

# **TITLE XII**

## **PUBLIC SAFETY AND WELFARE**

### **CHAPTER 165**

#### **AID TO ASSISTED PERSONS**

##### **Section 165:1**

###### **165:1 Who Entitled; Local Responsibility. –**

I. 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. For the purposes of this chapter the term "residence" shall have the same definition as in RSA 21:6-a.

II. The local governing body, as defined in RSA 672:6, of every town and city in the state shall adopt written guidelines relative to general assistance. The guidelines shall include, but not be limited to, the following:

- (a) The process for application for general assistance.
- (b) The criteria for determining eligibility.
- (c) The process for appealing a decision relative to the granting of general assistance.
- (d) The process for the application of rents under RSA 165:4-b, if the municipality uses the offset provisions of RSA 165:4-a.
- (e) A statement that qualified state assistance reductions under RSA 167:82, VIII may be deemed as income, if the local governing body has permitted the welfare administrator to treat a qualified state assistance reduction as deemed income under RSA 165:1-e.

III. Whenever a town provides assistance under this section, no such assistance shall be provided directly to a person or household in the form of cash payments.

**Source.** RS 66:1. CS 70:1. GS 74:1. GL 82:1. PS 84:1. PL 106:1. RL 124:1. RSA 165:1. 1979, 243:1; 351:2. 1985, 380:2. 1986, 5:2. 1991, 355:56. 1992, 184:1. 1996, 175:2, eff. Aug. 2, 1996.

##### **Section 165:1-a**

**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.

**Source.** 1977, 336:1. 1985, 380:3, eff. Jan. 1, 1986.

## **Section 165:1-b**

### **165:1-b Disqualification for Noncompliance With Guidelines. –**

I. 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) Disclosure 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.

II. No person shall be found ineligible for assistance or suspended from assistance pursuant to paragraph I until he has been given:

- (a) A written notice stating those specific actions he must take in order to comply; and
- (b) A 7-day period within which to comply after receiving such notice.

III. If a person does not comply within the 7 days, the town or city 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 the 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 5 days.

IV. If such person requests a hearing, the town or city shall give him an opportunity to continue to receive assistance, pending the outcome of the hearing, in accordance with any prior eligibility determination.

V. The period of ineligibility or suspension pursuant to this section shall be 7 days; provided, however, that any such suspension within 6 months after the end of any prior suspension period shall be for 14 days; and provided further that if upon the expiration of the 7-day or 14-day disqualification period the person continues to fail to carry out the specific actions set forth in the notice required in paragraph III, the disqualification shall continue until the person complies.

VI. The overseers of public welfare 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 7 or 14-day period due to continued noncompliance pursuant to paragraph IV, and there is a dispute over a contention by such person that he has satisfactorily complied with the requirements set forth in the notice required by paragraph III, such person shall be given an opportunity to request a hearing to determine that issue, but paragraph IV shall not apply to such a hearing.

**Source.** 1985, 106:1. 1986, 142:1, eff. Jan. 1, 1987.

## **Section 165:1-c**

**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.

**Source.** 1985, 380:4, eff. Jan. 1, 1986.

## **Section 165:1-d**

### **165:1-d Disqualification for Voluntary Termination of Employment. –**

I. Any person eligible for assistance under this chapter, who voluntarily terminated employment within the 60-day period before filing an application for assistance, shall be ineligible to receive assistance for 90 days from the date of employment termination, provided the following conditions are met:

(a) The person received general assistance within the last 365 days and was given notice that voluntary termination of employment without good cause could lead to disqualification from receiving general assistance in the future.

(b) There are no minor or dependent children in the person's household which the person is legally responsible for supporting.

(c) At the time of termination of employment, the person did not have a mental or physical impairment which caused such person to be unable to work.

(d) The employment that the person voluntarily terminated consisted of at least 20 hours of work per week, and the person has not become reemployed for at least 2 weeks at a level consisting of at least 20 hours of work per week.

(e) The person did not have good cause for terminating the employment, as defined in paragraph II.

