven (7) days (RSA 165:1-b II (a)).
- C. Verification may also be made through other sources, such as relatives, employers, banks, school personnel, and social or government agencies. The cashier of a national bank or a treasurer of a savings and trust company is authorized by law to furnish information regarding amounts deposited to the credit of a recipient (RSA 165:4).
- D. When information is sought from such other sources, the Welfare Official shall explain to the applicant or recipient what information is desired, how it will be used and the necessity of obtaining it in order to establish eligibility. *Before contact is made with any other source, the Welfare Official shall obtain written consent of the applicant or recipient, unless the Welfare Official has reasonable grounds to suspect fraud.* In the case of suspected fraud, the Welfare Official

- shall carefully record his/her reasons and actions. The applicant(s)/recipient(s) shall be given an opportunity to explain or clarify the suspicious circumstances.
- E. Should the applicant or recipient refuse permission to have the Welfare Official seek further information that is necessary, assistance will be denied for lack of eligibility verification (RSA 165:1 II (b)).

## **VIII. DISBURSEMENTS**

- A. The City of Nashua pays through a voucher system directly to vendors or creditors up to the dollar amount designated on the voucher. The City of Nashua will not pay any amount in excess of the amount listed on the voucher. A recipient shall not change the amount listed on the voucher. A recipient must sign the voucher to insure proper usage. Tobacco products, alcoholic beverages, pet food, magazines, plants, cards, and children's toys cannot be purchased with the food or maintenance vouchers. It is the responsibility of the applicant to safeguard from theft, loss or misuse of any voucher he/she receives. If an applicant/recipient causes, permits or neglects to prevent the alteration, misuse, or transfer of a voucher, than such act shall be considered misuse of that voucher and a violation of Welfare Guidelines for which benefits may be denied or suspended. No replacement voucher will be issued if the original is lost, stolen, misplaced, or misused unless authorized by the Welfare Officer or designee.
- B. All assistance rendered will be in the form of vouchers or checks directly payable to the vendor providing the service, and in accordance with the general regulations below:
1. Rent may only be made payable to the owner of the property unless the Department is in receipt of a notarized Agent Authorization Form generated by the Department that allows otherwise. No rent payment will be made until a Rental Verification Form generated by the Department has been completed. Forms not generated by this Department will not be honored. Only property owner or authorized agents as noted above will be recognized as having the authority to complete the Rental Verification Form. To be issued payment, the vendor must be on the City of Nashua's vendor file and the property must be in compliance with current land use control statutes and ordinances. To be placed on this file, the vendor must supply the City's Finance Department with a completed current W-9 form and any other documentation required by the City's Finance Department.
  2. The Rental Verification Form is to be considered a legal document upon which the Department relies in determining eligibility. The information is expected to be accurate and true. Forms which misrepresent or inaccurately report information for the purposes of obtaining assistance which otherwise may not be issued will be grounds for stopping payment. Legal action may also be taken.
  3. Vouchers must be used by the void date. Prohibited food and miscellaneous items are listed on the voucher. Stores allowing those items to be purchased will not be reimbursed. A maintenance voucher may be used for other than food items. All stores receiving food, maintenance or diaper vouchers must attach the

cash register tape to the voucher in order to be reimbursed. Only the amount used will be reimbursed.

4. All authorizations are one time only, each authorization requiring approval by a Welfare Official.
  5. The amount of assistance provided will be negotiated whenever possible. The Department will always attempt to provide what is necessary for the least cost possible. If negotiation is not possible, the least expensive appropriate alternative will be sought.
  6. The Department will not pay charges that do not directly represent an actual service or item except when there is no other alternative or as provided by law. Examples include late charges, security deposits, storage charges, key charges, damages, etc.
  7. The Welfare Official will verify if the landlord's acceptance of vouchers for payment in instances where their tenants are under eviction will stop the eviction proceedings. Failure to waive the proceedings may result in the voucher being voided.
- C. The City of Nashua shall have no contractual agreement with a landlord/property owner providing housing assistance to applicants, and therefore said landlords/property owners shall have no legal recourse against the City of Nashua should the Welfare Official determine that the applicant/recipient is no longer entitled to benefits under the Welfare Guidelines. If the applicant continues to reside at the premises after General Assistance from the Welfare Office has been terminated any and all rents due to the landlord/property owner, including any past and/or future rents will be the contractual obligation of the tenant.

## **IX. DETERMINATION OF ELIGIBILITY AND AMOUNT**

### **A. Eligibility Formula**

An applicant is eligible to receive assistance when:

1. The applicant meets the non-financial eligibility factors, and
2. When the applicant's basic maintenance needs (as determined by the eligibility standards in Section E) exceed available income plus available liquid assets. If available income and available liquid assets exceed the basic maintenance need the person is not eligible for General Assistance. If the need exceeds the available income/assets, the amount of assistance shall be the difference between the two amounts, in the absence of circumstances justifying an exception.

The Welfare Office requires applicants to utilize available resources for basic needs: rent, food (minus Food Stamp allotment), cleaning and hygiene items, utilities and prescriptions. Applicants may be required to provide dated and signed receipts. Credit card payments, rent-to-own furniture, cable services, internet service and repayment of personal loans are examples of non-basic needs.

