

Town of Durham

GUIDELINES FOR GENERAL ASSISTANCE

The Town of Durham shall provide emergency assistance to individuals and families who lack adequate resources. The Welfare Office acts to facilitate services by directing those in need of assistance to relief agencies at the county, state and federal levels as well as to non-profit organizations who provide assistance to the needy. We strive to promote self-reliance and independence to all we serve so they may be productive members of this community.

The Town of Durham's Welfare Office is located in the Business Office in Town Hall. The Business Manager is designated as the Welfare Officer by action of the Town Council. They are responsible for carrying out the General Assistance Program for the Town. The Welfare Officer is granted the general power to make all decisions regarding the granting of assistance under NH RSA Chapter 165 and these Regulations, subject to the overall fiscal responsibility vested in the Town Administrator and Town Council.

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I. DEFINITIONS:

As used in these Guidelines, the following terms have the indicated meaning:

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

APPLICANT: A person who expresses a desire to receive General Assistance from the Town of Durham or to have their eligibility reviewed and whose application has not been withdrawn. This may be expressed either in person or by an authorized representative of the applicant.

APPLICATION (RE-APPLICATION): Written action by which a person requests assistance from the Town, or the action by which a person's representative indicates to the Welfare Office that an applicant may be found to be without sufficient assets or resources, and for the time being is unable to support themselves or to supply immediate needs. The completion of a written application form, supplied by the Welfare Office, triggers the applicant's right to a Notice of Decision as described under [Section VI D 1](#) of these Guidelines.

ARREARAGES: Past due amounts on bills for basic needs or debts that remain after part of an overdue debt has been paid.

ASSETS: All cash, real property, personal property and future interests owned by the applicant; including annuities, insurance awards, expectancies and retroactive government and insurance payments, etc.

AVAILABLE LIQUID ASSETS: Amount of liquid assets after exclusions enumerated in [SECTION IX D 1](#). Includes cash on hand, checking accounts, bank deposits, credit union accounts, stocks, bonds, securities and income tax refunds. IRA (Individual Retirement Account), 401K accounts and insurance policies with a loan value and non-essential personal property shall be considered as available liquid assets when they have been converted into cash.

BASIC NEEDS: Basic needs include rent, food (minus Food Stamp allotment), cleaning and hygiene items, utilities, internet service and

prescriptions. Credit card payments, rent-to-own furniture, cable services, and repayment of personal loans are examples of non-basic needs.

BUSINESS DAY: Monday through Friday excluding all legal holidays as adopted from year to year by the Durham Town Council.

CASE RECORD: Official files containing forms, correspondence and narrative records pertaining to the application. The record includes documentation to reflect the determination of eligibility, reasons for decisions and action by the Welfare Official and types of assistance provided. Case records are confidential and not subject to disclosure under NH RSA 91-A. Welfare applications and related records must be retained during the active phase of any application plus seven (7) years.

CLAIMANT: A recipient or applicant who has requested, either in person or through an authorized representative, a Fair Hearing under [Section XIV](#) of these Guidelines.

CLIENT: An individual who receives services from the welfare office. May be a single person or encompass a household.

COMPLIANCE: Conformity in fulfilling official requirements.

ELIGIBILITY: Determination by the Welfare Official, in accordance with these Guidelines, of an applicant's need for General Assistance from the Town of Durham under the formula appearing in [Section IX-E](#) of these Guidelines.

FAIR HEARING: A hearing, in accordance with the standards in [Section XIV](#), which the applicant may request to contest a denial, termination or reduction of assistance.

FAMILY UNIT: Includes the applicant/recipient and persons residing with them in the relationship of parent, stepparent, son, daughter, husband or wife, partner and/or any adult (including an unrelated person) who resides with the applicant/recipient "in loco parentis" (in the role of substitute parent) to a minor child. A person "in loco parentis" is one who intentionally accepts the rights and duties of a natural parent with respect to a child not their own and who has lived with the child long enough to form a psychological family. The term "Family Unit" is used to signify those persons financially responsible for one another by law as opposed to a "Household" whose residents

share living quarters but are not financially liable for each other unless they request to be treated as such. However, when two unrelated, unmarried adults live together with a child or children and are not married, these Guidelines considers them a "family unit" with the adults also being financially responsible for each other unless they can document exceptional circumstances.

GENERAL ASSISTANCE: Financial assistance provided to applicants in accordance with RSA 165 and these guidelines.

HOUSEHOLD: The total number of persons (related or unrelated) living together who share in or benefit from shelter/food expenses. The individuals share living quarters but are not financially liable for each other unless they request to be treated as such. Shared expenses, such as rent, utilities, etc., are divided pro rata for the purposes of calculating the applicant's need, based on the total number of persons in the household. However, the total shelter cost shall approximate the shelter guideline amounts for the household size. (For example, three unrelated adults share an apartment, one applies for assistance, rental assistance is determined as one-third of the total shelter cost for three people and the total shelter cost for all three shall approximate the guideline amounts for a household of three.)

HOUSING:

- **Emergency Shelter:** A temporary or non-permanent and non-tenancy housing which is a temporary housing provider through which an individual or family may seek emergency housing when no other housing is available.
- **Non-Permanent Non-Tenancy Housing:** Applicant(s) pay for room(s) in Rooming or Boarding House, Hotels, Motels, Inns or Tourist Home or other dwellings which rent for recreational or vacation use. Room(s) in a single-family home with no lease which is the primary and usual residence of the owner. Other occupancies noted as non-tenancy under RSA 540:1, IV.
- **Permanent Tenancy Housing:** Applicant(s) rent apartment, home or room or real property for the sole purpose of residential and non-transient purposes. Applicant(s) may or may not have lease or contract.
- **Transitional Housing:** A non-permanent and non-tenancy housing which is usually provided by an Assistance Program which can require rules or policies to stay in their housing and programs.

- **Tenant or Tenancy:** Permanent housing where occupants shall be deemed to rent at will or have a contract or lease in which they have protections of eviction as noted in NH RSA Chapter 540.

LIABILITY FOR SUPPORT: Those persons deemed by New Hampshire Law to have financial responsibility for anyone applying for General Assistance, for example, adult children for parents, parents for adult children and husbands, wives and partners for each other.

LIQUID ASSETS: Cash on hand, checking accounts, bank deposits, credit union accounts, stocks, bonds, securities and income tax refunds. IRA (Individual Retirement Account), 401K accounts and insurance policies with a loan value and non-essential personal property shall be considered as liquid assets when they have been converted into cash.

MINOR: A person who has not attained the age of 18 years.

NEED: The basic maintenance and support requirements of an applicant, as determined by the Welfare Official under the standards of [Section IX E](#) of these Guidelines.

NON-RESIDENT: A person temporarily in Durham while their residence is elsewhere. Non-residency does not preclude General Assistance. However, assistance shall be of a temporary and reasonable nature given their temporary status. If the person is a NH resident, the city or town welfare office where the person resides shall be contacted in order to advise if that assistance is being requested in order to avoid duplication of services (except in emergencies) and to alert it that a request for reimbursement for assistance provided shall be forthcoming.

NOTICE OF DECISION: Written grounds for approval or denial of an application detailing the amount and type of assistance issued, and/or the type of assistance pending further verification. Additionally, it contains a list of all the information to be provided by the applicant at the next appointment.

RECIPIENT: A person who is receiving General Assistance from the Town of Durham.

"RELIEVE AND MAINTAIN": The sustaining of basic needs necessary to the health and welfare of the household.

REIMBURSEMENT: The requirement of every assisted person to reimburse the Town for assistance rendered if they become financially able to do so within six (6) years of receiving the assistance. Reimbursement may also be sought from a liable relative, a parent, stepparent, husband, wife, partner or child who is no longer a minor, of sufficient ability to also support the assisted person. In the event the assisted person is a resident of another community in NH, reimbursement may be sought from that community for the assistance rendered.

RESIDENCE: Residence or residency shall mean an applicant's place of abode or domicile. The place of abode or domicile is that place designated by an applicant as their principal place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by temporary absence from it if there is intent to return to such residency as the principal place of physical presence.

ROOMMATES: Persons who are financially responsible for themselves and living with one or more recipients of General Assistance. Persons living together as if married are expected to be responsible for each other to the extent that they are able.

SUSPENSION: Cessation of benefits due to non-compliance.

UTILITY: Any service such as electric, gas, oil, water or sewer necessary to maintain the health and welfare of the household.

VENDOR/PROVIDER: Any landlord, utility company, store or other business which provides goods or services needed by the applicant/recipient.

VOUCHER SYSTEM: The system whereby the municipality issues vouchers (authorizations for payment) directly to the recipient's vendors and creditors rather than cash to the recipient (NH RSA 165:1 III). See [Section VIII](#).

