

# TOWN OF TUFTONBORO

## WELFARE GUIDELINES

“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.

APPROVED:

BOARD OF SELECTMEN

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Carolyn Sundquist, Chairman

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William L. Stockman

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Daniel Duffy

DATED: May \_\_\_\_, 2010

## **I. Severability**

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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. Every effort has been made to comply with RSA 165 Titled “Aid to Assisted Persons” Sections 1 – 135 ([www.nh.gov](http://www.nh.gov)) and any applicable federal laws.

## **II. Confidentiality of Information**

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Information given by or about an applicant or recipient of general assistance is confidential and privileged, and is not a public record under the provisions of RSA 91-A. Such information will not be published, released, or discussed with any individual or agency without written permission of the applicant or recipient except when disclosure is required by law, or when necessary to carry out the purposes directly connected with the administration of general assistance.

## **III. Roles: Board of Selectmen and Administrative Assistant**

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The Board of Selectmen, by statute, is the Welfare Director. The responsibility of the day-to-day administration of the Welfare Program is assigned to the Administrative Assistant of the Town of Tuftonboro. Whenever appropriate the Administrative Assistant will meet with the Selectmen for additional guidance. The Board of Selectmen is responsible for the adoption and annual review of the Welfare Guidelines. The welfare official, or a person authorized to act on his/her behalf, shall be available during normal business hours.

## **IV. Maintenance of Records**

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### **A. Legal Requirement**

It is required by law to keep complete paper and/or electronic records concerning the number of applicants given assistance and the cost for such support. Separate case records shall be established for each individual or family applying for assistance. The purposes for keeping such records are:

1. To provide a valid basis of accounting for expenditure of the municipality's funds;
2. To support decisions concerning the applicant's eligibility;
3. To assure availability of information if the applicant or recipient seeks administrative or judicial review of a decision;
4. To provide accurate statistical information; and

5. To provide a complete history of an applicant's needs and assistance that might aid the in ongoing case management and in referring the applicant to appropriate agencies.

## **B. Case Records**

Case records must contain the following information:

1. The complete application including any authorizations signed by the applicant allowing the Town to obtain or verify any pertinent information in the course of assisting the recipient, to include a signed Authorization to Release Information from the New Hampshire Division of Health and Human Services.
2. Written grounds for approval or denial of an application, contained in a notice of decision.
3. A narrative history recording need for assistance, the results of investigations of applicants' circumstances, referrals, changes in status, etc.
4. A tally sheet, which has complete data concerning the type, amount and dates of assistance given which may be kept on paper or electronically.

## **V. Application Process**

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### **A. Right to Apply**

1. Anyone may apply for general assistance by appearing in person or through an authorized representative and by completing a written application form. If more than one adult resides in a household, each may be required to appear to apply for assistance, unless one is working or otherwise reasonably unavailable. Unrelated adults in the applicant's residential unit may be required to apply separately if they do not meet the definition of household (defined as a family unit). Each adult in the household may be requested to sign release of information forms.

### **B. Official's Responsibilities at Time of Application**

At the time of application the applicant will be informed of:

1. The requirement of submitting an application. Assistance may be given to the applicant in completing the application, if necessary (e.g., applicant is physically or mentally unable, or has a language barrier);
2. Eligibility requirements, including a general description of the guideline amounts and the eligibility formula;
3. The applicant's right to a fair hearing in the event of a denial, and the manner in which a review may be obtained;

4. The applicant's responsibility for reporting all facts necessary to determine eligibility, and for presenting records and documents as requested and as reasonably available to support statements;
5. The joint responsibility of the welfare official and applicant for exploring facts concerning eligibility, needs and resources;
6. The kinds of verifications needed; and the fact that an investigation will be conducted in order to verify facts and statements presented by the applicant;
7. The applicant's responsibility to notify the welfare official of any change in circumstances that may affect eligibility;
8. Other forms of assistance for which the applicant may be eligible;
9. The availability of the welfare official to make home visits by mutually-agreed appointment to take applications and to conduct ongoing case management for applicants who cannot leave their homes;
10. The requirement of placing a lien on any real property owned by the recipient, or any civil judgments or property settlements, for any assistance given, except for good cause;
11. The fact that reimbursement from the recipient will be sought if he/she becomes able to repay the amount of assistance given; and
12. The applicant's right to review the guidelines.

