Bill as Introduced

HB 1109 - AS AMENDED BY THE HOUSE

14feb02...2382h

2001 SESSION

01-2057
05/10

HOUSE BILL ***1109***

AN ACT establishing a commission to study problems related to the delivery of local assistance.

SPONSORS: Rep. W. Johnson, Belk 4; Rep. MacKay, Merr 24; Rep. Pilliod, Belk 3; Rep. Millham, Belk 4; Rep. Wallner, Merr 24; Sen. Wheeler, Dist 21

COMMITTEE: Municipal and County Government

ANALYSIS

This bill establishes a commission to study problems related to the delivery of local assistance.

- -

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

14feb02...2382h

01-2057
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand One

AN ACT establishing a commission to study problems related to the delivery of local assistance.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Commission Established. There is established a commission to study problems related to the delivery of local assistance.

2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

(c) One representative of the office of homeless and housing services, department of health and human services, appointed by the commissioner of the department of health and human services.

(d) One representative of the division of family assistance, department of health and human services, appointed by the commissioner of the department of health and human services.

(e) Two representatives of the New Hampshire Local Welfare Administrators Association, appointed by that organization.

(f) One representative of the New Hampshire Municipal Association, appointed by that organization.

(g) One representative of the New Hampshire Coalition to End Homelessness, appointed by that organization.

(h) One representative of the New Hampshire Council of Churches, appointed by that organization.

(i) One representative of New Hampshire Legal Assistance, appointed by that organization.

(j) One representative of the New Hampshire Coalition Against Domestic and Sexual Violence, appointed by that organization.

(k) One representative of the New Hampshire Community Action Association, appointed by that organization.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall:

I. Solicit input from interested persons throughout the state, both within government and from the public, to address problems relating to:

(a) Assistance to individuals in temporary living facilities.

(b) Standardization of welfare guidelines.

(c) Mediation and sanctioning processes for disputes between municipalities.

(d) Qualifications of local welfare administrators.

(e) Collaboration and partnerships among various provider associations.

(f) Codification and clarification of all pertinent statutes.

II. Make recommendations for statutory and administrative changes to improve the delivery of local assistance to those in need.

4 Chairperson; Quorum. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Eight members of the commission shall constitute a quorum.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

6 Effective Date. This act shall take upon its passage.

HB 1109 - FINAL VERSION

14feb02...2382h

4/10/02 3153s

25apr02...3656eba

2002 SESSION

01-2057

05/10

HOUSE BILL ***1109***

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SPONSORS: Rep. W. Johnson, Belk 4; Rep. MacKay, Merr 24; Rep. Pilliod, Belk 3; Rep. Millham, Belk 4; Rep. Wallner, Merr 24; Sen. Wheeler, Dist 21

COMMITTEE: Municipal and County Government

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STATE OF NEW HAMPSHIRE

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(g) One representative of the New Hampshire Coalition to End Homelessness, appointed by that organization.

(h) One representative of the New Hampshire Council of Churches, appointed by that organization.

(i) One representative of New Hampshire Legal Assistance, appointed by that organization.

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6 Effective Date. This act shall take effect upon its passage.

Amendments

Public Institutions, Health and Human Services
March 29, 2002
2002-3153s
05/10

Amendment to HB 1109

Amend section 2 of the bill by replacing subparagraph I(k) with the following:

(k) One representative of the New Hampshire Community Action Program, appointed by that organization.

Amend the bill by replacing section 5 with the following:

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

Committee Minutes

Date: March 26, 2002
Time: 1:40 PM
Room: Room 101

The Senate Committee on Public Institutions/Health and Human Services held a hearing on the following:

House Bill 1109 establishing a commission to study problems related to the delivery of local assistance.

Members of Committee present:

Sen. Katherine Wheeler, Chair
Sen. Robert K. Boyce, Vice-Chair
Sen. Caroline McCarley
Sen. Jane E. O'Hearn
Sen. Russell E. Prescott

The Chair, Senator Katherine Wheeler, opened the hearing on **House Bill 1109** by calling on **prime sponsor, Representative Johnson.**

Representative William G. Johnson, Dist 4: Thank you, Madam Chair, members of the committee. My name is Bill Johnson. For the record, I represent the Town of Gilford on Lake Winnipesaukee, Belknap County, District 4.

I introduced House Bill 1109 because I have some concerns wearing a little bit different hat than my legislative hat. For a great number of years I have been a volunteer with an organization called the St. Vincent Depaul Society in the Laconia area. I was its president for about 5 years and for most of the 8 years I was a coordinator of one of their programs, the Financial Assistance Program. And the Financial Assistance Program is one that works with low-income people to help them with their needs...financial needs...while they're experiencing some financial distress.

One of the things I guess I'm most proud of in terms of that work was establishing a tradition of working with local welfare, local town welfare offices. And, in fact, working with other private organizations in building up a network of such organizations and trying to meet the needs of those people who need rent, electricity payments, etc. Just as a commentary, given

the...this particular committee...probably one of the biggest cooperative ventures that we were involved in.....was in the town of Alton, as a matter of fact, a few years ago. I'm sure the senator from Alton remembers when the dam broke there back, I guess, it's about 5 years ago now. And we were very successful in working with the Alton Welfare Department with a number of other organizations in providing some very quick and important need (sic) to the people who were devastated in some respects by that break.

My concern today is over this network of organizations that work with the local welfare offices. And the reason that I'm concerned is because of the variety of different economic and social events that have been taking place. Obviously the worsening of the economic climate; the recession if in fact we wind up defining it as a recession; the increasing homelessness in the state; the lack of affordable housing... And all of these are going to have a dramatic impact on those networks.

And, specifically, my concern is, of course, the town welfare offices – the burden that may fall upon them and the type of impact that it's going to have because of the recession. Because of homelessness and the housing crisis, people are on the move. The cities are, I think, greatly at risk because that's where the services are, where the shelters are. So people tend to, when they need to find shelter, head for those particular locations. And it's going to create a great deal of burden. It adds pressure on the network in the sense that, you know, all of a sudden some needs are starting to slip through the hole (sic) in terms of what's happing right now.

What I hope to do in terms of establishing this study commission is to bring those people around the table. That's why the bill provides for a commission and not a study committee, because it's most important that... rather than us legislative types...that we get those people that are in the trenches sitting down around the table and talking about the various problems that are created by the economic and social climate in New Hampshire right now. And so that was my goal in establishing this; to strengthen and keep that network very viable.

I don't know if there's going to be representatives from the various organizations, including the welfare directors of the state, here today. Some of them indicated that they couldn't come. We had a great number of them that testified before the Municipal and County Government Committee when the bill was heard over there.

Those are really the end of my formal comments in terms of the need for the study commission. I of course would be more than willing to answer any questions that you may have.

Senator Katherine W. Wheeler, Dist 21: Questions for Representative Johnson?

Senator Russell Prescott, Dist 19: Yes, may I, Madam Chair?

Senator Katherine W. Wheeler, Dist 21: Yes, please, Senator Prescott.

Senator Russell Prescott, Dist 19: Could you give certain instances that got your attention that caused you to draft this bill...instances where study needs to be done? And also, how prevalent are those instances?

Representative William G. Johnson, Dist 4: Well, I think the one major instance would be, in a general fashion, the question of mobility. The homeless have become extremely mobile. And for the very reasons that I mentioned before, they are in a small town where there is not adequate shelter. To agree (sic) they need emergency shelter, to agree that they need other services. Those service organizations tend to be...congregate...in the cities.

And so what's happened is you've got a great deal of mobility of the people winding up on the doorstep of the welfare directors in our cities and it's created a great strain on them. And so what happens is the temptation is to try and, you know, shuffle off the responsibility, and especially the fiscal responsibility, on either another town, perhaps, or in terms of other agencies.

I think what the study commission hopefully can do... It certainly can look if there needs to be legislative changes in terms of the specific RSAs that deal with local assistance. But it may even go beyond that, that there may be informal changes in terms of this network that can be had. If the welfare director from Keene, and I don't know if she was at the time, I think that somebody else may now be the president of the Local Welfare Administrator's Organization in the state: she testified (sic).

You know, there's a need to cultivate a close working relationship with these other organizations. That happens to be one specific area that needs to be looked at.

You know, another one... I guess you could take not only the question of homelessness, but the housing crisis that we face in the state. And I think pretty much all of the areas of the state are in the same boat, sometimes for different reasons, but you know, the fact there are shelters right now (sic). And that would be another organization that should be sitting around the table; and those agencies that represent them are included in this specific bill.

But now you've got, you know, emergency shelters used to mean, you know, you'd put a family or individual in there for a couple of days. That doesn't happen any more. We've got families in Laconia in the shelter there that have been there for 3 months. And it's not because they don't have a source of income in most cases. Many of them have jobs as a matter of fact, but they just can't find affordable housing that's adequate for them. So, the need for the people to come together to look at those specific issues. How do we deal with that within the context of those working networks on a local basis?

I hope that answers your question.

Senator Katherine W. Wheeler, Dist 21: Further questions for Representative Johnson? Senator Boyce.

Senator Robert Boyce, Dist 4: Yes, I just was looking at the list of people who would be on this and it occurs to me that most of these have to do with actual delivery of services to people who are down in their luck.

But, you mentioned homelessness. And I noticed this letter from Christine Spicher. She's the Welfare Director in Keene **(Please refer to document entitled "Administrator's Association," Attachment #1, dated March 26, 2002.)** And in it she mentions that the real problem is housing. You mentioned housing. And, it occurs to me there's several causes of the housing problem, not the least of which is the planning and zoning in some of the towns and cities around the state that effectively prohibit low income housing from being built in those cities and towns. And I don't see anybody representing those people. And I was just curious about this.

Representative William G. Johnson, Dist 4: Well, first of all, I guess the way to answer your questions: there is a senate bill – I want to say **(Senate Bill) 454,** but don't quote me on that – that will hopefully address that that's coming out of the study commission that was in place to look at regulatory road blocks to housing. I understand that is going to be... I guess the committee has recommended Referral to Interim Study.

But, in terms of answering your specific question on the representation. It says on here in my bill **one** representative from New Hampshire Legal Assistance. That particular organization was instrumental in terms of, first of all, participating in the Housing Study Commission, and then in terms of drafting the specific wording and legislation of Senate Bill, if it's **(Senate Bill 454)**, that addresses what you just mentioned.

There is also a representation of the New Hampshire Coalition to End Homelessness. There is the Office of Homeless and Housing Services on **line**

8, which is directly involved in this whole issue of affordable housing in terms of funneling federal as well as what state funds we have for creation of housing. Many of these same people participated in that study commission as well.

Senator Robert Boyce, Dist 4: I still think that the real problem, if there is one, is with the planning and zoning and we're... In fact, in the town of Walton they just adopted a **5-acre** minimum lot size, which I don't think... I can't imagine anybody building affordable housing on a **5-acre** lot. I know in the towns and cities they've done similar things; and I just think maybe the people who are on this might be all well and good, but I don't think they're going to solve the problem.

Representative William G. Johnson, Dist 4: And I would tend to agree with you given the fact that what you just addressed is one of the key problems. It's not the only one. What this is to address is how these people on the local level, at least in the interim, are dealing with, you know, the assistance that are needed (sic). But I fully agree with you. I think the legislature has to pass some kind of legislation that is going to in some way address the issue of the legislative roadblocks in terms of dealing with housing on a regional basis. We can't, at a local level, continue to beggar our neighbors. I agree with you.

