



June 24, 2026

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The Art of Welfare

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NHMA's Legal Advisory Service



NHMA

Open 8:30 a.m. – 4:30 p.m.

- Email: legalinquiries@nhmunicipal.org
- Phone: 603-224-7447

Provide general legal advice

- Not comprehensive legal review of documents,
- Not drafting individualized ordinances or charters,
- Not reviewing specific applications before local boards,
- Not settle intra-municipal disputes.

Goal: Response w/in 48 hours.

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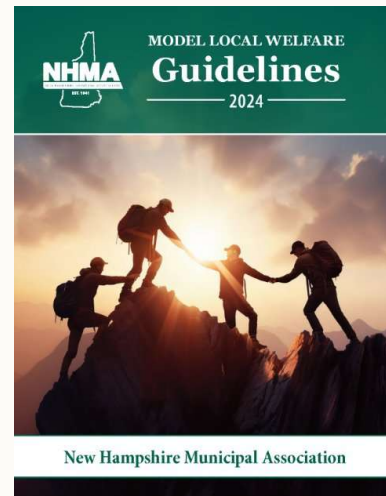


Model Welfare Guidelines 2024

34 pages of general guidance
on how to draft Local Welfare
Guidelines

Four appendices

23 separate welfare
administration forms



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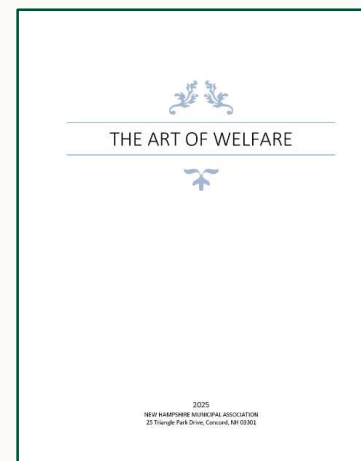


The Art of Welfare Handbook

— pages providing general
guidance on welfare
administration

Model Fair Hearing Rules of
Procedure

Fair Hearings information for
the applicant



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Agenda



Duty to Provide Assistance &
Liability Protections



Application & Aid Process



NH Local Welfare Trends/Hot
Topics

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Duty to Provide Assistance & Liability Protection

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Overseer/Administrator of Welfare

- Towns may elect an Overseer of Welfare, RSA 41:2
- Select Board may handle duties themselves or delegate to a Town Manager or to an appointed Welfare Administrator
- Duties include:
 - Keep records of the assisted people
 - Assist applicants in applying, verifying, and recertifying information
 - NOTE: annual reporting to DHHS has been abolished

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Two Categories of Assistance

Categorical Assistance Programs

- Often federally funded
- Sometimes state funded
- Always centrally administered

Local/General Assistance

- Locally funded and administered
- One of N.H.'s oldest statutes, originating in England's Poor Laws of 1601
- Present throughout New Hampshire's existence, including during Great Depression, and upheld as lawful

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Access to Local Assistance

- 1. Welfare administrator available, or access to the welfare program (including application) during business hours, 5 days per week
- 2. Meet with applicants virtually or by email when it is impossible for applicant or representative to apply in person
- 3. In an emergency, a person should be able to receive aid for which they are eligible within 72 hours of making application
- 4. If emergency aid can be provided in under 72 hours, it should be

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What Is the Ultimate Duty?

- RSA 165:1, I: “Whenever a person in any town is poor and unable to support themselves, they shall be relieved and maintained by the overseers of public welfare of such town, in accordance with this chapter.”
- RSA 165:2-a: “The financial responsibility for general assistance for assisted persons shall be the responsibility of the town or city in which the person making application *has residence for local welfare purposes, as defined in RSA 165:1 and RSA 21:6-a....*” (NEW)

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Local Duty

- RSA Chapter 165 places the responsibility of local welfare squarely on the local town/city.
- Importantly, that chapter contains no limitation on the overall amount or duration of this obligation.
- Realistically, a good budget-setting process will estimate the amount to be expended in the coming year, but that doesn't affect the actual amount the municipality must spend. It may end up being more or less than the estimate, depending upon need.

