

# **Local Welfare Updates: A Guide for Municipalities**



*An Advisory of the New Hampshire Municipal Association  
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## **Summary of Changes Pursuant to [2026 Chapter Law 81 \(HB 348\)](#) and [2026 Chapter Law 54 \(SB 401\)](#)**

**Amendments to RSA chapter 165, addressing residency and financial responsibility for local welfare assistance, temporary emergency assistance, and financial standards for allowable costs in local welfare guidelines:**

[2026 Chapter Law 81](#) (HB 348) amends several sections of RSA chapter 165, including an expanded and internally renumbered RSA 165:1, a new RSA 165:1-f, and an expanded RSA 165:2-a.

### ***Which municipality is responsible for the costs of assistance provided to an assisted person?***

The town or city in which the assisted person “has residence for local welfare purposes, as defined in RSA 165:1 and RSA 21:6-a,” has financial responsibility for welfare assistance. RSA 165:2-a, I. As explained further below, another municipality may actually be required to provide assistance in the first instance, but if the assisted person is determined to be a resident of another municipality, the municipality of residency may be required to reimburse the municipality that provided the assistance.

RSA 165:1 does not specifically include a definition of “residence,” although as described in the next section, it does now provide municipalities with an option to require certain kinds of proof of residency as part of a complete application for assistance. RSA 21:6-a, for its part, continues to define “residence” and “residency” as “a person’s place of abode or domicile. The place of abode or domicile is that designated by a person as his or her principal place of physical presence 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.”

In any case, however, RSA 165:1, III now provides that non-residents who have left their municipality of origin due to domestic violence, stalking, sexual assault, or human trafficking shall not be disqualified due to residency.

***What new options do municipalities have under these new provisions regarding residency?***

Towns and cities may now amend the eligibility criteria in their welfare guidelines to require an individual to provide proof of residency prior to being approved for assistance. If proof of residency is required, the following list of documentation must be included as acceptable proof in the guidelines unless the welfare official identifies specific, substantiated evidence contradicting that particular documentation or attestation:

- (1) A current lease, car registration, utility bill, or any government or court issued document with an address matching the stated physical residency dated within the last 60 days.
- (2) Attestation of the person's residency on official agency letterhead, which includes the last date of contact, and is signed and dated by one of the following authorized officials:
  - a. The welfare official
  - b. A state or local law enforcement or fire official
  - c. An emergency medical services provider
  - d. A local third party social services provider having an existing service relationship with the applicant.

If such a provision is added to the eligibility criteria in the local welfare guidelines, welfare officials may require this proof of residency as part of the application process to help them determine residency.

***What are municipalities required to do under these new provisions?***

***A. Adopt and Update Financial Standards for Assistance in Local Guidelines***

As amended RSA 165:1, IV(a) now requires the local welfare guidelines adopted by the municipal governing body (select board, town council, city council/board of aldermen) to include financial standards and requires that these standards be reviewed annually going forward and adjusted as necessary. These standards can be used as a tool when setting the local welfare budget for the coming year. The governing body must establish these standards to outline allowable amounts for basic allowable costs, reflecting prevailing local market costs by household size. The standards must be based on objective cost information that is publicly available or issued by service providers or governmental entities.

While the financial standards are supposed to guide the provision of assistance in a municipality, there is some flexibility built into the system to account for special situations. First, allowable costs for permanent housing shall not be construed to govern temporary emergency housing assistance (because that might make it very difficult to provide meaningful temporary emergency help). Temporary emergency housing assistance shall be evaluated using local or regional market rates applicable to available temporary emergency housing placements at the time of the emergency. RSA 165:1, IV(a). In addition, nothing in the new RSA 165:1, IV or RSA 165:1-f shall be construed to prohibit the local welfare official from authorizing, on a documented, case-by-case basis, a deviation from the financial standards as necessary to relieve a basic needs emergency or avert a more costly future need for assistance, provided that no less costly available alternative is sufficient. RSA 165:1, IV(b).

