Town of Kingston
PO Box 716, 163 Main Street
Kingston, New Hampshire, 03848-0716

Kingston Welfare Guidelines	Policy No: 1901
Date Adopted: 08 Jan 2024 Current Revision: 0	

1. PURPOSE OF MISSION

The Welfare office within the Human Services Department provides financial assistance to individuals and families in need from the town of Kingston. The Department strives to do this in a thoughtful, professional, and cost-effective manner that respects the dignity of individuals who contact the office. The aim is to promote the self-sufficiency of those served.

"Whenever a person in any town is poor and unable to support himself, he shall be relieved and maintained by the overseers of public welfare of such town..." RSA 165:1.

2. SCOPE

This policy applies to all residents of Kingston. Nonresidents may receive assistance in accordance with Paragraph 16.

3. DEFINITIONS

3.1 Adult – An individual who is at least 18 years of age.

3.2 Agency - Any health, social service, or other entity that provides services to a client.

3.3 Allowable expense - an expense for which a Welfare official may provide general assistance. Not all expenses are eligible for financial assistance.

3.4 Applicant - A person who expresses a desire to receive assistance through the submission of an application and whose application has not been withdrawn. This may be expressed either in person or by an authorized representative of the applicant. An applicant need not be a resident of the town.

3.5 Application/re-application - Written action by which a person requests assistance from a Welfare official. This application must be made on a form provided by this official. An application is considered submitted once verbal, phone, or electronic confirmation is received by a Welfare official. An application update is required every three (3) months if new assistance is being requested.

3.6 Assets - The value of property owned, cash and funds held in bank accounts, funds expected to be received in the future, etc. that is considered when assessing the financial outlook of an applicant.

3.7 Business day - Any day Town Hall is open for public business.

3.8 Case record/case file - Official file for an applicant containing the completed application, any correspondence, case notes, and application backup. The file also contains information on approval and denial and, if necessary, an appeal hearing. This may include hardcopy or electronic files.

3.9 Claimant - An applicant/recipient of aid who has requested a fair hearing to dispute the determination by a Welfare official.

3.10 Client - An individual/household who has applied for aid through the official application process with a Welfare official.

3.11 Eligibility - Determination by a Welfare official of an applicant's need for assistance. This determination is made in accordance with guidelines approved by the Selectboard and NH RSA 165.

3.12 Fair hearing - A hearing requested by an applicant/recipient to dispute the determination by a Welfare official.

3.13 Financial resources - All assets and wages of an applicant as well as financial assistance from relatives, friends, other members of the household, etc. that are considered in review of an application. This represents the money available to the applicant to pay his/her bills.

3.14 General assistance - Financial assistance provided to applicants in accordance with NH RSA 165 and the town welfare guidelines maintained by the Director of Human Services and approved by the Selectboard.

3.15 Governing body - The town's Selectboard provides the final approval of the distribution of aid to applicants and governs the Human Services Department.

3.16 Household - A household is defined as the applicant/recipient and persons residing with him or her. This includes both children and adults.

3.17 Housing

- *Emergency shelter* - Temporary, non-permanent housing when no other housing is available.
- *Temporary non-tenancy housing* - Applicant/recipient pays for a room which rents for temporary use, such as a hotel. Also includes rooms rented in a single-family home with no lease. Temporary is defined as fewer than 90 consecutive days.
- *Permanent tenancy housing* - Applicant/recipient rents an apartment, home, room, etc. for the sole purpose of residential and non-transient purposes. There may or may not be a lease.
- *Transitional housing* - Temporary, non-tenancy housing which is usually provided through an assistance program. This housing usually requires rules and/or policies to remain in their housing and programs.

3.18 Human Services Department - The Human Services Department consists of the Welfare office and the Food Pantry. The Department also promotes the health and wellbeing of residents of the town of Kingston.

3.19 Ineligibility - A negative determination made by a Welfare official after a careful review of an applicant's/recipient's case file. Aid will not be paid out.

3.20 Licensed medical provider - A physician, dentist, or other medical professional licensed to practice their trade in the state of NH.

3.21 Liquid assets - Funds that are readily available to an applicant. Examples include cash, wages, child support, tax returns, and state and federal aid.

3.22 Minor - A person under the age of 18.

3.23 Need - The basic maintenance and support requirements of an applicant as determined by the Welfare official and in accordance with NH RSA 165 and the guidelines set by the Selectboard.

3.24 Payee - The individual receiving aid after the approval of an application.

3.25 Poor and unable to support - An individual lacks income and available assets to adequately provide for basic maintenance needs of himself/herself and/or the family.

3.26 Property - This includes land and any structures on the land, vehicles, recreational vehicles, tools, etc., even if a loan is active.

3.27 Real estate - Property consisting specifically of land or buildings owned by an individual or a business.

3.28 Recipient - A person who receives general assistance.

3.29 Relieved and maintained - The applicant is approved for financial assistance to meet the basic needs necessary to the health and welfare of the household. This assistance may be continued as long as the applicant remains eligible per the town's guidelines outlined in this document. The intent is to provide for basic needs and to support and maintain health and life per NH RSA 165:1(I).

3.30 Residence/residency - An applicant's place of abode or domicile as demonstrated by intent of the applicant to designate that place as his or her principal place of physical presence. Defined per NH RSA 21:6.

3.31 Residential unit - All persons physically residing with the applicant/recipient whether they are genetically related.

3.32 Revised Statutes Annotated (RSA) – Laws in New Hampshire are called Revised Statutes Annotated. "Annotated" means including notes. RSAs include history, case law, and other relevant explanations at the end of each section and are organized into 64 Titles.

3.33 Roommates - Two or more people living together who have no legal financial responsibility to provide for each other.

3.34 Shelter - For those who are homeless, a temporary housing provider through which an individual or family may seek temporary housing until permanent housing can be found.

