

# Webinar for CONNECTIONS FOR HEALTH



**Local Welfare Assistance –**

**What You Need to Know**

**During the COVID-19 Crisis (and beyond!)**

# *New Hampshire Legal Assistance*

Elliott Berry is the managing attorney of the Manchester branch law office. He has been with NHLA for over 30 years, during which time he has been involved in most aspects of poverty law.

Candace Cappio Gebhart has been with NHLA for 15 years, working in the Manchester branch office as a litigation paralegal. Candace has 30+ years experience as a paralegal with extensive administrative law experience.

# *New Hampshire Legal Assistance*

## How to Help Your Clients Apply for Legal Help

Call New Hampshire Legal Assistance, Senior Law Project  
@ 1-888-353-9944

Clients may also choose to do an online intake, anytime  
@ the Legal Advice and Referral Center (“LARC”)

<http://www.nhlegalaid.org>

# *New Hampshire Legal Assistance*

This presentation is intended to serve as a general orientation to the topic of Local Welfare assistance. It is not intended to provide specific legal advice on particular situations. Please encourage your clients to contact NHLA @ 1-800-353-9944 or complete an application @LARC, [www.nhlegalaid.org](http://www.nhlegalaid.org).

If you have a question that is not answered today, please contact

- Elliott Berry, [eberry@nhla.org](mailto:eberry@nhla.org) or
- Candace Cappio Gebhart, [cgebhart@nhla.org](mailto:cgebhart@nhla.org)

# *New Hampshire Legal Assistance*

- *What Is Local Welfare?*
- *“Whenever a person in any town is poor and unable to support himself, he shall be relieved and maintained by the overseers of public welfare of such town, whether or not he has residence there.”*
- RSA 165, New Hampshire Revised Statutes Annotated, Chapter 165, is the set of state laws governing each municipality’s local welfare obligations.  
<http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XII-a65.htm>

# *New Hampshire Legal Assistance*

- *What Is “relieved and maintained”?*
- NHLA believes that , at a minimum, “relieved and maintained” means having food, shelter, utilities, and medicine.

# *New Hampshire Legal Assistance*

- Each municipality must adopt its own written guidelines for application procedures, eligibility criteria, and appeal (for an adverse decision).
- Some municipalities make their guidelines available on the municipal website; if requested, the municipality must provide a copy.
- *Everyone has a right to apply*, to request and receive an application!

# *New Hampshire Legal Assistance*

- *Who Is Eligible?*
  - By NH Law, anyone who is “poor and unable to support” him/herself.
  - Financial need and inability to support one’s self are the only lawful criteria for determining eligibility.



# *New Hampshire Legal Assistance*

- Cities and Towns must have objective, written, and ascertainable standards as eligibility criteria, “written guidelines”.
  - Many municipalities use the “Model Welfare Guidelines” prepared by the New Hampshire Municipal Association.
  - The Welfare Administrator uses a “budget worksheet” to determine if the applicant’s “allowable” expenses exceed available income and liquid assets. If so, the applicant is eligible.

# *New Hampshire Legal Assistance*

- *What Are Allowable Expenses?*
  - *Food*
  - *Shelter*
  - *Utilities*
  - *Medical Expenses*

# *New Hampshire Legal Assistance*

- *Allowable Expenses, “other”*
- “Other” expenses that are needed to maintain the applicant such as car payments, gasoline for commuting or transporting children to medical appointments.

# *New Hampshire Legal Assistance*

- *What Is “Available” Income?*
  - Net Earnings
    - State or Federal financial assistance
      - Income from friends, relatives
        - Child Support (if actually regularly received)
- Does not include food stamps or fuel assistance!
- Does not include Economic Impact Payments!

