

# **Town of Troy, NH Welfare Department**



## **GENERAL ASSISTANCE GUIDELINES**

## **MISSION STATEMENT**

We provide financial assistance to needy individuals and families in The Town of Troy. We do so in a thoughtful, professional, and cost-effective manner, while maintaining the dignity and promoting the self-sufficiency of those we serve.

## **INTRODUCTION**

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

- The process for application for General Assistance.
- The criteria for determining eligibility.
- The process for appealing a decision relative to the granting of General Assistance.

## **ROLES OF WELFARE OFFICER & LOCAL GOVERNING BODY**

The appointed Welfare Officer shall administer the General Assistance Program in accordance with Federal Legislation, RSA 165, and the Town of Troy's General Assistance Guidelines. The local governing body (The Board of Selectmen) is responsible for the adoption of the Guidelines relative to General Assistance. (RSA 165:1-II)

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## DEFINITIONS

For the purposes of these Guidelines, the following terms have the indicated meaning:

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

APPLICANT: A person or persons requesting General Assistance, who has not yet completed the intake process. In these Guidelines, the terms applicant is used to designate one or more persons.

ASSETS: All cash, real property, personal property, and future assets owned by the applicant; including, but not limited to annuities, insurance awards, tax refunds, retroactive government, and insurance payments.

AVAILABLE LIQUID ASSETS: Includes cash on hand, checking accounts, bank, and credit union accounts. Retirement accounts, insurance policies with loan value, and non-essential personal property shall be considered as available liquid assets if they can be converted into cash as well as monetary gifts, expectancies and future interests owned by the applicant and household.

CASE RECORD: Official files containing forms, correspondence and narrative records pertaining to the application. Will include determination of eligibility, reasons for decisions and action by the Human Services Official, and types of assistance given. The case record may be kept electronically. A hard copy of all signed documents shall be kept for a minimum of four years.

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

COMPLIANCE: Fulfilling all official requirements and adhering to these Guidelines and all Notices of Decision.

ELIGIBILITY: A determination made by a Welfare Officer in accordance with RSA 165 and these Guidelines of an applicant/client who qualifies for General Assistance.

FAIR HEARING: A hearing, in accordance with the standards described in the Fair Hearings section of these Guidelines, which the applicant may request to contest a denial of assistance.

FAMILY UNIT: The applicant/client and any related or unrelated person(s) residing with the applicant/client. Family unit includes, but is not limited to:

- a person "in loco parentis", that is, one who intentionally accepts the rights and duties of a natural parent with respect to a child, who is not his/her own child and who has lived with the child long enough to form a psychological family; or
- two unmarried adults who live together and who have a mutual child.

FINANCIAL RESOURCES: All assets, financial assistance from relatives, friends, other household members, or other sources (e.g., charitable agencies, non-profit agencies, etc.).

GENERAL ASSISTANCE: The term used for local welfare programs administered and funded by each city and town in the State of New Hampshire.

GOOD CAUSE: Includes but is not limited to a verified medical emergency or other verified unforeseen emergency circumstance, which precludes the individual from fully complying with mandated requirements.

HOUSEHOLD: Persons living together, who share in or benefit from shelter and other expenses and services.

INELIGIBILITY: A determination made by a Welfare Officer in accordance with RSA 165 and these Guidelines of an applicant/client who does not qualify for General Assistance.

LANDLORD: The property owners/authorized agents of a valid rental property.

LICENSED MEDICAL PROVIDER: A physician, a physician's assistant, a nurse practitioner, or a dentist, who is licensed to practice in the State of New Hampshire.

NOTICE OF DECISION: The form used to detail the determination made by the Welfare Officer.

PAYMENT: A means of guaranteed payment to a vendor. (RSA 165:1-III).

RESIDENCE/RESIDENCY: An applicant's/client's 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 temporary absence from it if there is intent to return to such residence or residency as the principal place of physical presence. (RSA 21:6-a)

ROOMMATES: Two or more people living together who have no legal financial responsibility to provide for each other.

SUSPENSION: An amount of time for which a client is ineligible for assistance, due to noncompliance with these Guidelines and/or the requirements of any Notices of Decision. (RSA 165:1-b)

UTILITY: Electric, gas, oil, propane, water, or sewer service.

VENDOR: Any landlord, utility company, store or other business that provides goods or services and who is established with the Town of Troy Finance Department to obtain payment from the Welfare Department.

WELFARE DEPARTMENT: The Town of Troy Welfare Department.

WELFARE OFFICER: The person appointed by the Board of Selectmen who is responsible for operating the Welfare Department and who determines a client's eligibility for General Assistance in accordance with RSA 165.

WORKFARE: Labor performed by welfare recipients at municipal sites or human service agencies as reimbursement for benefits received. RSA 165:31.

### MAINTENANCE OF RECORDS

The Welfare Department is required by RSA 41:46 to keep complete records of General Assistance, in addition to general statistical records concerning the number of persons receiving assistance and the cost for such support. Separate case files shall be established for each individual or household applying for General Assistance. The purposes for keeping such files are to:

- provide a valid basis for accounting for expenditure of the Town of Troy's funds,
- support decisions concerning the applicant's eligibility,
- ensure availability of information if the applicant seeks administrative or judicial, review of the Welfare Officer's decision,
- provide the Welfare Officer with accurate statistical information, and
- provide a complete history of an applicant's needs that might aid the Welfare Officer in ongoing case management and in referring the applicant to the appropriate agencies.

The Welfare Officer shall maintain case files containing the following information:

- the completed Application for Assistance, including all forms signed by the applicant,
- all Notices of Decision,
- a narrative history recording the need for assistance, the results of investigations of applicants' circumstances, referrals, and changes in status, etc.,
- a payment tracker, which has complete data concerning the type, amount and dates of assistance granted, as well as amounts and dates of reimbursements made, which may be

kept on paper or electronically.

The Application for Assistance and any documents submitted by the applicant to the Welfare Department will be retained as part of the applicant case file and become property of the Town of Troy in accordance with these written Guidelines.

Copies of case files will be provided to an applicant or their authorized representative if requested. An authorized representative must have a Release of Information, signed, and dated by the applicant(s). A service charge for processing copies will be assessed. The charge for copies will be a rate set by the Town Administrator.

### **CONFIDENTIALITY OF INFORMATION**

Information given by or about an applicant for General Assistance is confidential and privileged and is not public record under the provisions of RSA 91-A. Such information will not be published, released, or discussed with any individual except when disclosure is required by law, or when necessary to conduct the purpose of RSA 165. (RSA 165:2-C)

### **RIGHT TO APPLY**

#### **Application Process**

Anyone may apply for General Assistance by appearing in person at the Welfare Department and completing a written Application for Assistance. If more than one adult lives in a household each adult must appear, unless an adult is working and/or otherwise has just cause for his/her absence.