B. Legal Standard and Interpretation

"Whenever a person in any town is poor and unable to support himself/herself, he/she shall be relieved and maintained by the Overseers of Public Welfare of such town, whether or not he/she has residence there." RSA 165:1.

1. A person cannot be denied assistance solely because he/she is not a resident.
2. "Whenever" means at any or whatever times that person is poor and unable to support himself/herself
3. "Poor and unable to support" means that an individual lacks income and available liquid assets to adequately provide for the basic maintenance needs for himself/herself or family as determined by the Guidelines.
4. "Relieved" means a person shall be assisted, as the Welfare Official shall determine, to meet those basic needs.
5. "Maintained" means to be continued on assistance as long as eligible.

C. Non-Financial Eligibility Factors

1. Age. General Assistance cannot be denied any person based on age. However, age may make certain persons eligible for other kinds of state or federal assistance, which may affect eligibility under these guidelines.
2. Minors. Minor applicants shall be referred to Protective Services of the Division of Children, Youth, and Families for case management. Minors have the residence of their custodial parent(s) or legal guardian(s). Minors are the financial responsibility of their parent(s) or legal guardian(s).
3. Residence. Residence and residency shall mean a person's place of abode or domicile. The place of abode or domicile is that designated by a person as his/her principle place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by a temporary absence from it if there is an intent to return to such residence or residency as the principal place of physical presence (RSA 21:6).
4. Support Actions. No applicant or recipient shall be compelled, as a condition of eligibility or continued receipt of assistance, to take any legal action against any other person. The City of Nashua may pursue recovery against legally liable persons or governmental units. See Section XVI.
5. Eligibility for Other Categorical Assistance. Applicants or recipients whom the Welfare Official believes may be eligible for any other form of public assistance must apply for such assistance no later than seven (7) days after being advised to do so by the Welfare Official. Failure to do so may render the applicant or recipient ineligible for assistance.
6. Employment. A person who is gainfully employed, but whose income and assets are not sufficient to meet necessary family expenses according to Welfare Guidelines, may be eligible to receive General Assistance. However, recipients who without verifiable good cause refuse a job offer



or referral to suitable employment, participation in the Nashua Employment Opportunity [NEOP] Welfare Work Program (RSA 165:31), or who voluntarily leave a job (RSA 165:1 d) may be ineligible for continuing General Assistance in accordance with the procedures for suspension outlined in the Guidelines. The Welfare Official shall first determine whether there is verifiable good cause for such refusal, taking into account the ability and physical and mental capacity of the person, transportation problems, working conditions that might involve risks to health or safety, lack of adequate child care, lack of workers compensation protection, or any other factors that might make refusing a job reasonable. These employment requirements shall extend to all adult members of the household/family unit.

7. Registration with the Department of Employment Security and Work Search. Registration with the Department of Employment Security [DES] is not a precondition for initial eligibility for General Assistance. However, all applicants and adult members of their household must, within one week from applying for General Assistance, register with DES and conduct a reasonable work search in compliance with DES and as determined by the Welfare Official. These work search requirements apply unless the recipient or other adult member of the household is:

- a. Gainfully employed full-time
- b. A dependent 18 years of age or under who is regularly attending school
- c. Unable to work due to a verifiable debilitating condition.
- d. Unable to work due to illness or to a mental or physical disability of himself/herself or another member of the household/family unit verified by a doctor's note.
- e. Is solely responsible for the care of a child aged five (5) or under. A person responsible for the care of a child aged six (6) through twelve (12) shall not be excused from work search requirements, but shall be deemed to have verifiable good cause to refuse a job requiring work during hours the child is not actually in school, if there is no responsible person available to provide care and no other care is available. A person will be asked to demonstrate contacts made to locate childcare.

The Welfare Official shall give all necessary and reasonable assistance to ensure compliance with work placement requirements, including the granting of allowance for transportation. Failure of a recipient to comply with these requirements without verifiable good cause will be reason for denial or suspension of assistance (RSA 165:1-b,d).

8. Voluntary Quit Law. Applicant(s) / Recipient(s) subject to the New Hampshire Voluntary Quit Law shall become ineligible for assistance as provided by law. RSA 165:1-d

9. Students. Students must be employed full time or be available for and seeking full time employment in order to be eligible for General Assistance.
10. Employment of Household/Family Unit Members. All adults aged 18 to 65, who live in the same household/family unit as the recipient and who are related to the recipient or legally liable to contribute to the recipient's support are obligated to comply with the employment requirements of these Guidelines or participation in the Welfare Work Program unless they are either regularly attending school, employed on a full-time basis, or are prevented from maintaining employment and contributing to the support of the person by reason of physical or mental disability which is verifiable. The Welfare Official may waive this requirement where failure of the other household/family unit members to comply is not the fault of the recipient and the Welfare Official decides it would be unreasonable for the recipient to establish a separate household. The Welfare Official may suspend the non-compliant recipient(s).

