

# Senate Election Law and Municipal Affairs Committee

*Jessica Bourque 271-2104*

**HB 348**, relative to eligibility for local assistance.

**Hearing Date:** March 3, 2026

**Time Opened:** 9:30 a.m.

**Time Closed:** 10:17 a.m.

**Members of the Committee Present:** Senators Gray, Lang, Rochefort and Long

**Members of the Committee Absent:** Senator Perkins Kwoka

**Bill Analysis:** This bill provides that municipalities may establish a residency requirement of up to 90 days for local assistance.

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**Sponsors:**

Rep. Rhodes

Rep. Lynn

Rep. McFarlane

Rep. Osborne

Rep. Sweeney

Rep. Berry

Rep. Bogert

Rep. Roy

Sen. Gannon

Sen. Innis

Sen. Abbas

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**Who supports the bill:** 6 people signed in in support of this bill. For the complete list of names please contact committee aide, Jessica Bourque at [jessica.bourque@gc.nh.gov](mailto:jessica.bourque@gc.nh.gov).

**Who opposes the bill:** 412 people sign in opposed to this bill. For the complete list of names please contact committee aide, Jessica Bourque at [jessica.bourque@gc.nh.gov](mailto:jessica.bourque@gc.nh.gov).

**Who is neutral on the bill:** 4 people sign in neutral on this bill. For the complete list of names please contact committee aide, Jessica Bourque at [jessica.bourque@gc.nh.gov](mailto:jessica.bourque@gc.nh.gov).

**Summary of testimony presented:**

**Representative Jennifer Rhodes-Cheshire - District 17**

- This bill aims to amend RSA 165, which will alter the requirements for participation in local assistance by redefining what constitutes residency.
- Towns have some discretion in how they apply relief, but the rest of it is determined by the state. One of those requirements set by the state is the residency requirement.
- Citizens of New Hampshire take priority in relief by municipalities.
- When drafting this bill, they tried to keep it as an option for towns if they chose to adopt it.

- Rep. Rhodes acknowledged that the language of the bill, as it is currently written, has some unintended consequences. For example, she believes the bill could be used for “assistance shopping,” but she added that she thinks Senator Gray's amendment addresses this issue.
- Rep. Rhodes expressed concerns about how the bill handles individuals fleeing domestic violence and believes this issue is also covered in Senator Gray’s amendment.
- Rep. Rhodes said intermunicipal hearings aren't needed, but she hasn't heard all the supporting arguments yet and is open to changing her mind.
- During the last biennium, Town A could seek reimbursement from Town B if it did not receive assistance. From her experience, she observed that towns can get confused about whether someone qualifies for aid from another town, since eligibility criteria like car payments can differ. She argued that forcing a town to reimburse could set a risky precedent, possibly undermining local control.

**Senator Gray** cited his amendment, stating that if a person is found to be a resident of another locality, that locality will reimburse them at that locality's rate. For example, if the locality does not cover car payments then they wouldn't reimburse the other locality for a car payment. Then, Senator Gray asked Rep. Rhodes if this information would address the car payment concern as well.

**Rep. Rhodes** replied yes. She mentioned following a national guideline to set a cap on what a municipality can set. Instead of a specific limit, Rep. Rhodes requests that the amendment include an eligibility requirement, similar to that of other national programs.

### **Sarah Burke Cohen, NH Municipal Association**

- The New Hampshire Municipal Association opposes the underlying bill but supports the Senator Gray amendment.
- The organization agrees that the local option of proof of residency is a local control issue, but disagrees with the limit cap because they believe it will lead to litigation due to the NH Constitution and various case law.
- The organization agrees with Amendment 0775s, which keeps the local option allowing towns to provide their own process for establishing proof of residency.
- Believes the amendment offers guardrails on how assistance is supported.

