

## CHAPTER 193

### WELFARE GUIDELINES

**[HISTORY: Adopted by the Board of Selectmen of the Town of Pembroke 6-7-1993. Amendments noted where applicable.]**

#### § 193-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**APPLICANT** - A person who expresses a desire to receive general assistance.

**APPLICATION** - Written action by which a person requests assistance from a Welfare Official.

**ASSETS** - All cash, real property and future assets owned by the applicant.

**CASE RECORD** - Official files containing forms, correspondence and narrative records pertaining to the application with determination of eligibility, reasons for decisions and kinds of assistance rendered.

**ELIGIBILITY** - Determination by a Welfare Official with assistance of statutes and guidelines of a person's poverty and inability to support herself/himself and therefore the need for general assistance.

**FAIR HEARING** - Hearing which an applicant can request to contest a denial, termination or reduction of assistance. A hearing must be before an impartial person/persons who have no prior knowledge of the case.

**MINOR** - A person who has not attained the age of 18 years.

**RESIDENT-INHABITANT** - A resident or inhabitant or both of this state and of any city, town or other political subdivision of this state shall be a person who is domiciled or has a place of abode or both in this state and in any city, town or other political subdivision of this state, and who has, through all of his actions, demonstrated a current intent to designate that place of abode as his principal place of physical presence for the indefinite future to the exclusion of all others. (RSA 21:6-a and RSA 615:1-l.)

**WELFARE OFFICIAL** - The official of the town or city, or his/her designee, who performs the function of administering general assistance. Such person has the

authority to make all decisions regarding the granting of assistance under RSA 165, subject to the overall fiscal responsibility vested in the Board of Selectmen and Town Administrator. (RSA 165:2.)

### **§ 193-2 Confidentiality (RSA 165:2-c; RSA 91: A).**

Information given by or concerning an applicant is considered confidential and privileged information. It will not be released or discussed without written permission of the client except when disclosure is required by law or is for purposes directly connected with the administration of welfare.

### **§ 193-3 Maintenance of records (RSA 41:46).**

A. Each Welfare Official is required by law to keep complete records concerning the number of persons given assistance and the cost for such support. Separate case records should be kept for each individual or family applying for assistance.

B. The purposes for keeping such records are:

- (1) To provide a valid basis of accounting for expenditures of the town's funds;
- (2) To support decisions concerning the applicant's eligibility (especially important if a Welfare Official should be required to prove in court that the assistance was granted equitably);
- (3) To assure availability of information if the applicant seeks administrative or judicial review of the Welfare Official's decision;
- (4) To provide accurate statistical information;
- (5) To provide a complete history of client's assistance for purposes of determining residence under RSA 21:6a;
- (6) To allow a smooth transition of information if the recipient is transferred to some other legally liable unit.

C. The following minimum information should be maintained in the case record:

- (1) Completed application;
- (2) Grounds for approval or denial;

- (3) Notice of decision;
- (4) Narrative history recording need for relief, results of home visits, referrals, changes in status, grounds for release of information, etc.

## **§ 193-4 Application process.**

### A. Right to apply.

- (1) Any person may apply for general assistance by completing a written application form. If more than one adult resides in the household, they all may be required to file separate written applications. A denial of benefits shall include notification of the right to a hearing if the applicant is dissatisfied with the determination of eligibility.
- (2) The Welfare Official shall not be required to accept an application for general assistance from a person who is subject to a suspension, pursuant to § 193-10. Any person who contests a determination of continuing noncompliance may request a fair hearing. (RSA 165:1-b VI.)