### **C. Responsibility of Each Applicant and Recipient**

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

1. To provide accurate, complete and current information concerning needs and resources and the whereabouts and circumstances of relatives who may be responsible under RSA 165:19;
2. To notify the welfare official promptly when there is a change in needs, resources, address or household size;
3. To apply for immediately, but no later than 7 days from initial application, and accept any benefits or resources, public or private, that will reduce or eliminate the need for general assistance;
4. To keep all appointments as scheduled;
5. To provide records and other pertinent information and access to said records and information when requested;
6. To provide a doctor's statement if claiming an inability to work due to medical problems;
7. To diligently search for employment and provide verification of work search (the number of work search contacts to be determined by the welfare official), to accept employment when offered (except for documented reasons of good cause and to maintain such employment;
8. To reimburse assistance granted if returned to an income status and if such reimbursement can be made without financial hardship.

## **NOTICE:**

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

Any recipient may be denied or terminated from general assistance, or may be prosecuted for a criminal offense, if he/she, by means of intentionally false statements or intentional misrepresentation, or by impersonation or other willfully fraudulent act or device, obtains or attempts to obtain any assistance to which he/she is not entitled.

### **D. Actions on Applications**

1. **Decision.** A decision concerning the applicant's eligibility, providing all required documentation is received, must be made within five working days after submission hand, delivered or mailed on the same day or next working day following the making of the decision. The notice of decision shall state that assistance of a specific kind and amount has been given and the time period of aid, or that the application has been denied, in whole or in part, with reasons for denial.  
An application may be put in a suspended status pending receipt of specified information from the applicant. The notice of decision shall contain a first notice of conditions for continued assistance and shall notify the applicant of his/her right to a fair hearing if dissatisfied with the decision.
2. **Emergency Assistance.** If, at the time of initial contact, the applicant demonstrates and verifies that an immediate need exists, because of which the applicant may suffer a loss of a basic necessity of living or imminent threat to life or health (such as loss of shelter, utilities, heat, or lack of food or prescriptions), then temporary aid to fill such immediate need shall be given immediately, pending a decision on the application. Such emergency assistance shall not obligate the general assistance official to provide further assistance after the application process is completed.
3. **Temporary Assistance.** In circumstances where required records are not available, the general assistance official may give temporary approval of an application pending receipt of required documents. Temporary status shall not extend beyond two weeks. The general assistance official shall not insist on documentary verification if such records are totally unavailable.
4. **Withdrawn Applications.** An application shall be considered withdrawn if:

- a. The applicant has refused to complete an application or has refused to make a good faith effort to provide required verifications and sufficient information for the completion of an application. If an application is deemed withdrawn for these reasons, the general assistance official shall so notify the applicant in a written notice of decision;
- b. The applicant dies before assistance is rendered;
- c. The applicant avails him/herself of other resources to meet the need in place of assistance;
- d. The applicant requests that the application be withdrawn (preferably in writing); or
- e. The applicant does not contact the general assistance official after the initial interview after being requested to do so.

## **E. 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 apply in person.

The home visit shall be conducted in such a manner as to preserve, to the greatest extent possible, the privacy and dignity of the applicant. To this end, the person conducting the visit shall not be in uniform or travel in a law enforcement vehicle, shall be polite and courteous, and shall not knowingly discuss or mention the application within the listening area of someone who is not a member of the household.

## **VI. Verification of Information**

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

### **A. Required Verifications**

Verification will normally be required of the following:

- 1. Applicant's address;
- 2. Facts relevant to the applicant's residence, as set forth in sections IX and X;
- 3. Names of persons in applicant's residential unit;
- 4. Applicant and household's income and assets;
- 5. Applicant and household's financial obligations;
- 6. The physical and mental condition of household members, only where relevant to their receipt of assistance, such as ability to work, determination of needs, or referrals to other forms of assistance;
- 7. Any special circumstances claimed by applicant;
- 8. Applicant's employment status and availability in the labor market;
- 9. Names, addresses, and employment status of potentially liable relatives;

10. Utility costs;
11. Housing costs;
12. Prescription costs; and
13. Any other costs that the applicant wishes to claim as a necessity.

