

Town of Groton

Welfare Guidelines

**Adopted
11/13/2012**

TABLE OF CONTENTS

Description

- I Definitions**
- II Severability**
- III Confidentiality of Information**
- IV Maintenance of Records**
- V Application Process**
 - A. Right to Apply**
 - B. Welfare Official's Responsibility at Time of Application**
 - C. Responsibility of Each Applicant & Recipient**
 - D. Actions on Applications**
 - E. Home Visits**
- VI Verification of Information**
- VII Disbursements**
- VIII Determination of Eligibility and Amount**
 - A. Eligibility Formula**
 - B. Legal Standard and Interpretation**
 - C. Non-Financial Eligibility Factors**
 - D. Available Assets**
 - E. Standard of Need**
 - F. Income**
 - G. Residents of Shelters for Victims of Domestic Violence**
- IX Non Residents**
 - A. Eligibility**
 - B. Standards**
 - C. Verification**
 - D. Temporary or Emergency Aid**

- E. Determination of Residence**
- F. Return Home Transportation**
- G. Recovery**

X Municipal Work Programs

- A. Participation**
- B. Reimbursement Rate**
- C. Continuing Financial Liability**
- D. Allowance for Work Search**
- E. Workfare Program Attendance**
- F. Workfare Hours**
- G. Workers Compensation**

XI Burials

XII Right to Notice of Adverse Action

- A. Right to a Written Notice**
- B. Action Taken for Reasons Other Than Non-Compliance with the Guidelines**
- C. Suspension for Non-Compliance with the Guidelines**
- D. First Notice**
- E. Non-Compliance**
- F. Suspension Notice**
- G. Suspension Period**
- H. Fair Hearing on Continuing Non-Compliance**
- I. Compliance after Suspension**

XIII Fair Hearings

- A. Requests**
- B. Time Limits for Hearings**
- C. The Fair Hearing Officer(s)**
- D. Fair Hearing Procedures**
- E. Decisions**

XIV Liens

- A. Real Estate**

B. Civil Judgments-RSA 165:28-a

XV Recovery of Assistance

- A. Recovery from Responsible Relatives**
- B. Recovery from the Municipality of Residence**
- C. Recovery from Former Recipient's Income**
- D. Recovery from State and Federal Sources**
- E. Delayed State Claims**

XVI Application of Rents Paid By the Municipality

- A. Payment Arrears**
- B. Procedure**

XVII Forms & Payment Standards

XVIII Effective Dates and Amendments

**TOWN OF GROTON
GENERAL ASSISTANCE GUIDELINES**

I. DEFINITIONS

Applicant: A person who expresses a desire to receive General Assistance from the Town of Groton or to have his/her eligibility reviewed and whose application has not been terminated. This desire may be expressed either directly or through a person having knowledge of his/her circumstances. (Moultonboro v. Tuftonboro, 43 N.H. 55 1861)

Application/Re-Application: Action by which a person requests assistance from a welfare official, or the action by which a person's representative indicates to the welfare official that an applicant is found to be actually without sufficient assets or resources, and for the time being is unable to support himself/herself or to supply immediate needs. The completion of a written application form, with any assistance from the welfare official or the applicant's representative, triggers the applicant's right to a notice under Section XII of these Guidelines.

Application Form: Written confirmation that a person has made an application. This application must be made on a form acceptable to the Town of Groton.

Liquid Assets: Cash, checking accounts, savings deposits, stocks, bonds, insurance policies and other securities.

Available Liquid Assets: Amount of liquid assets after exclusions enumerated in Section VIII–D. Includes cash on hand, bank deposits, credit union accounts and securities. Insurance with a loan value and non-essential personal property shall be considered as available liquid assets when they have been converted into cash.

Assets: All real property, cash, personal property, expectancies and future interests owned by the applicant.

Case Record: Official files of forms, correspondence and narrative records pertaining to the application, with determination of initial or continuing eligibility, reasons for decisions and actions by the welfare official, and kinds of assistance given.

Claimant: A person who has requested, either in person or through a representative, a fair hearing under Section XIII of these Guidelines.

Eligibility: Determination by the welfare official, with the assistance of these Guidelines, of a person's poverty and the inability to support himself/herself, and therefore his/her need for general assistance from the Town of Groton under the formula appearing in Section VIII.

Fair Hearing: A hearing which the applicant or recipient may request to contest a denial, termination or reduction in assistance. The standards for such a hearing are noted in Section XIII.

Household Member: a household member is defined as:

1. 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
2. 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 has lived with the child long enough to form a "psychological family".

Minor: A person under eighteen (18) years of age.

Need: The basis maintenance and support requirements of a person, as determined by a welfare official under the standards of Section VIII (E) of these Guidelines.

Real Estate: Land, structures and the fixtures attached to it.

Recipient: A person who is receiving general assistance from the Town of Groton.

Residence: Residence or residency pursuant to RSA 21:6-a 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 21:6-a).