### B. Welfare Official's responsibility at time of application. When application for general assistance is made, the Welfare Official should inform the applicant of:

- (1) The requirement of having an appointment to conduct a personal interview and to complete a written application;
- (2) Eligibility requirements;
- (3) Applicant's right to review and how the review may be obtained;
- (4) Applicant's responsibility for reporting all facts necessary to determine eligibility and presenting records and documents to support statements;
- (5) Joint responsibility of Welfare Official and applicant for exploring facts concerning eligibility, needs and resources;
- (6) Kinds of verification needed;
- (7) The fact that an investigation will be conducted in order to substantiate the facts and statements as presented by the applicant; a home visit may be conducted when it is determined necessary to help substantiate the needs of the applicant or when there is reasonable cause to do so;

- (8) Applicant's responsibility for notifying Welfare Official of any change in circumstances that will affect eligibility;
- (9) Other forms of assistance for which the applicant may be eligible;
- (10) Requirement for placing a lien on any real property owned by the recipient for any assistance given and other settlements;

C. Applicant's responsibilities.

- (1) The applicant's responsibilities are as follows:
  - (a) To provide accurate, complete and current information concerning needs and resources and the whereabouts and circumstances of responsible relatives;
  - (b) To notify Welfare Official within 72 hours when there is a change in needs or resources, a change of address or a change in the members of the household;
  - (c) To apply for and utilize immediately but no later than one week from application any benefits or resources, public or private, that will reduce or eliminate the need for general assistance;
  - (d) To keep appointments as scheduled;
  - (e) To diligently search for employment and provide verification of work search, contacting at least four places of employment per day and to accept employment when offered; providing the Welfare Official with acceptable employment verification within seven days of hire;
  - (f) To participate in the Welfare Work Program if physically and mentally able;
  - (g) To provide a doctor's statement if person claims inability to work caused by medical problems;
  - (h) To provide records and other pertinent information and access to said records and information when requested;
  - (i) To diligently work towards independence of local welfare assistance through employment or other forms of public assistance;
  - (j) To reimburse assistance granted as outlined in RSA 165.

(2) An applicant may be denied assistance or assistance may be suspended if s/he fails to fulfill any of these responsibilities.

(3) Any person may be denied assistance, or assistance may be suspended, or may be prosecuted for a criminal offense, who, by means of intentional false statements, or intentional misrepresentation, either in writing or orally, or by impersonation or other willfully fraudulent act or device, obtains or attempts to obtain assistance.

D. Action on applications.

(1) Unless application is withdrawn, the Welfare Official will make a decision within 72 hours in the case of an emergency or within five working days after receipt of a completed written application. In circumstances where required records are not readily available, the Welfare Official may, at his/her discretion, temporarily approve aid pending receipt of required documents, but shall not extend aid beyond one week. If such records are totally unavailable, the Welfare Official should not insist on documentary verification.

(2) When a decision has been made, the applicant will be issued a notice of decision stating that assistance of a certain amount has been granted or denied with reasons for said denial. The notice of decision shall also contain information regarding the client's right to appeal an adverse decision and procedures to follow.

### **§ 193-5 Determination of eligibility.**

A. Legal standard. The RSA 165 reads "Whenever a person in any town shall be poor and unable to support himself, he shall be relieved and maintained by the overseer of the public welfare of such town."

(1) "Whenever" means at whatever time that person is unable to support herself/himself.

(a) The Welfare Official should be available each working day;

(b) Eligibility should be determined at the time of receipt of the application in an emergency or within five working days from the time of the appointment with the Welfare Official;

(c) Assistance should be granted as soon as eligibility has been determined.

- (2) "Poor and unable to support" means an individual lacks money or material possessions to adequately provide necessities for himself or family (need - income and available assets = general assistance).
- (3) "Relieved" means a person shall be assisted, as the Welfare Official shall determine, to meet these basic needs.
- (4) "Maintained" means to be continued on assistance as long as eligible.

