

# **CITY OF LEBANON NEW HAMPSHIRE**



## **GENERAL ASSISTANCE PROGRAM GUIDELINES**

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## **I. MISSION, PURPOSE AND AUTHORITY**

**MISSION:** The mission of City of Lebanon Human Services (hereinafter referred to as "Human Services") is to "relieve and maintain" those in our community that are economically disadvantaged and unable to sustain the basic needs of food, shelter, and emergency medical assistance. Further it is our objective to build and keep strong our relationships with local, state, and federal agencies so that those in need receive a well-rounded, well-managed plan to return to financial self-sufficiency.

**PURPOSE:** The intent and purpose of these established General Assistance Program Guidelines (hereinafter referred to as "Guidelines"), is to protect the welfare of the citizens and taxpayers of the City of Lebanon.

**AUTHORITY:** In accordance with the laws of the State of New Hampshire, and under the authority of the New Hampshire Revised Statutes Annotated, Chapter 165:1(II), the following Guidelines are adopted to regulate the General Assistance Program for the City.

## **II. SEVERABILITY**

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

## **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is confidential and privileged, and is not a public record under the provisions of RSA 91-A. Such information will not be published, released, or discussed with any individual or agency without written permission of the applicant or recipient except when disclosure is required by law, or when necessary to carry out the purposes of RSA 165. RSA 165:2-c.

## **IV. ROLES OF CITY COUNCIL AND HUMAN SERVICES**

The responsibility of the day-to-day administration of the General Assistance program is vested in Human Services. Human Services staff and the City's duly appointed Welfare Official (hereinafter referred to as Human Services Official) shall administer the General Assistance program in accordance with the written, approved City of Lebanon General Assistance Program Guidelines. The Lebanon City Council is responsible for the adoption of the guidelines relative to General Assistance. RSA 165:1 (II).

## **V. BURIALS & CREMATIONS**

Human Services shall provide for burial or cremation, at municipal expense, of persons found in need at time of death, regardless of whether the deceased person ever applied for or received general assistance from any municipality. In such cases, assistance may be applied for on behalf of the deceased person, however the application should be made before any burial or cremation expenses are incurred. The expense may be recovered from the deceased person's municipality of residence, or from a liable relative pursuant to RSA 165:3, II. If relatives, other private persons, the state or other sources are unable to cover the entire burial/cremation expense, the municipality will pay up to \$1500.00 for burial/cremation. (See Appendix (A) RSA 165:3 and RSA 165:1-b; see also RSA 165:27 and 165:27-a)

## **VI. NON-RESIDENTS**

**A. ELIGIBILITY:** No person shall be refused assistance solely on the basis of residence. RSA 165:1. Applicants who are temporarily in a municipality which is not their municipality of residence and who do not intend to make a residence there are nonetheless eligible to receive general assistance, provided they are poor and unable to support themselves. RSA 165:1-c.

**B. STANDARDS:** The application procedure, eligibility standards and standard of need shall be the same for nonresidents 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 and procedures for the fulfilling of immediate or emergency needs of nonresidents, and for temporary assistance pending final decision, shall be the same as for residents.

**E. DETERMINATION OF RESIDENCE:** Determination of residence shall not be made unless the applicant requests return home transportation or unless Human Services has some reason to believe the person is a resident of another New Hampshire municipality from which recovery can be made under RSA 165:20.

**1. Minors.** The residence of a minor shall be presumed to be the residence of their custodial parent or guardian.

**2. Adults.** For competent adults, the standard for determining residence shall be the overall intent of the applicant/recipient, as set forth in the definition of "residence." The following criteria will aid Human Services in determining the applicant's/recipient's residence:

**a.** does the person have or immediately intends to establish a dwelling place within the City;

- b. does the person have property, an established dwelling place, or employment in any other municipality to which they intend to return;
- c. does the person have a present intent to leave the City;
- d. has the person evidence of domiciliary intent in some manner, such as registering a vehicle, paying residence tax, registering to vote, opening local bank accounts, etc., or intend to do so in the immediate future?

The statement of an applicant over 18 as to their residence or intent to establish residence shall be accepted in the absence of strongly inconsistent evidence or behavior.

- F. RETURN HOME TRANSPORTATION:** At the request of a nonresident applicant, any aid, temporary or otherwise, to which they would be otherwise entitled under the standards set forth in these Guidelines, may be used by Human Services to cause the person to be returned to their community of residence. RSA 165:1-c.
- G. RECOVERY:** Any aid given to a nonresident, including the costs of return home transportation, may be recovered from their community of residence as set forth in Section XVI.

## **VII. APPLICATION PROCESS**

The purpose of an application for General Assistance is the securing and sustaining of basic needs that include Housing/Shelter; Food; Non-Food Personal Care Items (Laundry Detergent, Soap, Toothpaste, Deodorant, Toilet Paper, etc.); Utilities (Heat, Electric); Gasoline; Emergency Medical Prescriptions; and Burial Services (limited to a maximum of \$1500). Unless prescribed by a doctor for medical reasons, telephone service assistance is not provided. Attempts will be made to provide for a recipient's basic needs at the least possible cost to the City, and such costs will be negotiated with providers whenever possible.

### **A. RIGHT TO APPLY:**

- 1.** Anyone may apply for General Assistance by appearing in person or through an authorized representative and by completing a written or electronic application form. The Human Services Official shall determine the process by which eligibility determinations shall be made, either by in-person appointments, via telephone or video, or home visits.
- 2.** In the case of a household which meets the definition of family unit as defined in these guidelines, all adults residing in the household shall be required to appear at Human Services to apply jointly for assistance, and to each sign all required documents, unless Human Services determines that there are compelling reasons why the full household cannot reasonably join in an application. Unsigned documents constitute an incomplete application.
- 3.** Unrelated adults in the applicant's household who do not meet the definition of family unit as defined in these Guidelines, are required to apply separately, and

need will be determined on the basis of a pro-rated share, as set forth in Section X of these Guidelines.

4. Human Services is not required to accept an application for General Assistance from any person who is subject to a suspension pursuant to these Guidelines. An applicant who contests a determination of continuing noncompliance with the Guidelines may request a Fair Hearing. An applicant who has been suspended for at least six (6) months due to continuing noncompliance may file a new application.

**B. RESPONSIBILITIES OF HUMAN SERVICES AT TIME OF APPLICATION:** When application is made for General Assistance, Human Services shall inform the applicant of:

1. The requirement of submitting an application. Human Services shall provide assistance to the applicant in completing the application, if necessary (e.g., applicant is physically or mentally unable, or has a language barrier).
2. Eligibility requirements, including a general description of the guideline amounts and the eligibility formula.
3. The applicant's right to Fair Hearing, and the manner in which a review may be obtained.
4. The applicant's responsibility for reporting all facts necessary to determine eligibility and presenting records and documents as reasonably available to support statements.
5. The joint responsibility of Human Services and applicant for exploring facts concerning eligibility, needs and resources.
6. The types of verifications needed.
7. The fact that an investigation will be conducted in order to substantiate facts and statements presented by the applicant.
8. The applicant's responsibility to notify Human Services of any change in circumstances that may affect eligibility.
9. Other forms of assistance for which the applicant may be eligible.
10. The availability of Human Services to make home visits by mutually-agreed appointment to take applications and to conduct ongoing case management for applicants who cannot leave their homes.
11. The requirement of placing a lien on any real property owned by the recipient, or any settlements, for any assistance given, except for good cause.
12. The fact that reimbursement will be sought if recipient becomes able to repay the amount of assistance given.
13. The applicant's responsibility not to voluntarily terminate employment without good cause, as required by RSA 165:1-d.
14. The fact that the Child Protection Act requires that Human Services or any person who suspects that a child under age 18 has been abused or neglected must report that suspicion immediately to NH DHHS Division of Children, Youth and Families (DCYF). RSA 169-C:29-31.
15. The fact that the Adult Protection Law requires that Human Services or any person who has reason to believe that a vulnerable adult has been subjected to abuse, neglect, exploitation, or self-neglect, make a report immediately to the NH DHHS Bureau of Elderly & Adult Services (BEAS). RSA 161-F:46.



