

December 10, 1976

TO: Honorable Mayor and City Council
FROM: Planning, Health and Welfare
SUBJECT: Welfare Guidelines

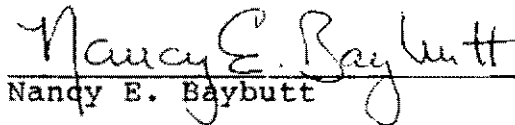
Attached are the Welfare Guidelines for the City of Keene. Using the model welfare guidelines developed by the NHMA, The Committee, City Manager and Welfare Director amended the model to best suit Keene's needs. The model was a comprehensive, well researched and deliberated set of guidelines and the proposed guidelines for Keene are only slightly different from the model.

The changes recommended are ⁱⁿ the area of appeal, Appeal Committee, some wording, and allowing for an oral rather than written decision on granting or denying of an applicant's request. Where a written decision is requested, this can be granted.

The PHW Committee recommends that the Councilors read the attached Welfare Guidelines and approve them at the first regular Council meeting in January.

Respectfully submitted,


PLANNING, HEALTH AND WELFARE COMMITTEE


Nancy E. Baybutt

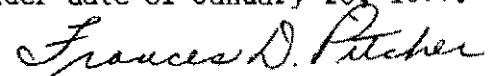

Timothy N. Robertson


Gordon S. McCollester

In City Council December 16, 1976.
Noted Guidelines not attached to report,
but will be in Council boxes Friday or
Monday. Voted to accept report.


City Clerk

In City Council January 20, 1977.
Voted to adopt Welfare Guidelines
under date of January 20, 1977.


City Clerk

WELFARE GUIDELINES

FOR

CITY OF KEENE, NEW HAMPSHIRE

WELFARE DEPARTMENT

Adopted by City Council

January 20, 1977

I. DEFINITION

APPLICANT: A person who expresses a desire to receive General Assistance or to have his/her eligibility reviewed and whose application has not been terminated. This desire may be expressed either directly or through a person having knowledge of his/her circumstance. Moultonborough v. Tuftonborough 43 N.H.55 (1861)

APPLICATION: (RE-APPLICATION) Action by which a person requests assistance from a Welfare Official; or the action by which a person's representative indicates to the Welfare Official that applicant is found actually without sufficient assets or resources and for the time being unable to support himself/herself or to supply immediate needs. These actions are considered an application even though the applicant subsequently withdraws the request or is proven upon investigation to be ineligible.

APPLICATION FORM: Written confirmation that a person has made an application. This application form must be acceptable to the municipality or county in question.

AVAILABLE LIQUID ASSETS: Amount of liquid assets after exclusions. (See Section V C 7).

ASSETS: Any property belonging to an applicant. Not all property should be taken into account in considering need. (See Section V C7).

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

ELIGIBILITY: Determination by a Welfare Official with the assistance of the guidelines of a person's poverty and inability to support himself/herself, and therefore his/her need for General Assistance. The basis for determining eligibility is whether or not the applicant's established need is greater than his or her income and available liquid assets. If need is greater, then the applicant is eligible.

FAIR HEARING: Hearing which applicant or recipient can request to contest a denial or termination, suspension, or reduction of assistance. A hearing must be before impartial decision-maker, with rights to cross-examine and to have decisions based only upon the evidence at the hearing, in accordance with these standards.

LIQUID ASSETS: Cash, checking accounts, savings deposits, stocks, bonds, insurance policies and other securities.

MINOR: A person who has not attained the age of 18 years.

PRIOR HEARING: Same rights and procedure as fair hearing. Hearing must be held before assistance is terminated, suspended or reduced if recipient has received assistance for two or more consecutive periods of aid.

REAL ESTATE: Land and structures attached to it.

RECIPIENT: A person who is receiving General Assistance.

SETTLEMENT: Under RSA 164-A, the basis on which a Welfare Official determines which town, county or city is liable to pay for all assistance granted to persons present in his/her municipality. Settlement is not a factor in determining eligibility. A settlement is defined as a Legal Status which determines final financial responsibility for an applicant's support among the local units of government. In general a "settled" person or person with settlement is the liability of a city or town; an "unsettled" person or person without a settlement is the liability of a county. Settlement does not determine where a person must apply for assistance.

WELFARE OFFICIAL: Official of city who performs the function of administering General Assistance. The Welfare Official has the general power to make all decisions regarding the granting of assistance, RSA 165:1, subject to the overall fiscal responsibility vested in the City Manager. This would also include persons authorized by the State Statutes or person appointed by the municipal officers. See RSA 41:46.