Persons in the relationship of father, mother, stepfather, stepmother, son, daughter, husband, or wife, are legally liable to support the applicant (RSA 165:19); and therefore, are required to apply jointly with him/her, if they reside in the same household/family unit.

The Welfare Officer shall not be required to accept an Application for Assistance from a person who is under suspension pursuant to RSA 165:1-b, RSA 641:3, and/or RSA 637:4, provided that any person who contests a determination of continuing noncompliance with these Guidelines may request a fair hearing; and provided further that a recipient who has been suspended for at least six months for noncompliance of RSA 165:1-b, or one year due to noncompliance of RSA 641:3 and/or RSA 637:4 may file a new application.

### **APPLICANT RESPONSIBILITIES**

Interviews and/or appointments may be rescheduled if an applicant appears to be under the influence of alcohol, drugs, or other substances, and as a result appears incapable of comprehending, as well as completing the application/interview process.

From the time of the initial application, and for as long as an applicant is receiving assistance or their case is open, the applicant shall comply with each of the following responsibilities:

1. to submit a completed, signed Application for Assistance, including any supporting documentation; all information provided (verbal and written) must be accurate and truthful in all respects and without misrepresentation and/or omission,
2. to cooperate fully in answering all questions asked by the Welfare Officer, including providing information regarding all legally liable relatives (RSA 165:19). Refusing to answer all questions asked by the Welfare Officer shall be considered withdrawal of application for assistance,
3. to comply with all requirements set forth in each Notice of Decision,
4. to report to the Welfare Officer, at each appointment, every change in circumstances, particularly having received and/or benefited from, directly or indirectly, any financial resources from any source,
5. to apply for and accept any benefit or resource (public or private) within seven (7) days of being directed to do so by a Welfare Officer and to fulfill all ongoing requirements of such programs,
6. to cooperate fully with the Welfare Officer in verifying all information that has been provided and is necessary to determine eligibility,

7. to keep all appointments as scheduled unless an emergency prevents keeping the scheduled appointment. In such an event, providing documentation of the emergency may be required,
8. to provide records and other required information, as well as to provide access to such records and information, when required,
9. to provide a Request for Medical Information Form completed by a licensed medical provider as to the level of work that can be performed by an applicant, if they are claiming their ability to work is restricted or prohibited,
10. to immediately report any claim of theft or loss of money, payment/voucher or other valuable property to the appropriate entity and law enforcement, and to provide the Welfare Officer with proof of the report to law enforcement,
11. to search diligently for any employment, as directed by the Welfare Officer,
12. to provide verifiable documentation of work search, with the number of work search contacts being determined by the Welfare Officer,
13. to accept any employment when offered, except for documented reasons of good cause and to maintain such employment once assistance has been granted. (RSA 165:1-d),
14. to participate fully in the Welfare Department Work Program, if physically and mentally able. (RSA 165:31),
15. to cooperate fully with the Welfare Officer in obtaining reimbursement to the Welfare Department for assistance provided and to notify the Welfare Officer of any pending civil judgments, lawsuits, inheritances, financial settlements, insurance claims or any other financial awards,
16. to reimburse the Welfare Department for any assistance granted, when and if returned to an income status that would allow for such reimbursement to be made without financial hardship. (RSA 165:20-b), and
17. to read and sign the Applicant Responsibilities Form which has been provided.

An applicant may be suspended or determined ineligible for assistance for failure to fulfill any of the above responsibilities without verifiable good cause.

#### **WELFARE OFFICER RESPONSIBILITIES**

From the time of the applicant's initial contact and as long as an applicant's case remains open the Welfare Officer shall:

1. ensure that a completed Application for Assistance contains all necessary information, and that the applicant has read and understood all essential information. When necessary, the Welfare Officer shall aid the applicant in completing the Application for Assistance,
2. describe eligibility requirements, including a general description of pertinent Guidelines and the eligibility standards,
3. meet the applicant's basic needs in an appropriate and cost-effective way. This may include referral to other agencies and/or resources,
4. verify all pertinent information,
5. negotiate with vendors whenever possible. If negotiation is not possible, the least expensive appropriate alternative will be pursued,
6. refer an applicant who is homeless or at risk of homelessness to a shelter or another appropriate housing option,
7. inform the applicant of their right to request a fair hearing should they receive a Notice of Adverse Action, as well as explain the process by which to do so,
8. place a lien when statutorily required and inform the applicant of the need to do so; see Liens, page 20 of these Guidelines,
9. pursue reimbursement of all assistance in accordance with RSA 165, and
10. provide the applicant with a copy of the Applicant Responsibilities form, which he/she signed.

#### **VERIFICATION OF INFORMATION**

Welfare Officer's will conduct their work with professionalism and integrity as they seek to verify an applicant's information and circumstances.

Verification by the Welfare Officer will include, but will not be limited to, the following:

- applicant's address,
- names of persons in applicant's household or family unit,
- picture identification, birth certificates, Social Security cards and immigration/citizenship documentation (if applicable), for all applicants and their household members,
- applicant's marriage certificate, divorce decrees, child support orders, custody papers, proof of guardianship, and physical custody of children,
- applicant's and household member's financial resources and expenses,
- applicant's and household member's physical and mental condition, only when relevant to their receipt of assistance, such as ability to work, determination of needs or referrals to other agencies or resources,
- any special circumstances claimed by an applicant,
- applicant's employment status and availability for employment,
- names, addresses, and financial status of legally liable relatives (RSA 165:19),
- utility costs,
- housing costs,
- facts relevant to applicant's residence,
- proof of application and/or benefits from other agencies

Verification may be made through records provided by the applicant (for example, birth and marriage certificates, pay stubs, pay checks, rent receipts, bankbooks, etc.) as primary sources. The failure of the applicant to bring such records does not affect the Welfare 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 within 7 days (RSA 165:1-b, II).

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

While it is primarily the responsibility of the applicant to provide the Welfare Officer with the necessary verifications to determine eligibility, the Welfare Officer may also seek to obtain verifications through various sources once a release of information has been signed by the applicant. 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.

The Welfare Officer may seek statements from the applicant's former employers, and from legally liable relatives regarding their ability to help support the applicant RSA 165:19.

In accordance with RSA 165:1-b, should an applicant refuse to provide material information required to determine if they are otherwise eligible for assistance and/or indicate an unwillingness to have the Welfare Officer seek said information then they may be determined ineligible for assistance. If an applicant is determined to be otherwise eligible, then the failure to provide required information would be subject to RSA 165:1-b, II.