D. Available Assets

1. Available Liquid Assets. Cash on hand, bank deposits, credit union accounts and securities are available liquid assets, Insurance policies with loan value and nonessential personal property may be considered as available liquid assets when they have been converted to cash. The Welfare Official shall allow a reasonable time for such conversion. However, tools of a trade, livestock and farm equipment, and necessary and ordinary household goods are essential items of personal property, which shall not be considered as available assets.
2. Automobile Ownership. The ownership of one automobile by an applicant/recipient or their dependent(s) does not affect eligibility if it is essential for: medical or rehabilitation services, transportation to and from employment, or it is essential for use 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/recipient's income. Ownership of more than one vehicle per household may be determined as non-essential by the Welfare Official. The book value of a vehicle may be considered as a liquid asset and required converted to cash prior to eligibility for anything other than extreme emergency assistance such as food or medication.
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 shall then be considered available assets. Premium payment shall not be included as "need" in determining eligibility or amount of aid.
4. Real Estate. Real estate owned and occupied by the applicant as primary residence shall be considered in the same manner as rental assistance.

The type and amount of real estate owned by an applicant does not affect eligibility, although rent or other such income from property should be considered as available to meet need. Applicants owning real estate property, other than that occupied as a home, shall be expected to make reasonable efforts to dispose of it at fair market value. Applicants shall be informed that a lien covering the amount of any General Assistance they receive shall be placed against any real estate they own. (RSA 165:28). The Welfare Official shall not make mortgage payments when the applicant has a co-signer on the note. Generally, any mortgage payment made shall be applied to principle only. All applicants will be required to execute any and all documents necessary to perfect the City's lien interest aforementioned, however, failure of applicant or recipient to do so does not limit the City's ability to place a lien on such property.

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

E. Standard of Need

The basic financial requirement for General Assistance is that a person is presently poor and unable to support himself/herself. A person shall be considered poor when he/she has insufficient available income/assets, not to exceed the standards posted in the Welfare Office, to purchase either for himself/herself or dependents any of the following:

1. Shelter: The amount to be included as "need" for shelter is the actual cost of rent or mortgage necessary to provide shelter for the applicant's household. Such cost shall be based on approved standards in the City Welfare Office (subparagraph 11).
  - a. Shelter arrearages, whether back rent, mortgage payments, interest, condominium fees, or taxes, may not be included in the "need" formula. Every effort will be made by the Welfare Official to contact landlords or banks/mortgage companies to prevent eviction or foreclosure. Exception may be made only if such payment would prevent eviction/foreclosure or to protect the health and safety of the household and it does not exceed the cost of alternative available housing.
  - b. Security deposits may be considered in the "need" formula only if the applicant is unable to secure housing with no security deposit and is unable to secure a deposit through other resources.
  - c. Whenever a relative of an applicant is also the landlord for the applicant, that landlord will be presumed able to assist his/her

relatives pursuant to RSA 165:19, and must prove an inability to assist before any aid payment for shelter is made.

- d. In cases in which the City of Nashua has made an appropriate referral for emergency, temporary shelter and the applicant refuses to accept such a referral, or if the applicant does not abide by the rules of the emergency housing/shelter, the Welfare Official may suspend the applicant by refusing to pay for alternative emergency shelter, but may not suspend the applicant by denying other forms of assistance to which he/she is otherwise entitled. The applicant must accept the least costly alternative for emergency housing assistance that is deemed suitable by the Welfare Official for his/her household.

**It is not the responsibility of the Welfare Office to locate housing. Shelter assistance may be considered once the applicant locates permanent housing.**

2. Utilities

When utility costs are not included in the shelter expense, the most recent typical monthly utility bill will be included as part of "need" by the Welfare Official. *Utility accounts must be in the applicant's name in order to render assistance.* Applicants may be required to make Extended Payment Arrangements with the utility company. Arrearages will not be included in "need" except as set forth below:

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

3. Food. The amount included as "need" for food purchases will be in accordance with the most recent standard food stamp allotment, as determined under the food stamp program administered by the New Hampshire Department of Health and Human Services under RSA 161:2. This allotment may be adjusted to reflect on-hand supplies of food or resources to obtain food. Food vouchers will not be issued to applicants

residing in shelters where food is provided or readily available through local soup kitchens and food pantries.

