



# CITY OF KEENE

R-2008-13

Eight

In the Year of Our Lord Two Thousand and .....  
RELATING TO COUNCIL POLICY: GUIDELINES FOR GENERAL ASSISTANCE

A RESOLUTION .....

*Resolved by the City Council of the City of Keene, as follows:*

WHEREAS: Each New Hampshire municipality is mandated under NH RSA 165 to provide General Assistance; and

WHEREAS: General Assistance Guidelines must be adopted by the City Council to administer general assistance fairly, confidentially and with impartiality to all applicants; and


WHEREAS: said Guidelines must include criteria for levels of assistance based on local conditions; as well as establish criteria for determining eligibility; the application process, and an appeal process to meet the basic necessities of life such as food, shelter and medical assistance; and

WHEREAS: the City Council adopted "Welfare Guidelines" for the City of Keene New Hampshire, on January 20, 1977; and

WHEREAS: on January 17, 1980, those Guidelines were amended by Resolution R-80-6 (Establishment of a Fuel Emergency Loan Assistance Program); and on June 4, 1981 by Resolution R-81-37; and

WHEREAS: There is a need to further update and amend the Guidelines;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Keene that R-80-6 and R-81-37 be rescinded and the Guidelines, entitled "*City of Keene Human Services General Assistance Guidelines*" and dated March 19, 2008 be adopted.

  
Philip Dale Pregent, Mayor

PASSED: April 17, 2008

A true copy; attest:

  
Patricia  
City Clerk

**CITY OF KEENE  
NEW HAMPSHIRE**



**GENERAL ASSISTANCE  
GUIDELINES**

**CITY OF KEENE  
HUMAN SERVICES  
GENERAL ASSISTANCE GUIDELINES**

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**City of Keene**  
**General Assistance Guidelines**

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

**MISSION**

The duty of the City of Keene Human Services Department (hereinafter “Human Services”) is to provide short-term emergency assistance to qualified applicants for the essentials of daily living in a timely and economical manner. In accordance with established General Assistance Guidelines (hereinafter the “Guidelines”), Human Services makes referrals to programs that aid individuals and families to return to a state of financial self-sufficiency.

**PURPOSE**

It is the intent and purpose of these Guidelines to strictly regulate the provision of General Assistance within the City of Keene (hereinafter the “City”), through the administration and enforcement of the Guidelines by Human Services, to protect the welfare of the citizens, residents, and taxpayers of the community.

**AUTHORITY**

In accordance with, and under the authority of the New Hampshire Revised Statutes Annotated, Chapter 165, Section 1, II, authorizing the City Council to adopt written guidelines for the General Assistance for the City, the following Guidelines are adopted to regulate General Assistance in 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/recipient of General Assistance is confidential and privileged and is not a public record and will be maintained 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/recipient except when disclosure is required by law, or when necessary to carry out the purposes of RSA 165.

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

The responsibility of the day-to-day administration of General Assistance is vested in Human Services. Human Services staff and Human Services Director shall administer General Assistance in accordance with the written City of Keene General Assistance Guidelines. Keene City Council is responsible for the adoption of the Guidelines relative to General Assistance.

## **V. MAINTENANCE OF RECORDS**

- A. Human Services will, as required by law, keep complete paper and/or electronic records concerning the number of applicants given assistance and the cost for such support. Separate case records are established and maintained for each individual, family, or household applying for General Assistance.
- B. The purposes for keeping such records are to:
  - 1. provide a valid basis of accounting for expenditures 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 of Human Services;
  - 4. maintain accurate statistical information;
  - 5. provide a complete history of an applicant's/recipient's needs and assistance to aid Human Services in ongoing case management and in referring the applicant/recipient to appropriate agencies; and,
  - 6. aid in the determination of residence under RSA 21:6a, and to allow a smooth transition of information if the recipient is transferred to another legally liable unit.
- C. Human Services will maintain case records containing the following information:
  - 1. a complete application for assistance, including a signed authorization by the applicant/recipient allowing Human Services to release, obtain, or verify any pertinent information in the course of determining eligibility for assistance;
  - 2. written grounds for approval or denial of 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, referral(s), and any change(s) in status;
  - 4. a Case Balance Report, which contains complete data concerning the type, amount, and dates of assistance given, either in hard paper copy or in electronic format; and,
  - 5. communications regarding applicant(s)/recipient(s) not relevant for determining eligibility will be confidential.

## VI. APPLICATION PROCESS

### 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 application form. Applicants/recipients/clients are seen by appointment.
2. If more than one adult resides in a household, each is required to appear at Human Services to apply for assistance, unless one is working or otherwise reasonably unavailable. Each adult household member must sign where required on the application forms.
3. Unrelated adults in an applicant's residential unit who do not meet the definition of household as defined in these Guidelines are required to apply separately.
4. Human Services is not required to accept an application for General Assistance from an applicant/recipient who is subject to a suspension pursuant to these Guidelines. The applicant/recipient who contests a determination of continuing noncompliance with the Guidelines may request a Fair Hearing. An applicant/recipient who has been suspended for at least six (6) months due to noncompliance may file a new application.

### B. Responsibilities of Human Services

When application is made for General Assistance, Human Services will inform the applicant of:

1. the requirement of submitting a completed written application containing all necessary information including signature(s) allowing Human Services to contact all necessary agencies for investigation and verification;
2. the requirement that other adults in the household are expected to sign pertinent form(s);
3. the eligibility requirements, including a general description of the Guideline amounts and the eligibility formula;
4. the fact that an uncompleted application and/or failure to attend any determination of eligibility appointment(s) will be grounds for denial of assistance;
5. the need to screen applicants based on emergency priorities, such as, no food, no place to stay, no heat (during heating months), no electricity, and no ability to purchase life-threatening medications. Screening means that applicants who are not in an emergency situation (whose difficulties, if not addressed today, would not jeopardize the health or safety of any family member) as determined by written application or oral interview or both, would: (a) be asked to return another day, (b) be referred to an agency or resource which will provide the assistance needed, (c) be given an appointment date and time to return for an interview. Applicant(s) requiring emergency assistance may be referred to agencies or resources who have agreed to provide emergency, temporary assistance, that will meet the needs of the applicant(s) until an appointment can be arranged;
6. applicant(s) responsibility to provide documentation of all claims, such as identification for all household members, receipts for expenditures, documentation of employment, documentation of application for other programs/services which would reduce or eliminate the need for General Assistance, documentation of income, loss of employment, and any other similar claims materially affecting eligibility;
7. joint responsibility of Human Services and the applicant/recipient for exploring facts concerning eligibility, needs and resources, and the necessity of applying for or taking advantage of other resources, which could reduce or eliminate the need for General Assistance;