Senator Katherine W. Wheeler, Dist 21: Further questions for Representative Johnson? Senator Prescott.

Senator Russell Prescott, Dist 19: For the person that is homeless, what do they do now? They need to get housing; and they, you know, they're in a shelter. As you mentioned, someone for three months has been in a shelter and actually working. And trying to get them help and things, what do they actually do now? Trying to get out of the shelter, what services are you trying to make more available in your study committee?

Representative William G. Johnson, Dist 4: Well, I think it's to make sure that there's coordination of those existing resources that are there to relieve the pressure while that individual or family, if it's a family, are in that shelter. There's whoever is...if it's a state run or if it's, for instance, a Salvation Army...in Laconia the Salvation Army runs the shelter there with state funds. But the city of Laconia is also providing funds for them.

Unfortunately, what's also happening with the homeless is you can't even get them into a shelter let alone into permanent housing. So in Laconia we've got I think currently something in the neighborhood of **5** families that are

living in the local hotel. And I'm sure that if I went down to Manchester or some of the larger cities that those number would be much larger.

What I'm trying to do is to make sure that those families not only get the financial assistance, but if they need help in terms of securing employment... It would depend upon the immediate circumstances of the individual and family that's there and what kind of services they need.

There's enough organizations, and a number of those are mentioned in the bill. There are enough organizations. It's a question of them working together in a cooperative fashion to make sure that the needs of those families or the individual are met.

Senator Katherine W. Wheeler, Dist 21: Representative Johnson, I know one of the issues with homelessness – I serve on the Emergency Shelter and Homelessness Commission – and we were actually talking about this in our meeting last week or beginning of this week, maybe, is to prevent people from becoming homeless. And I presume that one of the issues that this commission would deal with is how local assistance can be affective to prevent a major problem before it starts. What could be done to help people pay their rent or stay in their own homes. Am I correct in that assumption that this is one of the things that could be addressed?

Representative William G. Johnson, Dist 4: I think Senator Boyce's comments go more to that because I think those are those kind of issues... Creating more affordable housing is going to be ultimately in the end is going to be the key to resolving in some way the homeless situation in the state.

I think what this addresses is, though, while they *are* homeless. It may be that they are still in their homes but require a certain amount of financial assistance that is then exacerbated by the fact of the recession, and in terms of higher housing costs, etc. So I think that...I don't know that this commission is going to solve the problem that you've raised and that Senator Boyce has raised. I think that's going to come, you know, from other action on the part of the legislature.

Senator Katherine W. Wheeler, Dist 21: I guess that I wasn't so much thinking of the planning and zoning, although I know that's critically important and I know we're addressing it in other areas, I was thinking of the small local assistance to develop a program instead of sending them off and paying for them to stay in a hotel, figure out something ahead of time.

Representative William G. Johnson, Dist 4: Well in that since, yes, there could be ideas that could be developed. I mean, for instance again in

the city of Laconia, the welfare department has been very supportive of the Salvation Army in trying to create additional rooms, for instance, so that they don't have to use hotels to house people. So, you know, yes there are other things that can be discussed in that matter. But I think that, ultimately, significant legislation, either whether it addresses Senator Boyce's concerns or whether it just be funding that's available for low or moderate income housing.

Senator Katherine W. Wheeler, Dist 21: Further questions for Representative Johnson? Senator Prescott.

Senator Russell Prescott, Dist 19: Thanks for staying to answer our questions, Representative. Your study seems to be very much focused on what government's going to do. Is there any focus on, because I know that there are other civic organizations such as churches that... We have a small church. Thirty people show up on Sunday; and when people come into hard times we hear about it, and we go there to go out and help them out...give them money for rent, give them money for a mortgage, give them money for food, give them food... Is anything there being talked about? I just see this is a government study for government organizations. Am I wrong in my view? Is this...?

Representative William G. Johnson, Dist 4: No, think it's more than that. Because, if you notice, there a number of government agencies, both state and local included on here, but Council of Churches is also on here, the... There are other organizations, civic and religious organizations. They're a part of this network, an important part. You know, to use the example that you've raised, or even the one that I raised in terms of the organization, the St. Vincent Depaul Society, is what we now try state based (sic) in a charitable organization or service provider. And it's extremely important for an organization like ours or the church that you mentioned that they work hand in glove with the local welfare department and other agencies that are available there so that resources aren't duplicated, that they are complimentary; that these individuals, these people, work together to make sure that whatever the needs are in that community or with that specific family are met. And so there are other organizations on here. So I think that's very important that both the civic, and religious and governmental organizations work together.

Thank you.

Senator Katherine W. Wheeler, Dist 21: Further questions? See none. Thank you, very much, for your testimony. For the benefit of those who've come in, we actually, miracle of miracles, started a little early on **House Bill**

1109. But the sign-up sheet is still here. So any of you wishing to testify should sign up. There was a representative in the room and he's left.

Representative Johnson, do you think that the representative who was here wanted to testify, because he's gone out of the room?

Representative William G. Johnson, Dist 4: No. He indicated that he would be here if the committee had any questions of him as representing the committee.

Senator Katherine W. Wheeler, Dist 21: Very well. Then I'll take the sign-up sheet. **Martha Yager**, representing the **New Hampshire Housing Forum**.

Ms. Martha Yager: My voice isn't working well. I apologize. I wasn't prepared to testify because last hearing there were so many people I didn't need to. The delivery of local assistance is a very complex piece. It is not managed evenly around the state. There are lots of different players and there's differences even within the agencies. As we've had an increasing burden on the call for those services those discrepancies, especially around homelessness, have become really apparent. And the effort of this study is to try and figure out a plan to make delivery of services a little bit more rational and a little bit more consistent across the state.

There are issues such as someone becomes homeless in Henniker. There's no shelter in Henniker so the person goes to Concord or Manchester. They may never stop by Henniker welfare who might rightly be held accountable for assisting them. They show up in Manchester or Concord and needing services. And it becomes a problem for Concord and Manchester because that's where they are now and they have no home. That's just one of many kinds of examples, issues that need to be addressed in a more coherent fashion. And I think this bill, because it brings together most of the players, provides the opportunity for that to happen.

Senator Katherine W. Wheeler, Dist 21: Questions for Ms. Yager? Thank you for your testimony. And Representative Pilliod, I apologize. I didn't see you signed up and sitting back there. Would you like to testify?

Representative James P. Pilliod, Dist 3: I'm Jim Pilliod, Belknap 3, and I'm a **co-sponsor** of the bill. And I just wanted to comment on the need here. And I have a little problem but I'll mention that later.

The Local Assistance, which is listed under duties here, Commission shall look into all these different functions that we're talking about. There seems

to be an enormous problem that I just heard discussed briefly outside the committee room, having to do with the distribution of services, if you will, in the Division of Welfare and Health and Human Services. And most of that is due, perhaps, to a personnel lack. That's my own personal opinion...not necessarily inefficiencies. However, to be set by people who say, "Why is it that I have to fill out 30 different pages for a food stamp program...or 36 different pages?" Different states have different requirements. But this is a federal program, and who's going to help them do that? That's part of the assistance program that we ought to provide in my opinion.

I have a practically a book that I brought with me from a woman in my district who is having a terrible time because of her conflict with the State of Massachusetts and the State of New Hampshire in adjudicating divorce proceedings, alimony, child support and so forth. She wrote an extremely well written letter of 4 or 5 pages of the problems; and I had to cry at the end of it. I said "This just shouldn't happen. There should be something that can be done." And one of the people in the commission is Legal Assistance. That's the kind of help she might need to... If the legal assistance person said, "Let's send that to the assistance program from the state."

In any case, this is a study commission and I am in **support** of it. The only thing that I have to say is, that if we started this in July, late July, and worked hard, we're never going to get it done by the first of November of this year. And I would strongly recommend, if it could be possible, to change that to **'03** instead of **'02**. If you take all the folks that can contribute, put them together in a room and come up with some conclusions, you're not going to have them really clearly defined, I don't think, in that short a time. It's a very quick turn around for this size effort.

And I would be happy to answer any questions from my experience.

Senator Katherine W. Wheeler, Dist 21: Senator O'Hearn?

Senator Jane O'Hearn, Dist 12: Thank you. Representative Pilliod, you're looking even better today than you did last week. I'm very pleased to see you looking well.

Representative James P. Pilliod, Dist 3: Cardiac rehab this morning.

Senator Jane O'Hearn, Dist 12: Great. In order to change that date for reporting...

Representative James P. Pilliod, Dist 3: Yes.

Senator Jane O'Hearn, Dist 12: You have to recognize this is an election year...
Representative James P. Pilliod, Dist 3: Exactly.

Senator Jane O'Hearn, Dist 12: And, maybe the people that are on the committee will not be there in January to continue the service.

Representative James P. Pilliod, Dist 3: That's true for the representatives and senators. But it's not true, necessarily, for all the people on the commission. That's what makes a commission wonderful. If you only have a couple of folks left to help with the report writing, I still think it'd be worth a longer term, but that's just a personal opinion. I've tried to do this...to have something started in July. The very second you can do it, the very second that it's listed (sic), and I'd have a report ready by November. And it isn't the kind of report that this size effort is going to require, I don't think.

Senator Jane O'Hearn, Dist 12: Thank you.

Senator Katherine W. Wheeler, Dist 21: Further questions? See none. Thank you, for your testimony.

Representative James P. Pilliod, Dist 3: Thank you.

Senator Katherine W. Wheeler, Dist 21: I'm just going to call people in the order which they signed up, but if you have any special needs, speak up if you want to go at another time. Elliott Berry?

Mr. Elliott Berry: Thank you, Madam Chairman, members of the committee. My name is **Elliott Berry**. I'm a **Staff Attorney** at **New Hampshire Legal Assistance** for a very, very long time. Hopefully...since **1975**. And hopefully, the institutional memory can be of a little bit of assistance.

I actually wanted to start by reading you very, very briefly the local welfare law as it existed and was passed in the first set of New Hampshire statutes in **1791**. It says that:

> *"When any person in any town or place in this state shall be poor and unable to maintain him or herself, such person shall be relieved and maintained by the overseers of the poor of such town or place where such person shall happen to be."*

What's striking about it, if I could read it again but I won't, (is) it's almost verbatim the same as it exists today in **RSA 165:1**. The changes have been remarkably minimal. And pursuant to that law, that ancient and humanitarian law, every day in this state, at least Monday through Friday, people all over the state are receiving and towns are providing essential assistance to keep people alive day, after day, after day. But there has been a lot that's changed since **1791**. And the most, for our purposes, the most significant is how much more mobile people have become. Additionally, as I think we've referred to before, we've got here the problem of homelessness has exploded; and the cities have become, basically, magnets for...for sensible reasons...for people who become homeless because that's were such services, and supports, and shelters as exist...that's where they tend to be.

But one of the things that this has resulted in is that the burden on... There are two things. Number one, for the people who are more transient, they typically are received at many local welfare offices, particularly the rural ones, with the basic idea to move them off to some place else. No one pats the Jaffrey local welfare administrator on the back with, "Great job of helping that transient person who was desperate."