WELFARE OFFICIAL: The Business Manager for the Town of Durham is designated the Welfare Official and is charged with overseeing and administering General Assistance in accordance with these Guidelines as well as other municipal, state and federal regulations. The Welfare Official has the authority to make all decisions regarding the granting of assistance under RSA 165,

subject to the overall fiscal responsibility vested in the Town Council and Town Administrator. The Welfare Official may delegate certain duties, responsibilities and authority to others as needed in order to properly administer these Guidelines. The term Welfare Official includes "overseers of public welfare" (NH RSA 165:1) and "Administrator of town or city welfare" (NH RSA 165:2).

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

II. SEVERABILITY

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

III. CONFIDENTIALITY OF INFORMATION

Information given by or about an applicant or recipient of General Assistance is confidential and privileged, and is not a public record subject to disclosure under the provisions of NH RSA 91-A. Such information shall not be published, 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 purpose of NH RSA 165:2-c.

IV. ROLES OF TOWN COUNCIL AND WELFARE OFFICIAL

The responsibility for the day-to-day administration of General Assistance shall be vested in the Welfare Official. They shall administer the General Assistance Program in accordance with these written Guidelines for General Assistance. The Town Council is responsible for adoption of Guidelines relative to General Assistance per NH RSA 165:1 II. These Guidelines for General Assistance are intended to promulgate the Town's Welfare program.

V. MAINTENANCE OF RECORDS

A. LEGAL REQUIREMENT

Each welfare official is required by NH RSA 41:46 to keep complete paper and/or electronic records concerning the number of applicants given assistance and the cost for such

support. Separate case records shall be established for each individual or family applying for general assistance. The purposes for keeping such records are:

1. To provide a valid basis of accounting for expenditure of the municipality's funds;
2. To support decisions concerning the applicant's eligibility;
3. To assure availability of information if the applicant or recipient seeks administrative or judicial review of the welfare official's decision;
4. To provide the welfare official with accurate statistical information; and
5. To provide a complete history of an applicant's needs and assistance that might aid the welfare official in ongoing case management and in referring the applicant to appropriate agencies.

B. CASE RECORDS

The welfare official shall maintain case records containing the following information:

1. The complete application including any authorizations signed by the applicant allowing the welfare official to obtain or verify any pertinent information in the course of assisting the recipient.
2. Written grounds for approval or denial of an application, contained in a notice of decision.
3. A narrative history recording need for assistance, the results of investigations of applicants' circumstances, referrals, changes in status, etc.
4. A Client Account Summary which has complete data concerning the type, amount and dates of assistance given which may be kept on paper or electronically.

C. CASE RECORD RETENTION

Records shall be kept based on the Municipal Record Retention requirement. Welfare records must be retained during the active phase of any application plus seven (7) years.

VI. APPLICATION PROCESS

A. RIGHT TO APPLY:

1. Anyone may apply for General Assistance by appearing in person or through an authorized representative and by completing an approved written application form. The Welfare Official should determine the process by which eligibility determinations shall be made, either by in-person appointments, via telephone or video or home visits. See Section VI:E on Home Visits. Clients are seen by appointment, except in emergencies. If more than one adult resides in a household, each may be required to appear at the Welfare Office to apply for assistance, unless one is working or otherwise unavailable for good reason. Unrelated adults in the applicant's residential unit may be required to apply separately if they do not meet the definition of household as defined in these Guidelines. Each adult in the household shall sign a "Release of Information" found on the Application form.
2. The Welfare Official shall not be required to accept an application for General Assistance from a person who is subject to a suspension pursuant to NH RSA 165:1b VI, provided that any person who contests a determination of continuing noncompliance with the Guidelines may request a Fair Hearing; and provided further that a recipient who has been suspended for at least six (6) months due to noncompliance may file a new application.

B. WELFARE OFFICIAL'S RESPONSIBILITIES:

When application is made for General Assistance, the Welfare Official shall inform the applicant of those pertinent sections enumerated below, when appropriate.

1. The requirement that a completed application contains all necessary information including: the applicant's signature agreeing to the reimbursement, the signature allowing a

Welfare Official to contact all necessary agencies for investigation and verification, and that they have been given, read and understand all information (or the application has been read to them and they understand it). An uncompleted application may be grounds for denial of assistance.

2. Eligibility requirements, including a general description of the Guideline's amounts and the eligibility formula.
3. Screening applicants based on emergency priorities, such as: no food, no place to stay, no heat (during heating months), no electricity, and no ability to purchase necessary medical care. Screening means that applicants who are not in an emergency situation (whose difficulties, if not addressed today, would not jeopardize the health or safety of any family member) as determined by written application or oral interview or both, would:
 - a) Be asked to return another day.
 - b) Be referred to an agency or resource capable of providing the assistance needed.
 - c) Be given an appointment date and time to return for an interview.
4. Having to refer applicants requiring emergency assistance to agencies or resources that have agreed to provide emergency, temporary assistance which shall meet the needs of the applicant until an appointment can be arranged.
5. The requirement of a recipient to keep appointments to receive assistance and that failure to keep appointments, with or without verifiable good cause could result in a delay in receiving assistance or loss thereof. Loss of assistance can occur when the applicant fails to make contact with the Welfare Official for more than one week without verifiable good cause after having been requested to do so.
6. The responsibility of the applicant to provide documentation of all claims, such as identification for all household members, receipts for expenditures, documentation of employment, documentation of application for other programs which would reduce or eliminate the need for General Assistance, documentation of income, loss of employment and any other similar claims materially affecting eligibility.

7. The requirement that applicants shall apply for or take advantage of other resources, which could reduce the need for or eliminate General Assistance from the Town of Durham.
8. The need to relocate to more affordable housing based on the client's anticipated income if deemed necessary by the Welfare Official. Every effort shall be made to maintain clients in their own housing unless it is clear that to do so would probably require a continuing subsidy from the Town.
9. A Welfare Official may make home visits to verify information at their discretion and in the least intrusive manner.
10. The necessity of referral to a shelter for families or individuals currently without housing and/or income.
11. The joint responsibility of both the Welfare Official and applicant in exploring the facts concerning eligibility, needs and resources.
12. The applicant's responsibility for accurately and truthfully reporting all facts necessary in determining eligibility.
13. The fact that investigations shall be conducted in order to further substantiate facts and statements as presented by the client and that such investigation may take place prior to, during and subsequent to the applicant's receipt of General Assistance.
14. The applicant's responsibility for notifying the Welfare Official of any change in circumstances which would affect eligibility.
15. The applicant's right to a Fair Hearing, and the manner in which the review may be obtained.
16. The applicant's responsibilities as set forth in [Section VI-C](#) below.
17. The requirement of working in the Workfare Program, if work is available and the client is physically and mentally capable of performing the essential functions of the job.

18. The statutory requirement of placing a lien on any real property owned by the recipient, or any settlements, for any assistance given, except for verifiable good cause. The applicant shall be made aware of the lien in that it shall be noted on the Notice of Decision which the applicant signs. Such document shall be recorded at the Strafford County Registry of Deeds per NH RSA 165:28. However, neither the absence of signature of the applicant on the Notice of Decision nor the failure to record such lien document shall diminish the validity of the lien. The Welfare Official also has the right to place liens on civil judgments per NH RSA 165:28-a.
19. The requirement for reimbursement of all assistance when the recipient returns to an income status that is more than what is required to provide a reasonable subsistence compatible with decency and health.
20. The applicant's right to review the Guidelines, and the responsibilities as set forth in the Guidelines.
21. The applicant's responsibility not to voluntarily terminate employment without good cause, as required by RSA 165:1-d.
22. The fact that the Child Protection Act requires the Welfare Official or any person who suspects that a child under age 18 has been abused or neglected must report that suspicion immediately to NH DHHS Division of Children, Youth and Families (DCYF). RSA 169-C:29-31.
23. The fact that the Adult Protection Law requires the Welfare Official or any person who has a reason to believe that a vulnerable adult has been subjected to abuse, neglect, exploitation or self-neglect to make a report immediately to the NH DHHS Bureau of Elderly & Adult Services (BEAS). RSA 161-F:46.