Should the applicant refuse to provide required information and/or indicate an unwillingness to have the Welfare Officer seek further information that is necessary, then the applicant may be determined ineligible for assistance.

## **DETERMINATION OF ELIGIBILITY**

### **Legal Standard**

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

For the purposes of these General Assistance Guidelines:

- A person cannot be denied assistance solely because he/she is not a resident. "Whenever" means at any time that a person is poor and unable to support himself/herself.
  - A Welfare Officer shall be available during normal working hours.
  - The eligibility of an applicant for General Assistance shall be determined within seventy-two (72) hours if an emergency exists, see page 16 of these Guidelines; or seven (7) days after the date of the interview.
- "Poor and unable to support" means that an individual lacks the financial resources to adequately provide for basic needs for himself/herself or family unit as determined by these Guidelines.
- "Relieved" means a person shall be assisted, as a Welfare Officer determines eligible, to meet those basic needs.
- "Maintained" means assistance will continue for as long as the applicant remains eligible.

### **Eligibility Formula**

An applicant is eligible to receive General Assistance when:

- They meet the Non-Financial Eligibility Standards and Assets Criteria sections of these Guidelines; and
- their basic need expenses, see page 11 of these Guidelines, exceed their available financial resources, see page 11 of these Guidelines; and
- they otherwise comply with the requirements of these Guidelines and their Notices of Decision.

### **Non-Financial Eligibility Factors**

Minors are the financial responsibility of their parents or legal guardians unless circumstances warrant otherwise. A minor's residency is generally considered to be that of their parents or legal guardians. The Division of Children, Youth and Families will be notified of any minor who is not residing with their parent or legal guardian and needs services. A minor who is married will be considered an adult for the purposes of these Guidelines.

#### **Eligibility for Other Program Assistance**

An applicant who may be eligible for any other assistance program, must apply for such assistance no later than seven (7) days after being required to do so by a Welfare Officer. Failure to do so may result in suspension of assistance. Applicants must also fulfill all ongoing requirements of such programs.

#### **Refusal of Employment**

An applicant who without verifiable good cause refuses a job offer, referral to employment, or participation in the Welfare Department Work Program may be determined ineligible for continuing General Assistance in accordance with the procedures for suspension outlined in these Guidelines. (RSA 165:1-b) The Welfare Officer shall first determine whether there is verifiable good cause for such refusal, considering the physical and mental capacity of the person, working conditions that might involve risks to health or safety, and other barriers to employment. Employment requirements shall extend to all employable adult members of the household/family unit.

### **Work Search**

Within seven (7) days after having been granted assistance, applicants shall provide proof that they are pursuing all available means of securing employment, as directed by a Welfare Officer. Work search requirements for all adults ages 18 to 65 years residing in the same household apply unless the applicant:

- is employed full-time,
- is a dependent eighteen (18) years of age or under, who is regularly attending school,
- is unable to work due to illness or due to a mental or physical disability, verified by a licensed medical provider's note,
- is unable to work due to the necessity to care for a disabled family/household member, verified by a

- licensed medical provider's note,
- only one (1) adult will be exempt from work search.

#### Disqualification for Voluntary Termination of Employment

An applicant who voluntarily terminates employment will be determined ineligible for assistance pursuant to the provisions of RSA 165:1-d.

#### Students

Applicants who are college students or Full-time students not available for or refusing to seek full-time employment are not eligible for general assistance.

#### Immigration Status

The Welfare Department utilizes the Department of Homeland Security's SAVE (Systematic Alien Verification for Entitlements) Program to verify an applicant's immigration status or naturalization/derived citizenship.

Persons who do not meet the qualified alien status (8 USC 1641 and 1621) are ineligible for public welfare benefits. However, they may still be eligible for assistance with health care items (e.g., medication and medical supplies) necessary for the treatment of an emergency medical condition (8 USC 1369). In cases where a family unit has members who are citizens and/or qualified aliens, and others who are not, assistance will be determined for those members who are eligible to receive public welfare benefits.

The Welfare Officer, in his/her sole discretion, may also provide limited assistance to non-citizens, not otherwise eligible for General Assistance.

### Assets Criteria

#### Available Liquid Assets

See definition section of these Guidelines. All readily available liquid assets shall be converted to cash immediately. For all other available liquid assets, the Welfare Officer shall allow reasonable time for such conversion. However, tools of trade, livestock, and farm equipment, as well as necessary and ordinary household goods, which are essential items of personal property, shall not be considered as available assets.

#### Vehicle Ownership

The ownership of one vehicle by an applicant or their dependents does not affect eligibility if the vehicle is determined essential by the Welfare Officer. Essential means that there is no other more affordable available means of transport to: employment, medical, or other essential services. The book value of a new vehicle, luxury vehicle or multiple vehicles may be considered a liquid asset. In such cases an applicant may be required to take all steps necessary to sell their assets to meet their own needs before being determined eligible for anything other than emergency short term assistance.

#### Insurance

The ownership of whole life insurance policies could affect eligibility. When a policy has a cash or loan value, the applicant may be required to obtain and/or borrow available funds, which shall then be considered available assets. Payment of a life insurance premium shall not be considered a basic need when determining eligibility. Motor vehicle insurance premiums and/or SR22 insurance premiums are not considered a basic need when determining eligibility.

#### Real Estate

The type and amount of real estate owned by an applicant could affect eligibility. Rent or other income from property would be considered an available financial resource to meet an applicant's basic needs. An applicant owning real estate, other than that occupied as their primary home, may be expected to make reasonable efforts to dispose of it at fair market value. An applicant shall be informed that a lien covering the amount of any General Assistance received, shall be placed (except for just cause) against any real estate he/she owns. (RSA 165:28)

#### Property Transfers

No person who is otherwise eligible for assistance under RSA 165, shall receive such assistance if he/she has made an assignment, transfer, or conveyance of property for the purpose of rendering himself/herself eligible for assistance within three (3) years immediately preceding his/her application. (RSA 165:2-b)

#### Cosigners

In cases involving a request for assistance for a basic need expense for which applicants have secured a cosigner, a Welfare Officer will attempt to contact the cosigner regarding their ability to fulfill their legal obligation. However, assistance to the applicant will not be delayed or denied due to a cosigner's failure to

meet their legal obligation. If a cosigner is also a legally liable relative under RSA 165:19, a Welfare Officer may pursue reimbursement from the cosigner.

