



Town of Pittsfield
Board of Selectmen
TOWN HALL, 85 MAIN STREET
Pittsfield, New Hampshire

GENERAL ASSISTANCE GUIDELINES

Authority

In accordance with, and under the authority of; New Hampshire Revised Statutes Annotated, Chapter 165, Section 1, II, authorizing the Board of Selectmen to adopt written guidelines for general assistance for the Town of Pittsfield, the following General Assistance Guidelines are adopted to regulate General Assistance within the Town of Pittsfield.

Purpose

It is the express intent and purpose of these guidelines to strictly regulate the rendering of General Assistance within the Town of Pittsfield, through the aggressive administration and enforcement of these guidelines, to protect the welfare of the citizens and residents of the community.

Section 1. Definitions

As used in these guidelines, the following terms have the indicated meanings:

Applicant: A person who expresses a desire to receive General Assistance.

Applicant (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 must be written and verified by the applicant's signature.

Assets: All cash, real property, personal property, and future assets owned by the applicant. Includes cash on hand, checking accounts, bank and credit union accounts. Retirement accounts, insurance policies with a loan value or cash value, and non-essential personal property shall be considered as available liquid assets if they can be converted to cash.

Case Record: Official files containing forms, correspondence and narrative records pertaining to the application. Will include determination of eligibility, reasons for decisions and action by the Welfare Official, and kinds of assistance given.

Claimant: A recipient or applicant who has requested a fair hearing, either in person or through an authorized representative.

Eligibility: Determination by a Welfare Official, with the assistance of the Guidelines, of a person's inability to support him/herself, and therefore, the need for General Assistance.

Fair Hearing: A hearing, in accordance with the standards in Section 12, which the applicant may request to contest a denial of assistance.

Household: A household is defined as:

1. The applicant/recipient and persons residing with him/her in the relationship of a father, mother, stepfather, stepmother, son, daughter, husband, wife and/or minor children/stepchildren.
2. The applicant/recipient and or 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 his/her own and who has lived with the child long enough to form a "psychological family."

Need: The basic maintenance and support requirements of a person, as determined by a Welfare Official.

Recipient: A person who is receiving General Assistance.

Residence: Residence or residency shall mean a person's place of abode or domicile. The place of abode or domicile is that place designated by a person as his/her 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 an intent to return to such residence or residency as the principal place of physical presence. RSA 165:1(I); RSA 21:6-a. If another municipality moves a client into the Town of Pittsfield that municipality should pay for the first 30 days of assistance according to the NHLWAA ethics policy.

Voucher System: The system whereby vouchers are issued by the Welfare Official directly to the recipient's vendors and creditors rather than cash to the recipient.

Welfare Official: The Town of Pittsfield Welfare Director or Deputy Director, who performs the function of administering General Assistance and has the authority to make all decisions regarding the granting of assistance under RSA165.

Section 2. Confidentiality of Information

Information given by or about an applicant is confidential and privileged. Such information will not be released or discussed with any individual or agency without written permission of the applicant except when disclosure is required by law or is for purposes directly connected with the administration of assistance.

Section 3. Role of Welfare Official

The responsibility of the day-to-day administration of the General Assistance program is vested in the appointed Welfare Official. The Welfare Official shall administer the General Assistance program in accordance with these written Welfare Guidelines of the Town of Pittsfield. The Board of Selectmen is responsible for the adoption and bi-annual review of the Welfare Guidelines.

Section 4. Maintenance of Records

A. Each Welfare Official is required by law to keep complete records concerning the number of persons given assistance and the cost for such support. Separate case records shall be established for each individual or family applying for General Assistance

B. The purposes for keeping such records are:

1. To provide a valid basis of accounting for expenditure of the Town's funds.
2. To support decisions concerning the applicant's eligibility (especially important if a Welfare Official should be required to prove in court that assistance was granted equitably).
3. To assure availability of information if the applicant or recipient seeks administrative or judicial review of the Welfare Official's decision.
4. To provide accurate statistical information
5. To provide a complete history of an applicant's needs and assistance that might aid the Welfare Official in referring the applicant to appropriate agencies for rehabilitative services (subject to confidentiality guidelines).
6. To aid in the determination of residence under RSA 21:6a; and to allow a smooth transition of information if the recipient is transferred to another legally liable unit.

C. The Welfare Official shall maintain case records containing, at a minimum, the following information:

1. The complete application for assistance, including a signed authorization by the applicant allowing the Welfare Official to release, obtain or verify any pertinent information in the course of assisting the recipient.
2. Written grounds for approval or denial of an application, contained in a Notice of Decision.
3. A narrative history recording need for relief the results of investigations of applicants' circumstances, referrals, changes in status, grounds for release of information, etc.
4. A tally sheet which has complete data concerning the type, amount and dates of assistance given.
5. A completed General Assistance Work Program application.

