



# CITY OF KEENE

R-2018-04-A

Eighteen

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

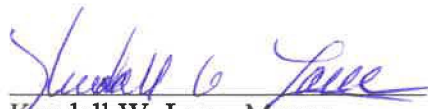
WHEREAS: General Assistance Guidelines must be adopted by the City Council to administer general assistance fairly, confidentially and with impartiality to all applicants; and

WHEREAS: said Guidelines must be reviewed regularly to 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 burial; and

WHEREAS: the City Council adopted "General Assistance Guidelines" for the City of Keene, New Hampshire, on August 18, 2011; 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NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Keene that R-2011-27 be rescinded and the Guidelines, entitled "*City of Keene Human Services General Assistance Guidelines*" and dated February 1, 2018 be adopted.

  
Kendall W. Lane, Mayor

A true copy;  
Attest:

  
City Clerk

PASSED February 1, 2018



City of Keene, N.H.  
*Transmittal Form*

January 25, 2018

**TO:** Mayor and Keene City Council

**FROM:** Finance, Organization and Personnel Committee

**ITEM:** J.3.

**SUBJECT:** Relating to General Assistance Guidelines

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**COUNCIL ACTION:**

In City Council February 1, 2018.

Report filed as informational.

Voted unanimously to delete Section 25 regarding mass casualties from the guidelines.

Voted unanimously to amend Resolution R-2018-04 to reflect February 1, 2018 as the adoption date of the guidelines.

Voted unanimously to adopt Resolution R-2018-04-A.

**RECOMMENDATION:**

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the Keene City Council rescind Resolution R-2011-27, and adopt Resolution R-2018-04 authorizing the Human Services Department to implement the revised General Assistance Guidelines.

**ATTACHMENTS:**

**Description**

General Assistance Guidelines

Resolution R-2018-04-A

**BACKGROUND:**

Human Services Manager, Elizabeth Sayre addressed the Committee next and stated RSA 165 is the State Statute which outlines a municipality's responsibilities and obligations towards its neediest citizens. However, municipalities also have their own guidelines they are required to follow. She indicated in the last year there have been certain changes that have occurred at the state level which has required changes to be made by the city to its own guidelines.

Ms. Sayre then went over the changes:

Page 13, Section V111, Termination and Prosecution:

This language refers to a dollar amount associated with someone who misrepresents information. This was identified in a lawsuit in the City of Manchester and Manchester lost and hence this language is required to be stricken according to welfare law.

Page 17 – this language was identified in the law for many years. However, disabilities activists took this before

the court and they prevailed. The law now states if a person receives disability benefits through APTD they can no longer be discriminated against if they meet eligibility through the local municipality.

Page 20, Item E - Standard of Need – added letter e as follows:

e. First month's rent is only available once in a 12 month period.

This requires an applicant to be responsible for paying their rent once they have been assisted by the city to obtain housing.

Page 37, Section XV11, Liens – Ms. Sayre explained if property owner applies and becomes eligible for general assistance, the city has the right to place a lien on the property. Should the property change hands the city has a right to be reimbursed for any assistance it provided to this individual. The obligation to reimburse always lies with the applicant regardless of whether a lien is placed or not.

Councilor Clark asked if a property was going to be a burden to the city whether the city would still be required to place a lien on that property. Ms. Sayre stated she wasn't sure if the city is required or not but it is the requirement of the Human Services Department to place a lien on the property.

Councilor Jacobs asked what the acronym NHHP stood for. Ms. Sayre answered it is the abbreviation for New Hampshire Health Protection Plan.

Chair Greenwald felt if a landlord was receiving funds from the city there should be some inspection by the city which is currently not being done; just a basic inspection. Ms. Sayre referred to Page 5 Application Process, Item B.

*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 continued occupancy will be denied; and...*

Ms. Sayre stated this language gives the city leverage for an inspection and the city encourages the applicant to make a report to Code Enforcement and staff at times have made a report to Code Enforcement. If Code Enforcement rejects an apartment, the city will not pay.

Acting Code Enforcement Director John Rogers stated the process mentioned by Ms. Sayre is available. The next step is to sit down with the City Manager and move forward with this process.

City Manager Elizabeth Dragon stated she had had a discussion with staff relative to this issue. She noted the language at the present time says "at the discretion" and asked whether this should be changed to shall. The reason is so that an inspection could automatically happen before a check was issued to a property owner, it would not be a burden placed on the person applying for assistance or city staff. Right now staff is trying to work something out internally.

City Attorney Tom Mullins stated this does not only apply to only apartments but to all types of housing in the city.

Chair Greenwald asked Mr. Rogers what staff would be looking at. Mr. Rogers stated they have 24 basic items on their checklist such as verifying that plumbing is in place, no broken windows, floors walls and ceiling don't have holes, proper guardrails and other life safety systems like proper smoke detectors are in place.

Ms. Sayre noted this year Appendix B was added with reference to emergency management because Human Services now has a responsibility in that, which was not part of Human Services in the past. Councilor Powers asked whether this should be incorporated by reference so that each time there is a change in the Appendix the entire section does not have to change. He also noted the date on the footer needs to be changed to 2018. The

Councilor asked with reference to inspection whether the committee does not have language so staff does not have to come back before the committee again. Ms. Dragon stated her only concern with that is staff is not quite ready to implement the program; once an internal process has been put together, this has to be communicated to the Council and the public so people know what they can expect.

Chair Greenwald asked the City Attorney what the process for adoption should be. Attorney Mullins stated changing it to a “shall” clause is not an insignificant change and noted there are some legislative issues that could affect this item. He recommended the committee adopt this item and allow staff to come back with any revisions.

Councilor Clark made the following motion which was seconded by Councilor Powers.

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the Keene City Council rescind Resolution R-2011-27, and adopt Resolution R-2018-04 authorizing the Human Services Department to implement the revised General Assistance Guidelines.

**CITY OF KEENE  
NEW HAMPSHIRE**



**GENERAL ASSISTANCE  
GUIDELINES  
January 25, 2018**

# 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**

The intent and purpose of these Guidelines is to 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 the laws of the State of New Hampshire, and under the authority of the New Hampshire Revised Statutes Annotated, Chapter 165 (Aid to Assisted Persons), Section 1, II, authorizing the City Council to adopt written guidelines for 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.

**The Guidelines contained herein are intended to be advisory and, as such, Human Services staff shall have sole discretion towards the enforcement, application, or variance of any of the Guidelines contained herein. Human Services shall not exercise this discretion unreasonably.**

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

Information given by or about a person 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 may be 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 the Human Services Director shall administer General Assistance in accordance with the written, approved 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 by Human Services;
  - 4. Maintain accurate statistical information;
  - 5. Provide a complete history of applicants'/recipients' needs and assistance to facilitate Human Services with ongoing case management and in referring persons to appropriate agencies; and,
  - 6. Aid in the determination of residence under RSA 21:6-a, and to allow a smooth transition of information if the recipient is transferred to another legally liable unit.
- C. Human Services will maintain case records containing the following information:
  - 1. Completed written application for assistance including signed authorizations by the applicants/recipients allowing Human Services to release, obtain, or verify any pertinent information in the course of determining eligibility for assistance;



2. Written grounds for pending, approving, or denying an application contained in a Notice of Decision;
3. Narrative history recording the need for assistance, the results of investigations of the circumstances of the applicant(s)/recipient(s)/referrals(s), and any change(s) in status;
4. ~~Case Balance Report~~ Summary of Account 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. Information regarding applicant(s)/recipient(s)/referral(s) not relevant for determining eligibility will be confidential.

Access to information that is confidential and/or protected under RSA 165 and not a matter of public record is limited to Human Services and authorized City personnel.

## 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.  
Applicant(s)/recipient(s) is/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. Each adult household member must sign all required documents. Unsigned documents constitute an incomplete application.
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 if assistance is needed.
4. Human Services is not required to accept an application for General Assistance from any 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. **A person 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 releases and signature(s) allowing Human Services to contact all necessary agencies for investigation and verification. **If needed, Human Services staff will assist with completing the application;**

2. The requirement that other adults in the household are expected to sign releases and other pertinent form(s);
3. The eligibility requirements, including a general description of the Guidelines;
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 such as 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 provide emergency, temporary assistance, that will meet the needs of the applicant(s);
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;
7. Joint responsibility of Human Services and the applicant/recipient for exploring facts concerning eligibility, needs and resources, and the ~~necessity~~ requirement 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. A person requesting pharmaceutical assistance will be directed to their medical provider for medication assistance and to apply for medication assistance programs. **All applicants will be required to apply for NHHPP and/or through the Affordable Care Act for healthcare insurance coverage.** Applicant/recipient will request their prescribing physician to prescribe the least costly generic prescription drug from the NH Medicaid Preferred Drug List, which has been proven effective treatment for most patients with their condition. Exceptions require a written statement from the prescribing physician explaining why a certain prescription drug is medically 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. It is the 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 **possible** need to relocate to more affordable housing based on the applicant's/recipient's ~~expenses which should not exceed~~ anticipated income **if deemed necessary by the Human Services official. Every effort will be made to maintain applicants/recipients in their own housing unless it is clear that to do so would probably require a continuing subsidy from the Department.** 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 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 judgements 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 City of Keene Workfare Program 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. The 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;
20. The fact that Human Services may, at their discretion, request the Code Enforcement Department to inspect the place of abode of a person 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 continued occupancy will be denied; and
21. The need to reapply each time assistance is requested and that General Assistance will not automatically continue. Applicant(s)/recipient(s) is/are required 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 and/or eligibility appointment.

C. Responsibility of Each Applicant/Recipient

At the time of the 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~~ and the whereabouts and circumstances of relatives who may be responsible under RSA 165:19; RSA 165:1-b; ~~2. To provide the whereabouts and circumstance of relatives who may be responsible under RSA 165:19~~
2. 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 and any other pertinent information requested;
3. To notify Human Services within seventy-two (72) hours when a change in needs or resources may affect eligibility for continuing assistance;
4. Within seven (7) days of application, to apply for and utilize any benefits or resources, public or private, that will reduce or eliminate the need for General Assistance;

5. To keep all scheduled appointments; 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;
6. To diligently search for employment and provide verification of work search as directed by Human Services official; to be available to accept full-time, or full-time equivalent, work; to accept employment when offered and maintain such employment. Refusal will affect General Assistance;
7. To provide a written doctor's statement if claiming an inability to work due to medical condition;
8. To participate in Workfare, if required, and physically and mentally able;
9. 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;
10. To diligently work toward Financial Self-Sufficiency through employment and other forms of assistance;
11. While working with the Human Services department, you will be required to use your earned and unearned income for basic needs only; and
12. **Persons receiving income will be expected to pay 30% of their income toward their housing costs for rent and/or mortgage.**

A person shall be denied General Assistance if he/she fails to fulfill any of the responsibilities or requests by the Human Services official as set forth in the General Assistance Guidelines without reasonable and verifiable justification. Additionally, General Assistance may be terminated or suspended for failure to fulfill any of these responsibilities without reasonable and verifiable justification. **Disqualification for General Assistance may occur as set forth in RSA 165:1-b.**

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

***NOTE: A person 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 will provide written proof that the incident has been reported.***

#### D. Actions on Applications

##### 1. *Decision*

Unless an application is withdrawn, Human Services shall make a decision concerning the applicant's/recipient's eligibility ~~immediately in the case of emergency, or~~ within five (5) business days after completion of the application process. A written Notice of Decision shall be given in hand, delivered, or mailed on the same day or next business day following the making of the decision. The Notice of Decision shall state: (a) assistance of a specific kind, (b) amount of assistance given, and (c) time period of aid, or that the application has been denied, in whole or in part, with reasons for denial. A decision may also be made to pend an application subject to receipt of specified information from the applicant(s)/recipient(s). The Notice of Decision shall notify the applicant/recipient of conditions for further assistance and their 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 of a basic necessity of living or imminent threat to life or health (such as loss of shelter, utilities, heat sources in winter, lack of food or medically necessary prescriptions), temporary aid to fill such immediate 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 as recorded on the Notice of Decision.