4. Telephone. If the absence of a telephone would create an unreasonable risk to the recipient's health or safety (verifiable in writing by a physician) than the lowest available basic monthly rate will be budgeted as "need." The Welfare Office will not pay telephone bills or provide telephone equipment.
5. Transportation. If the Welfare Official determines that transportation is necessary (e.g., for health or medical reasons, to maintain employment, or to comply with conditions of assistance), "need" should include the costs of public transportation or minimal fuel purchases. No cost to prevent repossession of any kind, no automobile payments, no registration or licensing costs will be included.
6. Maintenance of Insurance. In the event that the Welfare Official in consulting with the Welfare Officer determines that the maintenance of medical insurance is essential, an applicant may include as "need" the reasonable cost of such premiums. The payment of such premiums by the Welfare Office shall only be considered if the fiscal benefit for the City of Nashua is greater than the cost of the insurance.
7. Medical Expenses. The Welfare Official shall not provide for medical, dental or eye services. The Welfare Officer shall make modifications to this provision on an as-needed basis related to medical necessity as documented by a medical professional. The recipient or applicant must verify that all other potential sources have been investigated and that there is no other source of assistance; or that budgeted or deferred payment arrangements cannot be made with the health care provider. Other sources to be considered shall include state and federal programs, local and area clinics, area service organizations and area hospital programs (including the Hill-Burton Act) designed for such needs. When a person applies for medical service, prescriptions, dental service or eye service to the local Welfare Office, he/she must provide written documentation from a medical professional (doctor, dentist, licensed optometrist) indicating that these services are absolutely necessary and cannot be postponed without creating a significant risk that the applicant or recipient's well-being will be placed in serious jeopardy. The Welfare Official may approve payment of any medical fee up to the reimbursable amount set for the procedure by the New Hampshire Medicaid Program. Medication prescriptions, other than birth control or antagonist medications, will be considered emergency assistance. Whenever possible, generic or less expensive medications should be used, unless specified "brand only" by the physician. Applicants/recipients shall be directed to seek sample medications or apply for free medications through their prescribing physician. The Welfare Office may not cover over-the-counter medications or medications/prescriptions not covered under the Medicaid Program.
8. Emergency and Other Expenses. In the event that the applicant has the following current expenses, the actual cost shall be included as

emergency and other expenses to determine eligibility and amount of assistance:

- a. Legal Expenses. Unless specifically required by statute, no legal expenses will be included in the “need” formula. The Welfare Office will not cover any legal expenses.
  - b. Moving Expenses. Moving expenses may be included in the calculation of “need,” however, will not be paid by the Welfare Office. The Welfare Office may cover the expense of returning a non-resident person to his/her residence at his/her request pursuant to RSA 165:1-c. Furniture storage charges shall not be allowed. The Welfare Office may assist recipients with the first month rent to offset the cost of moving.
  - c. Home Ownership Expenses. Where an applicant owns a home and is eligible for assistance, the Welfare Official may determine it necessary to pay property taxes to prevent foreclosure and maintain the applicant in the current household. A lien shall be placed on the property (RSA 165:28).
9. Unusual Needs Not Otherwise Provided For In These Guidelines. If the Welfare Official determines that the applicant’s needs have substantially changed, or that strict application of the Standard of Need criteria will result in unnecessary or undue hardship (e.g., needed services are inaccessible to the person), such Official may make minor adjustments in the criteria, or may make allowances using the emergency need standards stated in Section VI (B) (1) of these Guidelines. Any such determination, and the reasons therefore, shall be stated in writing in the applicant’s case record.
10. Shared Expenses. If the applicant(s)/recipient(s) household/family unit shares shelter, utility, or other expenses with a non-applicant/recipient (i.e., is part of a residential unit), then “need” should be determined on a pro-rata share, based on the total number of persons in the residential unit and that all pro-rata expenses have been verified to be current (e.g., three persons in a residential unit, but only one applies for assistance. Shelter need is 1/3 of shelter allowance for a household of 3 persons).
11. Maximum Payment Level Determination. Payment levels shall be determined by the Welfare Officer for various allowable expenses per standard of need defined in Section IX. The maximum payment level for any particular allowable expense shall be based on actual local market conditions and costs. The payment levels shall be reviewed by the Welfare Officer, and will be updated to current market conditions relative to the cost of living in Nashua. Updates shall be based on the most current data from New Hampshire Housing Finance Authority Residential Rental Costs Survey, the United States Department of Agriculture food allowances, and the United States Bureau of Labor Consumer Price Index general cost of living adjustments. The most current Financial Standards shall be posted on the City of Nashua’s Welfare Department web page.

F. Income

In determining eligibility and the amount of assistance, the applicant's standard of need, as determined under Section IX (E) above, shall be compared to the available income/assets. Computation of income and expenses will be by the week or month and will be based on maximum allowances posted in the Welfare Office as established by the Welfare Officer and approved by the Mayor and Board of Aldermen. It is the responsibility of the applicant to provide any information regarding his/her income status to the Welfare Official at each appointment. The following items will be included in the computation:

1. Earned Income. Income in cash, tips, or in-kind earned by the applicant(s) or any member of his/her household through wages, salary, commissions, or profit, whether self-employed or as an employee, is to be included. Rent income and profits from produce sold are included in this category. With respect to self-employment, total profit is determined 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. Child-care costs, court ordered support payments and work-related clothing costs may also be deducted from income. Wages that are trustee, or income similarly unavailable to the applicant or applicant's dependents should *not* be included.
2. Income or Support From Other Persons. Contributions from relatives or other household members shall be considered as income only if actually available and received by the applicant or recipient. Persons in the relationship of father, mother, stepfather, stepmother, son, daughter, husband or wife, are legally liable to support the applicant(s) (RSA 165:19), and therefore may be required to apply jointly with him/her if they are in the same household/family unit. (Expenses shared with non-household members may affect determination of the level of need.) Any adult (even an unrelated person or roommate) who resides in the same household "in loco parentis" (in the role of substitute parent) to a minor child is liable for contributing to that child's support (RSA 165:32), and is required to apply jointly with that household.
3. Income From Other Assistance or Social Insurance Programs.
  - a. State categorical assistance benefits, OAA, Social Security payments, VA benefits, unemployment insurance benefits, pensions, and payments from other government sources shall be considered income.
  - b. Food Stamps cannot be counted as income pursuant to federal law. 7 USC 2017 (b).
  - c. Fuel Assistance cannot be counted as income pursuant to federal law. 42 USC 8624 (f) (1).
4. Court-Ordered Support Payments. Alimony and Child Support shall be considered income only if actually received by the applicant or recipient.