Section 5. Application Process

A. Right to Apply

1. Anyone may apply for General Assistance by appearing in person or through an authorized representative and by completing a written application form. If more than one adult resides in a household, each may be required to appear at the welfare office to apply for assistance, unless one is working or otherwise reasonably unavailable. Each adult in the household should sign release of information forms, if possible.
2. The Welfare Official shall not be required to accept an application for General Assistance from a person who is subject to a suspension pursuant to RSA 165:1(b); provided that any person who contests a determination of continuing noncompliance with the

guidelines may request a fair hearing; and provided further that a recipient who has been suspended for at least six (6) months due to noncompliance may file a new application.

B. Welfare Official's Responsibilities at Time of Application

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

1. The requirement of submitting a completed written application. The Welfare Official shall assist the applicant in completing the application if necessary (e.g., applicant is physically or mentally unable).
2. Eligibility requirements including a general description of the guidelines amounts and the eligibility formula.
3. The applicant's right to a fair hearing, and the manner in which a review may be obtained.
4. The applicant's responsibility for reporting all facts necessary to determine eligibility, and presenting records and documents 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 types of verifications needed, as well as a compliance date/appointment date.
7. The fact that verification will be conducted in order to substantiate facts and statements presented by the applicant.
8. The applicant's responsibility to notify the Welfare Official of any change in circumstances which may affect eligibility.
9. Other forms of assistance for which the applicant may be eligible.
10. The Welfare Official may make home visits to verify information at his/her discretion and in the least intrusive manner.
11. The Welfare Official may at any time, and shall upon the first application for assistance, cause the Building Inspector to inspect the place of abode of an applicant before granting assistance under these guidelines. If the Building Inspector finds that the applicants abode is unfit for human habitation, or that occupation is in violation of any law, ordinance or administrative regulation of the Federal, State, County or local government then assistance for rent or continued occupancy shall be denied.
12. The requirement of placing a lien on any real property owned by the recipient, or any settlements, for any assistance given, except for good cause.
13. The fact that reimbursement from the applicant will be sought if he/she becomes able to repay the amount of assistance given.
14. The applicant's right to review the Guidelines, and the responsibilities as set forth in the Guidelines.

C. Responsibilities 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 when there is a change in needs, resources, address, or household size in writing within seventy-two (72) hours of the change.
3. To apply for and utilize immediately, but no later than seven days from initial application, and benefits or resources, public or private, that will reduce or eliminate the need for General Assistance.
4. To keep all appointments, as scheduled; if you are more than 15 minutes late and have not notified the welfare office, you will be considered a no show and will be eligible for rescheduling for five (5) business days from your missed appointment.
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. Following a determination of eligibility for assistance, to diligently search for employment and provide verification of work search, contacting at least five places of employment per day and to accept employment when offered; however refusal to accept employment could result in loss of benefits.
8. Following a determination of eligibility for assistance, to participate in the General Assistance Work Program under RSA 165:31 if physically and mentally able.
9. To diligently work towards independence of local welfare assistance through employment or other forms of public assistance.
10. To reimburse assistance granted per RSA 165:20- Recovery from recipients added: "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."

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 person may be denied or terminated from General Assistance, in accordance with the Town of Pittsfield Welfare Guidelines, 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. Unless an application is withdrawn, the Welfare Official shall make a decision concerning the applicant's eligibility immediately in the case of emergency, or within five working days after the completion of the written application. A written Notice of Decision shall be delivered in hand 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. The Notice of Decision shall contain a first notice of conditions and shall notify the applicant of his/her right to a fair hearing if dissatisfied with the Welfare Official's 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, hot water, 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 Welfare Official to provide further assistance after the application process is completed.
 3. **Temporary Assistance.** In circumstances where required records are not available, the Welfare Official may give temporary approval to an application pending receipt of required documents. Temporary status shall not extend beyond one week.
 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 Welfare Official shall so notify the applicant in a written Notice of Decision.
 - b. The applicant dies before assistance is rendered.
 - c. The applicant requests that the application be withdrawn (preferably in writing).
 - d. The applicant does not contact the Welfare Official after the initial interview after being requested to do so.
 - e. The applicant avails himself/herself of other resources in place of assistance.

Section 6. Verification of Information

- A. Verification will normally be required of the following:
 1. Applicant's address.
 2. Names of persons in applicant's residential unit along with positive identification and social security information on dependents.
 3. Applicant's and household's income and assets.
 4. Applicant's and household's financial obligations:
 5. 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.
 6. Any special circumstances.
 7. Applicant's employment status and availability in the labor market.
 8. Names and addresses, and employment status of potentially liable relatives.
 9. Utility costs.
 10. Housing Costs.
 11. Facts relevant to the applicant's residence.
- B. Verification may be made through records provided by the applicant (for example, birth and marriage certificates, pay stubs, pay checks, rent receipts, bankbooks, etc.) as primary

sources. The failure of the applicant to bring such records does not affect the Welfare Official's responsibility to process the application promptly, but the lack of such records may require a denial of the type or amount of assistance requested. The Welfare Official shall inform the applicant what records are necessary, and the applicant is required to produce records possessed within 7 days.