##### 4. *Withdrawn Applications*

An application is deemed withdrawn if:

- a. The applicant has refused to complete the application procedure or has refused to make a good faith effort to provide the required verifications and sufficient information for the completion of the application. If an application is deemed withdrawn for these reasons, Human Services shall notify the applicant in a written Notice of Decision and document the applicant's file;
- b. The applicant/recipient dies before assistance is rendered;
- c. The applicant avails himself/herself of other resources in place of assistance;

- d. The applicant requests that the application be withdrawn (preferably in writing);

5. *Health and Safety*

Housing units must be in compliance with Chapter 18 of the City's Code of Ordinances ("City Code"), entitled: Property and Housing Safety Standards. In situations where a person reports to Human Services the condition of a dwelling unit to be hazardous or unfit for human habitation, Human Services will make a referral/report to the City's Code Enforcement Department. Pursuant to the City Code, "A hazardous building shall mean any building which because of inadequate maintenance, modifications made in violation of the building or fire code, dilapidation, physical damage, unsanitary condition or abandonment, constitutes a fire hazard, or other hazard to public safety or health. Hazardous condition shall mean any inadequate maintenance, repair or disrepair, modification, physical damage or other condition which constitutes a hazard to public safety or health."

E. Home Visits

A home visit may be made by appointment at the request of a person 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 8:30 a.m. 9:00 and 3:30 p.m. 5:00, 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.
3. All home visits shall be conducted in such a manner as to preserve, to the greatest extent possible, the privacy and dignity of the applicant/recipient.

## 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's/recipient's address;
2. Names of persons in applicant's/recipient's household residential or family unit;

3. Picture identification(s), for all adult household members, and social security information of all household members. Immigration and Naturalization Service documentation for applicant(s) and household members, where applicable;
4. Proof of physical custody of children and proof of child support arrangements;
5. Applicant's/recipient's and household income, assets and financial obligations;
6. The physical and mental condition of household members, only when relevant to the receipt of General Assistance, such as ability to work, determination of needs, or referrals to other forms of assistance;
7. Any special circumstances;
8. Applicant's/recipient's former and/or current 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 (for example, birth and marriage certificates, pay stubs, paychecks, rent receipts, expense receipts, bankbooks, etc.) as primary sources. Failure of applicant 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 in writing what ~~of the necessary~~ records are necessary and the applicant 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 General Assistance.~~ (RSA 165:1-b II (a)).

#### C. Other Sources of Verification

Verification may 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 a person (RSA 165:4).

#### 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 written consent of 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 his/her reasons and actions. The applicant/recipient shall



be given an opportunity to explain or clarify suspicious circumstances. ~~Should the applicant/recipient refuse permission to have Human Services seek further information that is necessary, assistance will be denied for lack of eligibility verification (RSA 165:1 II (b)).~~

E. Legally Liable Relatives

Human Services may seek statements from those legally liable relatives and/or persons deemed by New Hampshire law to have financial responsibility to help support the applicant/recipient (RSA 165:19).

## VIII. TERMINATION AND PROSECUTION RSA 641:3

Misrepresentation of information and/or alteration of documents by applicant(s)/recipient(s) will result in termination of assistance and prosecution under the provisions of RSA 641:3.

~~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~~ will not accept responsibility for any services rendered before application to and eligibility determination by Human Services. The City of Keene pays ~~vouchers~~ through a voucher system directly to vendors or creditors up to the dollar amount designated on the voucher. 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 in full and signed by applicant/recipient and property owner or authorized agent. 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 the City's Finance Department a completed, accurate, 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 property owner, that property owner will be expected to assist his/her relative pursuant to RSA 165:19. Otherwise, the property owner must prove an inability to assist before an assistance payment for rent is made for the applicant/recipient;
  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 (1) time only with each authorization requiring Human Services 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 uses the NH Medicaid Preferred Drug List in the administration of General Assistance for medically necessary prescriptions;
  7. Human Services will not pay late charges, fees, security deposits, storage charges, key charges, etc.;
  8. Property owners 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. Property owners are required to pay back the city for monies received for rent for any portion or time period where the tenant has vacated the premises for whatever reason;
  9. Rent shall be considered paid by means of a welfare voucher or by an offset against monies owed to the municipality by the property owner. Payment will be considered timely when payment is rendered in the form of a voucher or could have been paid by

voucher had the property owner provided the necessary verification information to the city under the provisions of RSA 540:9-a; and,

10. Whenever the owner of property rented to a person receiving General Assistance from the City of Keene is in arrears in tax payments, sewer, or water to the City, the City will apply the assistance that 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).

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

### **A. Eligibility Formula**

A person is eligible to receive General 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 a person 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, diapers, utilities, reasonable phone and **internet services**, and prescriptions. Applicant(s)/recipients(s) must provide dated and signed receipts. **Credit card payments, rent-to-own furniture, cable services, tobacco, alcohol, court fines, restitution, payment 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) business 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 a person will be assisted, **as the Human Services staff shall determine**, 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.~~ General Assistance cannot be denied any person based on age. However, age may make certain persons eligible for other kinds of state or federal assistance, which may affect eligibility under these guidelines.

##### 2. *Minors*

Minor applicants 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 shall mean 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, domestic violence 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 **if there is no child support in place**. 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 eligible for General Assistance, except emergency medical assistance.~~

**6. Employment**

- a. ~~An applicant/recipient~~ **A person** who is gainfully employed, but whose income and assets are not sufficient to meet necessary household expenses (**basic needs**), may be eligible to receive General Assistance. However, recipients who, without **verifiable** good cause, refuse a job offer or referral to suitable employment, participation in ~~a work options/programs~~, **Human Services Workfare Program (RSA 165:31)**, or who voluntarily leave a job without good cause (**RSA 165:1-d**) 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 **verifiable** good cause for such refusal, taking into account 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. **NOTE: Employment requirements extend to all adult members of 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 of having been granted assistance, must 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) and 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 with written medical documentation from a doctor; or,
- e. Solely responsible for the care of a child age ~~three (3)~~ five (5) 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 a 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 shall give necessary and reasonable assistance to ensure compliance with work requirements, including referrals for transportation and work clothes. Failure of a person to comply with these requirements without verifiable good cause will be reason for denial of assistance (RSA 165:1-b, d).

8. *Disqualification for Voluntary Termination of Employment*

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

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 these Guidelines, job search requirements, or participation in ~~a work option/program~~ City of Keene Workfare Program, shall be required for all adults aged eighteen (18) to sixty-five (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, and securities are available liquid assets. Insurance policies with a loan value and non-essential personal property may be considered as available liquid assets when they have been converted to cash.

Human Services shall allow a reasonable time for such conversion. However, tools of 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 a person or their dependent(s) does not affect eligibility if it is essential for medical or rehabilitation services, transportation to and from employment, or 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 ~~non-essential second~~ 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 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 Property*

~~The type and amount of real property~~ Real Property owned by a person does not affect eligibility, although rent or other such income from property will be considered as available to meet need. Real estate owned and occupied by the applicant as primary residence shall be considered in the same manner as rental assistance. The type and amount of real property owned by a person does not affect eligibility, although rent or other such income from property will be considered as available to

meet need. Applicant(s)/recipient(s) owning real property, other than that occupied as primary residence, shall be expected to make reasonable efforts to dispose of it at fair market value. Applicant(s)/recipient(s) will be informed that a lien covering the amount of any General Assistance received will be placed against any real property 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 is presently poor and unable to support himself/herself. A person 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*

a person must be on the lease in order to be eligible for rental assistance. Such cost shall be based on approved standards in the "Allowable Level of Assistance Payments" as identified above.

a. Housing/Shelter Costs

Real property owned and occupied by the applicant as a primary residence shall be considered in the same manner as rental assistance. Depending on family unit size, Human Services will utilize their fair market rental rates published by the Department of Housing and Urban Development (HUD) for the maximum rent level as "need." Housing 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/Property Owners

Whenever a relative of a person is also the landlord/property owner for the applicant/recipient, that landlord/property owner will be presumed able to assist their relative pursuant to RSA 165:19, and must prove an inability to assist before any aid payments for housing cost is made. Rent will not be paid to non-property owners 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 it 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.

e. **First month’s rent is only available once in a 12 month period.**

2. Utilities

When utility costs are not included in the housing/shelter expense, the most recent typical 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(s)/recipient(s) will be required to make extended payment arrangements with the utility company. Arrearages will not 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. Electronic 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 “needed” 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 service 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 with a payment plan will be a required element of a Notice of Decision.

3. *Food*

The amount included for food purchases will be in accordance with the most recent standard Food Stamp allotment, as determined under the ~~Food Stamp Program~~ **Supplemental Nutrition Assistance Program (SNAP)** 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 included state and federal programs, local area clinics, service organizations, and hospital indigent programs designed for such needs. When a person 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, from the NH Medicaid Preferred Drug List, that has been proven effective for most clients with same condition. **Note:**

***Applicant/recipient will seek service from a Medicaid provider physician.***

***Generic medications will be used unless specified by the licensed prescriber.***

***Note: Human Services does not cover smoking cessation, narcotic medications, sleep aids, Opioid antagonist, or stimulate blocking pharmaceutical items.***

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.~~

Moving Expenses

Moving expenses may be included in the calculation of “need,” however, will not be paid by Human Services.

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 the applicant(s)/recipient(s) 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 by Human Services based on local market conditions and federal assistance guidelines.

12. *Unusual Needs Not Otherwise Provided For In These Guidelines*

If Human Services determines that the applicant’s/recipient’s needs have substantially changed, or that strict application of the Standard of Need criteria will result in unnecessary or undue hardship, Human Services may make minor adjustments in the criteria, or may make allowances using the emergency need standards stated in Section X of these Guidelines. Any such determination and the reasons therefore, shall be stated in writing in the applicant’s case record.

## F. Income

In determining eligibility and the amount of assistance, the applicant's/recipient's 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. 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 trusted, or income similarly unavailable to the applicant's/recipient's 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.

### 3. *Income from Other Assistance or Social Insurance Programs*

State categorical assistance benefits, OAA 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 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(s)/recipient(s) if living together with the applicant(s)/ recipient(s) in a single housekeeping unit and shares the facilities.

6. *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). When applicant(s)/recipient(s) receiving benefits through the NH Division of Health and Human Services is sanctioned by a reduction in benefits for non-compliance, the amount of income considered available would be the amount the applicant(s)/recipient(s) was/were receiving prior to the sanction.

G. Residents of Shelters for Victims of Domestic Violence

A person 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 will vary depending on the need. Applicant(s)/recipient(s) must contact Human Services to schedule an appointment for each assistance request. Recipient(s) are required to apply for and utilize any benefits that will help them to return to a state of financial self-sufficiency.

## **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's/recipient's municipality of residence.

### **D. Temporary or Emergency Aid**

The standards for 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 intend 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 at some specific future time?