3.35 Suspension - A period of time for which a client is ineligible for assistance due to noncompliance with the town's guidelines, the terms of the Notice of Decision issued to the applicant, or NH RSA 165.

3.36 Tenant/tenancy - Permanent housing where occupants shall be deemed to rent at will or have a contract/lease and whom have protections of eviction per NH RSA 540. Permanency is defined as 90 consecutive days or greater.

3.37 Utility - Any company that provides a service necessary to maintain the health and welfare of a household. This includes electric, heat, telephone, and water.

3.38 Vendor - Any landlord, mortgage bank, utility company, etc. which provides goods or services needed by the applicant/recipient.

3.39 Voucher system - The system whereby a municipality issues a promise to pay a vendor (via a voucher) on behalf of the applicant/recipient. Cash is not provided to the recipient per NH RSA 165:1(III).

3.40 Welfare Department - The financial assistance arm of the Human Services Department of the town of Kingston.

4. REFERENCES

4.1 RSA 21:6
4.2 RSA 33-A
4.3 RSA 41:46
4.4 RSA 91-A
4.5 RSA 126-A:30
4.6 RSA 161-F:46
4.7 RSA 165
4.8 RSA 166:19
4.9 RSA 167
4.10 RSA 169-C
4.11 RSA 540

5. ADMINISTRATION OF POLICY

5.1 SEVERABILITY

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

5.2 CONFIDENTIALITY OF INFORMATION

Information given by or about an applicant or recipient of general assistance is confidential and privileged and is not of public record under NH RSA 91-A:5 and NH RSA 165:2-c. Such information will not be published, released, or discussed with any individual or agency without written permission by the applicant/recipient except when disclosure is required by law or when necessary to carry out the purposes of RSA 165.

5.3 ROLES OF SEVECT BOARD AND HUMAN SERVICES OFFICIAL

The responsibility of the day-to-day administration of the general assistance (welfare) program resides with the Human Services Department. Officials within the Department administer the program in accordance with the written guidelines of the town. The Select Board is charged with adoption of the guidelines and the fiscal responsibility of the Department and is responsible for the appointment of the Director of Human Services.

5.4 CREATION AND MAINTAINANCE OF RECORDS

5.4.1 Per NH RSA 41:46, it is the duty of overseers of public welfare to keep full and accurate records. As such, a separate case record is established for each individual/household applying for assistance to maintain a record of the expenditure of taxpayer funds, to support decisions concerning the applicant's eligibility, to provide a history of an applicant's case to better provide case management services, to assure availability of information if the applicant/recipient seeks administrative or judicial review of the Human Services Director's decision, and for statistical purposes. An accounting of the type, amount, and dates of assistance will also be maintained by the Department.

5.4.2 The case record includes the application and all related correspondence, any backup provided by the applicant, any notices related to the case, case notes, and records of eligibility and payment(s). Records are retained in accordance with NH RSA 33-A. A copy of the case file is available upon written request by the applicant, and a copying fee may be charged to the applicant.

5.4.3 Per NH RSA 33-A:3-a(LII), welfare application records will be retained during the active phase of any application plus seven (7) years.

6. APPLICATION PROCESS

6.1 Anyone may apply for assistance by appearing in person or through an authorized representative. If an authorized representative will be discussing the application with the Welfare official, written authorization must be presented before discussing the case. The Welfare official will determine the method by which the application process will proceed; in most cases, appointments to discuss applications are in person. If more than one adult resides in the household, the Human Services Director may require all adults in the household to appear in person to discuss the case as well. An applicant should provide the application, accompanying backup, and any other information that will help develop a financial picture for the Human Services Director to consider.

6.2 According to NH RSA 165:19, the relation of an applicant shall assist or maintain the applicant when in need of relief if the relation has sufficient income to provide a reasonable subsistence compatible with decency and health. A relation may include parents, stepparents, adult children, spouse, etc.

6.3 A home visit may be conducted by mutual agreement of a Welfare official and the applicant whenever there is a reasonable basis for the visit. All home visits will be conducted professionally and respectfully to protect the dignity of the applicant. These will be scheduled between the hours of 9 a.m. and 5 p.m. on weekdays unless there are extenuating circumstances. If there are noticeable housing code violations, these may be reported to the proper authorities by the Welfare official.

6.4 Applicants will be given an appointment as quickly as the schedule allows. At this appointment, applicants should bring all required documents and any other information he/she deems important to the case. After this appointment and all required documents are provided to the Human Services Director, all information will be carefully considered, and a detailed budget of income and expenses will be created. This budget will be used as a guide in determining the eligibility for aid. An investigation of facts and statements presented in the application will be undertaken before any decision is made. The guidelines created and maintained by the Human Services Director and approved by the Select Board guide eligibility decisions and determine the amount of aid offered if found eligible.

6.5 After the Welfare official determines eligibility, a written decision will be provided to applicants. This Notice of Decision will be sent to applicants within five (5) business days of the receipt of the completed application and all required documentation. A form to request a fair hearing shall accompany this written decision, and the applicant has five (5) business days from the receipt of the written decision to request a hearing to contest the decision.

6.6 The Notice of Decision will detail any actions, if any, to be taken by the applicant/recipient. Example of possible actions may include but are not limited to applying for public assistance programs; medical information in the event of a disability; a work search; and/or housing search. In the event of a change in needs, resources, or household circumstances, the Human Services office must be contacted within 72 hours of the change. If the terms outlined in the Notice of Decision are not met, continuance of current or future aid may be affected.

6.7 *Homeowners:* Per NH RSA 165:28, a municipal lien will be placed on the home equal to the amount of aid paid to an applicant. It will not be enforced if 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. This lien will be released upon repayment of the aid. The town reserves the right to charge interest on the amount of the lien. Per NH 165:28-a, a lien may also be placed on property passing under the terms of a will, property settlement, or civil judgment equal to the amount of aid paid to an applicant.