You know, the game...everything's not a game...there are a lot of reasons why. But what tends to happen is transients get bounced from place, to place, to place often not receiving the essential assistance that they need and to which they're legally entitled. What also happens as a result of this, again, is that there is a tremendous amount of momentum towards forcing the people of Portsmouth, and Manchester and Concord to pick up the tab.

We had a law called the Settlement Law...some of you probably remember that. But, what Settlement said was that until you live **365** days in any particular municipality, the entity charged with the cost of relieving and maintaining the poor was the county. But that got done away with in a general reorganization of responsibility where the state took over more responsibility for juveniles, accounting more for nursing homes, and I don't think many people thought about what the effect was going to be on the administration of local welfare. But the effect was, again, is (sic) that now under the law, as soon as a transient person shows up in Concord, my friend, Jackie Whatmough there, is responsible, legally responsible, to pay for. Even though that person might have lived **10** years consecutively in Boscawan until that moment. Now the municipal association has gotten together and tried to encourage something I think they call an ethics policy or an anti-dumping agreement that says from the first **30** days that the "sending town," the town where the person came from, should pitch in. The trouble is there's no force of law to that whatsoever. And it seems to me, as I get the cases at legal assistance, that people in towns aren't wonderful about voluntarily

complying with it. And what I'm stuck doing is enforcing the law as it exists on the books right now and it says, "Look if they're in your town and this is where they intend to be. And (if) they need relief and maintenance, you, City, have to help." Because I can't force the town they came from to do it.

Now again, I guess what I'm urging here, is the one key area of study. And why I'm so excited about this is that we need to take a hard look at a more equitable distribution of that sacred ancient responsibility to review the lengthy important point (sic). So that... I'd say probably in **150** of our **234** municipalities, when a person loses their home through foreclosure, or eviction or whatever, it's not very likely that they're going to be able to st because there's not enough other low cost housing in that town. So, again, it isn't fair to the administrators and taxpayers of the cities where the shelters and the affordable housing is to have to take **100%** of that burden, even for people who have never been there before and have lived some place very long, a very long time. I don't think there's an easy answer to it, which I think (what) makes that commission idea perfect is to take a good hard look at how you can fairly allocate the cost associated with a far more mobile population today than we had in **1791**.

Senator Katherine W. Wheeler, Dist 21: Thank you. Are there questions for Attorney Berry? See none. Thank you, very much, for your testimony. Keith Bates?

Mr. Keith Bates: Thank you, Chairman Senator Wheeler and members of the committee. My name is Keith Bates. I'm the **Welfare Director** for the **City of Portsmouth**. I've been there for about **8** years. I'm also the **Vice President** of the **New Hampshire Local Welfare Administrators' Association**, a group comprised of I'd say about **120** or so of the towns and cities (that) have membership in this organization. It's a group under the aegis of the **New Hampshire Municipal Association**.

Christine Spacher, from **Keene**, is the **President** of our organization and she called this morning with concern about the weather so she didn't make the trip. But she did send in some testimony which provides a great deal of detail as to what our organization has been doing in trying to handle the professionalism and the administration of municipal welfare. **(Please refer to document entitled "Administrator's Association," Attachment #1, dated March 26, 2002.)** And I'm not going to repeat a lot of what she has to say in that testimony. I'll just direct your attention to the testimony that she sent in.

And I'm here just to briefly say that I also **support** as the Portsmouth Welfare Director and also as the Vice President of the Local Welfare

Administrators, I support the commission as described in **HB 1109**. I think it's a wonderful idea.

I think that we have a system unique in New Hampshire of local control and assistance. We have the opportunity within the framework of our general assistance laws in New Hampshire to be able to take an opportunity to investigate and meet the needs of individuals coming to us.

We have a great deal of flexibility in the assistance that we can provide, which, of course, is a double-edged sword. We can...you know it can be used for good and for ill from time to time. But we are not locked into specific numbers on a grid that tell us whether a person is eligible or not eligible for assistance. We don't find people...or we shouldn't find people ineligible because they're a dollar over as they might find with food stamps or other programs which are based on a lot larger number of people coming through. So it's a system that has a great deal of strengths. It has some weaknesses as well.

Elliott, although my institution may have voted (sic) in **1971**, I've been here almost as long as he has. But Elliott has described them very well and he keeps us mindful of the weaknesses of the system. And he and I personally, and he and our organization, I think, have achieved a very good working relationship. I'm glad, and I think it's appropriate that Legal aid is a part of this commission. I think it's a very appropriate action. The make-up of the commission, I think, is very good. It's a broad range, an inclusive range of participants. I look forward to the opportunity to do a lot of problem solving with the people from the other organizations and other agencies. I believe that it can help us all understand our functions much better. I believe it can help us develop a system, again, so we can retain this unique New Hampshire system of assistance and perhaps strengthen it in order to make things work better for everybody.

Over the past several years our organization has made a number of strides. We just developed a computerized program, a database, that we are encouraging all towns and cities to adopt. We're making it available to all towns and cities for a cost of **$25**. It was written for us by Jack Goettens who, as some of you may know, is a person who is very effective in his tenure at Health and Human Services. We've been working a lot with training. We're taking a look even at the possibility of the certification procedure for welfare administrators. We're taking a look at establishing an ombudsman type situation where differences between communities can be resolved, hopefully in a way that will be equitable for all. And we encourage a system of mutual support so that as our newer people who administer welfare come on board...

I think Jackie was telling me he just got a call from a selectman from a town with a population of **390**. So it's not expected that he's going to have a great deal of business, but what he does he may find himself having some problems that really need to be addressed. And so we're available to our counterparts in other towns to try to help make sure that this job is done correctly.

So, again, I just...and my comments here... I **support** the commission. I think it's a wonderful idea and I look forward (to), if not being a part of the commission, at least helping to advise and work with it any way I can.

Senator Katherine W. Wheeler, Dist 21: Thank you, very much. Are there questions for Mr. Bates? Senator O'Hearn?

Senator Jane O'Hearn, Dist 12: Just a quick one. In the legislation before us is, "Solicit input...to address problems..." And one is "Qualifications of local welfare administrators." **(See Page 2 of HB 1109 – As Amended by the House, 14feb02...2382h, Line 1 and Line 6)** Is that a problem in the state...that there aren't a set of guidelines for cities and towns to follow?

Mr. Keith Bates: Well, it's a fact that there are no written qualifications. Again, I question the fact...because it is a function that's necessary in the court by law of every town and city, you know there are... We try as hard as we can as an organization, the welfare administrators, to encourage towns to send their administrators to our monthly meetings, or at least to send their administrators to our annual meetings. Actually we have twice annual statewide conferences as well at this time.

I think we could be well served by having a system of certification. But I think that there are certainly people who have not been through any kind of formal training that do an excellent job. I think that that would be a difficult thing to do...to have everybody required to be certified. Hopefully, in the process of trying to make it voluntary...we're (sic) also very, very clearly the towns and cities when we correspond with them that making the wrong decisions... The person in that position who makes the wrong decision can suffer some real liability, both in terms of to the community that they serve and also there have been individuals who have been personally sued and lawsuits as a result of capricious decisions that they've made, illegal decisions that they've made.

Senator Katherine W. Wheeler, Dist 21: Thank you. Any further questions? See none. Thank you, very much, Mr. Bates. Lisabritt Solsky?

Ms. Lisabritt Solsky: Good afternoon, Madam Chairman and members of the committee. My name is Lisabritt Solsky and I am **Counsel** with the **Division of Family Assistance (DFA) at Health and Human Services.** DFA is the division responsible for determining eligibility and delivering benefits under state and federally funded programs of welfare assistance. And those would be: temporary assistance to needy families, food stamps, aid to the permanently and totally disabled, old age assistance, ... blind and, of course, Medicaid.

Over the last 5 years DFA has established a very positive and cooperative working relationship with the New Hampshire Local Welfare Administrators' Association. The Association and DFA management have worked collaboratively to meet the needs of vulnerable families and individuals in New Hampshire. By example, the division of the member towns of the association have protocols in place allowing for efficiency in meeting emergent needs. What often happens is that a family goes to local assistance and needs help making a security deposit, and time is of the essence so that they can secure that apartment before somebody else with cash in hand arrives at the landlord's door. In order to affect efficiency, we have put in a protocol within the division so if it's a mutual client, we can immediately provide the local assistance providers information about income, sources of income, the amount of that income so that they can process that client as quickly as possible. And that's just one example of the collaborative efforts that we've implemented over the last 5 years.

Additionally, our DFA staff regularly attend the meetings of the Association and address DFA's specific concerns. And Christine Spacher who, again as Keith said, is the President of the Association, she participates as a member of our Welfare Reform Advisory Council as well as on the TANF Hardship Extension Review Committee. So you can see there's a really cooperative relationship between the Association and the Division, which we all believe that low-income people benefit from when these two providers of assistance work well together.

To that end, **DFA supports** the Association in its effort through this bill to examine honestly and openly their best practices and those practices which may benefit from religion. DFA is sensitive to many issues confronting low income people in New Hampshire, not the least of which is the housing crisis, economic downturn, increasing burdens of prescription drug costs (sic), and growing gap between the rich and poor. We believe that the Association may increase the quality of service delivery by studying the current system and the New Hampshire residents will ultimately benefit from the dialog proposed in **HB 1109.**

I'm happy to take any questions, if there are any.

Senator Katherine W. Wheeler, Dist 21: Any questions? Thank you. **Sheila Evans** from the **New Hampshire Women's Lobby**.

Ms. Sheila Evans: Good afternoon.

Senator Katherine W. Wheeler, Dist 21: Welcome.

Ms. Sheila Evans: My name is Sheila Evans representing New Hampshire Women's Lobby here in **support** of **HB 1109**. Specifically, I want to point out when our Board chooses bills to support, the discussion that bounces around. And one of the issues that came up was at the federal level we know that TANF reauthorization is going on and we're concerned that there might be a squeezing or shut-out effect that the local is going to need to pick up. And without a coordinated effort or basis study to bring in all the players to start getting a more streamlined system, we foresee problems. And then also just by coincidence, I was speaking today to **the Welfare Director in Northwood, Rebecca Clark**, and I told her I'd be coming in to support this bill. And she said, "That's great." She said, "You know, the biggest barrier to me doing my job efficiently is a lack of information. If I had access to the information I needed, I'd be able to do such a good job." So I asked her if I could share that with you and she said, "Please do." And so I wanted you to know that.

Senator Katherine W. Wheeler, Dist 21: Thank you. Questions for Ms. Evans? Thank you, very much. **Linda Greibsch** from the **Coalition Against Sexual and Domestic Violence**? Welcome.

Ms. Linda Greibsch: Thank you. Good afternoon, members of the committee and Madam Chair. My name is Linda Greibsch and I am with the New Hampshire Coalition Against Domestic and Sexual Violence. And I come in **favor** of this bill.