C. RESPONSIBILITIES OF APPLICANTS/RECIPIENTS:

At the time of the initial application and at all times thereafter, applicants/recipients have the following responsibilities:

1. To provide accurate, complete and current information concerning needs and resources and the whereabouts and circumstances of relatives who may be responsible for their support and subsequently liable to the Town for restitution under NH RSA 165:19.
2. To provide identification and documentation of income and resources on all household members applying for assistance, including medical records if disability is claimed and any other pertinent information when requested.
3. To apply for and/or take advantage of any benefits and resources, public or private, that shall reduce or eliminate the need for General Assistance within one week of being requested to do so. RSA 165:1-b, I (d).
4. To notify the Welfare Official within 72 hours when a change in needs or resources may affect eligibility for continuing assistance.
5. To keep all appointments as scheduled.
6. To notify the Welfare Official within 72 hours of a change of address and any changes in the members of the household or family unit.
7. To diligently search for employment and provide verification of work search, following the determination of eligibility for assistance.
8. To be available for full-time work.
9. To accept employment when offered.
10. To provide a doctor's statement, if reasonably available, as to the level of work the recipient can perform if the recipient claims an inability to work due to medical problems.

11. To participate in the Workfare Program if physically and mentally able once assistance has been granted. RSA 165:1-b, I (b).

An applicant shall be denied assistance or have their assistance suspended or terminated if they fail to fulfill any of these responsibilities without reasonable and verifiable justification.

Disqualification for General Assistance may occur as set forth in NH RSA 165:1-b.

Any applicant may be denied or terminated from General Assistance, in accordance with the Town of Durham's Guidelines for General Assistance or may be prosecuted for a criminal offense if they, by means of intentionally false statements, omissions, intentional misrepresentation, by impersonation, or other willfully fraudulent act or device, obtains or attempts to obtain any assistance to which they are not entitled.

Any applicant denied assistance or having their assistance terminated may re-apply for assistance after seven (7) days.

NOTE: Recipients who claim their money or vouchers were stolen, are required to report the theft to the police in the jurisdiction where the incident occurred and provide proof that the incident has been reported before any relief may be granted.

D. ACTIONS ON APPLICATIONS:

1. Decision.

The Welfare Official utilizes these Guidelines to determine an applicant's or recipient's eligibility, which ensures that each applicant/recipient receives due process. Following the submission of a completed application by an applicant or their representative, the welfare official shall make a decision concerning the applicant's application eligibility within five (5) business days. If the request is determined to be an emergency, Section VI:D(3) Emergency Assistance guidelines shall apply.

NOTE: Business hours are generally considered 5 days per week, Monday through Friday excluding all legal holidays as adopted from year to year by the Durham Town Council

during daytime hours of 8:00 AM – 4:30 PM. A written Notice of Decision shall be provided on the same day or the next business day following the making of the decision. The notice of decision shall state that assistance of a specific kind and amount has been given and the time period of aid, or that the application has been denied, in whole or in part, with reasons for denial.

The Notice of Decision shall contain a first notice of conditions for continued assistance and shall notify the applicant of their right to a fair hearing if dissatisfied with the welfare official's decision. RSA 165:1-b, II, III.

2. **Pending Notice of Decision.**

A decision may also be made to pend an application subject to receipt of specified information, documentation or verification from the applicant within a specific amount of time not to exceed five (5) business days. A Notice of Decision should be provided following the expiration of time on the Pending Notice of Decision.

3. **Emergency Assistance.**

At the time of initial contact, if the applicant demonstrates and verifies that an emergency need exists in which the applicant may suffer a loss of a basic necessity of living or imminent threat to life or health (such as loss of shelter, heat sources in winter, lack of food or prescriptions), then temporary assistance to mitigate such emergency need shall be provided to prevent the imminent threat to life or health, pending a decision on the application. Such emergency assistance shall not obligate the Town to provide further assistance after the application process is completed.

4. **Temporary Assistance.**

In circumstances where required records are not available, the Welfare Official may give temporary approval to an applicant pending receipt of required documents. Temporary assistance shall not extend beyond two weeks. The Welfare Official shall not insist on documentary verification if such records are unavailable.

5. Withdrawn Applications.

An application shall be considered withdrawn if:

- a) The applicant has failed to complete an application or has refused to make a good-faith effort to provide required verifications and sufficient information for the completion of an application. If an application is deemed withdrawn for these reasons, the Welfare Official shall so notify the applicant in a written Notice of Decision.
- b) The applicant dies before assistance is rendered.
- c) The applicant avails themselves of other resources in place of assistance from the Town of Durham.
- d) The applicant requests that the application be withdrawn (preferably in writing).
- e) The applicant fails to contact the Welfare Official after the initial interview after a request by the Welfare Official to do so.

E. HOME VISITS:

A home visit may be made by a mutually agreed appointment at the request of any applicant, only when it is impossible for the applicant or their authorized representative to apply in person. At the Welfare Official's discretion, a telephone or video interview by appointment may be an alternative to a home visit for the Welfare Official's and applicant's health and safety. The home visit or telephone or video appointment shall be conducted in such a manner as to preserve, to the greatest extent possible, the privacy and dignity of the applicant. The person conducting the visit shall not be in uniform or travel in a law enforcement marked vehicle and shall not knowingly discuss or mention the application within the hearing area of someone who is not a member of the household.

VII. VERIFICATION OF INFORMATION

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

A. VERIFICATION SHALL NORMALLY BE REQUIRED OF THE FOLLOWING:

1. Applicant's address.
2. Names of members of applicant's household residential unit or family unit.
3. Picture identification(s), birth certificate(s), and social security card(s). Immigration and Naturalization Service documentation for applicant(s) and household members, where applicable.
4. Proof of physical custody of children.
5. Applicant's and household's/family unit's income and assets.
6. Applicant's and household's/family unit's financial obligations.
7. The physical and mental condition of household/family unit members, only when relevant to the receipt of assistance, such as ability to work, determination of needs or referrals to other forms of assistance.
8. Any special circumstances claimed by applicant.
9. Applicant's employment status and availability in the labor market.
10. Facts relevant to the applicant's residence as set forth in [Section X.](#)
11. Names, addresses, and employment status of individuals potentially liable to the Town of Durham for reimbursement of benefits provided (NH RSA 165:19).

B. VERIFICATION SOURCES:

Verification may be made through records provided by the applicant (for example, birth and marriage certificates, divorce decrees and temporary court orders, pay stubs, paychecks, rent receipts, bank/debit card account, etc.) as primary sources. The failure of the applicant to bring such records does not affect the Welfare Official's responsibility to process the application

promptly. The Welfare Official shall inform the applicant of what records are necessary and the applicant is required to produce records within seven (7) days. The applicant shall be required to fill out and sign the Required Verification Form and to produce the information required by the form. However, the Welfare Official shall not insist on documentary verification if such records are not available but should ask the applicant to suggest alternative means of verification.

C. OTHER SOURCES OF VERIFICATION:

Verification may also be made through other sources, such as relatives, employers, former employers, banks, school personnel, and social or government agencies. Although RSA 165:4 permits the cashier of a national bank or a treasurer of a savings and trust company to furnish information regarding amounts deposited to the credit of an applicant or recipient, it would be the better practice to have any verification of bank deposits only be obtained through a proper release of information form signed by the applicant.

D. WRITTEN CONSENT OF APPLICANT:

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

E. LEGAL LIABLE RELATIVES:

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

F. REFUSAL TO VERIFY INFORMATION:

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

VIII. DISBURSEMENTS:

A. VOUCHER SYSTEM:

The Town of Durham pays vouchers directly to vendors or creditors up to the dollar amount designated on the voucher, or for the actual amount listed on an itemized bill or register tape if less than the voucher amount. The Town of Durham shall not pay any amount in excess of the amount listed on the voucher. A recipient shall not change the amount listed on the voucher and shall sign the voucher to ensure proper usage. It is the responsibility of the applicant to safeguard the voucher(s) from theft, loss or misuse. No replacement voucher shall be issued if the original is lost, stolen, misplaced, or misused unless authorized by the Welfare Official.

B. PROHIBITED PURCHASES:

The following food and miscellaneous items may not be purchased using vouchers: alcoholic beverages and mixers; expensive luxury foods such as lobster, shrimp, crabmeat; expensive cuts of meat; gourmet food; cases of soda; expensive bakery and deli items; pet food and pet products; batteries and film; greeting cards, magazines and tabloids; hairspray, mousse and gel; perfume, after shave and cologne; VCR/cassette tapes, DVDs, CDs, vinyl records or electronic media downloads; tobacco products; vape products; lighter fluid and lighters; wrapping paper; toys. All other items, including paper products, are allowed. A maintenance voucher may be used for other than food items. All stores receiving food, maintenance or diaper vouchers shall attach the cash register tape to the voucher in order to be reimbursed. Only the amount used shall be reimbursed.