6.8 *Renters:* Additional verifications are required. The landlord will need to verify his/her taxpayer identification number through an IRS form W-9 and will need to verify that the applicant/recipient is renting property owned by the landlord. A copy of a current lease should be provided if available. Per NH RSA 165:4-a, if a landlord is delinquent on money owed to the town, any aid distributed on behalf of the applicant/recipient will be applied to the delinquent balance first with the remainder, if any, being paid out to the landlord. Such payments will be considered a rental payment on behalf of the applicant/recipient even if the landlord receives a partial or no rent payment because of the delinquency.

7. RESPONSIBILITIES: WELFARE OFFICIAL

The responsibilities of the Welfare official include, but are not limited to:

- Communicating the application requirements and providing assistance with completing the application if needed.
- Communicating eligibility requirements and a general description of how eligibility is determined.
- Informing the applicant of the right to a fair hearing and the way this may be obtained.
- Communicating the applicant's responsibility to thoroughly and honestly report the facts to determine eligibility and to present the required records and supportive documentation.
- Communicating the joint responsibility of the Welfare official and the applicant for exploring the facts concerning eligibility, needs, and resources.
- Communicating that an investigation will be conducted to verify the facts and statements presented.
- Communicating the applicant's responsibility to promptly (within 72 hours) notify the Welfare official of any change in circumstances that may affect eligibility.
- Informing the applicant of other forms of assistance that may be available through private and/or public entities.
- Informing the applicant of the possibility of a home visit, if required.
- Informing the applicant that a municipal lien will be placed on property owned by the applicant and/or civil judgments.
- Informing the applicant that reimbursement will be sought if doing so will not cause undue financial hardship.
- Informing the applicant of the right to review the guidelines.
- Informing the applicant of the responsibility to not voluntarily terminate employment without good cause.
- Communicating the fact that NH RSA 169-C-2, the Child Protection Act, requires the Welfare official to report suspected abuse or neglect of any child under the age of 18 to the NH DHHS Division of Children, Youth, and Families (DCYF).
- Communicating the fact that per NH RSA 161-F:46, Elderly and Adult Services, the Welfare official must report suspected abuse, neglect, exploitation, or self-neglect of any vulnerable adult aged 18 years or older to the NH DHHS Bureau of Elderly and Adult Services (BEAS).

8. RESPONSIBILITIES: APPLICANT/RECIPIENT

When an application is submitted, the Welfare official will provide the applicant with a Notice of Responsibilities. A recipient may be denied or terminated from aid if there is a failure to meet these responsibilities or adhere to the terms outlined in the decision letter.

8.1 The responsibilities of the applicant/recipient include:

- Providing accurate, complete, and current information concerning needs and resources and the whereabouts and circumstances of relatives who may be responsible.
- Notifying the Welfare official promptly (within 72 hours) when there are any changes material to the application.
- Keeping all appointments as scheduled.

- Providing records and other pertinent information and access to records and information when requested.
- Providing a statement from a medical professional if claiming an inability to work due to a disability/medical problem(s).
- If requested to do so by the Welfare official, diligently searching for employment, providing verification of work search, accepting employment when offered, and maintaining such employment.
- Reimbursing assistance granted if returned to an income status and if such reimbursement can be made without financial hardship.

8.2 Any applicant/recipient may be denied or terminated from general assistance or may be prosecuted for a criminal offense if he/she intentionally makes false statements or misrepresentations, or by impersonation or other willfully fraudulent act or device obtains or attempts to obtain any assistance to which he/she is not entitled.

8.3 Appointments may be rescheduled if an applicant/recipient appears to be under the influence of alcohol, drugs, or other substances that inhibit the individual's capability of comprehending and completing the application process.

9. VERIFICATION OF INFORMATION

Any investigation of need or eligibility will be conducted respectfully and will preserve the dignity and privacy of the applicant/recipient.

9.1 REQUIRED VERIFICATIONS

Verification may be required of the following:

- An applicant's identity in the form of a photo ID, such as a driver's license. A copy will be made and kept in the case file.
- Address
- Name, address, and financial status of household members and/or legally liable relatives
- Applicant's employment status
- Financial resources and expenses of the household
- Financial obligations of the household
- Physical and mental conditions of applicant and household members only if relevant to their receipt of assistance, such as his or her ability to work
- State and federal benefits and/or assistance received
- Special circumstances claimed by the applicant

9.2 HOW RECORDS MAY BE VERIFIED

The Welfare official is responsible for processing applications as quickly as possible, including any required verifications. The officer will remain flexible in the form verification is provided by the applicant. Verbal verification, paper copies, visual verification via a cell phone, or online research are some examples of possible verification methods. The Welfare official will inform the applicant when records are necessary, and the applicant/recipient is required to produce those records as soon as possible.

9.3 WRITTEN CONSENT

The Welfare official must obtain written consent from the applicant to verify information. The official will explain the need for written consent, what information is being sought, and how the information will be used.

9.4 VERIFICATION FROM LEGALLY LIABLE RELATIVES

The Welfare official may seek statements from the applicant's legally liable relative(s) regarding their ability to support an applicant.

9.5 REFUSAL TO VERIFY INFORMATION

If the Welfare official is unable to verify information provided by the applicant, a written notice will be sent to the applicant detailing the documentation required; these additional verifications must be produced within seven (7) business days to the Welfare official. Failure to do so may affect eligibility for financial assistance. Should the applicant refuse comment or indicate an unwillingness to have the Welfare official seek further required information, assistance may be denied for lack of eligibility verification.

10. DETERMINATION OF ELIGIBILITY

To determine eligibility, the Welfare official must first review the prepared budget based on the applicant's income and expenses to determine if sufficient income exists to meet the applicant's basic maintenance need. If the income is not sufficient, the official then reviews the guidelines approved by the Selectboard to determine how much aid will be available to the applicant.