8. Human Services utilizes the same standards for pharmaceutical assistance as those established by federal and NHDHHS Medicare and Medicaid Services; Applicant/recipient requesting pharmaceutical assistance will be directed to their medical provider for medication assistance and to apply for medication assistance programs. Applicant/recipient will request their prescribing physician to prescribe the least costly generic prescription drug that has been proven effective for most clients with their condition. Exceptions require a written statement from the prescribing physician explaining why a certain prescription drug is necessary;
9. the type of verifications needed by the applicant/recipient, as well as compliance date(s)/appointment date(s). Loss of assistance may occur when the applicant/recipient fails to comply;
10. the fact that an investigation will be conducted in order to further substantiate facts and statements as presented by the applicant/recipient and this investigation will take place prior to, during, and subsequent to the applicant's/recipient's receipt of General Assistance;
11. applicant's/recipient's responsibility to notify Human Services of any change in circumstances and/or household status which would affect eligibility, and for accurately and truthfully reporting all facts necessary in determining eligibility;
12. the fact that Human Services may make home visits in the least intrusive manner, if the applicant/recipient is unable to come to the office and when no other alternative is available, and/or to verify information, at the discretion of Human Services;
13. the need to relocate to more affordable housing based on applicant's /recipient's anticipated income as deemed necessary by Human Services. Efforts are made to maintain the applicant/recipient in their own home unless it is clear that to do so would require a continuing subsidy from Human Services. Decisions are based on anticipated, probable income;
14. the necessity of referral to a shelter for families/individuals currently without housing and/or income;
15. the statutory requirement of placing a lien on any real property owned by the applicant/recipient, or on any settlements, for any assistance given, except for verifiable good cause. The applicant/recipient will be made aware of the lien in that it will be noted on the Notice of Decision and signed by the applicant/recipient. The lien document will be recorded at the Cheshire County Registry of Deeds pursuant to RSA 165:28. However, neither the absence of the applicant's/recipient's signature on the Notice of Decision nor the failure to record such lien document shall diminish the validity of the lien. Human Services also has the right to place liens on civil judgments pursuant to RSA 165:28-a;
16. the requirement of reimbursement of all assistance when returned to an income status and when the income is more than that required to provide a reasonable subsistence compatible with decency and health;
17. the requirement for anyone eligible for and receiving General Assistance to participate in welfare work options/programs if physically and mentally capable;
18. the applicant's/recipient's right to review the Guidelines, and responsibilities as set forth in the Guidelines;
19. New Hampshire Voluntary Quit law and Liability of Relative law. the right to a Fair Hearing and the manner in which such a hearing may be obtained; and,
20. the fact that Human Services may, at their discretion, request the Code Enforcement Department to inspect the place of abode of an applicant/recipient before granting assistance under these Guidelines. If inspection results determine, that the abode is unfit



for human habitation or that occupation is in violation of any law, ordinance, or administrative regulation of the City then assistance for rent or continued occupancy will be denied.

C. Responsibility of Each 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, current records, and pertinent information to Human Services when requested and access to said records and information concerning needs and resources;
2. to provide the whereabouts and circumstances of relatives who may be responsible under RSA 165:19;
3. to provide identification and documentation of income and resources of all household members applying for General Assistance, including written medical verification if disability is claimed or a claim of inability to work;
4. to notify Human Services within seventy-two (72) hours of a change in need, resources, address, household size, or composition. Changes may affect eligibility for continuing assistance;
5. to immediately apply for and utilize any benefits and resources, public or private, that would reduce or eliminate the need for General Assistance within seven (7) days of initial application;
6. to keep all appointments as scheduled; if applicant/recipient is more than fifteen (15) minutes late and has not notified Human Services, the applicant/recipient will be considered a no show and will be eligible for rescheduling within five (5) business days from the missed appointment;
7. to diligently search for employment and provide verification of work search; contacting at least five (5) places per day; to be available to accept full-time work; to accept employment when offered and maintain such employment. Refusal will affect General Assistance;
8. to provide a written doctor's statement if claiming an inability to work due to medical condition;
9. to participate in alternative work options/programs, if required, and if physically and mentally able;
10. to reimburse all assistance when returned to an income status and when the income is more than that required to provide a reasonable subsistence compatible with decency and health; and,
11. to diligently work toward independence of General Assistance through employment and other forms of assistance.

An applicant/recipient shall be denied assistance if he/she fails to fulfill any of these responsibilities without reasonable and verifiable justification. An applicant's/recipient's assistance may be terminated or suspended for failure to fulfill any of these responsibilities without reasonable and verifiable justification.

In accordance with these Guidelines and state law, any recipient shall be denied or terminated from General Assistance; and may be prosecuted for a criminal offense if he/she intentionally makes false statements or intentional misrepresentation, by impersonation or other willfully fraudulent act or device, or obtains or attempts to obtain any assistance to which he/she is not entitled.

***NOTE: An applicant/recipient who claims that their money or vouchers were stolen must report these incidents to the appropriate police jurisdiction where the incident occurred. The applicant/recipient shall provide written proof that the incident has been reported.***

D. Actions on Applications

1. Decision:

Unless an application is withdrawn, Human Services will make a decision concerning the applicant's/recipient's eligibility immediately in the case of emergency, or within five (5) working days after completion of the application. A written Notice of Decision shall be given in hand, delivered, or mailed on the same day or next working day following the making of the decision. The Notice of Decision shall state 1) assistance of a specific kind; 2) amount of assistance given; and 3) 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 suspend an application subject to receipt of specified information from the applicant(s)/recipient(s). The Notice of Decision contains conditions for continued assistance and applicant's/recipient's right to a Fair Hearing.

2. Emergency Assistance:

At the time of initial contact, if the applicant/recipient demonstrates and verifies that an immediate emergency need exists in which the applicant/recipient may suffer loss or an imminent threat to life or health (such as loss of shelter, utilities, heat, or lack of food or life threatening prescriptions) temporary aid to fill such need shall be given no later than seventy-two (72) hours from the time of the request. Such emergency assistance shall not obligate Human Services to provide further assistance once the application process is completed.

3. Temporary Assistance:

In circumstances where required records are not available, Human Services may grant temporary approval to an applicant pending receipt of the required documents. Temporary status shall not extend beyond seven (7) days.

4. Withdrawn Applications:

An application shall be considered withdrawn if:

- a. the applicant/recipient has refused to complete a written application or has refused to make a good faith effort to provide the required verifications and sufficient information for the completion of a written application. If an application is deemed withdrawn for these reasons, Human Services will notify the applicant in a written Notice of Decision;
- b. the applicant/recipient dies before assistance is rendered;
- c. the applicant avails himself/herself of other resources to meet need;
- d. the applicant/recipient requests that the application be withdrawn (preferably in 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; or,
- f. General Assistance will not be automatically continued.

E. Home Visits

A home visit may be made by appointment at the request of an applicant/recipient only when it is medically impossible for the applicant/recipient to apply in person at the office of Human Services.

1. All home visits shall be pre-arranged, and shall take place weekdays between the hours of 9:00 a.m. and 5:00 p.m., and may require the presence of a third party.
2. During the home visit, Human Services may discuss any noticeable applicable housing code violations with the applicant/recipient and will report all violations to proper authorities.

## **VII. VERIFICATION OF INFORMATION**

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

### **A. Required Verification(s)**

1. Applicant/recipient address;
2. Facts relevant to the applicant/recipient residence as set forth in these Guidelines;
3. Names and dates of birth of persons in applicant/recipient residential unit and positive identification 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 (see Pages 19 and 21);
5. Applicant's/recipient's and household income, assets and financial obligations;
6. 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;
7. Any special circumstances;
8. Applicant's/recipient's employment status and availability for employment in the labor market;
9. Utility, housing, and prescription costs; and,
10. Names, addresses, and employment status of individuals potentially liable to the City for reimbursement of General Assistance provided under RSA 165:19.

### **B. Verification of Records**

Verification may be made through records provided by the applicant/recipient (for example, birth and marriage certificates, pay stubs, paychecks, rent receipts, expense receipts, bankbooks, etc.) as primary sources. Failure of the applicant/recipient to bring such records does not affect the responsibility of Human Services to process the application promptly, but the lack of such records may require a denial of the type or amount of assistance requested. Human Services shall inform the applicant/recipient in writing of the necessary records and the applicant/recipient is required to produce these records within seven (7) days. The failure of the applicant/recipient to bring such records will have a bearing on eligibility for assistance.

### **C. Other Sources of Verification**

Verification may also be made through other sources such as relatives, employers, former 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/recipient.

D. Written Consent of Applicant/Recipient

When information is sought from other sources, Human Services will explain to the applicant/recipient what information is required, 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 will obtain a written consent from the applicant/recipient on the written application, unless staff has reasonable grounds to suspect fraud. In the case of suspected fraud, staff will carefully record reasons and any actions taken. The applicant/recipient shall be given an opportunity to explain or clarify suspicious circumstances.