## **B. Verification Records**

Verification may be made through records provided by the applicant (for example, birth and marriage certificates, pay stubs, pay checks, rent receipts, bankbooks, etc.) as primary sources. The failure of the applicant to bring such records does not affect the general assistance official's responsibility to process the application promptly. The general assistance official shall inform the applicant what records are necessary, and the applicant is required to produce records possessed as soon as possible. However, the general assistance official shall not insist on documentary verification if such records are not available, but should ask the applicant to suggest alternative means of verification.

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

Verification may also be made through other sources, such as relatives, employers, former employers, banks, school personnel, and social or government agencies. The cashier of a national bank or a treasurer of a savings and trust company is authorized by law to furnish information regarding amounts deposited to the credit of an applicant or recipient.

## **D. Written Consent of Applicant**

When information is sought from such other sources, the general assistance official shall explain to the applicant or recipient what information is desired, how it will be used, and the necessity of obtaining it in order to establish eligibility. Before contact is made with any other source, the general assistance official shall obtain written consent of the applicant or recipient, unless the general assistance official has reasonable grounds to suspect fraud. In the case of suspected fraud, the general assistance official shall carefully record his/her reasons and actions, and before any accusation or confrontation is made, the applicant shall be given an opportunity to explain or clarify the suspicious circumstances.

## **E. Legally Liable Relatives**

The general assistance official may seek statements from the applicant's legally liable relatives regarding their ability to help support the applicant.

## **F. Refusal to Verify Information**

Should the applicant or recipient refuse comment and/or indicate an unwillingness to have the general assistance official seek further information that is necessary, assistance may be denied for lack of eligibility verification.

## **VII. Disbursements**

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The Town makes payments directly to the service provider as in the case of rent, mortgage, electric, heat, etc. Vouchers are used for food only. Bills for payment come directly to the Town.

## **VIII. Determination of Eligibility and Amount**

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### **A. Eligibility Formula**

An applicant is eligible to receive assistance when:

1. He/she meets the non-financial eligibility factors listed in Section B below; and
2. The applicant's basic maintenance need exceeds his/her available income plus available liquid assets. If available income and available liquid assets exceed the basic maintenance need (as determined by the guideline amounts), the applicant is not eligible for general assistance. If the need exceeds the available income/assets, the amount of assistance granted to the applicant shall be the difference between the two amounts, in the absence of circumstances deemed by the welfare official to justify an exception.

### **B. Non-Financial Eligibility Factors**

1. **Age.** General assistance cannot be denied any applicant because of the applicant's age; age is not a factor in determining whether or not an applicant may receive general assistance. Minor children are assumed to be the responsibility of their parent(s) or legal guardian(s), unless circumstances warrant otherwise.
2. **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 days after being advised to do so by the welfare official. Failure to do so may render the recipient ineligible for assistance. 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 as defined in Section IX



3. **Employment.** An applicant who is gainfully employed, but whose income and assets are not sufficient to meet necessary household expenses, may be eligible to receive general assistance. However, recipients who without good cause refuse a job offer or referral to suitable employment or who voluntarily leave a job without good cause may be ineligible for continuing general assistance in accordance with the procedures for suspension outlined in the guidelines. The general assistance official shall first determine whether there is good cause for such refusal, taking into account the ability and physical and mental capacity of the applicant, transportation problems, working conditions that might involve risks to health or safety, lack of adequate child care, or any other factors that might make refusing a job reasonable. These employment requirements shall extend to all adult members of the household.
4. **Registration with the New Hampshire Department of Employment Security (NHES) and Work Search Requirements.** All unemployed recipients and adult members of their households shall, within seven days after having been granted assistance, register with NHES to find work and must conduct a reasonable, verified job search as determined by the general assistance official. Each recipient must apply for employment to each employer to whom he/she is referred by the general assistance official. These work search requirements apply unless the recipient and each other adult member of the household are:
- a. A dependent 18 or under who is regularly attending secondary school;
  - b. Unable to work due to illness or mental or physical disability of him/herself or another member of the household, as verified by the general assistance official; or
  - c. Is solely responsible for the care of a child under the age of five. A recipient responsible for the care of a child aged five to twelve shall not be excused from work search requirements, but shall be deemed to have good cause to refuse a job requiring work during hours the child is not usually in school, if there is no responsible person available to provide care, and it is verified by the general assistance official that no other care is available.

The general assistance official shall give all necessary and reasonable assistance to ensure compliance with registration and work requirements. Failure of a recipient to comply with these requirements without good cause will be reason for denial of assistance.

5. **Property Transfers:** No applicant 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.

