



TOWN OF BEDFORD
GENERAL ASSISTANCE GUIDELINES

(updated November 2004)

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I. DEFINITIONS

Applicant: A person who expresses a desire to receive general assistance or to have his/her eligibility reviewed and whose application has not been terminated.

Application (Re-Application): Written action by which a person requests assistance from a welfare official. This application must be on the form provided by the Welfare Department and must be completed in its entirety. The completion of a written application form generates the applicant's right to a Notice of Decision.

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

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

Available Liquid Assets: Amount of liquid assets after exclusions enumerated in Section IX (D) 1. of these guidelines. This 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 or cash value and non-essential personal property shall be considered as available liquid assets when they have been converted into cash.

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

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

Client: A person utilizing the services of a social agency.

Compliance: Conformity in fulfilling official requirements.

Eligibility: Determination by a welfare official, with the assistance of the guidelines, of a person's inability to support himself/herself, and his/her need for general assistance.

Fair Hearing: A hearing, in accordance with the standards in Section XIII, which the applicant or recipient may request to contest a denial, termination or reduction of assistance. A hearing will be held before an impartial person or persons having no prior knowledge of the case.

Family Unit: Includes the applicant/recipient and persons residing with him/her in the relationship of father, mother, stepfather, stepmother, son, daughter, husband, wife, and/or any adult (including an unrelated person) who resides with the applicant/recipient "in loco parentis" (in the roles 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 his/her 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

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each other unless they request to be treated as such. However, when two unrelated, unmarried adults produce a child and are living together, this department considers them a “family unit” with the adults also being financially responsible for each other unless they can document exceptional circumstances.

General Assistance: The term used for local welfare programs administered and funded by each city and town in New Hampshire.

Household: The total number of persons (related and 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. [Expenses which are shared (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 must 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 must approximate the guideline amounts for a household of three as shown in appendix A.)

Liability for Support: Those persons deemed by New Hampshire Law to have financial responsibility for anyone applying for general assistance, for example, adult children of parents, parents for adult children, and husbands and wives for each other. Also, the process by which liable relatives are made aware of their statutory financial responsibility.

Liquid Assets: cash, checking accounts, savings deposits, stocks, bonds, mutual funds, insurance policies, retirement accounts, and other securities.

Minor: A person under eighteen (18) years of age. Note that a minor’s residence is always that of the custodial parent.

Need: The basic maintenance and support requirements of a person, as determined by a welfare official under the standards of section IX (E) of these guidelines.

Non-Resident: A person temporarily in Bedford while his/her residence is elsewhere. Non-residency does not preclude general assistance, however, assistance will be of a temporary and reasonable nature given his/her temporary status. Duplication of resources available through his/her city or town of residence will be avoided except in cases of emergency. Cities or towns will be contacted for reimbursement.

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 the date of applicant’s next appointment and a list of all the information to be provided by the applicant at the next appointment, where applicable.

Real estate: Land, structures, and appurtenant fixtures.

Recipient: A person who is receiving general assistance.

Reimbursement: Each recipient who becomes financially able must reimburse the Town of Bedford for assistance rendered when asked to do so. Reimbursement will be determined by the

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welfare official taking into consideration all necessary current and future obligations, however, each recipient must understand that general assistance reimbursement takes priority over all other expenses of less than a necessary nature as determined by the welfare official. The Town of Bedford Welfare Department may also, as provided by state law, take a lien on real estate or civil judgments in the amount of assistance rendered (RSA 165:28, 28-a).

Residence: Residence or residency shall mean a person's place of abode or domicile. The place of abode or domicile is that designated by a person to be his/her principal place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by a temporary absence from it if there is intent to return to such residence or residency as the principal place of physical presence. RSA 165:1 (I); 21:6-a. If another municipality moves a client into the Town of Bedford, they should pay the first 30 days of assistance according to the New Hampshire Welfare Administrators Association's ethics policy.

Resident: A person who has a residence within the Town of Bedford.

Residential Unit: All persons physically residing with the applicant, including persons in the applicant's household and those not within the household.

Roommate: A person(s) who is/are financially responsible for himself/themselves and living with a recipient(s) 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.

Termination: Cessation of benefits due to misrepresentation pursuant to RSA 641-3.

Voucher System: The system whereby a welfare official issues vouchers (authorizations for payment) directly to the recipient's vendors and creditors rather than cash to the recipient. RSA 165:1 (III) (See section VII)

Welfare Official: The Town Manager, or his/her designee, who administers general assistance, and has the general power to make all decisions regarding the granting of assistance under RSA 165, subject to the overall fiscal responsibility vested in the Town Manager, and includes "overseers of public welfare" defined in RSA 165:1 and "administrator of town or city welfare" as defined in RSA 165:2.

Work Program: The Town of Bedford Welfare Program which requires recipients who are physically able to work for the Town in return for assistance at any job within the person's capacity. Consideration will be given for transportation problems, mental and physical impairments, as well as legitimate and verifiable employment, health and other appointments and obligations of a necessary nature. There are no wages paid. The recipient reimburses the Town of Bedford Welfare Department at the going rate for the particular job they are doing for general assistance provided.

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 under the provisions of RSA 91-A. Such information will 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 purposes of RSA 165. (RSA 165:2-c)

IV. ROLES OF LOCAL GOVERNING BODY & WELFARE OFFICIAL

The responsibility for the day-to-day administration of the general assistance program shall be vested in the Welfare Official. The Welfare Official shall administer the program in accordance with these written guidelines. The local governing body (Bedford Town Council) is responsible for the adoption of the guidelines relative to general assistance.

V. MAINTENANCE OF RECORDS

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

B. The purposes for keeping complete records of general assistance are:

1. To provide a valid basis of accounting for the expenditure of the Town's funds.
2. To support decisions concerning the applicant's eligibility (especially important if a welfare official should be required to prove in court that assistance was granted equitably).
3. To assure availability of information if the applicant or recipient seeks administrative or judicial review of the welfare official's decision/
4. To provide social welfare agencies with accurate statistical information, including the number of persons assisted and the amount of money spent for their support, in order that the taxpayers and officials of the Town may be aware of the scope of the general assistance program. RSA 165:2-c requires that an itemized account for all general assistance furnished (without recipients' names) be released to any citizen requesting it.
5. To provide a complete history of a recipient's assistance that might aid a welfare agency in the effort to rehabilitate the recipient, subject to the guidelines regarding the confidentiality of such information.

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

1. The completed application for general assistance.
2. Written grounds for approval or denial of the application, contained in a Notice of Decision.
3. A narrative history recording need for relief, the results of any home visits, if any, collateral information, referrals, changes in status, or other information pertinent to the applicant or recipient.
4. A tally sheet, copies of vouchers, or other form of complete data about the type, amount, and dates of assistance given for purposes of reimbursement.
5. A signed authorization by the applicant allowing the welfare official to release, obtain, or verify any pertinent information in the course of determining eligibility of an applicant/recipient, and a completed welfare work program contract, if applicable. Communications between the Welfare Official and the Bedford Town Council shall not be part of the case record, but shall be confidential.

