

Welfare Guidelines

CITY OF LACONIA



Approved by the Laconia City Council this 28st day of November 2022

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Article 1 – General Information

a. Mission Statement

Our mission is to provide interim assistance with basic needs for those who do not have the resources to meet these needs and encourage community involvement in addressing issues to help break the circle of poverty and homelessness.

b. Role of the Welfare

To fulfill the City's legal obligation under RSA 165 to assist persons who are poor and unable to support themselves. As required under state law, the City Council has established guidelines outlining how this legal obligation is fulfilled in the City.

c. Role of Local Governing Body

The local governing body is responsible for the adoption of the guidelines relative to general assistance. These guidelines shall establish payment levels for various allowable expenses which shall be based on actual local market conditions and costs (Appendix A)

d. Role of the Welfare Official

The Welfare Official is responsible for the day-to-day administration of the general assistance program in accordance with written guidelines of the city.

e. General Principles

1. Assistance is available to those who meet eligibility guidelines
2. Assistance is provided through an application process.
3. The City provides eligible persons with interim, emergency assistance with basic needs. Basic needs include shelter, medications, food, rental assistance, utilities (electric, heat, etc.) and burials
4. No cash assistance is provided. Assistance is issued in the form of vouchers paid directly to the vendor.
5. Welfare assistance is not generally “no strings attached”. Persons receiving assistance from the city, will likely be asked to fulfill certain responsibilities. This can include conducting job

searches, participating in a work program, conducting apartment searches, applying for additional assistance from other agencies.

6. Assistance in the form of vouchers generally must be approved by the Welfare Director or his/her designee except in emergency situations the Welfare Technician may approve up to \$500.

f. 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.

g. Confidentiality

Information given by or about an applicant's application is confidential and privileged, and is not a public record under the provisions of RSA 91-A. Home visits shall be conducted in such a manner to preserve, to the greatest extent possible, the privacy and dignity of the applicant. In addition, the welfare official shall not knowingly discuss or mention the application within the listening area of someone who is not a member of the household during a home visit.

Article 2 – Application Process

a. Apply for Assistance

Anyone may apply for general assistance through the city. Applications are available 24 hours per day, 7 days per week at City Hall and at <https://www.laconianh.gov/>

Completed applications may be dropped off at City Hall. Completed applications must include all required documentation.

To ensure quickest review, applicants are encouraged to call 603-527-1267 when their application is complete.

b. Application Review

An unbiased review will begin as soon as the complete application arrives in the welfare office.

c. Decisions

A decision shall be made within five business days after submission of the application or immediately in the case of an emergency.

A written notice of decision shall be hand delivered, mailed or by email (provided the applicant has approved email communications) either the same day or next working date or within five business days from the time the completed application was submitted to the welfare office, whichever occurs first.

Applicants may receive one of the following decision notices:

Granted – shall state a specific basic need, a vendor, and a timeframe.

Denied – In whole or in part, with reason of denial. Should the applicant refuse comment and/or indicate an unwillingness to provide documentation necessary for processing the application, assistance may be denied for lack of eligibility verifications.

Pending – Shall allow applicant up to five business days to gather the specified information. This maybe extended by the welfare official if the financial institution requires more than 5 business days to respond.

A pending notice will automatically become a denied decision if the applicant fails to provide the requested information.

Terminated or Suspended – Failure to provide required information within a specific timeframe.

An advance notice of seven calendar days will be given if assistance is being terminated or reduced for reasons other than noncompliance. The notice will include a statement of the reason for the denial or proposed terminated or reduced assistance.

An applicant who obtains assistance or attempts to obtain assistance by means of intentionally falsified statements, intentional misrepresentation of facts, by impersonation of another person, or other willfully fraudulent act or device shall have such assistance terminated, may be denied further assistance, and may be criminally prosecuted. The City shall have the right to repayment of any unlawfully paid assistance from the applicant or from any person who assisted the applicant in the unlawful obtaining of such assistance. In addition, any person who assisted the applicant in the unlawful obtaining of such assistance may be denied assistance and may also be criminally prosecuted.

d. Right to Appeal

All applicants have the right to request a Fair Hearing within 5 business days of the date on the notice they disagree with. Fair Hearing. (See Article 8)

e. Appeal Process

All requests must be made in writing and submitted to the Welfare Office within the time limits for a Fair Hearing.

Article 3 – Determining Eligibility

a. General/Legal Standard

“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/she has residence there.” RSA:1. See Definitions

An applicant is eligible when the basic maintenance need (determined by the guideline amounts) exceed the available income and liquid assets.

b. Eligibility Formula

If the need exceeds the available income/assets, the assistance granted shall be **UP TO** the difference between the two amounts, unless an exception is justified.

The average cost of a utility or utilities will be included when determining eligibility even though the applicant is on a much higher payment plan. An allowance will be applied for a household maintenance not exceeding the amounts located in the guidelines.

c. Standard of Need

Need shall be determined in a manner consistent with the City Basic Needs Policy. (See Appendix B)

Rental Assistance – The amount to be included as “need” for rental is the lesser of the cost of rent being paid by the recipient or the NH housing Fair Market Rents. If an applicant has experienced a permanent reduction of income of more than 30 days at the time of application, the city may, as a condition of receiving city assistance, require the applicant to seek housing that is more affordable in light of the applicant’s changed income. It is not the responsibility of the welfare office to locate permanent housing. All approved rental assistance will be paid on a weekly basis. Single adults with one child (under the age of 7) will only qualify for a one bedroom if there is not sufficient income for a larger unit.

Homeless Shelters – (See Appendix E) for a list of shelters in NH.

Financial assistance will not be provided if the shelter allows the applicant to cover the cost of lodging by providing services to the shelter and the applicant unreasonably does not provide those services to the shelter.

In cases in which the city has made an appropriate referral for emergency, temporary shelter and the applicant refuses to accept shelter from the city, city welfare will not be liable for any alternative housing/shelter for a minimum of 6 months but may consider other forms of non-housing assistance which he/she is otherwise eligible. Furthermore, in cases that an appropriate referral to a shelter was given as a self-pay and the client’s circumstances change, the client has two business days to notify the city and apply for assistance for financial assistance for the cost of the shelter.

All recipients of shelter/housing shall abide by shelter/housing rules and policies. In cases in which a client is involuntarily exited from a shelter due to a violation of rules/policies or voluntarily exits the shelter without a reasonable long-term housing option, resulting in the need for further emergency

housing assistance you are “on your own” in finding housing and the city will not be liable for the cost of any alternative housing for a minimum of 6 months.

The applicant must accept the least costly alternative for emergency housing assistance that is deemed suitable by the welfare office for applicant’s household. This may include moving from one emergency shelter setting to another emergency shelter.

Rental Arrearage – Normally, arrearage (back) rent is not a standard need unless landlord negotiations fail and there are no other available alternatives (i.e., relocating to affordable housing, shelters, moving in with relatives, etc.) or eviction and/or homelessness is imminent. The City will pay arrearage to a shelter retroactive to the date the application is filed if the application is accepted, and if the applicant is determined to be eligible.

Security Deposit Assistance – Security deposits may be granted if an additional payment is required by the property owner and only after the applicant submits and is approved by the Community Action Security Loan Program. If the applicant is unable to afford to pay all or part of the security deposit deemed necessary to secure housing or an eviction is unable to rectified, the city may assist with all or a portion of the security deposit. The city shall be entitled to a refund or return of any such deposit to which the applicant would otherwise be entitled pursuant to law. (RSA 540-A:7) Security deposits requests may be denied if the city is able to negotiate with the property owner to a reduced deposit or payment arrangements for the tenant or if the welfare official promptly locates suitable alternative housing for which a deposit is not required. The city is unable to assist if the move to a new housing unit was voluntary.

Utilities – Rental allowances includes utilities. When utilities are not included in the rent, the average cost of a monthly utility will be deducted from the rental allowance. If, all resources have been utilized and it is necessary to ensure the health and safety of the applicant and/or household arrearages, restoration fees and deposits may be considered for utility assistance.

Food – The amount included as ‘Need for food” purchases will be in accordance with the most recent standard food stamp allotment, as determined under the food stamp (SNAP) program administered by DHHS. An amount more than the standard food allotment may be granted if one or more members can provide proof that they need a special diet.

Household Maintenance Allowance – (See Appendix A) for allowable amounts. Diapers shall be based upon usage and not the allowance amount.

Telephone – Generally, not considered a basic need expense except if the absence of a phone puts the health and/or safety at a significant risk then an amount from appendix A will be applied and the applicant will need to apply for a “free” cell phone from either Safelink, Qlink, or Uconnect.

Transportation – The ownership of one automobile by an applicant/household does not affect eligibility if it is essential for transportation to seek or maintain employment, medical or rehabilitation services. Costs related to vehicle ownership or lease must be appropriate to the client’s income and a reasonable amount will be included as “need”. However, the city does not provide payment for car loans, car repair, car maintenance, registration, inspections, insurance, towing or impound fees. If unemployed, utilities and housing needs are to be paid prior to the car payment. See Appendix A

Gasoline allowance will be based upon the current price of gas and the number of estimated miles driven monthly.