E. Legally Liable Relatives

Human Services will seek statements from former employers and those legally liable relatives and/or persons deemed by New Hampshire law to have financial responsibility to help support the applicant/recipient.

F. Refusal to Verify Information

Should the applicant/recipient refuse comment and/or indicate an unwillingness to have Human Services seek further information than is necessary, assistance will be denied for lack of eligibility verification.

### VIII. TERMINATION AND PROSECUTION RSA 641-3

- A. Misrepresentation of information by applicant/recipient will result in termination of assistance and prosecution under the provisions of RSA 641-3.
- B. The amount of assistance provided will determine the termination period as follows:
  - 1. If the total assistance issued is between \$0 and \$1,000, assistance will be terminated for six (6) months.
  - 2. If total of assistance issued exceeds \$1,000, assistance will be terminated for twelve (12) months.

### IX. DISBURSEMENTS

- A. The City of Keene does not accept responsibility for any services rendered before application to and eligibility determination by Human Services. The City pays vouchers directly to vendors or creditors up to the dollar amount designated on the voucher. The amount shown on the voucher is the maximum amount to be used for payment. Vouchers issued for prescription assistance will require that generic medications be used unless indicated by the prescriber.

A recipient shall not change the amount listed on the voucher. A recipient must sign the voucher to insure proper usage. Tobacco products, alcoholic beverages, pet food, magazines, plants, cards, and children's toys cannot be purchased with any voucher. It is the responsibility of the applicant/recipient to safeguard from theft, loss, or misuse any voucher received. **No replacement voucher will be issued if the original is lost, stolen, misplaced, or misused.**

- B. All assistance rendered will be in the form of vouchers payable to the vendor providing the service, and in accordance with the general regulations below:

1. rent may only be made payable to the owner of the property unless Human Services is in receipt of a notarized Agent Authorization Form generated by Human Services, which allows otherwise. No rent payment will be made until a Rental Verification Request form generated by Human Services has been completed and signed. Forms not generated by Human Services will not be honored. Only property owners or authorized agents as noted above will be recognized as having the authority to complete the Rental Verification Request form. To be issued payment, vendors must have placed on file with City's Finance Department a completed, current W-9 Form and any other document(s) required by the City's Finance Department. A new Rental Verification Request form and updated W-9 will be required annually;
2. whenever a relative of an applicant is also the landlord, that landlord will be expected to assist his relative pursuant to RSA 165:19. Otherwise, the landlord must prove an inability to assist before an assistance payment for rent is made to him/her;
3. rental Verification Request 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. The total value of any rental voucher in excess of the City's "Allowable Level of Assistance" will need written authorization of the Human Services Director;
4. food vouchers will identify what foods may be purchased with the voucher. Vouchers must be used within five (5) days of issue.
5. all authorizations are one time only with each authorization requiring individual approval;
6. Human Services will always attempt to provide what is necessary for the least cost possible to the City. The least expensive appropriate alternative will be sought. The amount of assistance provided will be negotiated whenever possible. Human Services maintains a list of medications that are not covered by General Assistance;
7. Human Services will not pay late charges, fees, security deposits, storage charges, key charges, etc;
8. landlords 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. Landlords are required to pay back the City for moneys received for rent for any portion or time period where the tenant has vacated the premises for whatever reason; and,
9. rent shall be considered paid by means of a welfare voucher or by an offset against moneys owed to the municipality by the landlord. Payment will be considered timely when payment is rendered in the form of a voucher or could have been paid by voucher had the landlord provided the necessary verification information to the City under the provisions of RSA 540:0.

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

### **A. Eligibility Formula**

An applicant/recipient is eligible to receive assistance for basic needs when:

1. the applicant/recipient meets the non-financial eligibility factors;
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 justifying an exception;
3. 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; or,
  4. the applicant/recipient must first and foremost utilize any available resources for basic needs: rent, food (minus Food Stamp allotment), cleaning and hygiene items, utilities, and prescriptions. Applicant/recipient must provide dated and signed receipts. **Credit card payment, rent-to-own furniture, cable services, internet service, tobacco, alcohol, repayment of personal loans and school loans are examples of non-basic needs.**

#### B. Legal Standard and Interpretation

*Whenever a person in any town is poor and unable to support himself, 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. A person cannot be denied assistance solely because he/she is not a resident.
2. “Whenever” means at any or whatever time that person is poor and unable to support himself/herself.
  - a. Human Services will be available during normal business hours.
  - b. Eligibility of any applicant for General Assistance shall be determined at the time of the application if an emergency or within seven (7) working days of a completed, signed application.
  - c. Assistance shall begin as soon as the applicant is determined to be eligible.
3. “Poor and unable to support” means an individual lacks income and available assets to adequately provide for the basic maintenance needs for himself/herself or family as determined by these Guidelines.
4. “Relieved” means an applicant/recipient will be assisted to meet those basic needs.

#### C. Non-Financial Eligibility Factors

1. Age  
Age is not a factor in determining whether or not a person may receive General Assistance.
2. Minors  
Minor applicants will be referred to Protective Services of the New Hampshire Division of Children, Youth and Families (NHDCYF) for case management. Minors have the residence of their custodial parent(s), legally liable parent(s), or legally liable guardian(s). Minors are the financial responsibility of their parent(s) or legal guardian(s).
3. Residence  
Residence and residency is a person’s place of abode or domicile. The place of abode or domicile is that designated by a person as the 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 if there is intent to return to such residence or residency as the principal place of physical presence. A court ordered residential program, residential treatment program, or homeless shelter do not establish residency.

4. Support Actions

No applicant/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, Human Services requires that the applicant/recipient file for child support with the New Hampshire Department of Health and Human Services, Child Support Enforcement Services. The City may pursue recovery against legally liable persons or governmental units.

5. 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. No person receiving Old Age Assistance (OAA) or Aid to the Permanently and Totally Disabled (APTD), under RSA 167 or 161, will at the same time be eligible for General Assistance, except emergency medical assistance.

6. Employment

a. 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 a work options/programs, 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.

b. Human Services will first determine whether there is good cause for such refusal. Written and verifiable documentation of the ability, physical and mental capacity of the applicant, transportation issues, 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 shall be taken into account. **NOTE: These employment requirements extend to all adult members of the household/family unit.**

7. Registration with the New Hampshire Department of Employment Security (NHES) and Work Search Requirements

All unemployed recipients and adult members of their household 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 on the Notice of Decision by Human Services. Work search requirements apply to all recipients/household members unless the recipient and/or other adult members of the household are:

- a. gainfully employed full-time;
- b. dependents aged eighteen (18) or under who are regularly attending secondary school;
- c. unable to work due to a verifiable debilitating condition;
- d. unable to work due to illness, mental or physical disability, or another member of the household/family unit verified by written medical documentation from a physician; or,
- e. solely responsible for the care of a child age three (3) or under. A person responsible for the care of a child aged six (6) to twelve (12) shall not be excused from work search requirements, but shall be deemed to have good cause to refuse a job requiring work during hours the child is not actually in school if there is no other childcare available. Recipients will be asked to verify contacts made to locate childcare.

Human Services will give necessary and reasonable assistance to ensure compliance with work requirements, including referrals for transportation and work clothes. Failure of an applicant/recipient to comply with these requirements without verifiable good cause will be reason for denial of assistance.

8. Disqualification for Voluntary Termination of Employment

Applicant/recipient subject to the New Hampshire Voluntary Quit Law shall become ineligible for assistance as provided by law.

9. Students

Students who are not minors must be employed full-time to be eligible for General Assistance.

10. Employment of Household Members

The employment requirements of the Guidelines, job search requirements or participation in a work option/program, shall be required for all adults aged eighteen (18) to sixty (65) years residing in the same household, except those regularly attending secondary school or employed on a full-time basis, who are:

- a. legally liable to contribute to the support of the recipient and/or children of the household; or,
- b. 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/recipient to establish a separate household. Human Services may suspend the non-compliant recipient(s).