- C. Verification may also be made through sources, such as relatives, employers, banks, school personnel, and social or government agencies. The cashier of a national bank or treasurer of a savings or trust company is authorized by law to furnish information regarding amounts deposited to the credit of an applicant or recipient. RSA 165:4.
- D. When information is sought from such other sources, the Welfare 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 Welfare Official shall obtain written consent of the applicant or recipient, unless the Welfare Official has reasonable grounds to suspect fraud. In the case of suspected fraud, the Welfare Official shall carefully record his/her reasons and actions, and before any accusations or confrontation is made, the applicant shall be given an opportunity to explain or clarify the suspicious circumstances.
- E. The Welfare Official may seek statements from the applicant's former employers, and from legally liable relatives regarding their ability to help support the applicant.
- F. Should the applicant or recipient refuse comment and/or indicate an unwillingness to have the Welfare Official seek further information, which is necessary assistance will be denied for lack of eligibility verification.

Section 7. Disbursements

The Town of Pittsfield pays vouchers directly to vendors or creditors up to the dollar amount designated in the voucher, or for the actual amount listed on an itemized bill or register tape if less than the voucher amount. Tobacco products, alcoholic beverages and pet food cannot be purchased with a voucher. Applicants or recipients are required to use the Pittsfield Food Pantry because the Welfare Department does not usually issue food vouchers. If the Food Pantry does not have a necessary item, the Department will call the store and get the exact amount and indicate the item and amount on a voucher. No duplicate voucher will be issued if the original is lost, stolen, misplaced, or misused.

Section 8. Determination of Eligibility and Amount

A. Eligibility Formula

A person is eligible to receive assistance when:

1. He/she meets the non-financial eligibility factors, and
2. When 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 person is not eligible for general assistance. If the need exceeds the available income/assets, the amount of assistance shall be the difference between the two amounts, in the absence of circumstances justifying an exception.

3. The State of New Hampshire has allowed in RSA 165:1 e, the Town of Pittsfield to deem as income all or any portion of any qualified state assistance reduction resulting from the failure of an applicant to comply with Employment Program Work requirements. The amount of the reduction will be calculated in determination of eligibility.

B. Legal Standard and Interpretation

"Whenever a person in any town is poor and unable to support himself/herself, he/she shall be relieved and maintained by the Overseers of Human Services of such town, whether or not he/she has residence there." RSA 165: 1.

1. A person cannot be denied assistance solely because he/she is not a resident.
2. "Whenever" means at any or whatever times that person is poor and unable to support himself/herself.
 - a. The Human Services Official or Case Technician shall be available during normal working hours.
 - b. The eligibility of an applicant for general assistance shall be determined at the time of application if an emergency, or within five (5) working days.
 - c. Assistance shall begin as soon as the person is determined eligible.
- 3 "Poor and unable to support" means that an individual lacks income and available liquid assets to adequately provide for the basic maintenance needs for himself/herself or family as determined by the Guidelines.
- 4 "Relieved" means a person shall be assisted, as the Human Services Official shall determine, to meet those basic needs.

C. Non-financial Eligibility Factors

1. Age. Age is not a factor in determining whether or not a person may receive General Assistance. However, age does make certain persons eligible for other kinds of state or federal assistance such as Assistance to the Aged.
2. Residence. Residence and residency shall mean a person's place of abode or domicile. The place of abode or domicile is that designated by a person as his 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 an intent to return to such residence or residency as the principal place of physical presence. (RSA 21:6a).
3. Support Actions. No applicant or recipient shall be compelled, as a condition of eligibility or continued receipt of assistance, to take any legal action against any other person. The Town of Pittsfield may pursue recovery under RSA 165:19 and 165:20 against legally liable persons or governmental entities.
4. Eligibility for Other Categorical Assistance. Applicants or recipients who are 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. Once a person is being aided by another form of public assistance, they are expected to comply with all requests pertaining to staying eligible with that public assistance. Failure to do so may render the applicant or recipient ineligible for assistance. No person receiving old age assistance or aid to permanently and totally disabled, under

RSA 161 or 165, shall at the same time be eligible for General Assistance, except for emergency medical assistance as defined in RSA 167:27.

5. Employment. A person who is gainfully employed, but whose income and assets are not sufficient to meet necessary family expenses, may be eligible to receive General Assistance. However, recipients who without good cause refuse a job offer or referral to suitable employment, participation in the General Assistance Work Program, or who voluntarily leave a job may be ineligible for continuing General Assistance in accordance with the procedures for suspension outlined in the Guidelines. The Welfare Official shall first determine whether there is good cause for such refusal, taking into account the ability and physical and mental capacity of the person, transportation problems, working conditions that might be a risk to health or safety, or any other factors that might make refusing a job reasonable. These employment requirements shall extend to all adult members of the household.
6. Registration with the New Hampshire Department of Employment Security (DES) and Work Search. All unemployed recipients and adult members of their households shall, within seven days after having been granted assistance, register with DES to find work and must conduct a reasonable verified job search as determined by the Welfare Official. Each recipient must apply for employment to each employer to whom he/she is referred by the Welfare Official and provide proof that they are utilizing the NHDES job and information resource center. These work search requirements apply unless the recipient or other adult member of the household is:
 - a. Gainfully employed full-time.
 - b. A dependent 18 or under who is regularly attending school.
 - c. Unable to work due to illness or to a mental or physical disability of him/herself or another member of the household, or
 - d. Is solely responsible for the care of a child under the age of five.