I feel that I have to commend Representative Johnson on the timeliness of this bill. I think that right now we're coming to the end of lifetime limits for the TANF recipients and there will be some people faced with that. And that's in addition to the housing concerns that you've already heard a great deal about. We also know that we've had plant close downs and even though we're supposedly coming out of the recession that we never had, the fact of the matter is the people we're dealing with here are always the first to feel the pain of the slow down and the last to feel the coming out of it. So, we are right in the middle of it for the population we're talking about. And having worked in a coordinated effort with many other agencies on different aspects

of economic justice and other protocols, domestic violence protocols and sexual assault protocols, I find that a multi-disciplinary approach and a private and governmental agency approach is extremely effective in getting something done.

And I think the duties listed out for the commission are very specific and very appropriate. I believe that we will find that we will reduce duplication of services. We will make the provision of services more efficient and effective and we will also be able to provide the information and the support that these groups need. And I think that's really important. And I hope that you'll see clear to doing this. It looks like a very New Hampshire bill and it's not going to require a lot of resources except energy and commitment. And I think the people listed on this bill will give that. So I hope you'll consider it.

Senator Katherine W. Wheeler, Dist 21: Questions for Ms. Griebsch? See none. Thank you, very much, for your testimony.

Ms. Linda Griebsch: Thank you.

Senator Katherine W. Wheeler, Dist 21: **Jackie Whatmough** signed up but you didn't check the box about speaking so that was correct? You are not planning to...

Jackie Whatmough: I **support** the bill. I have nothing to add.

Senator Katherine W. Wheeler, Dist 21: Is there anyone else in the room wishing to testify on **House Bill 1109**?

The hearing was closed on HB 1109 at 2:45 PM.

Respectfully submitted,

Kathleen Lewis Hennessy
Senate Secretary

Hennessy, Kathleen

Attachment #H

From: Christine Spicher [cspicher@ci.keene.nh.us]
Sent: Tuesday, March 26, 2002 11:30 AM
To: 'kathleen.hennessy@leg.state.nh.us'
Subject: testimony. HB1109.doc

Administrator's Associati

C/o Department of Human S
3 Washington
Keene, New Hampshire
Telephone: 603-357-9807 Fax: 603-35
E-mail: cspicher@ci.Keen

Towards self-sufficiency...

March 26, 2002

HB – 1109 Establishing a Commission to study issues related to the delivery of local assistance

Public Institutions, Health and Human Services Committee 3/26/02

⇒ The NHLWAA is supportive of HB1109.
⇒ The NHLWAA has supported Rep Johnson's efforts for over a year- recommended a task force or commission rather than just submitting legislation last year. We worked with him to suggest language for HB1109 and identified areas of concern for review by the proposed Study Commission.

⇒ The NHLWAA recognizes that there are problems with local assistance – just as there are difficulties with all social service providers at one time or another.
⇒ Some of the problems with local welfare delivery are inherent to the system– Imagine 234 Mental Health Area Agency offices; run under a vague set of laws that all 234 offices could interpret differently in their guidelines and policies. Then further imagine that none of the mental Health staff had ever been trained in mental health issues and laws.
⇒ Because of the diversity among towns and the lack of standardization for welfare delivery, the NHLWAA polices itself continuously. In the last 5 years have made a concerted effort to upgrade professionalism, training, outreach, and social service delivery policy

- 3 years ago- developed a Mission- "to provide and maintain support to its membership thru leadership and education to assure the uniform, humane and ethical administration of RSA 165- municipal assistance"
- Goals – Education/training –
  - increase # conferences per year;

- upgrade monthly training
- increase membership so more welfare administrators have the opportunity to learn;
- inform new administrators on the legal, cost-effective and ethical practice of welfare
- upgrade the abilities of and professional standards for welfare administrators
- Provide avenue for welfare providers to remain current and informed on new services/programs and legislation

• Technology- develop a software tool designed solely for the administration of general assistance at reasonable cost to the towns in an effort to improve the quality and standardization of service delivery.

⇒ During this 5 year interval, for example, the NHLWAA has accomplished the following:

• Increased membership by 1/3
• Instituted 2 conferences per year
• Upgraded monthly trainings/ added case studies
• Developed regional welfare trainings for other social service providers
• Developed the HX of welfare in NH
• Instituted the Buddy System
• Developed a positive impact on Social Service Policy:
  - Improved relationships with DFA, Homeless Services, and Legal Assistance
  - Sit on Welfare Reform Committee
  - Part of the Housing Forum and the Homeless Coalition
  - Appointments to Governor's Affordable Housing Task Force and the TANF Hardship Criteria Commission
• Developed NH MAPS – a software program developed by the Tech Partnership of the NHLWAA for use by all 234 towns available for the costs of the CD. It manages the daily tasks of welfare administration and has welfare data and statistical reporting capabilities. Major goal in effort to standardize delivery of local welfare.

⇒ Concern has been expressed that with a downturn in economy, the housing crisis, and 5 year time limits for state welfare, that local welfare will be overwhelmed. Historically, municipal welfare has provided services through recessions and times of economic boom. TANF limits do not concern us nearly as much as the housing issues. And the face of homelessness is changing – it is more and more becoming a face like our own, our families, our neighbors.

⇒ Much of the current distress with local welfare is the frustration of providers and clients alike with the inability to provide shelter/housing due to lack of inventory, and the resultant inability to assist people in attaining and maintaining self-sufficiency due to the lack of availability and affordability of housing. The real crisis for those in poverty is the housing issue. In addition, the housing crisis impacts all economic levels

⇒ Local welfare system works and it works well: ability to be creative, flexible, and have an impact on providing the tools to achieve self-reliance.

⇒ Problems – yes- but solutions are complex and need a delicate balance:

- Standardize welfare versus local control
- Require continuing education and training vs. unfunded mandate.

There are "difficult" stories that arise in all areas of service but let's focus as well on the good that welfare administrators do quietly everyday, not only in case management and crisis resolution for clients, but also in community development and poverty policy.

The following are areas of development that the NHLWAA is working on and would bring to the Study Commission:

- ✓ The NHLWAA would like to investigate means to assure that all welfare administrators have the tools and training that they need to perform their tasks in an ethical and legal manner while maintaining professional standards.
- ✓ The NHLWAA would like to see more standardization of regulations and service policy to assure high quality of service to all clients.
- ✓ Resolve the disputes around "residency" issues quickly and impartially – perhaps through the development of a Mediation and Resolution Committee made up of NHLWAA officers who would respond to disputes on an emergency timetable.
- ✓ Investigate the codification and clarity of existing welfare legislation.
- ✓ Contribute to a plan to resolve the housing crisis.

We look at the Study Commission as a vehicle for us to expedite our goals and as an opportunity to receive professional advice and input on how to better serve the populations that we all serve in common.

Speakers

PUBLIC INSTITUTIONS, HEALTH & HUMAN SERVICES COMMITTEE

Date 3-26-02 Time 1:40 PM Public Hearing On HB 1109

Appearing in FAVOR: *(Please print)* ***Please check box at left to speak.***

Speaking?	Name	Address	Representing
☐	JAMES E. TWOMBLY	39 BROAD ST Rochd.	STRAFFORD DIST 16
☑	Martha Yager	4 Park St Concord	NH Housing Forum
☒	Elliott Berry	1361 Elm St Manchester	NH Legal Assistance
☑	KEITH BOTE	1 Junkins Ave, Portsmouth	NHLWAN
☑	Lisabritt Solsky	129 Pleasant St Concord	DHHS-DFA
☑	Sheila Evans	POB 1032 Concord	NH Women's Lobby
☑	Rep Jim Pilliod	Belmont	Belknap 3
☑	Linda Greibsch	Concord	Coalition Against Sexual & Domestic V
☐	Jackie Whatmough	Concord	Human Services
☒	Rep Johnson,	prime sponsor	

Appearing in OPPOSITION: *(Please Print)* ***Please check box at left to speak.***

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Testimony

State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

MEMORANDUM

DATE: **October 21, 2003**

TO: **Honorable Craig Benson, Governor**
Honorable Gene G. Chandler, Speaker of the House
Honorable Thomas R. Eaton, President of the Senate
Honorable Karen O. Wadsworth, House Clerk
Honorable Steven J. Winter, Senate Clerk
Michael York, State Librarian

FROM: **Rep. Robert Brundige, Chairman**
19 Level Street, Merrimack NH 03054-2826
(603) 424-6971

SUBJECT: **Final Report on HB 1109, establishing a commission to study problems related to the delivery of local assistance**

Pursuant to Chapter 184:1, Laws of 2002, enclosed please find the Final Report of the committee charged with studying HB 1109, regarding problems related to the delivery of local assistance.

If you have any questions or comments regarding this report, please do not hesitate to contact me.

RB:co
cc: Study Committee Members
Nancy LeVinus, Committee Researcher

FINAL REPORT

COMMISSION TO STUDY PROBLEMS RELATED TO THE DELIVERY OF LOCAL ASSISTANCE

HB 1109, CHAPTER 0184:1, LAWS OF 2002

COMMITTEE CHARGE:

184:3 Duties. The commission shall:

I. Solicit input from interested persons throughout the state, both within government and from the public, to address problems relating to:

(a) Assistance to individuals in temporary living facilities.
(b) Standardization of welfare guidelines.
(c) Mediation and sanctioning processes for disputes between municipalities.
(d) Qualifications of local welfare administrators.
(e) Collaboration and partnerships among various provider associations.
(f) Codification and clarification of all pertinent statutes.

II. Make recommendations for statutory and administrative changes to improve the delivery of local assistance to those in need.

OVERVIEW OF COMMITTEE ACTIVITY:

The committee met 10 times between August 14, 2002 and September 29, 2003. The minutes of those meetings are attached.

A wide range of professionals served on the committee and provided expert advice and perspective to the committee as a whole. Presentations were given by the committee members representing the Local Welfare Administrators Association and the Coalition Against Domestic and Sexual Violence. These individuals shared their experiences in the realm of real-life day-to-day issues encountered in the field and how the practical responses to crisis situations are not easily understood by the general public or even by some of their own peers. An ideal collaborative effort underway in the Monadnock area was presented as the goal to strive for inter-community cooperation to best serve those in need. The representative from the Council of Churches also gave the committee an update regarding efforts in the Nashua area to coordinate service providers and the problems encountered. The representative from New Hampshire Legal Assistance provided the committee with scenarios of real situations and advice on how to balance community obligations without harm to individuals in need. The New Hampshire Municipal Association provided insight as to the practical difficulties of assigning costs and responsibilities

between large and small communities and the constitutional limits to standardizing training and procedures that must govern welfare administrators' efforts. Representatives from the Department of Health and Human Services provided statistics that highlighted increased use of municipal and state resources and informed the members about the state-local relationship regarding coordination of information and data. General committee discussion touched on the issue of affordable housing and decided that was beyond the scope of the committee charge.

REPORT

(a) Assistance to individuals in temporary living facilities. & (c) Mediation and sanctioning processes for disputes between municipalities.

The committee discussed problems related to the definition of 'temporary' and 'residency', as individuals do not lose their residency status while at a temporary shelter. In recent years, temporary shelter stays have grown in duration, making it difficult to determine financial responsibility. The practice of "dumping" or transferring recipients from one community to another community shifts the problem temporarily. The Local Welfare Administrators Association has passed an ethics-type policy to prevent this practice, but local officials may feel pressured financially to divest themselves of these individuals. There is no question as to responsibility to provide service; the thorniest of issues is getting communities to reimburse for services provided by a receiving community. Statutory provisions are not clear and some members were hesitant to require that communities reimburse on demand. Community wealth and resources play a large role in each municipality's approach.