1. All authorizations are one time only, each authorization requiring individual approval.

2. The vendor has 60 days in which to return the voucher for payment. None shall be honored after that time.
2. No assistance shall be rendered for periods prior to the date of application with the exception of obtaining for the client that which is necessary and cannot be obtained without assistance. Application for rental assistance is generally considered to be for the full week when the applicant applies.
3. The amount of assistance provided shall be negotiated with vendors whenever possible. The Welfare Official shall always attempt to provide what is necessary for the least cost possible. If negotiation is not possible, the least expensive appropriate alternative shall be sought.
4. The Town of Durham shall not pay charges that do not directly represent an actual service or item except when there is no other alternative or as provided by law. Examples include late charges, security deposits, storage charges, key charges, damages, etc.

IX. DETERMINATION OF ELIGIBILITY AND AMOUNT

A. ELIGIBILITY FORMULA:

An applicant is eligible to receive assistance when:

1. The applicant meets the non-financial eligibility factors listed in [Section C](#) below, and,
2. When the applicant's basic standard need* listed in [Section IX E](#) below, exceed available income ([Section IX F](#)) plus available liquid assets ([Section IX D 1](#)). If available income and available liquid assets exceed the basic maintenance need (as determined by the Guideline amounts), the applicant is not eligible for General Assistance. If the need exceeds the available income/assets, the amount of assistance shall be the difference between the two amounts, in the absence of circumstances justifying an exception.
3. The Town of Durham is authorized pursuant to NH RSA 165:1-e, to deem as income all or any portion of any qualified state assistance reduction resulting from the failure of an applicant for General Assistance to comply with State

assistance requirements. The amount of the reduction shall be calculated as if it were income actually received in determination of eligibility, unless, in order to prevent an immediate threat to the health and safety of children in the household, all or a portion of the reduction shall be waived.

***NOTE:** Applicants shall first and foremost utilize resources for basic needs: rent, food (minus Food Stamp allotment), cleaning and hygiene items, utilities, internet service and prescriptions. Applicants shall provide dated and signed receipts. Credit card payments, rent-to-own furniture, cable services, and repayment of personal loans are examples of non-basic needs.

B. LEGAL STANDARD AND INTERPRETATION:

"Whenever a person in any town is poor and unable to support themselves, they shall be relieved and maintained by the overseers of public welfare of such town, whether or not they have residence there" (NH RSA 165:1).

1. An applicant cannot be denied assistance solely because they are not a resident ([Section X](#)).
2. "Whenever" means at any or whatever time that person is poor and unable to support themselves.
 - a) The Welfare Official, or a person authorized to act on their behalf, shall be available during normal business hours.
 - b) The eligibility of an applicant for General Assistance shall be determined no later than five (5) business days after the application is submitted. If the applicant has an emergency need, then assistance for such emergency need shall be provided in accordance with Section VI (D)(3), (4).
 - c) Assistance shall begin as soon as the applicant is determined eligible.
3. "Poor and unable to support" means that an individual lacks income and available liquid assets to adequately provide for the basic maintenance needs for themselves or family as determined by the Guidelines.

4. "Relieved" means an applicant shall be assisted, as the Welfare Official shall determine, to meet those basic needs.
5. "Maintained" means to be continued on assistance as long as eligible.

C. NON-FINANCIAL ELIGIBILITY FACTORS:

1. **Age.** General assistance cannot be denied any applicant because of the applicant's age. Minor children are assumed to be the responsibility of their parent(s) or legal guardian(s), unless circumstances warrant otherwise. However, age may make certain persons eligible for other kinds of state or federal assistance. Income from other sources may or may not affect eligibility under these Guidelines.
2. **Minors.** Minor applicants shall be referred to Protective Services of the Division of Children, Youth, and Families for case management. Minors have the residence of their parent(s) or legal guardian(s). Minors are the financial responsibility of their parent(s) or legal guardian(s).
3. **Support Actions.** No applicant or recipient shall be compelled, as a condition of eligibility or continued receipt of assistance, to take any legal action against any other person. The Town of Durham may pursue recovery against legally liable persons or governmental units (See [Section XVI](#)).
4. **Eligibility for Other Categorical Assistance.** Applicants or recipients who are, or may be, eligible for any other form of public assistance, shall apply for such assistance immediately, but no later than seven (7) calendar days after being advised to do so by the Welfare Official. Failure to do so may render the applicant or recipient ineligible for assistance and subject to action pursuant to Section XIII of these Guidelines.
5. **Employment.** An applicant who is gainfully employed, but whose income and assets are not sufficient to meet necessary household expenses, may be eligible to receive general assistance. However, recipients who, without good cause, refuse a job offer or referral to suitable employment, or participation in the Workfare Program (NH RSA 165:31), or who voluntarily leave a job without good cause (NH RSA 165:1-d) may be ineligible for continuing General Assistance

in accordance with the procedures for suspension outlined in the Guidelines ([Section XIII B](#)). The Welfare Official shall first determine whether there is good cause for such refusal, taking into account the ability and physical and mental capacity of the applicant, transportation problems, working conditions that might involve risks to health or safety, lack of adequate childcare, or any other factors that might make refusing a job reasonable. These employment requirements shall extend to all adult members of the household or family unit.

6. **Registration with the New Hampshire Department of Employment Security (NHES) and Work Search Requirements.** Recipients shall provide proof, when required, that they are utilizing the New Hampshire Department of Employment Security's Job and Information Resource Center. All unemployed recipients and adult members of their household, within seven (7) calendar days after having been granted assistance, must register with NHES to find work and must conduct a reasonable verified job search as determined by the Welfare Official. Each recipient must apply for employment at each employer referred to by the Welfare Official. These work search requirements apply unless the recipient or other adult member(s) of the household is:

- a) Gainfully employed full-time.
- b) A dependent 18 years of age or under who is regularly attending primary or secondary school.
- c) Unable to work due to illness or to a mental or physical disability of themselves or another member of the household/family unit verified by a doctor's note, if readily available.
- d) Is solely responsible for the care of a child aged three (3) or under. A recipient responsible for the care of a child aged four (4) through twelve (12) shall not be excused from work search requirements, but shall be deemed to have verifiable good cause to refuse a job requiring work during hours the child is not usually in school, if there is no responsible person available to provide care and no other care is available as verified by the welfare official.
- e) The Welfare Official shall give all necessary and reasonable assistance to ensure compliance with registration and work requirements, including the granting

of allowance for transportation and work clothes. Failure of a recipient to comply with these requirements without good cause shall be reason for denial or suspension of assistance.

7. **Students.** Applicants who are post-secondary education students and are not available for or refusing to seek full-time employment are not eligible for General Assistance.
8. **Non-Citizens.** The welfare official may, in their sole discretion, provide limited assistance to non-citizens not otherwise eligible for general assistance.
 - a) A non-citizen who is not:
 - 1) A qualified alien under 8 USCA 1641;
 - 2) A non-immigrant under the federal Immigration and Nationality Act; or
 - 3) An alien paroled into the United States for less than one year under 8 USCA 1182(d)(5).
 - b) Qualified aliens include aliens who are lawfully admitted for permanent residence under the Immigration and Nationality Act, 8 USCA 1101 et seq., aliens who are granted asylum under that act, certain refugees, and certain battered aliens. 9 USCA 1641.
 - c) A non-citizen who is not eligible for general assistance may be eligible for state assistance with health care items and services that are necessary for the treatment of an emergency medical condition, which is defined as a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:
 - 1) Placing the patient's health in serious jeopardy;
 - 2) Serious impairment to bodily functions; or
 - 3) Serious dysfunction of any bodily organ or part. 8 USCA 1621(b) and 42 USCA 1396(v)(3).
 - d) A non-citizen may also be eligible for general assistance for treatment of an emergency medical condition, pursuant to Section IX(E)(8)(a) of these guidelines.

- e) Non-citizen applicants for general assistance may be required to provide proof of eligibility. 8 USCA 1625.

9. **Employment of Household Members.** The employment requirements of these Guidelines, or participation in the workfare program, shall be required for all adults aged 18 to 65 years residing in the same household, except those regularly attending secondary school or employed on a full-time basis, who are:

- a) Members of the recipient's household;
- b) Legally liable to contribute to the support of the recipient and/or children of the household; and
- c) Not prevented from maintaining employment and contributing to the support of the household by reason of physical or mental disability or other justifiable cause as verified by the welfare official.

The welfare official may waive this requirement where failure of the other household members to comply is not the fault of the recipient and the welfare official decides it would be unreasonable for the recipient to establish a separate household. RSA 165:32.

10. **Disqualification for Voluntary Termination of Employment.** Any applicant eligible for assistance who voluntarily terminated employment shall be ineligible to receive assistance for 90 days from the date of employment termination, provided the applicant:

- a) Has received local welfare within the past 365 days; and
- b) Has been given notice that voluntary termination of employment without good cause could result in disqualification; and
- c) Has terminated employment of at least 20 hours per week without good cause within 60 days of an application for local welfare; and
- d) Is not responsible for supporting minor children in their household; and
- e) Did not have a mental or physical impairment which caused them to be unable to work.