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Local Duty, continued

- “Financial need and an inability to support one’s self are the sole criteria for eligibility.” *Baker-Chaput v. Cammett*, 406 F. Supp. 1134 (D.N.H. 1976) (citing *Town of Poplin v. Town of Hawke*, 8 N.H. 305 (1836); *Glidden v. Town of Unity*, 30 N.H. 104, 122 (1855)).
- “The standardless administration of general assistance places the hungry and the poor at the administrator’s whim...” therefore written guidelines are required. *Baker-Chaput v. Cammett*.
- RSA 165:1, II requires the **governing body** to adopt written guidelines for the administration of assistance.

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Residence

- RSA 21:6-a: Residence, residency, abode, domicile is “that designated by a person as his or her principal place of physical residence to the exclusion of all others.”
- It is not 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.
- Non-resident who has left town of origin due to domestic violence, stalking, sexual assault or human trafficking shall not be disqualified due to residency. RSA 165:1, III. (**NEW** as of 7/21/2026)

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Residence, continued

- Local guidelines may now require proof of residency “prior to being approved for such assistance.” RSA 165:1, II(b) (**NEW** as of 7/21/2026)
- The following **must** be considered “acceptable proof” of residency unless there is specific, substantiated evidence contradicting the documentation or attestation:
 - Current lease, car registration, utility bill, or any government/court-issued document with an address matching the stated address, dated within past 60 days
 - Attestation on official agency letterhead from welfare official, law enforcement, fire official, EMT, or local 3rd party social services provider with current relationship

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Residence, continued

- RSA 165:1-f (**NEW** as of 7/21/2026)
- Temporary emergency assistance must be provided for up to 6 days “as necessary to relieve a basic needs emergency”
 - To people “temporarily” in the town or city; and
 - While an applicant is obtaining proof of residency, completing application for assistance with municipality of origin (if not yours), or coordinating with municipality of origin; and
 - During pendency of inter-municipal dispute resolution to determine residency
- Provision of emergency temporary assistance does NOT establish residence for welfare purposes

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What about Non-US Citizens?

- Municipalities may have some limited obligation to provide welfare assistance to non-US citizens.
- Model Welfare Guidelines: The welfare officer may, in his/her sole discretion, provide limited emergency life safety needs assistance to non-citizens not otherwise eligible for general assistance.
- Non-citizens may also be eligible for general assistance for treatment of an emergency medical condition.
- Can require proof of eligibility
- Not eligible for assistance: a non-citizen who isn't
 - Qualified alien under 8 U.S.C.A. 1641
 - Non-immigrant under federal Immigration & Nationality Act
 - Alien paroled into the US for less than 1 year under 8 U.S.C.A. 1621(a)

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Guidelines: RSA 165:1, II

- Guidelines shall include, but not be limited to:
 - a. The process to apply for local assistance
 - b. The criteria for determining eligibility (which may include requirement for proof of residence)
 - c. The process to appeal a decision regarding assistance
 - d. The process for the application of rents under RSA 165:4-b, if the municipality uses those offset provisions

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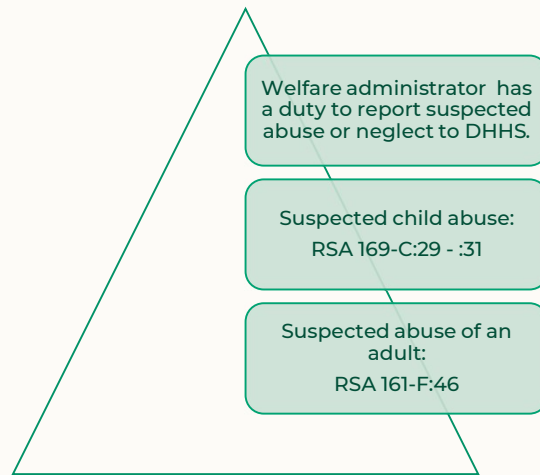


Guidelines, continued

- e. Statement that qualified state assistance reductions under RSA 167:82, VIII may be deemed as income, if governing body has adopted RSA 165:1-e
- f. A statement describing the municipality's policy for referring residency disputes to the inter-municipal hearing process when an applicant is believed to be a resident of another municipality
(*To be discussed later today...*)

