

# TOWN OF ALEXANDRIA

## GENERAL ASSISTANCE GUIDELINES

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**TOWN OF ALEXANDRIA  
GENERAL ASSISTANCE GUIDELINES**

**I. DEFINITIONS**

**Applicant:** A person who expresses a desire to receive General Assistance from the Town of Alexandria 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 from a Welfare Officer, or the action by which a person's representative indicates to the Welfare Officer 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 Officer or the applicant's representative, triggers the applicant's right to a notice under Section XII (pg. 23) 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 Alexandria (See Form A).

**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 (Pg 14). 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 Officer, and kinds of assistance given.

**Claimant:** A person who has requested, either in person or through a representative, a Fair Hearing under Section XIII (pg. 24) of these Guidelines.

**Eligibility:** Determination by the Welfare Officer, 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 Alexandria under the formula appearing in Section VIII (pg. 12).

**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 (pg. 24).

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

**Need:** The basis maintenance and support requirements of a person, as determined by a Welfare Officer under the standards of Section VIII (E) (pg. 15) 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 Alexandria (RSA 21:6a).

**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 Alexandria will issue vouchers directly to the recipient's vendors and creditors rather than cash to the recipient. (See Section VII Pg 11).

**Welfare Officer:** The Officer of the Town of Alexandria, 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 is vested in the Selectmen.

## **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 Officer 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 Alexandria (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 Alexandria's funds.
2. To support decisions concerning the applicant's eligibility (important if the Welfare Officer 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 Officer'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 Officer shall maintain case records containing at least the following information:

1. The complete application for assistance (Form A).
2. Written grounds for approval/denial of application, to be noted on the Notice of General Assistance Decision

(Form C).

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. A signed authorization by the applicant allowing the Welfare Officer to release, obtain, or verify any pertinent information in the course of assisting the recipient (Form A).

## **V. APPLICATION PROCESS**

### **A. RIGHT TO APPLY**

Anyone may apply for local assistance by completing the prescribed Application form. Either the Application or the Notice of Decision shall inform the applicant of his/her right to a Fair Hearing if they are dissatisfied with the Welfare Officer's decision. 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.

### **B. WELFARE OFFICER'S RESPONSIBILITY AT TIME OF APPLICATION**

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

1. The requirement of submitting a written application.
2. Eligibility requirements.
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.
5. The joint responsibility of the Welfare Officer and the applicant for exploring facts concerning eligibility, needs and resources, and applicant's responsibility for presenting records or documents to support his/her statements. The Welfare Officer shall assist the applicant in completing the Application if assistance is requested.
6. 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 Officer of any change in circumstances which will effect eligibility.
9. Any other programs of assistance or service that the Welfare Officer may know of, if applicant appears ineligible for General Assistance or of which applicant may avail himself in addition to receiving General Assistance from the Town of Alexandria.
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 recovery from the applicant is possible if he/she becomes able to repay the amount of assistance given.
12. The applicant's right to review the Town of Alexandria's Guidelines governing the administration of General Assistance.

**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 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 Officer within 72 hours when a change in needs or resources which may affect eligibility for continued assistance.
3. Within one week of application, to apply for and utilize any benefits or resources, public or private, that will reduce or eliminate the need for General Assistance from the Town of Alexandria.
4. To keep appointments as scheduled.
5. To notify the Welfare Officer within 72 hours of a change of address and changes in members of the household.
6. To diligently search for employment and provide verification of application for employment when

requested.

7. To accept employment when offered.
8. To provide a doctor's statement if the applicant claims inability to work due to medical problems.
9. To participate in the welfare work program if physically and mentally able.

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 who, 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**

Unless an application is withdrawn, the Welfare Officer will make a decision concerning the applicant's eligibility within five (5) working days after completion of the written application form.

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), then temporary aid to fulfill such immediate needs shall be given immediately, pending a final decision on the application.

The applicant will be informed in writing of the decision, mailed no later than the next working day following the decision that assistance of a specified kind or amount has been given or that the application has been denied with reasons for the denial noted. In circumstances where required records are not available, the Welfare Officer may give temporary approval to an application pending receipt of required documents. Temporary status shall not exceed two (2) weeks. The Welfare Officer shall not insist on documentary verification if such records are not reasonably available.