10.1 NON-FINANCIAL FACTORS CONSIDERED IN DETERMINING ELIGIBILITY

- *Age:* Assistance cannot be denied because of the applicant's age. However, there are age-specific state and federal programs which may affect eligibility under these guidelines.
- *Minors:* Minor children are assumed to be the responsibility of the parent(s) or legal guardian(s) unless circumstances warrant otherwise. The residency of a minor will be that of the custodial parent(s) or legal guardian(s). Any applicants that are minors will be referred to the NH Department of Children, Youth, and Families for case management.
- *Eligibility for other assistance:* Recipients who are or may be eligible for other form(s) of assistance must apply for such assistance no later than seven (7) days after being advisedto do so by the Welfare official. Any such requirement will be detailed in the Notice of Decision letter. Failure to do so may render the recipient ineligible for the receipt of or continuance ofaid.
- *Employment:* An applicant who is gainfully employed but whose income and assets are not sufficient to meet necessary household expenses may be eligible for assistance. However, applicants/recipients who voluntarily leave a job without good cause may be ineligible for continued assistance. These employment requirements extend to all adult members of the household. In the event the applicant/recipient loses his/her job, a weekly detailed job search log provided by the Welfare official must be maintained and submitted to the Welfare office on Mondays by 5 p.m. for the week prior. It is expected that there be at least three (3) contacts with prospective employers per week until

employment is attained. Exceptions for the job search requirement will be handled on a case-by-case basis and will be determined by the Welfare official. Barring a physical and/or mental incapacity as determined in writing by a medical professional, any unemployed recipients are required to contact the NH Employment Security (NHES) office. There are many benefits available through the NHES office including job training and job search assistance. The Welfare official reserves the right to contact NHES regarding the recipient's partnership with their office. If an applicant voluntarily terminates employment within 60 days prior to filing for aid, he/she may be ineligible to receive assistance per NH RSA 165:1-d. Eligibility for future aid may also be affected for those who voluntarily terminate employment within 60 days of receipt of financial assistance from the town.

- *Students:* Applicants who are post-secondary education students and are not available for work or are refusing to seek full-time employment are not eligible for general assistance.
- *Non-citizens:* The Welfare official will not provide financial assistance to non-citizens. Case management services may still be offered to such individuals.
- *Property transfers:* An applicant who made an assignment, transfer, or conveyance of property for the purpose of rendering himself/herself eligible for assistance within three (3) years immediately preceding the application is not eligible for assistance.
- *Residents of shelters for victims of domestic violence:* In the event an applicant is residing in a shelter for victims of domestic violence, the treatment of resources owned jointly by the applicant and the abuser may be excluded from eligibility determination unless the applicant has safe access to joint resources at the time of the application.

10.2 FINANCIAL FACTORS CONSIDERED IN DETERMINING ELIGIBLITY

- Net wages earned by all members of the household
- Net self-employment income
- Rental income
- Tax returns
- Child support
- Payments from state/federal government sources including Social Security, SocialSecurity Disability, VA benefits, unemployment insurance benefits, etc. SNAP benefits will *not* be included as income per federal law
- Payments from pensions, trust funds, or similar programs
- Proceeds of selling any property
- Worker's Compensation and/or short-term or long-term disability claims/payments
- Pending civil litigation

10.3 QUALIFIED STATE ASSISTANCE REDUCTIONS

In the event an applicant receives state aid and fails to comply with the employment work requirements set forth in NH RSA 167:85 and aid is reduced (Qualified State Assistance Reduction), this amount of reduction may be deemed as income with the criteria outlined in NH RSA 165:1-e. The amount of Qualified State Assistance Reduction will be verified with the NH Department of Health and Human Services, and the applicant will be notified in

writing of the amount deemed as income to determine eligibility for general assistance from the town.

10.4 CONSIDERATION OF AVAILABLE ASSETS

Availability of assets will be considered in determining eligibility for aid.

- *Liquid assets:* Cash on hand, bank deposits, credit union accounts, tax returns, stocks/bonds, pensions, and retirement plans are all available liquid assets. The Welfare official will allow a reasonable time for conversion of assets when needed. Tools of a trade, livestock, or farm equipment if needed for employment will not be considered as available assets.
- *Vehicle ownership:* The ownership of one automobile by an applicant/recipient does not affect eligibility for assistance if it is essential to maintain the individual/family. Non- essential vehicles, such as recreational vehicles, may be required to be sold to qualify for assistance. Such direction will be provided in the decision letter from the Welfare official.
- *Real estate:* The type and amount of real estate owned by an applicant does not affect eligibility, although rent or other income from property will be considered as available to meet the basic needs of the household. If an applicant owns real estate property other than that occupied as his/her primary residence, it may be required to be sold to qualify for assistance. Such direction will be provided in the decision letter from the Welfare official.

10.5 CONSIDERATION OF INSURANCE (HOME, LIFE, VEHICLE, HEALTH)

The ownership of insurance policies does not affect eligibility. However, premium payments will not be considered basic living expenses when determining eligibility. In the event an applicant has a whole life insurance policy, and that policy has a cash or loan value, the client may be required to obtain or borrow available funds, which will then be considered an available asset.

11. ACTIONS ON APPLICATIONS

11.1 GENERAL OVERVIEW

A written response will be provided to the applicant/recipient within five (5) business days of the receipt of the completed application and any accompanying backup and the completion of an interview. A Notice of Decision will provide details of eligibility and the amount of aid to be paid out, if applicable. In the event of a denial, the rationale will be provided. Information on obtaining a fair hearing to contest the decision will be included with this notice. In the event there is a verification issue or missing information, written notice will be sent to the applicant and will include specific details and additional information to rectify the situation. Any application-specific requirements will be detailed in this letter including the need to apply for other sources of aid. The Notice of Decision will be provided on the same day or next business day following the making of the decision.

A decision may also be made to pend an application subject to receipt of specified information, documentation, or verifications from the applicant within five (5) business days. A Notice of Decision will be provided following the expiration of this period.