### **STANDARD OF NEED - BASIC NEEDS CRITERIA**

An applicant must utilize all income and financial resources available to them to meet their own basic needs. Basic needs are rent, food, cleaning and personal hygiene items, utilities, prescriptions, and car gas or the cost of public transportation for essential travel. Documented childcare costs and court ordered child support payments may be considered allowable expenses. When applying for assistance applicants must provide legitimate, dated receipts to account for all expenses. Non-basic need expenses include, but are not limited to credit card payments, rent-to-own items, cable or satellite television service, Internet service, repayment of personal loans, traffic citations, bail, and court fines. Any income or financial resources that are used for non-basic needs, and/or that are not accounted for with receipts, will be considered available to the applicant when determining eligibility or will be grounds for suspension of assistance.

The basic financial requirement for General Assistance is that a person is poor and has insufficient financial resources to meet their basic need, expenses as described above. When determining an applicant's eligibility for General Assistance the Welfare Officer must apply the following standards:

#### **Rent/Mortgage/Utilities**

##### **Rental Allowance Guidelines**

The Welfare Department assists with housing costs necessary to provide shelter. To determine these costs, Rental Allowance Guidelines which reflect local market factors have been established. These Rental Allowance Guidelines are periodically updated as local market conditions change. When utilities are not included in the rent, the average monthly cost of the required utility payments will be added to rent to determine if the total housing costs are within the Rental Allowance Guidelines.

##### **Maintaining Housing**

Rental/mortgage/utility assistance is in part determined by the applicant's ability to afford their overall housing cost (rent/mortgage and utilities) based on their present and projected verifiable income. Applicants who are unable to afford their housing may be advised to relocate to more affordable housing. The Welfare Officer will try to maintain an applicant in his/her own housing if it is within the Welfare Department's Rental Allotment Guidelines unless to do so would probably require an unreasonable period of continuing subsidy from the Welfare Department. In determining whether continuing subsidy is warranted, the Welfare Officer shall consider, among other relevant factors:

- efforts by the applicant to increase household financial resources or obtain affordable, less expensive housing,
- the applicant's prospects of obtaining other forms of rental assistance; and
- helping an applicant residing in federally subsidized housing or other substantially below market rate housing to retain such housing.

##### **Housing Costs Over Guidelines**

Applicant whose housing costs are above the Rental Allotment Guidelines may be determined ineligible for assistance with their housing related expenses. An exception may be made if an applicant is able to demonstrate that their present/projected verifiable income is sufficient to afford the housing cost themselves going forward without continued assistance from the Welfare Department.

##### **Arrearages**

Arrearages related to housing costs (rent, mortgage, property taxes, utility, etc.), are not normally considered a basic need expense when determining eligibility for General Assistance. Exceptions can be made if the payment of the expense is necessary to prevent eviction/foreclosure or to protect the health and safety of the household members and payment of the expense is less than the cost of alternative available housing. A Welfare Officer may offer alternate means to accommodate the health and safety of the household members when a less costly option exists.

##### **Eviction Notice**

When an applicant submits a completed Application for Assistance with an Eviction Notice for non-payment of rent, prior to the date on which the Eviction Notice expires, the Welfare Officer shall make a reasonable effort to:

- process the application/request in a manner which, if determined eligible and assistance is granted, would enable the Landlord to tender a payment in the amount necessary to defeat eviction by the day the Eviction Notice expires; or
- obtain a commitment from the landlord that he/she will agree to accept General Assistance paid on behalf of the applicant and/or will wait for a decision from the Welfare Officer and not pursue the eviction, unless a specified date following the expiration of the Eviction Notice passes without the landlord receiving a commitment to pay from the Welfare Officer.

In no case shall the decision on the application for rental assistance, to cure an eviction for non-payment of rent, be issued later than seven (7) days from the time of the application or by the date of expiration on the Eviction Notice, whichever is later.

This process does not apply to an applicant who is presently under suspension or ineligible status.

#### Court Ordered Arrangements

Applicants who have made a court ordered arrangement about payment for rental/mortgage arrearages are the financially responsible party to fulfill the terms of the arrangement. The Welfare Department is not financially obligated to the terms thereof; however, a Welfare Officer may assist with court-order payments when doing so is in keeping with the Maintaining Housing section, on page 11 of these Guidelines.

#### Rental Assistance not Provided for

The Welfare Department does not provide payment for the following scenarios, including, but not limited to:

- rental space which does not meet the requirements of the Town of Troy Housing and Zoning codes,
- subletting,
- additional bedroom(s) for child visitation or other guests; or
- any amount of time in which the applicant is not occupying the housing. The necessity for the absence from housing will be considered when determining eligibility. While rental/mortgage assistance during hospitalization may be considered, absences for vacation or other non-essential purposes will not.

#### Relative Landlords

Whenever a legally liable relative of an applicant is also the landlord of the applicant, they will be presumed able to assist his/her relatives pursuant to RSA 165:19 with rent, mortgage, and/or utilities, and must prove an inability to assist before any assistance is granted for housing.

#### Mortgage Assistance

Applicants will be required to explore all loan modifications and/or other options through their lender.

#### Utility Assistance

A Welfare Officer will negotiate with the utility company to pay the least amount possible to prevent disconnect or restore service. When utility services have been disconnected and a determination regarding utility assistance cannot be made immediately, a referral to shelter can be offered, until such time as eligibility can be determined. If a utility company requires an applicant to agree to a repayment plan and an applicant refuses to do so, and/or if the payment from the Welfare Department alone is insufficient to restore or retain service a Welfare Officer may deny assistance with the utility payment. A utility must be in the applicant's legal name for a Welfare Officer to render assistance with a utility bill.

#### PUC Regulations

The Welfare Department will abide by the current Chapter PUC 1200 Rules and Regulations for NH Utilities enforced by the State of New Hampshire Public Utilities Commission.

#### Roommates Shared Housing Expenses

Expenses which benefit the household (rent, utilities, etc.) are divided pro rata for the purposes of calculating the applicant's basic need expenses, based on the total number of persons in the household. However, the total shelter cost must approximate the Rental Allowance Guideline amounts according to household size. (e.g., If three unrelated adults share an apartment, and one applies for rental assistance, rental assistance is determined as one-third of their total shelter cost. The total shelter cost must then approximate the Rental Allowance Guideline amount for a household of three.) An applicant's roommates who are not requesting assistance with their portion of the rent, will not be required to apply with the applicant nor will they be required to sign the application. However, prior to authorizing assistance with the applicant's portion of the rent, the Welfare Officer will need to verify that the balance of the household's

rent has in fact been paid.

In cases in which the Welfare Officer has made an appropriate referral for temporary emergency shelter or other housing arrangements, and the applicant refuses to accept such a referral, the Welfare Officer is under no obligation to seek or pay for alternate housing/shelter.