B. Nonfinancial eligibility factors.

- (1) Age. Age is not a factor in determining whether a person is eligible for assistance. However, age does make certain persons eligible for other kinds of assistance, i.e., social security, old age assistance, TANF or foster care.
- (2) Residence. "Residence" 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 shall not be interrupted or lost by a temporary absence from it, if there is an intent to return to such residence as the principal place of physical presence. (RSA 21:6a.)
- (3) Support actions. No applicant shall be compelled as a condition of eligibility or receipt of assistance to take legal action against another person. The town, city or county may pursue legally liable persons or entities pursuant to RSA 165:19 and 165:20.
- (4) Eligibility for categorical assistance. Applicants who are eligible for other forms of public assistance must apply for such assistance immediately but no later than one week after being advised to do so by the Welfare Official. Failure to do so may render person ineligible for assistance. Only in extraordinary circumstances will a person receiving another form of public assistance also be considered as potentially eligible for general assistance. Once a person is being aided by another form of public assistance s/he is expected to comply with all requests pertaining to staying eligible with that public assistance. Requests shall include keeping all appointments and passing in all information and verifications in a timely manner.
- (5) Employment. A person gainfully employed, but whose income and assets are not sufficient to meet necessary family expenses, may be eligible to receive assistance. However, applicants who without good cause refuse suitable employment, participation on the Welfare Work Program or who voluntarily leave a job may be ineligible for assistance. In determining whether a refusal has good cause, the ability, physical and

mental capacity of the person, transportation problems, working conditions that might involve risks to health and safety or other factors that might make refusing a job reasonable will be considered.

(6) Registration with the New Hampshire Department of Employment Security (DES) and work search. Registration with DES is necessary for initial eligibility for general assistance; all recipients and adult members of the family are required to register with the Department of Employment Security immediately. In addition, a work search form must be completed indicating the recipient has contacted four businesses each day. These requirements shall apply unless the recipient or adult member of the family is:

- (a) Gainfully employed;
- (b) A dependent regularly attending high school;
- (c) Unable to work due to illness or disability;
- (d) Required at home because of illness or disability of another member of the family;

(7) Available liquid assets. Cash on hand, bank-deposit, credit union accounts and securities are available liquid assets. Insurance policies with a loan value and nonessential personal property may be considered as available assets when they may be converted into cash. You should liquidate all available nonessential assets. A reasonable amount of time shall be allowed for such conversion. Tools of the trade, farm equipment, other equipment used for production of income and necessary household goods are essential items of personal property which should not be considered as available assets.

(8) Automobile ownership. Ownership of one automobile does not affect eligibility and is not included in determining personal property if it is essential for transportation to seek employment, to procure medical services or its use is essential to the maintenance of the individual or the family. Maintenance of said vehicle, however, is not generally considered when doing the budget calculations.

(9) Insurance. There is no limitation on the ownership of insurance, but an insurance policy with a loan value shall be considered an available asset.

(10) Real estate. The type and amount of real estate owned by an applicant does not effect eligibility, although rent or other such income

from property should be considered as available to meet needs. Persons owning real property other than that occupied as a home should make reasonable efforts to dispose of the property at fair market value in order to convert it into assets which can be applied toward meeting present needs. In such cases further assistance depends on whether reasonable efforts are being made to dispose of the real estate. Applicants should be made aware that the town shall file a lien against any real estate owned by a recipient of local assistance.

(11) Students. College students are not eligible for local assistance by virtue of the fact they are refusing full-time employment, which would make public assistance unnecessary; or are eligible for financial aid for students through other resources.

C. Verification. Verification of the number of persons in the applicant's family, income, value of available resources, rent or mortgage expenses, utilities, work history and medical conditions are required. Further verification may be made when declarations are unclear or inconsistent. If such records are not available at time of the initial application, some information may be provided verbally if deemed appropriate; however, the applicant must produce the required records within one week of the initial application.

(1) Verification may be made through records provided by the applicant such as rent receipts, birth and marriage certificates, pay stubs, bank books, doctors' certificates, DES cards, etc.