# *New Hampshire Legal Assistance*

- *What Must the Municipality Provide?*
- Basic Needs (food shelter, utilities, medicine, etc.)
- Assistance must be provided timely
  - Emergency situations require the municipality to act first, ask questions later
- Assistance must be provided as needed, no limit to applicant's requests and no financial limit on the amount of help provided to each applicant
- Assistance is paid by Voucher, not cash

# *New Hampshire Legal Assistance*

- *How To Advocate for Your Client*

- Review RSA 165
- Review the municipality's written guidelines
- Assist client in completing a written application, be specific about request (“rent”, “electric bill”, “prescription”)
- Assist client in providing documentation
- Insist on a timely written decision

# *New Hampshire Legal Assistance*

- *Local Welfare Offices During the current State of Emergency*
- Municipalities may restrict their process to online, phone, or limited appointment-only services while still responding to emergencies.
  - See, Paragraph 8, Governor's Emergency Order #23 Pursuant to Executive Order 2020-04, Temporary modification of municipal and local government statutory requirements.

# *New Hampshire Legal Assistance*

- *What is considered an EMERGENCY?*
- *If an applicant is:*
  - *Homeless*
  - *Has a medical emergency*
  - *Has no food*
  - *Has lived in a rooming house for less than 90-days*
  - *Lives in a hotel / motel*



# *New Hampshire Legal Assistance*

- *How to Appeal Adverse Decisions*
- Request a Fair Hearing
- If client is currently receiving assistance, ask for that assistance to continue pending the outcome of the Fair Hearing
- Contact NHLA

# *New Hampshire Legal Assistance*

Call New Hampshire Legal Assistance, Senior Law Project  
@ 1-888-353-9944

Clients may also choose to do an online intake, anytime  
@ the Legal Advice and Referral Center (“LARC”)  
<http://www.nhlegalaid.org>

# *New Hampshire Legal Assistance*

- *Questions?*

If you have a question that is not answered today,  
please contact

- Elliott Berry, [eberry@nhla.org](mailto:eberry@nhla.org) or

- Candace Cappio Gebhart, [cgebhart@nhla.org](mailto:cgebhart@nhla.org)

- Following this slide are several information sheets. If you would like a copy of NHLA's FAQs on "Local Welfare" and "Local Welfare and Residency", please send an email to [cgebhart@nhla.org](mailto:cgebhart@nhla.org) with the subject line "LW FAQs. If you would like a copy of the Q&As on the Economic Impact Payments, go to Connections for Health's [CfHnh.org](http://CfHnh.org) and scroll down to the "Income Security" section. Thanks for your participation today!

**FREQUENTLY ASKED QUESTIONS: LOCAL (municipal) WELFARE**  
**PRESENTED BY NEW HAMPSHIRE LEGAL ASSISTANCE**

**1. WHAT'S THE DEAL WITH RESIDENCY?**

Local welfare is available to anyone "in town [who] is poor and unable to support him self ... whether or not he has residence there." It is illegal to deny someone otherwise eligible for local welfare because that person has not lived in town for a long enough period. It is also illegal for a town to tell someone to "go back to where they came from" or to go apply to a different town.

**2. CAN A TOWN REFUSE ASSISTANCE BECAUSE ASSISTANCE WAS GIVEN IN THE PAST?**

No. The only time past assistance may affect current eligibility is if the person failed to comply with previously imposed conditions that were given in writing. (E.g., person failed to do a job search that was previously required.) In such cases a person can be denied an application and/or assistance if the town followed the proper process for suspending eligibility. The number of times a person applied for assistance or received assistance in the past, however, is not a reason to deny eligibility. Likewise, the amount of assistance a person has received in the past is irrelevant to current eligibility.

**3. CAN A TOWN REFUSE ASSISTANCE BECAUSE THE TOWN HAS "GONE OVER BUDGET?"**

No. New Hampshire law requires towns to provide assistance to anyone eligible, whenever the need arises. Towns can be creative in creating assistance that adequately meets the need while also minimizing the financial impact on the town. But it is unlawful to deny assistance based on budget amounts.

**4. CAN A TOWN LIMIT ("CAPPING") THE AMOUNT OF ASSISTANCE PROVIDED?**

No. Towns may establish "allowable expenses" for a particular category of basic living expenses in the area as long as those amounts reasonably reflect the actual costs of living in that area. The total of an applicant's "allowed expenses" will be compared to the applicant's income and assets to determine eligibility. The allowed expenses, however, are not to be used as a "cap" on assistance for any category. Assistance given to a particular person will vary from person to person, but it must always be enough assistance to adequately address the need.