Clients are expected to read carefully and sign each Notice of Decision to acknowledge their receipt and understanding. A client's refusal to sign does not negate his/her obligation to comply with its requirements to qualify for future assistance.

11.2 EMERGENCY ASSISTANCE

In the event of an emergency where the applicant or a household member demonstrates and verifies that there may be irreparable harm if aid is withheld, temporary aid may be approved pending a formal decision on the application. This will be determined by a Welfare official and does not obligate further assistance.

11.3 TEMPORARY ASSISTANCE

In the event of extenuating circumstances, the Welfare official may, at his or her discretion, give temporary approval of an application pending missing information. Temporary assistance shall not extend beyond two (2) weeks.

11.4 WITHDRAWAL OF AN APPLICATION

An application shall be considered withdrawn if:

- An applicant fails to provide all required documentation or verifications fail, and the applicant does not rectify the situation by the deadline stated in the written notice provided by the Welfare official.
- The applicant avails himself/herself of other resources to meet his/her need(s).
- The applicant requests that the application be withdrawn.
- The applicant fails to follow up with the Welfare official after being requested to do so.

12. CATEGORIES OF FINANCIAL ASSISTANCE

12.1 MORTGAGE

Mortgage payments may be approved only if the applicant has explored all loan modifications and/or other options through their lender. A mortgage payment will only be made to avoid foreclosure. The maximum monthly mortgage payment allowed shall equal the median cost of rental units for a 4-bedroom apartment.

12.2 RENTAL

12.2.1 Rental payments will only be made to avoid eviction or in rare cases where an individual who is housing insecure is facing homelessness. The amount of rent payment will be determined in accordance with the median cost of rental units per NH Housing's Residential Rental Cost Survey for Rockingham County. In the event an applicant has received an eviction notice, rent arrearage will not be paid unless the landlord agrees in writing to not evict the applicant for a period of six (6) months.

12.2.2 In the event the first month of rent is approved to be paid by the town on behalf of an applicant, the amount of the rent will be determined in accordance with the median cost of rental units per NH Housing's Residential Rental Cost Survey for the county in which the applicant will be

residing, referencing the minimum number of bedrooms necessary for the household. A security deposit cannot be paid through the financial assistance program.

12.2.3 Financial assistance for rent will not be provided in the following circumstances:

- The rental space does not meet the requirements of the town's Ordinances and Rules and Regulations
- Subletting
- Additional bedrooms for child visitation or other guests
- Any period of time in which the client is not occupying the housing. Rental assistance may be considered during hospitalizations but not for non-essential purposes.

12.2.4 If the landlord of an applicant is a legally-liable relative as outlined in NH RSA 165:19, they will be presumed able to assist the applicant and must prove an inability to assist before any housing assistance is granted.

12.2.5 If the applicant has a roommate(s) and rental assistance is requested, the Welfare official will verify that all roommate(s) have paid his/her portion of the rent prior to the town issuing prorated rental assistance.

12.3 EMERGENCY SHELTER

If an applicant needs emergency shelter, the town may refer the applicant to a temporary shelter. *It is not the responsibility of the Welfare official to locate permanent housing.*

12.3.1 If the client fails to follow the rules of the emergency shelter and/or adhere to the Notice of Decision requirements and Welfare Guidelines, the Human Services Department will not continue to provide emergency housing, nor will the Department be obligated to locate or provide payment for other temporary housing options. If the applicant/recipient comes back into compliance, he/she may be eligible for rental assistance to secure permanent, affordable housing.

12.3.2 The applicant must accept the least costly alternative for emergency housing assistance that is deemed suitable for the household by the Welfare official. In cases where the Welfare official has made an appropriate referral for temporary emergency shelter or other housing arrangements, including a hotel/motel, and the applicant/recipient refuses to accept the referral, the Welfare official is under no obligation to seek or pay for alternate housing/shelter.

12.4 UTILITIES

Heating fuel and electricity bills must be in the recipient's name to render assistance. Any recipients of aid for the payment of utilities must apply to the state's Electric and/or Fuel Assistance Programs and remain in compliance with those programs; refusing to do so will lead to disqualification from receiving assistance.

- Arrearages will not be paid except when necessary to ensure the health and safety of the household or to prevent termination of utility service where no other resources or referrals can be utilized.
- An arrearage may also be paid to restore service.
- If aid is provided to a utility company on behalf of a recipient, the recipient may be required to setup a payment plan with the utility company to pay off all arrearages.
- Failure of a recipient to do so may render the recipient ineligible for future aid with the utility company to which aid is being paid.

12.5 FOOD

Applicants requesting food assistance must utilize the Food Pantry. In the event an applicant or a member of his/her household has unique dietary requirements, aid may be approved.

- Applicants may be required to apply for Supplemental Nutrition Assistance Program (SNAP) benefits or other appropriate state/federal program(s).
- Clients residing in shelters where food is provided or readily available through local soup kitchens and/or food pantries will not receive food assistance.

12.6 TELEPHONE

The lowest available basic monthly rate will be utilized for budgeting purposes by the Welfare official. Payments for telephone bills are paid only on an exceptional basis. "Bundled services" that include telephone services will not be considered when calculating need.

12.7 MEDICAL EXPENSES

Assistance will not be provided for medical, dental, or eye services. Prescription assistance may be available. A prescription must be current for assistance to be granted, and any prescriptions eligible for financial assistance must be necessary to treat a medical illness or condition. Prescription assistance may not be provided for medications not covered under the Medicaid program. Non-traditional treatments or therapies will not be considered a basic need.