The commission agreed to put forward a proposal for legislation whereby lawful tenancy or lawful membership in a tenant or owner-occupied household within 6 months prior to application is the determinative factor for liability for the first 30 days of assistance provided by another municipality. The suggested changes do not address residency or the obligation to provide assistance on demand. The intent is to clarify under what, if any circumstances, a town may be financially liable to another town for assistance provided.

The commission endorses the efforts of the Local Welfare Administrators Association to institute a membership mediation process for town reimbursement for administration of services to residents of another town. The process would only apply to those municipalities that apply for or continue their membership in the Association, thereby agreeing to such bylaws. Municipalities that do not belong to the Association would not be subject to any such sanctions or penalties and the state would have no role. Three members of the Executive Committee of the Association will comprise a mediation committee and the functions will include:

- Resolution of the immediate issue of which town is responsible to provide direct service at the first instance;

- Resolution of disputes between municipalities as the municipality that is fiscally responsible for services already rendered;

- Responding to clients who have not been served.

(b) Standardization of welfare guidelines.

The Local Welfare Administrators Association is working on model guidelines with the New Hampshire Municipal Association. Many towns utilize these guidelines in the formation of their own municipal guidelines. The last set of welfare guidelines was updated in 1992. The new guidelines will consider legislative changes and perhaps a standard application for assistance to be compatible with law and software.

Data collection is not consistent statewide, which would make collaboration easier.
The current New Hampshire Municipal Assistance Program Software (NH MAPS) is not interactive but will be available to nonprofits. The cost is $25 for members and the tool, not the data, is for sale. It contains legal notices, case notes, demographics, etc, and can generate an unlimited number of reports. An upgrade will web-enable the program and make it interactive. The hope is that it will be able to interface with state technology and Community Action Program agencies may be able to interact also. Five cities, (Dover, Keene, Portsmouth, Franklin and Lebanon) spent $25,000 to get their own program up and running. By September 2004 the Homeless Management Information System (HMIS) will link the state to homeless shelters and some federal money has been received. There is a possibility that local welfare administrators could link to this system in the future.

(d) Qualifications of local welfare administrators.

The committee discussed the qualifications of local welfare administrators as an area that would be very difficult to regulate. The majority of the welfare administrators are appointed by their governing bodies in accordance with locally determined qualifications. State-imposed requirements for particular backgrounds or certain training would inevitably lead to increased municipal costs that would certainly be objectionable as unfunded mandates. The committee recognized that more qualified individuals make collaboration easier.

The New Hampshire Municipal Association provides workshops and training as well as handbooks and a legal hotline. The Local Welfare Administrators Association also provides workshops and training and mentors their members to provide professional support statewide. Requiring participation in these activities could lead to heavy resistance and the committee was not willing to pursue this idea. State funding and staffing support are not a practical considerations.

(e) Collaboration and partnerships among various provider associations.

The Monadnock Partnership presented its program of one type of sustained collaboration, unlike the possible scenario whereby diverse groups will work together to secure grant funding and then disband as soon as the funding is awarded. We encourage ongoing local collaboration in all

regions of the state. The committee recognized the Monadnock Partnership as a model that could be utilized to demonstrate the advantages of on-going collaborations.

(f) Codification and clarification of all pertinent statutes.

Rather than redefine terms such as "residency" and "temporary", with possible far-reaching unintended consequences, the committee opted to work within current statutory framework to address the most pressing concern. A narrow approach designed to create a process for reimbursement between municipalities did not require that these terms change.

II. Make recommendations for statutory and administrative changes to improve the delivery of local assistance to those in need.

1. The committee will submit draft legislation for the 2004 legislative session relative to inter-municipal reimbursement liability for the first 30 days of services provided.

2. The committee encourages efforts by the Local Welfare Administrators Association to update their guidelines and continue to encourage supporting activity for less-experienced administrators.

3. The local welfare administrators are encouraged to participate in local agency collaboration whenever possible.

4. The state of New Hampshire Department of Health and Human Services should seek ways to enable data sharing and compatibility with local welfare data systems to the greatest extent possible.

5. The Commission endorses the efforts of the Local Welfare Administrators Association to institute a membership mediation process to resolve disputes over financial liability for assistance given to former residents of another municipality.

Respectfully submitted,

Rep. Robert Brundige, Chairman

RB:co

Attachments

PROPOSAL FOR AMENDING RSA 165 RE: RECOVERY FOR RELIEF AND MAINTENANCE PROVIDED TO CERTAIN NON-RESIDENTS

1. Amend RSA Chapter 165 by adding the following new sections:

165:19-a-Liability for support in town of most recent residence.

1. Any municipality which provides support and maintenance pursuant to RSA 165:1, I to a person who has not resided or been present in the municipality for thirty days, may recover from the municipality in which the person most recently resided, all assistance provided to the person during his first 30 days in the assisting municipality. For the purpose of this chapter, the municipality in which the person most recently resided refers to the municipality in which a person most recently:

a) was a lawful tenant or lawful member of a tenant household within the six-month period immediately preceding the initial grant of assistance by the assisting municipality. Occupants of property set forth in RSA 540:1-a, IV, and RSA Chapter 540-B:1, **and occupants of emergency shelters for homeless persons,** shall not be considered tenants or members of tenant households for the purpose of this section; or

b) resided in a home which was:

1) owned by the recipient or his spouse or a member of their household within the six-month period immediately preceding the initial grant of assistance by the assisting municipality; or

2) owned by the parents of the recipient or his spouse within the six-month period immediately preceding the initial grant of assistance by the assisting municipality.

II. A municipality that provides support and maintenance to a person who occupies an emergency shelter for homeless persons may recover from the municipality of most recent residence all assistance provided while the person resides in such shelter.

III. Notwithstanding the provisions of paragraph I and II of this section, the municipality of most recent residence shall not be liable if the assisted person was denied assistance or has been suspended by the municipality of most recent residence for the time period covered by the assistance furnished by the assisting municipality. In order to be relieved of liability pursuant to this paragraph, the municipality of most recent residence must have issued a lawful written notice of denial, termination, or suspension of assistance to the recipient, a copy of which shall be furnished to the assisting municipality upon request.

IV. The fact that the recipient did not initially seek assistance from the municipality of most recent residence shall not be a basis to deny recovery to the assisting municipality pursuant to this section.

165:19-b – Notice to town of most recent residence.

I. In order to recover assistance from another municipality pursuant to RSA 165:19-a, the assisting municipality must provide to the welfare office in the municipality of most recent residence written notice of the name of the recipient

and the type and amount of assistance provided. Notice shall be sufficient if postmarked **72** hours of each grant of assistance for which the assisting municipality seeks recovery.

2. Amend RSA 165:1 by deleting the second sentence of paragraph 1 so that the paragraph reads as follows:

§ 165:1. Who Entitled; Local Responsibility

I. Whenever a person in any town is poor and unable to support himself, he shall be relieved and maintained by the overseers of public welfare of such town, whether or not he has residence there. [~~For the purpose of this chapter the term "residence" shall have the same definition as in RSA 21:6-a~~]

3. Delete RSA 165:1-a in its entirety.

[~~§ 165:1-a. Assisted Person Defined; Local Responsibility~~

~~Any person in a town or city who is poor and unable to support himself shall be known as a town or city assisted person, and shall be relieved and maintained at the expense of the town or city of residence.~~]

4. Amend RSA 126-A:30 by adding the following new paragraph:

II. This section does not affect the obligation of a municipality to relieve and maintain non-residents who are poor and unable to support themselves pursuant to RSA 165:1 and RSA 165:1-c except that an assisting municipality may seek recovery of all assistance provided while a recipient occupies such a shelter from the municipality of most recent residence as defined in RSA 165:19-a.

5. Amend RSA 165:1-b by adding the following new paragraph:

V. Any person who has been lawfully found ineligible or suspended by a municipality pursuant to this section shall not be eligible for local welfare assistance from another municipality during the period of ineligibility or suspension; provided, however, that:

1) the municipality that has found the applicant ineligible or has suspended the recipient provides a copy of a lawful notice of ineligibility or suspension to the welfare office from which the person is currently seeking assistance; and

2) in the case of an ongoing suspension, the applicant is given an opportunity to establish before the municipality where he is seeking assistance that he has come into compliance with the guidelines that were the basis of the suspension, including the opportunity for a fair hearing.

HB1109 – Establishing a Commission to study problem related to the delivery of local assistance
Organizational Meeting, August 14, 2002
Room 301 10:00 AM

Present:

Representative Robert Brundige
Representative William Johnson
Representative Betsey Patten
Senator Jane O'Hearn
April Whittaker, NHMA
Linda Griebsch
Roy Morrison
Lance DePlante
Brian Hoffman, Community Action Association
Lisabritt Solsky, DHHS-DFA
Janet Poulin
Christine Spicher
Elliott Berry, NH Legal Assistance

MOTION: Representative Patten moved to elect Representative Brundige as Chairman. Representative Johnson seconded. MOTION CARRIED unanimously.

Representative Brundige appointed Representative Patten as Clerk for the study committee. A copy of HB 1109 – Final Version with the copy of the Committee Report was available for members and the public. Also a copy of RSA 165 will be available for members, if requested. Also a copy of a letter from Researcher Nancy LeVinus, House Committee Research, regarding UNH Agreement to conduct a "State Welfare Reform Evaluation" was available. A copy of a survey solicit ting information from welfare officials was available.

Representative Johnson gave an overview of his reasons for sponsoring HB 1109. His aim is to have state and local officials and providers work in a collaborative way to provide assistance to those in need. With a possible recession looming and the lack of affordable housing the need to coordinate public and private assistance is timely. The providers of welfare assistance do not seem to be working together and the problem is downshift from the State to the Town and then to the private organizations that are vying for available funds. He would like to strengthen the network either through a statute change or non-legislative means.

Senator O'Hearn noted that there are two other study commissions going on, established by HB 1182 (New Title) establishing a committee to study the development of home and community-based long-term supports for the elderly and adults with disabilities and SB 321 (New Title) establishing a committee to study statutory and administrative requirements regarding the legal residency of homeless children in certain educational

and institutional settings, and relative to the appeal of decisions made regarding change of school or assignment.

There was discussion about the informal policy between local welfare directors regarding the "No Dumping" situation and the fact that there is a tendency of people in need to "flock" to the large cities.

Other issues discussed were:

Mediation Process with Health and Human Services
Residency Requirements – RSA confusing or contradictory
Ethics Policy of membership with association is binding
Transient issue
Homeless shelters – number of days stayed
Emergency Shelter needs
Shelters in the southern part of State are getting used more since the rental
Housing costs have increased
What constitutes a "client"?

Next meeting is scheduled for Tuesday, September 17, 2002 at 10 AM in Room 301/LOB Presentations will be made to inform the members of what is happening currently in the field of the private/public partnerships.