II. Good cause for terminating employment shall include any of the following:

(a) Discrimination by an employer based on age, race, sex, physical or mental disability, religion, or national origin.

(b) Work demands or conditions that render continued employment unreasonable.

(c) Retirement by a person 62 years of age or over or resignation by a person under 62 years of age which is recognized by the employer as retirement.

(d) Employment which becomes unsuitable following the applicant's acceptance of such employment.

(e) Leaving a job in order to accept a bonafide job offer which, because of circumstances beyond the control of the applicant, subsequently either does not materialize or results in employment of fewer than 20 hours per week or weekly earnings of less than the state or federal hourly minimum wage multiplied by 20 hours.

(f) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work, even though employment at the new site has not actually begun.

(g) Leaving a job because of circumstances, such as lack of transportation or a household emergency, which are beyond the control of the applicant to remedy as determined by the overseer of public welfare and which make continued employment impracticable.

(h) Termination of employment for other good cause.

III. The applicant shall be responsible for demonstrating good cause. The welfare officer may offer assistance in obtaining necessary information.

IV. An applicant shall be considered to have voluntarily terminated employment if the applicant fails to report for work without good cause, as defined in paragraph II, resulting in the termination of the applicant's employment. An applicant who is fired or resigns from a job at the request of the employer due to the applicant's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily terminated employment.

V. No person shall be found ineligible for assistance due to a voluntary employment termination unless the applicant has been given a written application for assistance and a written notice stating the reason for the denial of assistance and the specific actions which must be taken in order to reinstate eligibility, along with a written notice of the opportunity to request a hearing within 5 days.

VI. Notwithstanding a voluntary termination without good cause, assistance under this chapter may be given if the welfare officer determines that denial of assistance will put that person or members of the person's household at substantial risk of injury to health or other serious harm, which cannot be avoided or mitigated by other public or private resources.

VII. The provisions of RSA 165:1-b, II-VI shall not apply to persons found ineligible for assistance because of voluntary termination of employment without good cause. However, if at any time during the disqualification period, there is a dispute whether a person has satisfactorily complied with the requirements set forth in the written notice provided for by paragraph V, the person shall be given an opportunity to request a hearing to determine that issue only.

**Source.** 1995, 221:1, eff. Aug. 11, 1995.

### **Section 165:1-e**

**165:1-e Option to Treat a Qualified State Assistance Reduction as Deemed Income.** – The local governing body of a town or city may permit the welfare administrator to deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82, VIII. The following criteria shall apply to any action to deem income under this section:

I. The authority to deem income under this section shall terminate when the qualified state assistance reduction no longer is in effect.

II. Applicants for general assistance may be required to cooperate in obtaining information from the department of health and human services as to the existence and amount of any qualified state assistance reduction. No applicant for general assistance may be considered to be subject to a qualified state assistance reduction unless the existence and amount of the reduction has been confirmed by the department of health and human services.

III. The welfare administrator shall provide the applicant with a written decision which sets forth the amount of any deemed income used to determine eligibility for general assistance.

IV. Whenever necessary to prevent an immediate threat to the health and safety of children in the household, the welfare administrator shall waive that portion, if any, of the qualified state assistance reduction as is necessary.

**Source.** 1996, 175:3, eff. Aug. 2, 1996.

## **Section 165:2**

**165:2 Administration of General Assistance.** – The administrator of town or city welfare in each town or city shall administer general assistance to all persons who are eligible for such assistance as provided under RSA 165:1-a and RSA 165:1-c.

**Source.** 1875, 7:3. GL 269:20. PS 84:7. PL 106:7. RL 124:2. RSA 165:2. 1985, 380:5. 1988, 180:1, eff. June 25, 1988.

### **Section 165:2-a**

**165:2-a Expense of General Assistance.** – The financial responsibility for general assistance for assisted persons shall be the responsibility of the town or city in which the person making application resides, except as otherwise provided in RSA 165:1-c and 165:20-c.