- d. Has the person evidence of his/her intent to establish domicile in some manner, such as registering a vehicle, 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) years of age as to his/her residence or intent to establish residence will be accepted in absence of inconsistent evidence of behavior.~~

F. Return Home Transportation

At the request of 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(s)/recipient(s) 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 211, the NH Emergency Helpline and Homeless Outreach.
- 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:~~ Human Services has a Memorandum of Agreement with Southwestern Community Services (SCS) to provide homeless services to City of Keene residents. Eligibility for City homeless shelter assistance will require the following:

- 1. Submission of a complete ~~written~~ application for ~~assistance~~ General Assistance and Shelter Sponsorship Agreement within three (3) business days of entering SCS shelter;



2. Attendance at all scheduled Human Services shelter ~~sponsorship~~ eligibility appointments;
3. Compliance with City of Keene Human Services Notice of Decision for present and further requests for assistance;
4. Compliance with all shelter rules and regulations;
5. Participation in an individualized case plan with the shelter case manager, copy to be brought to City Human Services eligibility appointment;
6. Compliance with all elements and conditions of the case plan established with shelter staff and shelter resident;
7. Breaking of shelter rules, ~~and/or~~ eviction from the shelter, ~~and/or~~ any violation of the terms of the case plan will result in immediate suspension of shelter/housing services and assistance rendered by Human Services for a period of thirty (30) days; and,
8. Self-termination without notice to shelter staff may result in immediate suspension of shelter/housing assistance rendered by Human Services for a period of thirty (30) days.

### **~~XIII. WELFARE WORK OPTIONS~~ CITY OF KEENE HUMAN SERVICES WORKFARE PROGRAM**

#### **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 services agencies at any available bona fide job that is within their capacity as reimbursement for benefits received. Participants in City of Keene Workfare Program are not considered employees of the City, and any work performed 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 compensated at \$10.00 per hour. All hours attributable to Workfare 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 to 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 five (5). A person responsible for a child over the age of 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 indigent persons found in the City at the 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.~~ will assist with the burial/cremation costs when there is prior authorization by the Human Services department and after attempts to find relatives or other parties responsible for payment have failed. In order to be considered for funeral assistance, a family member must appear in person at the Human Services office and apply for assistance of the deceased prior to the funeral/cremation. Human Services will make a determination for assistance based on the relative's income and liabilities. If determined eligible for assistance, the funeral may consist of cremation or burial in the City of Keene Cemetery identified in the

“Allowable Level of Assistance Payments found in Appendix A” for indigent persons found in the City at time of death, regardless of whether the deceased person ever applied per RSA 165:27-a. Resources from the department of Health and Human Services, Social Security, Veterans Benefits or other sources as per RSA 165:3 will be applied toward reduction of the Human Services cost. Family members who enter into a contract with a funeral provider before applying for assistance from the City will be obligated to the conditions of the contract without City assistance.

## **XV. NOTICE OF ~~ADVERSE~~ ACTION**

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

### **A. Notice of Assistance Granted**

When an applicant is granted assistance, the Notice shall include the type of assistance given and the period of time the assistance is given for.

### **B. Action Taken for Reasons Other than Noncompliance with the Guidelines**

Whenever a decision is made to ~~withdraw, suspend, or deny an application~~ for assistance ~~or to grant partial amount of assistance requested~~, a Notice of Decision shall be given ~~or mailed~~ to the applicant/recipient ~~either the same day or next workday following the making of the decision~~ immediately or within five (5) working days from the time the application process is completed. ~~The Notice shall contain:~~

- a. A clear statement of the reasons for the withdrawal, suspension, or denial. If a denial or suspension is due to applicant’s failure to comply with these Guidelines, the Notice shall list those Guidelines with which the applicant has failed to comply, the specific actions necessary to comply, and the consequences for non-compliance.
- b. A statement advising the applicant/recipient of the right to a Fair Hearing and that any request for a Fair Hearing must be submitted in writing within five (5) days; instructions as to how the applicant/recipient may request a Fair Hearing with a Fair Hearing Request form available from Human Services; a statement that General Assistance may continue, if there was initial eligibility, until the date of Fair Hearing, if requested by the claimant in writing. All assistance must be repaid if the claimant fails to prevail at the Hearing. ~~(All this was reworded for clarity.)~~

### C. Suspension for Noncompliance with the Guidelines

#### 1. *Compliance*

Applicant/recipient must comply with these Guidelines and the reasonable request of Human Services. Human Services staff must enforce the Guidelines while ensuring that all persons receive due process. Applicant(s)/ recipient(s) should 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~~ **person** otherwise eligible for assistance shall become ineligible under RSA:1-b if they willfully ~~and without good cause~~ fail to comply with the requirements of these Guidelines relating to the obligation to:

- a. **Failure to** disclose and provide verification of all income, resources or other material financial data, including any changes in such information.  
**This may be due to a failure to keep scheduled appointments without verifiable good cause;**
- b. Participate in ~~a work requirement~~ the Workfare Program ~~if~~ as assigned by Human Services;
- c. **C**omply with work search requirements;
- d. **A**pply for other public assistance, which would alleviate the need for General Assistance, as required by Human Services; and,
- e. **Failure to** keep all appointments with Human Services and other service agencies **that could provide assistance.**

#### 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 of Decision shall be given at ~~the time of the Notice of Decision~~ **the first eligibility appointment**, and thereafter as the conditions change, **a new Notice will be issued at further appointments where General Assistance is requested.**

#### 4. *Non-Compliance*

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~~ **Notice of Decision** to recipient that he/she is suspended from

assistance due to failure to comply with conditions required in a ~~First Notice and/or other activities such as filing false and/or omitting information~~, 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. A defined period of suspension;
- c. Notice of the right to a Fair Hearing on the issue of ~~willful~~ noncompliance and that such request must be made in writing to ~~the City's Human Services Director~~ within five (5) ~~business~~ 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~~ recipient so requests in writing for a Fair Hearing; however, if the ~~claimant~~ recipient fails to prevail at the Hearing, the suspension will start immediately after the decision and such aid must be repaid by the recipient.

6. *Suspension/~~Sanction~~ Period*

The suspension period for failure to comply with the Guideline requirements shall ~~be last~~:

- a. Either seven (7) days for the first suspension or fourteen (14) days if the recipient has had a prior suspension that ended within the past six (6) months, and
- 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 on this Notice~~, the disqualification shall continue until the person complies.
- c. ~~Applicant(s)/recipient(s) who file false and/or omit information may be suspended for six (6) to twelve (12) months and will be required to establish and comply with a repayment plan for any assistance given before an further assistance is granted; or,~~
- d. Notwithstanding paragraph b above, a recipient(~~s~~) who has been suspended for non-compliance for at least six (6) months may file a new application for assistance without coming back into compliance.

7. *Fair Hearing on Continuing Noncompliance*

A recipient who has been suspended/sanctioned 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. ~~No assistance shall be available until a Fair Hearing on non-compliance is resolved.~~

The burden of proof lies with the applicant/recipient to show that Human Services was incorrect in their decision not to assist and or/limit assistance of the claimant's request.

8. *Compliance after Suspension*

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 any 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 Fair Hearing is a process outlined in RSA 165 that provides the opportunity for an applicant/recipient to dispute a decision made by Human Services. The General Assistance guidelines specify the specific procedure and time line required for a Fair Hearing to be in compliance with RSA 165.

A. Requests

A request for a Fair Hearing is a written request by the applicant(s)/recipient(s) requesting an opportunity to present his/her case to a higher authority.

B. Fair Hearing Officer/Board

The Fair Hearing Officer/Board will be assigned by the City Manager. The person(s) serving as the Fair Hearing Officer/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 Limit for Hearings

1. When an application is denied and/or 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 in Human Services within five (5) business days of receipt of the Notice of Decision at issue.
2. Hearings requested by claimants must be held within ten (10) business days of the receipt of the request. Human Services will give notice to the claimant setting the time and location of the Hearing. The notice will be given to the claimant at least forty-eight (48) hours in advance of the Hearing or mailed by certified mail to the claimant at least seventy-two (72) hours in advance of the Hearing.
3. Any applicant/recipient may withdraw, preferably in writing, the request for a Fair Hearing any time prior to, and up to the time of the Fair Hearing. An applicant/recipient believing to have good cause to request a continuance or postponement may do so by contacting Human Services at the earliest possible time prior to the 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 circumstances to Human Services no later than seventy-two (72) hours after the request is made. Failure to provide such documentation and/or failure to appear for a scheduled Fair Hearing 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 preponderance of the evidence that Human Services was unlawful or unreasonable under these Guidelines.
2. The Human Services 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. The claimant or his/her representative and the Human Services Official or his/her representative has the right to examine all records, papers, and documents used at the hearing. The claimant shall have the opportunity to present his/her own case

or at the claimant's option, with the aid of others and to bring witnesses to establish all pertinent facts, to advance any arguments, without undue interference, to question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.

5. The decision of the Fair Hearing Officer/Board must be based solely on the record in light of these Guidelines. Evidence, both written and oral, which is admitted at the Hearing, shall be the sole content of the record. The Fair Hearing Officer/Board shall not review the case record or other materials prior to introduction at the Hearing.
6. The parties may stipulate to any facts.
7. Any claimant may withdraw, in writing, his/her request for a Fair Hearing at any time up to the time of the Hearing. The Fair Hearing Officer/Board will wait a reasonable amount of time, fifteen (15) minutes, for claimant to appear for the Hearing. A claimant who fails to appear for any scheduled Fair Hearing will be deemed to have withdrawn his/her request for such a Hearing.
8. A claimant who believes he/she has verifiable good cause to request a continuance or postponement of a scheduled Fair Hearing shall contact Human Services at the earliest possible time prior to the Hearing. Upon verifiable good cause shown, Human Services may reschedule such Hearing. Verifiable good cause shall include, but not necessarily be limited to, demonstrated medical emergency or other demonstrated unforeseen circumstances, which reasonably prevents the claimant from attending such scheduled hearing. However, the claimant is entitled to only one (1) such postponement or continuance per Fair Hearing request. A claimant shall provide documentation of such circumstances to the satisfaction of Human Services no later than seventy-two (72) hours after the request for postponement is made. If the claimant does not provide documentation of such circumstance to Human Services within the seventy-two (72) hours, then the request will be deemed withdrawn by the claimant.

#### E. Decisions

1. Fair Hearing decision will be rendered within seven (7) days of the Hearing. Decision shall be in writing setting forth the reasons for decision and the facts on which the Fair Hearing Officer/Board relied in reaching the decision. A copy of the written decision shall be mailed or delivered to the claimant and Human Services.



2. Fair Hearing decisions will be rendered on the basis of the evidence presented, both oral and written, the Officer's/Board's finding of fact, these Guidelines, and state and federal law. The Fair Hearing decision shall set forth appropriate relief.
3. The decision will be dated. In the case of a Hearing to review a denial of aid, the decision is retroactive to the date of the action being appealed. If a claimant fails to prevail at the Hearing, the assistance given pending the Hearing shall be a debt owed by the individual to the City and a repayment schedule shall be established.
4. Human Services shall keep record of all Fair Hearing decisions on file in chronological order. These records will include documentary evidence presented at the hearing and the written decision of the Fair Hearing Officer/Board.
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. LIENS**

### **A. Liens on real Property (RSA 165:28)**

The amount of money spent by a municipality to support or assist an applicant shall, except for good cause, be made a lien on any real estate owned by the assisted person. (This section does not authorize the placement of a lien on the real estate of legally liable relatives, as defined by RSA 165:19). Human Services shall file a Notice of Lien with the Registry of Deeds, complete with the owner's name and description of the property sufficient to identify it. Interest at the rate of six percent (6%) per year may be charged on the amount of money constituting the lien commencing one (1) year after the date the lien is filed. The lien remains in effect until enforced or released or until the amount of the lien is repaid to the City. The lien shall not be enforced so long as the real property is occupied as the sole residence of the assisted person, surviving spouse, or surviving children who are under age eighteen (18), blind, or permanently and totally disabled. Upon repayment of the lien, the City must file a written Release of Lien with the County Registry of Deeds.