Good cause for terminating employment shall include any of the following: discrimination, unreasonable work demands or unsuitable employment, retirement, leaving a job in order to accept a bona-fide job offer, migrant farm labor or seasonal construction, and lack of transportation or childcare. An applicant shall be considered to have voluntarily terminated employment if the applicant fails to report for work without good cause. An applicant who is fired or resigns from a job at the request of the employer due to applicant's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily terminated employment. RSA 165:1-d.

D. AVAILABLE ASSETS:

1. **Available Liquid Assets.** Cash on hand, bank/debit card deposits, credit union accounts, securities, and retirement plans (i.e., IRA's, deferred compensation, Keogh's, etc.) are available liquid assets. Insurance policies with a loan value and nonessential personal property may be considered as available liquid assets when they have been converted to cash. The Welfare Official shall allow a reasonable time for such conversion. However, tools of a trade, livestock and farm equipment, and necessary and ordinary household goods are essential items of personal property, which shall not be considered as available assets.
2. **Automobile Ownership.** The ownership of one automobile by an applicant/recipient or dependent does not affect eligibility if it is essential for medical or rehabilitation services, transportation to seek and maintain employment, or for use essential to the maintenance of the individual or family.
 - a) Essential means that there is no other transportation available.
 - b) Car payments shall not be considered justifiable expenses when determining eligibility unless the purchase and maintenance of a vehicle appropriate to the applicant or recipient's income is justified.
 - c) A new or luxury vehicle shall be considered a liquid asset and converted to cash prior to eligibility for anything other than extreme emergencies.

3. **Insurance.** The ownership of insurance policies does not affect eligibility. However, when a policy has cash or loan value, the applicant shall be required to obtain and/or borrow all available funds, which shall then be considered available liquid assets. Premium payment shall not be included as "need" in determining eligibility or amount of aid.
4. **Real Estate.** The type and amount of real estate owned by an applicant does not affect eligibility, although rent or other such income from property should be considered as available to meet need.
 - a) Applicants owning real estate property, other than that occupied as a home, shall be expected to make reasonable efforts to dispose of it at fair market value.
 - b) Applicants shall be informed that a lien covering the amount of any general assistance they receive shall be placed against any real property they own. (NH RSA 165:28).
 - c) The Welfare Official shall not make mortgage payments when the applicant has a co-signer on the note except to avoid eviction.
5. Items such as motorcycles, dirt bikes, boats, personal watercraft, ATV's, RV'S, camping trailers and snow mobiles shall be considered liquid assets and converted to cash prior to eligibility for anything other than extreme emergencies.
6. No person who is otherwise eligible shall receive assistance if they have made an assignment, transfer or conveyance of property or assets for the purpose of rendering themselves eligible for assistance within three (3) years immediately preceding their application (NH RSA 165:2-b).

E. STANDARD OF NEED:

The basic financial requirement for General Assistance is that a person be poor and unable to support themselves. A person shall be considered poor when they have insufficient available income/assets to purchase either for themselves or dependents any of the following:

1. **Housing.** The amount to be included as "need" for housing is the cost of rent or mortgage necessary to actually provide housing in the Town of Durham.
 - a) Permanent Tenancy Housing Arrearages. Housing arrearages will be included in the "need" formula only if such payment is necessary to prevent eviction or foreclosure or to protect the health and safety of the household/family unit. However, if the amount of such mortgage or rental arrearage substantially exceeds the cost of alternative, available housing which complies with local health and housing code standards, or the payment of arrears shall not prevent eviction or foreclosure, the Welfare Official may instead authorize payment of security deposit, rent, and/or reasonable relocation expenses for such alternative housing if, under the circumstances of the case, it is reasonable to do so and would not cause undue hardship to the applicant household. Alternative housing may include transitional housing as an option. It is not the responsibility of the Municipal Welfare Office to locate permanent housing.
 - b) Security Deposits. Security deposits may be included in the "need" formula if, and only if, the applicant is unable to secure alternative housing or shelter for which no security deposit is required or is unable to secure funds, either themselves or from alternative sources, for payment of the deposit. Any security deposit provided by the general assistance program which is returned under RSA 540-A:7 shall be returned to the municipality, not the recipient.
 - c) Relative Landlords. Whenever a relative of an applicant is also the landlord for the applicant, that landlord shall be presumed able to assist their relatives pursuant to NH RSA 165:19 and shall prove an inability to assist before any aid payment for housing is made.
 - d) Emergency Shelter. In cases in which the Town of Durham has made an appropriate referral for emergency, temporary shelter and the applicant refuses to accept such a referral, or if the applicant does not abide by the rules of the emergency housing/shelter, the Town Welfare Official may suspend the applicant by refusing to pay for alternative emergency shelter, but may not suspend the applicant by denying other forms of assistance to which they are otherwise entitled. The applicant must accept the

least costly alternative for emergency housing assistance that is deemed suitable by the Welfare Official for applicant's household.

2. Utilities. When utility costs are not included in the shelter expense, the most recent outstanding monthly utility bill shall be included as part of "need" by the Welfare Official. Arrearages shall not normally be included in "need" except as set forth below (utilities shall be in the client's name in order to render assistance):
 - a) Arrearages. Utility arrearages shall not be included except when necessary to ensure the health and safety of the applicant household or to prevent termination of utility service where no other resources or referrals can be utilized. In accordance with the rules of the PUC relating to electric utilities, arrearages for electric service need not be paid if the welfare official notifies the electric company that the municipality guarantees payment of average electric bills as long as the recipient remains eligible for general assistance.
 - b) Restoration of Service. When utility service has been terminated and the Welfare Official has determined that alternative utility service is not available and alternative shelter is not feasible, arrearages may be included in "need" when restoration of service is necessary to ensure the health and safety of the applicant household/family unit. The Welfare Official may negotiate with the utility for payment of less than the full amount of the arrears and/or may attempt to arrange a repayment plan to obtain restoration of service.
 - c) When electric service has been terminated and restoration is required, arrearages may either be included as set forth above or may be paid in accordance with a reasonable payment plan entered into by the applicant and the electric company. The welfare official may hold the recipient accountable for the payment arrangement for as long as the recipient continues to request general assistance on a regular basis. Payment of a payment plan may be a required element of a notice of decision or case plan.
3. Food. The amount included as "need" for food purchases shall be in accordance with the most recent standard Supplemental

Nutrition Assistance Program (SNAP) (formerly known as food stamps) allotment, as determined under SNAP administered by the New Hampshire Department of Health and Human Services. An amount in excess of the standard food allotment may be granted if one or more members of the household needs a special diet, verified by the welfare official, the documented cost of which is greater than can be purchased with the family's allotment of SNAP. Food vouchers may not be used for alcohol, tobacco or pet food.

Household Maintenance Allowance. Applicants may include, in calculating "need," the cost of providing personal and household necessities in an amount not to exceed these guidelines. Need allowance for diapers shall be calculated based on usage.

4. Telephone. If the absence of a telephone would create an unreasonable risk to the applicant's health or safety (as verified by the welfare official) or for other good cause as determined by the Welfare Official, the lowest available basic monthly rate shall be budgeted as "need." While payments will not be made for telephone bills, under exceptional circumstances where no other source of assistance is available payments may be made to maintain basic telephone service.
5. Transportation. If the Welfare Official determines that transportation is necessary (e.g., for health or medical reasons, to maintain employment, or to comply with conditions of assistance), "need" should include the costs of public transportation, where available. If, and only if, the transportation need cannot be reasonably provided by alternative means, such as public transportation or volunteer drivers, a reasonable amount for car payments and gasoline should be included as part of "need" when determining eligibility or amount of aid.
6. Maintenance of insurance. In the event that the Welfare Official determines that the maintenance of medical insurance is essential, an applicant may include as "need" the reasonable cost of such premiums.
7. Emergency and other expenses. In the event that the applicant has the following current expenses, the actual cost

shall be included as emergency and other expenses to determine eligibility and amount of assistance:

- a) Medical Expenses. The Welfare Official shall not consider including amounts for medical, dental or eye services unless the applicant can verify that all other potential sources have been investigated and that there is no source of assistance other than local welfare. Other sources to be considered shall include state and federal programs, local and area clinics, area service organizations and area hospital programs designed for such needs. When an applicant requests medical service, prescriptions, dental service or eye service the local Welfare Official may require verification from a doctor, dentist or person licensed to practice in the area, indicating that these services are absolutely necessary and cannot be postponed without creating a significant risk that the applicant's well-being shall be placed in serious jeopardy.
 - b) Legal expenses. Except for those specifically required by statute, no legal expenses shall be included.
 - c) Clothing. If the applicant has an emergency clothing need which cannot be met in a timely fashion by other community resources (i.e., Salvation Army, Red Cross, church groups), the expense of reasonably meeting that emergency clothing need shall be included.
 - d) Automobiles. No costs associated with the prevention of any repossession, automobile payments, or any registration or licensing costs shall be included unless reasonably justifiable as a need for the client's household.
8. Unusual Needs Not Otherwise Provided for in These Guidelines. If the Welfare Official determines that the strict application of the Standard of Need criteria would result in unnecessary or undue hardship (e.g., needed services are inaccessible to the applicant), such official may make minor adjustments in the criteria, or may make allowances using the emergency need standards stated in [Section VI D 3](#) of these Guidelines. Any such determination, and the reasons,

therefore, shall be stated in writing in the applicant's case record.