**5. CAN A TOWN MAKE SOMEONE "WORK OFF" ASSISTANCE GIVEN?**

Yes. People receiving assistance can be required to participate in a town "work program" as a condition of continued eligibility. The hourly rate credited for such work must be equal to the prevailing wage for the kind of work required. The amount required for reimbursement by the recipient is reduced by credits received for the work performed.

Specific exemption from a work program requirement is provided for single parents with children under the age of 5 and persons with documented mental or physical disabilities.

**6. CAN SOMEONE BE REQUIRED TO REPAY ASSISTANCE GIVEN?**

Yes, but only if the person has been "returned to an income status ... which enables him to reimburse the town or city without financial hardship."

**7. CAN A TOWN PUT A LIEN ON SOMEONE'S PROPERTY?**

Yes. The law allows a town to place a "welfare lien" on property owned by someone who receives local welfare. This includes manufactured housing units.

The town cannot put a "welfare lien" on property owned by the person's relatives. The town cannot put a lien on personal property (with the exception of property received by a will or the probate process, property settlements or by a civil judgment.)

**8. CAN SOMEONE'S PARENTS BE FORCED TO PROVIDE ASSISTANCE INSTEAD?**

Generally, yes. The statute requires certain relatives (father, mother, stepparent, son/daughter husband/wife) to provide assistance when requested to do so by the town, but only if the relative has the financial means to provide assistance while maintaining their own "standard of decency and health." A relative who has the financial means but refuses to provide assistance can be brought to court by the town. The town, however, should not withhold necessary assistance while fighting it out with the relative.

**9. ARE FUNERAL BENEFITS COVERED?**

Yes. The law requires towns to provide a decent burial or cremation.

**10. CAN A TOWN SEND SOMEONE TO A SHELTER?**

Maybe. Assistance must reasonably meet the needs of the applicant. The reasonableness of sending someone to a shelter will depend on the individual's circumstances.

**11. ARE VETERANS ELIGIBLE FOR LOCAL WELFARE?**

Yes, and in some cases veterans are entitled to enhanced assistance.

**IF YOU HAVE BEEN DENIED**  
**LOCAL WELFARE ASSISTANCE**  
**CONTACT NH LEGAL ASSISTANCE, 223-9750, ext. 4**

**FOR MORE INFORMATION, CONTACT**

**NEW HAMPSHIRE LEGAL ASSISTANCE**

**[www.nhla.org](http://www.nhla.org)**

**OR**

**LEGAL ADVICE & REFERRAL CENTER**  
**WHERE YOU CAN ALSO APPLY FOR FREE HELP ONLINE**

**[www.nhlegalaid.org](http://www.nhlegalaid.org)**

## **FREQUENTLY ASKED QUESTION: LOCAL WELFARE AND RESIDENCY**

PREPARED BY NEW HAMPSHIRE LEGAL ASSISTANCE

### **RESIDENCY**

Local welfare is available to anyone “in town [who] is poor and unable to support [themselves] ... **whether or not he has residence there.**” See, RSA §165:1.

### **NONRESIDENTS**

Local welfare is available to “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.” See, RSA §165:1-c,

**It is illegal to deny someone otherwise eligible for local welfare because that person has not lived in town for a long enough period. It is also illegal for a town to tell someone to “go back to where they came from” or to go apply to a different town.**

RSA 165, or its predecessor laws, have obligated cities and towns in New Hampshire to assist poor persons since Colonial times. For almost the entire time, towns and cities have had disputes about who should assist people in transit from one town to another. The answer has consistently been that an inquiry into residency should not delay or derail an immediate request for assistance.

The poor person may and should apply for assistance to the town in which they are currently located. That town can then apply for reimbursement from the town of residence. See, *Woodes vs. Dennett*, 9 N.H. 55 (1837); *Moultonborough vs. Tuftonborough*, 43 N.H. 316, 318 (1861), which states:

*The duties of the overseers of the poor, to afford relief to all persons found within their town who are poor and stand in need of relief, are clear. It matters little what may be the duties or obligations of others, whether towns or individuals, by nature, by contract, or by statute. If the person is found poor and standing in need of relief, it is to be furnished to him, and it is to be continued until the need ceases* (emphasis added).