In accordance with RSA 165:28, the City Manager is authorized by the City Council to release any lien executed under RSA 165, *et seq.*, if the City Manager determines that the release of such lien is in the best interest of either the City or the assisted person.

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

The City of Keene shall be entitled to a lien upon property passing under the terms of a Will or by intestate succession, a property settlement, or a civil judgement for personal

inquiries awarded any person granted assistance by the City under RSA 165 for the amount of assistance granted by the City. The City shall be entitled to the lien only if the assistance was granted no more than six (6) years before the receipt of the inheritance or award of the property settlement or civil judgement (RSA 165:28-a). The lien shall take precedence over all other claims.

#### **XVIII. RECOVERY AND BILLING FROM GOVERNMENT, UNIT OF RESIDENCE, RELATIVES, OR OTHER**

- A. The amount of money spent by the City of Keene to support an applicant who has a residence in another municipality, or has a father, mother, stepfather, stepmother, husband, wife, or adult child of sufficient ability to also support the assisted applicant, may be recovered from the municipality of residence or legally liable relatives. Sufficient ability shall be deemed to exist when the relative's weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health. Written notice of money spent in support of an assisted person must be given to the liable relative. Human Services shall make reasonable efforts to give such written notice prior to the giving of aid, but aid to which an applicant is entitled under these Guidelines shall not be delayed due to inability to contact liable relatives. Any legal action for recovery brought under RSA 165:20 must be filed in court within six (6) years after the expenditure (RSA 165:1, 20, 25). There shall be no delay, refusal, or termination of assistance while Human Services is pursuing reimbursement from responsible relatives or the municipality of residence.
- B. The amount of money spent by the City to support a recipient who has a court suit or settlement pending shall be recovered by notifying the attorney or insurance carrier of the City's right to lien the suit or settlement for all aid rendered (RSA 165:28-a). Any legal action to recover must be filed in a court within six (6) years after the expenditure.
- C. The amount of money spent by a municipality to support a person who has made initial application for SSI and has signed an Interim Assistance Program Reimbursement Form shall be recovered through SSA and Department of Health and Human Services.
- D. A former or current recipient who is returned to an income status after receiving assistance agrees to reimburse the City for the assistance provided (RSA 165:20).

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

- A. Whenever the owner of property rented to a person receiving City of Keene General Assistance is in arrears in tax payments, sewer, or water to the City, the City will apply the assistance that the property owner would have received in payments 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. Delinquent property tax balances will be first priority, followed by delinquent sewer or water balances.
- C. The procedure for application of such rent is as follows:
  - 1. Human Services will issue a voucher on behalf of the tenant to the property owner for the authorized amount of rent. The voucher will indicate any amount to be applied to a delinquent balance owed by the property owner.
  - 2. Human Services will provide a copy of the voucher to the appropriate City Department for processing.
  - 3. The City of Keene Revenue Collections Department determines which delinquent balance will be credited with this payment. Revenue Collections will issue a receipt of payment to the delinquent property holder.

## **XX. IMMIGRATION LAWS**

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

## **XXI. HUMAN SERVICES SIGNATURE REQUIREMENT 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 and release forms. Unsigned documents constitute an incomplete application.

## **XXII. INTERPRETATION AND APPLICABILITY OF GUIDELINES**

Human Services is empowered to interpret and implement these Guidelines so as to best effectuate their purpose. If necessary or desirable for Human Services to vary the application of the Guidelines in any individual case, such variation shall be approved, in advance, by the Human Services Manager.

## **XXIII. DEFINITIONS**

As used in these Guidelines, the following terms have the indicated meaning:

### **AGENCY**

Any health, social service, or other entity that provides services to a client. Any entity to which Human Services may refer to 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 General Assistance, or to have his /her eligibility for assistance reviewed, and has submitted a written application.

### **APPLICATION FORM**

Form obtained from Human Services upon which a written request for assistance or consideration for assistance is made. Such forms may be amended by Human Services as needed.

### **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, future interests, and anything else of value that is owned by the applicant.

### **ASSISTANCE**

Support given to applicants through a voucher program administered by Human Services in accordance with RSA 165.

### **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. Income tax refunds may also be considered.

**CASE RECORD**

Official files containing forms, signed documents, correspondence, and narrative records pertaining to the application including determination of eligibility, reason for decision, 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 requirements of City of Keene Human Services.

**ELIGIBILITY**

Determination by Human Services, in accordance with these 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 Officer/Board who is appointed having no prior knowledge of the case.

**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 living together, Human Services considers them a "family

unit” with the adults also being financially responsible for each other unless than can document exceptional services.

### **GENERAL ASSISTANCE**

The term used for local welfare administered and funded by each New Hampshire municipality 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.

**However, the total housing cost must approximate the Allowable Level of Assistance Payments for the household size and # of bedrooms.** 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 housing cost for three (3) people. The total housing 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: TANF, FANF, ANB, OAA, and 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.

**INDIGENT**

Impoverished person in financial need as identified in the General Assistance Guidelines.

**LIABILITY FOR SUPPORT**

Those persons deemed by New Hampshire law to have financial responsibility for anyone applying for General Assistance; for example, adult children for parents, parents for adult children, and husbands and wives for each other.

**MINOR**

A person who has not attained the age of 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 the City of Keene while his/her residence is elsewhere. Non-residency does not preclude General Assistance; however, assistance will be of a temporary and reasonable nature given his/her temporary status. Duplication of resources available will be avoided except in cases of emergency. Municipalities will be contacted for reimbursement.

**NOTICE OF DECISION**

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

**PERMANENT RESIDENCE**

Abode or domicile occupied by an applicant. Permanent residency does not include temporary stays in shelters, residential treatment facilities, court ordered placements, or jail/prison.

**REAL PROPERTY**

Any property that is attached directly to land, as well as the land itself. Real property not only includes buildings and other structures, but also rights and interests. Real property can be either rental or residential.

**RECIPIENT**

A person who is receiving City of Keene General Assistance.

**REIMBURSEMENT**

Each recipient who becomes financially able must reimburse the City of Keene for assistance rendered when asked to do so. A schedule of repayment will be determined by Human Services, in conjunction with the recipient, 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, record a lien on real property or attach civil judgments in the amount of assistance rendered (RSA 165:28, 28-a).

**RELEASE OF INFORMATION**

Signed authorization to request and verify information necessary to determine eligibility for General Assistance.

**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 according to the New Hampshire Local Welfare Administrators Associations' ethics policy.

**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. Persons living together as domestic partners are considered a household.



**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;
- Prison/jail, court ordered residence.

**SUSPENSION/SANCTION**

Cessation of General Assistance benefits due to non-compliance, misrepresentation, or falsification of documents.

**UTILITY**

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

**VENDOR/PROVIDER**

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

**VOUCHER**

A system to pay vendors and providers.

**WORKFARE**

The City of Keene Workfare Program provides opportunities for able bodied adults to work for the City at any job within the person's capacity. There are no wages paid. The participant's hours worked, at the rate of \$10.00 per hour, are used as reimbursement to the City for assistance received (RSA 165:2). Process outlined in Procedures Manual.

**XXIV. APPENDIX A****SAMPLE****ALLOWABLE LEVEL OF ASSISTANCE PAYMENTS FOR THE CITY OF KEENE**

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

**FOOD, HOT WATER & LIGHTS ALLOWANCE****Department of Health and Human Services**

<b>Household Size</b>	<b>Monthly Food</b>	<b># of Bedrooms</b>	<b>Hot Water</b>	<b>Lights</b>	<b>Personal &amp; Household</b>
1	\$	0 Bdrm	\$	\$	\$
2		1 Bdrm			
3		2 Bdrm			
4		3 Bdrm			
5		4 Bdrm			
6					
7					
8					

**MONTHLY HOUSING ALLOWANCES**

Based on \_\_\_\_\_, information provided by Governing Body, date \_\_\_\_\_

<b>0 Bdrm</b>	<b>1 Bdrm</b>	<b>2 Bdrm</b>	<b>3 Bdrm</b>	<b>4 Bdrm</b>
\$	\$	\$	\$	\$

**MONTHLY HEATING ALLOWANCES**

Information provided by Governing Body, date \_\_\_\_\_

<b># of Bdrms</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
<b>Electric</b>	\$	\$	\$	\$	\$
<b>Oil</b>	\$	\$	\$	\$	\$
<b>Natural Gas</b>	\$	\$	\$	\$	\$
<b>Bottled Gas</b>	\$	\$	\$	\$	\$

**BURIAL ALLOWANCE:** \$1,000.00**TELEPHONE:** \$60.00**MILEAGE RATE:** 53.5**INTERNET ONLY:** \$50.00**OTHER:** Such as childcare, medical, etc. verified by receipt.

## XXV. ESF-6, MASS CARE, HOUSING, AND HUMAN SERVICES

**Lead Agency:** American Red Cross

**Support Agencies:** Emergency Management Director  
Fire Department  
Police Department  
Health/Code Department  
School Superintendent  
Public Works Department  
Human Services Department  
Parks Recreation and Facilities Department

### A. Introduction

#### 1. *Purpose*

To coordinate the provision of mass care, shelter, feeding and emergency first aid, following a disaster or other event requiring activation of this plan.

The purpose of Emergency Support Function #6 – Mass Care, Housing, and Human Services (ESF #6) is to provide information concerning Mass Care (human and household pet sheltering, feeding, and essential personal needs) during disasters or emergencies. ESF #6 is also concerned with the coordination of City resources to meet the basic human needs of mass care, emergency assistance, and human services to populations impacted before, during, and after an emergency situation when the needs may exceed those of local capabilities. ESF #6 includes the provision of sheltering household pets. Mass Care services are provided on a short-term basis, and when a more long-term approach is required, activities will move into Long Term Community Recovery plan.

#### 2. *Scope*

When ESF #6 is activated, resources will be provided through requests directly to the EOC when activated. The American Red Cross (ARC) is the Lead Agency for ESF #6, as it is recognized that in incidents that require state-provided sheltering and mass care activities, the ARC will play a significant role. The EMD coordinates and leads City resources to support the local government.

In the event of a disaster necessitating shelter, the City of Keene would require the assistance of the ARC. The ARC independently provides mass care to all disaster victims as part of a broad program of disaster relief, as outlined in charter provisions enacted by the United States Congress, Act of January 5, 1905, and the

Disaster Relief Act of 1974. ARC also assumes lead agency responsibility under the Federal Response plan, to coordinate federal response assistance to the mass care response of state and local governments, and the efforts of other voluntary agencies, including ARC relief operations.

## B. Situation and Planning Assumptions

The recommendation to evacuate people at risk during an emergency situation automatically requires that shelter spaces be made available and feeding operations for evacuees begin. There are shelters available as listed in Appendix E which, if unaffected by the emergency situation, could provide shelter space for its evacuees or a like number from an affected community nearby. If these buildings were affected, evacuees must be sheltered in another location.

There are other buildings that could be expediently upgraded to provide shelter. In the case of an emergency, the population would be advised to seek shelter in the best available facility.

### 1. *Situation*

- a. Disasters or emergencies requiring activation of ESF #6 are affected by a number of factors to include evacuation displacing large numbers of individuals, families, and household pets, as well as functional needs population groups (i.e., disabled, elderly, and children) who have lost their immediate support. This can include tourists, students, and foreign visitors separated from loved ones by a sudden-impact disaster or emergency necessitating the need to be evacuated from affected areas. The loss of real and essential personal property or economic hardships caused by a disaster or emergency may also trigger the need to activate programs identified in this Appendix.
- b. In most emergency or disaster situations, there may be a sudden and prolonged need of the public for protection from the effects of the emergency. Sheltering, emergency assistance, short-term housing, mass care and feeding, basic human services and household pet sheltering may be required. Dependent upon the resources immediately available and/or the proactive stance of local communities, careful coordination is needed to ensure needs are met for the total population affected.