- 6. Employment of Household Members:** The employment requirements of these guidelines shall be required for all adults aged 18 to 65 years residing in the same household, except those regularly attending secondary school, who are:
- a. Members of the recipient's household;
  - b. Legally liable to contribute to the support of the recipient and/or children of the household; and
  - c. Not prevented from maintaining employment and contributing to the support of the household by reason of physical or mental disability or other justifiable cause as verified by the welfare official.

The general assistance official may waive this requirement where failure of the other household members to comply is not the fault of the recipient and the general assistance official decides it would be unreasonable for the recipient to establish a separate household.

- 7. Disqualification for Voluntary Termination of Employment.** Any applicant eligible for assistance that voluntarily terminated employment shall be ineligible to receive assistance for 90 days from the date of employment termination provided the applicant:
- a. Has received local welfare within the past 365 days; and
  - b. Has been given notice that voluntary termination of employment without good cause could result in disqualification; and
  - c. Has terminated employment of at least 20 hours per week without good cause within 60 days of an application for local welfare; and
  - d. Is not responsible for supporting minor children in his/her household; and
  - e. Did not have a mental or physical impairment, which caused him/her to be unable to work.

Good cause for terminating employment shall include any of the following: discrimination, unreasonable work demands or unsuitable employment, retirement, leaving a job in order to accept a bona-fide job offer, migrant farm labor or seasonal construction, and lack of transportation or child care. An applicant shall be considered to have voluntarily terminated employment if the applicant fails to report for work without good cause. An applicant who is fired or resigns from a job at the request of the employer due to applicant's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily terminated employment.

## C. Available Assets

1. **Available Liquid Assets:** Cash on hand, bank deposits, credit union accounts, securities and retirement plans (i.e., IRA's, deferred compensation, Keogh's, etc.) are available liquid assets.
2. **Insurance.** The ownership of insurance policies does not affect eligibility. However, when a policy has cash or loan value, the recipient may be required to obtain and/or borrow all available funds, which shall then be considered available liquid assets.
3. **Real Estate:** The type and amount of real estate owned by an applicant 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. Applicants shall be informed that a lien covering the amount of any general assistance they receive shall be placed against any real estate they own.

## D. Standard of Need

The basic financial requirement for general assistance is that an applicant be poor and unable to support him/herself. An applicant shall be considered poor when he/she has insufficient available income/assets to purchase either for himself/herself or dependents any of the following.

1. **Shelter.** The amount to be included as "need" for shelter is the actual cost of rent or mortgage necessary to provide shelter in that municipality. Such cost shall be determined in accordance with subparagraph 11 below.
  - a. **Shelter Arrearages.** Shelter arrearages will be included in the "need" formula if, and only if, such payment is necessary to prevent eviction or foreclosure or to protect the health and safety of the household. However, if the amount of such mortgage or rental arrearage substantially exceeds the cost of alternative, available housing which complies with local health and housing code standards, or if the payment of arrears will not prevent eviction or foreclosure, the general assistance official may instead authorize payment of security deposit, rent, and/or reasonable relocation expenses for such alternative housing if, under the circumstances of the case, it is reasonable to do so and would not cause undue hardship to the applicant household. Alternative housing may include transitional housing as an option.
  - b. **Security Deposits.** Security deposits may be included in the 'need' formula if, and only if, the applicant is unable to secure

alternative shelter for which no security deposit is required or is unable to secure funds, either him/herself or from alternative sources, for payment of the deposit. Any security deposit provided by the Town shall be returned to the Town of Tuftonboro, not the recipient.

**c. Relative Landlords.** Whenever a relative of an applicant is also the landlord for the applicant, a financial analysis shall be made in accordance with RSA 165:19.

**d. Rental Rates.** Depending on family size, rental rates range up to \$900 per month in units, which include heat; and up to \$800 per month in units, which do not include heat.

**2. Utilities.** When utility costs are not included in the shelter expense, the most recent outstanding monthly utility bill will be included as part of “need” by the welfare official. Arrearages will not normally be included in “need” except as set forth below.