5. Income from Other Sources. Payment from pensions, trust funds, and the like shall be considered income.
6. Earnings of a Child. No inquiry shall be made into the earnings of a child 16 years of age or under unless that child makes a regular and substantial contribution to the family.
7. Deemed Income. The Welfare Officer shall 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-e. When applicant(s) / recipient(s) receiving benefits through the Division of Human Services is sanctioned by a reduction in benefits for non-compliance, the amount of income considered available would be the amount the applicant(s) / recipient(s) was/were receiving prior to the sanction.

**X. NON-RESIDENTS.**

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

- A. Eligibility. No persons shall be refused assistance solely on the basis of residence. RSA 165:1.
- B. Standards. The application procedure, eligibility standards and standard of need shall be the same for non-residents as for residents.
- C. Verification. Verification records shall not be considered unavailable, nor the applicant's responsibility for providing such records relaxed solely because they are located in the applicant(s)' community of residence.
- D. Temporary or Emergency Aid. The standards for the fulfilling of immediate or emergency needs of non-residents and for temporary assistance pending final decision shall be the same as for residents.
- E. Determination of Residence.
  1. Minors. The residence of a minor shall be presumed to be the residence of his/her custodial parent/guardian.
  2. Adults. For competent adults, the standard for determining residence shall be the overall intent of the applicant, as set forth in the definition of "residence." The following criteria shall aid the Welfare Official in determining the applicant's residence:
    - a. Does the person have or immediately intend to establish a dwelling place within the municipality?
    - b. Does the person have property, an established dwelling place or employment in any other municipality, to which he/she intends to return?
    - c. Does the person have a present intent to leave the municipality at some specific future time?
    - d. Has the person evidenced his/her intent to establish domicile in some manner, such as registering a vehicle, paying residence tax,



registering to vote, opening local bank accounts, etc. or does he/she intend to do so in the immediate future?

- F. Return Home Transportation. At the request of a non-resident applicant, any aid, temporary or otherwise, for assistance to which he/she would be otherwise entitled under the standards set forth in these Guidelines, may be used by the Welfare Official to cause the person to be returned to his/her community of residence (RSA 165:1-c).
- G. Recovery. Any aid given to a non-resident, including the costs of return home transportation, may be recovered from his/her community of residence.

**XI. WELFARE WORK PROGRAM [Nashua Employment Opportunity Program]:**

- A. Any recipient of General Assistance determined able-bodied may be required to work through the Nashua Employment Opportunity Program [NEOP] for the City of Nashua or other appropriate local human service agencies at any available bona fide jobs that are within his/her capacity as reimbursement for benefits received (RSA 165:31).
- B. Participants in the Welfare Work Program are not considered employees of the City of Nashua, and any work performed by Welfare Work Program participants does not give rise to any employee/employer relationship between the recipient/welfare worker and the City of Nashua. The City of Nashua Board of Aldermen, through adoption of these guideline, has voted to make provisions of Chapter 123, amending RSA 281-A:2, not to be applicable to NEOP participants.
- C. Required NEOP workers hours are based on the amount of aid rendered and are calculated at the prevailing wage. All hours attributable to Welfare Work participation shall be used to reimburse the City of Nashua for assistance given. No recipient shall work more hours than necessary to reimburse the City of Nashua for aid rendered. No NEOP participant will be compensated in the form of a cash payment.
- D. If, due to lack of available work or other verifiable good cause, a recipient does not work a sufficient number of hours to fully compensate the City of Nashua for the amount of his/her aid, the full amount of aid for which he/she is eligible under these standards shall still be paid.
- E. The City shall provide reasonable time during working hours for the recipient to secure work in the labor market.
- F. Refusal to work does not include failure to appear for or to perform under the circumstances listed below. The recipient should, however attempt to schedule appointments so as not to conflict with the Welfare Work Program and must notify his/her Welfare Official in advance of the appointment. The Welfare Official may require recipients to provide documentation of the attendance at a conflicting interview or appointment. The circumstances include when the recipient:

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 children under the age of five (5). A person responsible for a child over five (5) but under twelve (12) years of age shall be deemed to have verifiable good cause to refuse to work during the hours the child is not in school, if there is no responsible person available to provide care and no other care is available.
  5. Is unable to work due to mental or physical disability as determined by the Welfare Official *or* must remain at home because of illness or disability to another member of the household. A physician must verify any of these conditions in writing.
  6. Does not possess the materials or tools required to perform the task and the municipality fails to provide for them.
- G. Working hours shall be established by the Welfare Officer and are subject to approval by the Work Program site supervisor. Failure of the recipient to adhere to the established working hours will prompt review of the recipient's eligibility for General Assistance and/or possible suspension.