***B. Provide temporary emergency assistance for up to 6 days:***

When a person is temporarily in the municipality, **or** if the applicant needs time to obtain proof of residency or to complete an application for assistance in their municipality of origin, **or** if time is needed to coordinate with the person's municipality of origin, a new section RSA 165:1-f requires the welfare official to provide temporary emergency assistance for up to 6 days "as necessary to relieve a basic needs emergency." If the municipality initiates the new intermunicipal hearing process under RSA 165:2-a to determine residency and financial responsibility (discussed in the next section), then the temporary emergency assistance must continue until a final decision on residency or responsibility is rendered by the hearing officer, provided the individual remains in compliance with the host municipality's general welfare guidelines. The statute helpfully clarifies that the provision of temporary emergency assistance does not, for local welfare purposes, establish residency in the municipality where the emergency assistance is provided.

***C. Participate in an inter-municipal process to determine residency and/or financial responsibility for an assisted person:***

Although inter-municipal cooperation was good working practice before, RSA 165:2-a, II now requires that, whenever any city or town provides welfare assistance to any person who is believed to be a resident of another municipality (in New Hampshire or elsewhere), the assisting municipality shall:

- (a) Contact the welfare official for the alleged municipality of residency to seek reimbursement for the costs of relieving and maintaining the applicant; or
- (b) Request the municipality of residency undertake ongoing relief and maintenance of the person according to the municipality of residency's welfare guidelines; or

- (c) Request a hearing to determine the residency of the assisted person (if the matter cannot be resolved through one-on-one discussions).

If discussions do not resolve the matter, a hearing will be conducted by an agreed-upon current or former welfare official of a third (unrelated) municipality who consents to do it, or by an attorney familiar with RSA Chapter 165. The hearing will be conducted according to the fair hearing provisions in the welfare guidelines of the alleged municipality of residency, except that the hearing may be conducted by telephone or video conference by agreement of the participants. If the hearing results in a determination that another municipality is responsible for providing the assistance (i.e., other than the one that had been providing it), the responsible municipality is required to reimburse the assisting municipality for the costs of assistance previously rendered at the rate consistent with the responsible municipality's welfare guidelines. The responsible municipality shall also either (a) continue to reimburse the assisting municipality so long as the person remains in need of assistance, or (b) take over relief and maintenance of the assisted person themselves according to their own welfare guidelines. RSA 165:2-a.

***D. Update welfare guidelines to inform applicants about referrals of residency disputes to the inter-municipal hearing process:***

Local welfare guidelines are now required to include a statement describing the municipality's policy for referring residency disputes to the inter-municipal hearing process pursuant to RSA 165:2-a (described above) when an applicant is believed to be a resident of another municipality. RSA 165:1, II(f). The statement might say something like the following:

If an applicant's residency is questioned in terms of which municipality has financial responsibility for the applicant, they will be provided temporary emergency assistance for up to 6 days as necessary to relieve a basic needs emergency. During this period, residency will be determined, and the completion of the application will be coordinated. If the municipality initiates the inter-municipal hearing process under RSA 165:2-a to determine residency or financial responsibility, temporary emergency assistance will be extended as needed until a final decision on residency or responsibility is rendered by the hearing officer pursuant to RSA 165:2-a, III, provided that the applicant remains in compliance with the municipality's welfare assistance guidelines.

**Effective Date: July 21, 2026**

**Statutes amended: RSA 165:1; RSA 165:1-f; RSA 165:2-a**

**Amendment to RSA 41:46, duties of local welfare officer:**

[2026 Chapter Law 54](#) (SB 401) amends RSA 41:46, duties of the local welfare officer, to remove an obsolete reporting requirement. The statute no longer requires welfare

officers to file an annual report to DHHS of the number of people assisted that year and the costs incurred for that assistance.

**Effective Date: May 8, 2026**

**Statute amended: RSA 41:46**