**Source.** 1985, 380:6. 1988, 180:1. 1993, 229:2, eff. July 1, 1993.

### **Section 165:2-b**

**165:2-b Disqualification for Certain Property Transfers.** – No person who is otherwise eligible for assistance under this chapter shall receive such assistance if he has made an assignment, transfer or conveyance of property for the purpose of rendering himself eligible for such assistance within 3 years immediately preceding his application for such assistance.

**Source.** 1985, 380:6, eff. Jan. 1, 1986.

### **Section 165:2-c**

**165:2-c Withholding Names of Recipients of Aid.** – Notwithstanding any other provision of law to the contrary, no town, city or county official shall publish or disclose or allow to be published or disclosed in the annual report of the town, city or county, or in any other document or letter, except as is necessary for and connected with the administration of this chapter, the name, address or any other identifying information of any recipient who is receiving assistance or aid; provided, however, that any taxpayer shall be allowed to see the itemized account of such aid furnished. Any person violating any provision of this section shall be guilty of a violation.

**Source.** 1985, 380:6, eff. Jan. 1, 1986.

## **Section 165:3**

**165:3 Burial or Cremation. –**

I. If an assisted person shall die in any town or city the overseers of public welfare shall cause such person to be decently buried or cremated at the expense of the town or city.

II. Notwithstanding any provision of paragraph I to the contrary, if an assisted person dies in a county nursing home, the overseers of public welfare shall cause such person to be decently buried or cremated at the expense of the town or city in which the assisted person was a resident, as that term is defined in RSA 21:6, on the date on which the assisted person entered the county nursing home.

**Source.** RS 66:7. CS 70:7. GS 74:7. GL 82:7. PS 84:8. PL 106:8. RL 124:3. RSA 165:3. 1985, 380:45, 47. 1993, 308:3. 2000, 202:1, eff. Jan. 1, 2001.

**Section 165:4**

**165:4 Information Regarding Bank Deposits. –** A cashier of a national bank and a treasurer of a savings bank and a trust company may, when requested by an overseer of public welfare of a town or city in the state, furnish to said overseer any information asked relative to the deposit of a person receiving or applying for public support.

**Source.** 1933, 116:1. RL 124:4. RSA 165:4. 1985, 380:45, eff. Jan. 1, 1986.

**Section 165:4-a**

**165:4-a Application of Rents Paid by the Municipality. –** Whenever the owner of property rented to a person receiving assistance under this chapter is in arrears in sewer, water, electricity, or tax payments to the municipality, the municipality may apply, upon approval of the governing body, the assistance which the property owner would 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. For purposes of this section, 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.

**Source.** 1992, 184:2, eff. July 11, 1992.

**Section 165:4-b**

**165:4-b Process for Application of Rents Paid by the Municipality. –** Prior to utilizing the optional offset provisions of RSA 165:4-a, the governing body shall adopt, as part of the guidelines required under RSA 165:1, II, rules governing the process, including a policy which specifically sets out which bill shall be offset first and any further priority of such offset payments and a procedure for notifying the landlord.

**Source.** 1992, 184:2, eff. July 11, 1992.

# **Veterans' Relief**

## **Section 165:5**

**165:5 Who Entitled.** – Whenever any person, resident in this state, who served in the armed forces of the United States, in any war, insurrection, campaign, or expedition, in which the United States was engaged, and who received an honorable discharge, not being under guardianship or legal restraint, shall become poor and unable to provide maintenance for himself and his dependent family, such person, his wife, widow, or minor children, shall be supported at the public expense in the town or city of their abode, at their own home or such place, other than a town or county almshouse, as the overseers of public welfare or the county commissioners shall deem proper.

**Source.** 1885, 41:1, 2. 1887, 45:1. 1889, 81:1. 1891, 38:2. PS 84:9. 1901, 116:1. 1921, 104:1. PL 106:9. 1933, 78:1. RL 124:5. RSA 165:5. 1959, 98:1, eff. July 13, 1959.