Storage – The city will not consider storage a necessary living expense. However, if no alternative for storage is available, the city may consider for a limited time, up to \$70 per month as an allowable expense, paid for by the client for up to 3 months.

Emergency Medical Expenses – When an applicant has exhausted all other potential sources and has had no avail, a physician note stating the services are absolutely necessary and cannot be postponed, the city shall consider payment for medical, dental or eye care with the condition the applicant must apply for Medicaid. The city does not provide payment for substance misuse treatment and/or recovery programs. Grants are available for these types of facilities. Contact the Doorway at Concord Hospital Laconia or your program for more information about grants.

A 7 -10-day supply of emergency medication may be granted. As a rule, the city will not provide payment for birth control medications or devices, smoking cessations, narcotics, sleep aids, opioid antagonists, or stimulant blocking pharmaceutical items, nor will the city provide for monthly maintenance medications. However, out of pocket expenses may be considered “need”.

Legal Expenses - Legal expenses will not be included in calculating “need”.

Clothing - If an emergency clothing need cannot be met in a timely fashion by other community resources (i.e., Salvation Army, Red Cross, St Vincent DePaul) the expense of the emergency clothing need will be included.

Shared Expenses – If the applicant and household members share shelter, utility, or other expenses with a non-applicant (i.e., roommate) then need will be calculated as a pro rata share, based on the total number of adults in the residential unity, (e.g.: three adults in a residential unity, but only one applies for assistance-shelter, need is 1/3 of the total cost of allowable amounts).

Miscellaneous – Moving expenses, household furnishings condo fees, late fees, eviction fees or home repairs are unavailable for assistance and are unusable in calculating “need”. See Appendix B for full listing. The welfare official may grant an exception to the prohibition on counting late fees or eviction fee if needed to prevent imminent homelessness.

d. Determining an Applicant’s Income

Income is based upon the last 30 days of your net pay from employment wages, salary, commissions, profits, self-employment (total profit is arrived by subtracting business expenses from gross income in accordance with standard accounting principles), tax return refunds, child support or alimony received, rental income, profits from items sold, Unemployment benefits, Workers Compensation, Social Security benefits, VA benefits, contributions from relatives including loans, payments from trust funds, pensions, or other similar programs, TANF, FAP , securities and retirement plans (i.e., IRA’s, deferred compensation, Keogh’s etc.) Non-essential personal property may be considered an asset if it has been converted into cash.

Food stamps (SNAP), fuel assistance, and/or electrical assistance shall not be considered income.

The ownership of insurance policies does not affect eligibility. However, when a policy has cash or loan value, the applicant will be required to obtain and/or borrow all available funds, which shall be considered available assets. Premium payments will not be considered basic living need expenses when

determining eligibility. The only exception is medical/health insurance can be paid prior to the basic living expenses.

Applicants owning real estate does not affect eligibility, although rent or other such income from property shall be considered as available to meet need, Applicants owning real estate property, other than that occupied as their primary residence, shall be expected to make reasonable efforts to dispose of it at fair market value. A lien will be placed on the real estate for any general assistance. RSA 165:28

Article 4 - Assistance Provided

a. Types of Assistance

General Assistance – May include assistance with shelter/rent, food, utilities, medication or burials.

Emergency Assistance – If, at the time of initial contact, the qualified applicant demonstrates and verifies that an emergency need exists, which may result in loss of a basic necessity of living or imminent threat to life or health. Emergency assistance shall not obligate further assistance until the application process is completed. Applicants who have waited until the last minute to apply for assistance are not normally covered under emergency assistance. An eviction notice may be required to assist the applicant in documenting the need for emergency assistance.

Temporary Assistance – Assistance provided pending receipt of required documents. Assistance shall not extend beyond a specific time period determined by the welfare office.

b. Use of Vouchers

The city guarantees payment directly to vendors through a voucher system. Vouchers must be returned within 15 days from the date of issue. Failure to return a voucher within the timeframe will result in the guarantee of payment becoming null and void. Vouchers altered by the applicant and/or vendor will NOT be honored. No expenses prior to the date the application is received will be provided.

c. Voucher Amounts

The amount shown on the voucher is the maximum amount for the time period indicated from the specific vendor in accordance with the city's finance policies.

d. Voucher Purchases

All vouchers are valid for the specific vendor and the amount granted except for food vouchers. Food vouchers are for the specific vendor and up to the amount granted. Food vouchers do not include the purchases of tobacco products, alcoholic beverages, paper products, vitamins, personal hygiene, hot foods or pet food. See Appendix B for a full list of products that are not allowed to be purchased with a voucher.

Article 5 - Applicant's Responsibilities

The applicant has responsibilities that if not met, may result in a denial of assistance

- Must comply with the guidelines.
- Provide accurate, complete and current verification/information/records concerning needs and resources and the whereabouts and circumstances of relatives who may be responsible under RSA 165:19
- Contact the welfare office within two business days if there is a change in circumstances.
- Apply immediately, but no later than 7 calendar days from the initial application, and accept any benefits or resources, public or private, that will reduce or eliminate the need for general assistance. RSA 165:1-b, I(d)
- Search diligently for full-time employment and accept employment when offered.
- Register with New Hampshire Department of Employment Security (NHES) if unemployed.
- Accept shelter when offered.
- Search for permanent housing (if applicable)
- Reimburse the city for assistance granted if returned to an income status and if such reimbursement can be made without financial hardship.
- Applicants claiming to be sex offenders must obtain documentation from the local police department verifying that they are registered before the city can look to assist.

Article 6 - Welfare Official's Responsibilities

The Laconia Welfare Official shall:

- Administer the guideline and allowing all applicants due process.
- Keep all records both paper and electronic during the active phase plus 7 years which shall include a narrative of assistance for the applicant's including circumstances, referrals, changes in status, etc.
- Provide information and answer any questions regarding anything within the welfare office.
- Verify, investigate the information provided by the applicant.
- Provide information on other resources which the applicant may be eligible for.
- Determine if the request qualifies for emergency assistance.
- Explain the decision and information about the Fair Hearing
- Be available during normal business hours.
- Determine if a home visit is warranted.
- Negotiate with landlord(s) when an eviction notice is presented.
- Provide recommendations about the guidelines to the governing body at least annually if a change is warranted .
- Review the standard of need to prevent unnecessary or undue hardship.
- Evaluate the need for transportation/gas allotment based upon the price, number of miles driven, type/engine size of the vehicle compared to other methods of transportation.
- Hold applicant accountable for payment arrangements of a payment plan.
- Contact the appropriate agency including law enforcement to report abuse, neglect, exploitation of any child under the age of 18 or any adult. RSA 169-C:29-31, 161-F:46.

Article 7 - Special Considerations

The city may take into consideration special circumstance if warranted.

a. Assistance to Non-Citizens –

The welfare officer may, in his/her sole discretion, provide limited assistance to non-citizens not otherwise eligible for general assistance.

A non-citizen is a person who is not a US citizen and who is not:

- A qualified alien under 8 USCA 1641,
- A non-immigrant under the federal Immigration and Nationality Act

An alien paroled into the United States for less than one year under 8 USCA 1182(d)(5) is not eligible for general assistance from the municipality. 8 USCA 1621(a).

Qualified aliens include aliens who are lawfully admitted for permanent residence under the Immigration and Nationality Act (8 USCA 1101 et seq.), aliens who are granted asylum under that act, certain refugees, and certain battered aliens. 8 USCA 1641.

A non-citizen who is not eligible for general assistance may be eligible for state assistance with health care items and services that are necessary for the treatment of an emergency medical condition, which is defined as a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

- Placing the patient's health in serious jeopardy;
- Serious impairment to bodily functions; or
- Serious dysfunction of any bodily organ or part. 8 USCA 1621(b) and 42 USCA 1396(v)(3).

A non-citizen may also be eligible for general assistance for treatment of an emergency medical condition.

Non-citizen applicants for general assistance may be required to provide proof of eligibility. 8 USCA 1625.

b. Assistance to Non-Residents –

Individuals who are temporarily in the city which is not their city or town and who do not intend to make the city a residence are nonetheless eligible to receive general assistance, provided they are poor and unable to support themselves. RSA 165:1-c

The application procedure, eligibility standards and standard of need shall be the same for nonresidents as for residents. The nonresident shall not be refused assistance solely on the basis of residency. (RSA 165:1) Application verification shall not be considered unavailable because the documentation is located in the applicant's municipality of residence. An applicant looking to return to his/her municipality shall

be otherwise entitled under the standards set forth in the guidelines. Any assistance rendered may be recovered from his/her municipality of residence using the proper procedures.

c. Burials and Cremations

The city shall provide for a decent burial or cremation when a “need” is justified.

If a person at time of death is in Laconia and next of kin cannot be located, the city shall provide for a proper burial/cremation, regardless of whether the deceased person ever applied for or received general assistance from the city. RSA 165:3

Relatives and/or other private citizens, may apply for assistance for the deceased person, however the application must be made before any funeral expenses are incurred, immediately following the time of death. The city is unable to assist with past funeral expenses or if state or federal burial benefits are available. RSA 165:25, 165:27 and 165:27-a.