Respectfully Submitted

Rep. Betsey L. Patten

SUMMARY 9-17-02

COMMISSION TO STUDY PROBLEMS RELATED TO DELIVERY OF LOCAL ASSISTANCE (HB1109, Chapter Law: 0184:1 Laws of 2002)

SUMMARY OF MEETING
Tuesday, September 17,2002
Room 301 Legislative Office Building
10:00 AM

Present:

Representative Robert Brundige
Representative Betsey Patten
Representative William Johnson
Janet Poulin, Local Welfare Administrators Assoc.
Lisabritt Solsky, DHHS
Elliott Berry, NHLA
Christine Spicher, Local Welfare Administrators Assoc.
Lance DePlante, DHHS
Linda Griebsch, Coalition Against Domestic and Sexual Violence
April Whittaker, NHMA
Roy Morrison, NHCEH

Discussion and presentation by Chris Spicher of the Monadnock Partnership. Welfare in NH broken down by federal, state and municipal resources was reviewed. In MP, area social service agencies began meeting and working together to access funding and identify gaps and resources, with all services coordinated through welfare office. Rep. Johnson stated that Monadnock was "light years" ahead of other continuums of care. Laconia tried to involve welfare directors outside of Laconia and it did not work. Chris Spicher stated that Concord also tried and failed due to non-cooperation based on turf issues. Elliott Berry stated that this is a goal and very atypical.

Recommendations for HB 1109 per the presentation: local collaborative projects should be encouraged and supported at the state level; encourage/require continuum of care networks in each region—create incentives; upgrade professional requirements and require training that will include how to network and develop project partnerships. One example: make co-operation part of grant, not just competitive, as they are now.

Discussion of eviction and increased rents as largest single reason for homelessness. Lack of stock and resistance to affordable housing. Role of CDFA is small, NHHFA is larger with community non-profits and uses federal money. New construction is difficult, much more is spent rehabbing old buildings. $5 million was put into affordable housing last year. Hard to find appropriate land, zoning issues: "banana" = build absolutely nothing anywhere near anybody. Affordable housing was discussed in general and was declared beyond the scope of this study.

Welfare delivery used to be regional, by county. In 1980s local welfare came into effect. If higher in level, don't serve clients as well, can't tailor decisions to needs of clients. Municipal system was always in place, counties provided general relief to transients till 1985. 1982-85 this changed. Janet Poulin reviewed SB 1 from that period: counties and cities shared general

assistance; cities got hit hard with placement of children and agreed to take back general assistance as smallest piece of cost. It is possible to regionalize in small town areas: example is Dover-Rochester-Somersworth shelter.

NEXT MEETING
OCTOBER 16, 2002
10:00 A.M.
LOB 301

(drafted 7/15/03)

SUMMARY 11-13-02

COMMISSION TO STUDY PROBLEMS RELATED TO DELIVERY OF LOCAL ASSISTANCE
(HB1109, Chapter Law: 0184:1 Laws of 2002)

SUMMARY OF MEETING
Wednesday, November 13, 2002
Room 307 Legislative Office Building
10:00 AM

Present:
Representative Betsey Patten
Representative William Johnson
Senator Jane O'Hearn
Janet Poulin, Local Welfare Administrators Assoc.
Lisabritt Solsky, DHHS
Elliott Berry, NHLA
Christine Spicher, Local Welfare Administrators Assoc.
Linda Griebsch, Coalition Against Domestic and Sexual Violence
Joanne Maynard, DHHS (for Lance DePlante)
Bob Anderson, NH Council of Churches

Rep. Patten requested that Judy Silva (NHMA) and Chris Spicher and Janet Poulin present the process of reimbursement. Judy Silva stated that the statutory obligation could be clearer: who pays. The advantage of a general assistance system is balanced by the disadvantage of deciding who pays. Discussion of how welfare recovery money usually goes into the general fund and not the local welfare budget is an issue. This practice encourages a reluctance to use the system, especially when it shows as an item "over budget". Human services has federal, state and other revenue lines. Cities have line items. Municipal accounting system differs from corporate accounting; uses gross basis; all revenue and expenditures. Towns issue vouchers, like checks that client can use. Town then bills town that is responsible. Suits for recovery of cost are not worth pursuing. There are a handful of communities that consistently say "no" and choose not to recognize their responsibility. It is hard to find a legal obligation to enforce this, possible to make it a legal obligation for a sending town? Even those that honor this policy now have differing interpretations of their responsibility.

Discussion of a mediation board continued. If detailed, it loses flexibility. Need to re-affirm assistance to consumer, obligation to reimburse and transient issue. Cannot discuss reimbursement without liability. Question of unfunded mandate was raised, mandate is in law now, question is who is liable. Paramount issue is to get each welfare director to accept this responsibility. Elliott Berry agreed to put draft together for this process.

Further discussion of hours that welfare officials are available to the public. Need to be available during normal business hours and this needs to be enforced. Many don't share basic assumptions being accepted by this group and small towns need selectmen's approval to spend money.

NEXT MEETING
WEDNESDAY
DECEMBER 11, 2002
10:00 A.M.
LOB 301

(drafted 7/15/03)

SUMMARY 10-16-02

COMMISSION TO STUDY PROBLEMS RELATED TO DELIVERY OF LOCAL ASSISTANCE (HB1109, Chapter Law: 0184:1 Laws of 2002)

SUMMARY OF MEETING
Wednesday, October 16, 2002
Room 301 Legislative Office Building
10:00 AM

Present:

Representative Betsey Patten
Representative William Johnson
Senator Jane O'Hearn
April Whittaker, NHMA
Roy Morrison, Coalition to end Homelessness
Brian Hoffman, Community Action
Lisabritt Solsky, DHHS-DFA
Janet Poulin, Local Welfare Administrators Assoc.
Deacon Bob Anderson, NH Council of Churches

Rep. Patten opened the meeting at 10:10 AM and informed the commission that Rep. Brundige would not be able to attend the meeting, but had asked her to discuss an outline of the commission's future work.

Mr. Hoffman handed out a flyer addressing forums on affordable housing in central New Hampshire. Rep. Johnson stated that these forums were an attempt to get business involvement in the affordable housing issue.

The members discussed the previous proposal to break down into subcommittees and it was the consensus opinion that doing so would not be in the commission's best interest. Members were specifically chosen for their expertise, which would be diluted if several subcommittees were created with only 2 members. Other commission members would not have the benefit of their colleagues' expertise in such a process. Time constraints would limit the ability of any one member to serve on multiple subcommittees. Sen. O'Hearn cited a commission that she was a part of that had done this and was not getting any work done. She suggested addressing a topic per month as a full body. This suggestion was accepted.

The members then decided to meet monthly and specifically on the 2nd or 4th Friday in the months of the legislative session, January to June.

Members then discussed the priority of issues specified in the legislation and outlined by Rep. Patten. The order of issues was decided:
I. Assistance to individuals in temporary facilities
II. Mediation and sanctioning processes for disputes between municipalities.

III. Collaboration and partnerships among various provider organizations.
IV. Qualification of local welfare adminstrators
V. Standardization of Welfare Guidelines
VI. Codification and clarification of all pertinent statutes.
VII. Recommendations for statutory and administrative changes to improve the delivery of local assistance to those in need.

Discussion ensued regarding the terms "temporary facility" and how it is defined. Rep. Johnson stated that the focus is on intent, not a time frame. The members discussed average stay in a shelter, 37 days, and up to a 90-day wait for more permanent help. Ms. Poulin stated that in the last 5 years, many changes have occurred, making "temporary" impossible to define. Ms. Solsky stated that not every town has such facilities, one town sends people to another town. Who is responsible and for how long is an issue and a standardization of guidelines could help, but mobility plays into homelessness. Mr. Anderson stated that individuals, not so much families, will naturally move on when time is limited in a shelter. Ms. Whittaker stated that #1 was the most gray for towns, many of whom bristle when non-profits want to build a shelter.

Ms. Poulin described the statutory responsibility of the sender community:

> § 126-A:30. Residency.
> Persons receiving short-term emergency housing under this subdivision shall continue to maintain their legal residence as it existed at the time of entering the emergency shelter.

She compared this to the residency statute, which is vague:

> § 21:6-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 as his principal place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by a temporary absence from it, if there is an intent to return to such residence or residency as the principal place of physical presence.

The issue of smaller towns "dumping" people onto larger towns was discussed. The Local Welfare Administrators Association has passed ethics-type language to prevent this practice. Local officials may be pressured to do this financially. Cities versus small towns are a reality, where services are located is a fact. Ms. Poulin stated that it is her responsibility to provide assistance first, and seek financial compensation later. Rep. Johnson stated that the residency and other statutes do not reflect today's realities. Ms. Poulin stated that for the purposes of assistance, residency is irrelevant. Sen. O'Hearn stated that trying to define residency in education issues has been very difficult.

The members then discussed the framework of the issues. Ms. Solsky stated that the lack of affordable housing was not an issue this commission could solve. She stated that she viewed assistance to individuals in temporary facilities as the lens through which the other issues listed could be examined. These issues are not distinct.

Ms. Poulin stated that to define the reimbursement issue more clearly would make the other items fall into line and equalize the town-city burden. Who is responsible and under what terms? Rep. Patten replied that this is a money issue, to define the reimbursement, not the assistance. She stated that local control was important, not to create mandates unless the state has money to offer. Rep. Johnson stated that the statutes should be clear regarding where the assistance is provided, then how. He stated that Mr. Berry had knowledge in this area.

The Local Welfare Administrators Association are working on model guidelines for NHMA, and only 1 community does not belong to NHMA. When the process is done, it will go to the chair of the association, then to a legal group for review. Most small towns followed these guidelines in the past, but that document is between 8-10 years old now. The new guidelines will consider recent legislative changes, maybe include a standardized application for assistance that is compatible with the law and software, to be available after January 1st. A model is not the same as a standard. Rep. Patten replied that it might need to be funded as a standard.

Discussion continued about qualifications of welfare administrators, as an area that could be difficult to address. Cost to hire more experienced people could be an issue. People doing this part-time and wearing multiple hats may be a thing of the past. Mr. Anderson stated that more qualified people may make collaboration easier.

Mr. Morrison stated that data collection was not consistent statewide, making collaboration difficult. Rep. Johnson stated that Monadnock was impressive for its sustained collaboration; his experiences have revolved around grant money, where the efforts diminish once the grant is awarded. Ms. Solsky stated that the Monadnock continuum is proactive, not reactive. Mr. Anderson stated that the welfare administrator was the key in that model. Ms. Poulin lamented the turnover in "players" and "rules" that inhibit sustained collaborative efforts. She didn't know if this commission can assist without some requirements, although having financial incentives helps.

There will be more discussion involving assistance to individuals in temporary facilities at the next meeting. The meeting adjourned shortly before noon.

The next meeting is scheduled for:

Wednesday, November 13, 2002 at 10:00 AM in LOB *Room 307*
(Note: this is a different room number)

NL

SUMMARY 12-11-02

COMMISSION TO STUDY PROBLEMS RELATED TO DELIVERY OF LOCAL ASSISTANCE (HB1109, Chapter Law: 0184:1 Laws of 2002)

SUMMARY OF MEETING
Wednesday, December 11, 2002
Room 301 Legislative Office Building
10:00 AM

Present:

Representative Betsey Patten
Representative Nancy Johnson
April Whittaker, NHMA
Roy Morrison, Coalition to End Homelessness
Lisabritt Solsky, DHHS-DFA
Janet Poulin, Local Welfare Administrators Assoc.
Deacon Bob Anderson, NH Council of Churches
Elliott Berry, NHLA
Christine Spicher, Local Welfare Administrators Assoc.
JoAnn Maynard (for Lance DePlante), DHHS
Linda Griebsch, Coalition Against Domestic and Sexual Violence

Rep. Patten opened the meeting at 10:07 AM and welcomed Rep. Nancy Johnson to the commission.