## **Section 165:6**

**165:6 Limitations.** – [Repealed 1985, 380:51, II, eff. Jan. 1, 1986.]

## **Section 165:7-11**

**165:7 to 165:11 Repealed.** – [Repealed 1988, 180:5, eff. June 25, 1988.]

## **Section 165:12**

**165:12 Withholding Names of Certain Recipients of Aid.** – [Repealed 1985, 380:51, III, eff. Jan. 1, 1986.]

## **Section 165:13**

**165:13 Inspection of Account.** – [Repealed 1985, 380:51, IV, eff. Jan. 1, 1986.]

## **Section 165:14**

**165:14 Penalty.** – [Repealed 1988, 180:5, eff. June 25, 1988.]

## **Section 165:15**

**165:15 Admission to Home.** – [Repealed 1985, 380:51, V, eff. Jan. 1, 1986.]

## **Section 165:16**

**165:16 Burial Expenses.** – Whenever any person, a resident in this state, who served in the armed forces of the United States in any of the wars or conflicts defined in RSA

165:17 for a total of 90 days, unless sooner released from such service by reason of disability incurred in service, and whose services were terminated under conditions other than dishonorable, dies and did not leave sufficient estate to pay the expenses of his funeral, or was an assisted person, the overseers of public welfare shall cause him to be decently buried at the expense of the municipality in which he died. Funds received from the Department of Veterans Affairs towards burial expenses shall be retained by the municipality. The municipality shall make a request to the Department of Veterans Affairs to provide a suitable monument.

**Source.** 1909, 130:1. 1911, 31:1. 1919, 135:1. 1921, 63:1. 1925, 93:1. PL 106:20. 1929, 28:1. RL 24:16. 1943, 102:1. 1945, 88:1. 1947, 214:1. 1949, 28:1; 167:4. RSA 165:16. 1959, 77:1. 1965, 87:1. 1967, 171:1. 1988, 180:3, eff. June 25, 1988.

### **Section 165:17**

**165:17 Definition of Terms.** – The following shall constitute wars or conflicts for purposes of RSA 165:16:

I. Any war or armed conflict that occurred between July 3, 1921 and December 6, 1941 and in which the resident earned an armed forces expeditionary medal or theater of operations service medal.

II. "World War II" between December 7, 1941 and December 31, 1946.

III. "Korean Conflict" between June 25, 1950 and January 31, 1955.

IV. "Vietnam Conflict" between July 1, 1958 and December 22, 1961, if the resident earned the Vietnam service medal or an armed forces expeditionary medal.

V. "Vietnam Conflict" between August 5, 1964 and May 7, 1975.

VI. Any war or armed conflict that has occurred between May 8, 1975 and August 1, 1990 and in which the resident earned an armed forces expeditionary medal or theater of operations service medal.

VII. "Persian Gulf War" between August 2, 1990 and the date thereafter prescribed by Presidential proclamation or by law.

**Source.** 1949, 167:5. 1951, 176:1. RSA 165:17. 1965, 69:1. 1967, 171:2. 1988, 180:4, eff. June 25, 1988. 2010, 79:1, eff. July 18, 2010.

### **Section 165:18**

**165:18 Limitation.** – [Repealed 1988, 180:5, eff. June 25, 1988.]

## **Liability for Support, and Recovery Over**

### **Section 165:19**

**165:19 Liability for Support.** – The relation of any poor person in the line of father, mother, stepfather, stepmother, son, daughter, husband, or wife shall assist or maintain such person when in need of relief. Said relation shall be deemed able to assist such



person if his weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health. Should a relation refuse to render such aid when requested to do so by a county commissioner, selectman, or overseer of public welfare, such person or persons shall upon complaint of one of these officials be summoned to appear in court. If, after hearing, it is found that the alleged poor person is in need of assistance, and that the relation is able to render such assistance, the court shall enter a decree accordingly and shall fix the amount and character of the assistance which the relation shall furnish. If the relation neglects or refuses to comply with the court order without good cause, as determined by the court at a hearing, or by refusing to work or otherwise voluntarily places himself in a position where he is unable to comply, he shall be deemed to be in contempt of court and shall be imprisoned not more than 90 nor fewer than 60 days. If a poor person has no relation of sufficient ability, the town or city in which he resides shall be liable for his support.