If liquid assets are available at the time of death such as a bank account, there shall be an automatic assignment to the funeral director or the person who paid for the funeral/burial/cremation to the cost of up to \$2,000. RSA 154:27-a.

Unclaimed Body. Per RSA 611-B:25 the medical examiner shall release a dead body if unclaimed for a period of not less than 48 hours following completion of the death investigation to the overseer of public welfare in the town or in the case of an unincorporated place, to a county commissioner, who shall decently bury or cremate the body or with the consent of the commissioners or the overseer, it might be sent to the medical department of a medical school or university to be used for the advancement of the science of anatomy and surgery.

d. 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 calendar days after being advised to do so by the welfare official /technician. Failure to do so may render the recipient ineligible for assistance and subject to action. No person receiving Old Age Assistance (OAA) or Aid to the Permanently and Totally Disabled (APTD), under RSA 167 or 161, shall at the same time be eligible for general assistance, except for emergency medical assistance. RSA 167:27.

e. Deemed Income –

See Deemed under Definitions.

f. Disqualification for Voluntary Termination of Employment

Applicant and/or household members that is eligible for assistance that voluntarily terminated employment within 60 calendar days of filing an application for assistance shall be ineligible to receive assistance for 90 calendar days from the date of employment termination, provided the following conditions are met:

- The applicant had applied within the last 365 calendar days and was given notice that voluntary termination of employment without good cause could lead to disqualification from receiving assistance in the future.

- The applicant is not legally responsible for supporting minor or dependent children in the household.
- The applicant is unable to work due to a documented mental or physical impairment.
- The employment terminated consisted of at least 20 hours per week and the applicant has not been reemployed for at least 2 weeks consisting of at least 20 hours per week.

An applicant who is fired or resigns from a job at the request of the employer due to the inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily terminated employment. RSA 165:1-d.

g. Employment of Applicant –

An applicant who is gainfully employed full-time but whose income and assets are not sufficient to meet necessary household expenses, may be eligible to receive general assistance.

Unemployed applicants who are able to work must actively search diligently for full-time employment and/or participate in the Workfare Program. See Job Search Requirements and Workfare Program. Student applicants 18 and older and are not available for or refusing to seek full-time employment are not eligible for general assistance. Applicants must accept employment when offered and when applicants who without good cause refuse a job offer or voluntarily leave a job without good cause may be ineligible for continued general assistance in accordance with the guidelines. See Suspension.

h. Employment of Household Members –

Adults who are not attending secondary school and are between the ages of 18 – 65 that are residing in the same household as the applicant must search for full-time employment. Refusing full-time employment without good cause or voluntarily leaving a place of employment may result in a denial for assistance. See Employment of Applicant, Job Search Requirements.

i. Home Visits –

A home visit may be made by appointment at the request of any applicant, only when it is impossible for the applicant or their representative to leave their home. For the purpose of personal safety or assistance in conducting the interview, the welfare official may request to be accompanied by another authorized city employee, including a non-uniformed police officer.

j. Job Search Requirements –

Work search requirements apply to the applicant and all members of the household aged 18 and older. Only valid job searches will count towards your job search requirements. The welfare official will determine the number of employment opportunities you and/or household members must apply for weekly. Disqualification from assistance may result if you apply for invalid employment positions or positions you are unable to accept due to transportation and/or needing a special license. Applications for different positions at the same job site is allowed, however you may not reapply for the same position within a 30-day period.

k. Listing of Available Assets –

See Determining Applicant's Income

l. Property Transfers

No applicant or household member who is otherwise eligible shall receive such assistance if he/she has made an assignment, transfer, or conveyance of property for the purpose of rendering him/herself eligible for assistance within three years immediately preceding his/her application. RSA 165:2-b

m. Pets

The city shall have authority to determine if an animal is an authorized service animal. Emotional support animals are not service animals and will not be allowed in a shelter/housing setting. Contact the Humane Society for options on housing for your pets.

n. Suspension for Non-Compliance –

Unexcused missed appointments are subject to suspension. Any applicant otherwise eligible for assistance shall become ineligible under RSA 165:1-b if he/she willfully and without good cause fails to comply with the guidelines and does not satisfy the requests on the Notice of Decision.

A suspension letter shall be given to the applicant suspending for a 7 calendar day period. If the recipient has had a prior suspension which ended within the past six months and the applicant falls into noncompliance, a notice will be issued for 14 calendar days. An applicant will remain in noncompliance until they comply or 6 months have past.

o. Veteran's Relief

Whenever any person, resident in this state, who served in the armed forces of the United States, in any war insurrection, campaign or expedition in which the United States was engaged and who received an honorable discharge, not being under guardianship or legal restraint shall become poor and unable to provide maintenance for himself/herself, the City shall provide assistance in accordance with RSA 165 and these guidelines.

p. Victims of Domestic Violence and Their Children

Victims of domestic violence will be responsible for completing the application process. If the applicant does not have safe access to joint resources, joint resources and income may be excluded from eligibility determinations.

q. Workfare Program –

Any applicant or household member, 18 years old and older who is able and not gainfully employed may be required to work for the city at any available bona fide job that is within his/her capacity (RSA 165:31) for the sole purpose of repayment of benefits received. (See Article 9 Recovery of Assistance).

Participants are not considered employees of the municipality, and any work performed does not give rise to an employee-employer relationship nor shall the participant be compensated with cash. The city shall compensate a wage value not less than the minimum wage for the State of New Hampshire for the purpose of reimbursement.

Failure to participate in the Workfare Program will require prompt review of the eligibility for general assistance and may result in a suspension or termination of assistance. See Section XIII (C)(2)(b).

Article 8 - Fair Hearings

a. Requests –

When a request for assistance is denied or when an applicant desires to challenge a decision made by the welfare office relative to the receipt of assistance, the applicant or any person acting for him/her, to the effect that he/she wants an opportunity to present his/her case to a higher authority, the applicant must present the request in writing within five business days of the date on the Notice of Decision.

b. Time Limits –

See Article 8, a. Requests

c. Fair Hearing Officer(s)

The Fair Hearing Officer (judge) shall be chosen by the City Manager or his/her designee. RSA 165:20 a. The person serving as the overseer for the hearing must not have participated in the decision causing dissatisfaction, be impartial, be sufficiently skilled in interviewing to be able to obtain evidence and facts necessary for a fair determination and be capable of evaluating all evidence fairly and realistically. The hearing officer will explain the laws and regulations under which the welfare official operated, and to interpret to the welfare official any evidence of unsound, unclear or inequitable policies, practices or actions.

d. Procedures –

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 shall be on the claimant, who shall be required to establish his/her case by a preponderance of the evidence.

Both parties shall be given the opportunity to offer evidence and explain their positions as fully and completely as they wish. 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 ring 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.

A claimant or his/her duly authorized representative has the right to examine, prior to a Fair Hearing, all records, papers and documents from the case file which either party may wish to introduce at the Fair Hearing, as well as any available document not contained in the case file relevant to the action the claimant complains. Any documents submitted by the claimant not in the claimant case file, the city reserves the right to request a 24-hour continuance to review the new documents.

All Fair Hearings may be tape-recorded and retained for six (6) months.

e. Decisions –

The decision of the Fair Hearing officer must be based solely on the record, in light of these guidelines. Evidence, both written and oral, which is admitted at the hearing shall be the sole contents of the record. The Fair Hearing officer shall not review the case record or other materials prior to the hearing.

Within 7 business days of the hearing a decisions shall be rendered. Decisions shall be in writing setting forth the reasons for decision and the facts relevant to the decision. All decisions are based upon the

officer's findings of fact, the guidelines and state and federal law. The Fair Hearing decision shall set forth appropriate relief.

The decision shall 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. The applicant has the right to subsequent court action to review or challenge the adverse decision.