12.8 EXPENSES NOT COVERED BY FINANCIAL ASSISTANCE

Assistance will not be provided for the following expenses:

- Internet: Reasonable costs of internet service will be included as a basic household need when determining eligibility. The lowest available basic monthly rate will be budgeted. However, financial assistance will not be provided to pay an internet provider.
- Car payments
- Medical insurance
- Legal expenses: Legal expenses will not be paid by the town unless those specifically required by statute.
- Clothing: The town will not pay for clothing for an applicant. In the event an applicant needs clothing emergently, a referral will be provided to a service provider.
- Moving expenses
- Storage

- Credit card payments
- Loan payments
- Bail payments
- Repayment of personal loans
- Tobacco/alcohol products
- Child support payments
- Traffic citation
- Court payments
- Expenses incurred when a client is under the care of an organization administering long-term treatment for individuals overcoming addiction and restrict the client from obtaining employment. It is expected that the organization is responsible for the individual's basic needs while under their care.

13. BASIC NEED CRITERIA AND PAYMENT LEVELS

13.1 Applicants must utilize all income and financial resources available to them to meet their own basic needs. Basic needs may include rent/mortgage, food, clothing, utilities, cell phones if there is no landline in the residence, and gasoline for automobiles for essential travel. Non- basic need expenses may include credit card payments, internet, television services, house and car insurance, and repayment of loans. The basic financial requirement for financial assistance is that a person is poor and has insufficient financial resources to meet basic need expenses.

13.2 If assistance is offered to the applicant, the determination of the amount of aid offered follows guidelines prepared by the Human Services Director and approved by the Select Board. The guidelines establish payment levels for various allowable expenses which will be based on local market conditions and government data. The payment levels will be reviewed by the Welfare official annually, and modifications will be presented to the Select Board for approval.

13.3 In the event there are shared expenses for non-related members in the household, members are not required to apply together, but assistance for the applicant will be determined at a pro-rata share based on the number of adults in the residential unit. If non-related members in a household wish to apply as one collective household, all adults will be required to sign the application and provide all requested documentation for the Welfare official to determine eligibility for the household.

13.4 The Welfare official has the right to make minor adjustments or allowances as circumstances warrant a change.

14. DISBURSEMENTS

14.1 Per NH RSA 165:1 (III), no assistance will be provided directly to the applicant. The town provides payment directly to the approved vendor. All payment vouchers issued by the Welfare official must be approved by the Select Board prior to being paid to the vendor.

14.2 Per NH RSA 165:4-a, if rental assistance is approved, the Welfare official will verify that the landlord is not in arrears in property tax owed to the town. In the event property taxes are owed, the town may apply a portion or all of the rental assistance toward the outstanding tax bill. The Welfare official will notify the landlord in writing of the application of rental assistance toward tax arrearage within 5 business days from Select Board approval of the rental payment.

15. RECOVERY ASSISTANCE

Per NH RSA 165:20-b, the town may recover the amount of assistance provided if a recipient returns to income status and if such recovery does not cause financial hardship. The applicant is expected to notify the Welfare official of any positive changes to financial status and pending civil judgments, lawsuits, inheritances, financial settlements, insurance claims, or any other financial awards that will allow him/her to repay the town. These repayments provide the town with funds to assist other residents. There shall be no delay, refusal to assist, reduction, or termination of assistance while the Welfare official is pursuing procedural or statutory avenues to secure repayment. If being pursued, such recovery must be requested within six (6) years after the date of payment.

15.1 RECOVERY FROM RESPONSIBLE RELATIVES

The amount of money spent by the town to assist a recipient who has immediate relatives, spouse, and/or adult children of sufficient financial ability to support the recipient may be recovered from the liable individual(s). Sufficient financial ability shall be deemed to exist if the income of the liable individual(s) is more than sufficient to provide a reasonable subsistence compatible with decency and health. The Welfare official will provide a written notice to the liable individual(s) outlining the amount of aid paid out on behalf of the recipient. The Welfare official will make reasonable efforts to provide this written notice prior to distributing the financial assistance, but the aid to which an applicant is entitled shall not be delayed due to an inability to contact liable individual(s). NH RSA 165:19.

15.2 RECOVERY FROM MUNICIPLAITY OF RESIDENCE

The Welfare official may seek to recover the amount of financial assistance paid on the recipient's behalf from the recipient's municipality of residence per NH RSA 165:20. Written notice will be sent to the Welfare official of the municipality of residence. In the event of a dispute between the town and the municipality of residence, the voluntary arbitration system outlined in NH RSA 165:20-a will be utilized.

15.3 RECOVERY FROM RECIPIENT'S INCOME

A former recipient who has returned to income status after receiving financial assistance may be required to reimburse the town for the assistance provided if this reimbursement can be made without financial hardship. NH RSA 165:20-b.

15.4 RECOVERY VIA LIENS ON HOMES

Per NH RSA 165:28, a municipal lien will be placed on the home equal to the amount of aid paid to an applicant. This lien will be released upon repayment of the aid or upon transfer of ownership of the home. The town reserves the right to charge interest on the amount of the lien.

15.5 RECOVERY VIA LEINS ON ESTATES/WILLS, PROPERTY SETTLEMENTS, AND/OR CIVIL JUDGEMENTS

Per NH 165:28-a, a lien may also be placed on property passing under the terms of an estate/will, property settlement, or civil judgment equal to the amount of aid paid to an applicant. 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/award of property settlement/civil judgment. A lien cannot be placed on Worker's Compensation claims.

15.6 RECOVERY FROM STATE AND/OR FEDERAL SOURCES

If the recipient participates in state and/or federal programs or is an applicant for state and/or federal programs, the town shall attempt to recover the amount of funds expended from the applicable state and/or federal program.

15.7 EXEMPTION FROM RECOVERY

Per NH RSA 165:31 (III), single parents with children under the age of five (5) years or persons with mental and/or physical disabilities are exempt from recovery.

16. NONRESIDENTS

Per NH RSA 165:1-c, an applicant/recipient who is temporarily in town but does not intend to make the town his or her residence shall be provided temporary assistance as is reasonable by the town. If requested by the client, the town may return the applicant/recipient to the town/city of residence. The residence of minors is presumed to be the residence of his/her custodial parent or guardian.