VI. APPLICATION PROCESS

A. Right to Apply

1. Anyone may apply for local general assistance by appearing in person or through an authorized representative and by completing a written application form. If more than one adult resides in a household, each shall be required to appear at the welfare office to apply for assistance unless one is working or otherwise reasonably unavailable. Each adult in the household must 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 RSA 165:1 (b), provided that any person who contests a determination of continuing noncompliance with the guidelines may request a fair hearing; and provided further that a recipient who has been suspended for at least six (6) months due to noncompliance may file a new application.

B. Welfare Official’s Responsibilities

When an application for general assistance is made, the welfare official shall inform the applicant of the following:

1. The requirement that a completed application contains all necessary information including: the applicant’s signature agreeing to the reimbursement, the signature allowing the Department to contact all necessary agencies for investigation and verification, and that they have given, read and understood (or the application has been read to them) all information. An uncompleted application may be grounds for denial of assistance.

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2. Eligibility requirements, including a general description of the guideline's amounts and the eligibility formula.
3. Having to screen applicants based on emergency priorities, such as: no food, no place to stay, no heat (during winter months), no electricity, 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 which will provide the assistance needed, (C) be given an appointment date and time to return for an interview.
4. Having to refer applicant(s) requiring emergency assistance to agencies or resources who have agreed to provide emergency, temporary assistance which will meet the needs of the applicant(s) until an appointment can be arranged.
5. The requirement as a recipient of having a stated date and time to come in to receive assistance and that failure to keep appointments, with or without verifiable cause could result in a delay in receiving or loss of assistance. Loss of assistance can occur when the applicant fails to make contact with the Department for more than one week without verifiable good cause after having been requested to do so.
6. Their responsibility 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 necessity of applying for or taking advantage of other resources which could reduce or eliminate the need for general assistance.
8. The need to relocate to more affordable housing based on client's anticipated income if deemed necessary by the welfare official. Every effort will be made to maintain applicants and recipients in their own housing unless it is clear that to do so would probably require a continuing subsidy from the Department. Decisions will be based on anticipated, probable income.
9. The welfare official may make home visits to verify information at his/her 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.

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13. The facts that an investigation will be conducted in order to further substantiate facts and statements as presented by the client and that this investigation will 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 C.
17. The requirements of working on the welfare to work program, if physically and mentally capable.
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 and approved by the Council. The applicant will be made aware of the lien in that it will be noted on the recording document which the applicant signs. Such document will be recorded at the Hillsborough County Registry of Deeds per RSA 165:28. However, neither the absence of signature of the application on the recording document nor the failure to record such lien document shall diminish the validity of the lien. The welfare department has the right to place liens on civil judgments per RSA 165:28-a.
19. The requirement of reimbursement of all assistance when returned to an income status and when the income is more than that 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 herein.

C. Responsibilities of Each Applicant and Recipient

At the time of initial application, and at all times thereafter, the applicant or recipient has the following responsibilities:

1. To provide accurate, complete and current information concerning his/her needs and resources and the whereabouts and circumstances of relatives who may be responsible under RSA 165:19.
2. To provide identification and documentation of income and resources on all household members applying for assistance, including medical records if a 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 will reduce or eliminate the need for general assistance within one week of being requested to do so.
4. To notify the welfare official within seventy-two (72) hours when a change in needs or resources may affect eligibility for continued assistance.

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5. Within one (1) week of application, to apply for and utilize any benefits or resources, public or private, that will reduce or eliminate the need for general assistance.
6. To keep appointments as scheduled.
7. Notify the welfare official within 72 hours of a change in address or in members of the household or family unit.
8. To search diligently for employment with a minimum of eight (8) contacts per week and provide verification of applications for employment when requested.
9. To accept employment when offered; even if the job offered is not in the applicant's field of expertise.
10. To provide a doctor's statement as to the level of work that can be performed by the recipient if the applicant or recipient claims an inability to work due to medical problems.
11. To participate in the welfare work program if physically and mentally able once assistance has been granted.

An applicant or recipient shall be denied assistance if he/she fails to fulfill any of these responsibilities without reasonable and verifiable justification.

A recipient's assistance may be terminated or suspended for failure to fulfill any of these responsibilities without reasonable and verifiable justification.

Disqualification for general assistance may occur as set forth in RSA 165:1-b.

Any person may be denied or terminated from general assistance, in accordance with the Town of Bedford General Assistance Guidelines or may be prosecuted for a criminal offense if he/she, by means of intentional false statements, omissions, intentional misrepresentation, by impersonation or other willfully fraudulent act or device, obtains or attempts to obtain any assistance to which he/she is not entitled. RSA 641:3

Note: Applicant(s)/Recipient(s) who claim their money or vouchers were stolen, must report these incidents to the appropriate police jurisdiction where the incident occurred. Applicant(s)/Recipient(s) must provide proof that the incident has been reported.

D. Action on Applications

1. Decision. Unless an application is withdrawn, the welfare official shall make a decision concerning the applicant's eligibility within five (5) working days after completion of the written application form. A written notice of decision shall be delivered or mailed on the same day or next working day following the decision. The notice shall state that assistance of a specific kind and amount has been given and the time period of aid, or that that application has been denied, in whole or in part, with reasons for denial. The notice shall contain a First Notice of conditions and shall notify the applicant of his/her right to a Fair Hearing if dissatisfied with the welfare official's decision.
2. Emergency Assistance. At the time of initial contact, if the applicant demonstrates and verifies that an immediate 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 aid to

fulfill such immediate need shall be given no later than 72 hours from the time of the request. Such emergency assistance shall not obligate the welfare official to provide further assistance after the application process is completed.

3. Temporary Assistance. In circumstances where required records are not available, the welfare official may give temporary approval to an applicant pending receipt of required documents. Temporary status shall not extend beyond one week.
4. Withdrawn Application. An application shall be considered withdrawn if:
 - a. The applicant has refused to complete an application or has refused to make a good faith effort to provide required verifications and sufficient information for the completion of an application. If an application is deemed withdrawn for these reasons, the welfare official shall so notify the applicant in a written notice of decision/
 - b. The applicant dies before assistance is rendered.
 - c. The applicant avails himself/herself of other resources in place of general assistance.
 - d. The applicant requests that the application be withdrawn (preferably in writing).

E. Home Visits

A home visit may be made to any applicant/recipient only when it is determined necessary for the welfare official to understand all the services needed to help the applicant, or whenever there is a reasonable basis for such home visit.