9. Shared Expenses. If the applicant(s)/recipient(s) household/family unit shares shelter, utility, or other expenses with a non-applicant/recipient (i.e., is part of a residential unit), then "need" should be determined on a pro-rata share, based on the total number of adults in the residential unit (e.g., three adults in a residential unit, but only one applies for assistance - shelter need is 1/3 of shelter allowance for a household of three adults).
10. The maximum payment level for any particular allowable expense shall be based on actual local market conditions and costs. The payment levels shall be reviewed by the Welfare Official, and if needed, updated to current market conditions.

F. INCOME:

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

1. Earned income. Income includes cash, tips, or in-kind compensation earned by the applicant(s) or any household member through wages, salary, commissions, or profit, whether self-employed or as an employee. Rental income and profits from items sold are considered earned income. Self-employment net income is calculated by subtracting business expenses from total profit in accordance with standard accounting principles. When income consists of wages, the amount computed should be that available after income taxes, social security and other payroll deductions required by state, federal, or local law, childcare costs, court ordered support payments and work-related clothing costs have been deducted from income. Wages that are in trust, or income similarly unavailable to the applicant or applicant's dependents should not be included.
2. Income or Support from Other Persons. Contributions from relatives or other household members shall be considered as income only if actually available and received by the applicant

or recipient. The income of non-household members of the applicant's residential unit shall not be counted as income. (Expenses shared with non-household members may affect the level of need, however. See [Section IX E 10](#) re: determination of need in cases of non-household residential units.)

3. Income from other assistance or social insurance programs.
 - a) State categorical assistance benefits, OASDI payments, Social Security payments, VA benefits, unemployment insurance benefits, and payments from other government sources shall be considered income.
 - b) Supplement Nutrition Assistance Program (SNAP) (also known as Food Stamps) cannot be counted as income pursuant to federal law. 7 USC 2017(b).
 - c) Low Income Heating and Energy Assistance Program (LHEAP) (also known as Fuel Assistance cannot be counted as income pursuant to federal law 42 U.S.C. 8624 (f) (1).
4. Court-Ordered Support Payments. Alimony and Child Support payments shall be considered income only if actually received by the applicant/recipient.
5. Income from Other Sources. Payments from pension and trust funds and similar programs 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 under unless that child makes a regular and substantial contribution to the family.
7. Option to Treat a Qualified State Assistance Reduction as Deemed Income.

The welfare official may deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82, VIII. The following criteria shall apply to any action to deem income under this section. RSA 165:1-e.

- a) The authority to deem income under this section shall terminate when the Qualified State Assistance Reduction no longer is in effect.

- b) Applicants for general assistance may be required to cooperate in obtaining information from the Department of Health and Human Services as to the existence and amount of any Qualified State Assistance Reduction. No applicant for general assistance may be considered to be subject to a Qualified State Assistance Reduction unless the existence and amount has been confirmed by the Department of Health and Human Services.
- c) The welfare official shall provide the applicant with a written decision which sets forth the amount of any deemed income used to determine eligibility for general assistance.
- d) Whenever necessary to prevent an immediate threat to the health and safety of children in the household, the welfare official shall waive that portion, if any, of the Qualified State Assistance Reduction as necessary.

G. RESIDENTS OF SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE AND THEIR CHILDREN:

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

X. NON-RESIDENTS.

A. ELIGIBILITY:

Applicants who are temporarily in a municipality which is not their municipality of residence and who do not intend to make a residence there are nonetheless eligible to receive general assistance, provided they are poor and unable to support themselves. No person shall be refused assistance solely on the basis of residence. RSA 165:1-c.

B. STANDARDS:

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

C. VERIFICATION:

Verification records shall not be considered unavailable, nor is the applicant's responsibility for providing such records relaxed solely because they are located in the applicant(s)' community of residence.

D. TEMPORARY OR EMERGENCY AID:

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

E. DETERMINATION OF RESIDENCE:

1. No determination of residence shall be made unless the applicant(s) request(s) return home transportation (See [Section X F](#) below), or unless the Welfare Official has some reason to believe the applicant is a resident of another New Hampshire municipality from which recovery can be made under NH RSA 165:20.
2. The residence of a minor shall be presumed to be the residence of their custodial parent/guardian.
3. For competent adults, the standard for determining residence shall be the overall intent of the applicant(s), as set forth in [Section I definition of "Residence."](#) The following criteria shall aid the Welfare Official in determining the applicant's residence status:
 - a) Does the applicant have or immediately intend to establish a dwelling place within the municipality?
 - b) Does the applicant have property, an established dwelling place or employment in any other municipality, to which they intend to return?

- c) Has the applicant evidenced their domiciliary intent in some manner, such as registering a vehicle, paying residence tax, registering to vote, opening local bank accounts, etc. or do they intend to do so in the immediate future?

None of the above factors is conclusive. A statement by an applicant 18 or over as to their place of residence or intent to establish residence shall be accepted in absence of otherwise strongly inconsistent evidence or behavior.

F. RETURN HOME TRANSPORTATION:

At the request of a non-resident applicant(s), any aid, temporary or otherwise, for assistance to which they would be otherwise entitled under the standards set forth in these guidelines, may be used by the Welfare Official to cause the applicant to be returned to their community of residence per NH RSA 165:1-c.

G. RECOVERY:

Any aid given to a non-resident, including the costs of return home transportation, may be recovered from their community of residence as provided by law. NH RSA 165:20.

XI. MUNICIPAL WORKFARE PROGRAM

A. PARTICIPATION

According to New Hampshire NH RSA 165:31, anyone who is able and not gainfully employed may be required to work for the municipality or other appropriate local human service agencies at any available bona fide jobs that are within their capacity as reimbursement for benefits received. Participants in the Workfare Program are not considered employees of the Town of Durham, and any work performed by Workfare Program participants does not give rise to any employee-employer relationship between the recipient/workfare participant and the Town of Durham.

B. REIMBURSEMENT RATE

The workfare participant shall be allotted the prevailing wage for work performed, but in no case less than the minimum wage. No

cash compensation shall be paid for workfare participation; the wage value of all hours worked shall be used to reimburse the Town of Durham for assistance given. No workfare participant shall be required to work more hours than necessary to reimburse aid rendered.

C. CONTINUING FINANCIAL LIABILITY

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

D. ALLOWANCE FOR WORK SEARCH

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

E. WORKFARE PROGRAM ATTENDANCE

The workfare participant should attempt to schedule appointments so as not to conflict with the workfare program and must notify their supervisor in advance of an appointment. The welfare official may require participants to provide documentation of their attendance at a conflicting interview or appointment. With prior notice to the welfare official, a recipient may be excused from workfare participation if they:

1. Have a conflicting interview for a job possibility.
2. Have a conflicting interview at a social service agency.
3. Have a medical appointment or illness.
4. As a parent or person "in loco parentis," must care for children under the age of six (6). A recipient responsible for a child over six (6), but under twelve (12) years of age, shall not be required to work during the hours the child is not in school, if there is no responsible person available to provide care, and no other care is available.
5. Are unable to work due to a mental or physical disability, as verified by the welfare official.

6. Must remain at home because of illness or disability to another member of the household, as verified by the welfare official.
7. Do not possess the materials or tools required to perform the task and the Town of Durham fails to provide for them.

F. WORKFARE HOURS

Workfare hours are subject to approval by the supervisor and the welfare official. Failure of the participant to adhere to agreed upon workfare hours (except for the reasons listed above) shall prompt review of the recipient's eligibility for general assistance may result in a suspension or termination of assistance. Section XII (C)(2)(b).