There may be some regrettable confusion created by the enactment of RSA 126-A, which states that a person does not gain legal residency in a municipality by virtue of staying in a homeless shelter. However, since **residency is not a requirement for local welfare eligibility**, RSA 126-A:30 is irrelevant.

### **WHO IS ELIGIBLE FOR LOCAL WELFARE ASSISTANCE?**

- Anyone who is “poor and unable to support [them]self”.
- Financial need and inability to support one’s self are the fundamental criteria for determining eligibility.
- City must have objective, written standards as eligibility criteria. Many NH municipalities use the “Model Welfare Guidelines” prepared by the New Hampshire Municipal Association or have developed their own Guidelines.
- Welfare administrator uses a “budget worksheet” to determine whether the applicant’s “allowable” expenses exceed available income and liquid assets. If so, the applicant is eligible.

### **ALLOWABLE EXPENSES**

#### **SHELTER, MEDICAL EXPENSES, FOOD, UTILITIES**

**OTHER EXPENSES** that are needed to maintain the individual or family, such as gasoline and reasonable car payments for essential purposes such as commuting or transporting children to school or medical appointments.

Even if Local Welfare Officer disagrees with how a family has spent money in the past applicant should receive assistance now, with instructions to attempt over time to change situation. For instance, applicant may be asked to apply for publicly subsidized housing.

### **AVAILABLE INCOME**

**NET EARNINGS** from wages + other state and federal financial assistance

**INCLUDES INCOME** from friends, relatives and household members only if actually available to and received by the applicant; **INCLUDES** child support *only if received* by the applicant.

**DOES NOT INCLUDE** food stamps (“SNAP”) or fuel assistance.

**IF YOU HAVE BEEN DENIED LOCAL WELFARE ASSISTANCE  
CONTACT NHLEGAL ASSISTANCE, 223-9750, ext. 4**

**NEW HAMPSHIRE LEGAL ASSISTANCE**

[www.nhla.org](http://www.nhla.org)



Community Action Programs in New Hampshire are committed to continuing to provide critical services to the most vulnerable residents of New Hampshire in the midst of this health crisis in our communities. Below is some information on the status of agency operations and information on how each agency can be contacted.

Each Agency has updated information on services being offered, hours of operation, how to access emergency assistance, etc. on their website:

Community Action Program, Belknap-Merrimack Counties - <https://www.bm-cap.org/>

Community Action Partnership of Strafford County - <https://straftordcap.org/>

Southern New Hampshire Services - <https://www.snhhs.org/>

Southwestern Community Services - <http://www.scshehelps.org/>

Tri-County Community Action Program - <http://www.tccap.org/>

In these unusual circumstances many individuals will be reaching out who have not accessed services from a CAP before. Individuals seeking assistance should call the number listed for the agency serving their area.

In general, all of the major programs which most if not all of the agencies operate are currently being handled in the same way:

- Most offices are closed.
- Head Start is closed.
- FAP applications are being taken remotely.
- Weatherization is assisting with heat emergencies only.
- WIC is assisting clients by phone.
- Workforce programs are serving participants via Zoom and phone, etc.
- Food programs are operating with pick-up only.
- Homelessness prevention programs are operating via phone and email, etc.
- Transportation programs are running generally for "essential services" only, except for Concord Transit which is providing service as usual, using extra cleaning and protocols.
- TCCAP's dental clinic is currently open for emergency services 3 days per week and is taking referrals from ERs and Urgent Care Centers statewide.