The home visit shall be conducted in such a manner as to preserve, to the greatest extent possible, the privacy and dignity of the applicant(s)/recipient(s). The welfare official conducting the visit shall be polite and courteous, and shall not knowingly discuss or mention the application within the listening area of someone who is not a member of the household or family unit.

All home visits shall be pre-arranged, and shall take place between the hours of 9 am and 4 pm on weekdays, unless the applicant is unavailable and requests otherwise.

Home visits shall be used primarily for a helping or rehabilitative purpose. A home visit may, with the consent of the applicant/recipient, be used as an alternative form of verification when other forms are unavailable.

During the home visit the welfare official may discuss any noticeable, applicable housing code violations with the applicant and may report all violations to the proper authorities. The welfare official shall follow-up on all reported violations and may ensure that any reprisal actions taken by the landlord are also reported to the proper authorities.

The home visit may, with the consent of the applicant/recipient, be used as an alternative form of verification when other forms are not available.

Refusal to grant home visits, without reasonable and verifiable justification, shall be grounds for terminating or denying assistance.

VII. VERIFICATION OF INFORMATION

Any determination or investigation of need or eligibility shall be conducted in a professional manner, which will not violate the privacy or personal dignity of the individual or family or violate his/her/their individual rights, with the express intent to verify eligibility.

- A. Verification will normally be required of the following:
1. Applicant's address.
 2. Names of persons in 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 their 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. Names, addresses, and employment status of potentially liable relatives.
 11. Utility costs; housing costs; and facts relevant to the person's residence.
 12. Names, addresses, and employment status of individuals potentially liable to the Town for reimbursement of benefits provided. RSA 165:19
- B. Verification may be made through records provided by the applicant, such as birth and marriage certificates, pay stubs, rent receipts, bankbooks, and other records 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 as to what records are necessary, and the applicant is required to produce records within seven (7) days.
- C. Verification may also be made through other sources, such as relatives, employers, banks, school personnel, and social or government agencies. The cashier of a national bank or a treasurer of a savings and trust company are authorized by law to furnish information regarding amounts deposited to the credit of an applicant or recipient. RSA 165:4.
- D. When information is sought from such other sources, the welfare official shall explain to the applicant or recipient what information is desired, how it will be used, and the necessity of obtaining it in order to establish eligibility. Before contact is made with any other source, the welfare official shall obtain written consent of the applicant or recipient, unless the welfare official has reasonable grounds to suspect fraud. In the case of suspected fraud, the welfare official shall carefully record

his/her reasons and actions. The applicant or recipient shall be given an opportunity to explain or clarify the suspicious circumstances.

- E. Should the applicant or recipient refuse comment and/or indicate an unwillingness to have the welfare official seek further information that is necessary, assistance will be denied for lack of eligibility verification.

VIII. RSA 641:3

- A. Misrepresentation of information by applicants/clients will result in termination of assistance and prosecution under the provisions of RSA 641:3.
- B. The amount of assistance provided will determine the termination period as listed below:
 - 1. If total assistance issued is between \$0 and \$1,000, assistance will be terminated for six (6) months.
 - 2. If total assistance issued exceeds \$1,000, assistance will be terminated for twelve (12) months.

IX. DISBURSEMENTS

- A. The Town of Bedford 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 Bedford will not pay any amount in excess of the amount listed on the voucher. A recipient must not change the amount listed on the voucher. A recipient must sign the voucher to insure proper usage.

It is the responsibility of the applicant to safeguard from theft, loss or misuse of any voucher he/she receives. No replacement voucher will be issued if the original is lost, stolen, misplaced, or misused unless authorized by the welfare official.

- B. All assistance rendered will be in the form of vouchers or checks directly payable to the vendor providing the service, and in accordance with the general guidelines below:
 - 1. Rent may only be made payable to the owner of the property unless the Department is in receipt of a notarized Agent Authorization Form generated by the Department which allows otherwise. No rent payment will be made until a landlord form generated by the Department has been completed. Forms not generated by this Department will not be honored. Only property owner or authorized agents as noted above will be recognized as having authority to complete the landlord form. To be issued payment, the vendor must supply the Town's Finance Department with their tax identification or social security number.
 - 2. The rental assistance form is to be considered a legal document upon which the Department relies in determining eligibility. The information is expected to be accurate and true. Forms which misrepresent or inaccurately report information

for the purposes of obtaining assistance which otherwise may not be issued will be grounds for stopping payment. Legal action may also be taken. Vouchers must be used within one week of issuance.

3. The following items are prohibited and may not be purchased using a Town issued voucher: alcoholic beverages/mixers, 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, gel, perfume, after shave and cologne, VCR/cassette tapes, tobacco products, lighter fluid and lighters, candles, wrapping paper, toys. Stores allowing those items to be purchased will not be reimbursed. All other items, including paper products are allowed. All stores receiving a voucher must attach the cash register tape to the voucher and return for payment. Only the amount used will be reimbursed.
4. All authorizations are one time only, each authorization requiring individual approval.
5. The vendor has 60 days in which to return the voucher for payment. None will be honored after that time. The total value of each voucher will not exceed \$900, and vouchers exceeding that amount will need 2 approval signatures, the welfare official and the Town Manager.
6. No assistance will 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 the Department's assistance.
7. The amount of assistance provided will be negotiated whenever possible. The Department will always attempt to provide what is necessary for the least cost possible. If negotiation is not possible, the least expensive appropriate alternative will be sought.
8. The Department will not pay charges, which do not directly represent an actual service or item expect when there is no other alternative or as provided by law. Examples include late charges, security deposits, storage charges, key charges, damages, etc.
9. Landlords accepting vouchers for payment in instances where their tenants are under eviction automatically waive the eviction proceedings. Failure to waive the proceedings may result in legal action.

X. 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, and
2. When the applicant's basic maintenance needs exceed available income plus available liquid assets. If available income and available liquid assets exceed the basic maintenance need (as determined by the guideline amounts), the person is

not eligible for general assistance. If the need exceeds the available income/assets, the amount of assistance shall be the difference between the two amounts, in the absence of circumstances justifying an exception.

3. The Town of Bedford is authorized pursuant to RSA 165:1 (e), to deem as income all or any portion of any qualified State assistance reduction resulting from the failure to comply with State assistance requirements. The amount of reduction will be calculated in determining eligibility.