D. 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 into cash. Human Services shall allow a reasonable time for such conversion. However, tools of a trade, livestock, farm equipment, and necessary and ordinary household goods are essential items of personal property, which shall not be considered as available assets.

2. Automobile Ownership

The ownership of one (1) automobile by an applicant/recipient or their dependent(s) does not affect eligibility if it is essential for medical or rehabilitation services, transportation to and from employment, or it is essential for use necessary to the maintenance of the individual or family. Essential means that there is no other transportation available. Car payments will not be considered justifiable expenses when determining eligibility. The cost of purchase and maintenance of a necessary vehicle must be appropriate to the applicant/recipient 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 converted to cash prior to eligibility for anything other than extreme emergency assistance such as food or medication.

3. Insurance

The ownership of insurance policies does not affect eligibility. However, when a policy has cash or loan value, the recipient will be required to obtain and/or borrow all available



funds, which shall then be considered available liquid assets. Premiums paid will not be included as “need” in determining eligibility or amount of aid. Human Services may request verification of policy value.

4. Real Estate

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

5. Property Transfers

No applicant/recipient who is otherwise eligible will receive such assistance if they made an assignment, transfer, or conveyance of property for the purpose of rendering themselves eligible for assistance within three (3) years immediately preceding the application for General Assistance. RSA 165:2-b.

E. Standard of Need

The basic financial requirement for General Assistance is that an applicant/recipient be poor and unable to support themselves. An applicant/recipient shall be considered poor when there are insufficient available income/assets, not to exceed the “Allowable Level of Assistance” standards posted in the Human Services office, to pay for either himself/herself any of the following necessary living expenses. Such costs shall be determined in accordance with the “Allowable Level of Assistance” for the City, which will be reviewed and updated annually.

1. Housing

An applicant/recipient must be on the lease in order to be eligible for rental assistance. The amount to be included as “need” for housing/shelter is the actual cost of rent or mortgage necessary to provide housing/shelter in the City.

a. Housing/Shelter Costs

Real estate owned and occupied by the applicant/recipient as primary residence shall be considered in the same manner as rental assistance. Depending on family and unit size, Human Services will utilize the fair market rental rates published by the Department of Housing and Urban Development (HUD) for the maximum rent level as “need.” Shelter arrearages will be included in the “need” formula, if and only if, such payment is necessary to prevent eviction or foreclosure or to protect the health and safety of the household. However, 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 consider payment of, rent and/or reasonable relocation expenses for such alternative housing, if under the circumstances of the case it is reasonable to do so. Alternative housing includes homeless shelter(s). Residential program alternatives are not permanent residences and therefore program housing costs are not allowable under these Guidelines.

- b. Security Deposits  
Security deposits are not included in the “need” formula.
  - c. Relative Landlords  
Whenever a relative of an applicant/recipient is also the landlord for the applicant/recipient, the landlord 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-landlords such as friends and relatives.
  - d. Shelter  
In cases in which 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 does not abide by the rules of emergency housing/shelter, Human Services may suspend the applicant/recipient by refusing to pay for alternative emergency shelter, but may not suspend the applicant/recipient by denying other forms of assistance to which they are 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.*** Shelter/housing assistance may be considered once the applicant/recipient locates affordable permanent housing.
2. Utilities  
When utility costs are not included in the housing/shelter expense, the most recent outstanding monthly utility bill(s) will be included as part of “need” by Human Services. Utilities must be in the applicant/recipient name in order to render assistance. Applicant/recipient will be required to make extended payment arrangements with the utility company. Arrearages will not normally be included as “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/recipient household or to prevent termination of utility services where no other resource or referrals can be utilized.
  - b. Electric Arrearages  
In accordance with New Hampshire Public Utilities Commission Rules (NHPUC), electric arrearages need not be paid if Human Services notifies the electric company that the City guarantees payment of current electric bill as long as the applicant/recipient is eligible for General Assistance.
  - c. Restoration of Utility 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 as “need” when restoration of service is necessary to ensure the health and safety of the applicant’s/recipient’s household. Human Services may negotiate with the utility for payment of less than the full amount of the arrears and/or may attempt to arrange a repayment plan to obtain restoration of service.
  - d. 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/recipient and the electric company. Human Services will hold the applicant/recipient accountable for payment arrangement for as long as the recipient continues to request General

Assistance. Compliance of a payment plan will be a required element of a Notice of Decision and/or case plan.

3. Food

The amount included as “need” for food purchases will be in accordance with the most recent standard Food Stamp allotment, as determined under the Food Stamp program administered by the New Hampshire Department of Health and Human Services (NHDHHS). An amount in excess of the standard Food Stamp allotment may be granted if one or more members of the household provide written medical verification from a physician of a special diet, the documented cost of which is greater than can be purchased with the family’s allotment standard. Food vouchers may not be used for alcohol, tobacco, or pet food.

4. Non-Grocery Items

“Need” allowance will be given for the cost of providing personal household necessities in an amount not to exceed those identified in the “Allowable Level of Assistance.”

5. Telephone

If the absence of a telephone would create an unreasonable risk to the applicant’s/recipient’s health or 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. Human Services will not provide telephone equipment.

6. Transportation

If Human Services determines that transportation is necessary (i.e., for health or medical reasons, to maintain employment, or to comply with conditions of assistance) “need” may include the cost of public transportation, or minimal fuel purchases. ***NOTE: No cost to prevent repossession of any kind, no automobile payments, no registration, insurance, or licensing costs will be included.***

7. Maintenance of Insurance

Human Services may determine that the current monthly maintenance of medical insurance is essential.

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 General Assistance:

a. Medical Expenses

Human Services will not include amounts for medical, dental, or eye services unless the applicant/recipient can verify that all other potential sources have been investigated and there is no other source of assistance. Other sources to be considered include state and federal programs, local area clinics, service organizations, and hospital indigent programs designed for such needs. When an applicant/recipient requests medical service, prescriptions, dental service, or eye service, staff will require written verification from a physician or dentist, indicating that these services are absolutely necessary and cannot be postponed without creating significant risk. Medication assistance will be the least costly generic prescription drug that has been proven effective for most clients with same condition. Exceptions require a written statement from the prescribing physician explaining why a certain prescription drug is necessary. ***Note: Applicant/recipient will seek service from a Medicaid provider physician. Generic medications will be used unless specified by the physician.***

b. Legal Expenses

Except for those specifically required by statute, no legal expenses will be included.

c. Emergency Clothing

If the applicant/recipient has an emergency clothing need which cannot be met by other community resources; the expense of reasonably meeting that emergency clothing need will be included.

d. Miscellaneous

No moving expenses will be included. Furniture storage charges will not be included.

9. Shared Expenses

If the applicant/recipient household shares shelter, utility or other expenses with a non-applicant/recipient (i.e. is part of a residential unit), then need will be determined on a pro rata share based on the total number of adults in the residential unit, provided applicant/recipient name is on the lease.

10. Home Ownership Expenses

Where the applicant/recipient owns a home and is otherwise eligible for assistance, payment for property taxes, fire insurance, sewer/water, and essential repairs may be deemed as necessary by Human Services to prevent foreclosure, preserve the home, and promote the health and safety of the applicant/recipient.

11. Maximum Payment Level Determination

Payment levels are identified on the "Allowable Level of Assistance" which is reviewed, updated and modified annually based on local market conditions and federal assistance guidelines.

F. Income

In determining eligibility and the amount of assistance, the applicant/recipient standard of need shall be compared to the available income/assets. Computation of income and expenses will be by the month. The following items will be included in the computation:

1. Earned Income

Income in cash or in-kind earned by the applicant/recipient or any adult member of the household through wages, salary, commissions, or profit, whether self-employed or as an employee, is to be included as income. Rental income and profits from items sold are considered earned income. 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 child care costs, and work related clothing costs have been deducted from income. Wages that are trusteed, or income similarly unavailable to the applicant/recipient dependents, will not be included.