If an applicant fails to comply with Notice of Decision requirements and/or these Guidelines, all assistance, including his/her shelter stay, can be suspended or the applicant may be determined ineligible for assistance, see page 16 of these Guidelines. Information may be provided to the applicant so that he/she may pursue alternate shelter.

If an applicant fails to abide by the Temporary Housing Addendum to a Notice of Decision, the Welfare Department will not continue to provide emergency housing, nor will the Welfare Department be obligated to locate or provide payment for other temporary housing options. If the applicant has otherwise complied with the requirements of their Notices of Decision and these Guidelines, he/she may be eligible for rental assistance to secure permanent, affordable housing once the applicant has located such.

An applicant vacating their room at the shelter for one or more nights will not be readmitted until a Welfare Officer determines further eligibility.

If an applicant refuses to leave the shelter, when alternate housing is available and shelter assistance is no longer a necessity, no further shelter assistance will be authorized.

#### Food

The amount included as a “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.

#### Medical Expenses

##### Prescriptions

The Welfare Department may only assist with medications which are necessary and are for conditions where the absence of the medication would pose a significant risk to an individual’s health. Only the cost of the least expensive medications will be considered. Medications that the Welfare Department will not authorize payment for, include, but are not limited to birth control medications/devices, experimental medications, and performance enhancing medications.

Generic medications must be used whenever possible. If a prescriber is requiring a brand name medication, when there is a generic equivalent available, the prescriber would need to substantiate to the Welfare Officer why the generic medication is not adequate.

An applicant shall be directed to seek sample medications and/or apply for free medications through their prescriber or through an agency.

The Welfare Department will not provide payment for medications not covered by Medicaid, supplements, vitamins, or alternative medications or products.

##### Other Medical Expenses

The Welfare Department does not provide payment for any of the following:

- substance misuse treatment and recovery programs
- dental services
- eye care services and supplies
- medical/hospitalization/rehabilitation services medical equipment and supplies
- medical insurance

## Other Expenses

### Telephone

Phone service is generally not considered a basic need expense. However, if the absence of a phone would create a significant risk to an applicant's health and/or safety and if the applicant is not eligible for free cell phone service, then the least expensive option (not including texting or Internet services) may be considered by a Welfare Officer to be an allowable expense. Written documentation from a licensed medical provider detailing why the absence of a phone creates a significant risk to applicant's health and safety must be provided to a Welfare Officer for consideration. In addition, written documentation stating that an applicant has applied for and has been determined ineligible for free cell phone service must also be provided.

### Transportation

If a Welfare Officer determines that transportation is necessary, the cost of car gas or public transportation will be considered a basic need expense. The Welfare Department does not provide payment for vehicle expenses, including, but not limited to loan payments, repairs, maintenance, registrations, inspections, insurance, towing, or impound fees, as these expenses are not considered to be basic need expenses. The ongoing costs related to vehicle ownership or lease must be appropriate to the applicant's income.

### Legal Expenses

Unless specifically required by statute, no legal expenses or fees will be considered an allowable expense. The Welfare Department will not provide payment for any legal expenses.

### Clothing

If an applicant has an emergency clothing need which cannot be met in a timely fashion by other community resources, then the cost of the emergency clothing will be considered a basic need expense.

### Miscellaneous

The Welfare Department does not provide payment for moving expenses, security deposits, storage fees, household furnishings, condominium fees, late fees, eviction fees, home repairs, or to prevent repossession of any kind.

### Long Term Treatment Programs

Organizations administering long term treatment for individuals to overcome addictions and restrict the individuals from working are responsible for the individual's basic needs while the individual is in such a program.

### Unusual Needs

If a Welfare Officer determines that an applicant has an unusual need and that strict adherence to the Standard of Need - Basic Needs Criteria would create an undue hardship, the Welfare Officer may make minor adjustments to the eligibility criteria. Significant adjustments to the eligibility criteria will require the approval of the Welfare Officer. Any such adjustments and the reason for them will be stated in case notes.

## Available Financial Resources

In determining the applicant's eligibility and the amount of General Assistance an applicant's requires, the applicant's basic needs are compared to their available financial resources. The following financial resources will be considered when determining eligibility:

### Earned Income

Income in cash or tips earned by the applicant or any member of his/her family or household through wages, salary, commissions, or profit, whether self-employed or as an employee, is to be included as income. Rental income and business profits are included in this category. With respect to self-employment, subtracting business expenses from gross income in accordance with standard accounting principles will be considered when determining eligibility. When income consists of wages, the amount computed should be that which is available after income taxes, social security and other payroll deductions required by state, federal, or local law have been deducted. Childcare costs, court ordered support payments and work-related clothing costs will also be deducted from income when made through payroll deduction.

### Financial Assistance or Support from Other Persons

Contributions from relatives RSA 165:19, household members or other persons shall be considered a

financial resource. Any adult (even an unrelated person) who resides in the same household with a minor child, “in loco parentis”, is liable for contributing to that child’s support pursuant to RSA 165:32 and may be required to apply jointly with the household. For the purposes of determining eligibility under these Guidelines, the financial resources of a member of the household may be considered, if he/she lives together with the applicant in a single household unit and shares facilities.

Financial Benefits from Other Government Sources and/or Social Service Agencies Benefits from the Department of Health and Human Services, Social Security Administration, and payments from other government and/or private sources shall be considered a financial resource. Food Stamps cannot be counted as income, pursuant to 7 USC 2017 and Fuel Assistance cannot be counted as income, pursuant to 42 USC 8624.

Financial Resources from Other Sources

Any financial resources an applicant has access to, from any source, shall be considered available.

Payments Made by Others

Any payment applied to an applicant’s expense by another person will be considered an available financial resource to the applicant.

Court Ordered Support Payments

Alimony and child support shall be considered a financial resource only if received by the applicant.

Earnings of a Child

No inquiry shall be made into the earnings of a child, less than 16 years of age, unless that child makes a regular and substantial contribution to the family.

Option to Treat a Qualified State Assistance Reduction as Deemed Income

A Welfare Officer may deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82, VIII, if all criteria as set forth in RSA 165:1-e are met.

**ACTIONS ON APPLICATIONS**

A Welfare Officer utilizes these Guideline’s to determine an applicant’s eligibility, while ensuring that each applicant receives due process. Unless an applicant withdraws their application, or an applicant withdraws their request, the Welfare Officer has a legal obligation to determine the applicant’s eligibility for assistance in a timely fashion. Every applicant shall be given a written Notice of Decision after each appointment. A Welfare Officer will make every effort to ensure that the applicant understands their Notice of Decision.