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

B. Non-Financial Eligibility Criteria

1. **Age.** Age is not a factor in determine whether or not a person may receive general assistance. However, age may make certain persons ineligible for other kinds of state or federal assistance.
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. **Residence.** Residence and residency shall mean a person's place of abode or domicile. The place of abode or domicile is that designated by a person as his/her principle place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by a temporary absence from it if there is an intent to return to such residence or residency as the principal place of physical presence. (RSA 21:6)
4. **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. However, the Town may pursue recovery against legally liable persons or governmental units (See Section XVI.)
5. **Eligibility for Other Categorical Assistance.** Applicants or recipients whom the welfare official believes may be eligible for any other form of public assistance must apply for such assistance within 7 days after being advised to do so by the welfare official. Failure to do so will render the applicant or recipient ineligible for assistance until he/she makes such application. Unless and until another form of public assistance is received, a person otherwise eligible is entitled to receive general assistance. Only in extraordinary circumstances will a person receiving another form of public assistance also be considered as potentially eligible for general assistance.
6. **Employment.** A person who is gainfully employed, but whose income and assets are not sufficient to meet necessary family expenses, may be eligible to receive general assistance. However, recipients who, without good cause, refuse a job offer or referral to suitable employment, or who voluntarily leave a job [RSA 165:1 (d)] are ineligible for continuing general assistance if the procedures for suspension outlined in these guidelines. The welfare official shall determine whether there is

verifiable good cause for such refusal, taking into account the ability, and physical and mental capacity of the person, transportation problems, working conditions that might involve risks to health or safety, or lack of worker's compensation protection, lack of adequate child care, or any other factors which might make refusing a job reasonable. These employment requirements shall extend to all adult members of the household/family unit.

7. **Work Search.** Provide proof that recipient(s) is/are utilizing the New Hampshire Department of Employment Security's Job and Information Resource Center (DES). All unemployed recipients and adult members of their household, within seven (7) days after having been granted assistance, shall provide proof that they are utilizing DES. Each recipient must apply for employment to each employer to which he/she is referred by the welfare official. These work search requirements apply unless the recipient or other adult household member is:

- a. Gainfully employed full-time
- b. A dependent 18 years of age or under who is regularly attending school
- c. Unable to work due to a verifiable debilitating condition
- d. Unable to work due to a verifiable mental or physical disability
- e. Is solely responsible for the care of a child under age six (6). A person responsible for the care of a child at least age six (6) but under age twelve (12) shall not be excused from work search requirements, but shall be deemed to have good cause to refuse a job requiring work during hours the child is not usually in school, if there is no other responsible person available to provide care, and no other care is available.

The welfare official shall give all necessary and reasonable assistance to ensure compliance with work placement requirements, including the granting of allowance for transportation. Failure of a recipient to comply with these requirements without verifiable good cause will be reason for denial or suspension of assistance.

8. **Voluntary Quit Law.** Applicant(s)/Recipient(s) subject to the New Hampshire Voluntary Quit Law shall become ineligible for assistance as provided by law. RSA 165:1(d)
9. **Students.** Students must be employed full time or be available for and seeking full time employment in order to be eligible for assistance.
10. **Employment of Household/Family Unit Members.** All able-bodied adults aged 18 to 65, who live in the same household/family unit as the recipient and who are related to the recipient or legally liable to contribute to the support of such person, are obligated to comply with the employment requirements of these guidelines or participation in the welfare to work program unless they are either regularly attending school, employed on a full time basis, or are prevented from maintaining employment and contributing to the support of the person by reason of physical or mental disability which is verifiable.
11. The welfare official may waive this requirement where failure of the other household/family unit 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. The welfare official may suspend the non-compliant recipient(s).

D. Available Assets

1. Available Liquid Assets. Cash on hand, bank deposits, credit union accounts, and securities are available liquid assets. Insurance policies with a loan value, and non-essential personal property may be considered as available liquid assets when they have been converted into cash. The welfare official shall allow a reasonable time for such conversion. However, tools of a trade, livestock and farm equipment, and necessary and ordinary household goods are essential items of personal property and shall not be considered as available assets.
2. Automobile Ownership. The ownership of one automobile by an applicant/recipient or their dependent(s) does not affect eligibility if it is essential for: medical or rehabilitation services, transportation to and from employment, or if its use is essential to the maintenance of the individual or the family. Essential means that there is no other transportation available. Car payments shall **not** be considered justifiable expenses when determining eligibility. The cost of purchase and maintenance of a necessary vehicle must be appropriate to the applicant's/recipient's income. A new or luxury vehicle must be considered as a liquid asset and converted to cash prior to eligibility for anything other than extreme emergency.
3. Insurance. The ownership of insurance policies, in and of itself, does not affect eligibility. However, when a policy has cash or loan value, the applicant will be required to obtain and/or borrow all available funds, which shall then be considered available liquid assets. Premium payments 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. Applicants owning real property, other than that occupied as a home, shall be expected to make reasonable efforts to dispose of it at fair market value. Applicants shall be informed that a lien covering the amount of any general assistance they receive may be placed against any real estate they own. RSA 165:28 The welfare official shall not make mortgage payments when the applicant has a co-signer on the note.
5. Property Transfers. No person who is otherwise eligible shall receive such assistance if he/she has made an assignment, transfer or conveyance of property for the purpose of rendering himself/herself eligible for assistance within three (3) years immediately preceding his/her application. 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 himself/herself. A person shall be considered poor when he/she has insufficient available income/assets to purchase either for himself/herself or his/her dependents any of the following:

1. Shelter. The amount to be included as "need" for shelter is the actual cost of rent or mortgage necessary to actually provide shelter. Such cost may be determined in accordance with subparagraph 10, below.
 - a. Shelter arrearages will be included in the "need" formula if and only

if such payment is necessary to prevent eviction or foreclosure or to protect the health and safety of the household. However, if the amount of such mortgage or rental arrearage substantially exceeds the cost of alternative, available housing which complies with local health and housing code standards, or the payment of arrears will not prevent eviction or foreclosure, the Welfare Official may instead authorize payment of security deposit, rent, and/or reasonable relocation expenses for such alternative housing if, under the circumstances of the case, it is reasonable to do so and if to do so would not cause undue hardship to the applicant household.

- b. Security deposits may be included in the "need" formula if and only if the applicant is unable to secure alternative shelter for which no security deposit is required or is unable to secure funds, either him/herself from alternate sources, for payment of the deposit. Any security deposit provided by the Town which is returned under RSA 540-A:7 shall be returned to the Town, not the recipient.
 - c. Whenever a relative of an applicant is also the landlord for the applicant, that landlord will be presumed able to assist his/her relatives pursuant to RSA 165:19, and must prove an inability to assist before any aid payment for shelter is made.
 - d. In cases where the Town of Bedford has made an appropriate referral, for emergency, temporary shelter and the applicant refuses to accept such a referral, the Town 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 he/she is entitled.
2. Utilities. When utility costs are not included in the shelter expense, the most recent typical monthly utility bill will be included as part of the "need" formula by the welfare official. Arrearages will not normally be included except as set forth below: utilities must be in the client name in order to render assistance.
- a. Arrearages. Arrearages will not be included except when necessary to ensure the health and safety of the applicant household or to prevent termination of utility service.
 - b. Electric Arrearages. Arrearages for electrical service need not be paid if the Welfare Official notifies the electric company that the municipality guarantees payment of the current bill in accordance with the rules of the NH Public Utilities Commission relating to electric utilities.
 - c. Restoration of Service. When utility service has been terminated and the Welfare Official has determined that alternative utility service is not available, and alternative shelter is not feasible, arrearages will be included in "need" when restoration of service is necessary to ensure the health and safety of the applicant household. The Welfare Official may negotiate with the utility for payment of less than the full amount of the arrears and/or may attempt to arrange a repayment plan to obtain restoration of service.
 - d. Restoration of Electric Service. When electric service has been terminated and restoration is required, arrearages may be included as set forth in paragraph (c) above, or may be paid in accordance with a reasonable payment plan entered

into by the applicant and the electric company, if the Welfare Official notifies the electric company that the municipality agrees to pay the current bill.