**a. Arrearages.** Arrearages will not be included except when necessary to ensure the health and safety of the applicant household or to prevent termination of electric service where no other resources or referrals can be utilized. In accordance with the rules of the PUC relating to electric utilities, arrearages for electric service need not be paid if the welfare official notifies the electric company that the municipality guarantees payment of current electric bills as long as the recipient remains eligible for assistance. In the event the service has been terminated or is pending disconnect, arrearages will be included in “need” when restoration of service is necessary to ensure the health and safety of the applicant household. The welfare official may negotiate with the utility for payment of less than the full amount of the arrears and/or may attempt to arrange a repayment plan to obtain restoration of service.

**b. Restoration of Service.** When electric service has been terminated and restoration is required, arrearages may either be included as set forth in the above paragraph, or may be paid in accordance with a reasonable payment plan entered into by the applicant and the electric company. The welfare official may hold the recipient accountable for the payment arrangement for as long as the recipient continues to request general assistance on a regular basis. Payment of a payment plan may be a required element of a notice of decision or case plan.

- c. **Deposits.** Utility security deposits will be considered as “need” if, and only if, the applicant is unable to secure funds for the payment of the deposit and is unable to secure utility service without a deposit. Such deposits shall, however, be the property of the Town of Tuftonboro.
- 3. **Food.** The amount included as “need” for food purchases will be in accordance with the most recent standard food stamp allotment, as determined under the food stamp program administered by the New Hampshire Department of Health and Human Services. Food vouchers may not be used for alcohol or tobacco. Use of a food voucher for nonessential non-food items shall be deemed a violation of the regulations and may result in the termination or reduction of food vouchers.
- 4. **Telephone.** If the absence of a telephone would create an unreasonable risk to the applicant’s health or safety or for other good cause, the lowest available basic monthly rate will be budgeted as “need.” While payments will not be made for telephone bills, under exceptional circumstances where no other source of assistance is available payments may be made to maintain basic telephone service.
- 5. **Transportation.** If it is determined that transportation is necessary (e.g., for health or medical reasons, to maintain employment, or to comply with conditions of assistance) “need” should include a reasonable amount for car payments and gasoline when determining eligibility or amount of aid.
- 6. **Emergency and Other Expenses.** In the event that the applicant has the following current expenses, the actual cost shall be included as emergency and other expenses to determine eligibility and amount of assistance:
  - a. **Medical Expenses.** The welfare official shall not consider including amounts for medical services unless the applicant can verify that all other potential sources have been investigated and that there is no source of assistance other than general assistance from the Town. Other sources to be considered shall include state and federal programs, local and area clinics, area service organizations and area hospital indigent programs designed for such needs. When an applicant requests medical service or prescriptions, the welfare official may require verification from a doctor and/or pharmacist indicating that these services are absolutely necessary and cannot be postponed without creating a significant risk that the applicant’s well being will be placed in serious jeopardy.

- b. Clothing:** If In the event the applicant has an emergency clothing need they will be directed to community resources - Salvation Army, Red Cross, church groups, etc.
  - c. Burials/Cremations:** The town will pay up to \$1,000 for burial/cremation. The request for assistance must take place before the burial/cremation.
- 7. Unusual Needs Not Otherwise Provided For In These Guidelines.** If the welfare official determines that the strict application of the standard of need criteria will result in unnecessary or undue hardship, such official may make minor adjustments in the criteria, or may make allowances. Any such determination and the reasons therefore, shall be stated in writing in the applicant's case record.
- 8. Shared Expenses.** If the applicant household shares shelter, utility, or other expenses with a non-applicant/recipient (i.e.: is part of a residential unit), then need should be determined on a pro rata share, based on the total number of adults in the residential unit (e.g.: three adults in residential unit, but only one applies for assistance—shelter need is 1/3 of shelter allowance for household of three adults).
- 9. Payment Levels for Allowable Expenses.** When adopting these guidelines, the municipal 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 modifications presented to the municipal governing body where market conditions have changed.

## **E. Income**

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

- 1. Earned Income.** Income in cash or in-kind earned by the applicant or any member of the household through wages, salary, commissions, or profit, whether self-employed or as an employee, is to be included as income. Rental income and profits from items sold are considered earned income. With respect to self-employment, total profit is arrived at by subtracting business expenses from gross income in accordance with standard accounting principles. When income consists of wages, the amount computed should be that available after income taxes, social security and other payroll deductions required by state, federal, or local law, court ordered support payments and child care costs, and work related clothing costs have been deducted from income.