Article 9 - Recovery of Assistance

There shall be no delay, refusal to assist, reduction or termination while the city pursues all available avenues to recover reimbursement for assistance provided. If the city files legal action to recover assistance provided, the city must file in a court within six (6) years after the expenditure. RSA 165:25

a. From Responsible Relative

The relation of any poor person in the line of father, mother, stepfather, stepmother, son, daughter, husband, wife or child (who is no longer a minor) shall assist or maintain such person when in need of relief. RSA 165:19

Should a relation refuse to render such aid when requested to do so by a county commissioner, selectman or overseer of public welfare, such person or persons shall upon complaint of one of these officials be summoned to appear in court. RSA 165:19

b. From Municipality of Residence

The city shall seek to recover the amount of money spent to assist a resident who resides in another municipality.

c. From Former Recipient's Income

An applicant who returns to an income status after receiving assistance may be required to reimburse the city for the assistance provided, if such reimbursement can be made without financial hardship.

d. From State or Federal Source –

The amount of money spent by a city to support a recipient who has made initial application for SSI and has signed DHHS FORM 151 "AUTHORIZATION FOR REIMBURSMENT OF INTERIM ASSISTANCE" shall be recovered through the SSA and DHHS. Applicants who have applied for Medicaid due to medical and prescription costs shall be recovered through DHHS.

e. From Delayed State Claims –

New Hampshire Department of Health and Human Services shall reimburse the city the amount of general assistance as a result of failure to process within the federally mandated time periods.

f. Liens –

RSA 165:28 – Real Estate – The law requires the city to place a lien for welfare assistance received on any real estate owned by an assisted person in all cases except for just cause. (This section does not authorize the placement of a lien on the real estate of legally liable relatives, as defined by RSA 165:19). The city shall file a Notice of Lien with the County Registry of Deeds, complete with the owner's name and a description of the property sufficient to identify it. Interest at the rate of 6% per year shall be charged on the amount of money constituting the lien commencing one year after the date the lien is filed, unless waived by the city. The lien shall not be enforced so long as the real estate is occupied as the sole residence of the assisted person, his/her surviving spouse, or his/her surviving children who are under age 18 or blind or permanently and totally disabled. At such time as the lien may become

enforceable the welfare official shall attempt to contact the attorney handling the real estate or estate before enforcing the lien. Upon repayment of a lien, the city must file written notice of the discharge of the lien with the County Registry of Deeds.

RSA 165:28-a – Civil Judgments –The City shall be entitled to a lien upon property passing under the terms of a will or by an estate succession, a property settlement, or a civil judgement for personal injuries (except Workers Compensation) awarded any person granted assistance by the municipality 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 6 years before the receipt of the inheritance or the award of the property settlement or civil judgment. When the welfare official becomes aware of such a claim against a civil judgment, he/she shall contact the attorney representing the recipient. The lien for a civil judgment takes precedence over all other claims.

g. Application to Landlord's Delinquent Balances –

RSA 165:4-a Whenever the owner of rental property is in arrears (more than 30 calendar days have elapsed) since the mailing of the bill or in the case of property taxes (if interest has begun to accrue RSA 76:13), water and sewer, to the municipality), the municipality may apply, the rental assistance to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of the property occupied by the assisted person. Payment shall first be paid to the tax collector for property taxes, then to water and sewer.

Article 10 – Definitions

"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.

"Poor and unable to support" implies that an individual lacks income and available liquid assets to adequately provide for the basic maintenance needs of him/herself or family as determined by the guidelines.

"Relieved" implies an applicant shall be assisted either directly or through referral to meet basic needs as determined by the Municipality's Welfare Guidelines.

"Maintained" implies that assistance, either directly or through referral, be continued as long as the applicant is eligible as determined by the Municipality's Welfare Guidelines.

AGENCY: Any health, social service or other entity that provides services to a client. Any such entity to which a welfare official may refer a client for additional resources and/or assistance.

APPLICANT: A person who expresses a desire to receive general assistance or to have his/her eligibility reviewed and whose application has not been withdrawn. This may be expressed either in person or by an authorized representative of the applicant.

APPLICATION (RE-APPLICATION): Written action by which a person requests assistance from a welfare official. This application must be made on a form provided by the welfare official. The application form may be written or completed electronically by means of an interview conducted by a welfare official and verified by the applicant's signature. A new application is required monthly unless other arrangements are made.

ASSETS: All cash, real property, personal property and future assets owned by the applicant.

AVAILABLE LIQUID ASSETS: Amount of liquid assets after exclusions enumerated in Section IX (D). Includes cash on hand, checking accounts, bank deposits, credit union accounts, stocks, bonds, and securities. IRA (Individual Retirement Account), 401k accounts, insurance policies with a loan value, and non-essential personal property shall be considered as available liquid assets when

they have been converted into cash. Internal Revenue Service refunds are also considered as available liquid assets.

BUSINESS DAY: A business day is Monday through Friday 8:30 am to 4:30 pm excluding holidays.

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

CLAIMANT: A recipient or applicant who has requested, either in person or through an authorized representative, a Fair Hearing.

CLIENT: An individual who receives services from the welfare department. May be a single person or encompass a household.

DEEMED: Determining countable household income. If a federal program (examples, Social Security, TANF etc.) sanctions your cash benefit for any reason, the full amount will be used to determine eligibility.

ELIGIBILITY: Determination by a welfare official, in accordance with the guidelines, of an applicant's need for general assistance under the formula provided in Article 3.

FAIR HEARING: A hearing which the applicant or recipient may request to contest a denial, termination, or reduction of assistance. The standards for such a hearing are in Article 8.

GENERAL ASSISTANCE: Financial assistance provided to applicants in accordance with RSA 165 and these guidelines.

HOUSING:

- **Emergency Shelter:** Temporary or non-permanent and non-tenancy housing from a housing provider through which an individual or family may seek emergency housing when other housing is available.
- **Non-Permanent Non-Tenancy Housing:** Room(s) in Rooming or Boarding House; Hotels; Motels; Inns or Tourist Home or other dwellings which rent for recreational or vacation use. Room(s) in a single-family home with no lease which is the primary and usual residence of the owner. Other occupancies noted as non-tenancy under RSA 540:1-a, IV.
- **Permanent Tenancy Housing:** Apartment, home or room or real property rented for the sole

purpose of residential and non-transient purposes. Applicant(s) may or may not have a lease or contract.

- **Transitional Housing:** Non-permanent and non-tenancy housing which is usually provided by an Assistance Program which can require rules or policies to stay in their housing and programs.

HOUSEHOLD: A household is defined as:

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

IN LOCO PARENTIS: "in place of the parent." A person or legal entity, like a caregiver or institution, is considered to be operating *in loco parentis* when undertaking the care and control of another person in the absence of the natural parents and in the absence of formal legal approval.

LEGALLY LIABLE RELATIVES: All able bodied adults under the age of 65, except those regularly attending school, who are related to the applicant, regularly residing in the same household as the applicant are legally liable to contribute to the support of the applicant. Unrelated adults living in the same household *in loco-parentis* are also obligated to contribute to the poor person's support. RSA 165:32.

MINOR: A person under 18 years of age. As a general rule, these individuals will not be serviced on their own since their parents have the legal obligation to care for them until they are over 18.

NEED: The basic maintenance and support requirements of an applicant, as determined by a welfare official under the standards of Section IX (E) of these guidelines.

RECIPIENT: A person who is receiving general assistance.

"RELIEVE AND MAINTAIN": The sustaining of basic needs necessary to the health and welfare of the household.

RESIDENCE: Residence or residency shall mean an applicant's place of abode or domicile. The place of abode or domicile is that place designated by an applicant as their principal place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by a temporary absence from it, if there is intent to return to such residence or residency as the principal place of physical presence. RSA 165:1(l);21:6-a.

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

RESPONSIBLE RELATIVES: See Legally Liable Relatives.

SANCTION: Reduction or elimination of benefits due to non-compliance.

SHELTER (HOMELESS): A temporary housing provider through which an individual or family may seek emergency housing until permanent housing can be found. Shelters are not considered to be a permanent legal residence.

SHELTER (HOUSING): A permanent housing arrangement where the client pays the cost of rent to a landlord or pays a mortgage.

TECHNICIAN (Specialist): The employees of the city that carry out the day-to-day assistance to clients under the guidelines of the City. Exceptions to the guidelines, up to \$1,000 (on a one-time assist), can be made by a designee appointed by the director. These exceptions will be reviewed subsequent to their approval by the Welfare Director. Exceptions over \$1,000 must be approved by the welfare official on a case-by-case basis before the voucher is processed.

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

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

VOUCHER SYSTEM: The system whereby a municipality issues vouchers to the recipient's vendors and providers rather than cash to the recipient. RSA 165:1(111). See Section VIII.

WELFARE OFFICIAL: The official of the City of Laconia, or designee, who performs the function of administering general assistance. Such person has the authority to make all decisions regarding the granting of assistance under RSA 165, subject to the overall fiscal responsibility vested in the city manager, or city council. The term includes "overseers of public welfare" (RSA 165:1; 41:46) and "administrator of town or city welfare" RSA 165:2.

WORKFARE: Labor performed by welfare recipients at municipal sites or human service agencies as reimbursement for benefits received. RSA 165:31. Current rates are: Field Work - \$11.00 per hour and Clerical - \$9.50 per hour.

APPENDIX A - ALLOWABLE LEVELS

Revised: October 2022

ALLOWABLE LEVELS OF ASSISTANCE PAYMENTS

	FOOD/NON-FOOD			
HOUSEHOLD Size**	MONTHLY MAINTENANCE	MONTHLY Laundry	MONTHLY FOOD	WEEKLY FOOD
1	\$14	\$20	\$281	\$65
2	\$20	\$26	\$516	\$119
3	\$26	\$32	\$740	\$171
4	\$32	\$38	\$939	\$217
5	\$38	\$44	\$1,116	\$358
6	\$44	\$50	\$1,339	\$309
7	\$50	\$56	\$1,480	\$342
8	\$56	\$62	\$1,697	\$392
Add Each	\$6	\$6	\$211	\$49

*MONTHLY RENTAL ALLOWANCES

(includes heat, electric, hot water)

Room	Efficiency	1BR	2BR	3BR	4BR	
\$854	\$854	\$1014	\$1275	\$1550	\$1556	Monthly
\$197	\$197	\$235	\$295	\$358	\$359	Weekly

BURIAL ALLOWANCE: UP TO \$2,000

TELEPHONE ALLOWANCE: \$25/month.