## *2. Planning Assumptions*

- a. It is increasingly probable that an incident will occur which will require activation (partial or complete) of ESF #6.
- b. The number in need of shelter and mass care services is scalable depending upon the emergency.
- c. Approximately 70% of all NH households own a pet; this percentage is likely to hold true for the residents of the City of Keene. This implies that during large-scale disasters, pet ownership may affect the behavior of large segments of the population at risk. Strong attachments also exist between farmers and their livestock.
- d. During an emergency, Volunteer NH DART will work with the City and/or the American Red Cross of NH to coordinate the activation and deactivation of household pet shelters.
- e. Facilities used as evacuation centers, respite centers, mass-feeding sites, and human/household pet shelters have been pre-identified by municipal, borough, or local jurisdictions, and may be supported by the American Red Cross NH.
- f. Careful planning and outreach to support agencies must be made in advance to meet any specialized requirements that are required when providing services to the general public. These may range from those who are language-challenged or require special diets to those who require personal assistance for daily activities.
- g. Through public education, animal owners will know how to prepare themselves and their household pets for an emergency/disaster situation.
- h. When area veterinary and animal care resources have been exhausted, assistance will be requested from the state.
- i. Service animals will stay with their handlers/owners in the local municipality or American Red Cross shelter.
- j. The ARC will coordinate with Volunteer NH to access support of other NGOs.
- k. The American Red Cross of NH, in support of ESF #6, will directly coordinate mass care efforts with local government.
- l. The American Red Cross Safe and Well System will be utilized as the means for family/household pet reunifications and welfare information during a disaster or incident requiring evaluations and large mass care sheltering.
- m. The ESF #6 representative and the EOC will be responsible for the coordination of services, collection, reporting, and dissemination of all ESF #6 activities.

- n. There may be instances when an affected area is/will be uninhabitable for short- or long-term periods.
- o. Emergency situations may require the provision of short-term warming shelters, mobile feeding, etc.
- p. Public on-hand food inventories separately will be inadequate and unsafe to meet the needs of the impacted populations.
- q. The needs of the responsible community in the field will also need to be met in order to ensure response capabilities are maintained.
- r. All sheltering activity, whether by the American Red Cross or independently, will be recorded and tracked (to the best of their ability) by the ESF #6 representative in the EOC in WebEOC.

### C. Concept of Operations

#### 1. *Policies*

The City of Keene will carry out emergency mass care of disaster victims. This may be accomplished through the fire and police departments, health department, social services department, and voluntary organizations such as churches or the local American Red Cross. A vital element of any disaster relief effort is the assistance provided to local government(s) by voluntary organizations in the distribution of food, medicine and supplies, the provision of emergency shelter, and the restoration of community services.

#### a. General

- i. The ARC has been designated as a lead agency responsible for mass care and shelter. State agencies have been designated to support the mass care foundation. Resources from the private sector will also be evaluated and applied to the response effort as appropriate.
- ii. The EOC will advise the public through the Emergency Alert System on the shelter location(s) and the procedures to follow when evacuating.
- iii. The Health/Code Department will monitor conditions in the shelters and make recommendations to assure the health and safety of shelterees.

#### b. Mass Care

- i. Sheltering, feeding, and emergency first aid activities will begin as soon as possible after the disaster occurrence (or before, if there is advance warning).

- ii. Mass Care services may not be available to relief workers for the first 72 hours.

## **AMERICAN RED CROSS OF NH**

The response by the American Red Cross of NH will be coordinated with City of Keene and the State of New Hampshire. The local American Red Cross district within the affected area will initiate mass care activities. Outside the district areas, the response will come from the ARC of NH Granite Chapter headquarters, located in Manchester, NH. To avoid duplication of services, response efforts will be coordinated through ESF #6 and the ARC liaison located at the State EOC.

- **Sheltering:** Providing emergency shelter for disaster victims and their household pets, including the use of pre-identified shelter sites or local shelter operations.
- **Emergency Feeding:** Feeding will be provided to disaster victims and emergency workers through a combination of fixed sites, mobile feeding units, and bulk distribution of food.
- **Safe and Well:** The American Red Cross will continue to concentrate its Welfare Information efforts on publicly promoting communications from inside the disaster-affected area to outside the affected area. Helping disaster victims initiate contact with family members and loved ones enables the American Red Cross to provide welfare information to many more people outside the affected area.
- **Joint Information Center:** The American Red Cross will support the local government, State, or federal Joint Information Center (JIC) to provide disaster-affected clients with information to assist in their recovery.

## **Additional Policies**

1. Actions initiated under ESF #6 are coordinated and conducted cooperatively with State and local incident management officials and with private entities, through the EDOC and SEOC, if activated. Each Supporting Agency is responsible for managing its respective assets and resources after receiving direction from the ESF #6 Lead Agency.
2. Action taken during an emergency are guided by and coordinated with State and local emergency preparedness and response officials, U.S. Department of Homeland Security (DHS) officials, appropriate federal agencies, and existing agency internal policies and procedures.

3. The organizations providing support for each incident coordinate with appropriate ESFs and other agencies, to ensure appropriate use of volunteers and their health and safety and to ensure appropriate measures are in place to protect the health and safety of all workers.
4. Each Support Agency is responsible for managing its respective assets and resources after receiving direction from the Lead Agency.

## 2. *Notification and Reporting*

The Emergency Management Director will be notified as soon as possible upon receipt of information on any emergency situation that might affect the community. The EMD will then decide on whether to alert the other emergency response organizations or not, based on the information received.

The EMD is responsible for notifying local and state agencies and the ARC that a major disaster has occurred or is imminent and may result in activation of the response procedure as described in the plan. Upon notification of full activation of the plan, the EMD will inform ESF-Mass Care & Shelter support agencies and the local Chapter of the ARC of plan implementation and share information about what has occurred and initial response actions.

### a. Notification

- i. The EMD will be notified that an incident has occurred, or has the potential to occur, that threatens or impacts an area of the City of Keene. The EMD will gather information for on-going situational awareness and notify ESFs, as appropriate.
- ii. The EMD will make the decision to activate the EOC and determine level of activation.
- iii. If EOC activation is determined to be necessary, the EMD will notify the ESF Lead Agency of the activation and request designated personnel to report to the EOC or to remain on stand-by.
- iv. The Lead Agency will then notify the appropriate ESF Support Agencies and determine coverage/duty roster for the ESF desk in the EOC. WebEOC will be utilized to provide continuous situational awareness.
- v. All ESF agencies will make appropriate notifications to their appropriate regions, districts, or local offices.
- vi. The above notification process will be utilized for all phases of activation and activities in which the ESF will be involved.



b. Event Reporting

- i. Event and position logs should be maintained and by each ESF agency in sufficient detail to provide historical data on activities taken during the event.
- ii. Agencies are also expected to keep their Lead Agency updated upon all activities and actions.
- iii. The Lead Agency will be responsible for making periodic reports to their Sections on activities taken by the ESF, in total, during the event and ensure they are properly documented.
- iv. All financial reporting will be done through the ESF Lead Agency on behalf of their Support Agencies. All financial management documents must comply with standard accounting procedures and applicable agency, state and federal guidelines, rules, standards, and laws.

3. Deactivation

Partial deactivation would occur based upon the extent of the current response and recovery actions and at the discretion of the EMD. Full deactivation would occur at the termination of the operational elements at the local EOC.

D. Roles and Responsibilities

**The American Red Cross will:**

- ☐ Coordinate shelter operations.
- ☐ Coordinate with the EMD on the specific shelter requests.
- ☐ Notify local and state agencies of shelter needs.
- ☐ Develop and maintain a shelter plan.
- ☐ Identify and secure permission of those buildings to be designated as shelters.
- ☐ Obtain shelter supplies necessary for Shelter operations.

**The Emergency Management will:**

- ☐ Advise the American Red Cross on the shelter needs of the community.

**The Fire Department will:**

- ☐ Advise on the safety of the shelter facilities.
- ☐ Provide emergency medical treatment and transport on request for evacuees during shelter operations.
- ☐ Coordinate with the Health/Code Department on the health safety of the shelters.

**The Police Department will:**

- ☐ Provide security at the shelters, as personnel are available.

**The Health/Code Department will:**

- ☐ Inspect the health safety aspects of shelters.

**The School Superintendent will:**

- ☐ Prepare the schools for sheltering.
- ☐ Make available on-hand food supplies.
- ☐ Provide available personnel, as available, for registering evacuees.

**The Public Works Department will:**

- ☐ Assist the EMD in the implementation of this ESF.

**The Human Services Department will:**

- ☐ Assist the American Red Cross and the general public with human service provider contact information.

**The Parks Recreation and Facilities Department will:**

- ☐ Assist in the implementation of this ESF.

E. References

1. *Plans*

American Red Cross NH State Disaster Plan

2. *Standard Operating Procedures/Guides (SOPs/SOGs)*

None



# CITY OF KEENE

R-2018-04-A

Eighteen

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

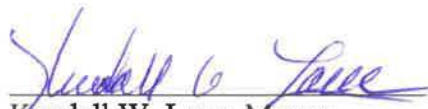
WHEREAS: General Assistance Guidelines must be adopted by the City Council to administer general assistance fairly, confidentially and with impartiality to all applicants; and

WHEREAS: said Guidelines must be reviewed regularly to 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 burial; and

WHEREAS: the City Council adopted "General Assistance Guidelines" for the City of Keene, New Hampshire, on August 18, 2011; 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-2011-27 be rescinded and the Guidelines, entitled "*City of Keene Human Services General Assistance Guidelines*" and dated February 1, 2018 be adopted.

  
Kendall W. Lane, Mayor

A true copy;  
Attest:

  
City Clerk

PASSED February 1, 2018

**CITY OF KEENE  
NEW HAMPSHIRE**



**GENERAL ASSISTANCE  
GUIDELINES  
January 25, 2018**

# 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**

The intent and purpose of these Guidelines is to 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 the laws of the State of New Hampshire, and under the authority of the New Hampshire Revised Statutes Annotated, Chapter 165 (Aid to Assisted Persons), Section 1, II, authorizing the City Council to adopt written guidelines for 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. The Guidelines contained herein are intended to be advisory and, as such, Human Services staff shall have sole discretion towards the enforcement, application, or variance of any of the Guidelines contained herein. Human Services shall not exercise this discretion unreasonably.

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

Information given by or about a person 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 may be 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 the Human Services Director shall administer General Assistance in accordance with the written, approved 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 by Human Services;
  - 4. Maintain accurate statistical information;
  - 5. Provide a complete history of applicants'/recipients' needs and assistance to facilitate Human Services with ongoing case management and in referring persons to appropriate agencies; and,
  - 6. Aid in the determination of residence under RSA 21:6-a, and to allow a smooth transition of information if the recipient is transferred to another legally liable unit.
- C. Human Services will maintain case records containing the following information:
  - 1. Completed written application for assistance including signed authorizations by the applicants/recipients allowing Human Services to release, obtain, or verify any pertinent information in the course of determining eligibility for assistance;



2. Written grounds for pending, approving, or denying an application contained in a Notice of Decision;
3. Narrative history recording the need for assistance, the results of investigations of the circumstances of the applicant(s)/recipient(s)/referrals(s), and any change(s) in status;
4. Summary of Account 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. Information regarding applicant(s)/recipient(s)/referral(s) not relevant for determining eligibility will be confidential.