G. PARTICIPANTS COVERED BY WORKER'S COMPENSATION:

The Town of Durham shall provide worker's compensation coverage to participants in the workfare program in the same manner as such coverage is provided to Town employees, unless the local governing body of the municipality has voted to adopt guidelines making the provisions of the workers' compensation laws not applicable to workfare program participants. RSA 281-A:2, VII(b).

XII. BURIALS AND CREMATIONS

The welfare official shall provide for required burial or cremation, at municipal expense, of persons found in the municipality at the time of death, regardless of whether the deceased person ever applied for or received general assistance from any municipality. In such cases, assistance may be applied for on behalf of the deceased person. The application should be made immediately following the time of death or before expenses are incurred. The municipality will not pay for expenses like special rites and other expenses beyond the municipal maximum allowance for charges required for burial or cremation.

The expense may be recovered from the deceased person's municipality of residence, or from a liable relative pursuant to RSA 165:3 II. If there are liquid assets at death from the deceased person's bank accounts, there shall be an automatic assignment to

the funeral director or the person who paid for the funeral and burial or cremation of the deceased to the extent of funeral and burial or cremation costs up to \$2,000 pursuant to RSA 165:27-a, if relatives, other private persons, the state, or other sources are unable to cover the entire burial/cremation expense.

Unclaimed Body. Per RSA 611-B:25 the medical examiner shall release a dead body if unclaimed for a period of not less than 48 hours following completion of the death investigation to the overseer of public welfare in the town or, in the case of an unincorporated place, to a county commissioner, who shall decently bury or cremate the body, or with the consent of the commissioners or the overseer, it may be sent to the medical department of a medical school or university, to be used for the advancement of the science of anatomy and surgery.

XIII. RIGHT TO NOTICE OF ADVERSE ACTION

A. RIGHT TO A WRITTEN DECISION

All persons have a constitutional right to be free of unfair, arbitrary or unreasonable action taken by government. This includes applicants for and recipients of general assistance whose aid has been denied, terminated or reduced. Every applicant and recipient shall be given written notice of every decision regarding assistance (See Section VI(D) for notice where application is granted.) The welfare official will make every effort to ensure that the applicant understands the decision.

B. ACTION TAKEN FOR REASONS OTHER THAN NON-COMPLIANCE WITH THESE GUIDELINES FOR GENERAL ASSISTANCE:

1. Whenever a decision is made to deny assistance, to refuse to grant the full amount of assistance requested, or to terminate assistance, a written notice of the decision shall be given to the applicant immediately or within one (1) business day from the time the decision is made or within five (5) business days from the time the application is filled out and submitted, whichever occurs first.
2. In any case where the Welfare Official decides to terminate or reduce assistance under the standards for eligibility or for reasons other than noncompliance with the Guidelines, the

Welfare Official shall send notice, at least (7) calendar days in advance of the effective date of the decision, to the recipient stating the intended action.

3. The notice required by Paragraph 1 and Paragraph 2 above shall contain:
 - a) A clear statement of the reasons for the denial or proposed termination or reduction.
 - b) A statement advising the recipient of their right to a Fair Hearing, and that any request for a Fair Hearing shall be made in writing within five (5) business days of the individual's receipt of the notice of adverse action.
 - c) A statement advising the recipient of the time limits which shall be met in order to receive a Fair Hearing.
 - d) A statement that assistance may continue, if there was initial eligibility, until the date of the hearing, if requested by the claimant(s) and that any continued aid shall be repaid if the claimant(s) fails to prevail at the hearing.

C. SUSPENSION OF BENEFITS FOR NON-COMPLIANCE WITH THESE GUIDELINES:

1. Due Process. Recipients shall comply with these Guidelines and reasonable requests of the Welfare Official. Welfare Officials shall enforce the Guidelines while ensuring that all recipients and applicants receive due process. Recipients shall be given reasonable notice of the conditions and requirements of eligibility and continuing eligibility and notice that non-compliance may result in termination or suspension.
2. Conditions. Any applicant/recipient otherwise eligible for assistance shall become ineligible under RSA 165:1-b I, if they 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 financial material data, including any changes in this information.

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- b) Participate in the Workfare Program as assigned by the Welfare Official.
 - c) Comply with the work search requirements imposed by the Welfare Official.
 - d) Apply for other public assistance, which would alleviate the need for General Assistance, as requested by the Welfare Official.
 - e) Keep all appointments absent good, verifiable justification for failing to appear when directed.
3. First Notice. No recipient otherwise eligible shall be suspended for non-compliance with these Guidelines unless they have been given written notice of the actions required in order to remain eligible and a seven (7) calendar day period within which to comply. The first notice shall be given at the time of the Notice of Decision and thereafter as the conditions change. Additional notice of actions required should also be given as eligibility is redetermined but without an additional seven (7) calendar day period unless new actions are required.
4. Noncompliance.
- a) If a recipient willfully and without good cause fails to come into compliance during the seven (7) calendar day period, or willfully falls into noncompliance within 30 days from receipt of a first notice, the Welfare Official shall give the recipient a suspension notice.
 - b) If a recipient falls into noncompliance for the first time more than 30 days after receipt of a first notice, the welfare official shall give the recipient a new first notice with a seven (7) calendar day period to comply before giving he recipient the suspension notice.
5. Suspension Notice. Written notice to a recipient that they are suspended from assistance due to failure to comply with the conditions required in a Notice of Decision (first notice) shall include:

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- a) The requirement(s) with which the recipient is not in compliance and a description of those actions necessary for compliance;
 - b) The period of suspension (see [Section XIII B 6](#) below);
 - c) Notice of the right to a Fair Hearing on the issue of willful non-compliance and that such request shall be made in writing to the Welfare Official within five (5) business days of receipt of the suspension notice;
 - d) A statement that assistance may continue in accordance with the prior eligibility determination until the Fair Hearing decision is made if the recipient so requests. However, if the recipient fails to prevail at the hearing, the suspension shall start after the decision is rendered and the recipient shall repay such continued aid.
6. Suspension Period. The suspension period for failure to comply with the Guidelines' requirements shall last:
- a) Either seven (7) days, or 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 7 or 14-day suspension period, continues to fail to carry out the specific actions set forth in this notice.
 - c) Notwithstanding paragraph b, above, a recipient who has been suspended for non-compliance for at least six (6) months may file a new application for assistance without coming back into compliance.
7. Fair Hearing on Continuing Noncompliance. A recipient who has been suspended until they comply with the guidelines may request a Fair Hearing to resolve a dispute over whether or not they have satisfactorily complied with these guidelines. The burden of proof lies with the claimant to show that the Welfare Official was incorrect in their assessment as to the claimant's compliance with these guidelines, however no assistance shall be available under paragraph C(5)(d) above.

8. Compliance After Suspension. A recipient who has been subject to a suspension and who has come back into compliance shall have their assistance resumed, provided is they are 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) calendar day period for compliance unless new conditions have been imposed.

XIV. FAIR HEARINGS.

A. REQUESTS:

A request for a Fair Hearing is a written expression by the applicant(s) or recipient(s) or any person acting on their behalf that they want an opportunity to present their case to a higher authority. When a request for assistance is denied or when an applicant desires to challenge a decision made by the welfare official relative to the receipt of assistance, the applicant/recipient must present a written request for a fair hearing to the welfare official within five (5) business days of receipt of the notice of decision at issue. RSA 165:1-b, III.

B. TIME LIMITS FOR HEARING:

Hearings requested by claimants shall be held within seven (7) calendar days of the receipt of the request. At least forty-eight (48) hours in advance, the Welfare Official shall give written notice in person or via e-mail to the claimant setting forth the time and location of the hearing. If written notice in person or via e-mail is not possible, the Welfare Official shall mail the notice to the claimant's last known address at least seventy-two (72) hours prior to the hearing.

C. THE FAIR HEARING OFFICER:

The Town Administrator shall assign the Fair Hearing Officer. The Fair Hearing Officer presiding over the Fair Hearing request shall:

1. Not have participated in the decision causing dissatisfaction.
2. Be impartial.

3. Be sufficiently skilled in interviewing to be able to obtain evidence and facts necessary for a fair determination.
4. Be capable of evaluating all evidence fairly and realistically, to explain to the claimant the laws and Guidelines under which the Welfare Official operated and to interpret to Welfare Officials any evidence of unsound, unclear or inequitable policies, practices, or actions.

NOTE: The Town Administrator shall make every effort to engage other experienced welfare administrators or qualified welfare professionals from New Hampshire to preside over Fair Hearing cases in Durham. They bring valuable experience in dealing with welfare matters to the Fair Hearing process. These welfare professionals are cognizant of the statutes regulating welfare and capable of making judicious, impartial decisions.