An application shall be considered withdrawn if:

1. The applicant has failed to cooperate in accurately completing an application or provide sufficient information for the completion of an application.

2. The applicant dies before assistance is rendered.
3. The applicant avails himself of other resources in place of assistance from the Town of Alexandria.
4. The applicant requests that the application be withdrawn.
5. The applicant does not contact the Welfare Official after the initial interview after being requested to do so by the Welfare Officer.

#### **E. HOME VISITS**

A home visit may be made to each applicant. The applicant shall be informed that a visit will be made within specified hours. At the applicant's request, a specific appointment may be made if the Welfare Officer is available at the requested time and date.

The home visit may be necessary for the Welfare Officer to understand all the services needed to help the applicant. The Welfare Officer will guard against such violations of legal rights and common decencies as entering a home by force, without permission, or under false pretenses, making home visits outside working hours particularly during sleeping hours, and searching of the home. (i.e. in rooms, closets, drawers, or papers to seek clues to possible deceptions).

During the home visit, the Welfare Officer may discuss any noticeable, applicable housing code violations with the applicant and insure that all violations are reported to proper authorities. The Welfare Officer will follow up on all reported violations and may insure that any reprisal actions taken by landlords are also reported to the proper authorities.

Refusal to grant home visits, without reasonable justification, shall be grounds for termination/suspension or denial of an application.

### **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. 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 costs.
11. Facts relevant to the person's residence, as set forth in Section IX (Pg. 21).

**B.** 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 Officer's responsibility to process the application promptly. The Welfare Officer shall inform the applicant what records are necessary, and the applicant is required to produce records possessed as soon as possible.

**C.** 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.** When information is sought from such other sources, the Welfare Officer 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 Officer shall obtain written consent of the applicant or recipient, unless the Welfare Officer has reasonable grounds to suspect fraud. In the case of suspected fraud, the Welfare Officer 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. Should the applicant or recipient refuse comment and/or indicate unwillingness to have the Welfare Officer seek further information which is necessary, assistance shall be denied for lack of eligibility verification.

F. The Welfare Officer may use home visits for verification purposes. See Section V(E) (Pg. 9).

## **VII. DISBURSEMENTS**

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

In addition, the amount shown on the voucher is the 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 must sign the voucher to insure proper usage. The vendor shall be requested to return the voucher with an itemized bill or register tape for payment, to the Town of Alexandria and the attention of the Welfare Officer.

## **VIII DETERMINATION OF ELIGIBILITY AND AMOUNT**

### **A. FORMULA**

A person is eligible to receive assistance when;

1. He/she meets the non-financial eligibility factors listed in Section C below, and

2. When the applicant's basic maintenance need, as determined under Section E below, exceeds his/her available income (Section F) plus available liquid assets (Section D). 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 justifying 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. See Section IX (Pg. 21)

2. "Whenever" means at any or whatever time that person is poor and unable to support him or herself.

a. The Welfare Officer, or a person authorized to act on his behalf, shall be available during normal 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.

c. Assistance shall begin as soon as the person is determined to be eligible.

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. (However, age does make certain persons eligible for other kinds of state or federal assistance, e.g. over 65: Old Age Assistance, Social Security; or under 18; AFDC, foster care, etc. Income from these other sources does not affect eligibility under these Guidelines).

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 Alexandria may pursue recovery against legally liable persons or governmental units. (See Section XV Pg 27)

3. **Eligibility for Other Categorical Assistance.** Applicants or recipients whom the Welfare Officer 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 Officer. Failure

to do so will render the applicant or recipient ineligible for assistance until he/she makes such application. Unless or until another form of public assistance is received, a person otherwise eligible is entitled to receive General Assistance. No person receiving old age assistance or aid to the permanently disabled, under RSA 167 or 161, shall at the same time be eligible for General Assistance, except for medical and surgical 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 is ineligible for General Assistance. The Welfare Officer should determine whether or not there is good cause for such refusal, taking into account the ability, physical and mental capacity of the person, transportation problems, working conditions that might involve risks to health or safety, or lack of workmen's compensation protection, lack of adequate child care, or any other factors that make refusing a job reasonable.