II. CONFIDENTIALITY OF INFORMATION

Information given by or concerning an applicant or recipient of local welfare is to be considered confidential and privileged information. It will not be released to or discussed with any individual or agency without written permission of the client except when disclosure is required by law or is for purposes directly connected with the administration of welfare.

III. MAINTENANCE OF RECORDS

Each Welfare Official 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 (See Section I Definitions) should be established for each individual or family applying for General Assistance.

The purposes for keeping complete records of General Assistance are:

1. to provide a valid basis of accounting for expenditure of the city's funds;
2. to support decisions concerning the applicant's eligibility (especially important if a Welfare Official should be required to prove in court that assistance was granted equitable);
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;
5. to provide a complete history of a recipient's assistance that might aid a welfare agency in the effort to rehabilitate the recipient (subject to the guidelines on the confidentiality of such information).

Each Welfare Official should maintain in case records the following minimum information:

1. the complete application for assistance;
2. grounds for approval or denial of application;
3. a narrative history recording need for relief, the results of home visits if any, collateral information, referrals, changes in status, grounds for release of confidential information, etc.

IV. APPLICATION PROCESS

A. RIGHT TO APPLY. Any person has the right to apply for General Assistance. He/she may do so by appearing in person, or through someone representing him/her before the Welfare Official by expressing a desire to receive General Assistance, and by completing a written application form. The application form shall give clear notice that the applicant has a right to review if he/she is dissatisfied with the Welfare Official's decision.

B. WELFARE OFFICIAL'S RESPONSIBILITIES AT TIME OF APPLICATION.

When application is made for General Assistance, the Welfare Official should inform the applicant of:

1. the requirement of submitting a written application;
2. eligibility requirements;
3. applicant's right to review, and the way in which review may be obtained;
4. applicant's responsibility for reporting all facts necessary to determine eligibility;
5. joint responsibility of Welfare Official and applicant for exploring facts concerning eligibility, needs and resources, and applicant's responsibility for presenting records or documents to support his or her statements. The Welfare Official shall assist the applicant in completing the application;
6. kinds of verification needed;
7. the fact that an investigation will be conducted in an effort to substantiate the facts and statements as presented by the applicant and that this investigation may take place prior to, during, or subsequent to the applicant's receipt of welfare assistance;
8. the applicant's responsibility for notifying Welfare Official of any change in circumstances that will affect eligibility;
9. any other programs of assistance or service that the Welfare Official may know of, if applicant appears ineligible for general assistance, or of which applicant may avail himself/herself in addition to receiving General Assistance;
10. the requirement of placing a lien on any real property owned by the recipient for any assistance given, except for good cause;
11. applicant's responsibilities as set forth in Section C.

C. RESPONSIBILITY OF EACH APPLICANT AND RECIPIENT. Applicant responsibilities at the time of initial application and continuing thereafter are:

1. to provide accurate, complete, and current information concerning his/her needs and resources and the whereabouts and circumstances of responsible relatives;
2. to notify Welfare Official when a change in needs and/or resources may affect eligibility for continuing assistance;
3. within one week of application, to apply for and utilize any benefits or resources, public or private, that will reduce or eliminate the need for General Assistance.

Any person may be denied or terminated from assistance who, by means of an intentionally false statement or intentional misrepresentation or by impersonation or other willfully fraudulent act or device obtains or attempts to obtain any assistance to which he/she is not entitled.

D. ACTIONS ON APPLICATION.

1. Unless an application is withdrawn, the Welfare Official should make a decision concerning the applicant's eligibility immediately or within 72 hours after completion of the written application form.
2. When a decision has been made on an application, the applicant will be informed that assistance of a stated kind or amount has been given, or that the application has been denied, with reasons for denial. See Section IX, Right to Notice of Adverse Action.
3. In the case of an emergency situation such as fire, flood, hurricane, illness or injury, imminent eviction or termination of utilities, unexpected misfortune during travel, or other situations beyond the control of the applicant or his/her dependents, the Welfare Official may grant temporary assistance immediately, pending formal determination of eligibility.

V. DETERMINATION OF ELIGIBILITY.

A. THE FORMULA. A person is eligible to receive assistance when he or she meets the non-financial eligibility factors specified in V (C & D), and when the applicant's need (V-E) is greater than his or her available income plus available liquid assets (V-F).