D. FAIR HEARING PROCEDURES:

1. A claimant or their duly authorized representative has the right to examine, prior to a fair hearing, all records, papers and documents from the claimant's case file as well as any available documents not contained in the case file, that are relevant to the actions of the Welfare Official that is the basis for the claimant's request for a Fair Hearing. 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 Official, or a duly authorized representative, shall have the right to examine at the Fair Hearing all documents on which the claimant plans to rely at the Fair Hearing and may request a twenty-four (24) hour continuance if such documents contain evidence not previously provided or disclosed by the claimant. Should the applicant have new documentation relevant to the disputed decision, they may reapply for assistance and file a written withdrawal for the fair hearing request.
3. The following procedures shall govern Fair Hearings:
 - a) All Fair Hearings shall be conducted in such a manner as to ensure due process of law.

- b) Fair Hearings shall not be conducted according to strict rules of evidence. However, the Fair Hearing Official shall not rely solely upon any hearsay evidence in making a decision if any party objects to its introduction.
- c) The burden of proof shall be on the claimant who shall be required to establish their case by a preponderance of the evidence.
- d) The Welfare Official responsible for the disputed decision shall attend the hearing and testify about their actions and the reasons therefore.
- e) Both parties or their representatives shall be given the opportunity to offer oral or written evidence, and explain their positions as fully and completely as they wish. The claimant shall have the opportunity to present their own case, or at the claimant's option, with the aid of others, and to bring witnesses, to establish all pertinent facts, to advance any arguments without undue interference, to question or refute testimony or evidence, including the opportunity to confront and cross examine adverse witnesses.
- f) The parties may stipulate to any facts.
- g) All fair hearings may be tape-recorded and retained for six (6) months.
- h) Any claimant may withdraw in writing their request for a Fair Hearing at any time up to the time of the hearing. A claimant who fails to appear for any scheduled Fair Hearing shall be deemed to have withdrawn their request for such a hearing.
- i) A claimant who believes they have verifiable good cause to request a continuance or postponement of a scheduled Fair Hearing shall contact the Welfare Official at the earliest possible time prior to the hearing. Upon verifiable good cause shown, the Welfare Official may reschedule such hearing. However, the claimant is entitled to only one (1) such postponement or continuance per Fair Hearing request. Verifiable good cause shall include, but

not necessarily be limited to, demonstrated medical emergency, or other demonstrated unforeseen circumstances, which reasonably prevents the claimant from attending such scheduled hearing. A claimant shall provide documentation of such circumstances to the satisfaction of the Welfare Official no later than 72 hours after the request for postponement is made. If the claimant does not provide documentation of such circumstances to the Welfare Official within 72 hours, then the request for a Fair Hearing shall be deemed withdrawn by the claimant.

E. DECISIONS

1. Fair Hearing decisions shall be rendered within seven (7) business days of the hearing. Decisions shall be in writing, setting forth the reasons for decisions and the facts on which the Fair Hearing Officer relied in reaching their decision. A copy of the decision shall be mailed or delivered to the claimant and to the Welfare Official.
2. The decision of the Fair Hearing Officer shall be rendered on the basis of the officer's findings of fact, these Guidelines and state and federal law. The Fair Hearing decision shall set forth appropriate relief.
3. The decision shall be dated. In the case of a hearing to review a denial of aid, the decision is retroactive to the date of the action being appealed. If a claimant fails to prevail at the hearing, the assistance given pending the hearing shall be treated as a debt owed by the individual to the Town of Durham.
4. The Welfare Official shall keep all Fair Hearing decisions on file in chronological order.
5. None of the procedures specified herein shall limit any right of the claimant to subsequent court action to review or challenge the adverse decision.

XV. LIENS:

A. REAL ESTATE – RSA 165:28:

The law requires the Town to place a notice lien for welfare aid received on any real estate owned by an assisted person in all cases except for verifiable just cause as determined by the Welfare Official and approved by the Town Council (NH RSA 165:28). This section does not authorize the placement of a lien on the real estate of legally liable relatives, as defined by NH RSA 165:19. The Welfare Official shall file a Notice of Lien with the County Registry of Deeds, complete with the owner's name and description of the property sufficient to identify it. Interest at the rate of 6% per year shall be charged on the amount of money constituting the lien commencing one year after the date the lien is filed, unless waived by a majority vote of the Town Council.

The lien remains in effect until enforced or released or until the amount of the lien is repaid to the Town. The lien shall not be enforced so long as the real estate is occupied as the sole residence of the assisted person, their surviving spouse, or their surviving children who are under age 18 or blind or permanently and totally disabled.

At such time as the lien may become enforceable, the Welfare Official shall attempt to contact the attorney handling the real estate or estate before enforcing the lien. Upon repayment of a lien, the Town shall file written notice to discharge the lien with the County Registry of Deeds.

B. CIVIL JUDGMENTS (NH RSA 165:28-a):

The Town of Durham shall be entitled to a lien upon property passing under the terms of a will or an intestate succession, a property settlement, or civil judgment of personal injuries (except workers' compensation) awarded any person granted assistance by the Town for the amount of assistance granted by the Town.

The Town of Durham shall be entitled to the lien only if the assistance was granted no more than six (6) years before the receipt of the inheritance or award of the property settlement or civil judgment. When the Welfare Official becomes aware of such a claim against a civil judgment they shall contact the attorney representing the recipient. The lien shall take precedence over all other claims (NH RSA 165:28-a III).

XVI. RECOVERY OF ASSISTANCE:

A. RECOVERY FROM THE MUNICIPALITY OF RESIDENCE:

The Welfare Official may seek to recover from the municipality of residence the amount of money spent by the municipality to assist a recipient who has a residence in another municipality. Written notice of money spent in support of a recipient must be given to the welfare official of the municipality of residence. In any civil action for recovery brought under RSA 165:20, the court shall award costs to the prevailing party. RSA 165:19 and 20.

If the Welfare Official for the Town of Durham arranges to relocate a client to another municipality, the Town of Durham shall be responsible for the client's first thirty (30) days in the other community. Conversely, if another municipality moves a client into the Town of Durham, the Welfare Official shall contact said municipality to seek recovery of assistance provided for the first thirty (30) days in accordance with the ethics policy established by the New Hampshire Local Welfare Administrator's Association.

B. RECOVERY FROM RESPONSIBLE RELATIVES:

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

C. RECOVERY FROM FORMER RECIPIENT'S INCOME:

A former recipient who is returned to an income status after receiving assistance may be required to reimburse the municipality for the assistance provided, if such reimbursement can be made without financial hardship. RSA 165:20-b.

D. TIME LIMITATION FOR FILING FOR RECOVERY IN COURT:

Any legal action to recover shall be filed in a court within six (6) years after the expenditure.

E. RECOVERY FROM STATE AND FEDERAL SOURCES:

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

XVII. APPLICATION OF RENTS PAID BY THE TOWN OF DURHAM.

Whenever the owner of property rented to a person receiving assistance from the Town of Durham is in arrears in sewer, water, tax payments or other debts owed to the Town, the Town may apply the assistance which the property owner would have received in payment of rent on behalf of such assisted person to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of property occupied by the assisted person (NH RSA 165:4-a).

A. PAYMENT ARREARS DETERMINATION OF DELINQUENT BALANCES:

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 NH RSA 76:13 (NH RSA 165:4-a).

real estate taxes, if interest has begun to accrue pursuant to NH RSA 76:13 (NH RSA 165:4-a).

B. PRIORITY OF PAYMENTS FOR DELINQUENT BALANCES:

Delinquent property tax balances shall be first priority, followed by delinquent sewer/water balances and other Town-owned debts.

C. PROCEDURE:


1. The Welfare Official shall issue a voucher on behalf of the tenant to the landlord for allowed amount of rent. The voucher shall indicate any amount to be applied to a delinquent balance owed by the landlord, specifying which delinquency and referring to the authority of NH RSA 165:4-a.
2. The Welfare Official shall issue a duplicate voucher to the Tax Collector, which shall issue a receipt of payment to the delinquent landlord.

XVIII. AUTHORITY TO SUPERSEDE GUIDELINES:

The Welfare Official is authorized to provide assistance that does not conform to the Guidelines as a result of emergency, necessity or unusual circumstances.

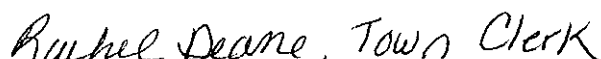
Adopted by majority vote of the Town Council of the Town of Durham, on a vote of Seven (7) in favor, Zero (0) opposing, and Zero (0) abstentions, hereby adopts these Guidelines for general assistance.

DATE: June 26, 2023



Sally Needell, Chair
Durham Town Council

ATTEST:



Rachel Deane, Town Clerk