**5. Registration with the N.H. Department of Employment Security & Work Search (DES).** Registration with DES is not necessary for initial determination of eligibility for General Assistance. However, all recipients and adult members of their families should, within one (1) week after having been granted assistance, register with DES to find work, and conduct an adequate work search. Each applicant must apply for employment to each employer to whom he is referred by the Welfare Officer/DES. The Welfare Officer may require a reasonable number of daily job applications.

**6. Parent/Guardian.** A person responsible for the care of a child over six (6) but under twelve (12) shall not be excused from work search requirements, but shall be deemed to have good cause to refuse jobs requiring work during the hours the child is not usually in school, if there is no responsible person available to provide care, and no other care is available.

The Welfare Officer should give all necessary and reasonable assistance to ensure compliance with registration and work requirements, including the granting of allowances for transportation and work clothes. The Welfare Officer may contact DES to verify the fact the recipient has registered with DES, or he may ask to see his identification card. Merely because DES has

determined that a person is not eligible for unemployment compensation does not mean that the recipient will no longer be eligible for General Assistance.

7. **Students.** College students refusing full time employment are not eligible for General Assistance.

#### **D. AVAILABLE ASSETS**

1. **Available Liquid Assets.** Cash on hand, bank deposits, credit union accounts, retirement accounts and securities are available liquid assets. Insurance policies with a loan value, and non-essential personal property, may be considered as available liquid assets when they have been converted 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 does not effect eligibility if it is essential for transportation to seek employment, to procure medical or rehabilitation services, or if its use is essential to the maintenance of the individual or family.

Car payments shall not be considered as part of "need" When determining eligibility or amount of aid.

3. **Insurance.** The ownership of insurance policies, in and of itself, 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 included in "need" when determining eligibility or amount of aid (medical insurance excepted).

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 assets to meet needs. Applicants owning real property, other than that occupied as a home, 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 may be placed against any real estate they own.

#### **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:

1. **Shelter.** The amount to be included as "need" for shelter is the actual cost of rent or mortgage necessary to actually provide shelter. Such cost may be determined with the aid of the most recent U.S. Department of Housing and Urban Development published fair market rents, or by local market factors. No shelter arrearages will be included in the "need" formula, but every effort will be undertaken to prevent eviction. Whenever, a relative of an applicant is also the landlord for the applicant, that landlord will be expected to assist before aid payments for shelter is made. Security deposits are not included in the "need" formula.

2. **Utilities.** When utility costs are not included in the rental expenses, the most recent outstanding monthly utility bill will be included as part of "need" by the Welfare Officer. Arrearages will not be included except when necessary to ensure the health and safety of the applicant.

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 Division of Welfare under RSA 161:2, XIII. More than the food stamp allotment may be granted if a physician has stated in writing that one or more of the members of the family needs a special diet, the cost of which is greater than can be purchased with the family's allotment of food stamps.

4. **Maintenance Allowance.** Supplementary orders may be issued under extenuating circumstances to provide maintenance necessities for personal or household supplies where need is demonstrated.

5. **Telephone.** If the absence of a telephone would create an unreasonable risk to the recipient's health or safety (verifiable in writing by a physician) the lowest available basic monthly rate will be budgeted as a "need".

6. **Emergency and Other Expenses.** In the event that the applicant has the following current expenses, their actual cost shall be included as emergency with other expenses to determine eligibility and amount of assistance.

a. Medical, etc. The Welfare Officer shall not consider including amounts for medical, dental or eye services unless the recipient or 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 there are hospital programs (including Hill-Burton Act) designed for such needs. When a person applies for medical service, prescriptions, dental service or eye service to the local Welfare Officer, he/she must provide written documentation 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 or recipient's well-being will be placed in serious jeopardy.

b. Where the recipient owns a home and is otherwise eligible for General Assistance, payments necessary to prevent foreclosure and protect the health and safety of the recipient may be included in "need". However, the recipient shall commence action to either access

the equity in the property or to sell the property at a fair market sale so that the municipality's obligation to prevent foreclosure does not extend beyond the time necessary to effectuate a fair sale of the property.

c. Except for those specifically required by statute, no legal expenses will be included.

d. No moving expenses shall be included, except the expenses of returning a person to his/her residence at his/her request pursuant to RSA 165:1-c.