General Assistance = Need - (Income + Available Liquid Assets)

B. LEGAL STANDARD. "Whenever a person in any town shall be poor and unable to support himself he shall be relieved and maintained by the overseers of public welfare of such town, whether he has a settlement there or not." RSA 165:1.

1. "Whenever" means at any or whatever time that person is unable to support him or herself.
 - (a.) A Welfare Official should be available every working day.
 - (b.) The eligibility of any applicant for General Assistance should be determined at the time of application, or within 72 hours.
 - (c.) Assistance should be granted as soon as eligibility has been determined.
2. "Poor and unable to support" means that an individual lacks money or material possessions adequate to support himself/herself and his family. When his/her income and assets are not adequate to meet his/her needs, then General Assistance is required. $Need - (Income + Available Assets) = General Assistance.$
3. "Relieved" means that a person shall be freed from the burden and distress of poverty through financial assistance.

C. NON-FINANCIAL ELIGIBILITY FACTORS.

1. AGE. General Assistance cannot be denied any person because of the person's age; age is not a factor in determining whether or not a person may receive General Assistance. (However, age does make certain persons eligible for other kinds of state-federal assistance - over 65 Old Age Assistance, Social Security; or under 18 - AFDC - foster care.)
2. SETTLEMENT. All persons present in a municipality may apply to the Welfare Official of that municipality for assistance. The settlement law, RSA 164-A, determines who, in the end result, is legally responsible to pay for assistance given. Neither the settlement law nor the unwillingness to pay of those legally responsible is valid grounds for refusing assistance to an applicant who is a resident of the municipality. Transients not wishing to return to their place of origin have a right to be assisted, if otherwise eligible, in the town in which they are present.

3. 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 may pursue legally liable persons or entities pursuant to RSA 165:19 and 165:20.
4. ELIGIBILITY FOR CATEGORICAL ASSISTANCE. Applicants or recipients whom the Welfare Official believes may be eligible for any other form of public assistance must apply for such assistance within one week after being advised to do so by the Welfare Official. Failure to do so will render applicant or recipient ineligible for assistance until they make such application. Unless and until another form of public assistance is received, a person otherwise eligible is entitled to receive General Assistance. Only in extraordinary circumstances will a person receiving another form of public assistance also be considered as potentially eligible for General Assistance
5. EMPLOYMENT. A person who is gainfully employed, but whose income and assets are not sufficient to meet necessary family expenses, may be eligible to receive General Assistance. However, applicants who without good cause refuse a job offer or referral to suitable employment are ineligible for General Assistance. The Welfare Official should determine whether there is 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, or lack of workmen's compensation protection, lack of adequate child care, or any other factors that might make refusing a job reasonable.
6. REGISTRATION WITH THE N.H. DEPARTMENT OF EMPLOYMENT SECURITY & WORK SEARCH. (DES). Registration with DES is not necessary for initial eligibility for General Assistance. However, all recipients and adult members of their family should, within one week after having been granted assistance, register with DES to find work or to gain skills that will enable them to find work, and must conduct an adequate work search. These requirements shall apply unless the recipient or adult members of family is:
 - (a.) gainfully employed;
 - (b.) a dependent 16 or over who is regularly attending school;

- (c.) unable to work due to illness or disability;
- (d.) required at home because of illness or disability of another member of the household;
- (e.) responsible for the care of a child under age 6.

The Welfare Official should give all necessary and reasonable assistance to ensure compliance with registration and work requirements including the granting of allowances for transportation and work clothes. The Welfare Official may contact DES to verify the fact that the recipient has registered with DES, or he/she may ask to see the recipient's DES-identification card. Merely because DES has determined that a person is not eligible for unemployment compensation does not mean the recipient will no longer be eligible for general assistance.

7. AVAILABLE LIQUID ASSETS. (a.) Cash on hand, bank deposits, and securities are available liquid assets. Insurance policies with a loan value, and non-essential personal property, may be considered as available liquid assets when they have been converted into cash. The Welfare Official shall allow a reasonable time for such conversion. However, tools of a trade, livestock and farm equipment, other equipment used for production of income, and necessary and ordinary household goods are essential items of personal property which should not be considered as available assets.

(b.) The first \$100 for a single applicant and \$200 for more than one person of available assets shall be excluded from the determination of available liquid assets and, thus, from the amount of assistance.
8. AUTOMOBILE OWNERSHIP. An applicant's (or his/her dependents) ownership of one automobile does not affect eligibility and should not be included in determining his/her personal property if it is essential for transportation in seeking employment, for transportation to employment, medical care, rehabilitation, or training facilities, or if it is essential for general use necessary to the maintenance of the individual or family.
9. INSURANCE. There is no limitation on the ownership of insurance, but an insurance policy with a loan value shall be considered an available asset.