2. Income or Support from Other Persons

Contributions from relatives, friends, associates or other household members will be considered as income if available and/or received by the applicant/recipient. (Expenses shared with non-household members may affect the level of "need.")

3. Income from Other Assistance or Social Insurance Programs

State categorical assistance benefits, OASDI payments, Social Security payments, VA benefits, unemployment insurance benefits, and payment from other government sources (i.e. income tax return) shall be considered as income.

a. Food Stamps cannot be counted as income pursuant to federal law. USC 2017(b)

b. Fuel assistance cannot be counted as income pursuant to federal law. 42 USC 8624(f) (1)

4. Court Ordered Support Payments

Alimony and child support payments will be considered income if actually received by the applicant/recipient. Applicant/recipient is required to file for child support payments through the NHDHHS Division of Child Support Enforcement Services.

5. Income from Other Sources

Payments from pensions, trust funds, and similar programs shall be considered income. Any income available to the applicant(s)/recipient(s) from members of their household will be considered as income. Persons in the relationship of father, mother, stepfather, stepmother, son, daughter, husband or wife, are legally liable to support the applicant(s)/recipient(s) and therefore may be required to apply jointly with him/her if they are in the same household. RSA 165:19. Any adult (even an unrelated person or roommate) who resides in the same household "in loco parentis" (in the role of substitute parent) to a minor child is liable for contributing to that child's support, and thus is required to apply jointly with that household. RSA 165:32. For the purposes of determining eligibility under these Guidelines, the income of a member of the household may be considered available to the applicant/recipient if living together with the applicant/recipient in a single housekeeping unit and shares the facilities.

6. Earnings of a Child

No inquiry will be made into the wages of a child fourteen (14) years of age or less unless that child makes a regular and substantial contribution to the family.

7. Deemed Income

Human Services may deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82. 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 will terminate when the Qualified State Assistance Reduction no longer is in effect.
- b. Applicants seeking General Assistance will be required to cooperate in obtaining information from the NHDHHS as to the existence and amount of any Qualified State Assistance Reduction. No applicant/recipient for General Assistance will be considered to be subject to a Qualified State Assistance Reduction unless the existence and amount has been confirmed by the NHDHHS.
- c. Human Services will provide the applicant/recipient with a written Notice of 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 may waive that portion, if any, of the Qualified State Assistance Reduction as necessary.

G. Residents of Shelters for Victims of Domestic Violence

An applicant/recipient residing in a shelter for victims of domestic violence who has income, and owns resources jointly with the abusive member of the applicant/recipient household, will be required to cooperate with the normal procedures for purposes of verification. Such resources and income may be excluded from eligibility determination unless the applicant/recipient has 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 will not delay such assistance.

H. Length of Eligibility

Assistance is authorized on an as needed basis and is not continued automatically. The length of assistance varies depending on the need. The applicant/recipient must contact Human Services and schedule an appointment for each assistance request.

**XI. NON-RESIDENTS**

A. Eligibility

No persons shall be refused assistance solely on the basis of residence. RSA 165:1.

B. Standards

The application procedure, eligibility standards, and standard of need shall be the same for non-residents as for residents.

C. Verification

Verification records will not be considered unavailable, nor the applicant's/recipient's responsibility for providing such records relaxed, solely because they are located in the applicant/recipient municipality of residence.

D. Temporary or Emergency Aid

The standards for the fulfilling of immediate emergency needs of non-residents and for temporary assistance pending final decision will be the same as for residents.

E. Determination of Residence

Determination of residence will be made if the applicant/recipient requests return home transportation, or Human Services has reason to believe the applicant/recipient 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 applicant will be presumed to be the residence of his/her custodial parent/guardian.

2. Adults

For competent adults, the standard for determining residence will 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?

None of the above factors is conclusive. The statement of a person over eighteen (18) as to his/her residence or intent to establish residence will be accepted in absence of strongly inconsistent evidence of behavior.

F. Return Home Transportation

At the request of a non-resident applicant(s), any aid, temporary or otherwise, to which they would be otherwise entitled under the standards set forth in these Guidelines, will be used by Human Services to cause the applicant/recipient to be returned to the municipality of residence. RSA 165:1-c.

G. Recovery

Any aid given to a non-resident, including the cost of return home transportation, will be recovered from the municipality of residence.

## **XII. HOMELESS PROCEDURE**

- A. In cases where persons who are poor and unable to support themselves appear at Human Services during normal business hours and request temporary housing, Human Services will provide the applicant with contact information for Homeless Outreach Services.
- B. In cases where residents of Keene who are poor and unable to support themselves appear at Human Services during normal business hours and request temporary housing, Human Services will make a referral directly to Homeless Outreach for shelter placement. If a homeless applicant/recipient refuses to allow Human Services to contact shelter or Homeless Outreach, or if an applicant/recipient refuses shelter when room is available, the City will have met its obligation by providing for or arranging said accommodation. Human Services will inform the applicant/recipient of their responsibility for accepting shelter sponsorship as follows:
1. submission of a complete application for assistance and Shelter Sponsorship Agreement;
  2. attendance at all scheduled Human Services shelter sponsorship appointments;
  3. participation in an individualized case plan with the shelter case manager;
  4. compliance with all elements and conditions of the case plan;
  5. compliance with all shelter rules and regulations;
  6. any violation of the terms of the case plan, breaking of shelter rules, and/or eviction from the shelter will result in immediate suspension of all services and assistance rendered by Human Services for a period of thirty (30) days; and,
  7. self-termination without notice to shelter staff may result in immediate suspension of all services and assistance rendered by Human Services for a period of thirty (30) days.

## **XIII. WELFARE WORK OPTIONS**

A. Participation

According to New Hampshire RSA 165:31, anyone found eligible for and receiving General Assistance may be required to work for the City or other appropriate local human service agencies at any available bona fide job that is within their capacity as reimbursement for benefits received. Participants in any work program/option are not considered employees of the City, and any work performed in work program/option does not give rise to any employee/employer relationship between the recipient/welfare worker and the City.

B. Reimbursement Rate

Required recipient/welfare worker hours are based on the amount of aid rendered and are calculated at the prevailing minimum wage. All hours attributable to work program/option

shall be used to reimburse the City for assistance given. No recipient will work more hours than necessary to reimburse the City for aid rendered.

C. Continuing Financial Liability

If, due to lack of available work or other verifiable good cause, a recipient does not work a sufficient number of hours to fully reimburse the City for the amount of applicant/recipient aid, the amount of aid received less the value of work hours completed will still be owed to the City.

D. Allowance for Work Search

Human Services will provide reasonable time during working hours for the recipient to secure work in the labor market.

E. Work Attendance

Refusal to work does not include failure to appear for or to perform under the circumstances listed below. The recipient should, however, attempt to schedule appointments so as not to conflict with the work and must notify the supervisor in advance of the appointment. The circumstances include when the recipient:

1. has a conflicting job interview;
2. has a conflicting interview at a service or welfare agency;
3. has a medical appointment or illness;
4. as a parent or person "in loco parentis," must care for a child under the age of three (3). A person responsible for a child over six (6), but under twelve (12) years of age, is not required to work during the hours the child is not in school if there is not another responsible person available to provide care and no other care is available. The recipient must demonstrate contacts made to locate childcare;
5. provides medical documentation of inability to work due to illness or due to a mental or physical disability of the recipient or another member of the household; or,
6. has medical documentation that states the applicant/recipient must remain home because of illness or disability of another member of the household

**XIV. BURIALS AND CREMATIONS**

Human Services shall provide for proper burial or cremation, at the City's expense as identified in the "Allowable Level of Assistance" for persons found in the City at time of death, regardless of whether the deceased person ever applied per RSA 165:3, II. If relatives or other private persons, the state, Social Security, or other sources are unable to cover the entire burial/cremation expense, the municipality will pay the "Allowable Level of Assistance" for burial/cremation.