The Welfare Official shall give all necessary and reasonable assistance to ensure compliance with registration and work requirements, including the granting of allowances for transportation and work clothes. Failure of a recipient to comply with these requirements without good cause will be reason for denial of assistance.

7. Students. Students must be employed full time in order to be eligible for general assistance.
8. Property Transfers. No person 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 165:2b.
9. Employment of Household Members. The employment requirements of these Guidelines, or participation in the General Assistance Work Program, shall be required for all adults aged 18 to 65 years residing in the same household, except those regularly attending school or employed on a full-time basis, who are:
 - a. Related to the recipient.
 - b. Legally liable to contribute to the support of the recipient, and

- c. Not prevented from maintaining employment and contributing to the support of the person by reason of physical or mental disability or other substantial or justifiable cause.
10. Voluntary Quit Law. Applicants subject to the New Hampshire Voluntary Quit Law shall become ineligible for assistance as provided by law. RSA 165:1-d

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

D. Available Assets

1. Available Liquid Assets. Cash on hand, bank deposits, credit union accounts, and securities are available liquid assets. Insurance policies with a loan or cash value, and non-essential personal property may be considered as available liquid assets when they have been converted to cash. The Welfare Official shall allow a reasonable time for such conversion. However, tools of a trade, livestock and farm equipment, and necessary and ordinary household goods are essential items of personal property, which shall not be considered as available assets.
2. Automobile Ownership. The ownership of one automobile by an applicant or his dependent does not affect eligibility.
3. Insurance. 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 then be considered available liquid assets.
4. 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 should be considered as available to meet need. Applicants owning real estate property, other than that occupied as a home, shall be expected to make reasonable efforts to dispose of it at fair market value in order to convert it into assets which can be applied towards meeting present needs. In such cases, further assistance depends on whether reasonable efforts are being made to dispose of the real estate. 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.

E. 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 him/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. Shelter in the Town of Pittsfield must comply with local health and housing code standards. If a rental unit does not have a valid Housing Standards License, such unit shall not be considered acceptable housing and alternative housing shall be covered instead for eligible applicants. Such cost shall be determined in accordance with subparagraph 11 below. See Appendix A.

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 welfare 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 general assistance program which is returned under RSA 540-A:7 shall be returned to the municipality, 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.

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.

NOTE: The New Hampshire Public Utilities Commission (PUC) has established comprehensive rules governing the provision of some utility services. Generally speaking, the PUC governs electric, telephone, water, and sewer; it does not govern any municipal utilities, propane tanks, or fuel oil. With the exception of telephone, the rules are consistent across utilities. These rules and regulations cover the initiation of service, payment arrangements, termination of service, the terms of restoration of service, the requirement of deposits, municipal guarantees and guarantees from other third parties. There are special rules as to winter termination. The welfare official should be familiar with these rules in order to ensure that needs are properly met at the lowest available cost. The PUC has a toll-free consumer assistance number: 800/852-3793.

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 utility 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 general assistance.

b. Restoration of Service. When utility service has been terminated and the welfare official has determined that alternative utility service is not available and alternative shelter is not feasible, 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.

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 municipality.

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. An amount in excess of the standard food allotment may be granted if one or more members of the household needs a special diet, as verified by the welfare official, the documented cost of which is greater than can be purchased with the family’s allotment of food stamps. Food vouchers may not be used for alcohol, tobacco or pet food.

4. Household Maintenance Allowance. Applicants may include, in calculating “need,” the cost of providing personal and household necessities in an amount not to exceed these guidelines, as determined in accordance with subparagraph 11 below. (See Appendix A.) Need allowance for diapers shall be calculated based on usage.

5. Telephone. If the absence of a telephone would create an unreasonable risk to the applicant’s health or safety (as verified by the welfare official), or for other good cause as determined by the welfare official, 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.

6. Transportation. If the welfare official determines that transportation is necessary (e.g., for health or medical reasons, to maintain employment, or to comply with conditions of assistance) “need” should include the costs of public transportation, where available. If, and only if, the transportation need cannot be reasonably provided by alternative means, such as

public transportation or volunteer drivers, a reasonable amount for car payments and gasoline should be included as part of “need” when determining eligibility or amount of aid.

7. Maintenance of Insurance. In the event that the welfare official determines that the maintenance of medical insurance is essential, an applicant may include as “need” the reasonable cost of such premiums.

8. 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, dental or eye services unless the applicant can verify that all other potential sources have been investigated and that there is no source of assistance other than local welfare. 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, prescriptions, dental service or eye service, the local welfare official may require verification from a doctor, dentist or person licensed to practice optometry in the area, 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. Legal Expenses. Except for those specifically required by statute, no legal expenses will be included.

c. Clothing. If the applicant has an emergency clothing need which cannot be met in a timely fashion by other community resources (i.e.: Salvation Army, Red Cross, church group), the expense of reasonably meeting that emergency clothing need will be included.