INTERNET ALLOWANCE: Up to \$70/month if the Welfare Official determines a special need, only available if school aged children are in the household.

CAR PAYMENT AND GAS ALLOWANCE: Up to \$200 if funds are available or may vary based on the price of gas and the distance traveled to work or medical appointments.

STORAGE: UP TO \$70/month for a maximum of 3 months.

*If utilities are not included in the rent the average cost of those utilities will be deducted from the rental allowance when determining need.

**Dependents will only be considered in determining the size of the household if the client has primary custody of the child.

The city will not consider animals as exceptions for paying more than the guidelines allow for rent unless pets are service animals (with medical credentials). Emotional support animals are not considered service animals.

Rents are based on 2022 median rents for Belknap County as determined by NH Housing Finance Authority.

Food costs are based on the 2023 Maximum Monthly Benefit from SNAP

APPENDIX B – BASIC NEEDS POLICY

BASIC NEEDS POLICY

The basic financial requirement for welfare assistance is that an applicant be poor and unable to support him/herself.

It is the applicant/recipient's responsibility to utilize any available benefits or resources to reduce the need for assistance through the city. The Welfare technician will direct the applicant/recipient to apply for all other resources and also will require the applicant/recipient to use current resources to meet basic needs in order to reduce the need for city assistance.

As a Condition of Assistance, the applicant will be required to first use all available resources, as directed, to meet basic needs. Unaltered, dated receipts for these expenses may be required. Should the applicant choose to use your resources for other than basic expense needs as outlined below and/or in your written decision from the Welfare Department, those amounts will be considered available to the applicant and the assistance will be reduced accordingly and a sanction or denial may be issued.

Under the City of Laconia Welfare Guidelines in applying for assistance or for continuous assistance, you will be required to use your earned or unearned resources for allowable basic need expenses **ONLY**. To reduce the need for assistance, the applicant/recipient is responsible to utilize all benefits and/or resources available.

Payment Levels for Allowable Expenses. When adopting these guidelines, the city's governing body shall establish payment levels for various allowable expenses which shall be based on actual local market conditions and costs. The payment levels shall be reviewed by the welfare official annually and modification presented to the city's governing body where market conditions have changed. RSA165:1, II. The payment levels established as part of these guidelines are set forth in Appendix A.

The following are examples of **ALLOWABLE** expenses in determining eligibility:

Shelter/Rent/Mortgage	Electric/heating bills
Water/Sewer	Diapers
Prescriptions/Medical Co-Pays	Daycare – to search for work
Food – up to the maximum set amount per DHHS.	
Telephone – 1 per household and up to the maximum in Appendix A	
Non-food hygiene products – Up to the maximum in Appendix A	
Laundry – Up to the maximum in Appendix A	
Child Support	

The following are examples of **ALLOWABLE** expenses under certain conditions:

Public transportation for work, medical or assistance program appointments.
Car payment / Gasoline – Up to the maximum in Appendix A
Internet – Children in the home/schooling. Up to the maximum in Appendix A
Storage – Up to the maximum in Appendix A

The following are examples of **UNALLOWABLE** expenses in determining eligibility:

Telephone/cell phone more than 1 per household
Credit Card Payments
Loan Payments
Cable
Insurance Payments (other than Medical)
Bail Payments/Court Fines
Repayment of Personal Loans
Rent to Own
Restaurant/Fast Food
Tobacco/Alcohol products
Pet supplies (exception for qualified service animals)
Entertainment/Movie Services

Towing/Impound Fees/Motor Vehicle tickets

Condo Fees/Park Fees/Lot Rent

Overdraft Fees

Medical Marijuana

Property Taxes

Snow Plowing

Yard Maintenance

APPENDIX C – NH WELFARE PROGRAMS

NEW HAMPSHIRE WELFARE BENEFIT PROGRAMS

BENEFIT PROGRAM	PERSONS ELIGIBLE	SOURCE FUNDING	GOV'T ADMINISTERS	GOV'T STANDARDS
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TOWN

1. Town Welfare RSA 165:1,1	Poor and in need	Local Property Tax	Town	Town
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STATE

2. APTD Aid to the Permanently & Totally Disabled RSA 167:6, VI	Low Income Adults 18-64 Permanently & Totally Disabled	County & State	State	State
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3.0AA Old Age Assistance RSA 167:6, I	Low Income Adults, 65 and over	County & State	State	State
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4. ANB Aid to Needy Blind RSA 167:6, IV	Low Income Blind Adults	State	State	State
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5. TANF Temporary Assistance to Needy Families 42 USC § 601 RSA 167:6, V	Low Income Families with Dependent Children	State & Federal	State	Federal & State
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FEDERAL

6. FOOD STAMPS 7 USC §2011	Lower Income	Federal Households	State	Federal
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7. SSI Supplemental Security Income 42 USC §1831	Low Income	Federal	Federal	Federal
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APPENDIX D – LIABILITY FOR SUPPORT

Liability for Support, and Recovery Over

RSA 165:19 Liability for Support. The relation of any poor person in the line of father, mother, stepfather, stepmother, son, daughter, husband, or wife shall assist or maintain such person when in need of relief. Said relation shall be deemed able to assist such person if his weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health.

Should a relation refuse to render such aid when requested to do so by a county commissioner, selectman or overseer of public welfare, such person or persons shall upon complaint of one of these officials be summoned to appear in court. If after hearing it is found that the alleged poor person is in need of assistance, and that the relation is able to render such assistance, the court shall enter a decree accordingly and shall fix the amount and character of the assistance which the relation shall furnish. If the relation neglects or refuses to comply with the court order without good cause, as determined by the court at a hearing, or by refusing to work or otherwise voluntarily places himself in a position where he is unable to comply, he shall be deemed to be in contempt of court and shall be imprisoned not more than 90 nor fewer than 60 days. If a poor person has no relation of sufficient ability, the town or city in which he resides shall be liable for his support.

APPENDIX E – SHELTERS

Shelters

Town	Shelter	Location	Phone	
Claremont	Sullivan County Housing Coalition	17 Pearl Street	603-542-3160	Singles/Families
Concord	Friends Program Shelter	30 Thompson Street	603-228-1462	Families Only
Concord	McKenna House (Salvation Army)	100 S Fruit Street	603-228-3505	Singles Only
Dover	My Friend's Place	368 Washington Street	603-749-3017	Singles/Families
Franconia	Bancroft House	Main Street	603-823-8842	Females/Families
Keene	Monadnock Area Housing Coalition	69 Z Island Street	603-357-1654	Singles/Families
Laconia	Belknap House	200 Court Street	603-527-8097	Families Only
Laconia	The Carey House (Salvation Army)	6 Spring Street	603-528-8086	Singles/Families
Lebanon	Headrest-transitional Living	14 Church Street	603-448-4400	Singles Only
Manchester	Helping Hands Outreach (Sober Shelter)	50 Lowell Street	603-623-8778	Males Only
Manchester	New Horizons	199 Manchester Street	603-668-1877	Singles Only
Manchester	Liberty House	75 W Baker Street	603-669-0761	Veterans Only
Nashua	Kinsley Street Shelter	29 Kinsley Street	603-598-2544	Woman/Families
Nashua	Ash Street Shelter	58 Ash Street	603-883-1101	Singles/Families
Nashua	Nashua Soup Kitchen and Shelter	2 Quincy Street	603-889-7770	Males Only

Town	Shelter	Location	Phone	
Nashua	Southern NH Rescue Mission	40 Chestnut Street	603-889-3421	Singles/Families
Nashua	Maple Arms Shelter	8-16 Maple Street	603-882-5451	Families
Plymouth	Bridge House	260 Highland Street	603-536-7631	Singles/Families
Portsmouth	Cross Roads House	600 Lafayette Road	603-436-2218	Singles/Families
Stratham	Seacoast Family Promise	6 Emery Lane	603-658-8448	Families
Boston, MA	Pine Street Inn	444 Harrison Avenue	617-892-9100	Registered sex offenders
Lawrence, MA	Daybreak	19 Winter Street	978-975-4547	Singles Only
Brattleboro, VT	GroundWorks	60 S Main Street	800-852-4286	Singles/Families
Burlington, VT	COTS - Committee on Temporary Shelter	95 North Ave	802-864-7402	Singles/Families

APPENDIX F – RSA 165

TITLE XII PUBLIC SAFETY AND WELFARE

Chapter 165 AID TO ASSISTED PERSONS

Section 165:1

165:1 Who Entitled; Local Responsibility. –

I. 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. For the purposes of this chapter the term "residence" shall have the same definition as in RSA 21:6-a.