e. Emergencies not otherwise provided for in these Guidelines. If the Welfare Officer determines that the applicant's needs have substantially changed, or that strict application of the standard of need criteria will result in unnecessary or undue hardship (e.g., needed services are inaccessible to the person), such Officer may make minor adjustments in the criteria, or may make allowance using the emergency need standards slated in Section V(D) (Page 9) of these Guidelines. Any such determination, and the reasons therefore, shall be stated in writing in the applicant's case record.

f. The Local Governing Body shall establish and maintain maximum payment levels for various allowable expenses, i.e. shelter, maintenance, burial. The maximum payment level for any particular allowable expense shall be based on actual local market conditions and costs. (See eg: HUD and NHHFA Housing Cost Reports; AFDC Cost of Living Study.) The payment levels should be reviewed by the Town annually, updated and modified where market conditions have changed. See Appendix B.

#### **F. INCOME.**

In determining eligibility and the amount of assistance, the standard of need, as determined under Section E above, shall be compared to the available income/assets. Computation of income and expenses will be by the week or month. The following times will be included in the computation.

1. Earned Income. Income in cash or in-kind earned by the applicant or any member of his 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 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 trusted, or income similarly unavailable to the applicant or applicant's dependents, should not be included.

2. Income or Support from Relatives. Contributions from relatives shall be considered as income only if actually received by the applicant or recipient.

3. Income from Other Assistance of Social Insurance Programs. State Categorical assistance benefits (including qualified state assistance reductions under RSA 167:82 VIII), OASDI payments, Social Security payments, VA benefits, unemployment insurance benefits, and payment from other government sources shall be considered income.

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 and trust funds, lottery winnings and the like shall be considered income. Any income actually available to the applicant or recipient from members of their household shall be considered as 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.

#### **G. SUSPENSION FOR NONCOMPLIANCE WITH THE GUIDELINES**

**1. Recipients must comply with these Guidelines and the reasonable requests of the Welfare Officer.** The Welfare Officer must enforce the Guidelines while ensuring that all recipients and applicants receive due process. Recipients should be given reasonable Notice of Conditions and requirements of eligibility and continuing eligibility and notice that noncompliance may result in termination or suspension.

**2. Condition.** 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 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 work program to the extent assigned by the Welfare Officer.
- c. Comply with the work search requirements imposed by the Welfare Officer.
- d. Apply for other public assistance as requested by the Welfare Officer.

**3. Notice of Condition.** 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 (7) day period within which to comply. The Notice of Conditions First Notice should be given at the time of the Notice of Decision and thereafter as conditions change (Form B). Additional notice of actions required should also be given as eligibility is predetermined, but without an additional seven (7)day period unless new actions are required.

**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 a Notice of Condition First Notice, the Welfare Officer shall give the recipient a Notice of Suspension, as set forth in paragraph five (5) (see Form L). If the recipient falls into noncompliance for the first time more than thirty (30) days after receipt of a Notice of Condition, the Welfare Officer shall give the recipient a new Notice of Condition with a new seven (7)day period to comply before giving the recipient the Suspension Notice.

**5. Notice of Suspension. (Form L)** Written notice to a recipient that he/she is suspended from assistance due to failure to comply with the conditions required in a Notice of Condition 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 (see paragraph 6 below).

c. Notice of the right to a Fair Hearing on the issue of willful noncompliance and that such request for hearing must be made in writing within five (5) 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 provided however, that if the recipient fails to prevail at the hearing,

- 1) the suspension will start after the Decision and
- 2) such aid must be repaid by the recipient;

e. A form on which the individual may request a Fair Hearing and 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, or fourteen (14) days if the recipient has had a prior suspension which ended within the past six (6) months, and

b. Until the recipient complies with the Guidelines if the recipient, upon the expiration of the seven (7) or fourteen (14) day suspension period, continues to fail to carry out the specific actions set forth in the Notice of Condition.

**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 the required Guidelines however, no assistance shall be available under paragraph G(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.

#### **H. PROPERTY TRANSFERS.**

1. 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 rendering him/herself eligible for assistance within three years immediately preceding his/her application. RSA 165:2-b.