## **XII. BURIALS:**

City Welfare will assist with the burial costs when there is prior authorization by the Welfare Officer and after attempts to find relatives or other parties responsible for payment have failed. In order to be considered for funeral assistance, a family member must appear in person at the Welfare Office and apply for assistance of the deceased prior to the funeral and burial. The Welfare Official will make a determination for assistance based on the relative's income and liabilities. If determined eligible for assistance, the funeral may consist of cremation or burial in the City of Nashua cemetery. Payment for burial from the Welfare Office is limited to \$750.00 where the total cost does not exceed \$1,500.00 (RSA 165:27-a, I). Resources from the Department of Health and Human Services, Social Security or other sources as per RSA 165:3 will be applied toward reduction of the Welfare Department cost.

## **XIII. NOTICE OF ACTION:**

All persons have a constitutional right to be free of unfair, arbitrary or unreasonable action taken by local government. This includes applicants for and recipients of General Assistance whose aid has been denied, terminated or reduced. Every applicant and recipient shall be given written notice of every decision in an effort to ensure that the applicant understands the decision.

- A. Notice of Assistance Granted:  
When an applicant is granted assistance the Notice shall include the type of assistance given and the period of time the assistance is given for.
- B. Action Taken For Reasons Other Than Non-Compliance With The Guidelines.  
Whenever a decision is made to withdraw, suspend, or deny an application for assistance a notice of the decision shall be given to the applicant immediately or within five (5) working days from the time application is filled out and submitted. The notice shall contain:
- a. A clear statement of the reasons for the withdrawal, suspension, or denial. If a denial or suspension is due to applicant's failure to comply with these guidelines, the notice shall list those guidelines with which the applicant has failed to comply, the specific actions necessary to comply, and the consequence of non-compliance.
  - b. A statement advising the individual of his/her right to a Fair Hearing, and that any request for a Fair Hearing must be made in writing within five (5) days; a form for requesting a Fair Hearing; a statement that assistance may continue, if there was initial eligibility, until the date of hearing, if requested by the claimants. Aid must be repaid if the claimant fails to prevail at the hearing.
- C. Suspension For Non-Compliance With The Guidelines.
1. Compliance. Recipients must comply with these Guidelines and the reasonable request of Welfare Officials. Welfare Officials must enforce the Guidelines while ensuring that all recipients and applicants receive due process. Recipients should be given reasonable notice of the conditions and requirements of eligibility and continuing eligibility and notice that non-compliance may result in termination or suspension.
  2. Conditions. Any person otherwise eligible for assistance shall become ineligible under RSA 165:1 b if he/she willfully fails to comply with the requirements of these Guidelines relating to the obligation to:
    - a. Failure to disclose and provide verification of income, resources or other financial material data, including any changes in this information. This may be due to a failure to keep scheduled appointments without verifiable good cause.
    - b. Participate in the Welfare Work Program as assigned by the Welfare Official.
    - c. Comply with the work search requirements imposed by the Welfare Official.
    - d. Apply for other public assistance, which would alleviate the need for General Assistance, as requested by the Welfare Official.
  3. Notice of Decision (First Notice). No applicant or recipient otherwise eligible shall be suspended for non-compliance with conditions unless he/she has been given a written notice of the actions required in order to remain eligible and a seven (7) day period within which to comply. The

First Notice shall be given at the time of the Notice of Decision and thereafter as the conditions change.

4. Non-Compliance. If a recipient willfully fails to come into compliance during the seven (7) day period, or willfully falls into noncompliance, the Welfare Official shall give the recipient a notice of suspension.
5. Suspension Notice. Written Notice of Decision to a recipient that he/she is suspended from assistance due to failure to comply with the conditions required in a First Notice shall include:
  - a. A list of the requirements with which the recipient is not in compliance and a description of those actions necessary for compliance;
  - b. The period of suspension (see paragraph 6 below);
  - c. Notice of the right to a Fair Hearing on the issue of willful non-compliance and that such request must be made in writing to the Welfare Officer or Deputy Welfare Officer within five (5) days of receipt of the suspension notice;
  - d. A statement that assistance may continue until the Fair Hearing decision is made, if the recipient so requests in writing for a Fair Hearing; however, if the recipient fails to prevail at the hearing, the suspension will start after the decision and such aid must be repaid by the recipient.
6. Suspension Period. The suspension period for failure to comply with the Guideline requirements shall last:
  - a. Either 7 days, or 14 days if the recipient has had a prior suspension which ended within the past six (6) months, *and*
  - b. Until the recipient complies with the Guidelines if the recipient, upon the expiration of the 7 or 14-day suspension period, continues to fail to carry out the specific actions set forth in this notice.
  - c. Notwithstanding paragraph b above, a recipient who has been suspended for non-compliance for at least six (6) months may file a new application for assistance without coming back into compliance.
7. Compliance after Suspension. A recipient who has been subject to a suspension and who has come back into compliance shall have his/her assistance resumed, provided he/she is still otherwise eligible. The burden of proof lies with the recipient to show that he/she has come into compliance with the Guidelines. The Notice of Decision stating that assistance has been resumed should again set forth the actions required to remain eligible for assistance, but need not provide a seven (7) day period for compliance unless new conditions have been imposed.