3. Food. The amount included as "need" for food purchases will be in accordance with the most recent standard food stamp allotment, as determined under the food stamp program administered by the NH Department of Health and Human Services under RSA 161:2 (XIII). More than the food stamp allotment may be granted if a physician has stated in writing that one or more members of the family requires a special diet, the cost of which is greater than the family's allotment of food stamps.
4. Maintenance Allowance. Applicants may include, in calculating "need," the costs of providing personal necessities in an amount not to exceed these guidelines, as determined in accordance with appendix B.
5. Telephone. If the absence of a telephone would create an unreasonable risk to the recipient's health or safety (verifiable in writing by a physician) or for other verifiable good cause as determined by the Welfare Official, the lowest available basic monthly rate will be budgeted as "need."
6. Transportation. If the welfare official determines that transportation is necessary (e.g., for health or medical reasons, to maintain employment, or to comply with conditions of assistance), "need" should include the costs of public transportation, where available. If and only if the transportation need cannot be reasonably provided by alternative means, such as public transportation or volunteer drivers, a reasonable amount for car payments and gasoline should be included as part of "need" when determining eligibility or amount of aid.
7. Maintenance of Insurance. In the event that the welfare official determines that the maintenance of medical insurance is essential, an applicant may include as "need" the reasonable cost of such premiums.
8. Emergency and Other Expenses. In the event that the applicant has the following current expenses, their 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 recipient or applicant can verify that all other potential sources have been investigated and that there is no other source of assistance other than local welfare. Other sources to be considered shall include state and federal programs, local and area clinics, area service organizations and area hospital programs designed for such needs. When a person applies for medical service, prescriptions, dental service or eye service to the local welfare official, he/she must provide written documentation from a doctor, dentist, or person license to practice optometry in the area, indicating that these services are absolutely necessary and cannot be postponed without creating a significant risk that the applicant or recipient's well being will be placed in serious jeopardy. Whenever possible, the applicant shall seek service from a Medicaid provider physician. Whenever possible, generic medications shall be used unless specified differently by the physician.

- b. *Legal Expenses.* Except for those specifically required by statute, no legal expenses will be included.
 - c. *Moving Expenses.* No moving expenses shall be included, except the expense of returning a person to his/her residence at his/her request, pursuant to RSA 165: 1-C, unless alternative arrangements are made by the welfare official at no cost to the Town.
 - d. *Emergency Clothing.* If the applicant has an emergency clothing need which cannot be met in a timely fashion by other community resources, such as the Salvation Army, Red Cross, or church groups, the expense of reasonably meeting that emergency clothing need will be included.
 - e. *Miscellaneous.* No cost to prevent repossession of any kind, no automobile payments, no registration or licensing costs will be included. No moving expenses shall be included, except those described in 8.c. above. Furniture storage charges shall not be included.
 - f. *Home Ownership Expenses.* Where the applicant owns a home and is otherwise eligible for assistance, payment for property taxes, fire insurance, sewer/water rates and essential repairs may be deemed necessary by the welfare official to prevent foreclosure, preserve the home, and promote the health and safety of the applicant. A lien shall be placed on the property according to RSA 165:28.
9. Unusual Needs Not Otherwise Provided For in these Guidelines. If the welfare official determines that the applicant's needs have substantially changed, or that strict application of the standard of need criteria will result in unnecessary or undue hardship (such as needed services are inaccessible to the person), the welfare official may make minor adjustments in the criteria, or make allowances using the emergency need standards stated in Section VI (D) (2) and Section XIX of these guidelines. Any such determination, and the reasons therefore, shall be stated in writing in the applicant's case record.
10. Shared Expenses. If the applicant/recipient household/family unit shares shelter, utility, or other expenses with a non-applicant/recipient household (ie., is part of a residential unit), then need should be determined on a pro rata share, based on the total number of persons in the residential unit and that all pro rate expenses have been verified to be current (e.g., if there are three persons in a residential unit, but only one is an applicant/recipient, the shelter need is calculated as 1/3 of the shelter allowance for a household of three persons).
11. Determination of Maximum Payment Levels. The Town Council shall establish and maintain maximum payment levels for various allowable expenses, such as for shelter, maintenance, and burial, based on actual local market conditions and costs. The payment levels shall be reviewed by the Town Council and, if warranted, will be updated to current market conditions.

F. Income

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

1. Earned Income. Income in cash, tips or in-kind earned by the applicant or any member of his/her family or household through wages, salary, commission, or profit, tax refunds or rebates whether self-employed or as an employee, is to be included as income. Rental income and profits from produce sold are included in this category. With respect to self-employment, total profit is arrived at by subtracting business expenses from gross income in accordance with standard accounting principles. When income consists of wages, the amount computed should be that available after income taxes, social security and other payroll deductions required by state, federal, or local law, court ordered support payments and child care costs, and work-related clothing costs have been deducted from income. Wages that are trusted, or income similarly unavailable to the applicant or applicant's dependents, should not be included.
2. Income or Support from Relatives. Contributions from relatives or other household members shall be considered as income only if actually 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.)
3. Income from Other Assistance or Social Insurance Programs. State categorical assistance benefits, OAA payments, Social Security payments, VA benefits, unemployment insurance benefits, and payments from other government sources shall be considered income. Pursuant to federal law, food stamp allotments and fuel assistance shall not be counted as income (7 USC § 2017(b) and 42 USC § 8624(f)(1), respectively).
4. Court-ordered Support Payments. Alimony and child support payments shall be considered income only if actually received by the applicant or recipient.
5. Income from Other Sources. Payments from pension and trust funds and the like shall be considered income. Any income actually available to the applicant or recipient from members of their household shall be considered as income. Persons in the relationship of father, mother, stepfather, stepmother, son, daughter, husband or wife, are legally liable to support the applicant(s) RSA 165:19, and therefore may be required to apply jointly with him/her if they are in the same household/family unit.