The Welfare official may consider the following criteria in determining residence:

- Does the applicant intend to establish a dwelling place in town?
- Does the applicant have property or employment in town?
- Does the applicant have the intent to leave town at a future time?
- Has the applicant made efforts to evidence his/her intent to stay in town such as register a vehicle, pay taxes, register to vote, open a bank account, etc.?

The application procedure is identical to that of residents. Temporary, non-resident assistance may be provided. According to NH RSA 165:20, the town may recover any aid paid out to a nonresident from the recipient's town of residence.

16.1 DETERMINATION OF RESIDENCY FOR EMERGENCY HOUSING

- Per NH RSA 126-A:30, persons receiving short-term emergency housing shall continue to maintain his/her legal residence as it existed at the time of entering the emergency shelter.
- A person does not change his/her residency status while in a hospital, correctional facility, treatment program center, or a hotel/motel paid for by a municipality.
- A person who leaves emergency housing of his/her own free will and remains in a situation of homelessness or is removed from emergency housing due to

noncompliance or policy violations of emergency housing or local welfare regulations shall not be considered to have changed his/her residency status for 30 days.

- If a person is assisted by a municipality with emergency housing assistance in a hotel/motel in another municipality, and this person then self-pays for a consecutive 30 days without assistance from a municipality or other provider, this person is considered transitioned to residency in the new municipality for local welfare purposes.

17. BURIALS AND CREMATIONS

17.1 Per NH RSA 165:3, the Human Services official shall provide for burial or cremation, at the town's expense, of persons found in the town of Kingston at the time of death regardless of whether the deceased person is a client of the Human Services Department. The application should be made immediately following the time of death and before expenses are incurred. The town will only pay toward burial or cremation. If state and/or federal burial benefits are available, those options must be exhausted before town aid will be distributed on behalf of the deceased. The town will pay up to $1,300 for burial or cremation expenses only for those individuals who did not arrange for a prepaid funeral prior to his/her death.

17.2 To determine eligibility, the financial resources of the deceased, any legally liable relatives and/or the individual applying for assistance on the deceased's behalf will be examined. The process to determine eligibility is identical to that of other applicants for aid.

17.3 In the event of an unclaimed body after 48 hours of death, the medical examiner will release the body to the Human Services official, who will arrange for the decent burial/cremation of the deceased individual.

17.4 RECOVERY OF BURIAL/CREMATON EXPENSES

The town may recover the expense of burial or cremation from the deceased person's municipality of residence per NH RSA 165:3(II) or from liable relatives per NH RSA 165:19. Recovery of town payment for burial or cremation expenses may be pursued from the deceased individual's estate in accordance with NH RSA 165:27 and NH RSA 166:19.

The amount of financial assistance may be recovered from the estate of an assisted individual if the individual passes within six (6) years of the date of payment of the most recent financial assistance provided; this is only in the event that the deceased does not leave a widow/widower or minor children living at his/her decease.

18. RIGHT TO NOTICE OF ADVERSE ACTION

All persons have a constitutional right to be free of unfair, arbitrary, or unreasonable action taken by the government. This includes applicants and recipients of financial assistance from the Human Services Department whose aid has been denied, terminated, or reduced.

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

NH RSA 165:1-b and 165:1-d define disqualifying factors that may make a request for assistance ineligible. In part, these factors are:

- Failure to disclose income, resources, or other material financial data;
- Failure to do a reasonable work search;
- Failure to apply to other assistance agencies if requested to do so in writing by theWelfare official;
- Voluntarily terminating employment within 60 days of either filing an application or receiving financial assistance from the town.

In the event there are disqualifying factors, the Human Services official will notify the applicant in writing of the conditions of ineligibility and provide guidance on how to rectify the situation. In the event of a disagreement, a fair hearing before a qualified third party may be requested by the applicant. Any assistance being paid by the Human Services Department will be discontinued within seven (7) days unless a hearing is requested. If a hearing is requested, aid will continue until a decision is rendered through the fair hearing process.

18.1 ACTIONS TAKEN FOR REASONS OTHER THAN NONCOMPLIANCE

Whenever a decision is made to deny assistance or refuse to grant the full requested amount of assistance, a written Notice of Decision will be given to the applicant/recipient within five (5) business days of the completion of the application and the receipt of all required documentation. The Notice of Decision will clearly outline the rationale for the denial and any modifying factors that the applicant/recipient can remedy.

If assistance was granted but will be terminated or reduced, written notice will be given to the recipient within seven (7) business days in advance of the effective date of the decision. This written notice will clearly outline the rationale for the termination/reduction and any modifying factors that the applicant/recipient can remedy. In the event of the provision of emergency housing to an applicant/recipient by the town, emergency housing is paid for in weekly increments; if termination or reduction of this emergency housing is to occur, the applicant will be given 7 days to find alternative housing and/or funding for housing.

With any written decision, a form to request a fair hearing will accompany the decision letter. In the event a hearing is requested, assistance may continue until the date of the hearing. If the claimant fails to prevail at the hearing, this interim aid must be repaid.

18.2 SUSPENSION FOR NONCOMPLIANCE WITH THE GUIDELINES

Applicants/recipients must comply with these guidelines and the reasonable requests of the Welfare official. The Welfare official must enforce the guidelines while ensuring due process. Applicants/recipients will be given reasonable notice of the conditions/requirements of eligibility and continuing eligibility and a notice that noncompliance may result in termination or suspension.

18.2.1 *Notice of decision (first notice):* If an applicant/recipient is found ineligible for assistance or suspended from assistance, the Welfare official will provide a written notice explaining the specific actions the applicant/recipient must take to comply. The applicant/recipient has a seven (7) day period in which to comply with the terms of the notice.