**Source.** RS 66:8. CS 70:8. GS 74:8. GL 82:8. PS 84:12. 1925, 112:1. PL 106:22. 1933, 65:1. RL 124:18. RSA 165:19. 1973, 115:1. 1985, 380:11, eff. Jan. 1, 1986.

## **Section 165:20**

**165:20 Recovery of Expense.** – If a town, city, or county acting as agent for a town under RSA 165:34 spends any sum for the support, return to his home, or burial of an assisted person having a residence in another town or city, or for an assisted person having relations able to support him under RSA 165:19, such sum may be recovered from the town, city or relation so chargeable or from a county acting as agent for the town under RSA 165:34. In any civil action brought under this section to recover such sum, the court shall award costs to the prevailing party.

**Source.** RS 66:9. CS 70:9. GS 74:9. 1875, 7:4. GL 82:10; 269:21. PS 84:13. PL 106:23. RL 124:19. RSA 165:20. 1967, 192:3. 1977, 152:2; 367:1. 1985, 380:12, eff. Jan. 1, 1986.

## **Section 165:20-a**

### **165:20-a Settlement of Disputes. –**

I. In any case where a town, city, county or the state seeks to recover a sum spent on assistance to a person and there is a dispute between a town, city, county or the state as to the liability for such assistance, the voluntary arbitration system established by this section shall be available.

II. The department of health and human services shall maintain a roster of the selectmen and welfare administrators of the cities, towns, and counties of the state. If a town, city, county or the state decides to avail itself of the voluntary arbitration system, the commissioner of the department of health and human services or his designee shall randomly select a panel of 3 persons from the roster to arbitrate the dispute. No selectman or welfare administrator shall serve on any panel resolving a dispute concerning his own city, town or county.

III. Any such voluntary arbitration session shall be held at a time and place to be

determined by the commissioner of health and human services.

IV. The costs of such voluntary arbitration shall be equally divided between the town, city, county or the state involved in the dispute.

V. Any town, city, county or the state choosing the forum of the voluntary arbitration system shall lose the right to litigate the issue, and the decision of the panel of arbitrators shall be final.

**Source.** 1977, 373:1. 1979, 228:1. 1983, 291:1. 1985, 380:13. 1995, 310:176, 181, 182, eff. Nov. 1, 1995.

### **Section 165:20-b**

**165:20-b Recovery From Recipients.** – Any town or city furnishing assistance to any person who is returned to an income status after receiving the assistance which enables him to reimburse the town or city without financial hardship may recover from such person the amount of assistance provided.

**Source.** 1981, 503:8. 1985, 380:45, eff. Jan. 1, 1986.

### **Section 165:20-c**

**165:20-c Reimbursement From the State of New Hampshire.** –

I. If any person receiving general assistance from a town or city under the provisions of this chapter is deemed to be eligible for assistance under the provisions of RSA 167, the commissioner of health and human services shall reimburse such town or city the amount of assistance provided by the town or city as a result of the commissioner of health and human services' delays in processing within the federally mandated time periods.

II. Any claims for reimbursement under this section shall be held until the end of the fiscal year. If the total of all claims for reimbursement does not exceed \$100,000, all validated claims shall be paid in full. If such total exceeds \$100,000, claims shall be reimbursed on a prorated basis so that the total paid out for claims shall not exceed \$100,000.

**Source.** 1993, 229:1. 1995, 310:179, eff. Nov. 1, 1995.

### **Section 165:21-24**

**165:21 to 165:24 Repealed.** – [Repealed 1967, 192:10, eff. Jan. 1, 1968.]

### **Section 165:25**

**165:25 Limitation of Action.** – Actions by towns and cities to recover the expense of support, return to his home, or burial of a poor person may be brought within 6 years after the cause of action accrued and not afterward.