Voucher System: The system whereby the Town of Groton will issue vouchers directly to the recipient's vendors and creditors rather than cash to the recipient. (See Section VII).

Welfare Official: The official of the Town of Groton, or his/her designee, who performs the function of administering general assistance. The person with the general power to make all decisions regarding the granting of assistance under RSA Chapter 165, subject to the overall fiscal responsibility vested in the Select Board.

Workfare: Labor performed by welfare recipients at municipal sites as reimbursement for benefits received. RSA 165:31

II. SEVERABILITY

If any provision of these Guidelines is held at law to be invalid or inapplicable to any person or circumstances, the remaining provisions will continue in full force and effect.

III. CONFIDENTIALITY OF INFORMATION

Information given by or about an applicant or recipient of local welfare is confidential and privileged, and is not a public record under the provisions of RSA 91-A. Such information will not be released to 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 of RSA Chapter 165.

IV. MAINTENANCE OF RECORDS

A. The welfare official is required to keep complete records of general assistance. In addition to general statistical records concerning the number of persons given assistance and the cost for such support, a separate case record shall be established for each individual or family applying for general assistance from the Town of Groton. (RSA 41:46).

B. The purpose of maintaining such records of general assistance include:

1. To provide a valid basis of accounting for expenditure of the Town of Groton's funds.
2. To support decisions concerning the applicant's eligibility (important if the 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 social welfare agencies with accurate statistical information, including the number of persons assisted and the amount of money spent for their support, in order that taxpayers and officials may be aware of the scope of the General Assistance Program. (RSA 165:2-c requires that an itemized account of all general assistance furnished without recipients names be released to any citizen requesting it).
5. To provide a complete history of a recipient's assistance that might aid a welfare agency in the effort to rehabilitate the recipient subject to the Guidelines on confidentiality of such information.

C. The welfare official shall maintain case records containing at least the following information:

1. The complete application for assistance.
2. Written grounds for approval/denial of application, to be noted on the Notice of General Assistance Decision.
3. A narrative history recording the need for relief, the results of the home visits if any, collateral information, referrals, changes in status, etc.
4. Account entries that note complete data concerning the type, amount, and dates of assistance rendered.
5. Any signed authorizations by the applicant allowing the welfare official to obtain or verify any pertinent information in the course of assisting the recipient.

V. 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 the prescribed Application form. If more than one adult resides in a household, they may be required to appear at the welfare office 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 as defined in these guidelines. Each adult in the household may be requested to sign release of information forms.
2. The welfare official shall not be required to accept an application for general assistance from a recipient who is subject to suspension pursuant to these guidelines (RSA 165:1-b,VI); provided that any applicant who contests a determination of continuing noncompliance with the guidelines may request a fair hearing as provided in these guidelines; and provided further that a recipient who has been suspended for at least six months due to noncompliance may file a new application

B. Welfare Official's Responsibility 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 written application. The welfare official shall provide assistance to the applicant in completing the application if necessary (e.g. applicant 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, and the manner in which 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 the applicant for exploring facts concerning eligibility, needs and resources.

6. The kinds of documentation/verification needed.
7. The fact that an investigation will be conducted in an effort to substantiate the facts and statements as presented by the applicant and that this investigation may take place prior to, during, or subsequent to the applicant's receipt of general assistance.
8. The applicant's responsibility for notifying the welfare official of any change in circumstances which will affect eligibility.
9. Any other forms of assistance for which the applicant may be eligible.
10. The requirement of placing a lien on any real property owned by the recipient for any assistance, except for good cause.
11. The fact that reimbursement from the applicant will be sought if he/she becomes able to repay the amount of assistance given.
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 has the following responsibilities:

1. To provide accurate, complete and current information concerning his/her needs and resources and the whereabouts and circumstances of relatives who may be responsible for his/her support under RSA 165:19.
2. To notify the welfare official promptly when there is 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. RSA 165:1-b, I(d)
4. To keep 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 the applicant claims 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 (the number of work search contacts to be determined by the welfare official); to accept any employment when offered – regardless of wage or type of employment, or hours, (except for documented reason of good cause (RSA 165:1-d)), and to maintain such employment. RSA 165:1-b, I(c)
8. Following a determination of eligibility of assistance; to participate in the welfare work program if physically and mentally able.
9. To reimburse assistance granted if returned to an income status and if such reimbursement can be made without financial hardship (RSA 165:20-b).
10. All income tax refunds will be considered income and must be used for allowable expenses such as rent (including arrears), utilities, medications, medical bills, and child care. A copy of the applicant's Income Tax Return/Refund must be provided.
11. To adjust the management of the house in such a manner that it will either eliminate or lessen, to the maximum degree, the need for General Assistance: and/or increase the household's income base to accomplish the goals of self-sufficiency and minimum reliance on any General Assistance with the ultimate goal of enabling the recipient of services to become independent.