16. The applicant's right to review the Guidelines.

**C. RESPONSIBILITIES OF APPLICANT/RECIPIENT:** At the time of initial application, and at all times thereafter, the applicant/recipient 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.
2. To notify Human Services promptly when there is a change in needs, resources, address, or household size.
3. To apply for and utilize immediately, but no later than seven (7) days from initial application, any benefits or resources, public or private, that will reduce or eliminate the need for General Assistance. RSA 165:1-b, I(d)
4. To keep all appointments as scheduled.
5. To provide records and other pertinent information and access to said records and information when requested.
6. To provide a doctor's statement if claiming an inability to work due to medical problems.
7. Following a determination of eligibility for assistance, to diligently search for employment and provide verification of work search (the number of work search contacts to be determined by Human Services), to accept employment when offered (except for documented reasons of good cause (RSA 165:1-d)), and to maintain such employment. RSA 165:1-b, I (c).
8. Following a determination of eligibility for assistance, to participate in the workfare program (workfare) if physically and mentally able. RSA 165:1-b, I (b).
9. To reimburse assistance granted if returned to a viable income status and if such reimbursement can be made without financial hardship. RSA 165:20-b.

An applicant shall be denied assistance if they fail to fulfill any of these responsibilities without reasonable justification. A recipient's assistance may be terminated or suspended for failure to fulfill any of these responsibilities without reasonable justification. Any recipient may be denied or terminated from General Assistance, or may be prosecuted for a criminal offense, if they, by means of intentionally false statements or intentional misrepresentation, or by impersonation or other willfully fraudulent act or device, obtains or attempts to obtain any assistance to which they are not entitled.

**D. ACTIONS ON APPLICATIONS:**

1. **Decision:** Unless an application is withdrawn, Human Services shall make a decision concerning the applicant's eligibility immediately in the case of emergency, or within five (5) business days after submission of the application. A written notice of decision shall be given in hand, delivered, or mailed on the same day or next business day following the making of 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. A decision may also be made to pend an application subject to receipt of specified information from the applicant. The notice of decision shall contain a first notice of conditions for continued

assistance and shall notify the applicant of their right to a fair hearing if dissatisfied with Human Services' decision. RSA 165:1-b, II, III.

**2. Emergency Assistance:** If, at the time of initial contact, the applicant demonstrates and verifies that an emergency need exists, because of 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, utilities, heat, or lack of food or prescriptions), then temporary assistance to mitigate such emergency need shall be provided to prevent the imminent threat to life or health, pending a decision on the application. Such emergency assistance shall not obligate Human Services to provide further assistance after the application process is completed.

**a. Emergency/Temporary Shelter Referrals:** While the City does make an effort to help an applicant to secure emergency shelter, the City's role is not to act as a guarantee. In cases where the City has made an appropriate referral for emergency, temporary shelter, and the applicant/recipient refuses to accept such a referral, or if the applicant/recipient's behavior is contrary to the rules of the shelter, or otherwise results in expulsion, Human Services may refuse to pay for more costly alternative emergency shelter but may not suspend the applicant/recipient by denying other forms of assistance to which an applicant/recipient is otherwise entitled. The applicant/recipient must accept the least costly alternative for emergency housing assistance that is deemed suitable by Human Services for their household. NOTE: It is not the responsibility of Human Services to locate housing. Permanent housing/shelter assistance may be considered once an applicant/recipient locates affordable housing.

**3. Temporary Assistance:** In circumstances where required records are not available, Human Services may give temporary approval of an application pending receipt of required documents. Temporary status shall not extend beyond two weeks. Human Services shall not insist on documentary verification if such records are totally unavailable.

**4. Withdrawn Applications:** An application shall be considered withdrawn if:

- a.** The applicant has refused to complete an application or has refused 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, Human Services shall so notify the applicant in a written Notice of Decision;
- b.** The applicant dies before assistance is rendered;
- c.** The applicant avails themselves of other resources to meet the need in place of assistance;
- d.** The applicant requests that the application be withdrawn (preferably writing);
- e.** The applicant/recipient does not contact, follow through on appointment(s), or fails to provide required information to Human Services when requested to do so.

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

## **VIII. 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 the applicant/recipient.

### **A. REQUIRED VERIFICATION:**

1. Applicant's address.
2. Facts relevant to the applicant's residence as set forth in these Guidelines.
3. Names and dates of birth of all household persons, positive photo identification for all adult household members, and social security information of all household members. Immigration and Naturalization Service documentation for applicant(s) and household members, where applicable.
4. Proof of physical custody of children and proof of child support arrangements.
5. Applicant's and household income, assets, and financial obligations.
6. Any special circumstances claimed by the applicant.
7. Housing, utility, and prescription costs.
8. Applicant's and adult household member's employment status and availability in the labor market.
9. Physical and mental condition of household members where relevant to the receipt of General Assistance, ability to work, determination of need, or referral to other forms of assistance.
10. Names, addresses, and employment status of individuals potentially liable for support or reimbursement to the City for General Assistance provided pursuant to RSA 165:19.

**B. VERIFICATION RECORDS:** Verification may be made through records provided by the applicant (for example, birth and marriage certificates, pay stubs, pay checks, rent receipts, bank statements, etc.). The failure of the applicant to bring such records does not affect Human Services' responsibility to process the application promptly; however, lack of such records may require a denial of the type or amount of assistance requested. If records are not readily available, alternative means of verification may be accepted at the discretion of the Human Services Official.

**C. OTHER SOURCES OF VERIFICATION:** 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 an applicant or recipient. RSA 165:4.

- D. WRITTEN CONSENT OF APPLICANT:** When information is sought from other sources, Human Services shall explain 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, Human Services shall obtain written consent of the applicant, unless Human Services has reasonable grounds to suspect fraud. In the case of suspected fraud, the Human Services Official shall carefully record reasons and actions, and provide the applicant an opportunity to explain or clarify the suspicious circumstances.
- E. LEGALLY LIABLE RELATIVE:** Human Services may seek statements from the applicant's legally liable relatives and/or persons deemed by New Hampshire law to have financial responsibility to help support the applicant.
- F. REFUSAL TO VERIFY INFORMATION:** Should the applicant refuse to allow verification, such as by refusing comment and/or failing to cooperate in helping Human Services obtain information required under VIII(A) above, assistance will be denied for lack of eligibility verification. (RSA 165:1-b) Should the applicant refuse to sign any release as may be reasonably required to verify eligibility for assistance, Human Services may deny assistance and notify the applicant in writing.

## **IX. DETERMINATION OF ELIGIBILITY**

- A. LEGAL STANDARD AND INTERPRETATION:** *Whenever a person in any town is poor and unable to support himself he shall be relieved and maintained by the overseers of public welfare of such town, whether or not he has residence there.* RSA 165:1.
  - 1. An applicant cannot be denied assistance because they are not a resident.
  - 2. "Whenever" means at any or whatever time that person is poor and unable to support themselves.
    - a. Human Services, or a person authorized to act on their behalf, shall be available during normal business hours.
    - b. The eligibility of any applicant for general assistance shall be determined no later than five (5) business days after the application is submitted. If the applicant has an emergency need, then assistance for such emergency need shall be provided, pending a determination on the application.
    - c. Assistance shall begin as soon as the applicant is determined to be eligible.
  - 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 themselves or their family as determined by these Guidelines.
  - 4. "Relieved" means an applicant shall be assisted to meet those basic needs as determined by these Guidelines.
  - 5. "Maintained" means that assistance could be continued as long as the applicant is eligible as determined by these Guidelines.