(2) When verification is necessary through other sources such as relatives, employers, banks, schools, governmental agencies, etc., the applicant will be requested to sign a release of information form authorizing those agencies to provide the information necessary, unless the Welfare Official has reasonable grounds to suspect fraud. In the case of possible fraud, reasons should be carefully recorded and the applicant should be given an opportunity to clarify the situation. The applicant should be told what information will be needed, how it will be used and the necessity of obtaining it in order to establish eligibility.

(3) If the applicant refuses consent and is unwilling to have the Welfare Official seek further information at any time that is necessary, assistance may be denied. When the applicant is denied, s/he must also be informed of her/his right to a fair hearing.

## **§ 193-6 Eligibility standards.**

- A. Expenses. To determine an applicant's standard of need, a budget sheet is figured, adding allowable expenses, and subtracting net income.
- B. Length of eligibility. Assistance is authorized on an as-needed basis and is not continued automatically. The length of assistance varies from a few days to a week, depending on the need. The applicant is expected to contact this office each time assistance is requested and the circumstances are reviewed to determine further eligibility.
- C. Allowable expenses.
  - (1) Food. Vouchers may be provided when:
    - (a) Food pantries or other resources are not available.
    - (b) The household is eligible for food stamps but needs food during the period between application and receipt of stamps.
    - (c) The household received food stamps but its stamps or food supply has been destroyed by fire or other disaster.
  - (2) Housing.
    - (a) The amount to be included as need for shelter is the cost of rent or mortgage necessary to actually provide shelter. Such cost shall be determined by the fair market rates of the town.
    - (b) Shelter arrearage will be included in the need formula if, and only if, such payment is necessary to prevent eviction or foreclosure or to protect the health and safety of the household. However, if the amount of such mortgage or rental arrearage substantially exceeds the cost of alternative, available housing which complies with local health and housing code standards, or the payment of arrears will not prevent eviction or foreclosure, the Welfare Official may instead authorize payment of rent for such alternative housing if, under the circumstances of the case, it is reasonable to do so.
    - (c) Additionally, local shelters may be utilized as deemed necessary and appropriate as a form of relief.
  - (3) Utilities. When computing a budget sheet, if not included in the rent, the actual current monthly cost for gas, electricity, oil, etc., shall be used.

The town will not pay arrearage except in emergency situations when negotiations fail and discontinuation of service is imminent. **"Emergency" means a situation not arising from any action or lack of action by the client.**

(4) Medical expenses. The town will pay for prescriptions if verification is received from the doctor and said costs are not covered by other resources. Generally, the town will not provide for medical, dental or eye services unless written documentation is submitted by a licensed doctor or dentist indicating these services are absolutely necessary and cannot be postponed without running a significant risk that the applicant's life will be placed in serious jeopardy. All other available resources shall be investigated prior to consideration of such requests for aid.

(5) Maintenance allowance. Applicants may include, in calculating "need," the costs of providing personal and household necessities in the amount not to exceed Pembroke guidelines.

(6) Transportation. If the Welfare Official determines that transportation is necessary for health or medical reasons, to maintain employment or to comply with conditions of assistance, i.e., doing a job search or applying for other public benefits, gasoline should be included as part of the need when determining eligibility or amount of aid.

(7) Payment levels. The local governing body shall establish and maintain maximum payment levels for various allowable expenses, i.e., shelter, maintenance, burial. The maximum payment level for any particular allowable expense shall be based on actual local market conditions and costs.

D. Reportable income.

(1) Earned income. Income in cash or in kind earned by the applicant and any member of the family through wages, salary, commission or profit, whether self-employed or as an employee, is to be included. Rent income and profits from produce sold are in this category. For those self-employed, total profit is determined by subtracting business expenses from gross income. When income consists of wages, the amount computed should be that available after mandatory deductions. Wages that are trusted or income similarly unavailable should not be considered.

(2) Income or support from relatives. Contributions from relatives should be considered as income only if actually received. According to RSA 165:19 applicants must contact the necessary family members.