#### **XIV. FAIR HEARINGS.**

- A. Requests. A request for a Fair Hearing is a written request by the applicant(s) or recipient(s) to the effect that he/she wants an opportunity to present his/her case to a higher authority.
- B. The Fair Hearing Officer. The Mayor assigns the Fair Hearing Officer. The Fair Hearing Officer presiding over the Fair Hearing request must:
1. Not have participated in the decision causing dissatisfaction.
  2. Be impartial.
  3. Be sufficiently skilled in interviewing to be able to obtain evidence and facts necessary for a fair determination.
  4. Be capable of evaluating all evidence fairly and realistically, to explain to the claimant the laws and regulations under which the Welfare Official operated and to interpret to Welfare Officials any evidence of unsound, unclear or inequitable policies, practices, or actions.
- C. Time Limits For Request and Hearing.
1. When an application is denied or when a recipient desires to challenge a decision made by the Welfare Official relative to the receipt of assistance, a request for a Fair Hearing must be received within five (5) working days of receipt of the Notice of Decision at issue.
  2. Hearings requested by claimants must be held within a reasonable amount of time, not to exceed ten (10) working days of the receipt of the request. The Welfare Official shall give notice to the claimant setting forth time and location of the hearing. The notice must be given to the claimant at least forty-eight (48) hours in advance of the hearing or mailed by certified mail to the claimant's last known address at least seventy-two (72) hours in advance of the hearing.
  3. Any applicant may withdraw, in writing, his/her request for a Fair Hearing any time prior to the Fair Hearing and up to the time of the Fair Hearing. An applicant believing to have good cause to request a continuance or postponement may do so by contacting the Welfare Officer at the earliest possible time prior to the Fair Hearing. Good cause shall include, but not be limited to, medical emergency or unforeseen circumstances that prevent the claimant from attending the scheduled hearing. A claimant shall provide documentation of such circumstance to the Welfare Officer no later than 72 hours after the request is made. Failure to provide such documentation and/or failure to show for a scheduled Fair Hearing shall be deemed as a withdrawal of the Fair Hearing request of the claimant.
- D. Fair Hearings.
1. Claimant Access to Information. Prior to a Fair Hearing, a claimant has the right to examine all records, papers and documents from the claimant's case file which either party may wish to introduce at the Fair Hearing, as well as available documents not contained in the case file, but relevant to the action of the Welfare Official, which is the basis for the claimant's complaint. The claimant may introduce any such documents, papers or records into evidence. No record, paper or

document, which the claimant has not been allowed to examine prior to the hearing, shall be introduced at the hearing or become part of the record.

2. Welfare Department Access to Information. The Welfare Official (or a duly authorized representative) shall have the right to examine at the Fair Hearing all documents on which the claimant plans to rely at the Fair Hearing and may request a twenty-four (24) hour continuance if such documents contain evidence not previously provided or disclosed by the claimant.
3. Procedures For Fair Hearings.
  - a. All Fair Hearings shall be conducted in such a manner as to ensure due process of law.
  - b. Fair Hearings shall not be conducted according to strict rules of evidence or legal procedures.
  - c. The burden of proof shall be on the claimant who shall be required to establish his/her case by a preponderance of the evidence that the Welfare Official was unlawful or unreasonable under the Welfare Guidelines.
  - d. The Welfare Official responsible for the decision complained of shall attend the hearing and testify about his/her actions and the reasons therefore.
  - e. Both parties shall be given the opportunity to offer evidence and explain their positions.
  - f. The claimant or his/her representative and the Welfare Official or his/her representative shall have the opportunity to examine all records and documents used at the hearing. The claimant shall have the opportunity to present his/her own case or at the claimant's option, 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.
  - g. The decision of the Fair Hearing Officer must be based solely on the record in light of these Guidelines. Evidence, both written and oral, which is admitted at the hearing shall be the sole contents of the records. The Hearing Officer shall not review the case record or other materials prior to introduction at the hearing.
  - h. The parties may stipulate to any facts.
  - i. Any claimant may withdraw in writing his/her request for a Fair Hearing at any time up to the time of the hearing. A claimant who fails to appear for any scheduled Fair Hearing shall be deemed to have withdrawn his request for such a hearing.
  - j. A claimant who believes he has verifiable good cause to request a continuance or postponement of a scheduled Fair Hearing shall contact the Welfare Official at the earliest possible time prior to the hearing. Upon verifiable good cause shown, the Welfare

Official may reschedule such hearing. Verifiable good cause shall include, but not necessarily be limited to, demonstrated medical emergency, or other demonstrated unforeseen circumstances, which reasonably prevents the claimant from attending such scheduled hearing. A claimant shall provide documentation of such circumstances to the satisfaction of the Welfare Official no later than 72 hours after the request for postponement is made. If the claimant does not provide documentation of such circumstances to the Welfare Official within 72 hours, then the request shall be deemed withdrawn by the claimant.