At the last meeting of the commission, Mr. Berry had offered to draft possible changes to the statutes to help municipalities work together. Mr. Berry passed out his draft language to the members. (Line 5 of the draft should include the words "of assistance" after "30 days")

Mr. Berry stated that the draft parallels the ethics policy that local welfare administrators have been following as a "gentleman's agreement". It does not change liability or the provision of assistance on demand. It seeks to clarify under what, if any, circumstances a town may be liable for assistance actually provided by another community. The language does not rely on legal residency requirements nor does it depend on whether such individual made contact with a municipal official in the town of previous residence. It also does not establish residency for individuals residing in a shelter, as this does not now mean residency is obtained. The language utilizes lawful tenancy or lawful membership in a tenant household or owner-occupied homes as the determinative factor for liability for the first 30 days of assistance provided by another municipality, should such municipality seek compensation for services provided.

The commission members discussed the removal of any possible minimum requirement of time spent in such a household and the cross-referencing of several statutory provisions that might make the provision easier to understand at the municipal level. There was concern that this not establish residency for sheltered individuals, as this would penalize communities that have

shelters, and may discourage having one. The language also should not confuse municipal officials who may interpret this to deny aid on demand. This is strictly about liability for payment, should the providing community seek to obtain reimbursement from another town. Tenancy provision would prevent one-night stays from being considered residency. Members also discussed RSA 540-B actions against tenants, and the definitions regarding tenancy, hotels, motels and "rented for recreational use" as a bar for establishing legal tenancy. This may have to be clarified in a redraft.

Members also discussed a "look-back" provision and agreed that 6 months was the most realistic timeframe that any municipality would want to research for purposes of gaining reimbursement. As any time might be considered arbitrary to someone, this was as realistic as any other timeframe and not overly burdensome to document. It also provides a close tie to any municipal budget, such that no community gets a bill for services provided to someone who may have had legal tenancy 5 years prior. Most likely, an individual has been evicted and will need assistance within 6 months.

The decision to pursue payment will be up to the providing municipality, but not all municipalities may want to abide by this, as not all do today under the gentleman's agreement. Most towns are becoming more aware of these issues, but it is difficult to quantify if large or small towns are now or will be more likely to agree with this. Community wealth may also play a role, as do budgets. Structures for support are available in larger communities versus smaller towns, where the welfare director may be a selectman.

The origins of RSA 165 were briefly discussed, including the settlement issue and county responsibilities. Members also felt that the community seeking payment as soon as possible should send a notice to a possibly liable community. This should be part of the law and not assumed to occur.

At least 2 LSRs (Legislative Service Requests) have been filed regarding homelessness and residency. These may be premature, given the work of this commission and the sponsors may not be aware of the commission's efforts. Rep. Patten would try to find out more from the sponsors.

Mr. Berry agreed to re-work his draft to delete the day requirement for tenancy; emphasize that shelter stays do not establish legal tenancy; clarify some cross-references, including possibly eliminating a cross reference in RSA 165:1 to RSA 21-6-a, which seems contradictory for the current provision of assistance; and adding a notice provision.

Mr. Berry will try to e-mail a new draft to the membership prior to the next meeting. The members agreed that they would discuss the new draft at the next meeting of the commission:

MONDAY, JANUARY 27, 2003
10:00 A.M.
LOB 301

COMMISSION TO STUDY PROBLEMS RELATED TO DELIVERY OF LOCAL ASSISTANCE (HB1109, Chapter Law: 0184:1 Laws of 2002)

SUMMARY OF MEETING
Monday, January 27, 2003
Room 301 Legislative Office Building
10:00 AM

Present:

Representative Robert Brundige
Representative Nancy Johnson
Senator Jane O'Hearn
Senator Iris Estabrook
Roy Morrison, Coalition to End Homelessness
Lisabritt Solsky, DHHS-DFA
Janet Poulin, Local Welfare Administrators Assoc.
Deacon Bob Anderson, NH Council of Churches
Elliott Berry, NHLA
Christine Spicher, Local Welfare Administrators Assoc.
Lance DePlante, DHHS
Linda Griebsch, Coalition Against Domestic and Sexual Violence
Brian Hoffman, Community Action

Meeting in progress, 10:15 a.m.

Deacon Anderson presented a report on meetings with service providers of local assistance. General discussion ensued. The report is attached.

Chairman Brundige welcomed Senator Estabrook to the commission.

A discussion of the existing database for welfare directors began. Ms. Spicher stated that the current NHMAPS is not interactive but will be available to non-profits. The cost is $25 for members. It contains legal notices, case notes, demographics, etc, and can generate an unlimited number of reports, compared to the 30 that are now available. There is an upgrade in progress and an attempt to web-enable the program, also making it interactive. The tool is for sale, not the data in it. The hope is that it will eventually be interactive and capable of interfacing with state technology. CAP agencies have their own databases and the plan is for MAPS to interact, not necessarily with case notes, but to be able to cross reference applications for aid.

Members then replied to some of the points from Deacon Anderson's meetings, with Ms. Spicher stating that local hospitals do discharge to shelters and do reimburse churches. Mr. Hoffman stated that fuel assistance is allocated by the state, not CAPS. A discussion of insurance coverage followed. Mr. Berry stated that the Medicaid "spend-down" is fairly high, adults won't lose their health coverage by earning $7 per hour.

Ms. Spicher noted a dire need for housing at all income levels and a need to be pro-active. Mr. Berry cited a Senate bill that deals with municipal obligations for workforce housing. Mr. DePlante stated that federal HUD requires a state policy and HHS has certified that it has begun the planning process to ensure that the state responds accordingly to hospital and other institutional discharges. The policy that no person be discharged from a hospital or other institution into a state of homelessness will have a large effect. Shelters will not be able to accept anyone from a publicly funded institution, including jails and hospitals. The state must adhere to this policy or jeopardize all of its HUD dollars.

Mr. Morrison stated that the fuel assistance budget is not yet final, but should be this week. There is a reluctance to issue dollars until this is finalized. He also commented that there is a connection between education funding, affordable housing and rising welfare costs.

Concerns surrounding the building of a database include perceptions of people from the 'outside' and confidentiality issues. Ms. Spicher replied that cost is an issue for ID software for the next step in the development process. There is some illiteracy on technology and some resistance. Mr. Berry stated that double dipping is not an issue and Mr. Bates agreed, calling it a red herring. Reimbursement from other towns is a relatively minor issue, the impact is small, there is not much opportunity to double dip and officials are vigilant.

Ms. Spicher stated that the leadership of her association is more concerned that people do the right thing in the first instance, and there wouldn't be an issue of reimbursement. Possible codify mediation? The big dollars are spent on housing, prescriptions and towns that don't do what is necessary.

There was discussion of getting the state technology update. 5 towns (Dover, Keene, Portsmouth, Franklin and Lebanon) spent $25,000 to get their own system up and running and received technical support from Concord. Ms. Spicher expressed concern that the state is developing its own product with no connectivity. Senator O'Hearn asked why there is no communication with the state. The state is concerned with confidentiality and an early model for NH Healthy Kids did not do welfare work. The cost to connect was prohibitive. Ms. Poulin replied that state wants access to the local database, but no reciprocity. Locals will resist a one way street.

Mr. DePlante stated that by Sept. 2004, HMIS (Human Management Information System) will link service providers to homeless shelters. They have received some federal money, but since then, this is an unfunded mandate. They could link this to local welfare and he will look into this.

Mr. Berry explained his attempt to redraft parts of RSA 165 to more equitably share the burden, built on anti-dumping policy of local welfare administrators. This is an internal work document. For the first 30 days of assistance, the receiving municipality will be reimbursed. Ease of administration is the goal. The commission identified areas to be re-drafted:

1. If local suspension is lawful, there is not assistance required anywhere (i.e. failed to look for work). Re-eligibility can be established.

2. There was concern about the 48 hour standard notice to recover assistance; possibly change to 72; and clarify that sanctions do not apply to a person who is ill.
3. A suggestion that 6 months be measured from the time at which a person entered a shelter. Mr. Bates suggested clarity if a person is transient for more than 6 months and goes to a new town, that a shelter will not qualify him/her.

Senator O'Hearn asked about transients or those occupying a campground or evicted. Mr. Berry stated that an evicted person will have some papers, all that is needed for a town to back bill. Ms. Solsky stated that such a person would probably have court documents.

The commission agreed to meet again:

MONDAY, MARCH 3rd, 2003
AND
MONDAY MARCH 24th, 2003
10:00 A.M.
LOB 301

3/24

SUMMARY [redacted]-03

COMMISSION TO STUDY PROBLEMS RELATED TO DELIVERY OF LOCAL ASSISTANCE (HB1109, Chapter Law: 0184:1 Laws of 2002)

SUMMARY OF MEETING
Monday, March 24, 2003
Room 301 Legislative Office Building
10:00 AM

Present:

Representative Robert Brundige
Senator Jane O'Hearn
Roy Morrison, Coalition to End Homelessness
Janet Poulin, Local Welfare Administrators Assoc.
Deacon Bob Anderson, NH Council of Churches
Elliott Berry, NHLA
Christine Spicher, Local Welfare Administrators Assoc.
Lance DePlante, DHHS
Linda Griebsch, Coalition Against Domestic and Sexual Violence
Brian Hoffman, Community Action

Open 10:05 a.m.
Elliott Berry presented updated version of proposal to update RSA 165. Put bill in 22-24 April. Residency irrelevant. Leave 21:6 alone. Elliott reviewed SB 95 for committee. Discussed with committee. Senate will vote Thursday. Committee vote OTP/A 5-0.

Next meeting 4/28.

Agenda

April
Qualifications of local welfare administrators
Christine Spicher, Janet Poulin

May
Mediation and sanctioning process for disputes between municipalities.
Christine Spicher, Janet Poulin

June
Update of standardization of welfare guidelines

NEXT MEETING
MONDAY, APRIL 28, 2003
10:00 A.M.
LOB 301

SUMMARY 4-28-03

COMMISSION TO STUDY PROBLEMS RELATED TO DELIVERY OF LOCAL ASSISTANCE (HB1109, Chapter Law: 0184:1 Laws of 2002)

SUMMARY OF MEETING
Monday, April 28, 2003
Room 301 Legislative Office Building
10:00 AM

Present:

Representative Robert Brundige
Senator Iris Estabrook
Janet Poulin, Local Welfare Administrators Assoc.
Lisabritt Solsky, DHHS
Elliott Berry, NHLA
Christine Spicher, Local Welfare Administrators Assoc.
Lance DePlante, DHHS
Linda Griebsch, Coalition Against Domestic and Sexual Violence
April Whittaker, NHMA

Judy Silva
Keith Bates
Nancy LeVinus

Agenda:

April
Qualifications of local welfare administrators
Christine Spicher, Janet Poulin

[In progress] 10:45 a.m.