- (3) Income from other assistance. State categorical assistance benefits, OASDI payments, social security, VA benefits, unemployment compensation and payments from other government sources should be considered as income.
- (4) Court ordered support payments. Alimony and child support payments should be considered as income only if actually received.
- (5) Income from other sources. Payment from pensions, trust funds and the like should be considered income. Any income actually available to the applicant from any members of the household should be considered as income.
- (6) Earnings of a child. No inquiry shall be made into the earnings of a child 17 years of age or less unless that child in fact makes a regular and substantial contribution to the family.
- (7) Qualified State Assistance Reduction (QSAR). Amounts incurred by clients who have failed to comply with state employment program work requirements will be classified as income. Total or partial QSAR amount will be waived only if inclusion of such amount presents an immediate threat to the health and safety of children in the household. **[Added 10-21-1996 by Ordinance No. 96-21]**

### § 193-7 Welfare Work Program.

According to RSA 165:31, anyone receiving general assistance may be required to work for the town at any available bona fide job that is within her/his capacity.

- A. Any person who, without good cause, fails to participate in the Welfare Work Program shall be ineligible for assistance.
- B. Exceptions to the work requirement are as follows:
  - (1) Gainfully employed;
  - (2) Unable to work due to illness or disability;
  - (3) Required at home because of illness or disability of another member of the household; doctors statement required

C. Compensation for services rendered is made exclusively by credit to existing assistance granted balance and is reimbursement for assistance rendered.

D. Required hours are based on the amount of aid rendered and are figured at no less than the applicable minimum wage established by law.

E. Persons assigned to the Work Program are required to work on a part-time basis, not more than four hours per day, in order to allow time during the day to keep appointments, secure employment, etc.

#### **§ 193-8 Burials (RSA 165:3).**

Payment for burial of town indigents is limited to \$750 and is paid only if relatives, other persons, the state, social security or other sources will not cover the expenses.

#### **§ 193-9 Liens.**

The Town of Pembroke has the right to place a lien on a client's property when assisting under the category of G general relief per RSA 165:28, with a six-percent annual interest rate commencing one year after the date of the filing of the lien.

#### **§ 193-10 First notices; noncompliance; sanctions.**

A. Any person otherwise eligible for assistance shall become ineligible to receive such assistance under RSA 165:1b if s/he fails to comply with written guidelines adopted by the governing body of the town or city relating to:

- (1) Failure to provide written verification of income, resources, or other material financial data;
- (2) Failure to participate on the Welfare Work Program as assigned by Welfare Official;
- (3) Failure to provide verification of work search as authorized by Welfare Official;
- (4) Failure to apply for other public assistance which would alleviate the need for general assistance.

- (5) Failure to comply with any or all notice of decision and or first notice requirements.
- B. No person shall be found ineligible for assistance or suspended from assistance until he has been given:
- (1) A written notice stating those specific actions he must take in order to comply; and
  - (2) A seven-day period within which to comply after receiving such notice.
- C. If a person does not comply within the seven days, the Town of Pembroke may issue to the person a written notice that the person is ineligible for assistance or suspended from assistance. The written notice shall include a list of guidelines with which the person is not in compliance, those actions necessary for compliance and written notice of the opportunity to request a hearing within five days.
- D. If such person requests a hearing, the Town of Pembroke shall give him/her an opportunity to continue to receive assistance pending the outcome of the hearing, in accordance with any prior eligibility determination.
- E. The period of ineligibility or suspension shall be seven days; provided, however, that any such suspension within six months after the end of any prior suspension period shall be for 14 days; and provided further that if upon the expiration of the seven-day or fourteen-day disqualification period the person continues to fail to carry out the specific actions set forth in the notice required, the disqualification shall continue until such person complies.
- F. The Welfare Official shall not be required to accept an application for general assistance from a person who is subject to disqualification or suspension under this section; provided, however, that in the event such disqualification or suspension continues beyond the seven- or fourteen-day period due to continued noncompliance pursuant to Subsection D, and there is a dispute over a contention by such person that he has satisfactorily complied with the requirements set forth in the notice, such person shall be given an opportunity to request a hearing to determine that issue, but Subsection D shall not apply to such a hearing.
- G. Any person sanctioned by NH Department of Health and Human Services under RSA 167:82 and rules adopted there under may be sanctioned to the same sanction by a political subdivision under RSA 165.
- H. Disqualification For Voluntary Termination of Employment – Public assistance applicants, who voluntarily leave a job without good cause within sixty days of applying for local welfare and having received local assistance within the