4. Decisions

- a. Fair Hearing decisions shall be rendered within five (5) working days of the hearing. Decisions shall be in writing, setting forth the reasons for decisions and the facts on which the Fair Hearing Officer relied in reaching his/her decision. A copy of the decision shall be mailed or delivered to the claimant and to the Welfare Official.
- b. Fair Hearing decisions will be rendered based on the evidence presented, both oral and written, the officer's findings of fact, these Guidelines and state and federal law. The Fair Hearing decision shall set forth appropriate relief.
- c. In the case of a hearing to review a denial of aid, the decision is retroactive to the date of the action being appealed. If a claimant fails to prevail at the hearing, the assistance given pending the hearing shall be a debt owed by the individual to the municipality and a repayment schedule shall be established.
- d. The Welfare Official shall keep record of all Fair Hearing decisions on file in chronological order. These records will include an audio tape recording of the hearing, documentary evidence presented at the hearing, and the written decision of the Fair Hearings Officer. However, neither the failure of the Hearings Officer or of the Welfare Officer to record or retain any such audiotape shall invalidate the decision of the Fair Hearings Officer.
- e. None of the procedures specified herein shall limit any right of the claimant to subsequent court action to review or challenge the adverse decision.

**XV. LIENS**

- A. Real Estate. (RSA 165:28). The amount of money spent by a town or city to support or assist an applicant shall, except for good cause, be made a lien for on any real estate owned by an assisted person. (This section does not authorize the placement of a lien on the real estate of legally liable relatives, as defined by RSA 165:19). The Welfare

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

- B. Civil Judgments. The City of Nashua shall be entitled to a lien upon property passing under the terms of a will or by intestate succession, a property settlement, or civil judgment of personal injuries awarded any person granted assistance by the City under RSA 165 for the amount of assistance granted by the city. The City shall be entitled to the lien only if the assistance was granted no more than six (6) years before the receipt of the inheritance or award of the property settlement or civil judgment (RSA 165:28-a). The lien shall take precedence over all other claims.

**XVI. PROCEDURE FOR BILLING AND RECOVERING FROM GOVERNMENT UNIT OF RESIDENCE, RELATIVES OR OTHER.**

- A. The amount of money spent by a municipality to support an applicant who has a residence in another municipality, or has a father, mother, stepfather, stepmother, husband, wife or adult child of sufficient ability to also support the assisted applicant, may be recovered from the municipality of residence or liable relatives. Sufficient ability shall be deemed to exist when the relative's weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health. Written notice of money spent in support of an assisted person must be given to the liable relative. The Welfare Official shall make reasonable efforts to give such written notice prior to the giving of aid, but aid to which an applicant is entitled under these Guidelines shall not be delayed due to inability to contact liable relatives. Any legal action for recovery brought under RSA 165:20 must be filed in court within six (6) years after the expenditure. (RSA 165:19, 20, 25). There shall be no delay, refusal or termination of assistance while the Welfare Official is pursuing reimbursement from responsible relatives or from the municipality of residence.
- B. The amount of money spent by the City to support a recipient who has a court suit or settlement pending shall be recovered by notifying the attorney or insurance carrier of the City's right to lien the suit or settlement for all aid rendered (RSA 165:28 –a). Any legal action to recover must be filed in a court within six (6) years after the expenditure.
- C. The amount of money spent by a municipality to support a person who has made initial application for SSI and has signed an Interim Assistance Program Reimbursement Form, shall be recovered through the SSA and Department of Health and Human Services.
- D. A former or current recipient who is returned to an income status after receiving assistance agrees to reimburse the City for the assistance provided (RSA 165:20)



**XVI. APPLICATION OF RENTS PAID BY THE CITY OF NASHUA.**

- A. Whenever the owner of property to a person receiving assistance from the City of Nashua is in arrears in sewer, water, tax payments to the City, the City may apply, upon approval of the governing body, the assistance which the property owner would have received in payment of rent on behalf of such assisted person to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of property occupied by the assisted person. A payment shall be considered in arrears if more than thirty (30) days have elapsed since the mailing of the bill or, in the case of real estate taxes, if interest has begun to accrue pursuant to RSA 76:13. (RSA 165:4-a)
- B. The procedure for application of such rent is as follows:
  - 1. The Welfare Official will issue a voucher on behalf of the tenant to the landlord for allowed amount of rent. The voucher will indicate any amount to be applied to a delinquent balance owed by the landlord, specifying which delinquency and referring to the authority of RSA 165:4-a
  - 2. The Welfare Official will issue a duplicate voucher to the appropriate department (i.e., Tax Collector, Water Department), which shall issue a receipt of payment to the delinquent landlord.

**XVIII. INTERPRETATION AND APPLICABILITY OF GUIDELINES**

The Welfare Official is empowered to interpret and implement these guidelines so as to best effectuate their purpose. If necessary or desirable for the Welfare Official to vary the application of these Guidelines in any individual case, such variation shall be approved, in advance, by the Welfare Officer appointed by the Mayor in accordance with Nashua Charter § 42.