9. 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 (e.g. needed services are inaccessible to the applicant), such official may make minor adjustments in the criteria, or may make allowances using the emergency need standards stated in Section 5(D)(2) of these guidelines. Any such determination, and the reasons therefore, shall be stated in writing in the applicant’s case record.

10. Shared Expenses. If the applicant/recipient household shares shelter, utility, or other expenses with a non-applicant/recipient (i.e.: is part of a residential unit), then need 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).

- a. **11. 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. RSA 165:1, II.

F. Income

In determining eligibility and the amount of assistance the applicant's standard of need shall be compared to the available income/assets. Computation of income and expenses will be by 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 his/her family or household through wages, salary, commission, or profit, whether self-employed or as an employee, is to be considered as income. Rent income and profits from produce sold are in this category. With respect to self-employment, total profit is arrived at by subtracting business expenses from gross income in accordance with standard accounting principals. When income consists of wages, the amount computed should be that available after income taxes, social security and other payroll deductions required by state, federal, or local law, court-ordered support payments and child care costs, and work related clothing costs have been deducted from income. Wages that are trustee, or income similarly unavailable to the applicant or applicant's dependents, should not be included.
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.
3. **Income from Other Assistance or Social Insurance Programs**
 - a. State categorical assistance benefits, OAS 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.
 - c. Fuel assistance also cannot be counted as income pursuant to Federal Law, 42 USC 8624 (f) (1).
 - d. **Deemed Income.** The Human Service Officer shall deem as income all or any portion of any qualified State assistance reduction pursuant to RSA 167:82, VIII, as set forth in RSA 165:1-e. When an applicant receiving benefits through the Division of Human Services is sanctioned by a reduction in benefits for non-compliance, the amount of income considered available would be the amount the applicant was receiving prior to the sanction.
4. **Court Ordered Support Payments.** Alimony and child support shall be considered income only if actually received by the applicant or recipient.
5. **Income from Other Sources.** Payment from pensions and trust finds and the like shall be considered income.

6. Earnings of a Child. No inquiry shall be made into the earnings of a child 17 years of age or less unless that child makes a regular and substantial contribution to the family.

G. Residents of Shelters for Battered Women and Children

An applicant residing in a shelter for battered women and children who had income, and owns resources, jointly with abusive members of the applicant's household shall be required to cooperate with the normal procedures for purposes of verification, but may have these resources and income excluded from eligibility determinations unless an agreement exists with a member of the abusive household to give the shelter household safe access to joint resources at the time of application. The verification process may be completed through an authorized representative of the shelter of residence. The normal procedures taken in accordance with these Guidelines to recover assistance granted shall not delay such assistance.

H. Burials

Payment for burial of Town indigents is limited to \$500.00 and is paid only if relatives, other persons, the State, Social Security or other sources will not cover the entire expense,

Section 9. Non-Residents

- A. Eligibility. No person shall be refused assistance solely on the basis of residence, RSA 165:1.
- B. Standards. The application procedure, eligibility standards and standard of need shall be the same for non-residents as for residents.
- C. Verification. Verification records shall not be considered unavailable, nor the applicant's responsibility for providing such records relaxed, solely because they are located in the applicant's community of residence.
- D. Temporary or Emergency Aid. The standard for the fulfilling of immediate or emergency needs for a nonresident, and for temporary assistance pending final decision shall be the same as for residents.
- E. Determination of Residence.
 1. No determination of residence shall be made unless the applicant requests return home transportation (see paragraph F below) or unless the Welfare Official has some reason to believe the person is a resident of another New Hampshire municipality from which recovery can be made under RSA 165:20.
 2. Minors. The residence of a minor shall be presumed to be the residence of his/her custodial parent or guardian.
 3. Adults. For competent adults, the standard for determining residence shall be the overall intent of the applicant, as set forth in the definition of "residence". The following criteria shall aid the Welfare Official in determining the applicant's residence:
 - a. Does the person have, or immediately intend to establish a dwelling place within the municipality?

- b. Does the person have property, an established dwelling place or employment in any other municipality, to which he/she intends to return?
- c. Does the person have a present intent to leave the municipality at some specific future time?
- d. Has the person evidenced his/her domiciliary intent in some manner, such as registering a vehicle, paying residence tax, registering to vote, opening local bank accounts, etc., or does he/she intend to do so in the immediate future?

If none of the above factors is conclusive. The statement of a person over 18 as to his/her residence or intent to establish residence shall be accepted in absence of strongly inconsistent evidence or behavior to the contrary.

F. Return Home Transportation. At the request of a nonresident applicant, any aid, temporary or otherwise, to which he/she would be otherwise entitled under the standards set forth in these Guidelines, may be used by the Welfare Official to cause the person to be returned to his/her community of residence per RSA 165:1-c.