Access to information that is confidential and/or protected under RSA 165 and not a matter of public record is limited to Human Services and authorized City personnel.

## **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.  
Applicant(s)/recipient(s) is/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. Each adult household member must sign all required documents. Unsigned documents constitute an incomplete application.
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 if assistance is needed.
4. Human Services is not required to accept an application for General Assistance from any 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. A person 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 releases and signature(s) allowing Human Services to contact all necessary agencies for investigation and verification. If needed, Human Services staff will assist with completing the application;

2. The requirement that other adults in the household are expected to sign releases and other pertinent form(s);
3. The eligibility requirements, including a general description of the Guidelines;
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 such as 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 provide emergency, temporary assistance, that will meet the needs of the applicant(s);
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;
7. Joint responsibility of Human Services and the applicant/recipient for exploring facts concerning eligibility, needs and resources, and the requirement 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. A person requesting pharmaceutical assistance will be directed to their medical provider for medication assistance and to apply for medication assistance programs. All applicants will be required to apply for NHHPP and/or through the Affordable Care Act for healthcare insurance coverage. Applicant/recipient will request their prescribing physician to prescribe the least costly generic prescription drug from the NH Medicaid Preferred Drug List, which has been proven effective treatment for most patients with their condition. Exceptions require a written statement from the prescribing physician explaining why a certain prescription drug is medically 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. It is the 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 possible need to relocate to more affordable housing based on the applicant's/recipient's anticipated income if deemed necessary by the Human Services official. Every effort will be made to maintain applicants/recipients in their own housing unless it is clear that to do so would probably require a continuing subsidy from the Department. 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 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 judgements 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 City of Keene Workfare Program 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. The 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;
20. The fact that Human Services may, at their discretion, request the Code Enforcement Department to inspect the place of abode of a person 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 continued occupancy will be denied; and
21. The need to reapply each time assistance is requested and that General Assistance will not automatically continue. Applicant(s)/recipient(s) is/are required 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 and/or eligibility appointment.

C. Responsibility of Each Applicant/Recipient

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

1. To provide accurate, complete, current information to Human Services
2. 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 and any other pertinent information requested;
3. To notify Human Services within seventy-two (72) hours when a change in needs or resources may affect eligibility for continuing assistance;
4. Within seven (7) days of application, to apply for and utilize any benefits or resources, public or private, that will reduce or eliminate the need for General Assistance;

5. To keep all scheduled appointments; 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;
6. To diligently search for employment and provide verification of work search as directed by Human Services official; to be available to accept full-time, or full-time equivalent, work; to accept employment when offered and maintain such employment. Refusal will affect General Assistance;
7. To provide a written doctor's statement if claiming an inability to work due to medical condition;
8. To participate in Workfare, if required, and physically and mentally able;
9. 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;
10. To diligently work toward Financial Self-Sufficiency through employment and other forms of assistance;
11. While working with the Human Services department, you will be required to use your earned and unearned income for basic needs only; and
12. Persons receiving income will be expected to pay 30% of their income toward their housing costs for rent and/or mortgage.

A person shall be denied General Assistance if he/she fails to fulfill any of the responsibilities or requests by the Human Services official as set forth in the General Assistance Guidelines without reasonable and verifiable justification. Additionally, General Assistance may be terminated or suspended for failure to fulfill any of these responsibilities without reasonable and verifiable justification. Disqualification for General Assistance may occur as set forth in RSA 165:1-b.

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

***NOTE: A person 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 will provide written proof that the incident has been reported.***

#### D. Actions on Applications

##### 1. *Decision*

Unless an application is withdrawn, Human Services shall make a decision concerning the applicant's/recipient's eligibility within five (5) business days after completion of the application process. A written Notice of Decision shall be given in hand, delivered, or mailed on the same day or next business day following the making of the decision. The Notice of Decision shall state: (a) assistance of a specific kind, (b) amount of assistance given, and (c) time period of aid, or that the application has been denied, in whole or in part, with reasons for denial. A decision may also be made to pend an application subject to receipt of specified information from the applicant(s)/recipient(s). The Notice of Decision shall notify the applicant/recipient of conditions for further assistance and their 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 of a basic necessity of living or imminent threat to life or health (such as loss of shelter, utilities, heat sources in winter, lack of food or medically necessary prescriptions), temporary aid to fill such immediate 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 as recorded on the Notice of Decision.

##### 4. *Withdrawn Applications*

An application is deemed withdrawn if:

- a. The applicant has refused to complete the application procedure or has refused to make a good faith effort to provide the required verifications and sufficient information for the completion of the application. If an application is deemed withdrawn for these reasons, Human Services shall notify the applicant in a written Notice of Decision and document the applicant's file;
- b. The applicant/recipient dies before assistance is rendered;
- c. The applicant avails himself/herself of other resources in place of assistance;

- d. The applicant requests that the application be withdrawn (preferably in writing);

5. *Health and Safety*

Housing units must be in compliance with Chapter 18 of the City's Code of Ordinances ("City Code"), entitled: Property and Housing Safety Standards. In situations where a person reports to Human Services the condition of a dwelling unit to be hazardous or unfit for human habitation, Human Services will make a referral/report to the City's Code Enforcement Department. Pursuant to the City Code, "A hazardous building shall mean any building which because of inadequate maintenance, modifications made in violation of the building or fire code, dilapidation, physical damage, unsanitary condition or abandonment, constitutes a fire hazard, or other hazard to public safety or health. Hazardous condition shall mean any inadequate maintenance, repair or disrepair, modification, physical damage or other condition which constitutes a hazard to public safety or health."

E. Home Visits

A home visit may be made by appointment at the request of a person 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 8:30 a.m. and 3:30 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.
3. All home visits shall be conducted in such a manner as to preserve, to the greatest extent possible, the privacy and dignity of the applicant/recipient.

**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's/recipient's address;
2. Names of persons in applicant's/recipient's household residential or family unit;

3. Picture identification(s), for all adult household members, and social security information of all household members. Immigration and Naturalization Service documentation for applicant(s) and household members, where applicable;
4. Proof of physical custody of children and proof of child support arrangements;
5. Applicant's/recipient's and household income, assets and financial obligations;
6. The physical and mental condition of household members, only when relevant to the receipt of General Assistance, such as ability to work, determination of needs, or referrals to other forms of assistance;
7. Any special circumstances;
8. Applicant's/recipient's former and/or current 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 (for example, birth and marriage certificates, pay stubs, paychecks, rent receipts, expense receipts, bankbooks, etc.) as primary sources. Failure of applicant to bring such records does not affect the responsibility of Human Services to process the application promptly, Human Services shall inform the applicant in writing what records are necessary and the applicant is required to produce these records within seven (7) days.(RSA 165:1-b II (a)).

C. Other Sources of Verification

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

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 written consent of 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 his/her reasons and actions. The applicant/recipient shall



be given an opportunity to explain or clarify suspicious circumstances. Should the applicant/recipient refuse permission to have Human Services seek further information that is necessary, assistance will be denied for lack of eligibility verification (RSA 165:1 II (b)).

E. Legally Liable Relatives

Human Services may seek statements from those legally liable relatives and/or persons deemed by New Hampshire law to have financial responsibility to help support the applicant/recipient (RSA 165:19).

**VIII. TERMINATION AND PROSECUTION RSA 641:3**

Misrepresentation of information and/or alteration of documents by applicant(s)/recipient(s) will result in termination of assistance and prosecution under the provisions of RSA 641:3.

**IX. DISBURSEMENTS**

- A. The City of Keene will not accept responsibility for any services rendered before application to and eligibility determination by Human Services. The City of Keene pays through a voucher system directly to vendors or creditors up to the dollar amount designated on the voucher. 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 in full and signed by applicant/recipient and property owner or authorized agent. 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 the City's Finance Department a completed, accurate, 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 property owner, that property owner will be expected to assist his/her relative pursuant to RSA 165:19. Otherwise, the property owner must prove an inability to assist before an assistance payment for rent is made for the applicant/recipient;
  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 (1) time only with each authorization requiring Human Services 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 uses the NH Medicaid Preferred Drug List in the administration of General Assistance for medically necessary prescriptions;
  7. Human Services will not pay late charges, fees, security deposits, storage charges, key charges, etc.;
  8. Property owners 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. Property owners are required to pay back the city for monies received for rent for any portion or time period where the tenant has vacated the premises for whatever reason;
  9. Rent shall be considered paid by means of a welfare voucher or by an offset against monies owed to the municipality by the property owner. Payment will be considered timely when payment is rendered in the form of a voucher or could have been paid by

- voucher had the property owner provided the necessary verification information to the city under the provisions of RSA 540:9-a; and,
10. Whenever the owner of property rented to a person receiving General Assistance from the City of Keene is in arrears in tax payments, sewer, or water to the City, the City will apply the assistance that 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).

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

### **A. Eligibility Formula**

A person is eligible to receive General 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 a person 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, diapers, utilities, reasonable phone and internet services, and prescriptions. Applicant(s)/recipients(s) must provide dated and signed receipts. **Credit card payments, rent-to-own furniture, cable services, tobacco, alcohol, court fines, restitution, payment 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) business 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 a person will be assisted, as the Human Services staff shall determine, to meet those basic needs.

C. Non-financial Eligibility Factors

1. *Age*

General Assistance cannot be denied any person based on age. However, age may make certain persons eligible for other kinds of state or federal assistance, which may affect eligibility under these guidelines.

2. *Minors*

Minor applicants 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 shall mean 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, domestic violence 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 if there is no child support in place. 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.

**6. Employment**

- a. A person who is gainfully employed, but whose income and assets are not sufficient to meet necessary household expenses (basic needs), may be eligible to receive General Assistance. However, recipients who, without verifiable good cause, refuse a job offer or referral to suitable employment, participation in Human Services Workfare Program (RSA 165:31), or who voluntarily leave a job without good cause (RSA 165:1-d) 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 verifiable good cause for such refusal, taking into account 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. ***NOTE: Employment requirements extend to all adult members of 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 of having been granted assistance, must 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) and 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 with written medical documentation from a doctor; or,
- e. Solely responsible for the care of a child age five (5) 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 a 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 shall give necessary and reasonable assistance to ensure compliance with work requirements, including referrals for transportation and work clothes. Failure of a person to comply with these requirements without verifiable good cause will be reason for denial of assistance (RSA 165:1-b, d).

8. *Disqualification for Voluntary Termination of Employment*

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

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 these Guidelines, job search requirements, or participation in City of Keene Workfare Program, shall be required for all adults aged eighteen (18) to sixty-five (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, and securities are available liquid assets. Insurance policies with a loan value and non-essential personal property may be considered as available liquid assets when they have been converted to cash.

Human Services shall allow a reasonable time for such conversion. However, tools of 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 a person or their dependent(s) does not affect eligibility if it is essential for medical or rehabilitation services, transportation to and from employment, or is essential for use necessary to the maintenance of the individual or family. Essential means that there is no other transportation available.