**B. LENGTH OF ELIGIBILITY:** Assistance is authorized on an as needed basis and is not continued automatically. The length of assistance will vary depending on the need. Applicant(s)/Recipient(s) must contact Human Services to schedule an appointment for each assistance request. Recipients are expected to apply for and utilize any benefits that will assist in returning to a state of financial self-sufficiency.

**C. ELIGIBILITY FORMULA:** An applicant/recipient is eligible to receive general assistance when:

1. The applicant/recipient meets the non-financial eligibility factors; and
2. The applicant's/recipient's basic maintenance need exceeds available income plus available liquid assets. If available income and available liquid assets exceed the basic maintenance need (as determined by the Guideline amounts), the applicant/recipient is not eligible for general assistance. If the need exceeds the available income/assets, the amount of assistance granted to the applicant/recipient shall be the difference between the two amounts, in the absence of circumstances, deemed by the Welfare Official, justifying an exception.

This formula is based on the principle that an applicant/recipient must first and foremost apply any available resources toward meeting basic needs, as set forth in Section X below, including rent, food (minus SNAP Benefits), cleaning and hygiene items, diapers, utilities, and prescriptions. Applicant(s)/recipient(s) must provide receipts for all expenses while receiving General Assistance Benefits. **Credit card payments, rent-to-own furniture, storage fees, cable services, tobacco, alcohol, court fines, restitution, repayment of personal loans and school loans are examples of non-basic needs**, and financial resources expended toward such items shall be considered available under the formula to meet basic needs.

The City is authorized pursuant to RSA 165:1-e to deem as income all or any portion of any qualified State assistance reduction resulting from the failure of an applicant/recipient for General Assistance to comply with State assistance requirements. The amount of the reduction will be calculated in determination of eligibility.

**D. NON-FINANCIAL ELIGIBILITY FACTORS:**

1. **Age:** Age is not a factor in determining whether or not an applicant may receive general assistance.
2. **Minors:** Minor children have the residence of their custodial parent(s) or legal guardian(s) and are assumed to be the responsibility of their custodial parent(s) or legal guardian(s). Minor applicants will be referred to Protective Services of the New Hampshire Division of Children, Youth and Families (NHDCYF) for case management.

3. **Students:** Applicants who are not minor students must be employed full-time or be available for and seeking full-time employment in order to be eligible for General Assistance.
4. **Employment:** An applicant/recipient who is gainfully employed, but whose income and assets are not sufficient to meet necessary household expenses, may be eligible to receive General Assistance. However, recipients who without good cause refuse a job offer or referral to suitable employment, participation in the workfare program, or who voluntarily leave a job without good cause may be ineligible for continuing General Assistance in accordance with the procedures for suspension outlined in these Guidelines.

Human Services will determine whether there is good cause for such refusal, taking into account the ability and physical and mental capacity of the applicant, transportation problems, working conditions that might involve risks to health or safety, lack of adequate childcare, or any other factors that might make refusing a job reasonable. *NOTE: Employment requirements extend to all adult members of the household/family unit.*

- a. **Employment of Household/Family Members:** The employment requirements of these Guidelines, or participation in the General Assistance Work Program, shall be required for all adults aged 18 to 65 years residing in the same household (except those regularly attending school or employed on a full-time basis) who are:
  - i. legally liable to contribute to the support of the recipient and/or children of the household; *and*
  - ii. not prevented from maintaining employment and contributing to the support of the household by reason of physical or mental disability or other justifiable cause as verified in writing to Human Services.

Human Services may waive this requirement where failure of the other household members to comply is not the fault of the applicant/recipient and Human Services decides it would be unreasonable for the applicant to establish a separate household. RSA 165:32.

- b. **Disqualification for Voluntary Termination of Employment (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

- c. **Registration with the N.H. Department of Employment Security (NHES) and Work Search Requirements:** All unemployed recipients and adult members of their households shall, within seven (7) days after having been granted assistance, register with NHES to find work, and must conduct a verifiable job search as indicated in the Notice of Decision. Work search requirements apply to all recipients/household members unless the recipient and/or other adult members of the household are:
  - i. gainfully employed full-time;

- ii. dependents aged eighteen (18) or under who are regularly attending secondary school;
- iii. unable to work due to a verifiable debilitating condition;
- iv. unable to work due to illness, mental or physical disability of another member of the household/family unit, verified by written medical documentation from a physician; or
- v. solely responsible for the care of a child under the age of one (1). A recipient responsible for the care of a child aged one (1) 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 usually in school, if there is no responsible person available to provide care and no other care is available. Recipients will be asked to demonstrate contacts made to locate childcare.

Human Services shall give all necessary and reasonable assistance to ensure compliance with registration and work requirements, including referrals and/or the granting of allowances for transportation and work clothes. Failure of a recipient to comply with these requirements without verifiable good cause will be reason for denial of assistance.

5. **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. However, in the case of child support, the applicant/recipient will be required to file for child support with the New Hampshire Department of Health and Human Services, Child Support Enforcement Services. The City of Lebanon may pursue recovery against legally liable persons or governmental units.
6. **Eligibility for Other Categorical Assistance:** Recipients who are, or may be, eligible for any other form of public assistance must apply for such assistance immediately, but no later than seven (7) days after being advised to do so by Human Services. Failure to do so may render the recipient ineligible for assistance and subject to sanction and/or suspension of assistance as outlined in these Guidelines.
7. **Non-Citizens:** Limited assistance to non-citizens not otherwise eligible for general assistance may be provided at the sole discretion of the Human Services Official.
  - a. Under 8 USCA 1621(a), a non-citizen is not eligible for general assistance from the municipality unless they are:
    - i. A qualified alien under 8 USCA 1641;
    - ii. A non-immigrant under the federal Immigration and Nationality Act; or
    - iii. An alien paroled into the United States for less than one year under 8 USCA 1182(d)(5)
  - b. Qualified aliens include aliens who are lawfully admitted for permanent residence under the Immigration and Nationality Act (8 USCA 1101 et seq.),

aliens who are granted asylum under that act, certain refugees, and certain battered aliens. 8 USCA 1641.

- c. A non-citizen who is not eligible for general assistance may be eligible for state assistance with health care items and services that are necessary for the treatment of an emergency medical condition, which is defined as a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:
  - i. Placing the patient=s health in serious jeopardy;
  - ii. Serious impairment to bodily functions; or
  - iii. Serious dysfunction of any bodily organ or part. 8 USCA 1621(b) and 42 USCA 1396(v)(3).
- d. A non-citizen may also be eligible for general assistance for treatment of an emergency medical condition, pursuant to Section **(IX)(e)(8)(a)** of these Guidelines.
- e. Non-citizen applicants for general assistance may be required to provide proof of eligibility. 8 USCA 1625.

**8. Life Skills Training/Money Management Classes:** Recipients who apply for assistance with an eviction notice, utility disconnect, or homelessness more than once may be recommended to attend life skills and/or money management classes as they become available through local agencies.

**E. INCOME:** In determining eligibility and the amount of assistance, the applicant's standard of need shall be compared to the available income/assets. Computation of income and expenses will be by week or month. 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 their family or household through wages, salary, commission, or profit, whether self-employed or as an employee, is to be considered as income. Rental income and profits from items 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 childcare costs, and work-related clothing costs have been deducted from income. Wages that are "trusteed," or income similarly unavailable to the applicant or applicant's dependents, will not be included.
- 2. Income or Support from Other Persons:** Contributions from relative or other household members shall be considered as income only if actually available and received by the applicant or recipient. The income of non-household members of the applicant=s residential unit shall not be counted as income. (Expenses shared with non-household members may affect the level of need, however.)