1. Employment of household members. The employment requirements or participation in the Work Program of these Guidelines shall be required for all able-bodied adults under the age of 65 years, except those regularly attending school or employed on a full-time basis, who are
  - a. related to the person,
  - b. residing in the same household,
  - c. legally liable to contribute to the support of such such person, and
  - d. 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 (RSA 165:32).

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

#### **IX. 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 residents as nonresidents.

##### **C. VERIFICATION**

1. 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.

2. If a home visit to a residence outside the Town of Alexandria is not practical, the decision shall be made on the basis of other sources of verification.

##### **D. TEMPORARY OR EMERGENCY AID**

The standard for the fulfilling of immediate or emergency needs of nonresidents, and/or temporary assistance pending a final decision, shall be the same for resident.

**E. DETERMINATION OF RESIDENCE**

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 following criteria shall aid the Welfare Officer in determining the applicant's residence but shall not be conclusive:
  - a. Does the person have, or immediately intend to establish, a dwelling place within the Town of Alexandria?
  
  - 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 Town of Alexandria at some specific future time?
  
  - d. Has the person evidenced his domiciliary intent in some manner, such as registering a vehicle, paying residence tax, registering to vote, opening of a local bank account, etc., or does he/she intend to do so in the immediate future?

None of the above factors are conclusive. 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 Officer to cause the person to be returned to his/her community of residence.

**G. RECOVERY**

Any aid given to a nonresident, including the cost of return home transportation, may be recovered from his/her community of residence using the procedure of Section XV (Pg. 27).

**X. MUNICIPAL WORK PROGRAMS**

- A. Anyone receiving General Assistance may be required to work at

any bona fide job that is within his capacity. **RSA 165:31.**  
Applicants shall be encouraged to apply for available town positions for which they are qualified.

**B.** In no case shall a recipient/worker be paid or allotted less than the minimum wage. All wages attributable to such employment shall be used to reimburse the Town of Alexandria current assistance given. No recipient shall be required to work more than necessary to reimburse for aid rendered. Employment under this section shall continue for as long as assistance is required and received.

**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 Alexandria for the amount of his\her aid which he\she is eligible under these standards, the Town shall still be reimbursed by the recipient.

**D.** The Town of Alexandria shall provide reasonable time during working hours for recipients to secure work in the labor market.

**E.** Refusal to work does not include failure to appear for or to perform work where the applicant:

1. Has a conflicting interview for a job possibility.
2. A conflicting interview at a service or welfare agency.
3. A medical appointment or illness.

4. Must care for children under the age of six (6). A person responsible for a child over six (6) but under twelve (12) shall be deemed to have good cause to refuse 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. Must remain at home because of illness or disability of another member of the household (verification in writing by physician).

6. Does not possess the materials or tools required to perform the task and the Town of Alexandria fails to provide them.

**F.** Working hours are subject to approval of the supervisor and the applicant. Failure of the applicant to adhere to the agreed working hours (except for the reasons listed above in Section E) will prompt review of the applicant's eligibility for General

Assistance.

## **XI. BURIALS**

The Welfare Officer shall provide for the proper burial, at the Town of Alexandria's expense of assisted persons found in the community at the time of death. The expense may be recovered from the deceased person's municipality of residence or from a liable relative. If relatives, other private person, the state or other sources will not cover the entire burial expenses, the Town of Alexandria shall pay up to \$500.00 for burial service.

## **XII. RIGHT TO NOTICE OF ADVERSE ACTION**

All persons have a constitutional right to be free of unfair, arbitrary or unreasonable action taken by governments. This includes applicants for and recipients of General Assistance whose aid has been denied, suspended, terminated or reduced.

### **A. NOTICE REQUIRED**

1. Every applicant and recipient shall be given a written notice of every decision regarding their assistance. The Welfare Officer will make every effort to insure that the applicant understands the decision.

2. Whenever a decision is made to deny assistance or to refuse to grant the full amount of assistance requested that Decision will be made within five (5) working days with a Notice of Decision handed or mailed to the applicant no later than the next working day.

3. In any case where the Welfare Officer decides to terminate or reduce assistance in advance of the next anticipated date of assistance, the Officer shall send Notice at least seven (7) days in advance to the recipient stating the intended action. The Notice shall comply with paragraph B (2) below.