Withdrawn Application

An application is considered withdrawn, if:

- the applicant refuses to answer material questions listed on the application,
- the applicant leaves before the intake interview begins; or
- the applicant dies while their case is open.

Open Case

A case is considered open once an intake interview has begun and it remains open until three (3) months after the applicant’s last request for assistance from the Welfare Department. Once a case is open an applicant is obligated to comply with the requirements of these Guidelines and their Notice(s) of Decision. A withdrawn request for assistance does not result in the closing of a case.

Withdrawn Request

A request shall be considered withdrawn if at any time while a case is open:

- the applicant refuses to answer material questions asked by the Welfare Officer,
- the applicant avails themselves of other resources to meet their need,
- the applicant indicates, preferably in writing, that they no longer wish to pursue assistance,
- the applicant leaves during an interview without an explanation,
- and/or the applicant does not contact the Welfare Officer after the initial interview when requested to do so.

However, an applicant’s failure to keep a scheduled appointment will not be considered a withdrawn request.

### Emergency Assistance

At the time of contact, if an immediate need in which a threat to life or health exists (e.g., loss of shelter or heat source in winter, lack of food or medications), then a determination regarding assistance will be given no later than seventy-two (72) hours from the time of the request. In emergency circumstances, where required documentation is not available, the Welfare Officer may give temporary assistance to an applicant pending receipt of required documents. Temporary status shall not extend beyond one week.

### Notice of Decision

Unless the request for assistance is withdrawn, or an emergency requiring immediate action exists, the Welfare Officer has up to seven (7) days after the date of the interview for a decision to be made concerning applicant eligibility. A Notice of Decision shall be delivered to the applicant either in person, mailed, or electronically sent (with read receipt and delivery confirmation) no later than the next working day following the decision. The Notice of Decision shall specify action taken, the time covered, and the required documentation to be provided by the applicant.

Applicants are expected to read each Notice of Decision and to acknowledge receipt of their Notice of Decision. An applicant's refusal to acknowledge their Notice of Decision does not negate the applicant's obligation to comply with its requirements to qualify for future assistance.

### Adverse Action

All persons have a constitutional right to be free of unfair, arbitrary, or unreasonable action taken by local government. This includes applicants for General Assistance who have been determined ineligible, or whose aid has been suspended or reduced. When a Welfare Officer determines that an applicant is ineligible for the assistance that he/she is requesting, the Notice of Decision is considered an adverse action. If the Notice of Decision identifies an adverse action, the applicant has the right to request a fair hearing.

### Suspension for Noncompliance

If an applicant willfully fails to comply with these Guidelines and/or their Notice(s) of Decision, the Welfare Officer may suspend assistance. A Notice of Decision in which assistance is suspended shall include:

- a list of the requirements with which the applicant has not complied with, and a description of those actions necessary to come into compliance,
- the length of suspension; and
- notice of their right to request a fair hearing to address the reason(s) for noncompliance and that such request must be made in writing and presented to a Welfare Officer within five (5) working days starting with the date of the Notice of Decision at issue.

### Suspension Periods for Noncompliance

An applicant who has been determined otherwise eligible shall be subject to the procedure outlines in RSA 165:1-b, II-IV.

#### Seven (7) Day Suspension

The initial amount of time that an applicant is ineligible for assistance due to failure to comply with a Notice of Decision and/or these Guidelines will be 7 days. (RSA 165:1-b V)

#### Fourteen (14) Day Suspension

The initial amount of time an applicant is ineligible for assistance due to continued noncompliance after a seven (7) day suspension has expired will be an additional fourteen (14) days. If an applicant has had a prior suspension within the past six (6) months, and again fails to comply with a Notice of Decision and/or these Guidelines, the amount of time an applicant will be ineligible for assistance shall be fourteen (14) days. (RSA 165:1-b V)

#### Ongoing Suspension

Continued noncompliance after a fourteen (14) day suspension period has expired will result in continued ineligibility until the applicant complies with their Notices of Decision and/or these Guidelines. (RSA 165:1-b V)

### Compliance after Suspension

An applicant who has been subject to a suspension and who has now complied, shall have his/her assistance initiated or resumed after the period of ineligibility, provided he/she is still otherwise eligible. A Notice of Decision stating that assistance has started or will resumed should again set forth the actions required to remain eligible for assistance.

### Noncompliance Which Cannot Be Corrected

An applicant cannot be suspended for an issue of noncompliance that they cannot correct.

### Suspension Due to Misrepresentation and/or Omission of Information

An applicant's misrepresentation and/or omission of facts that could affect their eligibility for assistance are grounds for suspension of assistance. Examples of such misrepresentation and/or omission which may result in suspension include but are not limited to misrepresentation and/or omission of household members, employment, and financial resources. (See Department Fraud Policy, page 22.)

### Adverse Actions for Reasons Other than Noncompliance

Ineligibility of assistance and/or a reduction in the amount of assistance granted will occur when a Welfare Officer determines that such actions are necessary and consistent with these Guidelines and/or RSA 165. The reasons for ineligibility or reduction include but are not limited to an applicant's refusal to cooperate fully in answering all material questions asked by a Welfare Officer, an applicant's ability to meet their own needs based on available financial resources, a request is for a non-basic need, or rent is over the Welfare Department's rental allowance guidelines.

### Closed Cases

Cases are closed one (1) month after the date of the last request for assistance by an applicant to a Welfare Officer. Once a case has closed, a former applicant must complete a new application for assistance.

## **FAIR HEARINGS**

### Requests and Time Limits for Hearings

An applicant may challenge all or part of any adverse action by requesting a fair hearing. An applicant requesting a fair hearing must complete the Welfare Department's Fair Hearing Request Form and submit it to the Welfare Office.

A request for a fair hearing must be received by the Welfare Office within five (5) working days, starting with the date of the Notice of Decision at issue.

Fair hearings must be held within seven (7) working days of the receipt of the request. A Welfare Officer shall give notice to the claimant setting forth, time and location of the hearing. Notice must be given to the claimant at least forty-eight (48) hours in advance of a fair hearing or mailed to the claimant's last known address at least seventy-two (72) hours in advance of a fair hearing. A claimant who fails to appear for a scheduled fair hearing will be in default and the Notice of Decision in question will be upheld.