Any adult (even an unrelated person or roommate) who resides in the same household "in loco parentis" (in the role of substitute parent) to a minor child is liable for contributing to that child's support (RSA 165:32) and thus be required to jointly apply with that household.

For the purposes of determining eligibility under these guidelines, the income of a member of the household may be considered available to the applicant/recipient if he/she lives together with the applicant/recipient in a single housekeeping unit and shares the facilities.

6. Earnings of a Child. No inquiry shall be made into the earnings of a child fourteen (14) years of age or under unless that child makes a regular and substantial contribution to the family.
7. Deemed Income. The welfare official shall deem as income all or any portion of any qualified State assistance reduction pursuant to RSA 167:82, VIII, as set forth in RSA 165:1(e). When applicant(s)/recipient(s) receiving benefits through the Division of Human Services is sanctioned by a reduction in benefits for non-compliance, the amount of income considered available would be the amount the applicant/recipient was receiving prior to the sanction.

XI. NON-RESIDENTS

- A. Eligibility. No person shall be refused assistance solely on the basis of residence. (See RSA 165: 1)
- B. Standards. The application procedure, eligibility standards and standard of need shall be the same for nonresidents as for residents.
- C. Verification. Verification records shall not be considered unavailable, nor the applicant's responsibility for providing such records relaxed, solely because they are located in the applicant's community of residence.
- D. Temporary or Emergency Aid. The standards for the fulfillment of immediate or emergency needs of nonresidents, and for temporary assistance pending final decision, shall be the same as for residents.
- E. Determination of Residence. No determination of residence shall be made unless the applicant(s) request(s) return home transportation or unless the welfare official has some reason to believe the person is of another New Hampshire municipality from which recovery can be made under RSA 165:20.
 1. *Minors*. The residence of a minor shall be presumed to be the residence of his/her custodial parent or guardian.
 2. *Adults*. For competent adults, the standard for determining residence shall be the overall intent of the applicant(s), as set forth in the definition of residence. The following criteria shall aid the welfare official in determining the applicant's residence:
 - a. Does the person have, or immediately intend to establish, a dwelling place within the Town?
 - b. Does the person have property, an established dwelling place or employment in any other municipality, to which he/she intends to return?
 - c. Does the person have a present intent to leave the Town at some specific future time?
 - d. Has the person evidenced his/her domicile intent in some manner, such as registering a vehicle, paying residence tax, registering to vote, opening

local bank accounts, etc., or does he/she intend to do so in the immediate future?

None of the above factors shall be considered conclusive. The statement of a competent adult as to his/her residence shall be accepted in the absence of strongly inconsistent evidence or behavior.

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

G. Recovery. Any aid given to a nonresident, including the cost of return home transportation, may be recovered from his/her community of residence using the procedures under Part 780 of these guidelines.

XII. WORK PROGRAMS

A. Requirement. Anyone receiving general assistance may be required to work at any available *bona fide* job that is within his/her capacity. (See RSA 165:31) Applicants shall be encouraged to apply for available Town positions for which they are qualified.

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

C. Reimbursement of Unearned Balance. If, due to lack of available Town work or other verifiable good cause, a recipient does not work a sufficient number of hours to fully compensate the Town for the amount of his/her aid, the full amount of aid for which he/she is eligible under these standards shall still be paid.

D. Work Search. The Town shall provide reasonable time during working hours for the recipient to secure work in the labor market.

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

1. Has a conflicting interview for possible employment;
2. Has a conflicting interview at a service or welfare agency;
3. Has a medical appointment or illness;
4. Must care for children under the age of six (6). A person responsible for a child over the age of six (6) but under the age of twelve (12) shall be deemed to have verifiable good cause to refuse work during hours the child is not in school, if there is no responsible person available to provide care, and no other care is available;
5. Must remain at home because of illness or disability of another member of the household, verified in writing by a physician; and/or

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

F. Working Hours. Working hours are subject to the approval of the supervisor and the applicant/recipient. Failure of the applicant to adhere to the agreed working hours (except for the reasons listed above) will prompt a review if the applicant's/recipient's eligibility for general assistance, and may result in suspension or termination.

G. Workers' Compensation. The Town of Bedford shall provide workers' compensation coverage to participants in the work program in the same manner as such coverage is provided to other Town employees.

XIII. BURIALS

The welfare official shall provide for the proper burial, at the Town's expense, of persons found in the community at the time of death, regardless of whether the deceased person ever applied for or received general assistance from any community. In such cases, assistance may be applied for on behalf of the deceased person, however, the application shall be made before any burial expenses are incurred. The expense may be recovered from the deceased person's municipality of residence, or from a liable relative. If relatives, other private persons, the state or other sources will not cover the entire burial expenses, the Town will pay up to the maximum amount of five hundred dollars (\$500.00), in the absence of such specified maximum, for the burial (See RSA 165:3, 165:20).

XIV. NOTICE OF ADVERSE ACTION

All persons have a constitutional right to be free of unfair, arbitrary or unreasonable action taken by the Town. This includes applicants for and recipients of general assistance whose aid has been denied, terminated, or reduced. Every applicant and recipient shall be given a written notice of every decision regarding assistance in an effort to ensure that the applicant understands the decision.

- A. Grant, Denial or Refusal of Full Request. Whenever a decision is made to grant or deny assistance, or to refuse to grant the full amount of assistance requested, a notice of decision shall be given or mailed to the applicant within five (5) working days of the time the decision is made.
- B. Termination or Reduction of Assistance. In any case where the welfare official decides to terminate or reduce assistance in advance of the next anticipated date of assistance, the official shall send notice to the recipient at least seven (7) days in advance stating the intended action.
- C. Decision to Grant Assistance. In cases where the application is granted, the notice shall state the type of assistance and the time period of the aid.
- D. Decision to Deny, Reduce or Terminate Aid for Reasons Other than Noncompliance with Guidelines. In cases where the application is denied or the welfare official proposes to terminate or reduce assistance, the notice shall

contain the following information; a clear statement of the reasons for the denial or the proposed termination or reduction. If the denial, termination or reduction is due to the person's failure to comply with these guidelines, the notice shall list the guidelines with which the person presently does not comply, those specifications which are deemed necessary to meet those obligations, and a statement of the consequences of noncompliance; a statement advising the individual of his/her right to a fair hearing, and that any request for a fair hearing must be made in writing within five (5) days, or by the deadline set by the welfare official, which shall not be less than five (5) days; a form on which the individual may request a fair hearing; a statement advising the individual of the time limits which must be met in order to receive a fair hearing; and a statement that assistance may continue until the date of the hearing if requested by the applicant. Aid must be repaid if the applicant fails to prevail at the hearing.