**Senator Long** raised a concern regarding respect for our homeless population, specifically questioning how residency status would be proven. Senator Long added to his first question on whether the municipality can turn down domestic violence claims if they had not been recorded or reported. Could that be a reason for a municipality to say they don't believe the claim of domestic violence?

**Ms. Burke Cohen** questioned to whom Senator Long referred when reporting.

**Senator Long** responded with police or other enforcement agencies.

**Senator Gray** said that line 30 provides the answer to Senator Long’s question. He explained that line 30 is “with verification from a domestic violence center or services as identified in RSA 173:1.”

**Senator Long** responded to Senator Gray and asked whether that includes stalking, sexual assault, and human trafficking.

**Senator Gray** replied yes.

**Senator Rochefort** mentioned SB 441 and then asked Ms. Burke Cohen what she believed was wrong with that bill.

**Ms. Burke Cohen** said she would provide her input, but ultimately deferred the question to local welfare administrators. She noted that a fair hearing process focused on an individual's “intent” can be problematic, as it lacks a method to verify if the applicant is lying without substantial evidence. So a fair hearing official would be making a decision based on a person's “intent”.

**Senator Rochefort** replied that determining whether an applicant's word is truthful is not the main purpose of a hearing. Everyone has different perspectives, and assuming that everyone would lie in hearings shows a lack of understanding of these perspectives.

**Ms. Burke Cohen** replied that evidence is necessary for a fair hearing. Without it, municipalities will argue over intent. She gave an example of debating whether someone intended to move from Littleton to Berlin. Ms. Burke Cohen suggested that Todd Marsh might be better suited to answer that question.

**Senator Gray** pointed to the 72-hour period in the amendment, which ensures that someone in need will not be without assistance within that 72-hour period.

**Ms. Burke Cohen** said that is her understanding as well.

#### **Stephen Tower NH Legal Assistance**

- Mr. Tower mentioned that he has been involved in discussions with the Local Welfare Administrators regarding this bill.
- The primary issue in the bill is the gap that occurs when a residency application is denied. Mr. Tower described a scenario: if someone who previously lived in Tilton was evicted and then decided to stay in a hotel in Northfield and applied for assistance in Northfield, obtaining help could be difficult because Northfield’s town hall might reasonably believe that the person is not a genuine resident of Northfield. Conversely, Tilton could argue that without a current lease or utility bill in Tilton, the person has no access to assistance from either town. Mr. Tower explained that this problem is caused by a gap in the language.
- The 72-hour assistance is helpful, but a gap remains. It states that a town may request a fair hearing, but it isn’t required to. The issue is that there's a disincentive to request one because if they don't, they only need to cover

assistance for three days. Mr. Tower believes this could be fixed with some additional language.

- Mr. Tower said he agrees with the financial guardrail guidelines.
- Mr. Tower stated that he suggests altering the label for domestic violence. He also mentioned that “special consideration granted” is too vague.
- Mr. Tower explained that, from his broad perspective, if there are residency requirements, then anytime there is a residency dispute, there is a potential for families and seniors who will go without assistance.

### **Judith Jones, New Futures and The NH Alliance for Healthy Aging**

- Older adults are experiencing poverty at higher rates than other groups since COVID.
- If the goal is to get assistance to the individuals who need it, the majority of those needing it will be older adults.
- Ms. Jones stated her testimony is on behalf of the small group in Antrim who her organization spoke to who need the help, and individuals who do not have an easy way to ask for the assistance.

### **Sam Hawkins, NAMI NH**

- Opposes this bill.
- Mr. Hawkins pointed out that unnecessary barriers exist for those in need to overcome.
- Incarceration, residential treatment, and hospitalization create challenges in collecting documents to prove residency and reentering the community. For these individuals in a vulnerable state, asking them to gather this information quickly could put them at risk.

**Senator Long** inquired of Mr. Hawkins about his impression of the hearing process regarding the amendment and asked if he found it easier to handle than the bill.