10. REAL ESTATE. The type and amount of real estate owned by an applicant does not effect eligibility, although rent or other such income from property should be considered as available to meet need. Persons owning real property, other than that occupied as a home, should make reasonable efforts to dispose of the property at fair market value in order to convert it into assets which can be applied toward meeting present need. In such cases, continuing eligibility should depend on whether reasonable efforts are being made to dispose of the real estate at fair market value. Applicants should be made aware that the City shall file a lien against any real estate owned by a recipient of local welfare assistance. All applicants/recipients will be required to execute any and all documents to perfect the City's lien interest as aforementioned.
11. WORK PROGRAM. The Welfare Official may require, as a condition of receiving General Assistance, that a recipient work for the locality at any available bona fide job within his/her capacity. (See Section VII). Refusal to work may be a ground of denying or terminating assistance unless the refusal is due to one of the reasons specified in Section VII-E.

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

1. Verification should be made only of the number of people in the applicant's family, income, value of available assets, rent or mortgage expenses, work history and medical condition. Further verification may be made when declarations on the applications are unclear or inconsistent.
2. Verification may be made through records provided by the applicant (for example, birth and marriage certificates, pay stubs, pay checks, rent receipts, bankbooks, etc.) as primary sources. The failure of the applicant to bring such records does not affect the Welfare Official's responsibility to process the application promptly. The Welfare Official should inform the applicant what records are necessary and the applicant should produce records possessed as soon as possible. However, the Welfare Official should not insist on documentary verification if such records are not available.

3. Verification may also be made through other sources, such as relatives, employers, banks, school personnel, and social or government agencies. The cashier or a national bank and a treasurer of a savings and trust company can furnish information regarding amounts deposited to the credit of an applicant or recipient.
4. When information is sought from such other sources, the Welfare Official should 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 should obtain written consent of the applicant or recipient, unless the Welfare Official has reasonable grounds to suspect fraud. In the case of possible fraud, the Welfare Official should carefully record his or her reasons and actions, and the applicant should be given an opportunity to clarify the situation.
5. If the applicant or recipient refuses consent and is unwilling to have the Welfare Official seek further information at any time that is necessary, the Welfare Official may deny assistance for lack of substantiation of eligibility. When the Welfare Official notifies the applicant or recipient of this decision, the Welfare Official should also inform the individual of the right to request a fair hearing and a right to re-apply at any time.

E. STANDARD OF NEED. A person is eligible for General Assistance when need exceeds income plus non-exempt available liquid assets. To determine the applicant's standard of need the following factors shall be added together where the specified needs are not otherwise met.

1. SHELTER: RENT & UTILITIES. The actual cost of rent or mortgage (excluding tax escrow) shall be considered in the determination of need up to the maximum of \$200.00 per month with all utilities (except telephone) included; and \$160.00 per month without utilities. Where the recipient is responsible for payment of his or her own utilities, the actual cost of electricity, gas, heating oil, kerosene, water and sewerage shall be paid, up to maximum of a total of \$75.00 per month, which maximum shall be raised to \$100.00 per month during the winter months.

If the actual cost of rent or mortgage plus utilities exceeds the maximum level, the actual costs shall be considered if any of the following circumstances exist.

- (a.) There is no uncrowded suitable housing available for the recipient (family) which complies with local housing codes or conforms with reasonable standards of decency and health;
- (b.) There exists a condition or emergency which mandates immediate payment.

The Welfare Official may, at his or her option, utilize a maximum shelter allowance which varies with the size of the unit, rather than the flat maximum stated above. In such a case, the fair market rents published by the United States Department of Housing and Urban Development may be used as the maximum rent level, with a suitable downward adjustment where utilities are not included in the rent, in which case the utility allowance published by HUD shall serve as maximums. See Charts on Pages 12-B and 12-C.

The rent and utility maximums stated above shall be reviewed annually and adjusted if necessary to reflect current costs within the community.

The New Hampshire Municipal Association will distribute to each member town and city once per year, the current fair market rent and utility allowance figures published by HUD.

