

Amendment to HB 348

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Aid to Assisted Persons; Who Entitled; Local Responsibility. Amend RSA 165:1 to read as
4 follows:

5 165:1 Who Entitled; Local Responsibility.

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

10 II. The local governing body, as defined in RSA 672:6, of every town and city in the state
11 shall adopt written guidelines relative to general assistance. The guidelines shall include, but not be
12 limited to, the following:

13 (a) The process for application for general assistance.

14 (b) The criteria for determining eligibility, **which may require an individual to**
15 **provide proof of residency prior to being approved for such assistance. If proof of residency**
16 **is required, acceptable proof shall include the documentation or attestation listed below,**
17 **unless the welfare official identifies specific, substantiated evidence contradicting the**
18 **documentation or attestation:**

19 (1) **A current lease, car registration, utility bill, or any government or court**
20 **issued document with an address matching the stated physical residency dated within the**
21 **last 60 days.**

22 (2) **Attestation on official agency letterhead, which includes the last date of**
23 **contact, and is signed and dated by an authorized official listed below:**

24 (A) **The welfare official.**

25 (B) **A state or local law enforcement or fire official.**

26 (C) **An emergency medical services provider.**

27 (D) **A local third party social services provider having an existing service**
28 **relationship with the applicant.**

29 (c) The process for appealing a decision relative to the granting of general assistance.

30 (d) The process for the application of rents under RSA 165:4-b, if the municipality uses
31 the offset provisions of RSA 165:4-a.

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1 (e) A statement that qualified state assistance reductions under RSA 167:82, VIII may
2 be deemed as income, if the local governing body has permitted the welfare administrator to treat a
3 qualified state assistance reduction as deemed income under RSA 165:1-e.

4 (f) *A statement describing the municipality's policy for referring residency*
5 *disputes to the inter-municipal hearing process pursuant to RSA 165:2-a when an*
6 *applicant is believed to be a resident of another New Hampshire municipality or of a*
7 *jurisdiction outside New Hampshire.*

8 *III. Non-residents of the town or city who have left their town of origin due to*
9 *domestic violence, stalking, sexual assault, or human trafficking shall not be disqualified*
10 *due to residency.*

11 *IV.(a) Upon adoption by the local governing body, the municipality shall establish*
12 *financial standards, including allowable amounts for basic allowable costs, in its local*
13 *welfare guidelines. Such standards shall reflect prevailing local market costs by*
14 *household size. The municipality shall review such standards annually and adjust if*
15 *necessary to reflect changes in local market costs. Such standards shall be based on*
16 *objective cost information that is publicly available or issued by service providers or*
17 *governmental entities. Allowable amounts for permanent housing shall not be construed to*
18 *govern temporary emergency housing assistance, which shall be evaluated using local or*
19 *regional market rates applicable to available temporary emergency housing placements at*
20 *the time of the emergency.*

21 (b) *Nothing in this paragraph or RSA 165:1-f shall be construed to prohibit the*
22 *welfare official from authorizing, on a documented, case-by-case basis, a deviation as*
23 *necessary to relieve a basic needs emergency or avert a more costly future need for*
24 *assistance, provided that no less costly available alternative is sufficient. Any such*
25 *deviation shall not be construed to create an entitlement and shall not be considered*
26 *precedential.*

27 ~~III.~~ V. Whenever a town provides assistance under this section, no such assistance shall be
28 provided directly to a person or household in the form of cash payments.

29 2 New Section; Temporary Emergency Assistance. Amend RSA 165 by inserting after section 1-
30 e the following new section:

31 165:1-f Temporary Emergency Assistance. The welfare official shall provide temporary
32 emergency assistance for up to 6 days to individuals, as necessary to relieve a basic needs
33 emergency. Such temporary assistance shall be provided to individuals temporarily in the town or
34 city and for the purpose of obtaining proof of residency, completing an application to the
35 municipality of origin, or coordinating with such municipality. If the municipality initiates the inter-
36 municipal hearing process under RSA 165:2-a to determine residency and financial responsibility,
37 temporary emergency assistance shall be extended until a final decision on residency or

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1 responsibility is rendered by the hearing officer pursuant to RSA 165:2-a, III, provided the applicant
2 remains in compliance with the municipality's general assistance guidelines. The provision of
3 temporary emergency assistance under this subdivision shall not, for local welfare purposes, be
4 construed as establishing residency in the municipality where the assistance is rendered.

5 3 Expense of General Assistance. Amend RSA 165:2-a to read as follows:

6 165:2-a Expense of General Assistance.

7 **I.** The financial responsibility for general assistance for assisted persons shall be the
8 responsibility of the town or city in which the person making application [~~resides~~] **has residence for**
9 **local welfare purposes, as defined in RSA 165:1 and RSA 21:6-a**, except as otherwise provided
10 in RSA 165:1-c.

11 **II.** *Whenever any town or city assists a person pursuant to this chapter who is*
12 *believed to be a resident of another New Hampshire municipality or outside of New*
13 *Hampshire, the assisting municipality shall:*

14 *(a) Contact the welfare official for the alleged municipality of residency to seek*
15 *reimbursement for the costs of relieving and maintaining the applicant person;*

16 *(b) Request the municipality of residency undertake ongoing relief and*
17 *maintenance of the applicant pursuant to the municipality of residency's welfare*
18 *guidelines; or*

19 *(c) Request a hearing to determine the residency of the assisted person.*

20 **III.** *Hearings conducted pursuant to subparagraph II(c) shall be conducted by an*
21 *agreed-upon current or former welfare official of a third municipality, with the consent of*
22 *such welfare official, or an attorney familiar with this chapter. The hearing shall be*
23 *conducted according to the fair hearing provisions described by the welfare guidelines of*
24 *the alleged municipality of residency, except that the hearing may be conducted by*
25 *telephone or video conference by agreement of the participants.*

26 **IV.** *If the hearing results in a determination that another municipality is*
27 *responsible for providing the assistance, that municipality shall reimburse the assisting*
28 *municipality for the costs of assistance previously rendered at the rate consistent with that*
29 *municipality's welfare guidelines, and shall either:*

30 *(a) Continue to reimburse the assisting municipality so long as the person*
31 *remains in need of assistance; or*

32 *(b) Undertake relief and maintenance of the assisted person according to that*
33 *municipality's welfare guidelines.*

34 4 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill enables municipalities to establish residency requirements for local assistance, requires short-term emergency aid while residency is verified, requires special consideration of individuals who have left their town of origin due to domestic or sexual violence, and establishes an administrative process for resolving financial responsibility among municipalities.