- 3. Residents of Shelters for Battered Women and Children:** An applicant residing in a shelter for battered women and children who has income and jointly owns resources with abusive members of the applicant's household shall be required to cooperate with the normal procedures for purposes of verification, but may have these resources and income excluded from eligibility determinations unless an agreement exists with a member of the abusive household to give the shelter household safe access to joint resources at the time of application. The verification process may be completed through an authorized representative of the shelter of residence. The normal procedures taken in accordance with these Guidelines to recover assistance granted shall not delay such assistance.
- 4. Income from Other Assistance or Social Insurance Programs:**
  - a.** State categorical assistance benefits, OASDI payments, Social Security payments, VA benefits, unemployment insurance benefits, and payment from other government sources shall be considered income.
  - b.** Supplemental Nutrition Assistance Program (SNAP) (also known as food stamps) cannot be counted as income pursuant to federal law. 7 USC 2017 (b).
  - c.** Low Income Heating and Energy Assistance Program (LIHEAP) (Also known as Fuel Assistance) also cannot be counted as income pursuant to federal law. 42 USC 8624 (f) (1).
- 5. Court-Ordered Support Payments:** Alimony and child support shall be considered income only if actually received by the applicant or recipient. Applicant/recipient is required to file for child support payments through the NHDHHS Division of Child Support Enforcement Services.
- 6. Income from Other Sources:** Payment from pension and trust funds and the like shall be considered income. Any inheritance, tax refunds, gambling winnings, gifts, loans, annuities, or settlement payments, shall also be considered income.
- 7. Earnings of a Child:** No inquiry shall be made into the earnings of a child 18 years of age or less unless that child makes a regular and substantial contribution to the household.
- 8. Option to Treat a Qualified State Assistance Reduction as Deemed Income:** Human Services may deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82,VIII. The following criteria shall apply to any action to deem income under this section. RSA 165:1-e.
  - a.** The authority to deem income under this section shall terminate when the Qualified State Assistance Reduction no longer is in effect.
  - b.** Applicants for general assistance may be required to cooperate in obtaining information from the Department of Health and Human Services as to the existence and amount of any Qualified State Assistance Reduction. No applicant for general assistance may be considered to be subject to a Qualified State Assistance Reduction unless the existence and amount has been confirmed by the Department of Health and Human Services.

- c. Human Services shall provide the applicant with a written decision which sets forth the amount of any deemed income used to determine eligibility for general assistance.
- d. Whenever necessary to prevent an immediate threat to the health and safety of children in the household, Human Services shall waive that portion, if any, of the Qualified State Assistance Reduction as necessary.

**F. AVAILABLE ASSETS:**

1. **Available Liquid Assets:** Cash on hand, bank deposits, credit union accounts, securities, and retirement payouts (i.e., IRA's, deferred compensation, Keogh's, etc.) are available liquid assets. Insurance policies and retirement plans with or without a loan value, and non-essential personal property may be considered as available liquid assets when they have been converted to cash. Human Services shall allow a reasonable time for such conversion. 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 (1) automobile by an applicant/recipient or their dependent does not affect eligibility if it is essential for transportation to seek or maintain employment, to procure medical services or rehabilitation services, or if its use is essential to the maintenance of the individual or the family. Essential means that there is no other feasible transportation available. Also see Section X(B)(6) below.
3. **Insurance:** 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 liquid assets. The ownership of insurance policies does not affect eligibility. However, premiums paid on insurance policies other than medical/health insurance will not be included as "need" in determining eligibility or amount of aid. Human Services will request verification of policy value and premium amounts paid for medical/health insurance.
4. **Real Property:** The type and amount of real property owned by an applicant does not affect eligibility, although rent or other such income from property will be considered as available to meet need. Applicant(s)/Recipient(s) owning real property, other than that occupied as a home, shall be expected to make reasonable efforts to dispose of it at fair market value. Also see Section X(B)(1) below.
5. **Property Transfers:** No person who is otherwise eligible shall receive such assistance if they have made an assignment, transfer, or conveyance of property for the purpose of rendering themselves eligible for assistance within three years immediately preceding their application. RSA 165:2b

## **X. STANDARD OF NEED**

### **A. PAYMENT LEVELS FOR ALLOWABLE EXPENSES:**

Payment levels are identified on the "Allowable Levels of Assistance" (APPENDIX A). Payment levels shall be reviewed by Human Services annually and modifications presented to the municipal governing body where market conditions have changed. RSA 165:1, II.

### **B. NECESSARY LIVING EXPENSES:**

The basic financial requirement for General Assistance is that an applicant be poor and unable to support themselves. An applicant shall be considered poor when they have insufficient available income/assets to purchase either for themselves or their dependents any of the following necessary living expenses: *[NOTE: If the applicant/recipient shares expenses with a non-applicant/recipient (i.e., is part of a residential unit), then need will be determined on a pro-rated share, based on the total number of persons in the residential unit (e.g., three persons in residential unit, but only one applies for assistance: Shelter need is one-third of shelter allowance for household of three persons).]*

- 1. Housing/Shelter:** The amount to be included as "need" for housing/shelter is the actual cost of rent or mortgage necessary to provide shelter or housing in that municipality. An applicant/recipient must be on the lease in order to be eligible for rental assistance.
  - a. Housing/Shelter Costs:** Human Services will utilize the fair market rental rates published annually by the Department of Housing and Urban Development (HUD), as well as actual market rents in the municipality, to determine maximum rent levels as "need." Family and unit size will determine maximum level of allowed assistance. Real property owned and occupied by the applicant/recipient as a primary residence shall be considered in the same manner as rental assistance. The amount of a mortgage payment over and above the HUD rent levels will only be considered on a temporary basis, and only if, in the judgment of Human Services, allowing the applicant(s) to remain in their owned home creates a clear counterbalancing long-term benefit, both to the applicant and to the City's Human Services budget. Human Services will not make mortgage payments when the applicant/recipient has a co-signer on the note. Applicant(s)/Recipient(s) will be informed that a lien covering the amount of any General Assistance they receive shall be placed against any real property they own (RSA 165:28).
  - b. Housing Arrearages:** Arrearages will only be included in the "need" formula if such payment is necessary to prevent eviction or foreclosure or to protect the health and safety of the household. If the amount of such mortgage or rental arrearage substantially exceeds the cost of alternative, available housing which complies with local health and housing code standards, or if the payment of arrears will not prevent eviction or foreclosure, Human

Services may instead authorize payment of security deposit, rent, and/or reasonable relocation expenses for such alternative housing if, under the circumstances of the case, it is reasonable to do so and would not cause undue hardship to the applicant household. Alternative housing may include homeless shelters but does not include residential treatment program housing.

- c. **Security Deposits:** Security deposits may be included in the "need" formula if, and only if, the applicant is unable to secure alternative housing or shelter for which no security deposit is required or is unable to secure funds, either themselves or from alternative sources, for payment of the deposit. Any security deposit provided by the general assistance program which is returned under RSA 540-A:7 shall be returned to the municipality, not the recipient.
- d. **Relative Landlords:** Whenever a relative of an applicant/recipient is also the landlord/ property owner for the applicant/recipient, the landlord/property owner will be presumed able to assist their relative pursuant to RSA 165:19 and must prove an inability to assist before any aid payments for housing/shelter costs are made. Rent will not be paid to non-property owners such as friends and relatives.
- e. **Emergency Shelter:** Applicant must accept the least costly alternative for emergency housing assistance that is deemed suitable by Human Services for the applicant's household. In cases where the Human Services Official has made an appropriate referral for temporary emergency shelter and the applicant refuses to accept such referral, or if the applicant does not abide by the rules of the emergency shelter, Human Services 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 they are otherwise entitled.

2. **Utilities:** Utilities must be in applicant's/recipient's name in order to render assistance. When utility costs are not included in the shelter expense, the most recent outstanding monthly utility bill will be included as part of "need" by Human Services. Arrearages will not normally 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 where no other resources or referrals can be utilized.

In accordance with the rules of the PUC relating to electric utilities, arrearages for electric service need not be paid if Human Services notifies the electric company that the municipality guarantees payment of average electric bills as long as the recipient remains eligible for general assistance.