### The Fair Hearing Officer

Whenever possible the Welfare Officer will utilize lawyers authorized to practice law in the State of New Hampshire who will function as Fair Hearing Officers. At a minimum, to be qualified to be a Fair Hearing Officer, the Fair Hearing Officer must:

- be knowledgeable of NH Welfare Laws,
- not have participated in the decision that is being contested,
- be impartial,
- be sufficiently skilled in interviewing, to be able to obtain and evaluate evidence and facts

- necessary for a fair determination, and
- be capable of explaining to the claimant the statutes and guidelines under which the Welfare Officer based their decision and to clarify to the Welfare Officer any evidence of unsound practices or actions.

#### Withdrawal

A claimant may withdraw his/her request for a fair hearing at any point up to the time of the fair hearing.

#### Failure to Appear

A claimant and/or their authorized representative who fails to appear for a scheduled fair hearing within fifteen (15) minutes after its scheduled starting time without good cause shall have lost his/her appeal by default and will receive notification of such judgment in writing by the Fair Hearing Officer.

#### Postponements

##### Claimant or Welfare Officer's Requests for Postponement

Fair hearings will only be postponed for reasons deemed by the Fair Hearing Officer to be good cause. A claimant or Welfare Officer, who believes that they have good cause to request a postponement, shall advise the other party at the earliest possible time. The Welfare Officer will also immediately notify the Fair Hearing Officer of the request. The Fair Hearing Officer shall determine whether the asserted grounds for a postponement amount to is "good cause" to continue the hearing. "Good cause" as used in this section may include but is not limited to illness of a party, party's attorney, or party's representative, want of material testimony, document, or other essential evidence; unavoidable absence of an essential witness; and such other exceptional grounds as the Fair Hearing Officer may deem to be in the interest of justice. The Fair Hearing Officer may require that any party seeking to continue the scheduled hearing provide documentation to support their proffered need for postponement of the hearing prior to ruling on the request. If the Fair Hearing Officer deems that good cause exists to postpone the fair hearing it will be rescheduled at the earliest available date. If the Fair Hearing Officer does not authorize the postponement, then the fair hearing will be held as scheduled.

##### Fair Hearing Officer's Necessity for Postponement

If the Fair Hearing Officer is unable to hold the scheduled fair hearing, the claimant will be contacted by a Welfare Officer upon notification of the need for postponement. The fair hearing will be rescheduled for the earliest available date.

#### Fair Hearing on Continuing Noncompliance

An applicant who is under suspension for continued noncompliance with their Notice of Decision may request a fair hearing to determine whether he/she has satisfactorily complied. No assistance shall be available under 165: 1-b, IV until a Fair Hearing Officer has determined that the applicant has in fact satisfactorily complied.

#### Fair Hearing Procedures

At the time of scheduling a fair hearing, the Fair Hearing Officer will be given the claimant's name to ensure that a conflict of interest does not exist. The Fair Hearing Officer may also request a copy of the claimant's Fair Hearing Request Form. The Fair Hearing Officer shall not otherwise review the case file or other materials prior to their introduction at a fair hearing. Evidence, both written and verbal, will be provided at a fair hearing, and shall be limited to facts pertaining to the claimant's appeal. The decision of the Fair Hearing Officer must be based on evidence, RSA 165, and these Guidelines. 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 evidence.

If the claimant desires to have representation by another party at a fair hearing, the claimant must provide a written statement to the Welfare Officer indicating the name and contact information of the representing party as soon as they establish who will be representing them.

Prior to a fair hearing, a claimant and/or their authorized representative has the right to make an

appointment to examine all documents from the claimant's case file related to the Notice of Decision at issue.

Whenever possible both parties are to disclose any new evidence and provide it at the fair hearing if it is not already in the case file, no later than one (1) working day before the scheduled fair hearing. Should the applicant or their authorized representative submit new evidence at a fair hearing, the Fair Hearing Officer will give the Welfare Officer two (2) working days to submit a written response to this evidence.

The Welfare Officer, the claimant, and any authorized representatives shall attend a fair hearing and present their case to the Fair Hearing Officer.

A fair hearing may be audio recorded by any of the parties if all parties are aware of the recording in advance.

Both parties will have the opportunity to offer evidence and explain their position at a fair hearing. The claimant, or their authorized representatives and the Welfare Officer, shall have the option to bring witnesses, to establish all pertinent facts, to advance any arguments without undo interference, to question or refute testimony or evidence, including the opportunity to confront, and to cross-examine witnesses.

The parties may stipulate any facts.

None of the fair hearing procedures specified herein shall limit any right of the claimant to subsequent court action to review or challenge an adverse fair hearing decision.

#### Fair Hearing Decisions

Fair hearing decisions will happen within seven (7) working days of a fair hearing. Decisions shall be in writing, setting forth the reasons for the decision. Fair hearing decisions will be based on findings of fact, RSA 165, and these Guidelines. A copy of the fair hearing decision will be mailed to the claimant and to the Welfare Officer.

A fair hearing decision will determine which party prevails. If the claimant prevails, the Welfare Officer shall set forth the appropriate relief based on the fair hearing decision. If the Welfare Department prevails, any assistance given pending a fair hearing decision shall be a debt owed by the claimant to the Welfare Department.

The Welfare Department shall keep all fair hearing decisions on file.

#### DISBURSEMENTS

The Welfare Department does not accept financial responsibility for any services rendered before application with the department. Payment for authorized assistance will be made directly to the vendor according to the Town of Troy's accounting practices. All payments are for one-time use only and are non-transferable. No replacement payment will be issued if the original payment is lost, stolen, misplaced or misused, unless authorized by the Welfare Officer.

#### Landlords

Rent will only be made payable to the owner of the property.

#### Revocation of Assistance Granted

A payment previously issued, but not yet paid, may be revoked under certain circumstances. If facts are discovered that would negate such issuance, or fraud or perjury is determined, the payment will be cancelled promptly. If the payment was paid, the applicant will be contacted to immediately reimburse the Welfare Department. If fraud or perjury is involved, the facts surrounding the matter may be reported to law enforcement. The revocation of assistance is not meant to replace the suspension process for issues of noncompliance.

## **RECOVERY OF ASSISTANCE**

The Welfare Officer shall seek to recover money expended to assist a former or current applicant in accordance with RSA 165.

### **Recovery from Legally Liable Relatives**

The amount of money spent by a municipality to assist an applicant, who has legally liable relatives of sufficient ability to also support the applicant, may be recovered from the applicants legally liable relatives. Sufficient ability shall exist when a relative's weekly income is more than sufficient to provide reasonable subsistence compatible with decency and health. A Welfare Officer may determine that "in kind" assistance or the provision of products/services to the applicant is acceptable as a relative's response to liability for support. A Welfare Officer shall attempt to notify the legally liable relative prior to the giving of assistance; but assistance to which an applicant is eligible under these Guidelines shall not be delayed due to inability to contact legally liable relatives. Inability to contact legally liable relatives must not be the result of an applicant's failure to provide the information. (RSA 165:19) Written notice of assistance granted in support of an applicant, must be given to the legally liable relatives.