An applicant shall be denied assistance or his/her assistance suspended if he/she fails to fulfill any of these responsibilities without reasonable justification.

Any person may be denied or terminated from general assistance or may be prosecuted for criminal offense if he/she, by means of intentional 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 will make a decision concerning the applicant's eligibility within five (5) working days after completion of the written application form. A written notice of the decision shall be given in hand, delivered or mailed on the same day or no later than the next working day following the decision. The notice shall state that assistance of a specified 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 the denial noted. A decision may also be made to hold an application subject to 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 welfare official's decision (RSA 165:1-b,II,III)
2. Emergency Assistance: if, at the time the application is received, the applicant demonstrates and verifies that an immediate need exists, because of which the applicant may suffer irreparable harm if aid is withheld until a decision is made within the usual limit specified in these guidelines (e.g. food, heat, medicine), the temporary aid to fulfill such immediate needs shall be given immediately, pending a final 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 exceed two (2) weeks. The welfare official shall not insist on documentary verification if such records are not reasonably available.
4. Withdrawn Applications. An application shall be considered withdrawn if:
 - a. The applicant has failed to cooperate in accurately completing an application or provide sufficient information for the completion of an application.
 - b. The applicant dies before assistance is rendered.
 - c. The applicant avails himself of other resources in place of assistance from the Town of Groton.
 - d. The applicant requests that the application be withdrawn.
 - e. The applicant does not contact the welfare official after the initial interview after being requested to do so by the welfare official.

E. Home Visits

A home visit may be made 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

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/her individual rights.

A. Required Verifications

Verification will normally be required of the following:

1. Applicant's address.
2. Names and incomes of persons residing with the applicant.
3. Applicant's income and assets.
4. Applicant's financial obligations
5. Applicant's physical and mental conditions where relevant.
6. Any special circumstances claimed by the applicant.
7. Applicant's employment status and availability in the labor market.
8. Names, addresses, and employment status of potentially liable relatives.
9. Utility costs.
10. Housing.
11. Prescription costs.
12. Any other cost that the applicant wished to claim as a necessity.

B. Verification of Records

Verification may be made through records provided by the applicant (i.e. birth and marriage certificates, pay stubs, 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. The welfare official shall inform the applicant of what records are necessary, and the applicant is required to produce records possessed as soon as possible. However the welfare official shall not insist on documentary verification if such records are not available, but shall ask the applicant to provide alternative means of verification.

C. Other Sources of Verification

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

D. Written Consent of Applicant

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 or 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. The welfare official may seek statements from the applicant's legally liable relative regarding their ability to help support the applicant.

F. Should the applicant or recipient refuse to provide necessary information and/or indicate an unwillingness to have the welfare official obtain information which is necessary, assistance shall be denied for lack of eligibility verification.

VII. DISBURSEMENTS

The Town of Groton pays by a voucher system that deals directly with the vendor (i.e. landlords, stores, etc.) involved. Tobacco products, alcoholic beverages and pet foods cannot be purchased with the voucher. The voucher shall be returned to the Town of Groton for payment of the actual amount listed on an itemized bill or register tape.

In addition, the amount shown on the voucher is the maximum amount to be used for payment. The applicant may not exceed the amount listed on the voucher, nor may he/she change the amount listed. An applicant may be required to sign the voucher to insure proper usage. The vendor will then return the voucher with an itemized bill or register tape for payment, to the Town of Groton and the attention of the welfare official. Vouchers altered by the recipient or vendor may not be honored and may be reported to the police.

VIII. DETERMINATION OF ELIGIBILITY AND AMOUNT

A. Eligibility Formula

An applicant 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 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 deemed by the welfare official to justify an exception.

B. Legal Standard and Interpretation

"Whenever a person in any town is poor and unable to support himself he shall be relieved and maintained by the overseers for the public welfare of such town, whether or not he has residence there" RSA 165:1.

1. A person will not be denied assistance solely because he is not a resident.
2. "Whenever" means at any or whatever time that person is poor and unable to support him or herself.
 - a. The welfare official, or a person authorized to act on his behalf, shall be available during normal business working hours.
 - b. The eligibility of any applicant for general assistance shall be determined no later than five (5) working days after the application is submitted.
3. "Poor and unable to support" means that an individual lacks the income and available liquid assets because of illness, disability, or other good cause preventing him/her from adequately providing for the basic maintenance need of himself/herself or his/her family as determined by the Guideline maintenance amounts.
4. "Relieved" means a person shall be assisted to meet those basic needs.

C. Non-Financial Eligibility Factors

1. Age. General Assistance cannot be denied any person because of the person's age; age is not a factor in determining whether or not a person may receive general assistance. Minor children are assumed to be the responsibility of the parent(s) or legal guardian (s) unless circumstances warrant otherwise.