### **B. CONTENTS OF NOTICE**

Where the Application is granted, the Notice shall state the type of assistance and the time period of the aid. Where the Application is denied or the Officer proposed to terminate or reduce assistance, the Notice shall contain:

1. A clear statement of the reasons for denial or proposed termination or reduction. If the denial, termination

or reduction is due to the person's failure to comply with these Guidelines, the notice shall list the Guidelines with which the person presently does not comply, those specific actions which are deemed necessary to meet those obligations, and a statement of the consequences of noncompliance.

2. A statement advising the individual of his right to a Fair Hearing, and that any request for a Fair Hearing must be made in writing within five (5) working days of the date of the mailing of the Notice.
3. A form on which the individual may request a Fair Hearing.
4. A statement advising the individual of the time limits which must be met in order to receive a Fair Hearing.
5. A statement that assistance may continue, if there has been a determination of initial assistance until the date of hearing if requested by the applicant. Aid must be repaid if the applicant fails to prevail at the hearing.

### **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 to the effect that he wants an opportunity to present his case to a higher authority.

#### **B. TIME LIMITS FOR REQUESTS.**

When an Application is denied, a request for a Fair Hearing must be made within five (5) working days from the date of the mailing or delivery of the denial.

#### **C. TIME LIMITS FOR HEARINGS**

Hearings requested by claimants must be held within seven (7) days of the receipt of the request. The Welfare Officer shall give notice to the claimant setting forth the time and location of the hearing. This notice must be given to the individual at least 48 hours in advance of the hearing, or mailed to the individual at least 72 hours in advance of the hearing.

#### **D. PROCEDURES AT THE HEARING**

1. A claimant or his 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 Officer'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 not been allowed to examine prior to the hearing shall be introduced at the hearing or become part of the record.

2. The Welfare Officer or duly authorized representative shall have the right to examine prior to the Fair Hearing all documents on which the claimant plans to rely at the Fair Hearing and may request a 24 hour continuance if such documents contain evidence not previously provided or disclosed by the claimant.

6. Procedure for the Fair Hearings:

- a. All Fair Hearing shall be conducted in such a manner as to ensure due process of law.
- b. Fair Hearings shall not be conducted according to strict rules of legal procedure and strict rules of evidence. However, in order to protect the right of cross examination, the Fair Hearing Official(s) shall not rely solely upon any hearsay evidence in making their decision if any party objects to its introduction.
- c. The burden of proof shall be on the claimant, who shall be required to establish his/her case by preponderance of the evidence.
- d. The Welfare Officer 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 representative and the Welfare Officer or his representative shall have the opportunity to examine all records and

documents used at the time of the Hearing. The claimant shall have the opportunity to present his case for himself/herself or at this option, with the aid of others, to bring witnesses, to establish testimony or evidence, including the opportunity to confront and cross examine adverse witnesses.

g. The decision of the Fair Hearing Official(s) must be based solely on the record, in light of these standards. Evidence, both written and oral which is admitted at the hearing shall be the sole contents of the record. Decisions are to be rendered by majority vote if applicable.

h. The parties may stipulate to any facts.

4. The Fair Hearing Official(s) shall be chosen by the Chairman of the Board of Selectmen and shall number no more than three (3) persons.

The person(s) serving as the Fair Hearing authority must:

a. Not have participated in the Decision causing dissatisfaction.

b. Be impartial.

c. Be sufficiently skilled in interviewing to be able to obtain evidence and facts necessary for a fair determination.

d. Be capable of evaluating all evidence fairly and realistically, to explain to the claimant the laws and regulations under which the Welfare Officer operated, and to interpret to Welfare Officer any evidence of unsound, unclear or inequitable policies, practices or action.

## **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 the Decision and

the facts on which the Fair Hearing Official(s) relied in reaching their decision. A copy of the Decision shall be mailed or delivered to the claimant and the Welfare Officer.

2. Fair Hearing Decisions will be rendered on the basis of the Official's findings of fact, these regulations, and state and federal law. The Fair Hearing Decision shall set forth the 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 the recipient fails to prevail at the hearing, the assistance given pending the Hearing shall be a debt owed by the individual to the Town of Alexandria.