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

The Welfare Officer shall seek to recover from the municipality of residence the amount of money spent by the Welfare Department to assist an applicant who resides in another municipality. Written notice of the money spent in support of an applicant must be provided to the Welfare Officer 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.

### **Recovery from Former/Current Applicant's Income**

A former/current applicant, who has returned to an income status after receiving assistance, is obligated by statute to reimburse the municipality for the assistance provided, if such reimbursement can be made without financial hardship. (RSA 165:20-b)

### **Recovery from State and Federal Sources**

The amount of money spent by a municipality to support an applicant, who has applied for SSI and who has signed the NH Department of Health and Human Services Authorization for Reimbursement of Interim Assistance Form, shall be recovered through the Social Security Administration and the NH Department of Health and Human Services. Prescription expenses paid by the Welfare Department for an applicant who has applied for Medicaid, can be recovered through the NH Department of Health and Human Services, when the applicant is approved for medical coverage.

## **LIENS**

### **Real Estate**

A lien for General Assistance received shall be placed on any real estate owned by an assisted person, except for just cause, approved by the Welfare Officer. The accrual of interest and the enforcement of the lien will be in accordance with RSA 165:28.

### **Civil Judgments**

In accordance with RSA 165:28-a, the Town of Troy shall be entitled to place a lien upon property passing under the terms of a will or by intestate succession, a property settlement or a civil judgment for personal injuries awarded any person granted assistance by the Town of Troy. The Town of Troy is only entitled to the lien for assistance granted no more than six (6) years before the receipt of the inheritance or the award of the property settlement or civil judgment. A lien cannot be placed upon a workers' compensation claim. (RSA 281-A:52)

## **APPLICATION OF RENT PAID BY THE TOWN OF TROY**

In accordance with RSA 165:4-a, whenever the owner of property rented to a person receiving assistance from

the Welfare Department is in arrears in sewer, water, or tax payments owed to the City, the Welfare Department may apply the assistance which the property owner would have received in payment of rent on behalf of the applicant to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of property occupied by the assisted person.

A payment shall be considered in arrears if more than thirty (30) days have elapsed since the mailing of the bill, or in the case of real estate taxes if interest has begun to accrue pursuant to RSA 76:13.

Delinquent property tax balances will be the priority, followed by delinquent sewer balances, and then water balances.

A Welfare Officer will issue a letter and a corresponding payment on behalf of the tenant to the landlord for rent. The letter will refer to the authority of RSA 165:4-a and RSA 540:9-a. It will indicate the amount of money being applied to a landlord's delinquent balance and specify which delinquency the rental payment is being applied to. A Welfare Officer will issue a duplicate payment to the appropriate departments (Tax Collector and/or Water Department), who will in turn resubmit the Payment to the Welfare Department for payment. Once the payment is processed and the payment is received and applied to the landlord's debt, a receipt of payment will be mailed to the landlord.

### **BURIAL OR CREMATION**

The Welfare Department shall help with burial or cremation of eligible persons found in the Town of Troy at the time of death. The Welfare Department will not provide payment for burial or cremation that has been performed prior to a determination of eligibility. The Welfare Department complies with RSA 165:3 II regarding the liability of final arrangements for residents of county nursing homes.

Whenever possible, the legal next of kin, as established by RSA 165:19, will complete the application process and receive a determination of eligibility, prior to making any final arrangements or incurring any costs. In such cases where there is no legal next of kin, a relative or a person managing final arrangements will be asked to complete the application process on behalf of the deceased.

The Welfare Officer will decide eligibility, based on the financial resources of the deceased and his or her legally liable relatives. Payment for burial or cremation is limited to \$700.00. All financial resources will be considered when deciding eligibility and will be applied toward the potential cost to the Welfare Department. The person managing financial arrangements shall not insist on anything other than the least expensive arrangement. Special religious rites or preferences will not be paid for by the Welfare Department. In such cases where the deceased or legally liable relatives have financial resources of more than \$700.00, the Welfare Department will not help with burial or cremation. (RSA 165:19, RSA 165:27a)

In any case where the legally liable relative of the deceased person refuses to apply with the Welfare Department or refuses to assist with burial or cremation expenses, a body will be considered unclaimed. In accordance with RSA 611-b:25 the Welfare Department shall help with burial or cremation of unidentified/unclaimed bodies found within the Town of Troy at the time of their death. In such cases where the deceased, at the time of death, had a residence in another city, town or state, the person managing final arrangements will be referred to contact the appropriate agency.

All avenues of recovery for the expense of final arrangements may be pursued. This includes recovery from the deceased person's municipality of residence, from legally liable relatives, from their estate or bank account, or from the holder of the assets. (RSA 165:20, RSA 165:27 and RSA 165:27-a)

### **NON-RESIDENTS**

No persons shall be refused assistance solely based on their place of residence. (RSA 165:1) However, applicants who currently reside in another NH municipality will be directed to apply for assistance in their city or town, when the assistance they are seeking can be delayed until they return to their municipality. The Welfare Department complies with the NH Local Welfare Administrators Association's Ethics Resolution.

**DEPARTMENT FRAUD POLICY**

The Welfare Department will not provide payment for expenses incurred because of fraudulent activity by any party.

Cases of suspected fraud and/or perjury may be reported to other agencies and/or persons when deemed appropriate. When making such reports, the Welfare Department will provide related documents in its possession to the appropriate party.

Applicants may be prosecuted for a criminal offense, should that applicant obtain, or attempt to obtain, any General Assistance to which they are not entitled to by means of misrepresentation, omission, or any other fraudulent act. (RSA 641:3, RSA 637:4)

**Suspension Periods for Fraudulent Activity or Perjury**

An applicant who has committed fraudulent activity and/or perjury shall be subject to the procedure outlines in RSA 641:3, RSA 637:4. Suspensions will occur as outlined in RSA 165:1-b.

**Suspensions Time Periods**

(See Suspension Periods for Noncompliance, page 16-17)




**DEPARTMENT THREAT POLICY**

An applicant who makes threatening statements and/or actions against Welfare Department employees may be prohibited from returning to the Welfare Department. In such cases, an applicant may be required to conduct all business with the Welfare Department via phone or e-mail. The Welfare Officer will report such statements, threats and/or actions to the Town of Troy Police Department when deemed appropriate.

**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.

DATE: 9.21.2025

Approved & Adopted:   
  
  
Board of Selectmen, Town of Troy