- 2. FOOD. The amount necessary to purchase the full allotment of food stamps to which a recipient is entitled shall be budgeted.
 - A. In the situations specified below, the equivalent amount of the food stamp allotment (See Chart) shall be budgeted for the family.
 - (1.) The household is eligible for food stamps, but needs food during the period beginning with an application for general assistance until food stamps are purchased.
 - (2.) The household received food stamps, but its stamps or food supply have been destroyed by fire or other disaster, including criminal acts.
 - B. In the following circumstances, more than the food stamp allotment may be budgeted.
 - (1.) The household receives food stamps, but a physician has stated in writing that one or more members of the family needs a special diet, the cost of which is greater than can be purchased with the family's allotment of food stamps.

- (2.) The household receives food stamps, but the Welfare Official determines that the household is in need of supplementary food assistance, provided, that the household has participated in the food stamp program to the fullest extent allowable under federal and state law.
3. MAINTENANCE ALLOWANCE. General maintenance costs, which shall include personal care, household supplies, laundry expenses, transportation, necessary pay station telephone charges and necessary clothing, shall be included as needs in the computation of eligibility. An allowance shall be provided, as stated in the table, in the form of check, voucher or in-kind donation to cover general maintenance costs.
4. TELEPHONE. If the absence of a telephone would create an unreasonable risk to the recipient's health or safety, the basic four party rate will be budgeted.
5. EMERGENCY AND OTHER EXPENSES. In the event that the applicant has the following current expenses, their actual cost shall be included as emergency and other expenses to determine eligibility and amount of assistance:
 - (a.) Generally, the Welfare Administrator will not consider providing for medical, dental or eye services unless the recipient or applicant can verify and document that all other potential sources have been investigated and that there is no other source of assistance other than local welfare. Other sources to be considered should be State and Federal programs, local and area clinics, area service organizations and area hospital programs (including Hill-Burton Act) designed for such needs. When a person applies for medical service, dental service or eye service to the local Welfare Administrator, they must provide written documentation from a doctor, dentist or person licensed to practice optometry in the area, indicating these services are absolutely necessary and cannot be postponed without running a significant risk that the applicant or recipient's well being will be placed in serious jeopardy.
 - (b.) Cost necessary to prevent imminent repossession of any essential item, which if lost may need to be replaced.

(c.) Where the recipient owns a home and is otherwise eligible for general assistance, payment for the following items necessary to prevent foreclosure, preserve the home, and promote the health and safety of the recipient shall be made:

- (1.) property taxes (for the recipient's home)
- (2.) fire insurance
- (3.) water rates
- (4.) essential repairs

(d.) Past-due utility bills shall be included and paid when necessary to prevent termination of services which are important for the health and safety of the recipient.

(e.) If an agreement can't be arrived at to prevent eviction, reasonable rent arrearages shall be included if the rent is within the standards and if adequate alternative housing is not available.

F. INCOME. In determining eligibility and the amount of assistance, the standard of need (See Section V, E) shall be compared to available income and assets.

1. EARNED INCOME. Income in cash or in-kind earned by the applicant or recipient and any member of his or her family 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 in this category. With respect to self-employment, total profit is arrived at by subtracting business expenses from gross income. 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 child care costs, and work-related clothing costs have been deducted from income. Wages that are trusteed, or income similarly unavailable to the applicant or applicant dependents, should not be considered.
2. INCOME OR SUPPORT FROM RELATIVES. Contributions from relatives should be considered as income only if actually received by the applicant or recipient.
3. INCOME FROM OTHER ASSISTANCE OR SOCIAL INSURANCE PROGRAM. State categorical assistance benefits, OASDI payments, Social Security payments, VA benefits, unemployment insurance benefits, and payment from other government sources should be considered as income.

ASSISTANCE GUIDELINES

NEED = MAINTENANCE* + SHELTER + UTILITIES + FOOD** (Or Cost of Food Stamps)
 +EMERGENCY & OTHER EXPENSES

Family Size	Weekly Maintenance	Shelter	Utilities	Monthly Food	Weekly Food	Emergency & Other Expenses
1	\$2.50			\$50.00	\$11.63	
2	4.00			92.00	21.40	
3	5.50			130.00	30.23	
4	7.00			166.00	38.60	
5	8.50			198.00	46.05	
6	10.00			236.00	54.88	
7	11.00			262.00	60.93	
8	12.00			298.00	69.30	

* Add \$1.00 for each additional family member after 8. Includes personal care and household supplies.