2. **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 Groton may pursue recovery against legally liable persons or governmental units.
3. **Eligibility for Other Categorical Assistance.** Applicants or recipients whom the welfare official believes may be eligible for any other form of public assistance must apply for any such assistance within seven (7) days after being advised to do so by the welfare official. Failure to do so may render the applicant or recipient ineligible for assistance. No person receiving Old Age Assistance (OAA) or Aid to the Permanently Disabled (APTD), under RSA 167 or 161, shall at the same time be eligible for general assistance, except for medical assistance (RSA 167:27).
4. **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, applicants who, without good cause, refuse a job offer or referral for suitable employment, participation in the workfare program, 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 welfare official shall first determine whether there is good cause for such refusal, taking into account the ability, 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 make refusing a job reasonable. These employment requirements shall extend to all adult members of the household.
5. **Registration with the N.H. Department of Employment Security (NHES) & Work Search Requirements.** All unemployed recipients and adult members of their households shall, within seven (7) days after having been granted assistance, register with NHES to find work and must conduct reasonable, verified job searches 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. These work search requirements apply unless the recipient and each other adult member of the household are:
 - a. Gainfully employed full-time
 - b. A dependent 18 years of age or under who is regularly attending secondary school or home school.
 - c. Unable to work due to illness or mental or physical disability of him/herself or another member of the household, as verified by the welfare official
 - d. Is solely responsible for the care of a child under the age of five (5). RSA 165:31,III. A recipient responsible for the care of a child aged five (5) to twelve (12) years of age shall not be excused from work search requirements, but shall be deemed to have good cause to refuse a job requiring work during the hours the child is not usually in school, if there is no responsible person available to provide care, and it is verified by the welfare official that no other care is available.

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.

6. **Students.** Applicants who are college students not available for or refusing to seek full-time employment are not eligible for general assistance.
7. **Non-Citizens.** The welfare official shall not provide assistance to non-citizens. The only exception may be in cases where there is a need for medication for a life threatening illness.
 - a. A non-citizen is not:
 - A qualified alien under 8 USCA 1641
 - A non-immigrant under the federal Immigration and Nationality Act, or
 - An alien paroled into the United States for less than one year under 8 USCA 1182(d)(5) is not eligible for general assistance from the municipality. 8 USCA 1621(a)
 - b. Qualified aliens included aliens who are lawfully admitted for permanent residence under the

Immigration and Nationality Act (8 USCA 1101 et seq.), aliens who are granted asylum under that act, certain refugees, and certain battered aliens. 8 USCA 1641

- c. A non-citizen who is not eligible for general assistance may be eligible for state assistance with health care items and services that are necessary for the treatment of an emergency medical condition, which is defined as a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:
 - Placing the patient's health in serious jeopardy
 - Serious impairment of bodily functions or
 - Serious dysfunction of any bodily organ or part 8 USCA 1621 (b) and 41 USCA 1396 (v)(3)
 - d. A non-citizen may also be eligible for general assistance for treatment of an emergency medical condition.
 - e. Non-citizen applicants for general assistance may be required to provide proof of eligibility. (8 USCA 1625)
8. Property Transfers. No applicant who is otherwise eligible shall receive such assistance if he/she has made an assignment, transfer, conveyance of property or establishing a trust for the purpose of rendering him/herself eligible for assistance within three (3) years immediately preceding his/her application. RSA 165:2-b
9. Employment of Household Members. The employment requirements of these guidelines, or participation in the workfare program, shall be required for all adults aged 18-65 years residing in the same household, except those regularly attending secondary school or employed on a full-time basis, 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
 - 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 welfare official may waive this requirement where failure of the other household members to comply is not the fault of the recipient and the welfare official decides it would be unreasonable for the recipient to establish a separate household. RSA 165:32.

10. Disqualification for Voluntary Termination of Employment. Any applicant eligible for assistance who voluntarily terminates employment shall be ineligible to receive assistance for 90 days from the date of employment termination provided that applicant:
- a. Has received local welfare within the last 365 days or
 - b. Has been given notice that voluntary termination of employment without good cause could result in disqualification or
 - c. Has terminated employment of at least 20 hours per week without good cause within 60 days of an application for local assistance or
 - d. Is not responsible for supporting minor children in his/her household or
 - 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.

D. Available Assets

1. Available Liquid Assets. Cash on hand, bank deposits, credit union accounts, securities and retirement accounts (i.e., IRAs, 401ks, deferred compensation, Keogh's, etc.) are available liquid assets. Insurance policies with a loan value, and non-essential personal property, may be considered as available liquid assets when they have been converted into cash. The welfare official shall allow a reasonable time for conversion. However, tools of a trade, livestock and farm equipment, 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/recipient or his/her dependent does not affect eligibility if it is essential for transportation to seek or maintain employment, to procure medical or rehabilitation services, or if its use is essential to the maintenance of the individual or family. At the discretion of the welfare official, car payments may not be considered as part of "need" when determining eligibility or amount of aid.
3. Insurance. The ownership of insurance policies does not affect eligibility. However, when a policy has a 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. Premium payments will not be considered a justifiable expense when determining on-going eligibility.
4. Real Estate. The type and amount of real estate owned by an applicant does not affect eligibility, although rent or other income from property should be considered as available to meet needs. 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. RSA 165:28