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Duty to Report Abuse & Neglect



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Assistance to Veterans



Veteran who served in qualifying conflict and was honorably discharged

If poor and unable to support themselves and their dependent family

Entitled to be supported, along with spouse & family, in own home or other place, RSA 165:5

Be provided a decent burial if assisted at time of death or estate is insufficient to do it, RSA 165:16

NH Office of Veterans' Services, 1-800-622-9230

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Burials/Cremations

- Person who is assisted at the time of death is entitled to be “decently” buried or cremated at town’s expense, RSA 165:3
- Assisted person in county nursing home, at expense of municipality where they last resided before nursing home, RSA 165:3
- Veterans (assisted or insufficient estate)
- What about people who were not assisted?

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Liability Protections

- RSA 31:104: Protects select board members and overseers of public welfare from civil damages for any vote, resolution, or decision made by said person acting in their official capacity in good faith and within the scope of their authority.
- RSA 31:105: Governing body may vote to indemnify officials and employees from personal financial loss, including attorney’s fees & costs, arising out of any claim, etc., by reason of negligence or other act resulting in accidental injury/property damage if acting within the scope of employment or office.

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Liability Protections, cont'd

- RSA 31:106: Municipality shall indemnify employees and officials (including welfare officials) from personal financial loss, including attorney's fees & costs, arising out of any claim arising from any act or omission constituting a violation of civil rights, so long as the act was not committed with malice and the person was acting within the scope of their employment or office.

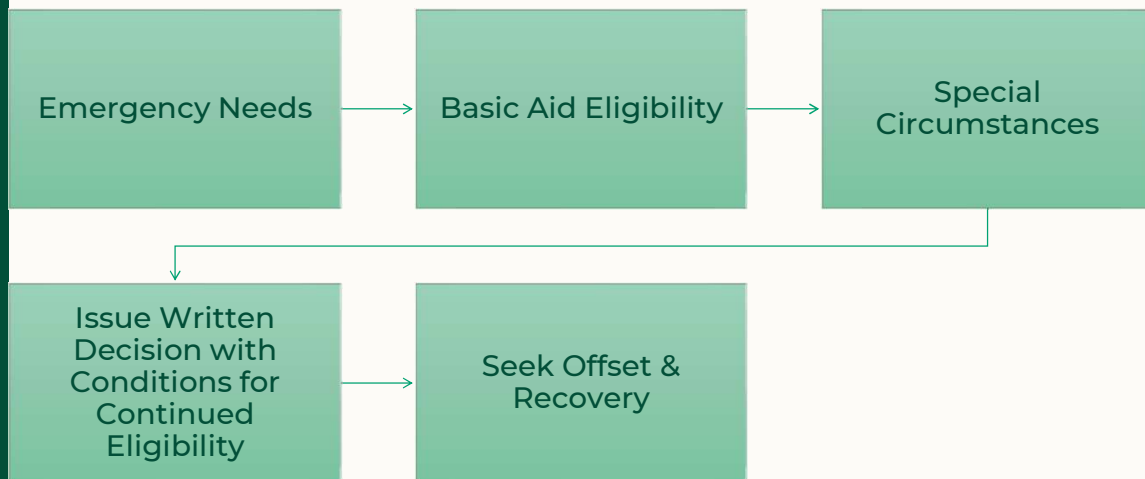
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Application and Aid Process

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Basic Welfare Assistance Process



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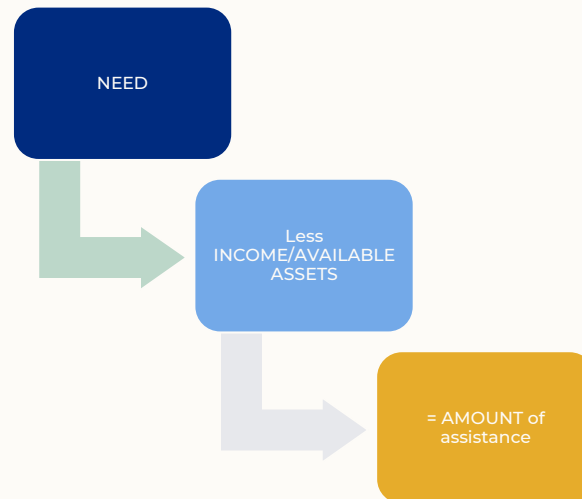
Application Process



- Information to provide to applicant
- RSA 165:1, II(a) – local guidelines describe process
- Responsibilities of applicant – provide information, provide doctor's statement, keep appointments, apply for other assistance, work program
- Continuity – has person applied for assistance in the past?