**The Food Stamp Allotment figures published by the Department of Agriculture shall determine the cost of food.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B = FAIR MARKET RENTS FOR EXISTING HOUSING, INCLUDING ALL UTILITIES EXCEPT TELEPHONE

REGION I	COUNTY GROUP		0 Bedrooms	1 Bedroom	2 Bedrooms	3 Bedrooms	4 Bedrooms
Manchester, New Hampshire Area Office							
SMSA: Manchester, N.H.							
County: Hillsborough	00408	Non-Elevator:	131	148	175	201	219
State: N.H.		Elevator:	144	163	193	221	241
County: Merrimack	00408	Non-Elevator:	131	148	175	201	219
State: N.H.		Elevator:	144	163	193	221	241
Non SMSA Counties							
County: Belknap	00408	Non-Elevator:	131	148	175	201	219
State: N.H.		Elevator:	144	163	193	221	241
County: Carroll	00408	Non-Elevator:	119	135	160	185	200
State: N.H.		Elevator:	130	149	176	204	223
County: Cheshire	00506	Non-Elevator:	137	156	185	205	225
State: N.H.		Elevator:	151	172	204	226	247
County: Coos	00301	Non-Elevator:	120	136	160	176	192
State: N.H.		Elevator:	132	150	176	194	211
County: Grafton	00301	Non-Elevator:	120	136	160	176	192
State: N.H.		Elevator:	132	150	176	194	211
County: Rockingham	00408	Non-Elevator:	131	148	175	201	219
State: N.H.		Elevator:	144	163	193	221	241
County: Strafford	00202	Non-Elevator:	131	148	175	193	210
State: N.H.		Elevator:	144	163	193	212	231
County: Sullivan	00301	Non-Elevator:	131	148	175	193	210
State: N.H.		Elevator:	144	163	193	212	231

RULES AND REGULATIONS

13b

U.S. Department of Housing and Urban Development

SECTION 8, EXISTING HOUSING ALLOWANCES FOR
TENANT-FURNISHED UTILITIES AND OTHER SERVICES

May 29, 1975

UTILITY OR SERVICE	MONTHLY DOLLAR ALLOWANCES					
	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR
HEATING						
a. Natural Gas	17.00	21.00	25.00	29.00	33.00	37.00
b. Bottle Gas	28.00	34.50	42.00	49.00	56.50	64.00
c. Oil	16.00	24.00	32.00	42.00	48.00	56.00
d. Electric	18.00	23.00	26.00	34.00	38.00	43.00
AIR CONDITIONING						
	2.00	2.00	2.00	2.00	2.00	2.00
COOKING						
a. Natural Gas	3.50	3.50	3.50	3.50	3.50	3.50
b. Electric	5.00	5.00	5.00	5.00	5.00	5.00
c. Bottle Gas	4.00	4.00	4.00	4.00	4.00	4.00
OTHER ELECTRIC LIGHTING, REFRIGERATION, ETC.						
	10.00	10.00	12.50	21.50	21.50	23.00
WATER HEATING						
a. Natural Gas	5.00	7.00	8.00	9.00	11.00	13.00
b. Electric	5.50	7.00	8.50	10.50	16.00	18.00
c. Bottle Gas	6.00	7.00	12.50	18.00	23.00	27.50
d. Oil	8.00	8.00	8.00	8.00	10.00	10.00

UTILITIES Oil, Electricity, Gas \$75.00 maximums up to \$100.00 in winter.

4. COURT-ORDERED SUPPORT PAYMENT. Alimony and child support payments should be considered income only if actually received by the applicant or recipient.
5. INCOME FROM OTHER SOURCES. Payment from pension and trust funds and the like should be considered income. Any income actually available to the applicant or recipient from members of their household who are not related by blood marriage (for example boarders or lodgers) should be considered as income.
6. EARNINGS OF A CHILD. No inquiry should be made into the earnings of a child 14 years of age or less unless that child in fact makes a regular and substantial contribution to the family.

VI. COUNTY HOME

A. The County Home shall not be used as a substitute for maintenance of an individual in his/her own residence. Accordingly, no applicant for or recipient of assistance shall be required to reside at the County Home as a condition of receiving general assistance unless.

1. The individual voluntarily agrees to reside at the County Home, after being informed that he/she could be assisted in his/her own room or apartment (up to the level established by these standards). Such voluntary agreement shall be indicated in writing on a form which also provides notice of the alternatives, a copy of which shall be given to the individual; OR
2. The individual cannot, by him/herself or with voluntary aid, adequately provide for his/her physical needs in his/her own residence.