- b. Restoration of Service:** When utility service has been terminated and Human Services has determined that alternative utility service is not available and alternative shelter is not feasible, arrearages will be included in "need" when restoration of service is necessary to ensure the health and safety of the applicant household. Human Services may negotiate with the utility for payment of less than the full amount of the arrearages and/or may attempt to arrange a repayment plan to obtain restoration of service.
  - c. Restoration of Electric Service:** When electric service has been terminated and restoration is required, arrearages may either be included as set forth in the above paragraph or may be paid in accordance with a reasonable payment plan entered into by the applicant and the electric company. Human Services may hold the recipient accountable for the payment arrangement for as long as the recipient continues to request general assistance on a regular basis. Payment of a payment plan may be a required element of a notice of decision or case plan.
  - d. Deposits:** Utility security deposits will be considered as "need" if and only if the applicant is unable to secure funds for the payment of the deposit and is unable to secure utility service without a deposit. Such deposits shall, however, be the property of the City of Lebanon.
- 3. Food:** The amount included as "need" for food purchases will be in accordance with the most recent standard allotment, as determined under "SNAP" (Supplemental Nutritional Assistance Program) administered by the New Hampshire Department of Health and Human Services. Any amount in excess of the standard food allotment may be granted if a physician has stated in writing that one or more members of the household needs a special diet, the cost of which is greater than can be purchased with the family's SNAP Benefits.
  - 4. Non-Food Grocery Items:** "Need" allowance shall be given for paper goods, soap products and personal items in an amount not to exceed those identified in Appendix A, "Allowable Level of Assistance."
  - 5. Telephone:** If the absence of a telephone would create an unreasonable risk to the recipient's health and safety (verifiable in writing by a physician) or for other good cause as determined by Human Services, the lowest available basic monthly rate will be budgeted as "need".
  - 6. Transportation:** If Human Services determines that transportation is necessary (e.g., for health or medical reasons, to maintain employment, or to comply with conditions of assistance), "need" will include the costs of public transportation, where available. Receipts for all transportation expenses will be required.

If, and only if, the transportation need cannot be reasonably provided by alternative means, such as public transportation or volunteer drivers, a reasonable amount for gasoline and vehicle operating expenses will be included as part of "need" when determining eligibility. The cost of purchase and maintenance of

such a necessary vehicle must be appropriate to the applicant's/recipient's income. Ownership of more than one (1) vehicle per household may be determined as non-essential by Human Services. The book value of a vehicle may be considered as a liquid asset and required to be converted to cash prior to eligibility for any assistance other than extreme emergencies such as food or life-sustaining medication.

7. **Maintenance of Medical Insurance:** In the event that Human Services determines that the maintenance of medical insurance is essential so as to reduce the likelihood of extraordinary medical expenses being provided under Paragraph 8 below, an applicant may include as "need" the reasonable cost of such premiums.
8. **Emergency and Other Expenses:** In the event that the applicant/recipient has the following current expenses, the actual cost shall be included as emergency and other expenses to determine eligibility and amount of assistance:
  - a. **General Medical:** Human Services shall not provide for medical, dental or eye services unless the recipient or applicant can verify that all other potential sources have been investigated and that there is no source of assistance other than local welfare. Other sources to be considered shall include state and federal programs, local and area clinics, area service organizations and area hospital indigent programs designed for such needs.

Applications for medical service, prescriptions, dental service, or eye service must include written documentation from a doctor, dentist or person licensed to practice optometry in the area, indicating that these services are absolutely necessary and cannot be postponed without creating a significant risk and that the applicant's/recipient's well-being will be placed in serious jeopardy. Human Services may accept oral verification from the provider but shall seek written confirmation.

Whenever possible, the applicant will seek service from a Medicaid provider physician. If advance payment is required for such medical services, Human Services may approve payment of the fee up to the reimbursable amount set for the procedure by the NH Medicaid Program. Human Services has the authority to make a decision which is less expensive, e.g., to pay medical insurance or prescriptions.

- b. **Medical Prescriptions:** Applicants will be directed to seek sample medications or apply for free medications through their prescribing physician. When possible, the least costly generic prescription drug (from the NH Medicaid Preferred Drug List) will be used unless otherwise specified by the licensed prescriber. Human Services will not cover over-the-counter medications, medications that are not covered under the Medicaid Program or prescriptions that are older than thirty (30) days. ***NOTE: Payment for birth control medication and devices, smoking cessation, narcotic medications, sleep aids, Opioid antagonists, or stimulant blocking***

*pharmaceutical items will not be considered emergency assistance and are not covered through the General Assistance Program.*

- c. **Legal Expenses:** Except for those specifically required by statute, no legal expenses will be included.
- d. **Clothing:** If the applicant has an emergency clothing need which cannot be met in a timely fashion by other community resources (i.e.: LISTEN, HAVEN, Salvation Army, Red Cross, church group), the expense of reasonably meeting that emergency clothing need will be included, not to exceed \$100.

- 9. **Unusual Needs not Otherwise Provided for in These Guidelines:** If Human Services determines that the strict application of the standard of need criteria will result in unnecessary or undue hardship (e.g., needed services are inaccessible to the applicant), minor adjustments in the criteria may be made at the discretion of the Human Services Official. Any such determination and the reasons therefore, shall be stated in writing in the applicant's case record.

## **XI. DISBURSEMENTS**

Once an applicant is found eligible, payment by the City is guaranteed through the issuance of a voucher. The amount shown on the voucher is the maximum amount to be used for payment. In accordance with the City's accounting practices, a recipient is required to sign the voucher to insure proper usage. The recipient provides the voucher to the vendor/provider as evidence that a payment from the City of Lebanon is forthcoming. After the initial transaction, if there is any unspent money, the voucher shall be returned to the municipality for payment of the actual amount listed on an itemized bill or register tape. Vouchers altered by the recipient or vendor/provider will not be honored.

The City of Lebanon does not accept responsibility for any services rendered before eligibility for General Assistance has been determined. Voucher payments will be authorized in accordance with the following general regulations:

1. Human Services will not pay late charges/fees, storage fees, key charges, etc.
2. Human Services uses the NH Medicaid Preferred Drug List in the administration of General Assistance for medically necessary prescriptions
3. All payment authorizations are one (1) time only with each authorization requiring individual approval.
4. Food vouchers must be used within five (5) days of issue.
5. A Rental Verification Form is required to be completed by the property owner or authorized agent before a rent payment will be authorized. Rental Verification Forms are legal documents upon which the City relies to determine eligibility for assistance. Information must be accurate and true. Any misrepresentation or inaccurately reported information will be grounds for stopping payment. Legal action may also be taken.

6. Rent shall not be paid on any dwelling unit that does not meet the minimum housing criteria as set forth by the applicable building and life safety codes. For a dwelling unit to be eligible for rental assistance payments, it must not have any unresolved and/or outstanding complaints against it with either the Code Enforcement Officer or the Fire Department.
7. Rent is payable only to the property owner unless Human Services is provided with a signed authorization to pay a third-party, i.e., property owner's agent.
8. Property owners/agents accepting vouchers for payment where their tenants are under eviction waive their right to evict during any period that was paid for by the City.

## **XII. APPLICATION OF RENTS PAID BY THE CITY OF LEBANON**

Whenever the owner of property rented to a person receiving General Assistance from the City of Lebanon is in arrears in water/sewer or tax payments to the City, the City may apply the assistance which the property owner would have received in payment of rent on behalf of such assisted person to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of property occupied by the assisted person. (RSA 165 4-a.)

A payment shall be considered in arrears if more than thirty 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.)

Priority shall be given to offsetting water/sewer delinquencies first, with delinquent tax balances given last priority.