E. Standard of Need

The basic financial requirement for general assistance is that a person be poor and unable to support him/herself. A person shall be considered poor when he/she has insufficient available income/assets to purchase whether for himself/herself or his/her 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 actually 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 welfare official may instead authorize payment of security deposit (only if other means of securing a deposit are exhausted), 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 or shelters as an option.
 - b. Should alternative housing be the only prudent and immediate means of solving a homeless or near homeless situation and is offered and ultimately refused by the applicant the welfare official shall note said offer and refusal of the means to immediately solve their need and the applicant shall be considered ineligible for further assistance.
 - c. An applicant seeking assistance with moving to another dwelling must document that the reason for the move is:
 - Substandard housing-documented by the appropriate public official

- Homelessness as defined as living on the street and nowhere to go
 - Imminent eviction which was unavoidable by the applicant
 - The unavailability of any alternative housing (anywhere in the state)
- d. The Town of Groton shall not relocate any applicant(s) in another community unless the following conditions exist:
- The applicant(s) is gainfully employed or starting a full time job in that community
 - The applicant(s) have other services in place and will not be a burden to the new community
 - The applicant(s) have exhausted all reasonable efforts and have not been able to find a landlord in Groton who will rent to them
 - The move will place the applicant(s) nearer to their place of employment, medical or psychological service providers
 - There is no available alternative housing open to the applicant(s)

The Town of Groton shall not relocate an applicant into any dwelling situation that they cannot afford to maintain after the initial relocation assistance, nor continue to keep an applicant in a dwelling unit that is unaffordable to an applicant under their normal financial circumstances.

- e. Security Deposits. Security deposits may be included in the ‘need’ formula 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 or work out a payment plan with the landlord for said 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.
- f. 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. The Town shall not pay rent to a relative landlord unless the relative landlord has proven his/her inability to assist and this shall be done before any payment of shelter can be made.
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 utility service where no other resources or referrals can be utilized. In accordance with the rules of the Public Utilities Commission 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 shall negotiate with the utility for payment of less than the full amount of the arrearages and/or may attempt to arrange a repayment plan to obtain restoration services. 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. Establishing and following 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.

Any utility bill in the name of someone other than the adult applicant(s) will not be considered for payment. Within seven days of contact with the office, the welfare official shall require the applicant(s) to make an appointment with the local CAP office for the electric discount program and/or Fuel Assistance. If the applicant(s) fail to attend the original scheduled appointment and/or complete the application process for the electric discount and/or Fuel Assistance, they will be considered non-compliant and shall be sanctioned for 7 days or until such time as they complete the application process.

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 (DHHS). (Said amounts shall automatically change as the DHHS desk reference charts change.) An amount in excess of the standard food stamp allotment may be granted if one or more of the members of the family 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 shall not be used for purchasing alcohol, tobacco or pet food.
4. Maintenance Allowance. In calculating ‘need’, applicants may include the cost of providing personal and household necessities in an amount not to exceed these guidelines, as determined in accordance with subparagraph 11 below.
5. Telephone. The lowest available basic monthly rate for telephone service (either land line or cell phone) will be budgeted as a “need”. While payments will not be made for past due telephone bills, under exceptional circumstance 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 payment and/or 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 with other expenses to determine eligibility and amount of assistance.
 - a. Medical Expenses. The welfare official shall not consider including amounts for medical, dental and eye services unless the applicant can verify that all other potential sources of assistance have been investigated and that there is no other 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. Court fines and restitution for illegal activities, or violation of any existing court order(s) shall not be considered legitimate expenses, as the Town shall not be asked to subsidize infractions of the law.
 - 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 groups), the expense of reasonably meeting that emergency clothing need will be included.
9. Unusual Needs Not 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 (i.e. needed services are inaccessible to the applicant), the director may make minor adjustments in the criteria, or may make allowance using the emergency need standards 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 a 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).
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 welfare official shall review the payment levels annually with modifications recommended 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 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, commission, or profit, whether self-employed or as an employee, is to be included as income. Rent income and profits from items 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 principles. When income consists of wages, the amount computed should be that available after income taxes, social security and other payroll deductions required by state, federal or local law, court ordered support payments and child care costs, and work related clothing costs have been deducted from income. Wages that are held in trusts, or income similarly unavailable to the applicant or applicant's dependents, should not be included. The applicant/recipient shall be ordered to access said trusts, where appropriate by New Hampshire laws, making that income available to them to eliminate and/or reduce their dependence on general assistance.
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, and must be disclosed to the welfare official. 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 VIII (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 Payment. Alimony and child support payments shall be considered income only if actually received by the applicant or recipient.
5. Income from Other Sources. Payments from pension, trust funds, lottery winnings 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 shall 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 (DHHS) 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 DHHS.
- c. The welfare official shall provide the applicant with a written decision which sets forth the amount of any 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.