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 non-essential second 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 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 Property*

Real Property owned by a person does not affect eligibility, although rent or other such income from property will be considered as available to meet need. Real estate owned and occupied by the applicant as primary residence shall be considered in the same manner as rental assistance. The type and amount of real property owned by a person does not affect eligibility, although rent or other such income from property will be considered as available to

meet need. Applicant(s)/recipient(s) owning real property, other than that occupied as primary residence, shall be expected to make reasonable efforts to dispose of it at fair market value. Applicant(s)/recipient(s) will be informed that a lien covering the amount of any General Assistance received will be placed against any real property 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 is presently poor and unable to support himself/herself. A person 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*

a person must be on the lease in order to be eligible for rental assistance. Such cost shall be based on approved standards in the "Allowable Level of Assistance Payments" as identified above.

a. Housing/Shelter Costs

Real property owned and occupied by the applicant as a primary residence shall be considered in the same manner as rental assistance. Depending on family unit size, Human Services will utilize their fair market rental rates published by the Department of Housing and Urban Development (HUD) for the maximum rent level as "need." Housing 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/Property Owners

Whenever a relative of a person is also the landlord/property owner for the applicant/recipient, that landlord/property owner will be presumed able to assist their relative pursuant to RSA 165:19, and must prove an inability to assist before any aid payments for housing cost is made. Rent will not be paid to non-property owners 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 it 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.

e. First month’s rent is only available once in a 12 month period.

2. Utilities

When utility costs are not included in the housing/shelter expense, the most recent typical 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(s)/recipient(s) will be required to make extended payment arrangements with the utility company. Arrearages will not 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. Electronic 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 “needed” 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 service 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 with a payment plan will be a required element of a Notice of Decision.

3. *Food*

The amount included for food purchases will be in accordance with the most recent standard Food Stamp allotment, as determined under the Supplemental Nutrition Assistance Program (SNAP) 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.

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 included state and federal programs, local area clinics, service organizations, and hospital indigent programs designed for such needs. When a person 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, from the NH Medicaid Preferred Drug List, that has been proven effective for most clients with same condition. ***Note:***

***Applicant/recipient will seek service from a Medicaid provider physician.***

***Generic medications will be used unless specified by the licensed prescriber.***

***Note: Human Services does not cover smoking cessation, narcotic medications, sleep aids, Opioid antagonist, or stimulate blocking pharmaceutical items.***

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. Moving Expenses

Moving expenses may be included in the calculation of “need,” however, will not be paid by Human Services.

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 the applicant(s)/recipient(s) 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 by Human Services based on local market conditions and federal assistance guidelines.

12. *Unusual Needs Not Otherwise Provided For In These Guidelines*

If Human Services determines that the applicant’s/recipient’s needs have substantially changed, or that strict application of the Standard of Need criteria will result in unnecessary or undue hardship, Human Services may make minor adjustments in the criteria, or may make allowances using the emergency need standards stated in Section X of these Guidelines. Any such determination and the reasons therefore, shall be stated in writing in the applicant’s case record.

## F. Income

In determining eligibility and the amount of assistance, the applicant's/recipient's 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. 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 trusted, or income similarly unavailable to the applicant's/recipient's 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.

### 3. *Income from Other Assistance or Social Insurance Programs*

State categorical assistance benefits, OAA 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 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(s)/recipient(s) if living together with the applicant(s)/ recipient(s) in a single housekeeping unit and shares the facilities.

6. *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). When applicant(s)/recipient(s) receiving benefits through the NH Division of Health and Human Services is sanctioned by a reduction in benefits for non-compliance, the amount of income considered available would be the amount the applicant(s)/recipient(s) was/were receiving prior to the sanction.

G. Residents of Shelters for Victims of Domestic Violence

A person 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 will vary depending on the need. Applicant(s)/recipient(s) must contact Human Services to schedule an appointment for each assistance request. Recipient(s) are required to apply for and utilize any benefits that will help them to return to a state of financial self-sufficiency.

## **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's/recipient's municipality of residence.

### **D. Temporary or Emergency Aid**

The standards for 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 intend 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 at some specific future time?

- d. Has the person evidence of his/her intent to establish domicile in some manner, such as registering a vehicle, registering to vote, opening local bank accounts, etc., or intend to do so in the immediate future?

F. Return Home Transportation

At the request of 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(s)/recipient(s) 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 211, the NH Emergency Helpline and Homeless Outreach.
- 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 has a Memorandum of Agreement with Southwestern Community Services (SCS) to provide homeless services to City of Keene residents. Eligibility for City homeless shelter assistance will require the following:

- 1. Submission of a complete written application for General Assistance within three (3) business days of entering SCS shelter;



2. Attendance at all scheduled Human Services shelter eligibility appointments;
3. Compliance with City of Keene Human Services Notice of Decision for present and further requests for assistance;
4. Compliance with all shelter rules and regulations;
5. Participation in an individualized case plan with the shelter case manager, copy to be brought to City Human Services eligibility appointment;
6. Compliance with all elements and conditions of the case plan established with shelter staff and shelter resident;
7. Breaking of shelter rules, eviction from the shelter, any violation of the terms of the case plan will result in immediate suspension of shelter/housing services and assistance rendered by Human Services for a period of thirty (30) days; and,
8. Self-termination without notice to shelter staff may result in immediate suspension of shelter/housing assistance rendered by Human Services for a period of thirty (30) days.

### **XIII. CITY OF KEENE HUMAN SERVICES WORKFARE PROGRAM**

#### **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 services agencies at any available bona fide job that is within their capacity as reimbursement for benefits received. Participants in City of Keene Workfare Program are not considered employees of the City, and any work performed 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 compensated at \$10.00 per hour. All hours attributable to Workfare 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 to 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 five (5). A person responsible for a child over the age of 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 will assist with the burial/cremation costs when there is prior authorization by the Human Services department and after attempts to find relatives or other parties responsible for payment have failed. In order to be considered for funeral assistance, a family member must appear in person at the Human Services office and apply for assistance of the deceased prior to the funeral/cremation. Human Services will make a determination for assistance based on the relative's income and liabilities. If determined eligible for assistance, the funeral may consist of cremation or burial in the City of Keene Cemetery identified in the

“Allowable Level of Assistance Payments found in Appendix A” for indigent persons found in the City at time of death, regardless of whether the deceased person ever applied per RSA 165:27-a. Resources from the department of Health and Human Services, Social Security, Veterans Benefits or other sources as per RSA 165:3 will be applied toward reduction of the Human Services cost. Family members who enter into a contract with a funeral provider before applying for assistance from the City will be obligated to the conditions of the contract without City assistance.

## **XV. NOTICE OF ACTION**

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

### **A. Notice of Assistance Granted**

When an applicant is granted assistance, the Notice shall include the type of assistance given and the period of time the assistance is given for.

### **B. Action Taken for Reasons Other than Noncompliance with the Guidelines**

Whenever a decision is made to withdraw, suspend, or deny an application for assistance, a Notice of Decision shall be given to the applicant immediately or within five (5) working days from the time the application process is completed. The Notice shall contain:

- a. A clear statement of the reasons for the withdrawal, suspension, or denial. If a denial or suspension is due to applicant’s failure to comply with these Guidelines, the Notice shall list those Guidelines with which the applicant has failed to comply, the specific actions necessary to comply, and the consequences for non-compliance.
- b. A statement advising the applicant/recipient of the right to a Fair Hearing and that any request for a Fair Hearing must be submitted in writing within five (5) days; instructions as to how the applicant/recipient may request a Fair Hearing with a Fair Hearing Request form available from Human Services; a statement that General Assistance may continue, if there was initial eligibility, until the date of Fair Hearing, if requested by the claimant in writing. All assistance must be repaid if the claimant fails to prevail at the Hearing.

### C. Suspension for Noncompliance with the Guidelines

#### 1. *Compliance*

Applicant/recipient must comply with these Guidelines and the reasonable request of Human Services. Human Services staff must enforce the Guidelines while ensuring that all persons receive due process. Applicant(s)/ recipient(s) should be given reasonable notice of the conditions and requirements of eligibility and continuing eligibility and notice that noncompliance may result in termination or suspension.

#### 2. *Conditions*

Any person otherwise eligible for assistance shall become ineligible under RSA:1-b if they willfully fail to comply with the requirements of these Guidelines relating to the obligation to:

- a. Failure to disclose and provide verification of all income, resources or other material financial data, including any changes in such information. This may be due to a failure to keep scheduled appointments without verifiable good cause;
- b. Participate in the Workfare Program as assigned by Human Services;
- c. Comply with work search requirements;
- d. Apply for other public assistance, which would alleviate the need for General Assistance, as required by Human Services; and,
- e. Failure to keep all appointments with Human Services and other service agencies that could provide assistance.

#### 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 of Decision shall be given at the first eligibility appointment, and thereafter as the conditions change, a new Notice will be issued at further appointments where General Assistance is requested.

#### 4. *Non-Compliance*

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 notice.

#### 5. *Suspension Notice*

Written Notice of Decision to recipient that he/she is suspended from

assistance due to failure to comply with conditions required in a, 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. A defined period of suspension;
- c. Notice of the right to a Fair Hearing on the issue of willful noncompliance and that such request must be made in writing to Human Services within five (5) days of receipt of the suspension notice; and,
- d. A statement that assistance may continue in accordance with the prior eligibility determination until the Fair Hearing decision is made, if the recipient so requests in writing for a Fair Hearing; however, if the recipient fails to prevail at the Hearing, the suspension will start immediately after the decision and such aid must be repaid by the recipient.

6. *Suspension Period*

The suspension period for failure to comply with the Guideline requirements shall last:

- a. Either seven (7) days for the first suspension or fourteen (14) days if the recipient has had a prior suspension that ended within the past six (6) months, and
- 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 on this Notice, the disqualification shall continue until the person complies.
- c. Notwithstanding paragraph b above, a recipient who has been suspended for non-compliance for at least six (6) months may file a new application for assistance without coming back into compliance.

7. *Fair Hearing on Continuing Noncompliance*

A recipient who has been suspended/sanctioned 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. The burden of proof lies with the applicant/recipient to show that Human Services was incorrect in their decision not to assist and or/limit assistance of the claimant's request.

8. *Compliance after Suspension*

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 any 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 Fair Hearing is a process outlined in RSA 165 that provides the opportunity for an applicant/recipient to dispute a decision made by Human Services. The General Assistance guidelines specify the specific procedure and time line required for a Fair Hearing to be in compliance with RSA 165.

A. Requests

A request for a Fair Hearing is a written request by the applicant(s)/recipient(s) requesting an opportunity to present his/her case to a higher authority.

B. Fair Hearing Officer/Board

The Fair Hearing Officer/Board will be assigned by the City Manager. The person(s) serving as the Fair Hearing Officer/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 Limit for Hearings

1. When an application is denied and/or 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 in Human Services within five (5) business days of receipt of the Notice of Decision at issue.
2. Hearings requested by claimants must be held within ten (10) business days of the receipt of the request. Human Services will give notice to the claimant setting the time and location of the Hearing. The notice will be given to the claimant at least forty-eight (48) hours in advance of the Hearing or mailed by certified mail to the claimant at least seventy-two (72) hours in advance of the Hearing.
3. Any applicant/recipient may withdraw, preferably in writing, the request for a Fair Hearing any time prior to, and up to the time of the Fair Hearing. An applicant/recipient believing to have good cause to request a continuance or postponement may do so by contacting Human Services at the earliest possible time prior to the 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 circumstances to Human Services no later than seventy-two (72) hours after the request is made. Failure to provide such documentation and/or failure to appear for a scheduled Fair Hearing 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 preponderance of the evidence that Human Services was unlawful or unreasonable under these Guidelines.
2. The Human Services 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. The claimant or his/her representative and the Human Services Official or his/her representative has the right to examine all records, papers, and documents used at the hearing. The claimant shall have the opportunity to present his/her own case

or at the claimant's option, with the aid of others and to bring witnesses to establish all pertinent facts, to advance any arguments, without undue interference, to question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.