### **A. PROCEDURE:**

1. Human Services will issue a voucher on behalf of the tenant to the landlord for the authorized amount of rent. The voucher will indicate any amount to be applied to a delinquent balance owed by the property owner, specifying which delinquency, and referring to the authority of RSA 165:4-a.
2. Human Services will issue a duplicate voucher to the appropriate department for processing. Upon receipt of payment, the department will issue a receipt of payment to the delinquent property owner.

## **XIII. LIENS**

- A. **REAL PROPERTY (RSA 165:28):** The law provides for the City to place a lien for General Assistance aid received on any real property owned by an assisted person in all cases except for verifiable just cause. Human Services shall file a Notice of Lien with the County Registry of Deeds, complete with the owner's name and a description of the property sufficient to identify it. The lien remains in effect until enforced or released, or until the amount of the lien is repaid to the City. The lien will not be



enforced so long as the real property is occupied as the sole residence of the assisted person, their surviving spouse, or their surviving children who are under age 18 or blind or permanently and totally disabled. At such time as the lien may become enforceable, Human Services will attempt to contact the attorney handling the real property or estate before enforcing the lien. Upon repayment of a lien, the City will record a Release of Lien with the County Registry of Deeds.

**B. CIVIL JUDGMENTS (RSA 165:28-a):**

1. The City will be entitled to a lien upon property passing under the terms of a Last Will and Testament or by intestate succession, a property settlement, or a civil judgment for personal injuries (except Worker's Compensation) awarded any person granted assistance by the City for the amount of assistance granted by the City.
2. 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 the award of the property settlement or civil judgment. When Human Services becomes aware of such a claim against a civil judgment, Human Services shall contact the attorney representing the recipient.
3. The lien will take precedence over all other claims.

**XIV. MAINTENANCE OF RECORDS**

**A. LEGAL REQUIREMENTS:** Human Services is required by NH RSA 41:46 to keep complete paper and/or electronic records concerning the number of applicants given assistance and the cost for such support. Separate case records shall be established for each individual or family applying for general assistance. The purposes for keeping such records are to:

1. Provide a valid basis of accounting for expenditure of City funds;
2. Support decisions concerning the applicant's/recipient's eligibility;
3. Assure availability of information if the applicant/recipient seeks administrative or judicial review of the decision by Human Services;
4. Maintain accurate statistical information;
5. Provide a complete history of an applicant=s/recipient's needs and assistance to facilitate Human Services with ongoing case management and in referring applicants/recipients to appropriate agencies; and
6. Aid in the determination of residence under RSA 21:6-a, and to allow a smooth transition of information if the applicant/recipient is transferred to another legally liable unit.

**B. CASE RECORDS:** Human Services shall maintain case records containing the following information:

1. The complete application including any authorizations signed by the applicant(s)/recipient(s) allowing Human Services to obtain or verify any pertinent information in the course of determining eligibility for assistance;
2. Written grounds for pending, approving, or denying an application, contained in a Notice of Decision;
3. A narrative history recording the need for assistance, the results of investigations of the applicant's/recipient's circumstances, referrals, and any changes in status;
4. Client Account Summary, which contains complete data concerning the type, amount, and dates of assistance given either in hard paper copy or electronic format.

Records shall be kept based on the Municipal Record Retention Requirement. Welfare records must be retained during the active phase of any application plus 7 years.

## **XV. MUNICIPAL WORK PROGRAMS**

- A. PARTICIPATION:** Any recipient of general assistance who is able and not gainfully employed may be required to work for the municipality or an appropriate local human service agency at any available bona fide job that is within their capacity (RSA 165:31) for the purpose of reimbursement of assistance received. Participants in the workfare program are not considered employees of the municipality, and any work performed by workfare participants does not give rise to any employee-employer relationship between the recipient/workfare participant and the municipality.
- B. REIMBURSEMENT RATE:** The workfare participant shall be allotted the prevailing municipal wage for work performed, but in no case less than the minimum wage. No cash compensation shall be paid for workfare participation; the wage value of all hours worked shall be used to reimburse the municipality for assistance given. No workfare participant shall be required to work more hours than necessary to reimburse aid rendered.
- C. CONTINUING FINANCIAL LIABILITY:** If, due to lack of available municipal work or other good cause, a recipient does not work a sufficient number of hours to fully reimburse the municipality for the amount of their aid, the amount of aid received less the value of workfare hours completed shall still be owed to the municipality.
- D. ALLOWANCE FOR WORK SEARCH:** The municipality shall provide reasonable time during workfare hours for the workfare participant to conduct a documented employment search.
- E. WORKFARE PROGRAM ATTENDANCE:** With prior notice to Human Services, a recipient may be excused from workfare participation if they:
  1. have a conflicting job interview;
  2. have a conflicting interview at a service or welfare agency;

3. have a medical appointment or illness;
4. as a parent or person "in loco parentis" must care for a child under the age of one (1). A recipient responsible for a child aged five but under 12 shall not be required to work during hours the child is not in school, if there is no responsible person available to provide care, and no other care is available;
5. are unable to work due to mental or physical disability, as verified by Human Services;
6. must remain at home because of illness or disability to another member of the household, as verified by Human Services; or
7. do not possess the materials or tools required to perform the task and the municipality fails to provide them.

The workfare participant should attempt to schedule appointments so as not to conflict with the workfare program and must notify their supervisor in advance of the appointment. Human Services may require participants to provide documentation of their attendance at a conflicting interview or appointment.

**F. WORKFARE HOURS:** Workfare hours are subject to approval of the supervisor and Human Services. Failure of the participant to adhere to the agreed workfare hours (except for the reasons listed above) will prompt review of the recipient's eligibility for general assistance and may result in a suspension or termination of assistance.

**G. WORKERS' COMPENSATION:** The municipality shall provide workers' compensation coverage to participants in workfare programs in the same manner such coverage is provided to other municipal employees, unless the local governing body of the municipality has voted to adopt a guideline making the provisions of the workers' compensation laws not applicable to workfare program participants. RSA 281-A:2.

## **XVI. RECOVERY OF ASSISTANCE**

Human Services shall seek to recover money expended to assist eligible recipients. There shall be no delay, refusal to assist, reduction or termination of assistance while Human Services is pursuing the procedural or statutory avenues to secure reimbursement. Any legal action to recover assistance must be filed in a court within six (6) years after the expenditure. RSA 165:25.

The City reserves the right to recover any and all amounts owed using any and all legal methods available including, but not limited to, payroll deductions, payment reimbursement plans, interim reimbursement, collection agencies, or through the courts.

**A. RECOVERY FROM RESPONSIBLE RELATIVES:** The amount of money spent by a municipality to assist a recipient who has a father, mother, stepfather, stepmother, husband, wife, or child (who is no longer a minor) of sufficient ability to also support the recipient, may be recovered from the liable relative. Sufficient ability shall be deemed to exist when the relative's weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health. Human Services may

determine that "in kind" assistance or the provision of products/services to the client is acceptable as a relative's response to liability for support. Written notice of money spent in support of a recipient must be given to the liable relative. Human Services 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 possibly liable relatives. RSA 165:19.

- B. RECOVERY FROM THE MUNICIPALITY OF RESIDENCE:** The City may recover the amount of assistance to support a person who has a residence in another municipality from the municipality of residence. Written notice of money spent in support of a recipient will be given to the Welfare Official of the municipality of residence. In any civil action for recovery brought under RSA 165:20, the court shall award costs to the prevailing party. RSA 165:20-a provides for arbitration in the case where there are disputes between communities.
- C. RECOVERY FROM RECIPIENT'S INCOME:** A former recipient who is returned to a viable income status after receiving assistance may be required to reimburse the municipality for the assistance provided if such reimbursement can be made without financial hardship. RSA 165:20-b.
- D. RECOVERY FROM STATE AND FEDERAL SOURCES:**
  - 1.** The amount of money spent by a municipality to support a recipient who has made initial application for SSI and has signed HHS FORM 151 "AUTHORIZATION FOR REIMBURSEMENT OF INTERIM ASSISTANCE" shall be recovered through the SSA and the New Hampshire Department of Health and Human Services (NHDHHS).
  - 2.** Prescription expenses paid by the municipality for applicants who have applied for Medicaid shall be recovered through the New Hampshire Department of Health and Human Services if and when the applicant is approved for medical coverage.
- E. DELAYED STATE CLAIMS:** For those recipients of general assistance deemed eligible for State assistance, NHDHHS will reimburse the City the amount of General Assistance as a result of delays in processing within the federally mandated time periods. Any claims for reimbursement shall be held by NHDHHS until the end of the fiscal year and may be reimbursed on a pro-rated basis dependent upon the total claims filed per year. RSA 165:20-c. A "REQUEST FOR STATE REIMBURSEMENT" will be submitted to NHDHHS for this purpose. There will be no delay, refusal, or termination of assistance while Human Services is pursuing the statutory remedies to secure reimbursement.