**XV. NOTICE OF ADVERSE ACTION**

All persons have a constitutional right to be free of unfair, arbitrary, or unreasonable action. This includes applicant/recipient of General Assistance whose aid has been denied, terminated, or reduced. Every applicant/recipient will be given a written notice of every decision regarding General Assistance. Human Services will make every effort to ensure that the applicant/recipient understands the decision.



A. 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 Decision will be given or mailed to the applicant/recipient either the same day or next workday following the making of the decision or within five (5) working days from the time the application is completed.
2. In any case where Human Services terminates or reduces assistance for reasons other than noncompliance with the Guidelines, or misrepresentation, notice will be sent at least seven (7) days in advance of the effective date of the decision to the applicant/recipient stating intended action.
3. The notice required by Paragraphs 1 and 2, above shall contain:
  - a. a clear statement of the reasons for denial, proposed termination, or reduction;
  - b. a statement advising the applicant/recipient of the right to a Fair Hearing and that any request for a Fair Hearing must be made in writing within five (5) working days;
  - c. instructions that the applicant/recipient may request a Fair Hearing Request form at Human Services;
  - d. a statement advising the applicant/recipient of the Fair Hearing time limits; and,
  - e. a statement that General Assistance may continue, if there was initial eligibility, until the date of Fair Hearing if requested by the claimant. All assistance must be repaid if the claimant fails to prevail at the Hearing.

B. Suspension for Noncompliance with the Guidelines

1. Compliance

Applicant/recipient must comply with these Guidelines and the reasonable requests of Human Services, who must enforce the Guidelines while ensuring that all applicants/recipients receive due process. Applicant/recipient 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 applicant/recipient otherwise eligible for assistance shall become ineligible under RSA 165:1-b if they willfully and without good cause fail to comply with the requirements of these Guidelines relating to the obligation to:

- a. disclose and provide verification of all income, resources or other material financial data, including any changes in such information;
- b. participate in a work requirement if assigned by Human Services;
- c. comply with work search requirements;
- d. apply for other public assistance as required by Human Services; and,
- e. keep all appointments with Human Services and other service agencies.

3. Notice of Decision

No recipient otherwise eligible shall be suspended for noncompliance with conditions unless given written Notice of Decision stating actions required in order to remain eligible and a seven (7) day period within which to comply. The First Notice should be given at the time of the Notice of Decision and thereafter as conditions change. Additional Notices of Decisions with actions required should also be given as eligibility is re-determined but without an additional seven (7) day period to comply before giving the applicant/recipient suspension notice.

4. Noncompliance

If a recipient willfully fails to come into compliance during the seven (7) day period or willfully falls into noncompliance, Human Services will give the recipient a suspension/sanction notice.

5. Suspension/Sanction Notice

Written notice that an applicant/ recipient is suspended from assistance due to failure to comply with conditions required in a First Notice shall include:

- a. a list of requirements with which the applicant/recipient is not in compliance and a description of those actions necessary for compliance;
- b. the defined period of suspension;
- c. a notice of the right to a Fair Hearing on the issue of noncompliance and that such request must be made in writing to the City's Human Services Director within five (5) days of receipt of the suspension notice; and,
- 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. However, if the claimant fails to prevail at the Hearing:
  - i. suspension will start after the decision; and,
  - ii. such assistance must be repaid by the claimant/recipient to the City.

6. Suspension/Sanction Period

The suspension/sanction period for failure to comply with the Guidelines requirements, 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 (6) 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;
- c. 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; or,
- d. applicants/recipients who file false and/or omit information may be suspended for six (6) to twelve (12) months and will be required to establish a repayment plan for any assistance given before any further assistance is granted.

7. Fair Hearing on Continuing Noncompliance

A recipient who has been suspended until they comply with the Guidelines may request a Fair Hearing in writing to resolve a dispute over whether or not they have satisfactorily complied with the required Guidelines; however, no assistance shall be available under paragraph B(5)(d) above. The burden of proof lies with the applicant/recipient to show that Human Services was incorrect in their non-assistance of the claimant's request.

8. Compliance after Suspension

An applicant/recipient who has been subject to a suspension and who has come back into compliance will have assistance resumed provided the applicant/recipient is still otherwise eligible. The burden of proof lies with the applicant/recipient to show that they have come into compliance with the Guidelines. Notice of Decision stating that assistance has been resumed will again set forth the actions required to remain eligible for assistance, but will not provide a seven (7) day period for compliance unless new conditions have been imposed.

## **XVI. FAIR HEARINGS**

A. Requests

A request for a Fair Hearing is a written expression by the applicant/recipient requesting an opportunity to present the case to a higher authority.

B. Fair Hearing Board

The Fair Hearing Board will be assigned by the City Manager. The persons serving as the Fair Hearing Board 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; and,
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 Human Services any evidence of unclear or inequitable policies, practices or actions.

C. Time Limits for Hearings

1. When an application is denied and when an applicant/recipient desires to challenge a Decision made by Human Services relative to the receipt of assistance, a written request for a Fair Hearing must be received within five (5) working days of receipt of the Notice of Decision at issue.
2. Hearings requested by claimants must be held within ten (10) working days of the receipt of the request. Human Services will give notice to the claimant setting the time and location of the Hearing. This notice must be given to the claimant at least forty-eight (48) hours in advance of the Hearing or mailed to the claimant at least seventy-two (72) hours in advance of the Hearing.
3. Any applicant/recipient may withdraw, preferably in writing, his/her request for a Fair Hearing any time prior to the Fair Hearing and up to the time of the Fair Hearing. An applicant/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 Fair Hearing. Good cause shall include, but not be limited to, medical emergency or unforeseen circumstances that prevent the claimant from attending the scheduled hearing. A claimant shall provide documentation of such circumstance to Human Services no later than seventy-two (72) hours after the request is made. Failure to provide such documentation and/or failure to show for a scheduled Fair Hearing shall be deemed as a withdrawal of the Fair Hearing request of the claimant.

D. Fair Hearing Procedures

1. All Fair Hearings shall be conducted in such a manner as to ensure due process of law. Fair Hearings shall not be conducted according to strict rules of evidence. The burden of proof is on the claimant, who is required to establish their case by a preponderance of the evidence that Human Services was unlawful or unreasonable under these Guidelines.
2. The Human Service's staff person responsible for the Notice of Decision will attend the Hearing and testify about the decision in dispute and the reasons therefore.
3. Both parties will be given the opportunity to offer evidence and explain their positions as fully and completely as wished. The claimant shall have the opportunity to present the case.
4. Prior to a Fair Hearing, a claimant or an authorized representative has the right to examine all records, papers, and documents from the claimant's case file which either party may wish to introduce at the Fair Hearing, as well as, documents not contained in the case file but relevant to Human Services action of which the claimant complains. The claimant may introduce documents, papers, or records into evidence. No record, paper, or document, which the claimant has requested to review but has not been allowed

to examine prior to the Hearing, will be introduced at the Hearing or become part of the record.

5. Human Services (or a duly authorized representative) will have the right to examine all documents on which the claimant plans to rely at the Fair Hearing and may request a twenty-four (24) hour continuance if the 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.
6. The decision of the Fair Hearing Board must be based solely on the record in light of these Guidelines. Evidence, both written and oral, which is admitted at the Hearing, will be the sole content of the record. The Fair Hearing Board will not review the case record or other materials prior to introduction at the Hearing.
7. The parties may stipulate to any facts.
8. Any claimant may withdraw in writing the request for a Fair Hearing at any time up to the time of the Hearing. A claimant who fails to appear for any scheduled Fair Hearing will be deemed to have withdrawn the request for such a Hearing.
9. A claimant who believes they have good cause to request a continuance or postponement of a scheduled Fair Hearing will contact Human Services at the earliest possible time prior to the Hearing. Upon good cause shown, Human Services may reschedule such Hearing. However, the claimant is entitled to only one (1) such postponement or continuance per Fair Hearing request. Good cause shall include, but not necessarily be limited to, demonstrated medical emergency or other demonstrated unforeseen circumstances which reasonably prevent the claimant from attending such scheduled Hearing. A claimant will provide documentation of such circumstances to the satisfaction of Human Services Director no later than seventy-two (72) hours after the request for postponement is made. If the claimant does not provide documentation of such circumstances to the Human Services Director within seventy-two (72) hours, then the request will be deemed withdrawn by the claimant.
10. Fair Hearings may be electronically recorded and retained for six (6) months. Claimants or legal representatives who want records will be responsible for the cost, time, and expense to produce the same.