5. The decision of the Fair Hearing Officer/Board must be based solely on the record in light of these Guidelines. Evidence, both written and oral, which is admitted at the Hearing, shall be the sole content of the record. The Fair Hearing Officer/Board shall not review the case record or other materials prior to introduction at the Hearing.
6. The parties may stipulate to any facts.
7. Any claimant may withdraw, in writing, his/her request for a Fair Hearing at any time up to the time of the Hearing. The Fair Hearing Officer/Board will wait a reasonable amount of time, fifteen (15) minutes, for claimant to appear for the Hearing. A claimant who fails to appear for any scheduled Fair Hearing will be deemed to have withdrawn his/her request for such a Hearing.
8. A claimant who believes he/she has verifiable good cause to request a continuance or postponement of a scheduled Fair Hearing shall contact Human Services at the earliest possible time prior to the Hearing. Upon verifiable good cause shown, Human Services may reschedule such Hearing. Verifiable good cause shall include, but not necessarily be limited to, demonstrated medical emergency or other demonstrated unforeseen circumstances, which reasonably prevents the claimant from attending such scheduled hearing. However, the claimant is entitled to only one (1) such postponement or continuance per Fair Hearing request. A claimant shall provide documentation of such circumstances to the satisfaction of Human Services no later than seventy-two (72) hours after the request for postponement is made. If the claimant does not provide documentation of such circumstance to Human Services within the seventy-two (72) hours, then the request will be deemed withdrawn by the claimant.

#### E. Decisions

1. Fair Hearing decision will be rendered within seven (7) days of the Hearing. Decision shall be in writing setting forth the reasons for decision and the facts on which the Fair Hearing Officer/Board relied in reaching the decision. A copy of the written decision shall be mailed or delivered to the claimant and Human Services.



2. Fair Hearing decisions will be rendered on the basis of the evidence presented, both oral and written, the Officer's/Board's finding of fact, these Guidelines, and state and federal law. The Fair Hearing decision shall set forth appropriate relief.
3. The decision will be dated. In the case of a Hearing to review a denial of aid, the decision is retroactive to the date of the action being appealed. If a claimant fails to prevail at the Hearing, the assistance given pending the Hearing shall be a debt owed by the individual to the City and a repayment schedule shall be established.
4. Human Services shall keep record of all Fair Hearing decisions on file in chronological order. These records will include documentary evidence presented at the hearing and the written decision of the Fair Hearing Officer/Board.
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. LIENS**

### **A. Lien on real Property (RSA 165:28)**

The amount of money spent by a municipality to support or assist an applicant shall, except for good cause, be made a lien on any real estate owned by the assisted person. (This section does not authorize the placement of a lien on the real estate of legally liable relatives, as defined by RSA 165:19). Human Services shall file a Notice of Lien with the Registry of Deeds, complete with the owner's name and description of the property sufficient to identify it. Interest at the rate of six percent (6%) per year may be charged on the amount of money constituting the lien commencing one (1) year after the date the lien is filed. The lien remains in effect until enforced or released or until the amount of the lien is repaid to the City. The lien shall not be enforced so long as the real property is occupied as the sole residence of the assisted person, surviving spouse, or surviving children who are under age eighteen (18), blind, or permanently and totally disabled. Upon repayment of the lien, the City must file a written Release of Lien with the County Registry of Deeds.

In accordance with RSA 165:28, the City Manager is authorized by the City Council to release any lien executed under RSA 165, *et seq.*, if the City Manager determines that the release of such lien is in the best interest of either the City or the assisted person.

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

The City of Keene shall be entitled to a lien upon property passing under the terms of a Will or by intestate succession, a property settlement, or a civil judgement for personal

inquiries awarded any person granted assistance by the City under RSA 165 for the amount of assistance granted by the City. The City shall be entitled to the lien only if the assistance was granted no more than six (6) years before the receipt of the inheritance or award of the property settlement or civil judgement (RSA 165:28-a). The lien shall take precedence over all other claims.

#### **XVIII. RECOVERY AND BILLING FROM GOVERNMENT, UNIT OF RESIDENCE, RELATIVES, OR OTHER**

- A. The amount of money spent by the City of Keene to support an applicant who has a residence in another municipality, or has a father, mother, stepfather, stepmother, husband, wife, or adult child of sufficient ability to also support the assisted applicant, may be recovered from the municipality of residence or legally liable relatives. Sufficient ability shall be deemed to exist when the relative's weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health. Written notice of money spent in support of an assisted person must be given to the liable relative. Human Services shall make reasonable efforts to give such written notice prior to the giving of aid, but aid to which an applicant is entitled under these Guidelines shall not be delayed due to inability to contact liable relatives. Any legal action for recovery brought under RSA 165:20 must be filed in court within six (6) years after the expenditure (RSA 165:1, 20, 25). There shall be no delay, refusal, or termination of assistance while Human Services is pursuing reimbursement from responsible relatives or the municipality of residence.
- B. The amount of money spent by the City to support a recipient who has a court suit or settlement pending shall be recovered by notifying the attorney or insurance carrier of the City's right to lien the suit or settlement for all aid rendered (RSA 165:28-a). Any legal action to recover must be filed in a court within six (6) years after the expenditure.
- C. The amount of money spent by a municipality to support a person who has made initial application for SSI and has signed an Interim Assistance Program Reimbursement Form shall be recovered through SSA and Department of Health and Human Services.
- D. A former or current recipient who is returned to an income status after receiving assistance agrees to reimburse the City for the assistance provided (RSA 165:20).

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

- A. Whenever the owner of property rented to a person receiving City of Keene General Assistance is in arrears in tax payments, sewer, or water to the City, the City will apply the assistance that the property owner would have received in payments 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. Delinquent property tax balances will be first priority, followed by delinquent sewer or water balances.
- C. The procedure for application of such rent is as follows:
  - 1. Human Services will issue a voucher on behalf of the tenant to the property owner for the authorized amount of rent. The voucher will indicate any amount to be applied to a delinquent balance owed by the property owner.
  - 2. Human Services will provide a copy of the voucher to the appropriate City Department for processing.
  - 3. The City of Keene Revenue Collections Department determines which delinquent balance will be credited with this payment. Revenue Collections will issue a receipt of payment to the delinquent property holder.

## **XX. IMMIGRATION LAWS**

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

## **XXI. HUMAN SERVICES SIGNATURE REQUIREMENT 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 and release forms. Unsigned documents constitute an incomplete application.

## **XXII. INTERPRETATION AND APPLICABILITY OF GUIDELINES**

Human Services is empowered to interpret and implement these Guidelines so as to best effectuate their purpose. If necessary or desirable for Human Services to vary the application of the Guidelines in any individual case, such variation shall be approved, in advance, by the Human Services Manager.

## **XXIII. DEFINITIONS**

As used in these Guidelines, the following terms have the indicated meaning:

### **AGENCY**

Any health, social service, or other entity that provides services to a client. Any entity to which Human Services may refer to 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 General Assistance, or to have his /her eligibility for assistance reviewed, and has submitted a written application.

### **APPLICATION FORM**

Form obtained from Human Services upon which a written request for assistance or consideration for assistance is made. Such forms may be amended by Human Services as needed.

### **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, future interests, and anything else of value that is owned by the applicant.

### **ASSISTANCE**

Support given to applicants through a voucher program administered by Human Services in accordance with RSA 165.

### **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. Income tax refunds may also be considered.

**CASE RECORD**

Official files containing forms, signed documents, correspondence, and narrative records pertaining to the application including determination of eligibility, reason for decision, 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 requirements of City of Keene Human Services.

**ELIGIBILITY**

Determination by Human Services, in accordance with these 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 Officer/Board who is appointed having no prior knowledge of the case.

**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 living together, Human Services considers them a "family

unit” with the adults also being financially responsible for each other unless than can document exceptional services.

### **GENERAL ASSISTANCE**

The term used for local welfare administered and funded by each New Hampshire municipality 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.

**However, the total housing cost must approximate the Allowable Level of Assistance Payments for the household size and # of bedrooms.** 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 housing cost for three (3) people. The total housing 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: TANF, FANF, ANB, OAA, and 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.

**INDIGENT**

Impoverished person in financial need as identified in the General Assistance Guidelines.

**LIABILITY FOR SUPPORT**

Those persons deemed by New Hampshire law to have financial responsibility for anyone applying for General Assistance; for example, adult children for parents, parents for adult children, and husbands and wives for each other.

**MINOR**

A person who has not attained the age of 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 the City of Keene while his/her residence is elsewhere. Non-residency does not preclude General Assistance; however, assistance will be of a temporary and reasonable nature given his/her temporary status. Duplication of resources available will be avoided except in cases of emergency. Municipalities will be contacted for reimbursement.

**NOTICE OF DECISION**

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

**PERMANENT RESIDENCE**

Abode or domicile occupied by an applicant. Permanent residency does not include temporary stays in shelters, residential treatment facilities, court ordered placements, or jail/prison.

**REAL PROPERTY**

Any property that is attached directly to land, as well as the land itself. Real property not only includes buildings and other structures, but also rights and interests. Real property can be either rental or residential.

**RECIPIENT**

A person who is receiving City of Keene General Assistance.

**REIMBURSEMENT**

Each recipient who becomes financially able must reimburse the City of Keene for assistance rendered when asked to do so. A schedule of repayment will be determined by Human Services, in conjunction with the recipient, 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, record a lien on real property or attach civil judgments in the amount of assistance rendered (RSA 165:28, 28-a).

**RELEASE OF INFORMATION**

Signed authorization to request and verify information necessary to determine eligibility for General Assistance.

**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 according to the New Hampshire Local Welfare Administrators Associations' ethics policy.

**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. Persons living together as domestic partners are considered a household.



**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;
- Prison/jail, court ordered residence.

**SUSPENSION/SANCTION**

Cessation of General Assistance benefits due to non-compliance, misrepresentation, or falsification of documents.

**UTILITY**

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

**VENDOR/PROVIDER**

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

**VOUCHER**

A system to pay vendors and providers.

**WORKFARE**

The City of Keene Workfare Program provides opportunities for able bodied adults to work for the City at any job within the person's capacity. There are no wages paid. The participant's hours worked, at the rate of \$10.00 per hour, are used as reimbursement to the City for assistance received (RSA 165:2). Process outlined in Procedures Manual.

**XXIV. APPENDIX A****SAMPLE****ALLOWABLE LEVEL OF ASSISTANCE PAYMENTS FOR THE CITY OF KEENE**

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

**FOOD, HOT WATER & LIGHTS ALLOWANCE****Department of Health and Human Services**

<b>Household Size</b>	<b>Monthly Food</b>	<b># of Bedrooms</b>	<b>Hot Water</b>	<b>Lights</b>	<b>Personal &amp; Household</b>
1	\$	0 Bdrm	\$	\$	\$
2		1 Bdrm			
3		2 Bdrm			
4		3 Bdrm			
5		4 Bdrm			
6					
7					
8					

**MONTHLY HOUSING ALLOWANCES**

Based on \_\_\_\_\_, information provided by Governing Body, date \_\_\_\_\_

<b>0 Bdrm</b>	<b>1 Bdrm</b>	<b>2 Bdrm</b>	<b>3 Bdrm</b>	<b>4 Bdrm</b>
\$	\$	\$	\$	\$

**MONTHLY HEATING ALLOWANCES**

Information provided by Governing Body, date \_\_\_\_\_

<b># of Bdrms</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
<b>Electric</b>	\$	\$	\$	\$	\$
<b>Oil</b>	\$	\$	\$	\$	\$
<b>Natural Gas</b>	\$	\$	\$	\$	\$
<b>Bottled Gas</b>	\$	\$	\$	\$	\$

**BURIAL ALLOWANCE:** \$1,000.00**TELEPHONE:** \$60.00**MILEAGE RATE:** 53.5**INTERNET ONLY:** \$50.00**OTHER:** Such as childcare, medical, etc. verified by receipt.