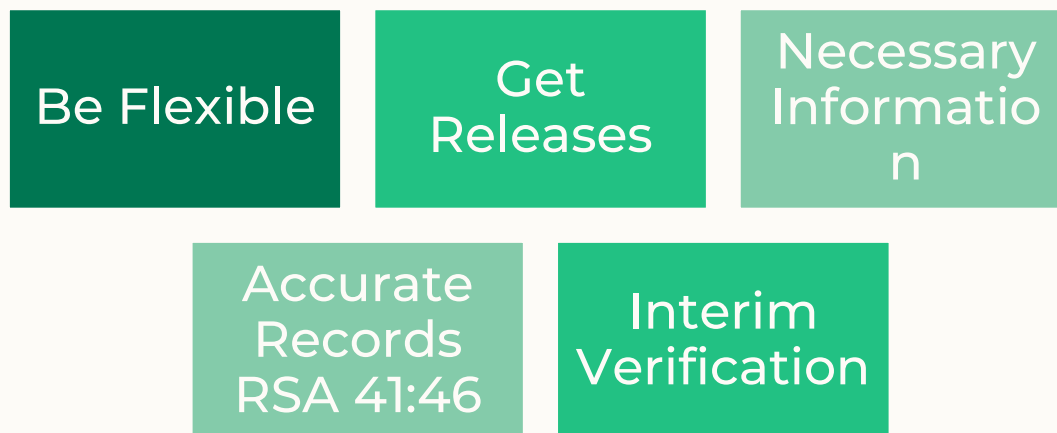
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Basic Formula for Local Assistance



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Determining Eligibility



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NH GAP (General Assistance Program)

A professional software package known as NH GAP (NH General Assistance Program) has been available since 11/01/14. NH GAP may provide your community more effective, efficient, and uniform local welfare administration, including standard decision printouts, case notes, statistics, shared applicant contacts with other NH GAP users, and much more. Information on this system, including pricing based on municipal population, can be obtained from Stonehill Municipal Solutions at:

GAPSupport@shms.us.

Website: www.shms.us/software.html

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Income that Can Be Counted:

Social Security

Veteran's Benefits

Gifts, Lottery Winnings,
Etc.

Unemployment Benefits

Child Support

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Income that CANNOT Be Counted:

SNAP
(Supplemental
Nutrition
Assistance
Program)

Fuel Assistance

What about
APTD??

What about
OAA??

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Level & Form of Assistance

- Mathematical
- No limits on time or amount
- Use vouchers, RSA 165:1, V
- Set conditions, RSA 165:1-b

PAYMENT VOUCHER	
PV No. # 001	Date: _____
Sum of Request: _____	
In Words: _____	
Paid To: _____	
On Account of: _____	
Prepared By: _____	Received By: _____



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Temporary Assistance for Nonresidents – RSA 165:1-c

- Person temporarily in a town/city where they don't live (and don't intend to) "shall" be provided temporary assistance as is reasonable & necessary
- May return them to their residence
- Temporary urgent assistance may need to be provided to meet basic needs for transient people. Municipalities must communicate and coordinate, including reimbursements from place of origin under RSA 165:2-a.