B. The facts upon which the official relies in making his/her determination of County Home placement shall be fully set forth in the Notice of Decision. An offer of County Home placement under Part A2 of this section shall be considered an adverse action within the meaning of Section IX-X with all the procedural rights specified therein.

VII. MUNICIPAL WORK PROGRAMS

A. According to N.H. RSA 165:31, anyone receiving General Assistance may be required to work for the city at any available bona fide job that is within his/her capacity.

B. In no case shall a recipient/worker be paid less than the minimum wage. All wages attributable to such employment shall be used to reimburse the city for current assistance given, except where wages exceed aid granted in which case the greater amount shall be paid. Employment under this section shall continue for as long as assistance is required and received.

C. If due to lack of work or other good cause, recipient does not work a sufficient number of hours to fully compensate for the amount of aid to which he/she is otherwise entitled under these standards, this full amount of aid required shall still be paid.

D. The locality shall provide reasonable times during working hours for recipients to secure work in the labor market. When possible, persons on city relief work programs should be placed in regular city positions.

E. Refusal to work does not include failure to appear for or to perform work where the recipient/applicant:

1. has a conflicting interview for a job possibility
2. has a conflicting interview at a service or welfare agency
3. has no adequate means of transportation and/or child care and the town fails to provide same
4. has a medical appointment or illness
5. must care for minor children or an incapacitated adult
6. does not possess the materials or tools required to perform the task and the town fails to provide same.

VIII. BURIALS

The Welfare Official is specifically required by statute (RSA 165:3) to provide for proper burial, at municipal expense, of poor found in the municipality at time of death. The expense may be recovered from the deceased person's municipality of settlement or from a liable relative. RSA 165:16. In the case of a poor veteran who was honorably discharged, the municipality of residence at time of death shall certify to the State Veterans' Council that the veteran was a pauper at which time a sum not to exceed \$500 will be paid to the funeral director. If the deceased has Social Security, the Social Security funeral benefits will be three times the monthly benefit; if the person had both Social Security and Old Age Assistance from the State, the combined lump sum payments should cover burial expenses. If relatives, other private persons, the State or other sources will not cover the entire burial expenses, the municipality should pay up to \$300 for burial, with an additional payment for a cemetery plot.

IX. RIGHT TO NOTICE OF ADVERSE 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 federal assistance whose aid has been denied, terminated, suspended or reduced.

A. NOTICE REQUIRED.

1. When a decision has been made on an application, the applicant should be informed orally that assistance of a stated kind or amount will be given or that the application has been denied and the reason for denial.
2. The Welfare Official should make every effort to insure that the applicant understands the decision and offer written confirmation of the decision with reasons.
3. If such a written confirmation is requested by the applicant, it should be given immediately or sent within one week after the decision with a copy placed in the case file.
4. Applicants who have been denied assistance have the right for a fair hearing. Applicants or recipients who are dissatisfied with the decision should be advised that they may be entitled to free legal counsel from N. H. Legal Assistance.

B. RIGHT TO PRIOR HEARING.

1. No termination, suspension or reduction of assistance shall become effective until a fair hearing has been held and the decision rendered or until the recipient has waived his/her right to such a hearing by not requesting one within the time specified, or by expressly waiving his/her right in writing or by failing to appear at the fair hearing without good cause.
2. If a prior hearing is requested and the recipient fails to prevail at the hearing, the assistance given pending the hearing shall be a debt owed by the individual to the town or county.
3. Before a recipient can obtain a hearing prior to the effective date of termination, suspension or reduction he/she must have been a recipient of assistance granted:

- (a.) on a weekly basis for at least two consecutive weeks immediately preceding the receipt of the notice of adverse action;
- (b.) on a monthly basis for at least two consecutive weeks immediately preceding the receipt of the notice of adverse action.

X. FAIR HEARING

A. REQUESTS. A request for a fair hearing is a written expression, by the applicant or recipient or any person acting for him/her to the effect that he/she wants an opportunity to present his/her case to a higher authority.

B. TIME LIMITS FOR REQUESTS.

1. When an application is denied a request for a fair hearing must be received within 7 days of the denial.
2. When the Welfare Official proposes to reduce, suspend or terminate assistance and the recipient desires a fair hearing prior to that reduction, suspension or termination, a fair hearing must be requested within 7 days of the date of notification.