#### Members

Southwestern Community Services, Inc., John Manning, Chief Executive Officer, President  
Community Action Partnership of Strafford County, Betsey Andrews Parker, Chief Executive Officer, Vice President  
Southern New Hampshire Services, Inc., Donnalee Lozeau, Executive Director, Secretary-Treasurer  
Tri-County Community Action Program, Inc., Jeanne Robillard, Chief Executive Officer  
Community Action Program, Belknap-Merrimack Counties, Inc., Jeanne Agri, Executive Director

## How do I get my Economic Impact Payment?

### If you are:

- receiving Social Security retirement benefits,
- receiving Social Security Disability or SSI (Supplemental Social Income) benefits, or
- a Veteran who receives Compensation and Pension (C&P) benefit payments from the VA

*your Economic Impact Payment will arrive like your regular benefit payments in your bank account or in the U.S. Mail. You don't need to do anything to get it.*

**BUT if you receive any of the above benefits AND have a dependent child under age 17, you need to take action to get the \$500 payment for each dependent!**

Go to the IRS's official website to provide your dependent's information. Also use that to enter your bank account information if your monthly benefits come to you as a check in the mail, but you want to get your EIP payment faster by having it directly deposited in your bank account. Do this ASAP to get the dependent payments with your payment.

Go to (<https://www.irs.gov/coronavirus/non-filers-enter-payment-info-here>).

### If you filed a tax return in 2018 or 2019:

*your payment will be mailed to you at the address on your most recent tax return or deposited in your bank account, if you included that information on that tax return.*

### If you SHOULD HAVE filed a tax return in 2018 and 2019, but didn't:

*the IRS is advising you to file your tax return as soon as possible to receive your payment (yours and your dependent's). If you use the IRS's "Non-filers: Enter Payment Info" website, the IRS is saying that "will likely slow down processing your tax return and receiving any refund.*

### If you are not required to file tax returns (because your gross income was less than \$12,200 or other reason) and you don't get any of the government benefits listed in the top box above:

*you are eligible for the Economic Impact Payment, but you have to give your bank account information or mailing address to the IRS to get it! Go to the official IRS website to enter your information and information on your dependents under age 17 to receive \$500 for each qualified dependent.*

Go to (<https://www.irs.gov/coronavirus/non-filers-enter-payment-info-here>).

You can check the IRS online tool "[Get My Payment](#)" to check the status of your payment. The Get My Payment data is updated once per day.

### According to the IRS website:

- SSDI/SS recipients will get checks in late April
- SSI recipients will get checks in May

### WARNING!

Watch out for IRS impersonation scams! **The IRS will not call, email or text anyone** about Economic Impact Payments. Those are scams by thieves seeking to steal your bank account or other sensitive data. Do not fall for these scams. Go directly and only to [IRS.gov](https://www.irs.gov) for official information.

## Economic Impact Payments (the COVID government checks) Questions & Answers

### Can I get an Economic Impact Payment?

People can get the full Economic Impact Payment if their (adjusted gross) income is up to \$75,000 for individuals and up to \$150,000 for married couples who file a joint return. (People who make more will get less or nothing. (This Q&A does not apply to people making more than those amounts.)

### How much will I get?

People making less than the amounts above can get \$1,200 for each person or \$2,400 for married couples, and can get \$500 for each qualifying child. Qualifying children are under 17. Other than setting that age limit, the IRS has not said what else, if anything, will qualify a child for this payment.

### When will I get it?

The IRS has stated that it will begin issuing the payments around April 13. The IRS has not issued official notice on which people will get their payments first, but it has said it will take up to 20 weeks to issue them all. Read below how to get your payment as soon as possible.

### How will I get my payment?

Most people will get their payment automatically and do NOT have to do anything, but read information below about bank account information and your mailing address to make sure you get yours.

If you already get Social Security payments, you will get the Economic Impact Payment the same way (direct deposit or by a paper check); you do NOT need to file a tax return.

If you don't get Social Security payments and you have not filed either a 2018 or 2019 tax return, you will need to file a tax return to receive the Economic Impact Payment.

If you filed a tax return in 2018 or 2019, the IRS will use the bank account information you put on your most recent tax return to directly deposit the payment to your bank. If you didn't put your bank information on your tax return, the IRS will send a check to your address on your most recently filed tax return. If you haven't given the IRS your bank account information, keep reading for how you can do that to get your payment faster.

It is not clear yet if people who get SSI (Supplemental Security Insurance) checks will need to file a tax return to get the Economic Impact Payment.

### I didn't file a tax return with the IRS in 2018 or 2019 so where will the IRS send my payment?

The IRS is saying that you will need to file a tax return in order to receive the payment. (Again, if you already receive Social Security checks, you do NOT need to file a tax return; the payment will come to you automatically.) Even if you don't earn enough money to ordinarily need to file a tax return, you'll need to file one this year in order to get the Economic Impact Payment.