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Temporary Assistance, cont'd

- Hospital, correctional facility, treatment program center, or hotel/motel paid by municipality or service provider does not change residence
- "Emergency housing" under RSA 126-A:30 doesn't change residence, EXCEPT:
 - Leave emergency housing on their own & are homeless, or removed for non-compliance, no change in residency status for 30 days
 - Self-pay 30 days w/o assistance, residency transfers to new municipality
- *(we'll discuss RSA 165:1-f re: temp assistance later)*

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Rental Payments

- No eviction notice required before providing assistance with rent, RSA 165:4-c
- Application of assistance to landlord's delinquent accounts, RSA 165:4-a
 - If landlord of assisted person has arrearages in municipal tax or utility accounts, governing body can approve application of rental assistance to that delinquency
 - Same or different property rented to client
- Guidelines must first include rules for this, priority of bills to be offset, notice to landlord, RSA 165:4-b



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Utilities & Paying Arrearages



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Making the Decision

Making a
Decision

Timing?
Emergency?

Written
Notice of
Decision

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Financial Disclosures

Financial
Disclosures

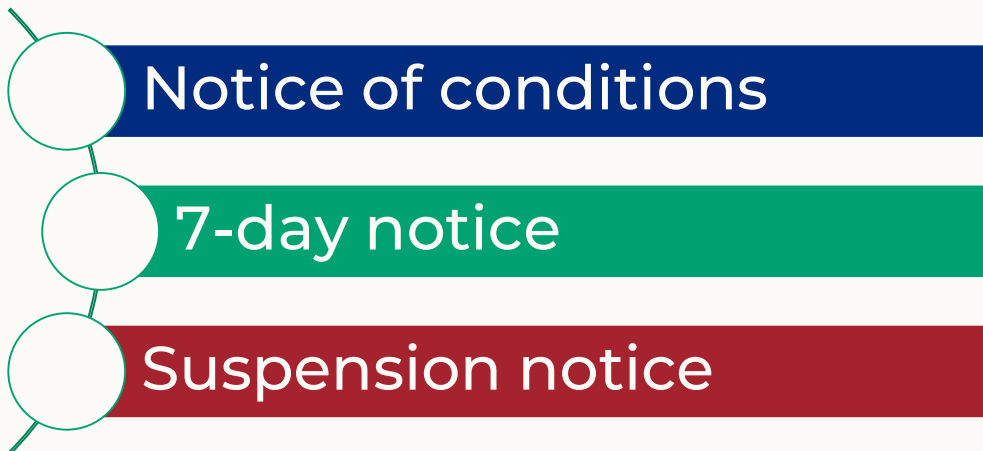
Impose
conditions

Apply for aid

Job search/Workfare
program

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Disqualification, RSA 165:1-b



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Disqualification, RSA 165:1-b



Any person otherwise eligible for assistance under this chapter shall become ineligible to receive such assistance if he willfully fails to comply with written guidelines adopted by the governing body of the town or city relating to:

- a) Disclosures of income, resources, or other material financial data;
- b) Participation in a work program authorized under this chapter;
- c) Reasonable work search; or
- d) Application with other public assistance agencies

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Disqualification Procedure

- Before suspending/withholding aid, must provide:
 - Written notice explaining actions required for compliance; and
 - 7-day period to comply after receiving such notice.
- No compliance within the 7 days, may issue written notice of ineligibility or suspension. Notice must list the guidelines being violated, actions required for compliance, and notice of right to request hearing within 5 days.
- If hearing is requested, continue assistance pending outcome of hearing in accordance with prior eligibility determination.
- Length of suspension/ineligibility:
 - 7 days
 - If within 6 months after the end of a prior suspension, 14 days.
 - If client continues to be out of compliance as stated in suspension notice at the end of the suspension period, it will continue until they comply.

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Other Reasons for Disqualification

- Voluntary quit without good cause, RSA 165:1-d
- QSAR, RSA 165:1-e
- Transfers of property, RSA 165:2-b



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Fair Hearings



WHAT

WHY

WHEN

HOW

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Recovery of Assistance



Liens on Real
Estate – RSA
165:28

Legally Liable
Relatives - RSA
165:19

Repayment by
Assisted Person
– RSA 165:20-b

Recovery from
Town of
Residence – RSA
165:20 & 165:20-a

Judgments and
Settlements –
RSA 165:28-a &
RSA 281-A:52

Workfare
Program as
Offset – RSA
165:31

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Reimbursement from SSI Recovery by Client

- Seek reimbursement by Social Security Administration for interim local assistance while client awaits SSI, see form in packet
- Fill out form, have notarized, mail to NHDHHS Office of Business Ops, Bureau of Finance
- When client qualifies for SSI, state will process payment for the town from the retroactive check received from SSA, less 8% processing fee

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HOT TOPICS & NEW DEVELOPMENTS

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Allowable Costs – What Level?