G. Residents of Shelters for Victims of Domestic Violence

An applicant residing in a shelter for victims of domestic violence and their children who has income, and owns resources jointly with the abusive member of the applicant's household, shall be required to cooperate with the normal procedures of verification. Such resources and income may be excluded from the eligibility determinations unless the applicant has safe access to joint resources at the time of application. The verification process may be completed through an authorized representative of the shelter of residence. The normal procedures taken in accordance with these guidelines to recover assistance granted shall not delay such assistance.

IX. NON-RESIDENTS

A. Eligibility

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. RSA 165:1-c No applicant 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 nonresidents 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 municipality of residence.

D. Temporary or Emergency Aid

The standards for the fulfilling of immediate or emergency needs of nonresidents and for temporary assistance pending a final decision shall be the same as for residents.

E. Determination of Residence

Determination of residence shall be made if the applicant requests return home transportation, or if the welfare official has reason to believe the applicant is a resident of another New Hampshire municipality from which recovery can be made under RSA 165:20.

1. Minors. The residence of a minor shall be presumed to be the residence of his/her custodial parent or guardian.
2. Adults. For competent adults, the standard for determining residence shall be the overall intent of the applicant as set forth in Section I definition of "residence". The statement of a person over 18 as to his/her residence or intent to establish residence shall be accepted in the absence of strongly inconsistent evidence or behavior.

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 municipality of residence.

G. Recovery

Any aid given to a nonresident, including the cost of return home transportation, may be recovered from his/her municipality of residence.

X. MUNICIPAL WORK PROGRAMS

A. Participation

Any recipient of general assistance who is able and not gainfully employed may be required to work for the municipality or an appropriate local human service agency at any available bona fide job that is within his/her capacity (RSA 165:31) for the purpose of reimbursement of benefits received. Participants in the workfare program are not considered employees of the municipality, and any work performed by workfare participants does not give rise to any employee/employer relationship between the recipient/workfare participant and the municipality.

B. Reimbursement Rate

The workfare participant shall be allotted the prevailing municipal wage for work performed, but in no case less than the minimum wage. No cash compensation shall be paid for workfare participation; the wage value of all hours worked shall be used to reimburse the municipality for assistance given. No workfare participant shall be required to work more hours than necessary to reimburse aid rendered.

C. Continuing Financial Liability

If, due to lack of available municipal work or other good cause, a recipient does not work a sufficient number of hours to fully reimburse the municipality for the amount of his/her aid, the amount of aid received less the value of the workfare hours completed shall still be owed to the municipality.

D. Allowance for Work Search

The municipality shall provide reasonable time during working hours for the workfare participant to conduct a documented employment search.

E. Workfare Program Attendance

With prior notice to the welfare official, a recipient may be excused from workfare participation if he/she

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. As a parent or person "in loco parentis," must care for a child under the age of five (5). A recipient responsible for a child age five (5) but under 12 shall not be required to work during hours the child is not in school, if there is no responsible person available to provide care, and no other care is available;
5. Is unable to work due to mental or physical disability, as verified by the welfare official;
6. Must remain at home because of illness or disability to another member of the household, as verified by the welfare official;
7. Does not possess the materials or tools required to perform the task and the municipality fails to provide them.

The workfare participant should attempt to schedule appointments as not to conflict with the workfare program and must notify his/her supervisor in advance of the appointment. The welfare official may require participants to provide documentation of their attendance at a conflicting interview or appointment.

F. Workfare Hours

Workfare hours are subject to the approval of the Groton Select Board. Failure of the participant to adhere to the agreed workfare hours (except for the reasons listed above) will prompt review of the recipient's eligibility for general assistance, and may result in a suspension or termination of assistance.

G. Workers Compensation

Pursuant to RSA 281-A:2,VII (b) and the adoption of these guidelines, the Town of Groton does not provide workers compensation coverage to participants in the workfare program.

XI. BURIALS AND CREMATIONS

The Welfare official shall provide for proper burial or cremation, at municipal expense, of persons found in the municipality at time of death, regardless of whether the deceased person ever applied for or received general assistance from any municipality. In such case, assistance may be applied for on behalf of the deceased person however, the application should be made before any burial cremation expenses are incurred. The expense may be recovered from the deceased person's municipality of residence, or from a liable relative pursuant to RSA 165:3,II. If relative, other private persons, the state or other sources are unable to cover the entire burial/cremation expense, the municipality will pay up to \$750 for burial/cremation. RSA 165:1-b, RSA 165:3. See also RSA 165:27 and 165:227-a.

XII. RIGHT TO NOTICE OF ADVERSE ACTION

A. Right to a Written Decision

All persons have a constitutional right to be free of unfair, arbitrary, or unreasonable action taken by government. This includes applicants for and recipients of general assistance, whose aid has been denied, terminated or reduced. Every applicant and recipient 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.