#### E. Decisions

1. Fair Hearing decisions will be rendered within seven (7) working days of the Hearing. Decisions will be in writing setting forth the reasons for decision and the facts on which the Fair Hearing Board relied in reaching the decision. A written decision will be mailed or delivered to the claimant and Human Services.
2. Fair Hearing decisions will be rendered on the basis of the Board's finding of fact, the Guidelines, 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 claimant to subsequent court action to review or challenge the adverse decision.

## **XVII. LEINS**

### **A. Real Estate (RSA 165:28)**

The law provides for the City to place a lien for General Assistance received on any real estate owned by an assisted person in all cases except for verifiable just cause. The City will 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. Interest at the rate of six percent (6%) per year shall be charged on the amount of money constituting the lien commencing one year after the date the lien is filed unless waived by the City. 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 estate is occupied as the sole residence of the assisted person, surviving spouse, or surviving children who are under age eighteen (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 estate or estate before enforcing the lien. Upon repayment of a lien, the City will file written Notice of the Discharge of the lien with the County Registry of Deeds.

### **B. Civil Judgments (RSA 165:28-a)**

1. The City shall 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 Workers' Compensation) awarded any person granted assistance by the City for the amount of assistance granted by the City.
2. The City is to 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 will contact the attorney representing the recipient.
3. The lien will take precedence over all other claims.

## **XVIII. RECOVERY AND BILLING**

Human Services will seek to recover money expended to assist eligible applicants/recipients. There will be no delay, refusal to assist, reduction or termination of assistance while Human Services is pursuing procedural or statutory avenues to secure reimbursement. As noted in Paragraph B above, any legal action to recover 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 to them 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 the Municipality of Residence**

The City will 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.

B. Recovery from Responsible Relatives

The City legally may recover the amount of support from a liable relative. A liable relative may be a father, mother, stepfather, stepmother, husband, wife, or child (who is no longer a minor) of sufficient ability to also support the assisted person.

1. 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.
2. Human Services may determine that "in kind" assistance or the provision of products/services to the recipient are acceptable as a relative's response to liability for support.
3. Written notice of money spent in support of an assisted person must be given to the liable relative. Human Services will make reasonable efforts to give such written notice prior to the giving of aid; but aid to which an applicant/recipient is entitled under the Guidelines shall not be delayed due to inability to contact liable relatives. In any civil action for recovery brought under RSA 165:20, the court shall award costs to the prevailing party.

C. Recovery from Recipient's Income

A former or current applicant/recipient who is returned to an income status after receiving assistance is legally required to reimburse the City for the assistance provided if such reimbursement can be made without financial hardship.

D. Recovery from State and Federal Sources

The amount of money spent by the City to support an applicant/recipient who has made initial application for Social Security Insurance (SSI) and has signed an "Authorization for Reimbursement of Interim Assistance" form shall be recovered through the Social Security Administration (SSA) and the New Hampshire Department of Health and Human Services (NHDHHS). Prescription expenses paid by the City for applicant/recipient who have applied for Medicaid will be recovered through the NHDHHS if/when the applicant/recipient is approved for medical coverage. There will be no delay, refusal, or termination of assistance while Human Services is pursuing the statutory remedies to secure reimbursement.

E. Delayed State Claims

For those applicants/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 will 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.

**XIX. APPLICATION OF RENTS PAID BY THE CITY OF KEENE**

- A. Whenever the owner of property rented to a person receiving General Assistance from the City of Keene is in arrears in sewer, water, or tax payments to the City, the City will 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.

- B. Payment shall be considered in arrears if more than thirty (30) days have lapsed 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.
- C. Delinquent property tax balances will be first priority, followed by delinquent sewer/water balances.
- D. 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 landlord; specifying which delinquency and referring to the authority of RSA 165:4-a.
  - 2. Human Services will provide a copy of the voucher to the appropriate City Department.

## **XX. IMMIGRATION LAWS**

Human Services acts in accordance with federal laws concerning assistance to immigrants.

## **XXI. HUMAN SERVICES SIGNATURE REQUIREMENTS FOR ASSISTANCE**

The application for General Assistance must be signed by all adult members of the household. When multiple adults comprise a household seeking General Assistance from the City, each adult member of the household must sign where required on the application forms. Any adult household member who, at the discretion of Human Services, is deemed unable to appear in the Human Services office to sign application forms in all required areas must have their signature(s) notarized and forms returned to Human Services before assistance is rendered.

## **XXII. AUTHORIZATION**

Human Services is empowered to interpret and implement these Guidelines so as to best effectuate their purpose. If through emergency necessity or unusual circumstances the Guidelines need to be superseded, preapproval must be by obtained from the Human Services Director and/or City Manager.

## **XXIII. DEFINITIONS:**

The following terms have the indicated meaning as used in these Guidelines:

### **AGENCY**

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

### **“ALLOWABLE LEVEL OF ASSISTANCE”**

City of Keene established financial levels of support for housing, food, and utilities based on market conditions, the New Hampshire Department of Health & Human Services (NH DHHS) and the Department of Housing & Urban Development (HUD).

### **APPLICANT**

A person, who expresses a desire to receive and initiates a written application for General Assistance. This may be either in person or by an authorized representative of the applicant.

### **APPLICATION (RE-APPLICATION)**

Written action by which a person requests General Assistance from Human Services. Application is made on forms provided by Human Services. The application process includes a scheduled appointment with Human Services to determine eligibility and appropriate signatures on all application forms.

### **ARREARAGES**

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

### **ASSETS**

All cash, real property, personal property, real estate and future assets owned by the applicant/recipient and all other available liquid assets.

### **AVAILABLE LIQUID ASSETS**

This includes but is not limited to: cash on hand, checking accounts, bank deposits, credit union accounts, stocks, bonds, securities, income tax refunds, IRA (Individual Retirement Account), 401K accounts, insurance policies with a loan value and non-essential personal property. Such items are considered available liquid assets when they have been converted into cash.

### **CASE RECORD**

Official files containing forms, signed documents, correspondence, and narrative records pertaining to the application including determination of eligibility, reasons for decisions and actions by Human Services, as well as, kinds and amounts of assistance given. The case record may be kept electronically.

### **CLAIMANT**

An applicant/recipient, who has requested, whether in person or through an authorized representative, a Fair Hearing in accordance with the Guidelines.



**CLIENT**

A person utilizing services of a social service agency.

**COMPLIANCE**

Conformity in fulfilling official requests for information and completing requirements of City of Keene Human Services and other agencies.

**ELIGIBILITY**

Determination by Human Services, in accordance with the Guidelines, of an applicant's/recipient's inability to support themselves and therefore, the need for General Assistance.

**EMERGENCY**

A difficulty that if not addressed immediately would jeopardize the health and safety of an applicant/recipient or family member.

**FAIR HEARING**

A Hearing which the applicant/recipient may request to contest a denial, termination, or reduction of General Assistance. The Hearing will be held before an impartial board having no prior knowledge of the case. The standards for such a Hearing are included in the Guidelines.