past 365 days, may be disqualified from receiving assistance for 90 days from the date of voluntary quit. Such sanction shall not affect applicants who are responsible for supporting minor children within their household or those mentally or physically unable to work. Any sanctioned applicant must have received prior notice that a voluntary job quit without good cause may result in a temporary eligibility cut off. Likewise, they must receive a written application and a notice of decision. RSA 165:1-d

### **§ 193-11 Right to notice of adverse action.**

All persons have a constitutional right to be free of unfair, arbitrary or unreasonable action taken by local government. This includes applicants for general assistance who have been denied.

A. Notice required.

- (1) Each applicant must be given a written notice of decision regarding assistance.
- (2) Whenever a decision is made to grant or deny assistance, following completion of an application, the notice shall be given immediately or within five working days from the date of the interview.

B. Contents of notice.

- (1) Where assistance is granted, the notice shall state the amount and type of aid and the time period covered.
- (2) Where assistance is denied, the notice shall contain:
  - (a) Reason for denial;
  - (b) A statement advising the individual of her/his right to a fair hearing and procedures to follow;
  - (c) A form on which the individual may request a fair hearing;
  - (d) A statement advising the individual of the time limits which must be met in order to receive a fair hearing.

## **§ 193-12 Fair hearings.**

A. A request for a fair hearing is a written expression by the applicant to the effect that s/he wants an opportunity to present the case to a higher authority.

B. The Fair Hearing Officer(s) shall be an odd number, shall be impartial and shall be chosen by the Town Administrator or his representative. The person(s) serving must:

- (1) Not have participated in the decision causing the dissatisfaction;
- (2) Be sufficiently skilled in interviewing to be able to obtain evidence and the facts necessary for a fair determination;
- (3) Be capable of evaluating all evidence fairly and realistically, to explain the laws and regulations under which the Welfare Official operated and to interpret any unsound, unclear or inequitable policies, practices or actions.

C. The limit for request for hearings.

- (1) When an application is denied, a request for a fair hearing must be received within five days of the denial.
- (2) Hearings requested by applicants must be held within seven working days of the receipt of the request. The Welfare Official shall give the notice to the individual setting forth the time and location of the hearing. Notice must be given to the applicant 48 hours in advance or by mail at least 72 hours in advance.

D. Procedures at the hearing.

- (1) The fair hearing will be opened with a presentation of the issues to be discussed by the Fair Hearing Authority. All fair hearings will:
  - (a) Be conducted in such a manner as to insure due process of law;
  - (b) Allow the claimant to review the file prior to the hearing and to introduce documents and evidence which shall become a part of the record;
  - (c) Allow the Welfare Official the right to examine all documents which the claimant plans to introduce prior to the hearing;

- (d) Be conducted in private and will be open only to the claimant, witnesses, authorized representatives, the Welfare Official and/or his/her agent;
- (e) Require the burden of proof to be on the party challenging the decision;
- (f) Require the Welfare Official or his/her agent to attend the hearing and testify as to the actions taken and reasons therefore [sic];
- (g) Give both parties the opportunity to offer evidence and explain their positions as fully and completely as they wish in an informal manner without adherence to strict rules of legal procedures.

(2) The decision of the Fair Hearing Officer(s) must be based solely on the record. Evidence both written and oral which is admitted at the hearing shall be the sole contents of the record. The Hearing Officer(s) shall not review the case record or other evidence prior to the introduction at the hearing.