II. The local governing body, as defined in RSA 672:6, of every town and city in the state shall adopt written guidelines relative to general assistance. The guidelines shall include, but not be limited to, the following:

- (a) The process for application for general assistance.
- (b) The criteria for determining eligibility.
- (c) The process for appealing a decision relative to the granting of general assistance.
- (d) The process for the application of rents under RSA 165:4-b, if the municipality uses the offset provisions of RSA 165:4-a.
- (e) A statement that qualified state assistance reductions under RSA 167:82, VIII may be deemed as income, if the local governing body has permitted the welfare administrator to treat a qualified state assistance reduction as deemed income under RSA 165:1-e.

III. Whenever a town provides assistance under this section, no such assistance shall be provided directly to a person or household in the form of cash payments.

Source. RS 66:1. CS 70:1. GS 74:1. GL 82:1. PS 84:1. PL 106:1. RL 124:1. RSA 165:1. 1979, 243:1; 351:2. 1985, 380:2. 1986, 5:2. 1991, 355:56. 1992, 184:1. 1996, 175:2, eff. Aug. 2, 1996.

Section 165:1-a

165:1-a Assisted Person Defined; Local Responsibility. – Any person in a town or city who is poor and unable to support himself shall be known as a town or city assisted person, and shall be relieved and maintained at the expense of the town or city of residence.

Source. 1977, 336:1. 1985, 380:3, eff. Jan. 1, 1986.

Section 165:1-b

165:1-b Disqualification for Noncompliance With Guidelines. –

I. Any person otherwise eligible for assistance under this chapter shall become ineligible to

receive such assistance if he willfully fails to comply with written guidelines adopted by the governing body of the town or city relating to:

- (a) Disclosure of income, resources, or other material financial data;
- (b) Participation in a work program authorized under this chapter;
- (c) Reasonable work search; or
- (d) Application with other public assistance agencies.

II. No person shall be found ineligible for assistance or suspended from assistance pursuant to paragraph I until he has been given:

- (a) A written notice stating those specific actions he must take in order to comply; and
- (b) A 7-day period within which to comply after receiving such notice.

III. If a person does not comply within the 7 days, the town or city may issue to the person a written notice that the person is ineligible for assistance or suspended from assistance. The written notice shall include a list of the guidelines with which the person is not in compliance, those actions necessary for compliance, and written notice of the opportunity to request a hearing within 5 days.

IV. If such person requests a hearing, the town or city shall give him an opportunity to continue to receive assistance, pending the outcome of the hearing, in accordance with any prior eligibility determination.

V. The period of ineligibility or suspension pursuant to this section shall be 7 days; provided, however, that any such suspension within 6 months after the end of any prior suspension period shall be for 14 days; and provided further that if upon the expiration of the 7-day or 14-day disqualification period the person continues to fail to carry out the specific actions set forth in the notice required in paragraph III, the disqualification shall continue until the person complies.

VI. The overseers of public welfare shall not be required to accept an application for general assistance from a person who is subject to disqualification or suspension under this section; provided, however, that in the event such disqualification or suspension continues beyond the 7 or 14-day period due to continued noncompliance pursuant to paragraph IV, and there is a dispute over a contention by such person that he has satisfactorily complied with the requirements set forth in the notice required by paragraph III, such person shall be given an opportunity to request a hearing to determine that issue, but paragraph IV shall not apply to such a hearing.

Source. 1985, 106:1. 1986, 142:1, eff. Jan. 1, 1987.

Section 165:1-c

165:1-c Nonresidents. – Any person, poor and unable to support himself, who is temporarily in a town or city which is not his residence, and who does not intend to make it his residence, shall be provided such temporary assistance as is reasonable and necessary by such town or city. Such town or city may, if requested, cause such person to be returned to his residence.

Source. 1985, 380:4, eff. Jan. 1, 1986.

Section 165:1-d

165:1-d Disqualification for Voluntary Termination of Employment. –

I. Any person eligible for assistance under this chapter, who voluntarily terminated employment within the 60-day period before filing an application for assistance, shall be ineligible to receive assistance for 90 days from the date of employment termination, provided the following conditions are met:

- (a) The person received general assistance within the last 365 days and was given notice that voluntary termination of employment without good cause could lead to disqualification from receiving general assistance in the future.
- (b) There are no minor or dependent children in the person's household which the person is legally responsible for supporting.
- (c) At the time of termination of employment, the person did not have a mental or physical impairment which caused such person to be unable to work.
- (d) The employment that the person voluntarily terminated consisted of at least 20 hours of work per week, and the person has not become reemployed for at least 2 weeks at a level consisting of at least 20 hours of work per week.
- (e) The person did not have good cause for terminating the employment, as defined in paragraph II.

II. Good cause for terminating employment shall include any of the following:

- (a) Discrimination by an employer based on age, race, sex, physical or mental disability, religion, or national origin.
- (b) Work demands or conditions that render continued employment unreasonable.
- (c) Retirement by a person 62 years of age or over or resignation by a person under 62 years of age which is recognized by the employer as retirement.
- (d) Employment which becomes unsuitable following the applicant's acceptance of such employment.
- (e) Leaving a job in order to accept a bonafide job offer which, because of circumstances beyond the control of the applicant, subsequently either does not materialize or results in employment of fewer than 20 hours per week or weekly earnings of less than the state or federal hourly minimum wage multiplied by 20 hours.
- (f) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work, even though employment at the new site has not actually begun.
- (g) Leaving a job because of circumstances, such as lack of transportation or a household emergency, which are beyond the control of the applicant to remedy as determined by the overseer of public welfare and which make continued employment impracticable.
- (h) Termination of employment for other good cause.

III. The applicant shall be responsible for demonstrating good cause. The welfare officer may offer assistance in obtaining necessary information.

IV. An applicant shall be considered to have voluntarily terminated employment if the applicant fails to report for work without good cause, as defined in paragraph II, resulting in the termination of the applicant's employment. An applicant who is fired or resigns from a job at the

request of the employer due to the applicant's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily terminated employment.

V. No person shall be found ineligible for assistance due to a voluntary employment termination unless the applicant has been given a written application for assistance and a written notice stating the reason for the denial of assistance and the specific actions which must be taken in order to reinstate eligibility, along with a written notice of the opportunity to request a hearing within 5 days.

VI. Notwithstanding a voluntary termination without good cause, assistance under this chapter may be given if the welfare officer determines that denial of assistance will put that person or members of the person's household at substantial risk of injury to health or other serious harm, which cannot be avoided or mitigated by other public or private resources.

VII. The provisions of RSA 165:1-b, II-VI shall not apply to persons found ineligible for assistance because of voluntary termination of employment without good cause. However, if at any time during the disqualification period, there is a dispute whether a person has satisfactorily complied with the requirements set forth in the written notice provided for by paragraph V, the person shall be given an opportunity to request a hearing to determine that issue only.

Source. 1995, 221:1, eff. Aug. 11, 1995.

Section 165:1-e

165:1-e Option to Treat a Qualified State Assistance Reduction as Deemed Income. – The local governing body of a town or city may permit the welfare administrator to deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82, VIII. The following criteria shall apply to any action to deem income under this section:

- I. The authority to deem income under this section shall terminate when the qualified state assistance reduction no longer is in effect.
- II. Applicants for general assistance may be required to cooperate in obtaining information from the department of health and human services as to the existence and amount of any qualified state assistance reduction. No applicant for general assistance may be considered to be subject to a qualified state assistance reduction unless the existence and amount of the reduction has been confirmed by the department of health and human services.
- III. The welfare administrator shall provide the applicant with a written decision which sets forth the amount of any deemed income used to determine eligibility for general assistance.
- IV. Whenever necessary to prevent an immediate threat to the health and safety of children in the household, the welfare administrator shall waive that portion, if any, of the qualified state assistance reduction as is necessary.

Source. 1996, 175:3, eff. Aug. 2, 1996.

Section 165:2

165:2 Administration of General Assistance. – The administrator of town or city welfare in each town or city shall administer general assistance to all persons who are eligible for such assistance as provided under RSA 165:1-a and RSA 165:1-c.

Source. 1875, 7:3. GL 269:20. PS 84:7. PL 106:7. RL 124:2. RSA 165:2. 1985, 380:5. 1988, 180:1, eff. June 25, 1988.

Section 165:2-a

165:2-a Expense of General Assistance. – The financial responsibility for general assistance for assisted persons shall be the responsibility of the town or city in which the person making application resides, except as otherwise provided in RSA 165:1-c.

Source. 1985, 380:6. 1988, 180:1. 1993, 229:2, eff. July 1, 1993. 2021, 122:44, eff. July 9, 2021.

Section 165:2-b

165:2-b Disqualification for Certain Property Transfers. – No person who is otherwise eligible for assistance under this chapter shall receive such assistance if he has made an assignment, transfer or conveyance of property for the purpose of rendering himself eligible for such assistance within 3 years immediately preceding his application for such assistance.

Source. 1985, 380:6, eff. Jan. 1, 1986.