B. Action Taken for Reasons Other Than Non-compliance with the Guidelines

Whenever a decision is made to deny assistance or to refuse to grant the full amount of assistance requested, a notice of decision shall be given or mailed to the applicant either the same day or the next work day following the making of the decision or within five (5) working days from the time the application is filled out and submitted.

In any case where the welfare official decides to terminate or reduce assistance for reasons other than non-compliance 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.

The notice required by paragraphs 1 and 2 above shall contain:

1. A clear statement of the reasons for the denial or proposed termination or reduction.
2. 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 and submitted within five (5) working days.
3. A form on which the recipient may request such a fair hearing.
4. A statement advising of the time limits which must be met in order to receive a fair hearing.
5. 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.

C. Suspension for Non-Compliance with the Guidelines

1. Due Process. Recipients must comply with these guidelines and all reasonable requests of the welfare official. Welfare officials must enforce the guidelines and all reasonable requests 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 applicant/recipient otherwise eligible for assistance shall become ineligible under RSA 165:1-b if he/she willfully and without good cause fails to comply with the requirements of these guidelines relating to the obligation to:
 - a. Disclose and provide verification of income, resources or other material financial data, as set out in these guidelines, including any changes in this information;
 - b. Participate in the workfare program to the extent assigned by the welfare official;
 - c. Comply with the work requirements imposed by the welfare official; and
 - d. Apply for other public assistance as required by the welfare official.
3. First Notice. No recipient otherwise eligible shall be suspended for non-compliance with conditions unless he/she has been given a written notice of the actions required in order to remain eligible and a seven (7) day period within which to comply. The first notice should be given at the time of the Notice of Decision

and thereafter as conditions change. Additional notice of actions required should also be given as eligibility is re-determined, but without an additional seven (7) day period unless new actions are required. RSA 165:1-b, II

4. Noncompliance.

If a recipient willfully fails to come into compliance during the seven (7) day period, or willfully falls into noncompliance within thirty (30) days from receipt of first notice, the welfare official shall give the recipient a suspension notice. RSA 165:1-b III

If a recipient falls into non-compliance for the first time more than thirty (30) days after receipt of a first notice, the welfare official shall give the recipient a new first notice with a new seven (7) day period to comply before giving the recipient the suspension notice.

5. Suspension 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 guidelines with which the recipient is not in compliance and a description of those actions necessary for compliance.
- b. The period of suspension (paragraph 6 below).
- c. Notice of the right to a fair hearing on the issue of willful non-compliance and that such request must be made in writing and submitted within five (5) days of receipt of the suspension notice.
- d. A statement that assistance may continue in accordance with the prior eligibility determination until the fair hearing decision is made if the recipient so requests on the request form for the fair hearing, however, if the recipient fails to prevail at the hearing:
- e. The suspension will start after the decision, and
- f. Such aid must be repaid by the recipient.
- g. A form on which the individual may request a fair hearing as well as the notification of the continuance of assistance pending the outcome.

6. Suspension Period. The suspension period for failure to comply with these guidelines shall last:

- a. Either seven (7) days for the first non-compliance event, or fourteen (14) days if the recipient has had a prior suspension that ended within the past six (6) months.
- b. Until the recipient complies with the guidelines, if the recipient, upon the expiration of the seven (7) or fourteen (14) day suspension period, continues to fail to carry out the specific actions set forth in the notice.

Notwithstanding the above, a recipient who has been suspended for non-compliance for at least six (6) months may file a new application for assistance without coming back into compliance.

7. Fair Hearing on Continuing Non-Compliance. 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 the required guidelines, however no assistance shall be available under paragraph C(5)(d) above.

8. Compliance after Suspension. 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 (7) day period for compliance unless new conditions have been imposed.

XIII. 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. 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 welfare official within five (5) working days of receipt of the Notice of Decision at issue. RSA 165:1-b, III.

B. Time Limits for Hearings

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 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.

C. The Fair Hearing Officer(s)

The fair hearing officer or officers may be chosen by the Administrative Assistant of the Select Board or by the Select Board. 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.

D. Fair Hearing Procedures

1. All fair hearings shall be conducted in such a manner as to ensure due process of law. Fair hearings shall not be conducted according to strict rules of evidence. The burden of proof 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. The claimant shall have the opportunity to present his/her case or, at the claimant's option, with the aid of others, 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.
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. No record, paper or document, which the claimant has requested to review but has not been allowed to examine prior to the hearing, shall be introduced at the hearing or become part of the record.
5. 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 rely 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. 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(s) shall not review the case record or other materials prior to introduction at the hearing.
7. The parties may stipulate to any facts.
8. All fair hearings may be tape-recorded and retained for six (6) months.

E. Decisions

1. 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(s) relied in reaching the 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 Town of Groton.
4. The welfare official shall keep all fair hearing decisions on file in chronological order.

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 decision.