18.2.2 *Noncompliance notice:* If the applicant willfully fails to comply within this seven (7) day period, a notice of suspension will be sent by the Welfare official. This suspension notice will include a list of requirements for which the applicant/recipient is noncompliant, the actions necessary to become compliant, and information regarding requesting a fair hearing. A hearing must be requested within five (5) business days of the date of the notice. Assistance may continue until the fair hearing decision is made. However, if the applicant does not prevail at the hearing, the suspension will remain in place, and the applicant/recipient must repay to the town the aid rendered in the interim.

18.2.3 *Suspension period:* The suspension period for failure to comply with the Guidelines or the Notice of Decision shall last either seven (7) days, fourteen (14) days, or until the client is back in compliance.

- Seven (7) day suspension: First instance of noncompliance
- Fourteen (14) day suspension: The suspension period will be fourteen (14) days if a client has a subsequent instance of noncompliance within six (6) months of the completed application date.
- If a client has an unresolved suspension within six (6) months of the completed application date, no further aid shall be distributed until the client is back in compliance.
- Aid will continue to be suspended until the applicant/recipient complies.

18.2.4 *Compliance after suspension:* If an applicant/recipient comes back into compliance with the guidelines, aid shall be resumed if still found eligible. The burden of proof lies with the recipient to show that he/she has come into compliance with the guidelines. A written notice of decision will be sent by the Welfare official to the applicant/recipient stating aid will be resumed if eligible within five (5) business days of the resumption of compliance.

18.2.5 *Fair Hearing for continued noncompliance:* In the event of a dispute between the Welfare official and the applicant/recipient as to the status of compliance, he/she will be given the opportunity to request a fair hearing to resolve the dispute. However, no assistance shall be available during the period of noncompliance.

19. FAIR HEARINGS

19.1 REQUEST

A request for a fair hearing is a written expression by an applicant/recipient or authorized representative to request an opportunity to present his/her case to a higher authority. The hearing can be requested to contest a decision made by the Welfare official. The request must be received in writing by the Welfare official within five (5) business days of the date listed on the Notice of Decision at issue.

- Once a hearing is requested, the hearing must be held within ten (10) business days of the receipt of the written request. The Welfare official must notify the applicant/recipient of the date, time, and location of the hearing within forty-eight (48) hours of the hearing or in writing within seventy-two (72) hours.
- An applicant may postpone or withdraw the request for a hearing at any time with good cause by contacting the Welfare official at the earliest possible time prior to the hearing. Good cause shall include but not be limited to medical emergency or unforeseen circumstances. The claimant should provide proof of such good cause to the Welfare official no later than seventy- two (72) hours after the request is made. Failure to provide such documentation and/or failure to show for a scheduled hearing shall be deemed as a withdrawal of the fair hearing request of the claimant.
- In the event the Welfare official or fair hearing officer must postpone the scheduled hearing, the Welfare official will notify the client in writing as soon as possible. The fair hearing will be rescheduled at the earliest available date.
- A client who fails to appear for a scheduled hearing within 15 minutes of its scheduled time shall be found in default and the Notice of Decision in question upheld.

19.2 FAIR HEARING OFFICER

The Fair Hearing Officer(s) may be chosen by the Chair of the Select Board or per the town's policies and/or procedures. The person serving as the Fair Hearing Officer must not have participated in the decision being challenged, be impartial, be sufficiently skilled in interviewing to obtain the evidence and facts necessary for a fair determination and be capable of evaluating all evidence and facts fairly and realistically and express the decision and the rationale to both the applicant/recipient and the Welfare official.

19.3 THE FAIR HEARING

All fair hearings shall be conducted in a manner to ensure due process of law and will not be conducted according to strict rules of evidence. The burden of proof shall be on the claimant, who shall be required to establish his/her case by a preponderance of the evidence. The Welfare official shall attend the hearing and testify about his/her actions and reasons for the decision(s) being contested. Both parties will have the opportunity to provide evidence and explanation.

Both the Welfare official and claimant have the right to examine all records, papers, and documents pertinent to the case. No documents, papers, or records may be introduced into evidence at the hearing itself or become part of the official record. All evidence must be shared between the Welfare official and claimant within forty-eight (48) hours of the hearing. A twenty-four (24) hour continuance may be requested by either party if the evidence is not distributed appropriately or if new evidence is submitted that was not previously disclosed.

The decision of the Fair Hearing Officer must be based solely on the record in light of these guidelines. Written and oral evidence which is admitted at the hearing shall be the sole contents of the record. The Fair Hearing Officer shall not review the case record or other materials prior to introduction at the hearing.

19.4 FAIR HEARING DECISIONS

Fair hearing decisions shall be rendered in writing within seven (7) business days of the hearing. The written decision must set forth the reasons for the decision and the facts on which the Fair Hearing Officer relied in reaching the decision. A copy of the decision will be provided to both the claimant and the Welfare official. The written decision shall be dated. In the case of a hearing to review denial of aid, the decision is retroactive to the date of the Notice of Decision being appealed. If the claimant does not prevail at the hearing, the assistance given pending the hearing shall become a debt owed by the claimant to the town.

None of the procedures specified herein shall limit any right of the applicant/recipient to subsequent court action to review or challenge the adverse decision.

20. FRAUD POLICY

The Human Services Department will not provide payment for expenses incurred as a result of fraudulent activity by any party. Cases of suspected fraud may be reported to other agencies and/or persons as deemed appropriate. When making such reports, the Welfare official may provide related documents in its possession to the appropriate party.

21. THREAT POLICY

An applicant or client who makes threatening statements or takes action against any employee of the Human Services Department may be prohibited from returning to the Department. In such cases, an applicant or client may be required to conduct business via phone or email. The Welfare official may report such statements, threats, or actions to the Kingston Police Department when deemed appropriate.

22. POLICY REVISION HISTORY

Rev #	Date	Policy revision details
0	8 Jan 2024	Initial release

Approved and Adopted by the Select Board on: 8 Jan 2024

Date: 8 Jan 2024

Select Board Member's Name

Select Board Member's Name

Select Board Member's Name

Select Board Member's Name

Select Board Member's Name