Section 165:2-c

165:2-c Withholding Names of Recipients of Aid. – Notwithstanding any other provision of law to the contrary, no town, city or county official shall publish or disclose or allow to be published or disclosed in the annual report of the town, city or county, or in any other document or letter, except as is necessary for and connected with the administration of this chapter, the name, address or any other identifying information of any recipient who is receiving assistance or aid; provided, however, that any taxpayer shall be allowed to see the itemized account of such aid furnished. Any person violating any provision of this section shall be guilty of a violation.

Source. 1985, 380:6, eff. Jan. 1, 1986.

Section 165:3

165:3 Burial or Cremation. –

I. If an assisted person shall die in any town or city the overseers of public welfare shall cause such person to be decently buried or cremated at the expense of the town or city.

II. Notwithstanding any provision of paragraph I to the contrary, if an assisted person dies in a county nursing home, the overseers of public welfare shall cause such person to be decently buried or cremated at the expense of the town or city in which the assisted person was a resident, as that term is defined in RSA 21:6, on the date on which the assisted person entered the county nursing home.

Source. RS 66:7. CS 70:7. GS 74:7. GL 82:7. PS 84:8. PL 106:8. RL 124:3. RSA 165:3. 1985, 380:45, 47. 1993, 308:3. 2000, 202:1, eff. Jan. 1, 2001.

Section 165:4

165:4 Information Regarding Bank Deposits. – A cashier of a national bank and a treasurer of a savings bank and a trust company may, when requested by an overseer of public welfare of a town or city in the state, furnish to said overseer any information asked relative to the deposit of a person receiving or applying for public support.

Source. 1933, 116:1. RL 124:4. RSA 165:4. 1985, 380:45, eff. Jan. 1, 1986.

Section 165:4-a

165:4-a Application of Rents Paid by the Municipality. – Whenever the owner of property rented to a person receiving assistance under this chapter is in arrears in sewer, water, electricity, or tax payments to the municipality, the municipality may apply, upon approval of the governing body, the assistance which the property owner would have received in payment of rent on behalf of such assisted person to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of property occupied by the assisted person. For purposes of this section, a payment shall be considered "in arrears" if more than 30 days have elapsed since the mailing of the bill, or in the case of real estate taxes, if interest has begun to accrue pursuant to RSA 76:13.

Source. 1992, 184:2, eff. July 11, 1992.

Section 165:4-b

165:4-b Process for Application of Rents Paid by the Municipality. – Prior to utilizing the optional offset provisions of RSA 165:4-a, the governing body shall adopt, as part of the guidelines required under RSA 165:1, II, rules governing the process, including a policy which specifically sets out which bill shall be offset first and any further priority of such offset payments and a procedure for notifying the landlord.

Source. 1992, 184:2, eff. July 11, 1992.

Section 165:4-c

165:4-c Eviction Notice Not Required. – The governing body and overseers of public welfare shall not require the issuance of an eviction notice before providing rental assistance. An eviction notice may be required to assist the applicant in documenting emergency needs for emergency assistance, timely application and decision making, and referrals to other agencies with eviction notice requirements for consideration of additional rent arrearage assistance.

Source. 2021, 152:2, Pt. II, Sec. 1, eff. July 23, 2021.

Section 165:5

165:5 Who Entitled. – Whenever any person, resident in this state, who served in the armed forces of the United States, in any war, insurrection, campaign, or expedition, in which the United States was engaged, and who received an honorable discharge, not being under guardianship or legal restraint, shall become poor and unable to provide maintenance for himself and his dependent family, such person, his wife, widow, or minor children, shall be supported at the public expense in the town or city of their abode, at their own home or such place, other than a town or county almshouse, as the overseers of public welfare or the county commissioners shall deem proper.

Source. 1885, 41:1, 2. 1887, 45:1. 1889, 81:1. 1891, 38:2. PS 84:9. 1901, 116:1. 1921, 104:1. PL 106:9. 1933, 78:1. RL 124:5. RSA 165:5. 1959, 98:1, eff. July 13, 1959.

Section 165:6

165:6 Repealed by 1985, 380:51, II, eff. Jan. 1, 1986. –

Section 165:7 to 165:11

165:7 to 165:11 Repealed by 1988, 180:5, eff. June 25, 1988. –

Section 165:12

165:12 Repealed by 1985, 380:51, III, eff. Jan. 1, 1986. –

Section 165:13

165:13 Repealed by 1985, 380:51, IV, eff. Jan. 1, 1986. –

Section 165:14

165:14 Repealed by 1988, 180:5, eff. June 25, 1988. –

Section 165:15

165:15 Repealed by 1985, 380:51, V, eff. Jan. 1, 1986. –

Section 165:16

165:16 Burial Expenses. – Whenever any person, a resident in this state, who served in the armed forces of the United States in any of the wars or conflicts defined in RSA 165:17 for a total of 90 days, unless sooner released from such service by reason of disability incurred in service, and whose services were terminated under conditions other than dishonorable, dies and did not leave sufficient estate to pay the expenses of his funeral, or was an assisted person, the overseers of public welfare shall cause him to be decently buried at the expense of the municipality in which he died. Funds received from the Department of Veterans Affairs towards burial expenses shall be retained by the municipality. The municipality shall make a request to the Department of Veterans Affairs to provide a suitable monument.

Source. 1909, 130:1. 1911, 31:1. 1919, 135:1. 1921, 63:1. 1925, 93:1. PL 106:20. 1929, 28:1. RL 24:16. 1943, 102:1. 1945, 88:1. 1947, 214:1. 1949, 28:1; 167:4. RSA 165:16. 1959, 77:1. 1965, 87:1. 1967, 171:1. 1988, 180:3, eff. June 25, 1988.

Section 165:17

165:17 Definition of Terms. –

The following shall constitute wars or conflicts for purposes of RSA 165:16:

- I. Any war or armed conflict that occurred between July 3, 1921 and December 6, 1941 and in which the resident earned an armed forces expeditionary medal or theater of operations service medal.
- II. "World War II" between December 7, 1941 and December 31, 1946.
- III. "Korean Conflict" between June 25, 1950 and January 31, 1955.
- IV. "Vietnam Conflict" between July 1, 1958 and December 22, 1961, if the resident earned the Vietnam service medal or an armed forces expeditionary medal.
- V. "Vietnam Conflict" between August 5, 1964 and May 7, 1975.
- VI. Any war or armed conflict that has occurred between May 8, 1975 and August 1, 1990 and in which the resident earned an armed forces expeditionary medal or theater of operations service medal.
- VII. "Persian Gulf War" between August 2, 1990 and the date thereafter prescribed by Presidential proclamation or by law.

Source. 1949, 167:5. 1951, 176:1. RSA 165:17. 1965, 69:1. 1967, 171:2. 1988, 180:4. 2010, 79:1, eff. July 18, 2010.

Section 165:18

165:18 Repealed by 1988, 180:5, eff. June 25, 1988. –

Section 165:19

165:19 Liability for Support. – The relation of any poor person in the line of father, mother, stepfather, stepmother, son, daughter, husband, or wife shall assist or maintain such person when in need of relief. Said relation shall be deemed able to assist such person if his weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health.

Should a relation refuse to render such aid when requested to do so by a county commissioner, selectman, or overseer of public welfare, such person or persons shall upon complaint of one of these officials be summoned to appear in court. If, after hearing, it is found that the alleged poor person is in need of assistance, and that the relation is able to render such assistance, the court shall enter a decree accordingly and shall fix the amount and character of the assistance which the relation shall furnish. If the relation neglects or refuses to comply with the court order without good cause, as determined by the court at a hearing, or by refusing to work or otherwise voluntarily places himself in a position where he is unable to comply, he shall be deemed to be in contempt of court and shall be imprisoned not more than 90 nor fewer than 60 days. If a poor person has no relation of sufficient ability, the town or city in which he resides shall be liable for his support.

Source. RS 66:8. CS 70:8. GS 74:8. GL 82:8. PS 84:12. 1925, 112:1. PL 106:22. 1933, 65:1. RL 124:18. RSA 165:19. 1973, 115:1. 1985, 380:11, eff. Jan. 1, 1986.

Section 165:20

165:20 Recovery of Expense. – If a town, city, or county acting as agent for a town under RSA 165:34 spends any sum for the support, return to his home, or burial of an assisted person having a residence in another town or city, or for an assisted person having relations able to support him under RSA 165:19, such sum may be recovered from the town, city or relation so chargeable or from a county acting as agent for the town under RSA 165:34. In any civil action brought under this section to recover such sum, the court shall award costs to the prevailing party.

Source. RS 66:9. CS 70:9. GS 74:9. 1875, 7:4. GL 82:10; 269:21. PS 84:13. PL 106:23. RL 124:19. RSA 165:20. 1967, 192:3. 1977, 152:2; 367:1. 1985, 380:12, eff. Jan. 1, 1986.