G. Recovery. Any aid given to a nonresident, including the costs of return home transportation, may be recovered from his/her community of residence.

Section 10. General Assistance Municipal Work Program

- A. Under RSA 165:31, anyone receiving General Assistance may be required to participate in a municipal work program at any available bona fide job that is within his/her capacity as reimbursement for benefits received. Any legally liable household member who is an able-bodied adult may be required to participate in the work program. (An adolescence/teenager may participate in the work program with the parent's signed permission). Pursuant to RSA 213:1 participants in the General Assistance Work Program are not considered employees of the Town of Pittsfield, and any work performed by General Assistance Work participants does not give rise to any employee-employer relationship between the recipient/general assistance worker and the Town of Pittsfield. Participants in the General Assistance Work Program are not eligible for municipal benefits. However, participants will be covered under Worker's Compensation.
- B. Required recipient/general assistance worker's hours are calculated at the prevailing rate of pay. (The rate of pay is based on the minimum wage allotment). The recipient/general assistance worker does not receive money, but earns credit, which is applied towards the aid previously/currently received. No recipient shall work more hours than necessary to reimburse the aid rendered. General Assistance work under this section shall continue as long as assistance is required, received and reimbursed in full.
- C. If, due to lack of available work or other good cause, a recipient does not work a sufficient number of hours to fully compensate the Town of Pittsfield the amount of his/her aid, the full amount of aid for which he/she is eligible under these standards shall still be paid.
- D. The Town shall provide reasonable time during working hours for recipient to secure work in the labor market.
- E. Refusal to work does not include failure to appear for or to perform work under the circumstances listed below. The recipient should, however, attempt to schedule appointments

so as not to conflict with the municipal work program and must notify his/her supervisor in advance of the appointment. The Welfare Official may require recipients to provide documentation of their attendance at a conflicting interview or appointment. The circumstances include when the recipient:

1. Has a conflicting interview for a job possibility;
2. Has a conflicting interview at a service or welfare agency;
3. Has a medical appointment or illness;
4. Must care for children under the age of five;
5. Is unable to work due to mental or physical disability, as determined by the Welfare Official;
6. Must remain at home because of illness or disability to another member of the household (verified in writing by a physician);
7. Does not possess the materials or tools required to perform the task and the municipality fails to provide them.
8. Welfare recipients (RSA 165:31) who participate in the Welfare Work Program (RSA 165:31) are included in the definition of public employee for the purposes of the Workers' Compensation Law (RSA 281-A:2)

F. Working hours are subject to approval of the supervisor and the recipient. Failure of the recipient to adhere to the agreed working hours will prompt review of the recipient's eligibility for General Assistance and/or possible sanction.

Section 11. Notice of Adverse Action

A. Action taken for Reasons Other than Noncompliance with the Guidelines.

1. Whenever a decision is made to deny assistance or to refuse to grant the full amount of assistance requested, a notice of the decision shall be given to the applicant immediately or within five working days from the time the application is filled out and submitted.
2. In any case when 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 (7) days in advance of the effective date of the decision to the recipient stating the intended action.
3. The notice required by paragraphs 1 and 2 above shall contain:
 - a. A clear statement of the reasons for the denial or proposed termination or reduction.
 - b. A statement advising the individual of his/her right to a fair hearing, and that any request for a fair hearing must be made in writing within five (5) days.
 - c. A form on which the individual may request a fair hearing.
 - d. A statement advising the individual 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.

B. Suspension for Noncompliance with Guidelines

1. Compliance. Recipients must comply with these Guidelines and the reasonable request of the Welfare Official. Welfare 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 non-compliance may result in termination or suspension.
2. Conditions. Any person otherwise eligible for assistance shall become ineligible under RSA 165:1-b if he/she willfully fails to comply with the requirements of these guidelines including the obligation to:
 - a. Disclose and provide verification of income, resources or other material financial data, including any changes in this information;
 - b. Participate in the General Assistance Work Program as assigned by the Welfare Official;
 - c. Comply with the work search requirements by the Welfare Official;
 - d. Apply for other public assistance that would alleviate the need for General Assistance, as requested by the Welfare Official.
3. Warning Notice. No recipient otherwise eligible shall be suspended for noncompliance with conditions unless he/she has been given a written notice of the actions required in order to remain eligible and a seven day period within which to comply. The first notice shall be given at the time of the notice of decision and thereafter as conditions change. Additional notice of actions required should also be given as eligibility is predetermined, but without an additional seven day period unless new actions are required.
4. Noncompliance. If a recipient willfully fails to come into compliance during the seven-day period, or willfully falls into compliance within thirty days from receipt of a first notice, the Welfare Official shall give the recipient a suspension notice. If a recipient falls into noncompliance for the first time more than thirty days after receipt of a first notice, the Welfare Official must give the recipient a new first notice with a seven-day period to comply before giving the recipient the suspension notice.
5. Sanction Notice. Written notice to a recipient that he/she is suspended from assistance due to failure to comply with the conditions required in a first notice shall include:
 - a. A list of the guidelines with which the recipient is not in compliance and a description of those actions necessary for compliance;
 - b. The period of suspension;
 - c. Notice of the right to a fair hearing on the issue of willful noncompliance and that such request must be made in writing within five days of receipt of the suspension notice;
 - d. A statement that assistance may continue until the fair hearing decision is made if the recipient so requests on the request form for the fair hearing; however, if the

recipient fails to prevail at the hearing the suspension will start after the decision and such aid must be repaid by the recipient; and

- e. A form on which the individual may request a fair hearing and the continuance of assistance pending the outcome.