E. Suspension for Noncompliance with Guidelines.

1. Compliance. Applicants/recipients must comply with these Guidelines and the reasonable requests of welfare officials. Welfare officials must enforce the guidelines while ensuring that all applicants/recipients receive due process. Applicants/recipients should be given reasonable notice of the conditions and requirements of eligibility and continuing eligibility and notice that noncompliance may result in termination or suspension of aid.
2. Conditions. Any person otherwise eligible for assistance shall become ineligible under RSA 165:1(b) if he/she willfully fails to comply with the requirements of these guidelines relative to the obligation to:
 - a. Disclose and provide verification of income, resources or other material financial data including any changes in this information;
 - b. Participate in the work 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. Failure to keep appointments without verifiable good cause.
3. Notice of Decision. No recipient otherwise eligible shall be suspended for noncompliance with conditions unless he/she has been given a written notice of the actions required to remain eligible and a seven (7) day period within which to comply. The first notice should be given at the time of the notice of decision and thereafter as conditions change. Additional notice of actions required should also be given as eligibility is re-determined, but without an additional seven (7) day waiting period unless new actions are required.
4. Non-Compliance. If a recipient willfully fails to come into compliance with conditions during the seven (7) day period, or willfully falls into noncompliance within thirty (30) days from receipt of a first notice, the welfare official shall give the recipient a suspension notice. If a recipient falls into noncompliance for the first time more than thirty (30) days after receipt of a first notice, the welfare official must give the recipient a new first notice with a new seven (7)

day period within which to comply before giving the recipient the suspension notice.

5. Suspension Notice. Written notice to a recipient that he/she is suspended from assistance due to failure to comply with the conditions required in the first notice shall include:
 - a. List of the requirements with which the recipient is not in compliance and description of those actions necessary for compliance;
 - b. The period of suspension (see paragraph 6, below);
 - c. Notice of the right to a fair hearing on the issue of willful noncompliance and that such request must be made in writing within five (5) days of receipt of the suspension notice;
 - d. A statement that assistance may continue until the fair hearing decision is made if the recipient so requests on the fair hearing request form. However, if the recipient fails to prevail at the hearing, the suspension will start after the hearing, and all assistance paid during the period from the notice of suspension to the fair hearing decision must be repaid by the recipient; and
 - e. A form on which the individual may request a fair hearing and the continuance of assistance pending the outcome.

6. Suspension Period. The suspension period for failure to comply with these guidelines shall last:
 - a. Either seven (7) days, or fourteen (14) days if the recipient has had a prior suspension within the past six (6) months; and
 - b. Until the recipient complies with the guidelines if the recipient, upon the expiration of the seven (7) or fourteen (14) day suspension period, continues to fail to carry out the specific actions set forth in the notice.
 - c. Notwithstanding the provisions of paragraph (b), above, a recipient who has been suspended for noncompliance for at least six (6) months may file a new application for assistance without coming back into compliance.

7. Fair Hearing on Continuing Non-Compliance. A recipient who has been suspended until he/she complies with the guidelines may request a fair hearing to resolve a dispute over whether he/she has satisfactorily complied with the required guidelines or conditions, however, no assistance shall be available under the paragraph B(5)(d) above.

8. Compliance After Suspension. A recipient who has been subject to a suspension and who has come back into compliance shall have his/her assistance resumed, provided he/she is still otherwise eligible. The notice of decision stating that assistance has been resumed should again set forth the actions required to remain eligible for assistance, but need not provide a seven (7) day period for compliance unless new conditions have been imposed.

XV. FAIR HEARINGS.

- A. Requests. A request for a fair hearing is a written expression, by the applicant or recipient, or any person acting for him/her, to the effect that he/she wants an opportunity to present his/her case to a higher authority.
- B. Time Limits for Requests. When an application is denied, a request for fair hearing must be received within five (5) working days of the denial, unless the welfare official has specified a different deadline for request for fair hearing, which shall not be less than five (5) working days of the denial.

When a recipient desires to challenge a decision made by the welfare official relative to the receipt of assistance, such as the amount of assistance, or the conditions imposed, a request for a fair hearing must be made within five (5) working days of receipt of the notice of decision at issue.

- C. Time Limits for Hearing. Hearings requested by claimants must be held within seven (7) days of the receipt of the request. The welfare official shall give notice to the claimant setting for the time a location of the hearing. This notice must be given to the individual at least forty-eight (48) hours in advance of the hearing, or mailed to the individual at least seventy-two (72) hours in advance of the hearing.

D. Hearing Procedures.

1. Claimant's Rights. The claimant or his/her duly authorized representative shall have the right to examine, prior to a fair hearing, all records, papers and documents from the claimant's case file which either party may wish to introduce at the fair hearing, as well as any available documents not contained in the case file but relevant to the welfare official's action of which the claimant complains.

The claimant or his/her duly authorized representative shall also have the right to request and examine, prior to the fair hearing, a list of the names of all witnesses the welfare official intends to have testify at the fair hearing.

2. Introduction of Documents. The claimant may introduce any such documents, papers or records into evidence.
3. Exclusion. 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. No witness who has not been identified and whose name has not been available to the claimant upon request, shall be allowed to testify at the fair hearing.

- E. Welfare Official's Rights. The welfare official (Director or other 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. The welfare official may request a continuance if such documents contain evidence not previously provided or disclosed by the claimant.

F. Hearing Rules of Procedure.

1. All fair hearings shall be conducted in such a manner as to insure due process of law.
2. Fair hearings shall not be conducted according to strict rules of legal procedure and strict rules of evidence. However, in order to protect the right of cross-examination, the fair hearing officer shall not rely upon any hearsay evidence in making his/her decision if any party objects to its introduction.
3. The burden of proof shall be on the claimant, who shall be required to establish his/her case by a preponderance of the evidence.
4. The welfare official responsible for the decision complained of shall attend the hearing and shall testify as to his/her actions and the reasons therefore.
5. Both parties shall be given the opportunity to offer evidence and explain their positions as fully and completely as they wish.
6. The claimant or his/her representative and the welfare official and his/her representative shall have the opportunity to examine all records and documents used at the hearing. The claimant shall have the opportunity to present his/her case for himself/herself or, at his/her option, with the aid of others, to bring witnesses, to establish all pertinent facts, to advance any argument without undue interference, to question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.
7. The welfare official similarly shall have the opportunity to bring witnesses to establish all pertinent facts, to advance any argument without undue interference, to question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.
8. The parties may stipulate to any facts.
9. The decision of the fair hearing officer must be based solely on the record, in light of these standards. Evidence, both written and oral, which is admitted at the hearing shall be the sole contents of the record. The hearing officer shall not review the case record or other materials prior to introduction at the hearing.
10. Any claimant may withdraw in writing his/her 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 his/her request for such a hearing.