You do not have to file a tax return by the July 15, 2020 deadline in order to get the Economic Impact Payment. If you file later in 2020, you may not get the payment as soon as other people do, but you should get a payment eventually since the IRS said these Economic Impact Payments will be available through the end of 2020.

**The IRS cannot keep this payment if you owe back taxes or student loan debt**, but can if you owe back child support.

### I didn't put bank account information on my tax return and/or I have a different address now from the last one I gave the IRS. How do I get my bank account information or a new mailing address to the IRS?

The IRS announced that it will develop a place on its website, a secure portal, in April or May for people to give their banking information safely to the IRS to get your payment faster than through the US mail. The portal will be on the IRS website "IRS.gov". (Scam websites can look close to that so always check to be sure the address starts with those letters exactly.)

If you want to update your address with the IRS, you can fill out a [Change of Address IRS Form 8822](https://www.irs.gov/efile/efilechangeaddress). However, that change may not be processed before the Economic Impact Payments are mailed. The best way to be sure you get your payment as soon as possible is to have it directly deposited into a bank account.

### What's the quickest way to get my check?

The IRS is saying that payments made electronically to bank accounts will get there the fastest. If the IRS doesn't have banking information for you, the check will come through US Mail to you, which will take longer.

### Where can I go for help to file a tax return to get the Economic Impact Payment?

The IRS said it will create an easy process online in late April or May for filing a tax return for people who don't usually have to file one in order to get the Economic Stimulus Payment. Go to <https://www.irs.gov/coronavirus> for information on that when it's available. Or, check back on this document for updated information.

Or, you can file an IRS Form 1040 (the Form 1040EZ doesn't exist anymore) for 2019 (or 2018).

1. Some of the usual Volunteer Income Tax Assistance (VITA) and Tax Counseling for the Elderly (TCE) programs are closed due to COVID-19. Call 800-908-9887 to find an open one near you.
2. You can go to <https://www.irs.gov/efile/efilechangeaddress> for free software to file a tax return yourself. But, do NOT access that website from a public computer or someone might steal your personal information.

### SCAM ALERT! The IRS reminds taxpayers that scammers may:

- Ask the taxpayer to sign over their economic impact payment check to them.
- Ask by phone, email, text, or social media for verification of personal and/or banking information saying that the information is needed to receive or speed up their economic impact payment.
- Suggest that they can get a tax refund or economic impact payment faster by working on the taxpayer's behalf. This scam could be conducted by social media or even in person.
- Mail the taxpayer a bogus check, perhaps in an odd amount, and then tell the taxpayer to call a number or verify information online to cash it.
- Emphasize the words "Stimulus Check" or "Stimulus Payment." The official term is Economic Impact Payment.

### Is the IRS going to email, text, call, or visit me about this?

**NO!** The IRS doesn't communicate with people using email or texts, so if you're getting emails or texts about this payment, it's someone trying to scam you out of your money. The IRS is saying the checks will show up automatically in your bank account or as a paper check in the US Mail so you can just wait for it. **If you get an e-mail or text or phone call saying that you have to go to a website to claim your payment or that there's a problem with your payment- don't believe it! If you see something on Facebook or other social media asking for your personal information or for money in order to get your payment, don't respond or click on any links!** The IRS has only ever communicated with people by sending letters on IRS/Department of Treasury letterhead in the mail. And never give your bank account information or your Social Security Number to someone who calls you out of the blue.

*Note: The IRS has not issued details on how it will handle payments to people whose family situation has changed since they filed their last tax return. Until the IRS says otherwise, you should expect payments to children to go to whoever claimed them on their 2018 or 2019 tax return, whichever was filed most recently. Families with children who are over 16 will not get \$500 for those children; if those children filed their own tax return in 2018 or 2019 that may be how they might receive a payment. Also, only some people who have an ITIN, instead of an SSN, will be eligible for this payment. [Eoc Jobs - https://www.irs.gov/coronavirus](https://www.irs.gov/coronavirus)*