#### E. Decisions.

- (1) Fair hearing decisions shall be rendered within five working days of the hearing. Decisions shall be in writing, setting forth reasons for the decision and the facts on which the officer(s) relied in reaching the decision. A dated copy shall be delivered or mailed to the claimant and the Welfare Official.
- (2) The Welfare Official shall keep all fair hearings on file.
- (3) None of the procedures specified herein shall limit any right of the applicant to subsequent court action to review or challenge the adverse decision.
- (4) Failure to attend a fair hearing on the client's part will result in a judgment of default.

**§ 193-13 Procedure for billing and recovering from governmental unit of residence or relatives (RSA 165:19 and 165:20).**

A. The amount of assistance rendered by the town to support a person who has a residence in another municipality or has a father, mother, stepfather, stepmother, husband, wife or child (who is no longer a minor) of sufficient ability

to also support the assisted person may be recovered from the municipality of residence or the liable relative. Sufficient ability shall be deemed to exist when the relative's weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health. Written notice of money spent in support of an assisted person must be given to the liable relative. The Welfare Official shall make reasonable efforts to give such written notice prior to the giving of aid, but aid to which an applicant is entitled under these guidelines shall not be delayed due to inability to contact possibly liable relatives.

B. A former recipient who is returned to an income status after receiving assistance may be required to reimburse the town for the assistance provided, if such reimbursement can be made without placing the client in jeopardy of needing further general assistance.

C. The amount of money spent by a municipality to support a person who has made initial application for SSI and has signed an interim assistance program reimbursement form shall be recovered through the SSA and Department of Health and Human Services.

D. There shall be no delay, refusal to assist, reduction or termination of assistance while the Welfare Official is pursuing the statutory remedies to secure reimbursement from responsible relatives or from the municipality of residence.

**§ 193-14 Application of rents paid by the municipality (RSA165:4-a).**

A. Whenever the owner of property rented to a person receiving general assistance from the Town of Pembroke is in arrears in sewer, water, electricity or tax payments to the town, the town may apply the assistance which the property owner should have received in payment of rent on behalf of such assisted person to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of property occupied by the assisted person (RSA 165:4-a).

B. A payment shall be considered in arrears if more than 30 days have elapsed since the mailing of the bill, or in the case of real estate taxes, if interest has begun to accrue pursuant to RSA 76:13. (RSA 165:4-a.)

C. Delinquent balances will be offset in order of the following priority:

- (1) Property taxes;
- (2) Sewer fees;

(3) Water charges.

D. Procedure.

(1) The Welfare Officer will issue a voucher on behalf of the tenant to the landlord for the allowed amount of rent. The voucher will indicate any amount to be applied to a delinquent balance owed by the landlord, specifying which delinquency and referring to the authority of RSA 165:4-a.

(2) The Welfare Officer will issue a duplicate voucher to the appropriate department (i.e., Tax Collector, Sewer Department, water precinct, etc.) which shall forward the voucher to the Treasurer or Finance Director for payment. Upon receipt of payment, the department will issue a receipt of payment to the delinquent landlord.

**§ 193-15 Inspection of rental properties.**

A. When a person applies for rent, mortgage, heat or utilities, said dwelling shall be inspected by the Pembroke Code Enforcement Officer to insure that such dwelling meets all applicable building maintenance and life safety and fire codes. Public funds will not be authorized during the time that the dwelling remains in non compliance with safety and fire codes. It is the right of every applicant to reside in decent, safe and sanitary housing.

B. In the event that the dwelling does not meet all applicable life safety and fire codes, a list of violations will be issued to both the property owner and the tenant. The landlord will be given a reasonable amount of time to correct all violations and will contact the Code Enforcement Officer for a "reinspection" to determine whether or not all violations have been addressed.

C. Welfare applicants will not be deemed ineligible for assistance based on their present residence being in violation with health, safety or fire codes. If determined eligible, such assistance may be applied to alternative safe, affordable housing.

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