C. TIME LIMITS FOR HEARING.

1. Hearings requested by applicants and by recipients not requesting a prior hearing must be held within four days of the receipt of the request. The Welfare Official shall give notice to the individual setting forth time and location of the hearing. This notice must be given to the individual at least 48 hours in advance of the hearing, or mailed to the individual at least 72 hours in advance of the hearing.
2. Hearings prior to a proposed reduction, suspension, or termination should be held within a reasonable time after the recipient's request with notice to the recipient in accord with paragraph one above. A recipient who receives a prior hearing is not entitled to another fair hearing on the same issue.

D. PROCEDURES AT THE HEARING.

1. A claimant or his/her duly authorized representative shall have the right to examine, prior to an active fair hearing, all records, papers and documents contained in the claimant's case file, as well as any documents not contained in

such case file relevant to the Welfare Official's action of which the claimant complains. The claimant may introduce any such documents, papers or records into evidence. No record, paper or document which 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. The Welfare Official or his/her 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.

3. All fair hearings will:

(a.) Be conducted in such manner as to insure due process of law;

(b.) Fair hearings shall not be conducted according to strict rules of legal procedure and strict rules of evidence. However, in order to protect the right to cross-examine, the fair hearing official shall not rely upon any hearsay evidence in making his/her decision where any party objects to its introduction.

(c.) The burden of proof will be on the party challenging the status quo; the burden of proof shall be established by a preponderance of the evidence;

(d.) The Welfare Official, or if applicable his/her agent, shall attend the hearing and testify as to his/her actions and 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 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; to present his/her case for himself/herself or with the aid of others, at his/her option; to bring witnesses; to establish all pertinent facts; to advance any arguments without undue interference; to question or refute any 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 standards. Evidence, both written and oral, which is admitted at the hearing shall be the sole contents of the record. The hearing officer shall not review the case record or other material prior to introduction at hearing.

(h.) The parties may stipulate to any facts.

4. The fair hearing officers shall be the Planning, Health and Welfare Committee of the City Council

The persons serving as a fair hearing authority must:

(a.) not have participated administratively in the decision causing dissatisfaction;

(b.) be impartial;

(c.) be sufficiently skilled in interviewing to be able to obtain evidence and the facts necessary for a fair determination;

(d.) be capable of evaluating all evidence fairly and realistically, to explain to the claimant the laws and regulations under which the administrator operated, and to interpret to the administration any evidence of unsound, unclear or inequitable policies, practice or actions.

E. DECISIONS.

1. Fair hearing decisions shall be rendered within seven working days of the hearing. Decisions shall be in writing setting forth the reasons for decision and the facts on which the fair hearing officer relied in reaching his/her decision. A copy of the decision shall be mailed or delivered to the claimant and to the Welfare Official.
2. Fair hearing decisions will be rendered on the basis of the officer's findings of fact, these regulations and state and federal law. The fair hearing decision shall set forth appropriate relief.
3. The decision shall be dated. In the case of a hearing prior to a proposed termination, suspension or reduction of assistance, the decision shall be effective as of the date assistance would otherwise have been due. In the case of a

post reduction suspension or termination hearing, or a hearing to review a denial of aid, the decision shall be retroactive to the date of the action being appealed.

4. The Welfare Official 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.

XI. LIENS

The law requires the city to place a lien for welfare aid received on the real estate of a poor person in all cases except for just cause. RSA 165:28. The City Attorney should file the notice of lien with the county registry of deeds complete with the owner's name and a description of the property sufficient to identify it. The lien remains in effect during the lifetime of a person or until the amount of the lien is repaid to the municipality. Upon repayment of a lien, the municipality must file written notice of the discontinuance of the lien with the county registry of deeds. See Section XIII, Form F.

XII. PROCEDURE FOR BILLING AND RECOVERING FROM LEGALLY LIABLE GOVERNMENT UNIT OR RELATIVE.

The amount of money spent by the City to support a person who:

1. has settlement in another municipality;
2. has a father, mother, stepfather, stepmother, husband, wife or child (who is no longer a minor) of sufficient ability to also support the poor person, or
3. has no settlement and is therefore a county responsibility

may be recovered from the municipality of settlement, county or from the liable relative. However, written notice of money spent in support of a poor person must be given to the liable relative or unit of government within 90 days of the expenditure. Any legal action to recover must be filed in a court within three years after the expenditure. RSA 165:20, 25.

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In the event the Welfare Official determines that another municipality, a county or a designated relative is ultimately liable for the support of the applicant or recipient, there shall be no delay, refusal to assist, reduction or termination of assistance while the Welfare Official is pursuing his/her statutory remedies to secure reimbursement.

XIII. SAMPLE FORMS

See Attached.