2. **Income or Support from Other Persons.** Contributions from relatives or other household members shall be considered as income only if actually available and received by the applicant or recipient. The income of non-household members of the applicant's residential unit shall not be counted as income. (Expenses shared with non-household members may affect the level of need, however. See Section IX(E)(10) regarding determination of need in cases of non-household residential units.)
3. **Income from Other Assistance or Social Insurance Programs.**
  - a. State categorical assistance benefits, OASDI payments, Social Security Payments, VA benefits, unemployment insurance benefits, and payment from other government sources shall be considered income.
  - b. Food Stamps cannot be counted as income pursuant to federal law. (7 USC 2017(b))
  - c. Fuel assistance cannot be counted as income pursuant to federal law. (42 USC 8624(f)(1))
4. **Court-Ordered Support Payments.** Alimony and child support payments shall be considered income.
5. **Income from Other Sources.** Payment from pension, trust funds, and similar programs shall be considered income.
6. **Earnings of a Child.** No inquiry shall be made into the earnings of a child 14 years of age or less unless that child makes a regular and substantial contribution to the family.
7. **Option to Treat a Qualified State Assistance Reduction as Deemed Income.** The welfare official may deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82,VIII. The following criteria shall apply to any action to deem income under this section. RSA 165:1-e.
  - a. The authority to deem income under this section shall terminate when the Qualified State Assistance Reduction no longer is in effect.
  - b. Applicants for general assistance may be required to cooperate in obtaining information from the Department of Health and Human Services as to the existence and amount of any Qualified State Assistance Reduction. No applicant for general assistance may be considered to be subject to a Qualified State Assistance Reduction unless the existence and amount has been confirmed by the Department of Health and Human Services.

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

## **IX. Non-Residents**

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Applicants who are temporarily in a municipality which is not their municipality of residence and who do not intend to make a residence there are nonetheless eligible to receive general assistance, provided they are poor and unable to support themselves. No applicant shall be refused assistance solely on the basis of residence.

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

For competent adults, the standard for determining residence shall be the overall intent of the applicant. The statement of an applicant over 18 as to his/her residence or intent to establish residence shall be accepted in the absence of strongly inconsistent evidence or behavior.

Any aid given to a nonresident, including the costs of return home transportation, may be recovered from his/her municipality of residence using the procedures of Section XVI (B).

## **X. Municipal Work Programs**

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The Town of Tuftonboro does not currently have any areas which would allow a recipient to participate in a Workfare Program.

## **XI. Right to Notice of Adverse Action**

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### **A. Right to a Written Decision**

Every applicant shall be given a written notice of every decision regarding assistance. The welfare official will make every effort to ensure that the applicant understands the decision.

Recipients must comply with these guidelines and the reasonable requests of welfare officials. Officials must enforce the guidelines while ensuring that all recipients and applicants receive due process. Recipients should be given reasonable notice of the conditions and requirements of eligibility and continuing eligibility and notice that noncompliance may result in termination or suspension.



## **B. Notices**

1. Whenever a decision is made to deny assistance or to refuse to grant the full amount of assistance requested, a notice of the decision shall be given or mailed to the applicant either the same day or next work day following the making of the decision or within five working days from the time the application is filled out and submitted, whichever occurs first.
2. In any case where the welfare official decides to terminate or reduce assistance for reasons other than noncompliance with the guidelines, the official shall send notice at least seven days in advance of the effective date of the decision to the recipient stating the intended action.
3. The notice shall contain:
  - a. A clear statement of the reasons for the denial or proposed termination or reduction.
  - b. A statement advising the recipient of his/her right to a fair hearing and that any request for a fair hearing must be made in writing within five working days.
  - c. A form on which the recipient may request a fair hearing.
  - d. A statement advising the recipient of the time limits which must be met in order to receive a fair hearing.
  - e. A statement that assistance may continue, if there was initial eligibility, until the date of hearing, if requested by the claimant. Aid must be repaid if the claimant fails to prevail at the hearing.

## **XII. Fair Hearings**

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A request for a fair hearing is a written expression, by 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. When a request for assistance is denied or when an applicant desires to challenge a decision made by the welfare official relative to the receipt of assistance, the applicant must present a request for a fair hearing to the official within five (5) working days of receipt of the notice of decision at issue.

Hearings requested by claimants must be held within seven (7) working days of the receipt of the request. The general assistance official shall give notice to the claimant setting the time and location of the hearing. This notice must be given to the claimant at least forty-eight (48) hours in advance of the hearing, or mailed to the claimant at least seventy-two (72) hours in advance of the hearing.