4. The Welfare Officer 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 decision.

#### **XIV. LIENS**

The law requires the Town to place a lien for welfare aid received on any real estate of an assisted person in all cases except for just cause (RSA 165:28). Selectmen shall file the 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 remains in effect during the lifetime of a person or until the amount of the lien is repaid to the Town of Alexandria. Upon repayment of the lien, the Town of Alexandria, must file written notice of the discontinuance of the lien with the county registry of deeds.

#### **XV. PROCEDURE FOR BILLING AND RECOVERING FROM GOVERNMENTAL UNIT OF RESIDENCE OR RELATIVE**

The amount of money spent by the Town of Alexandria 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 municipality of residence or the liable relative. However, written notice of money spent in support of an assisted person must be given to the liable relative. The Welfare Officer shall make reasonable efforts to give such notice prior to the giving of aid, but aid to which an applicant is entitled under these Guidelines shall not

be delayed due to inability to contact possibly liable relatives. Any legal action to recover must be filed in a court within six (6) years after the expenditure (RSA 165:19, 20 and 25).

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

#### **XVI APPLICATION OF RENTAL PAYMENTS TO DELINQUENT TAXES.**

Pursuant to RSA 165:4-a, the Town may apply assistance which is granted for rental purposes for an assisted person to outstanding delinquent property taxes due on the rented premises in accordance with this section.

**A.** When an applicant seeks assistance for rental payments, the Selectmen (Welfare Officer) shall determine if there are any delinquent property taxes on the residential property occupied by the applicant which are "in arrears" as defined by RSA 165:4-a. Upon determining that taxes are in arrears, the Selectmen (Welfare Officer with prior approval of the Selectmen) shall notify the property owner that the Town intends to apply all or a portion of any assistance granted to the applicant as rental assistance to the outstanding taxes.

**B.** At least 10 days prior to making payment to the Tax Collector, the Selectmen (Welfare Officer) shall notify the property owner of the intent to apply the assistance payment to taxes, including the amount proposed to be paid and whether the payment to offset taxes will be continuing or temporary. The notice shall advise the property owner of the deadline for submission of a request for alternation of the amount proposed to be paid to offset delinquent taxes under paragraph ©.

**C.** By written application submitted no later than 120 days after the date of notice under paragraph (B), the property owner may contest the payment or seek alteration of the amount proposed to be allocated to payment of delinquent taxes and may submit evidence in support of such a claim. The property owner may also request a hearing on the matter but shall submit evidence substantiating the request in advance with the request for hearing.

**D.** In determining whether to reduce or eliminate the amount proposed for allocation to offset overdue taxes, the Selectmen shall consider the following:

1. Representations that the property taxes will be paid in

another manner, together with the basis for such representations.

2. The effect that allocation of rental payments to delinquent taxes would have on the ability of the property owner to meet other reasonable obligations for the property.

3. Such other factors as the Selectmen deem relevant.

**E.** If a request for elimination or reduction of the amount proposed to pay delinquent taxes is not received within 10 days after the date of the notice under paragraph (B), or after consideration of such a request, the amount finally determined to be allocated to offset delinquent taxes shall be paid to the Tax Collector. The Selectmen shall issue to the applicant a document stating that rental payments have been applied to taxes in accordance with this section, with a copy to the property owner. The Tax Collector shall issue a receipt for the amount of taxes, interest and fees covered by the payment, applying it to the longest outstanding taxes on the property.

**F.** The document issued to the applicant shall constitute evidence that rent due for the applicant has been paid or reduced by the amount and for the rental period indicated.

**G.** Both the applicant and the property owner shall not disclose to any other person the identity of the other party nor any information which may tend to disclose the identity of the other party, except as directed by any court or as allowed by the other party. The property owner may disclose that rental payments are being applied to delinquent taxes under this regulation, without identifying the applicant, to financial advisors, mortgagees or similar individuals when necessary for bona fide reasons.

**H.** If the property owner is in arrears on payment of taxes on other income property located in the Town, the Selectmen may, after notice and opportunity for hearing in accordance with this regulation, apply rental payments to said delinquencies even though the assisted person does not reside on such other property.

Dated: \_\_\_\_\_

Approved & Adopted  
Board of Selectmen  
Town of Alexandria

\_\_\_\_\_  
Robert A. Cantara, Chairman

Nicholas Panaggio, Jr.

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Whitney M. Leggett

Alexandria Assistance Guidelines