## **XVII. RIGHT TO NOTICE OF ADVERSE ACTION**

**A. RIGHT TO A WRITTEN DECISION:** All persons have a constitutional right to be free of unfair, arbitrary, or unreasonable action taken by government. This includes applicants for and recipients of general assistance, whose aid has been denied, terminated, or reduced. Every applicant and recipient shall be given a written notice of every decision regarding assistance. Human Services will make every effort to ensure that the applicant understands the decision.

### **B. ACTION TAKEN FOR REASONS OTHER THAN NONCOMPLIANCE WITH THE GUIDELINES:**

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

**2.** In any case when Human Services decides to terminate or reduce assistance for reasons other than noncompliance with the Guidelines, the official shall send notice at least seven (7) days in advance of the effective date of the decision to the recipient stating the intended action.

**3.** The notice required by paragraphs 1 and 2 above shall contain:

**a.** a clear statement of the reasons for the denial or proposed termination or reduction;

**b.** a statement advising the individual of their right to a fair hearing, and that any request for a fair hearing must be made in writing within five (5) business days;

**c.** a statement advising the individual of the time limits which must be met in order to receive a fair hearing; and

**d.** a statement that assistance may continue, if there was initial eligibility, until the date of hearing, if requested by the claimant. Aid must be repaid if the claimant fails to prevail at the hearing.

### **C. SUSPENSION FOR NONCOMPLIANCE WITH THE GUIDELINES:**

**1. Due Process:** Applicants/Recipients must comply with these Guidelines and the reasonable requests of Human Services. Human Services must enforce the Guidelines while ensuring that all recipients and applicants receive due process. Applicants/Recipients will be given reasonable notice of the conditions and requirements of eligibility and continuing eligibility and notice that noncompliance may result in termination or suspension.

**2. Conditions:** Any person otherwise eligible for assistance shall become ineligible under RSA 165 I-b if they willfully and without good cause fails to comply with the requirements of these Guidelines relating to the obligation to:

**a.** Disclose and provide verification of income, resources, or other material financial data, including any changes in such information;

- b. Participate in the work program to the extent assigned by Human Services;
- c. Comply with the work search requirements imposed by Human Services; and
- d. Apply for other public assistance, as required by Human Services.

**3. First Notice:** No recipient otherwise eligible shall be suspended for noncompliance with conditions unless they have 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/or thereafter as conditions change. Additional notice of actions required will be given as eligibility is re-determined, but without an additional seven (7) day compliance period unless new actions are required.

**4. Non-Compliance:**

a. If a recipient willfully fails to come into compliance during the seven-day period, or willfully falls into noncompliance within thirty days from receipt of a first notice, Human Services shall give the recipient a suspension notice.

b. If a recipient falls into noncompliance for the first time more than thirty days after receipt of a first notice, Human Services shall give the recipient a new first notice with a new seven-day period to comply before giving the recipient the suspension notice. RSA 165:1-b, III.

**5. Suspension Notice:** Written notice to a recipient that they are suspended from assistance due to failure to comply with the conditions required in a first notice shall include:

- a. a list of requirements with which the recipient is not in compliance and a description of those actions necessary for compliance;
- b. the period of suspension;
- c. notice of the right to a fair hearing on the issue of willful noncompliance and that such request must be made in writing to Human Services within five (5) days of receipt of the suspension notice;
- d. a statement that assistance may continue in accordance with the prior eligibility determination until the fair hearing decision is made if the claimant so requests. If the claimant fails to prevail at the hearing, the suspension will start after the decision and such aid must be repaid by the claimant to the City; and
- e. a form on which the individual may request a fair hearing and the continuance of assistance pending the outcome.

**6. Suspension Period:** The suspension period for failure to comply with these guidelines shall be:

- a. either seven (7) days for the first suspension, or fourteen (14) days if the recipient has had a prior suspension which ended within the past six months;
- b. until the recipient complies with the guidelines if the recipient, upon the expiration of the seven (7) or fourteen (14)-day suspension period, continues to fail to carry out the specific actions set forth in the first notice.

A recipient who has been suspended for noncompliance for at least six (6) months may file a new application for assistance without coming back into compliance.

**7. Fair Hearing on Continuing Noncompliance:** A recipient who has been suspended/ sanctioned until they comply with the Guidelines may request a Fair Hearing to resolve a dispute over whether or not they have satisfactorily complied with the required Guidelines. No assistance shall be available until a Fair Hearing on non-compliance is resolved. The burden of proof lies with the applicant/recipient to show that Human Services was incorrect in their decision not to assist and/or limit assistance of the claimant's request.

**8. Compliance After Suspension:** Recipients who have been subject to a suspension due to continuing noncompliance and who have proven that they are back in compliance will have their assistance resumed provided they are still otherwise eligible. The notice of decision stating that assistance has been resumed should again set forth the actions required to remain eligible for assistance but need not provide a seven-day period for compliance unless new conditions have been imposed.

## **XVIII. FAIR HEARINGS**

A Fair Hearing is a process outlined in RSA 165 that provides the opportunity for an applicant/recipient to dispute a decision made by Human Services. These Guidelines specify the procedure and timeline required for a Fair Hearing to be in compliance with RSA 165.

**A. REQUESTS:** A request for a fair hearing is a written expression, by the recipient or any person acting for them, requesting an opportunity to present their case to a higher authority.

### **B. TIME LIMITS FOR REQUESTS AND HEARINGS:**

**1.** When an application is denied or when a recipient desires to challenge a decision made by Human Services relative to the receipt of assistance, a request for a Fair Hearing must be received within five (5) business days of receipt of the Notice of Decision at issue.

**2.** Hearing requested by the claimants must be held within seven (7) business days of the receipt of request. Human Services will give notice to the claimant setting forth time and location of the Hearing. The notice will be given to the claimant at least forty-eight (48) hours in advance of the Hearing or mailed by certified mail to the claimant at least seventy-two (72) hours in advance of the Hearing.

**3.** An applicant/recipient may withdraw, in writing, the request for a Fair Hearing any time prior to and up to the time of the Fair Hearing. An applicant/recipient believing to have good cause to request a continuance or postponement may do so by contacting Human Services at the earliest possible time prior to the 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 Human Services Director no later than seventy-two (72) hours after the request is made. Failure to provide such documentation and/or failure to appear for a scheduled Fair Hearing shall be deemed as a withdrawal of the Fair Hearing request by the claimant. Claimant is entitled to only one (1) such postponement or continuance per Fair Hearing request.

**C. THE FAIR HEARING OFFICER(S):** The Fair Hearing Officer or Officers shall be chosen by the City Manager. The person(s) serving as the fair hearing authority 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 Human Services operated, and to interpret to Welfare Officials any evidence of unsound, unclear, or inequitable policies, practices, or actions.

**D. FAIR HEARING PROCEDURES:**

A claimant or their duly authorized representative has the right to examine, prior to a Fair Hearing, 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 any available documents not contained in the case file but relevant to Human Services' action of which the claimant complains. The claimant may introduce any such documents, papers, or records into evidence. No record, paper, or document, which the claimant has requested to review but not been allowed to examine prior to the hearing, shall be introduced at the hearing or become part of the record.