- Welfare guidelines must include financial standards, including allowable amounts for basic allowable costs. RSA 165:1. IV(a) (**NEW** as of 7/21/26)
- Must review standards annually and adjust to reflect changes in local market costs
- Must reflect “prevailing local market costs by household size”
- Must be based on objective cost information which is publicly available or issued by service providers or governmental entities
- Evaluate costs of temporary emergency housing placements using local/regional market rates for available temporary emergency housing placements at the time, not based on allowable amounts for permanent housing, which may be different

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Allowable Costs – What Level?

- Deviation may be necessary – but DOCUMENT IT
- RSA 165:1, IV(b) –welfare official is not prohibited from authorizing, on a documented, case-by-case basis, a deviation 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
 - Any deviation shall not be construed to create an entitlement and shall not be considered precedential

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Resolving Residency Disputes

- Ultimate financial responsibility for local assistance falls to the town or city in which the person “has residence for local welfare purposes, as defined in RSA 165:1 and RSA 21:6-a” (except RSA 165:1-c re: temp housing)
- However, that doesn’t mean denying assistance to a person who is present in your town or city
 - It may mean providing assistance and recovering it from the town of residence
 - It may mean temporary assistance while residency is being sorted out

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Temporary Assistance

- RSA 165:1-f (**NEW** as of 7/21/2026)
- Temporary emergency assistance must be provided for up to 6 days “as necessary to relieve a basic needs emergency”
 - To people “temporarily” in the town or city; and
 - While an applicant is obtaining proof of residency, completing application for assistance with municipality of origin (if not yours), or coordinating with municipality of origin; and
 - **During pendency of inter-municipal dispute resolution to determine residency**
- Provision of emergency temporary assistance does NOT establish residence for welfare purposes

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Residency Hearings, RSA 165:2-a

- When a town/city assists a person they believe to be a resident of another municipality (in or out of NH), the assisting municipality SHALL:
 - Contact the welfare official for the other municipality to seek reimbursement for costs of assistance provided
 - Request municipality of residence undertake ongoing relief of the applicant pursuant to its own guidelines
 - OR, request a hearing to determine residency
- If reimbursement is provided and/or the other municipality agrees to pick up the responsibility for assistance, end of process.

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Residency Hearings cont'd, RSA 165:2-a

- If no agreement, then a hearing is held on the issue
- Hearing officer – “agreed-upon” current or former welfare official of a 3rd municipality or attorney familiar w/welfare
- Use fair hearing provisions of alleged town of residency (same process as ordinary fair hearings)
- May be conducted by telephone or video conference
- If hearing officer determines person is a resident of the second municipality, that municipality shall:
 - Reimburse the 1st municipality for costs of assistance already rendered, at 1st municipality's rates, and
 - Either continue reimbursing while assistance needed, or assume all assistance (and 1st municipality is finished)

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Applicants Eligible for Other Assistance

- Situation: Person loses other assistance or fails to renew it (such as Section 8 housing), then comes to local welfare office for assistance.
 - Can you deny assistance because they are unhoused due to their own failure to renew housing? *NO*
 - Can you make application/follow-through on the other assistance a condition of assistance from you? *YES*
 - Provide a reasonable time for them to comply
 - Require they accept the other assistance
 - If they don't comply, then you can move to disqualify

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Issues with Welfare Liens

- RSA 165:28 – Lien on real estate owned by assisted person for the costs of assistance
- No superpriority of this lien (not a tax lien)
 - However, tell the tax collector so they know!
- This means that any lien, mortgage, or other encumbrance on the real estate that was already recorded at the time of the welfare lien has higher priority and can wipe it out
- What if a bank forecloses?
 - Town's position depends on whether mortgage was recorded before or after lien

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Issues with Welfare Liens

- Must the lien be recorded? Statute says “except for just cause”
 - Perhaps person who was displaced due to domestic violence and needed assistance – would that be just cause not to place lien?
- Must the 6% interest be charged? No – governing body can vote to waive it.
- Must someone pay the lien when property is sold or owner dies? No, but they usually want to so that the title will be clear.
 - If they don't, town can sue to enforce lien.