**Mr. Hawkins** said he didn't have time to review the amendment and wanted to focus again on the idea that the obstacles are burdensome for someone in need of assistance.

### **Jennifer Chisholm, NH Coalition to End Homelessness**

- The organization is concerned about the bill and the amendment.
- She explained that people experiencing homelessness often lack access to the documents required for proving residency.
- Ms. Chisholm highlighted her experience in case management and outreach and explained that often the people she works with don't have cars, and if they did, they often had vehicles registered to addresses where they did not live, like a friend's or family member's residence.

- Appreciates that the amendment expands documents, but it still excludes homeless populations who are not connected with service providers or are afraid of repercussions from the justice system, such as losing custody of their children.
- The 72-hour assistance program is concerning because it's not enough time to navigate the system and organize the documentation. The bill isn't fair because of the time constraints.

**Nick Taylor, Housing Action New Hampshire**

- Mr. Taylor opposes the underlying bill and the parts of the amendment that involve documentation requirements and the 72-hour requirement. This shifts the burden of proof to the applicant rather than relying on the fair hearing process.
- Mr. Taylor emphasizes the importance of ensuring you are a resident of the town where you receive aid, but the problem is the burden shifting from the fair hearing to the applicant.
- Mr. Taylor referenced Senator Rochefort for mentioning SB 441 earlier for relevance.
- If there are issues in the hearing process, those issues should be addressed there rather than used to challenge applicants.
- Mr. Taylor stated that maintaining strict control over whether individuals fleeing domestic violence or homelessness is very challenging.

**Senator Long** asked whether Mr. Taylor is familiar with SB 441.

**Mr. Taylor** said he is vaguely familiar.

**Senator Long** explained that it is a request for a hearing. He then questioned what Mr. Taylor thinks of that.

**Mr. Taylor** replied that it seems like a better approach rather than imposing the burden on the applicant to provide the documentation within the 72-hour window. He reiterated his position by emphasizing the importance of making the hearing process more effective.

**Todd Marsh, President of the New Hampshire Local Welfare Administrators Association**

- The Association opposes this bill as passed by the House.
- Mr. Marsh stressed that the easiest way to maintain the current law is by leaving it unchanged. Although RSA 165:1 has some issues, it is still the clearest option within the current framework. However, if this bill is to move on, he believes there needs to be practical guardrails.
- Mr. Marsh praised the amendment introduced by Senator Gray for its ability to establish a more practical middle ground to offer temporary assistance.
- We need to allow a fair process for unconventional residency changes.

- Mr. Marsh stated that the amendment has a practical dispute process.
- Limits make sense as a way to support against extremes.
- The association will support the bill if the current law remains unchanged. They are also open to modifying the language of the intermunicipal agreement if there is interest. Additionally, if there is a desire to go further, the association will support Senator Gray's amendment.
- Mr. Marsh said that the association would like to be involved in the ongoing process of working on this.

**Senator Long** pointed out that people at the homeless shelter in Manchester are issued driver's licenses and noted that those with a driver's license list an address of 39 Beach Street in Manchester. He then asked if Mr. Marsh agrees that having this address on the license does not necessarily confirm residency, as the person may not actually live at that address.

**Mr. Marsh** replied that he agreed with that, and under current law, homeless shelters or warming centers do not constitute residency for local assistance purposes.

**Senator Rochefort** inquired about what the HHS committee got wrong with SB 441.

**Mr. Marsh** mentioned that he doesn't think the committee got SB 441 wrong, but that its language aligns more closely with SB 348. Without the amendment, a fair hearing official would have to infer "intent" without supporting documents. Generally, decisions will hinge solely on "intent" unless specific exceptions apply. Even if the individual has been present for 24 hours, references to "intent to stay" will take precedence over other factors. Under current law, Town A would lose 90% of hearings if the person states, "Yes, I came from that town, but I've been here for 24 hours, and I intend to stay here."