Human Services (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. Should the claimant have new documentation relevant to the disputed decision, the claimant may reapply for assistance and file a written withdrawal of the Fair Hearing request.

- 1.** 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.



- c.** The burden of proof shall be on the claimant, who shall be required to establish their case by a preponderance of the evidence.
- d.** The Human Services official responsible for the decision complained of shall attend the hearing and testify about their actions and the reasons therefore.
- e.** Both parties shall be given the opportunity to offer evidence and explain their positions as fully and completely as they wish.
- f.** The claimant shall have the opportunity to present their own case or, at the claimant's option, enlist the aid of others, and 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 will 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.** The Fair Hearing Officer will wait a reasonable amount of time, fifteen (15) minutes, for claimant to appear for the Hearing. A claimant who fails to appear for any scheduled Fair Hearing may be deemed to have withdrawn their request.
- j.** All fair hearings may be tape-recorded and retained for six (6) months.

## **E. DECISIONS:**

- 1.** Fair Hearing decisions shall be rendered within seven (7) business 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 the decision. A copy of the decision shall be mailed or delivered to the claimant and to Human Services.
- 2.** Fair Hearing decisions will be rendered based on the officer's findings of fact, these Guidelines, and state and federal law. The Fair Hearing decision shall set forth appropriate relief.
- 3.** The decision will be dated. 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 City.
- 4.** Human Services shall keep all Fair Hearing decisions on file in chronological order.
- 5.** None of the procedures specified herein shall limit any right of the applicant or recipient to subsequent court action to review or challenge the adverse decision.

## **XIX. DEFINITIONS**

As used in this manual, the following terms have the indicated meanings:

**AGENCY:** Any health, social service or other entity that provides services to a client; any such entity to which Human Services may refer a client for additional resources and/or assistance.

**APPLICANT:** A person who expresses a desire to receive General Assistance or to have their eligibility reviewed and whose application has not been withdrawn. This may be expressed either in person or by an authorized representative of the applicant.

**APPLICATION (RE-APPLICATION):** Written action by which a person requests assistance from Human Services. This application must be made on a form provided by Human Services. A complete application includes submission of required forms with all appropriate signatures, and any necessary documentation required to determine eligibility for General Assistance.

**ASSETS:** All cash, real property, personal property and future assets owned by the applicant/recipient, either individually or jointly.

**AVAILABLE LIQUID ASSETS:** This includes, but is not limited to, cash on hand, checking accounts, bank deposits, credit union accounts, stocks, bonds, and securities, income tax returns, IRA's (Individual Retirement Accounts), 401k accounts, insurance policies with a loan value, and non-essential personal property. Such items shall be considered as available liquid assets when they have been converted into cash.

**CASE RECORD:** Official files containing forms, correspondence and narrative records pertaining to the application, including determination of eligibility, reasons for decisions and actions by Human Services, and kinds and amounts of assistance given. The case record may be kept electronically. Welfare applications and related records must be retained during the active phase of any application plus 7 years.

**CLAIMANT:** An applicant/recipient who has requested, either in person or through an authorized representative, a Fair Hearing in accordance with these Guidelines.

**CLIENT:** An individual who receives services from the General Assistance Program. May be a single person or encompass a household.

**ELIGIBILITY:** Determination by Human Services, in accordance with these Guidelines, of an applicant's need for General Assistance.

**FAIR HEARING:** A hearing which the applicant/recipient may request to contest a denial, termination, or reduction of assistance. The standards for such a hearing are outlined in these Guidelines.

**FAMILY UNIT:**

1. The applicant/recipient and persons residing with the applicant/recipient in the relationship of father, mother, stepfather, stepmother, son, daughter, husband, wife, or domestic partner; and/or
2. The applicant/recipient and or any adult (including an unrelated person) who resides with the applicant/recipient "in loco parentis" (in the role of a substitute parent) to a minor child (a person under 18 years of age). A person "in loco parentis" is one who intentionally accepts the rights and duties of a natural parent with respect to a child not their own and who has lived with the child long enough to form a "psychological" family.

**GENERAL ASSISTANCE:** Financial assistance provided to applicants in accordance with **RSA 165** and these Guidelines. Assistance will be to maintain basic needs that include Housing/Shelter; Food; Non-Food Personal Care Items (Laundry Detergent, Soap, Toothpaste, Deodorant, Toilet Paper, etc.); Utilities (Heat, Electric); Gasoline; Emergency Medical Prescriptions; and Burial Services (limited to a maximum of \$1,500). Unless prescribed by a doctor for medical reasons, telephone service assistance is not provided.

**HOMELESS SHELTER:** A temporary/transitional housing provider through which an individual or family may seek emergency housing until permanent housing can be found.

**HOUSEHOLD:** All persons physically residing with the applicant/recipient, including persons in the applicant's family unit and those not within the family unit.

**HUMAN SERVICES & HUMAN SERVICES OFFICIAL:** The official of the City of Lebanon, or 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 selectmen, board of aldermen, city or town manager, or city or town council. The term includes Aoverseers of public welfare@ (RSA 165:1; 41:46) and Aadministrator of town or city welfare@ (RSA 165:2).

**MINOR:** A person under 18 years of age. A minor's residence is always that of the custodial parent/legal guardian.

**NEED:** The basic maintenance and support requirements of an applicant/recipient, as determined by Human Services utilizing the standards of these Guidelines.

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

**RELIEVE AND MAINTAIN:** The maintaining of basic needs for qualified recipients as provided in these Guidelines.

**RESIDENCE:** Residence or residency shall mean an applicant's/recipient's place of abode or domicile. The place of abode or domicile is that place designated by an applicant/recipient as their principal place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by a temporary absence from it in accordance with RSA 165:1(i);21:6-a. If another

municipality moves a client into the City of Lebanon, the sending municipality shall be responsible for the first 30 days of assistance.

**UTILITY:** Any service such as electric, gas, heating oil, water, or sewer necessary to maintain the health and welfare of the household.

**VENDOR/PROVIDER:** Any property owner, utility company, store or other business that provides goods or services needed by the applicant/recipient.

**VOUCHER SYSTEM:** The system utilized by the City of Lebanon to pay vendors/providers.

**WORKFARE:** Labor performed by General Assistance recipients at municipal sites or non-profit agencies as reimbursement for benefits received. RSA 165:31.



**ALLOWABLE LEVELS OF ASSISTANCE  
 FOR THE CITY OF LEBANON, NH**

**FOOD/NON-FOOD ALLOWANCE**

[10/1/21-9/30/22 Supplemental Nutrition Assistance Program’s maximum monthly allotments taken into account]

HOUSEHOLD SIZE	MONTHLY FOOD	MONTHLY NON-FOOD
1	\$250	\$65
2	\$459	\$85
3	\$658	\$105
4	\$835	\$125
5	\$992	\$145
6	\$1,190	\$165
7	\$1,316	\$185
8	\$1,504	\$205

**MONTHLY SHELTER ALLOWANCE**

[2022 HUD Fair Market Rent Standards for Grafton County and market rents for Lebanon taken into account]

UTILITIES INCLUDED:

0 BR	1 BR	2 BR	3 BR	4 BR
\$1,085	\$1,110	\$1,395	\$1,750	\$1,945

UTILITIES NOT INCLUDED:

0 BR	1 BR	2 BR	3 BR	4 BR
\$805	\$865	\$1,035	\$1,325	\$1,440

**UTILITY ALLOWANCES**

<b>ELECTRIC</b>	Current Rate
<b>HEATING OIL</b>	Current Rate
<b>PROPANE</b>	Current Rate
<b>TELEPHONE</b>	\$50/Month(Basic Service Only)

**BURIAL ALLOWANCE**

Up to \$1,500