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Homelessness: HUD's Definition

- **Category 1** - Individual or family who lacks a fixed, regular, and adequate nighttime residence.
- **Category 2** - Individual or family who will imminently lose their primary nighttime residence.
- **Category 3** - Unaccompanied youth under 25 years of age, or families with Category 3 children and youth, who do not otherwise qualify as homeless
- **Category 4** - Any individual or family who: (i) Is fleeing, or is attempting to flee, domestic violence; (ii) Has no other residence; and (iii) Lacks the resources or support networks to obtain other permanent housing

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NH Duty to Assist the Unhoused

- **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.
- **165:1-c Nonresidents.** – Any person, poor and unable to support himself, who is temporarily in a town or city which is not his residence, and who does not intend to make it his residence, shall be provided such temporary assistance as is reasonable and necessary by such town or city. Such town or city may, if requested, cause such person to be returned to his residence.

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Vehicle Registration - Unhoused

261:52-c Registration or Re-Registration by Residents Without a Permanent Street Address. –

I. A resident who is homeless without a permanent street address at the time of registration or re-registration may register a vehicle by certifying to the department in writing that he or she is currently resident in the town or city and by providing a letter signed by an authorized representative of a social service organization or agency qualified under section 501(c)(3) of the Internal Revenue Code stating that the person is authorized to use the mailing address of the organization or agency for purposes of contact by the department.

II. A certification of current residency and a current letter authorizing the use of the mailing address of a qualified social service agency or organization shall be submitted to the department in connection with every registration made under this section. The director shall provide the form on which the certification is made.

III. Residency for the purposes of this section shall be defined as the expressed intention to continue to reside in the municipality.

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Emergency Shelter Situations

- When shelter placement is considered, be mindful of employment location, distance from children's school and ongoing medical appointments
- McKinney-Vento Act – federal law that requires local school district to provide education to homeless student, and/or pay for cost of transportation to prior school district
- Shelters do not constitute residency for local welfare purposes
- Do not mislead an applicant that a shelter has accepted them when the shelter has not. "Would you like us to explore homeless shelter options for you?" is different than "You can go to Bridge Over Troubled Water Shelter today" if it has not been confirmed
- Share basic information about the shelters you refer to. This can minimize anxiety and conflict. "It is a house in a residential area. Families have their own rooms, there is a shared kitchen, showers, laundry facilities, and it has case management services to help you get out of the shelter."

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Working with Shelters

- Many shelters will have a per night or per week fee to be charged to the referring municipality
- Consider adding a local emergency shelter(s) to annual budget for support of area non-profits that serve your community
- Municipal funding of emergency housing shelters helps build and maintain referral relationships with them.
- Clear written decisions to clients regarding shelter referral entries, including expectations of shelter program compliance. "Comply with shelter rules and policies, including case management expectations."

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Homelessness Resources

Homeless Assistance & Prevention Services

The Bureau of Housing Supports assists with connecting individuals and families who are currently homeless or are at risk of becoming homeless with emergency sheltering and ongoing housing support and services.

Contact: NH 2-1-1

Bureau of Housing Supports

Address: 105 Pleasant Street, Concord, NH 03301

Email Address: dhhs.bhhs@dhhs.nh.gov

Office Phone: 603-271-9196

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When Animals Are Involved

- RSA 167-D:1: "Service animal" = any dog individually trained to do work or perform tasks to benefit an individual with a disability. Emotional support animal is not a service animal.
- Very likely a housing provider cannot exclude a service animal, and thus neither could the municipal welfare department
- RSA 167-D:4: It is lawful for any service animal to accompany his or her handler or trainer into any public facility, **housing accommodation**, or place of public accommodation to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.
- Under the ADA – people can ask (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform?
- Hotel/motel, any federally-funded housing projects, may not exclude them.

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**Thank You for
Attending!**