XIV. LIENS

A. Real Estate

The law requires the municipality to place a lien for welfare 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 relatives, as defined by RSA 165:19). The Select Board shall file a Notice of Lien with the County Registry of Deeds, complete with the owner's name and a description of the property sufficient to identify it. Interest at the rate of 6% per year shall be charged or the current rate allowed by State Statute on the amount of money constituting the lien commencing one year after the date the lien is filed, unless waived by the Town of Groton. The lien remains in effect until enforced or released or until the amount of the lien is repaid to the municipality. The lien shall not be enforced so long as the real estate is occupied as the sole residence of the assisted person, his/her surviving spouse, or his/her surviving children who are under age 18 or blind or permanently and totally disabled. At such time as the lien may become enforceable, the welfare official shall attempt to contact the attorney handling the real estate or estate before enforcing the lien. Upon repayment of the lien, the municipality must file written notice of the discharge of the lien with the County Registry of Deeds. RSA 165:28.

B. Civil Judgments-RSA 165:28-a

A municipality shall be entitled to a lien upon property passing under the terms of a Will or by intestate succession, a property settlement, or a civil judgment for personal injuries (except Workers

Compensation) awarded any person granted assistance by the municipality for the amount of assistance granted by the Town of Groton.

The municipality shall be entitled to the lien only if the assistance was granted no more than 6 years before the receipt of the inheritance or the award of the property settlement or civil judgment. When the welfare official becomes aware of such a claim against a civil judgment, he/she shall contact the attorney representing the recipient.

This lien shall take precedence over all other claims, unless otherwise provided by State statute.

XV. RECOVERY OF ASSISTANCE

The welfare official shall seek to recover money expended to assist eligible applicants. There shall be no delay, refusal to assist, reduction or termination of assistance while the welfare official is pursuing the procedural or statutory avenues to secure reimbursement. Any legal action to recover must be filed in a court within six (6) years after the expenditure. RSA 165:25.

A. Recovery from Responsible Relatives

The amount of money spent by the Town of Groton 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 support the assisted person, 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. The welfare official shall make reasonable efforts to give such written notice prior to giving of aid, but aid to which an applicant is entitled to under these guidelines shall not be delayed due to inability to contact possibly liable relatives. RSA 165:19

B. Recovery from the Municipality of Residence

The welfare official shall seek to recover from the municipality of residence the amount of money spent by the municipality 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. In any civil action for recovery brought under RSA 165:20, the court shall award costs to the prevailing party. RSA 165:19, 20 (See RSA 165:20-a providing for arbitration of such disputes between communities)

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 municipality for the assistance provided, if such reimbursement can be made without financial hardship. RSA 165:20-a

D. Recovery from State and Federal Sources

The amount of money spent by a municipality to support a recipient who has made initial application for SSI and has signed HHS FORM 151 "AUTHORIZATION FOR REIMBURSEMENT OF INTERIM ASSISTANCE" shall be recovered through the SSA and the New Hampshire Department of Health and Human Services (NH DHHS). Prescription expenses paid by the municipality for applicants who have applied for Medicaid shall be recovered through the NH DHHS if and when the applicant is approved for medical coverage.

E. Delayed State Claims

For those recipients of general assistance deemed eligible for state assistance, NH DHHS shall reimburse a municipality the amount of general assistance as a result of delays in processing within the federally mandated time periods. Any claims for reimbursement shall be held until the end of the fiscal year and may be reimbursed on a pro-rated basis dependent upon the total claims filed per year. RSA 165:20-c. Form 340 "REQUEST FOR STATE REIMBURSEMENT" can be obtained from the NH DHHS for this purpose.

XVI. APPLICATION OF RENTS PAID BY THE MUNICIPALITY

Whenever the owner of property rented to a person receiving general assistance from the Town of Groton is in arrears in tax payments to the Town of Groton, 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

A. Payment Arrears

A payment shall be considered in arrears if interest for delinquent taxes has begun to accrue pursuant to RSA 76:13. RSA 165:4-a

B. Procedure

The welfare official will issue a voucher on behalf of the tenant to the landlord for the allowed amount of rent. The voucher will indicate any amount to be applied to the delinquent taxes, and refer to RSA 165:4-a. The welfare official will issue a duplicate voucher to the Tax Collector, who shall forward the voucher to the Select Board for payment. Upon receipt of payment, the Tax Collector will issue a receipt of payment to the delinquent landlord.

XVII. FORMS & PAYMENT STANDARDS

Forms and current payment schedules for all standards of need calculations shall be available in the Select Board's office.

XVIII. EFFECTIVE DATES AND AMENDMENTS

These guidelines shall apply to determinations of General Assistance after their adoption by the Groton Select Board. Amendments to these guidelines may be made by the Select Board at any proper meeting and by the welfare official as permitted by these guidelines.

Adopted by the Groton Select Board: November 13, 2012
Date

Christina Goodwin

Miles Sinclair

Kyle Andrews