6. Sanction Period

- a. The period of ineligibility or suspension 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 Section 11.4(c) the disqualification shall continue until such person complies.
 - b. The Welfare Official 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 Section 11.4(d), and there is a dispute over a contention by such person that he/she has satisfactorily complied with the requirements set forth in the notice required by Section 11.4(c), such person shall be given an opportunity, to request a hearing to determine that issue, but Section 11.4(d), shall not apply to such a hearing.
7. Fair Hearing on Continuing Noncompliance. A recipient who has been suspended until he/she complies with the Guidelines may request a fair hearing to resolve a dispute over whether or not he/she has satisfactorily complied with required Guidelines, however no assistance shall be available under Section 11.4(d), above. The burden of proof lies with the client to show that the welfare official was incorrect in their non-assistance of the client's request.
8. Compliance After Sanction. A recipient who has been subject to a suspension and who has come back into compliance shall have his/her assistance resumed, provided he/she is still otherwise eligible. The notice of decision stating that assistance has been resumed should again set forth the actions required to remain eligible for assistance, but need not provide a seven-day period for compliance unless new conditions have been imposed.

Section 12. Fair Hearings

- A. Requests.** A request for a fair hearing is a written expression, by the applicant or recipient, or any person acting for him/her, to the effect that he/she wants an opportunity to present his/her case to a higher authority.
- B. The Fair Hearings Board.** A Fair Hearings Board of at least three citizens shall be appointed by the Board of Selectmen. A person serving on the Fair Hearings Board must:
 1. Not have participated in the decision causing dissatisfaction.
 2. Be impartial

3. Be sufficiently skilled in interviewing to be able to obtain evidence and facts necessary for a fair determination
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 Welfare Officials any evidence of unsound unclear or inequitable policies, practices or action.

C. Time Limits for Requests and Hearing

1. When an application is denied or when a recipient desires to challenge a decision made by the Welfare Official relative to the receipt of assistance a request for a fair hearing must be received within five (5) working days of receipt of the notice of decision at issue.
2. Hearings requested by claimants must be held within seven (7) working days of the receipt of the request. The Welfare Official shall give notice to the claimant setting forth time and location of the hearing. His/her 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.

D. Fair Hearing Procedures

1. 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 all such documents, papers or records into evidence. No record, paper or document, which the claimant has not been allowed to examine prior to the hearing shall be introduced at the hearing or become part of the record.
2. The Welfare Official (or duly authorized representative) shall have the right to examine at the fair hearing all documents on which the claimant plans to reply at the fair hearing and may request a twenty-four (24) hour continuance if such documents contain evidence not previously provided or disclosed by the claimant.
3. Procedures for Fair Hearings
 - a. All fair hearings shall be conducted in such a manner as to ensure due process of law.
 - b. Fair Hearings shall not be conducted according to the strict rules of evidence.
 - c. The burden of proof shall be on the claimant, who shall be required to establish his/her case by a preponderance of the evidence.
 - d. The Welfare Official responsible for the decision complained of shall attend the hearing and testify about his/her actions and the reasons therefore.
 - e. Both parties shall be given the opportunity to offer evidence and explain their positions as fully and completely as they wish.
 - f. The claimant or his/her representative and the Welfare Official or his/her representative, shall have the opportunity to examine all records and documents used at the hearing. The claimant shall have the opportunity to present his/her own case or, at the claimant's option, with the aid of others, and to bring witnesses, to establish all

- pertinent facts, to advance any arguments without undue interference, to question or refute testimony or evidence, including the opportunity to confront and cross examine adverse witnesses.
- g. The decision of the Fair Hearing Board must be based solely on the record, in light of these Guidelines. Evidence, both written and oral, which is admitted at the hearing, shall be the sole contents of the records. The Fair Hearings Board shall not review the case record or other materials prior to introduction at the hearing.
 - h. The parties may stipulate to any facts.
 - i. The proceedings of all hearings shall be voice taped. Copies of tapes are available to the applicant for a hearing or their legal representative at the cost of the time and expense to reproduce the same.
 - j. Any applicant may withdraw in writing his request for a Fair Hearing at any time up to the time of the hearing. An applicant who fails to appear for any scheduled Fair Hearing shall be deemed to have withdrawn his request for such a hearing.
 - k. An applicant who believes he has good cause to request a continuance or postponement of a scheduled Fair Hearing shall contact the Welfare Official at the earliest possible time prior to the hearing. Upon good cause shown, the Welfare Official may reschedule such hearing, however, the applicant is entitled to only one (1) such postponement or continuance per Fair Hearing request. Good cause shall include, but not necessarily be limited to, demonstrated medical emergency, or other demonstrated unforeseen circumstances, which reasonably prevents the applicant from attending such scheduled hearing. An applicant shall provide documentation of such circumstances to the satisfaction of the Welfare Official no later than 72 hours after the request for postponement is made. If the applicant does not provide documentation of such circumstances to the Welfare Official within 72 hours, then the request shall be deemed withdrawn by the applicant.