The fair hearing officer or officers may be chosen by the administrative assistant or chairman of the board of selectmen. The person(s) serving as the fair hearing authority must:

1. Not have participated in the decision causing dissatisfaction;
2. Be impartial;
3. Be sufficiently skilled in interviewing to be able to obtain evidence and facts necessary for a fair determination; and
4. Be capable of evaluating all evidence fairly and realistically, to explain to the claimant 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 action.

**Procedure:**

1. All fair hearings shall be conducted in such a manner as to ensure due process of law. Fair hearings shall not be conducted according to strict rules of evidence. The burden of proof shall be on the claimant, who shall be required to establish his/her case by a preponderance of the evidence.
2. The welfare official responsible for the disputed decision shall attend the hearing and testify about his/her actions and the reasons therefore.
3. Both parties shall be given the opportunity to offer evidence and explain their positions as fully and completely as they wish.
4. 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 claimant's case file which either party may wish to introduce at the fair hearing, as well as any available documents not contained in the case file but relevant to the welfare official's action of which the claimant complains. The claimant may introduce any such documents, papers or records into evidence.
5. The welfare official (or a duly authorized representative) shall have the right to examine at the fair hearing all documents on which the claimant plans to rely at the fair hearing and may request a 24-hour continuance if such documents contain evidence not previously provided or disclosed by the claimant. Should the applicant have new documentation relevant to the disputed decision, he/she may reapply for assistance and file a written withdrawal of the fair hearing request.
6. The decision of the fair hearing officer(s) 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 introduction at the hearing.
7. The parties may stipulate to any facts.
8. Fair hearing decisions shall be rendered within seven (7) working days of the hearing. Decisions shall be in writing setting forth the reasons for decision and the facts on which the fair hearing officer relied in reaching the decision. A copy of the decision shall be mailed or delivered to the claimant and to the welfare official.
9. The hearing may be tape recorded.

### **XIII. Liens on Property**

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The law requires the Town of Tuftonboro to place a lien for welfare aid received on any real estate owned by an assisted person in all cases except for just cause.

### **XIV. Recovery of Assistance**

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#### **A. Recovery from Responsible Relatives**

The amount of money spent by a municipality to assist a recipient who has a father, mother, stepfather, stepmother, husband, wife or child (who is no longer a minor) of sufficient ability to also support the recipient, may be recovered from the liable relative. Sufficient ability shall be deemed to exist when the relative's weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health. The welfare official may determine that "in kind" assistance or the provision of products/services to the client is acceptable as a relative's response to liability for support. Written notice of money spent in support of a recipient must be given to the liable relative. Reasonable efforts will be made to give such written notice prior to the giving of aid, but aid to which an applicant is entitled under these guidelines, shall not be delayed due to inability to contact possibly liable relatives.

#### **B. Recovery from the Municipality of Residence**

The general assistance official shall seek to recover from the municipality of residence the amount of money spent by the Town of Tuftonboro to assist a recipient who has a residence in another municipality. Written notice of money spent in support of a recipient must be given to the welfare official of the municipality of residence.

#### **C. Recovery from Former Recipient's Income**

A former recipient who is returned to an income status after receiving assistance may be required to reimburse the Town of Tuftonboro for the assistance provided, if such reimbursement can be made without financial hardship.

### **XV. Definitions**

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**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.

**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 these guidelines. It 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.

**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. A hard copy of all signed documents should be kept.

**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 family.

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

**FAIR HEARING:** A hearing which the applicant or recipient may request to contest a denial, termination or reduction of assistance.

**GENERAL ASSISTANCE:** Financial assistance provided to applicants in accordance with these guidelines.

**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.”

**MINOR:** A person under 18 years of age.

**NEED:** The basic maintenance and support requirements of an applicant, as determined by a welfare official under the standards 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.

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

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

**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(III). See Section VIII.

**WELFARE OFFICIAL:** The official of the municipality, or designee, who performs the function of administering general assistance. Such person has the authority to make all decisions regarding the granting of assistance under RSA 165, subject to the overall fiscal responsibility vested in selectmen, board of aldermen, city or town manager, or city or town council. The term includes “overseers of public welfare” and “administrator of town or city welfare”.

**WORKFARE:** Labor performed by welfare recipients at municipal sites or human service agencies as reimbursement for benefits received.