**FAMILY UNIT**

Includes the applicant/recipient and persons residing with them in the relationship, of father, mother, stepfather, stepmother, son, daughter, husband or wife, and/or any adult (including an unrelated person) who resides with them *in loco parentis* (in the role of substitute parent) to a minor child. A person *in loco parentis* is one who intentionally accepts the rights and duties of a natural parent with respect to a child not his/her own and who has lived with the child long enough to form a psychological family. The term "family unit" is used to signify those persons financially responsible for one another by law and those requesting to be treated as such. However, when two unrelated, unmarried adults produce a child and are not married but live together, Human Services considers them a "family unit" with the adults also being financially responsible for each other unless they can document exceptional circumstances.

**GENERAL ASSISTANCE**

The term used for local welfare administered and funded by each New Hampshire city and town with locally established Guidelines in accordance with RSA 165.

**HOUSEHOLD**

The total number of persons (related or unrelated) living together who share in or benefit from shelter/food/utility expenses. The individuals share living quarters; but are not financially liable for each other unless they request to be treated as such. Expenses, which are shared (rent, food, utilities, etc.) are divided pro rata for the purposes of calculating the applicant's/recipient's need based on the total number of persons in the household. For example: three (3) unrelated adults share an apartment and one (1) applies for assistance; rental assistance is determined as one-third (1/3) of the total shelter cost for three (3) people. The total shelter cost for all three (3) must not exceed the Guideline amounts for a household of three (3).

**HUD**

United States Department of Housing and Urban Development.

**HUMAN SERVICES and HUMAN SERVICES OFFICIALS**

The official(s) of the City of Keene or designee(s) who perform the function of administering General Assistance. Such person(s) have the authority to make decisions regarding the granting of assistance under RSA 165, as identified in the Guidelines and “Allowable Level of Assistance” subject to the overall fiscal responsibility vested in the City Manager and City Council. The term includes “overseers of public welfare” (RSA 165:1) and “administrator of city welfare” (RSA 165:2).

**INCOME**

Cash or in-kind earned by the applicant/recipient or any member of the household through wages, salary, commissions, or profit, whether self-employed or as an employee; contributions from relatives, friends, associates or other household members if received by the applicant/recipient; state categorical assistance benefits, OASDI payment, Social Security payments, VA benefits, unemployment insurance benefits, payment from other government sources (i.e. income tax); alimony and child support payments; payment from pension, trust funds and similar programs.

**LIABILITY FOR SUPPORT**

Those persons deemed by New Hampshire law to have financial responsibility for anyone applying for General Assistance. The process by which liable relatives are made aware of the statutory financial responsibility.

**MINOR**

A person who has not attained the age of eighteen (18) years. 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.

**NHDHHS**

New Hampshire Department of Health and Human Services.

**NON-RESIDENT**

A person living temporarily in Keene while his/her residence is elsewhere.

**NOTICE OF DECISION or NOTICE**

- A. Written notice for approval details the amount and type of assistance issued, the type of assistance pending further verification, and requirements for further assistance.
- B. A written notice of denial detailing all information that must be provided by the applicant/recipient should application for future assistance be made.
- C. Written notice of denial which details ineligibility for assistance.

**RECIPIENT**

A person receiving City of Keene General Assistance.

**REIMBURSEMENT**

A recipient who becomes financially able is required to reimburse the City of Keene for assistance rendered. Reimbursement will be determined by Human Services taking into consideration all necessary current and future obligations. However, each recipient must understand that General Assistance reimbursement takes priority over all other expenses of less than a necessary nature as determined by Human Services. The City of Keene Human Services Department may also, as provided by state law, take a lien on real estate or civil judgments in the amount of assistance rendered (RSA 165:28, 28-A).

**RESIDENCE**

Residence/residency will 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 as defined by the Guidelines. Such resident/residency shall not be interrupted or lost by a temporary absence from it. RSA 165:1 (I); 21:6-a. If another municipality moves a client into the City of Keene, the sending municipality is responsible for the first thirty (30) days of support.

**RESIDENT**

A person whose principal place of abode or domicile is in Keene. A person participating in a residential program is a non-resident. See Shelter definition.

**ROOMMATE**

A person who is financially responsible for themselves and living with a recipient of General Assistance.

**SHELTER**

A temporary housing provider through which an individual or family may seek emergency housing until permanent housing can be found. Under state statute, the following DO NOT interrupt the original residency of an applicant and do not establish a new residency:

- Shelter: homeless or transitional;
- Rehabilitation unit, half-way house, treatment facility;
- Hospitalization;
- Homelessness; or,
- Prison/jail, court ordered residence.

**SUSPENSION/SANCTION**

Cessation of benefits due to non-compliance.

**UTILITY**

Service(s) such as electric, gas, oil for heat necessary to maintain the health and welfare of the household.

**VENDOR/PROVIDER**

Any landlord, utility company, store, or other business, which provides goods or services needed by the applicant/recipient.

**VOUCHER**

A system to pay vendors and providers.

**WELFARE WORK OPTION/PROGRAM**

In accordance with NH RSA 165:31, person(s) found eligible for and receiving General Assistance from the City of Keene may be required to work as reimbursement for benefits received.

**APPENDIX A**

**SAMPLE**

**ALLOWABLE LEVEL OF ASSISTANCE PAYMENTS FOR THE CITY OF KEENE**

Established by vote of the Governing Body, date \_\_\_\_\_

**FOOD, HOT WATER & LIGHTS ALLOWANCES**

Household Size	Monthly Food	# of Bedrooms	Hot Water	Lights
1	\$	0 Bdrm	\$	\$
2		1 Bdrm		
3		2 Bdrm		
4		3 Bdrm		
5		4 Bdrm		
6				
7				
8				

**MONTHLY SHELTER ALLOWANCES  
HUD FAIR MARKET RENTS CURRENT FISCAL YEAR  
Department of Housing and Urban Development**

	0 Bdrm	1 Bdrm	2 Bdrm	3 Bdrm	4 Bdrm
	\$	\$	\$	\$	\$

**MONTHLY HEATING ALLOWANCES / HEATING SEASON \_\_\_\_\_**

Electric	\$	\$	\$	\$	\$
Oil	\$	\$	\$	\$	\$
Nat. Gas	\$	\$	\$	\$	\$
Bottled Gas	\$	\$	\$	\$	\$

**BURIAL ALLOWANCE: \$**

**TELEPHONE: \$**

**OTHER (SPECIFY):** Maintenance Allowance, Emergency Expenses



**Human Services Department  
City of Keene**

**ALLOWABLE LEVELS OF ASSISTANCE PAYMENTS FOR THE  
CITY OF KEENE**

**FOOD, HOT WATER & LIGHTS ALLOWANCES**

Household Size	Monthly Food	# of Bedrooms	Hot Water	Lights
1	\$ 162.00	0 Bdrm	\$ 24.00	\$ 31.00
2	298.00	1 Bdrm	31.00	36.00
3	426.00	2 Bdrm	39.00	43.00
4	542.00	3 Bdrm	48.00	50.00
5	643.00	4 Bdrm	60.00	59.00
6	772.00			
7	853.00			
8	975.00			

**MONTHLY SHELTER ALLOWANCES**

0 Bdrm	1 Bdrm	2 Bdrm	3 Bdrm	4 Bdrm
\$ 613.00	\$654.00	\$ 820.00	\$ 989.00	\$ 1204.00

**MONTHLY HEATING ALLOWANCES**

**HEATING SEASON 10/15 – 4/15**

	\$ 53.00	\$ 71.00	\$ 105.00	\$ 134.00	\$ 150.00
Electric					
Oil	51.00	71.00	93.00	114.00	144.00
Nat. Gas	49.00	65.00	81.00	96.00	120.00
Bottled Gas	71.00	99.00	126.00	153.00	196.00

**BURIAL ALLOWANCE :** \$600.00      **TELEPHONE :** \$ 50.00/\$60.00

**OTHER (SPECIFY):** Maintenance Allowance, Emergency Expenses