E. Decisions

1. Fair Hearing decisions shall be rendered within five (5) working days of the hearing. Decisions shall be in writing, setting forth the reasons for decisions and the facts on which the Fair Hearing Officer relied in researching his/her decision. A copy of the decision shall be mailed or delivered to the claimant and to the Welfare Official.
2. Fair Hearing decisions will be rendered on the basis of the officer's findings of fact, these Guidelines and state and federal law. The Fair Hearing decision shall set forth appropriate relief.
3. The decision shall be dated. In the case of a hearing 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 municipality.
4. The Welfare Official shall keep all fair hearing decisions on file in chronological order.
5. None of the procedures specified herein shall limit any right of the applicant or recipient to subsequent court action to review or challenge the adverse action.

Section 13. Liens

A. Real Estate (RSA 165:28). The law requires the Town of Pittsfield to place a lien for General Assistance aid 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 relative, as defined in RSA 165:19) The Welfare Official 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. 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 real estate or estate before enforcing the lien. Upon payment of a lien, the municipality must file written notice of the discontinuance of the lien with the County Registry of Deeds.

B. Civil Judgments (RSA 165:20-a)

1. The Town of Pittsfield shall be entitled to a lien upon property passing under the terms of a will or an in testate succession, a property settlement, or a civil judgment or personal injuries (except worker's compensation) awarded any person granted assistance by the Town for the amount of assistance granted by the Town.
2. The Town of Pittsfield shall be entitled to the lien only if the assistance was granted no more than six (6) years before the receipt of the inheritance or 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.
3. The lien shall take precedence over all other claims.

Section 14. Recovery

The Town of Pittsfield reserves the right to recover any and all amounts owed to them using any and all legal methods available, including but not limited to payroll deductions, payment reimbursement plans, interim reimbursement, collection agencies, or through the Courts.

Section 15. Procedure for Billing and Recovering from Government Unit of Residence or Relatives

A. The amount of money spent by a municipality to support a person who has a residence in another municipality or has a father, mother, stepfather, stepmother, husband, wife, or child (who is no longer a minor) of sufficient ability to also support the assisted person, may be recovered from the municipality of residence or 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. Written notice of money spent in support of an assisted person must be given to the liable relative. The Welfare Official shall make reasonable efforts to give such written notice prior to the giving of aid, but aid to which an applicant is entitled under these guidelines shall not be

delayed due to inability to contact possible liable relatives. In any civil action for recovery brought under RSA 165:20, the court shall award costs to the prevailing party. RSA 165:19 and 20. (See RSA 165:20-a, providing for arbitration of such disputes between communities).

- B. A former recipient who is returned to an income status after receiving assistance is legally required to reimburse the Town for the assistance provided, if such reimbursement can be made without financial hardship.
- C. The amount of money spent by a municipality to support a person who has made initial application for Supplemental Security Income and has signed an Interim Assistance Program Reimbursement Form, shall be recovered through the Social Security Administration and Department of Health and Human Services.

There shall be no delay, refusal to assist, reduction or termination of assistance while the Welfare Official is pursuing the statutory remedies to secure reimbursement from responsible relatives or from the municipality of residence.

Section 16. Application of Rents Paid by the Town of Pittsfield

- A. Whenever the owner of property rented to a person receiving General Assistance from the Town of Pittsfield is in arrears in sewer or tax payments to the Town, the Town may apply the assistance which the property owner would have received in payment of rent on behalf of such assisted person to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of property occupied by the assisted person. (RSA 165:4-a).
- B. A payment shall be considered in arrears if more than thirty (30) days has 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. (RSA 165:4-a).
- C. Delinquent Property Tax balances will be first priority, followed by delinquent Sewer balances.
- D. Procedure
 - 1. The Welfare Official will issue a voucher on behalf of the tenant to the landlord for the allowed amount of rent. When the voucher is returned to the Welfare Department it will be forwarded to accounting to issue a check or to apply to outstanding sewer or tax payment. This voucher will have date voucher number, client's name, landlord, and amount authorized.

Section 17. EFFECTIVE. These regulations and guidelines supercede and repeal all previously adopted General Assistance Guidelines or regulations and are effective upon their adoption by the Board of Selectmen as indicated below.

These guidelines are adopted by the Board of Selectmen on _____ following a public hearing and are effective on _____.

Town of Pittsfield Board of Selectmen:

Arthur E. Morse, Chairman

Lawrence J. Konopka

Donna M. Keeley

Edward L. Vien

Linda P. Small