There was discussion about New Hampshire Local Welfare Administrators Association and a possible certification program (see handout dated April 28, 2003). The question was if this can be an encouragement or are financial incentives needed? Some municipalities do not have the level of sophistication or the resources to do more comprehensive programming. Networking can save money and the association encourages people to attend conferences. They also publish a handbook. NHMA sponsors workshops and provides a legal hotline for questions from administrators to access more experienced welfare administrators. Members discussed a state grant for education and training initiatives and it was pointed out that in this budget cycle, more pressing needs were not met. Members deliberated funding a state employee to assist local new administrators. The state has no knowledge or background in this area and NHMA and NHLWAA are already capable of handling this. It might be possible to mention this need in the committee's final report; that the state recognized a need in this area and may need to help improve communications, but the roles of state and local government should not change. The mandatory attorney membership in the state bar association was mentioned as a possible model for the welfare administrators and the NHLWAA. Having such a requirement without a fee might relieve the unfunded mandate issue, but the association could not absorb the additional

responsibility without reimbursement and state mandates have a history of sounding benign and ultimately being costly. County government was mentioned as a resource for organization, but the counties are not strong and the regional welfare system has an advantage where one dominant administrator in the area can help advise others.

Mr. DePlante expressed concern about a "revolving door" under RSA 165 and asked for clarification for an individual who ends up in another community. Mr. Berry responded that the receiving community could bill a sending community for the first 30 days; thereafter an individual is the responsibility of the receiving community. Mr. Berry asked for the average length of time for an individual on welfare. Ms. Poulin and Ms. Spicher replied that it used to be 6 weeks, but is now longer. A new clientele is the result of the housing issue. Core clients are receiving assistance for 4-6 months.

Mediation and sanctioning will be the topics of the next meeting.

The committee adjourned at 11:25 a.m.

There will be no May meeting
Next meeting will be Monday June 30, 2003

Agenda:

(presume this topic originally scheduled for May)
Mediation and sanctioning process for disputes between municipalities.
Christine Spicher, Janet Poulin

NEXT MEETING
MONDAY, JUNE 30 , 2003
10:00 A.M.
LOB 301

SUMMARY 7-21-03

COMMISSION TO STUDY PROBLEMS RELATED TO DELIVERY OF LOCAL ASSISTANCE (HB1109, Chapter Law: 0184:1 Laws of 2002)

SUMMARY OF MEETING
Monday, July21, 2003
Room 301 Legislative Office Building
10:00 AM

Present:

Representative Robert Brundige
Representative Nancy Johnson
Lisabritt Solsky, DHHS
Deacon Bob Anderson, NHCC
Roy Morrison, NHCEH
Ketih Bates, NHLWAA

Judy Silva
Nancy LeVinus
Joanne Maynard (arrived later)

Agenda:

Attached

Rep. Brundige recognized Keith Bates to review the mediation handout document from the New Hampshire Local Welfare Administrators Association, dated May 6, 2003. He identified Chris Spicher as the author, but he agreed to review it and answer questions. Mr. Bates said that the primary issue is enforceability and sanctions. He questioned if collecting money owed would be enough to satisfy municipalities. He then questioned if NHLWAA membership would be enough to constitute an agreement to obey and abide by the proposed rules and sanctions contained in this document. He stated that this would be the first instance of going beyond the informal "gentleman's agreement" in place now. Rep. Brundige asked if the intent was to incorporate this policy into RSA 165? Mr. Bates replied that it was not. Mr. Bates further stated that the intent was to incorporate this proposal into the model welfare guidelines, which are soon to be finished. Mr. Bates said incorporation could happen now or be part of an update next year. Mr. Bates stated that the entity would be more of a professional commission, not a statutory creation. Rep. Johnson described the public input involved in the statutory process versus the quicker administrative process. Rep. Johnson stated that she leaned more to a statutory process when it comes to sanctions and penalties. Mr. Bates replied that the sanctions and penalties would be seldom used, he was not sure of ramifications. Deacon Anderson asked if membership in LWAA was automatic? Mr. Bates replied that NHMA membership constitutes all but one town, but LWAA is a separate organization but has 2/3 of those as members; about 150 total. Mr. Bates further stated that those that do not belong may not see membership as needed. He said they could get welfare advice directly from NHMA without being a member of LWAA. Mr. Bates stated he was not sure if people will back off membership in LWAA if they are automatically subject to the sanctioning process. Deacon Anderson asked what would happen if

a person was not available in 4 hours? Mr. Bates replied that alternates and administration could be worked out for a timely response. Rep. Brundige asked if the situation was so serious as to need this process? Mr. Bates replied that it does come up and that the LWAA does try to push information, but some communities can be very resistant, sometimes due to the personality of the administrator. He said that it can be too difficult to work with these people and described them as "maverick towns" due to their ongoing ducking of responsibility. He stated that he would rather have something in place and not use it.

Rep. Brundige then called on Judy Silva to give her thoughts on the document. Ms. Silva stated that this would be a huge undertaking, either as administrative or statutory. She stated that she would like to see it on a pilot basis to get the bugs out. She said that ideally, any proposal should address the after-the-fact disputes between municipalities and not the immediate need. Ms. Silva stated that having an accessible system would help. She said that the 2 questions should be broken apart, with who is financially responsible to be worked out later. She expressed some concern with the identified role of NHMA. She stated that "we don't do conflicts between two of our clients". She stated that the Executive Committee of LWAA understands this and will probably not need NHMA. She also said that LWAA does provide education through formal means like workshops and informal means like networking. She said that this is strong and she wouldn't want to see their membership affected.

Mr. Bates stated that Mr. Berry's legislative proposal could help clarify administrative responsibility. Rep. Brundige was not familiar with any instance of legislation empowering a local committee; it "goes against the grain" or could be meddling. Lisabritt Solsky stated that the local welfare statutes enable DHHS to appoint a person to mediate such municipal disputes. She stated that this process may not be as quick and is underutilized, but the concept has been contemplated by statute. Rep. Brundige asked if there was a reason for this? Ms. Solsky stated that she was not aware of why it was or was not used. Rep. Brundige stated that Mr. Bates had earlier indicated that in the last 10 years, he had not seen this used. Mr. Bates replied that there was a flaw in RSA 165 in that the process is seen as voluntary to enter into mediation. Mr. Bates stated that LWAA proposal is that LWAA members shall engage in mediation, although he is not sure how this will be done. Rep. Brundige asked if [you] don't need state OK? Mr. Bates replied no, they were just looking for this commission's endorsement as part of a report. He asked if a description of this proposed committee could be included in the report and if this commission could endorse the concept.

Mr. Morrison questioned if a client is unaware of these rights, are they really rights? Mr. Bates stated that information could be made available at shelters, etc. and that advocates could utilize resources to make such information available.

Rep. Brundige stated that all information from today's meeting would be mailed directly to the members, not via e-mail. He then asked the members to review the draft final report and make comments.

Mr. Bates: bottom of p.2 needs clarification on technology, 5 towns did not receive state help. He would like to add a 5th recommendation on the bottom of page 4 pertaining to the LWAA document reviewed today.

Ms. Solsky disagrees with the bold statement on top of page 3 pertaining to state and local database sharing. She wants more clarification of technology, confidentiality and sharing of information. State would not want information from local welfare administrator; it is the other way around. Mr. Bates stated that most information comes from the state. Nancy LeVinus identified the January minutes as the source of this statement. Ms. Solsky will get more information and Rep. Brundige asked and she agreed to work with Ms. Spicher on this.

Joanne Maynard stated that the HMIS system is the Homeless Management Information System, not Human Management Information System (top of page 3). The system is required by HUD to ensure a proper count of homeless persons, not just number of times services are accessed. It is still in development stages.

Deacon Anderson: His report was on the Nashua area, not Manchester (page 1). On page 2 the first sentence under paragraph (a) should have the words 'temporary' and 'residency' in quotes, as they are terms to be defined.

Mr. Bates: In the second paragraph under (a) on page 2, last sentence, add "financially" before "liable to another town for assistance provided."

The next meeting will be Monday, September 22nd and proposed changes will be reviewed.

The issued agenda specifies that changes should be submitted to Nancy LeVinus by September 8th.

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NEXT MEETING
MONDAY, SEPTEMBER 22, 2003
10:00 A.M.
LOB 301

SUMMARY 9-29-03

COMMISSION TO STUDY PROBLEMS RLEATED TO DELIVERY OF LOCAL ASSISTANCE (HN 1109, Chapter Law: 0184:1, Laws of 2002)

SUMMARY OF MEETING
Monday, September 29, 2003
Room 301 Legislative Office Building
10:00 AM

Present:

Representative Robert Brundige
Representative Betsey Patten
Representative Nancy Johnson
Deacon Robert Anderson
Linda Griebsch
Lance dePlante
Roy Morrison
Elliott Berry
Brian F. Hoffman
Janet Poulin
Keith Bates

Action:

A motion was made by Deacon Bob Anderson, seconded by Linda Griebsch, and approved to send a draft of the Final Report out to all members for comment and concurrence. When completed and all changes have been made, the Committee agreed to allow the Chairman to sign and submit the Final Report. A copy will be mailed to all members and interested parties.

Respectfully submitted,

Rep. Betsey L. Patten

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

THE COMMITTEE ON Public Institutions/Health and Human Services

to which was referred House Bill 1109

AN ACT establishing a commission to study problems related to the delivery of local assistance.

VOTE: 3-1

2002-3153s

Having considered the same, report the same with the following amendment and recommend that the bill: **AS AMENDED OUGHT TO PASS.**

Senator Jane E. O'Hearn
For the Committee

|HB1109 Docket

Next|Prev|Results List|Main|Bill Status

Bill Title: establishing a commission to study problems related to the delivery of local assistance.

Date	Body	Description
6/26/2001	**H**	Introduced and ref to Mun & Cnty Govt; HJ61, p1762
12/14/2001	**H**	Copy to Chairman on 12/18/2001 Report due on 2/21/2002
12/14/2001	**H**	Hearing Jan 29 1:00 RM301,LOB
2/6/2002	**H**	Maj Report OTP/AM for Feb 14 (vote 12-0;CC)
2/6/2002	**H**	Prop Comm Am{2382}; HC13, p512
2/14/2002	**H**	Passed with Am; HJ20, p762-763 + 821
2/20/2002	**S**	Introduced and Ref. to Public Institutions, Health & Human Services; SJ 6, Pg.171
3/12/2002	**S**	Hearing; March 26, 2002, Room 101, LOB, 1:40 p.m.; SC16
4/8/2002	**S**	Committee Report; Ought to Pass with Amendment {3153} [04/10/02]; SC23, Pg.21
4/10/2002	**S**	Ought to Pass with Amendment {3153}, AA, VV; OT3rdg, MA, VV; SJ 9, Pg.275
4/17/2002	**H**	House Conc with Sen Am, Rep Patten MA VV; HJ34, p1347
4/18/2002	**S**	Enrolled Bill Amendment {3656}, Adopted; SJ 12, Pg.480
4/25/2002	**H**	Enrolled Am{3656}, Adopted;
5/2/2002	**H**	Enrolled;
5/2/2002	**S**	Enrolled;

Next|Prev|Results List|Main|Bill Status

Docket Abbreviations