G. Appointment of Fair Hearing Officer. The fair hearing officer(s) shall be the Town Manager or his/her designee(s). The person(s) serving as the fair hearing authority must:

1. Not have participated in the decision giving rise to the complaint;
2. Be impartial;
3. Be sufficiently skilled in interviewing to be able to obtain evidence and facts necessary for a fair determination;
4. Be capable of evaluating all evidence fairly and realistically, to explain to the claimant the laws and regulations under which the welfare official operated, and to communicate to welfare officials any evidence of unsound, unclear or inequitable policies, practices or action.

H. Decisions.

1. Fair hearing decisions shall be rendered within seven (7) working days of the hearing. Decisions shall be in writing, and shall set forth the reasons for the decision and the facts on which the fair hearing officer relied in reaching his[her/their] decision. A copy of the decision shall be mailed or delivered to the claimant and to the welfare official.
2. Fair hearing decisions shall be rendered on the basis of the officer's finding of fact, these regulations, and state and federal law. The fair hearing decision shall set forth appropriate relief.
3. The fair hearing decision shall be dated. In the case of a hearing to review a denial of aid, the decision shall be retroactive to the date of the action being appealed. If the recipient fails to prevail at the fair hearing, the assistance given pending the hearing shall be a debt owed by the individual to the Town.
4. The welfare official shall keep all fair hearing decisions on file in chronological order.
5. None of the procedures specified herein shall limit any right of the applicant or recipient to subsequent court action to review or challenge an adverse decision.

XVI. LIENS

A. Real Estate. The law requires the Town to place a lien for welfare aid received on any real estate of an assisted person in all cases except for verifiable just cause. (See RSA 165:28) The welfare official shall file the notice of lien with the county registry of deeds complete with the owner's name and a description of the property sufficient to identify it. Interest at the rate of 6% per annum shall be charged on the amount of money constituting the lien commencing one year after the date the lien is filed, unless waived by the Town Council. The lien shall remain in effect 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, his/her surviving spouse, or his/her surviving children who are under age 18 or blind or permanently and totally disabled. The Registrar of Deeds shall keep a suitable record of such notices without charging any fee therefor, and shall enter an acknowledgement of satisfaction of the lien upon written request of the welfare official without fee (RSA 165:28) At such time as the lien may become enforceable, the welfare official shall attempt to contact the attorney handling the real estate or estate before enforcing the lien. Upon repayment of the lien, the Town shall file a written notice of discharge of the lien with the County Registry of Deeds.

B. Civil Judgments. [SA 165:28(a)]

1. The Town shall be entitled to a lien upon property passing under the terms of a will or by intestate succession, a property settlement, or a civil judgment for personal injuries (except worker's compensation) awarded any person granted assistance by the Town for the amount of assistance provided.
2. The Town shall be entitled to the lien only if the assistance was granted no more than six (6) years before the receipt of the inheritance or the award of the property settlement or civil judgment. When the welfare official becomes aware of such a claim against a civil judgment, he/she shall contact the attorney representing the recipient.

3. This lien shall take precedence over all other claims.

XVII. PROCEDURE FOR RECOVERING FROM OTHER GOVERNMENTS

- A. The amount of money spent by the Town to support a person who has a residence in another municipality or has a father, mother, stepfather, stepmother, husband, wife or child (who is no longer a minor) of sufficient ability also to support the assisted person, may be recovered from the municipality of residence or the liable relative. However, written notice of money spent in support of an assisted person must be given to the liable relative. The welfare 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 possibly liable relatives. In any civil action for recovery brought under RSA 165:20, the court shall award costs to the prevailing party.
- B. A former recipient who has returned to income status after receiving assistance may be required to reimburse the Town for the assistance provided, if such reimbursement can be made without financial hardship.
- C. Any legal action to recover must be filed in a court within six (6) years after the expenditure.
- D. The amount of money spent by the Town in support of a person who has made initial application for SSI and has signed an Interim Assistance Program Reimbursement Form, shall be recovered through the Social Security Administration and the Department of Health and Human Services. There shall be no delay, refusal to assist, reduction or termination of assistance while the welfare official is pursuing the statutory remedies to secure reimbursement from responsible relatives.

XVIII. APPLICATION OF RENTS PAID BY THE TOWN OF BEDFORD

- A. Whenever the owner of property rented to a person receiving assistance from the Town is in arrears in sewer, property tax 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 persons to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of property occupied by the assisted person. RSA 165:4 (a)
- B. A payment shall be considered in arrears if more than thirty (30) days have elapsed since the mailing of the bill, or in the case of real estate taxes, if interest has begun to accrue pursuant to RSA 76:13.
- C. Delinquent property tax balances will be first priority, followed by delinquent sewer balances and other Town owed debts.

XIX. DEPARTMENT FRAUD POLICY

Cases of suspected fraud, including but not limited to false statements regarding income, employment status, residence, household members, bank accounts or other assets, shall be reported to the Bedford Police Department and/or any other appropriate law enforcement agency for prosecution. When reporting suspected fraud the welfare official will provide all appropriate records and documents in its possession to the Bedford Police Department or other law enforcement agency.

XX. WELFARE APPLICATION SIGNATURE REQUIREMENTS

The application for general assistance must be signed by all adult members of the household. When multiple adults comprise a household seeking general assistance from the Town, each adult member of the household must sign where required on the application form.

Any adult member who is unable to come to the welfare office to sign the application form, must sign the required areas and have his/her signature notarized.

XXI. PRE-APPROVAL TO SUPERCEDE GUIDELINES

If through emergency, necessity or unusual circumstance, the guidelines need to be superceded, the welfare official must obtain pre-approval from the Town Manager or Town Council.

Town of Bedford
General Assistance Guidelines

Appendix A

Rental Assistance Levels

These assistance levels are based on the payment standards established by the State Division of Human Services for unsubsidized housing and are to be used as a guide.

Household Size:		Monthly Payment Standard:
1		\$489
2		\$556
3		\$625
4		\$688
5		\$748
6		\$829
7		\$892
8		\$985
Additions:		Amount Allowed:
Heat & Utilities		\$374
Utilities Only		\$193
Electric Only		\$112

These levels have been established by the State and may be periodically updated as the State deems necessary. When applicable, the updated payment standards set by the State of New Hampshire shall replace the standards set herein.

Town of Bedford
General Assistance Guidelines

Appendix B

Food Allotment Levels

Household Size:		Daily Food Allotment	Weekly Food Allotment:	Monthly Food Allotment:
1		\$5.70	\$40	\$140
2		\$9.30	\$65	\$293
3		\$12.70	\$89	\$401
4		\$15.70	\$110	\$465
5		\$18.45	\$129	\$581
6		\$21.85	\$153	\$689
7		\$24.00	\$168	\$756
8		\$27.15	\$190	\$855
Additions:			Weekly:	Monthly:
Maintenance per person:		\$0	\$10	\$40

Town of Bedford
General Assistance Guidelines

Appendix C

Application for Assistance