Section 165:20-a

165:20-a Settlement of Disputes. –

- I. In any case where a town, city, county or the state seeks to recover a sum spent on assistance to a person and there is a dispute between a town, city, county or the state as to the liability for such assistance, the voluntary arbitration system established by this section shall be available.
- II. The department of health and human services shall maintain a roster of the selectmen and welfare administrators of the cities, towns, and counties of the state. If a town, city, county or the state decides to avail itself of the voluntary arbitration system, the commissioner of the department of health and human services or his designee shall randomly select a panel of 3 persons from the roster to arbitrate the dispute. No selectman or welfare administrator shall serve on any panel resolving a dispute concerning his own city, town or county.
- III. Any such voluntary arbitration session shall be held at a time and place to be determined by the commissioner of health and human services.
- IV. The costs of such voluntary arbitration shall be equally divided between the town, city, county or the state involved in the dispute.

V. Any town, city, county or the state choosing the forum of the voluntary arbitration system shall lose the right to litigate the issue, and the decision of the panel of arbitrators shall be final.

Source. 1977, 373:1. 1979, 228:1. 1983, 291:1. 1985, 380:13. 1995, 310:176, 181, 182, eff. Nov. 1, 1995.

Section 165:20-b

165:20-b Recovery From Recipients. – Any town or city furnishing assistance to any person who is returned to an income status after receiving the assistance which enables him to reimburse the town or city without financial hardship may recover from such person the amount of assistance provided.

Source. 1981, 503:8. 1985, 380:45, eff. Jan. 1, 1986.

Section 165:20-c

165:20-c Repealed by 2021, 122:43, III, eff. July 9, 2021. –

Section 165:21 to 165:24

165:21 to 165:24 Repealed by 1967, 192:10, eff. Jan. 1, 1968. –

Section 165:25

165:25 Limitation of Action. – Actions by towns and cities to recover the expense of support, return to his home, or burial of a poor person may be brought within 6 years after the cause of action accrued and not afterward.

Source. RS 66:14. CS 70:14. GS 74:14. GL 82:15. PS 84:18. PL 106:28. RL 124:24. RSA 165:25. 1967, 192:4. 1981, 503:4. 1985, 380:14, eff. Jan. 1, 1986.

Section 165:26

165:26 Transfer of Action. – Whenever a county in which an action for the support of an assisted person is pending may eventually be liable for such support, the court, on motion, shall transfer the action to an adjoining county for adjudication.

Source. RS 66:15. CS 70:15. GS 74:15. GL 82:16. PS 84:19. PL 106:29. RL 124:25. RSA 165:26. 1985, 380:47, eff. Jan. 1, 1986.

Section 165:27

165:27 Recovery From Estates. – Towns and cities may recover from the estates of persons assisted in like manner as counties under RSA 166:19.

Source. 1903, 42:1. PL 106:30. RL 124:26. RSA 165:27. 1985, 380:15, eff. Jan. 1, 1986.

Section 165:27-a

165:27-a Assignment for Funeral and Burial or Cremation Expenses. –

- I. Except when a town or city assisted person has made arrangements for a prepaid funeral, if there are liquid assets at death, there shall be an automatic assignment to the funeral director or the person who paid for the funeral and burial or cremation of the deceased to the extent of funeral and burial or cremation expenses up to \$2,000.
- II. The funeral director or the person who paid for the funeral and burial or cremation expenses may submit a notarized statement to the effect that he has paid the expenses, together with an itemized list of the expenses, to the entity holding the assets. Upon submission of the statement and the list, the person shall receive payment to the extent of the expenses authorized under this section.
- III. The entity making the payment shall provide a receipt and shall send a copy of the receipt to the town selectmen or city council of the appropriate town or city.
- IV. If no assets remain after a payment is made under this section, the entity making the payment shall so notify the probate court having jurisdiction over the estate.

Source. 1981, 253:2. 1985, 380:16. 2000, 202:3, eff. Jan. 1, 2001. 2019, 99:1, eff. Aug. 20, 2019.

Section 165:28

165:28 Liens on Real Property. – The amount of money spent by a town or city to support an assisted person under this chapter shall, except for just cause, be made a lien on any real estate owned by the assisted person. The liens are effective until enforced as provided in this chapter, or until released by the selectmen or city council; provided that there shall be no enforcement of the lien so long as the real estate is occupied as the sole residence of the assisted person, his surviving spouse, or his surviving children who are under age 18 or blind or permanently and totally disabled. Interest at the rate of 6 percent per year shall be charged on the amount of money constituting such lien commencing one year after the date of the filing of the lien unless a majority of the selectmen in the town or the councilmen in the city vote to waive such interest. The selectmen or council may file a notice of the lien or an acknowledgment of satisfaction of the lien with the register of deeds of the county in which the assisted person owns real property. A notice of lien which contains the owner's name and a description of the real property sufficient to identify it is a valid lien on the property. The register of deeds shall keep a suitable record of such notices without charging any fee therefor, and he shall enter an acknowledgment of satisfaction of the lien upon written request of the selectmen or the council without fee.

Source. 1965, 42:1. 1975, 303:1. 1985, 380:17. 1988, 180:2, eff. June 25, 1988.

Section 165:28-a

165:28-a Liens on Civil Judgments. –

- I. A town or city 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 judgment for personal injuries awarded any person granted assistance by the town or city under RSA 165 for the amount of assistance granted by the town or city.
- II. The town or city shall be entitled to the lien only if the assistance was granted no more than 6 years before the receipt of the inheritance or the award of the property settlement or civil judgment, provided that this section shall not apply to inheritances, property settlements, or civil judgments awarded before August 28, 1981.
- III. This lien shall take precedence over all other claims.

Source. 1981, 503:1. 1985, 380:45, eff. Jan. 1, 1986.

Section 165:29

165:29 Enforcement of Liens. – Liens arising under RSA 165:28 or RSA 165:28-a may be enforced by a bill in equity.

Source. 1965, 42:1. 1981, 503:3, eff. Aug. 28, 1981.

Section 165:30

165:30 Relative Priority. – Any lien arising under RSA 165:28 shall be subordinate to mortgages and other valid liens, recorded with the register of deeds prior to the recording of the notice of the lien referred to in RSA 165:28.

Source. 1965, 42:1. 1981, 503:5, eff. Aug. 28, 1981.

Section 165:31

165:31 Work Program Requirements for Assisted Persons. –

- I. The overseer of public welfare may require any person who is receiving support under this chapter and who is physically able to work, to participate in the municipality's work program as a condition of continued eligibility for assistance. The overseer of public welfare of the town or city may require the person receiving aid to work for the town or city at any job which it has available that is within the capacity of the person receiving support. Such persons shall receive aid in return for such required work at a rate of exchange equivalent to the prevailing wage for the kind of work they are required to perform in the community from which they receive support, as determined by the municipality's pay schedules prevailing at the time of application for assistance. The amount an assisted person may be required to reimburse the town or city for aid

received shall be reduced by the credits received from participation in the municipal work program.

II. The overseer of public welfare of the town or city may require the person receiving aid to perform services for a nonprofit organization if that organization has agreed to participate as a municipal work program, and has been approved by the overseer of public welfare, provided the person is credited according to the prevailing wage scale of that institution.

III. In no case shall participation in a work program be required of the following persons as a condition of receiving assistance:

- (a) Single parents with children under the age of 5 years; and
- (b) Persons with mental or physical disabilities, as determined by the overseer of public welfare.

Source. 1965, 321:1. 1977, 59:1. 1985, 380:18. 1987, 261:1. 1996, 213:2, eff. Aug. 9, 1996.

Section 165:32

165:32 Employment of Relatives. – No person who is otherwise eligible for support under this chapter shall receive such support unless and until all able-bodied adults under the age of 65 years, except those regularly attending school, who are related to such person, regularly residing in the same household as such person, legally liable to contribute to the support of such person and not prevented from maintaining employment and contributing to the support of such person by reason of physical or mental disability or other substantial or other justifiable cause, are employed on a full-time basis. The amount or amounts earned by the persons obligated to maintain employment under this section shall be taken into consideration in determining the level of need for town or city support. Nothing in this section shall be so construed to deny to any minor dependent child any needed support to which he would otherwise be entitled.

Unrelated adults living in the same household in loco parentis as to any such person seeking town or city support shall be obligated to contribute to the poor person's support to the same extent as the parent of such person, and in default thereof, shall be subject to the same penalties as the parent of such person would be in such case.

Source. 1969, 451:2. 1985, 380:19, eff. Jan. 1, 1986.

Section 165:33

165:33 City or Town Districts. – Any city or town may contract with one or more cities or towns to form districts. Such districts shall administer general assistance for which the respective city or town is responsible. The districts are authorized to establish the rate which will be paid to the districts by the respective city or town and to establish written guidelines under which general assistance shall be administered.

Source. 1985, 380:20, eff. Jan. 1, 1986.

Section 165:34

165:34 City or Town may Contract With County. – Any city or town may contract with its respective county to permit the county to act as its agent in administering general assistance for which the city or town is responsible. The city or town and the county are further authorized to establish the rate which will be paid by the cities or towns to the counties and to establish written guidelines under which general assistance shall be administered.

Source. 1985, 380:20, eff. Jan. 1, 1986.

Section 165:35

165:35 Repealed by 2021, 122:43, IV, eff. July 9, 2021. –