**Source.** RS 66:14. CS 70:14. GS 74:14. GL 82:15. PS 84:18. PL 106:28. RL 124:24. RSA 165:25. 1967, 192:4. 1981, 503:4. 1985, 380:14, eff. Jan. 1, 1986.

### **Section 165:26**

**165:26 Transfer of Action.** – Whenever a county in which an action for the support of an assisted person is pending may eventually be liable for such support, the court, on motion, shall transfer the action to an adjoining county for adjudication.

**Source.** RS 66:15. CS 70:15. GS 74:15. GL 82:16. PS 84:19. PL 106:29. RL 124:25. RSA 165:26. 1985, 380:47, eff. Jan. 1, 1986.

### **Section 165:27**

**165:27 Recovery From Estates.** – Towns and cities may recover from the estates of persons assisted in like manner as counties under RSA 166:19.

**Source.** 1903, 42:1. PL 106:30. RL 124:26. RSA 165:27. 1985, 380:15, eff. Jan. 1, 1986.

### **Section 165:27-a**

**165:27-a Assignment for Funeral and Burial or Cremation Expenses.** –

I. Except when a town or city assisted person has made arrangements for a prepaid funeral, if the total of his liquid assets at death are less than \$1,000, there shall be an automatic assignment to the funeral director or the person who paid for the funeral and burial or cremation of the deceased to the extent of funeral and burial or cremation expenses up to \$1,000.

II. The funeral director or the person who paid for the funeral and burial or cremation expenses may submit a notarized statement to the effect that he has paid the expenses, together with an itemized list of the expenses, to the entity holding the assets. Upon submission of the statement and the list, the person shall receive payment to the extent of the expenses authorized under this section.

III. The entity making the payment shall provide a receipt and shall send a copy of the receipt to the town selectmen or city council of the appropriate town or city.

IV. If no assets remain after a payment is made under this section, the entity making the payment shall so notify the probate court having jurisdiction over the estate.

**Source.** 1981, 253:2. 1985, 380:16. 2000, 202:3, eff. Jan. 1, 2001.

### **Section 165:28**

**165:28 Liens on Real Property.** – The amount of money spent by a town or city to support an assisted person under this chapter shall, except for just cause, be made a lien on any real estate owned by the assisted person. The liens are effective until enforced as provided in this chapter, or until released by the selectmen or city council; provided that there shall be no enforcement of the lien so long as the real estate is occupied as the sole

residence of the assisted person, his surviving spouse, or his surviving children who are under age 18 or blind or permanently and totally disabled. Interest at the rate of 6 percent per year shall be charged on the amount of money constituting such lien commencing one year after the date of the filing of the lien unless a majority of the selectmen in the town or the councilmen in the city vote to waive such interest. The selectmen or council may file a notice of the lien or an acknowledgment of satisfaction of the lien with the register of deeds of the county in which the assisted person owns real property. A notice of lien which contains the owner's name and a description of the real property sufficient to identify it is a valid lien on the property. The register of deeds shall keep a suitable record of such notices without charging any fee therefor, and he shall enter an acknowledgment of satisfaction of the lien upon written request of the selectmen or the council without fee.

**Source.** 1965, 42:1. 1975, 303:1. 1985, 380:17. 1988, 180:2, eff. June 25, 1988.

### **Section 165:28-a**

#### **165:28-a Liens on Civil Judgments. –**

I. A town or city shall be entitled to a lien upon property passing under the terms of a will or by intestate succession, a property settlement, or a civil judgment for personal injuries awarded any person granted assistance by the town or city under RSA 165 for the amount of assistance granted by the town or city.

II. The town or city shall be entitled to the lien only if the assistance was granted no more than 6 years before the receipt of the inheritance or the award of the property settlement or civil judgment, provided that this section shall not apply to inheritances, property settlements, or civil judgments awarded before August 28, 1981.

III. This lien shall take precedence over all other claims.

**Source.** 1981, 503:1. 1985, 380:45, eff. Jan. 1, 1986.

### **Section 165:29**

**165:29 Enforcement of Liens. –** Liens arising under RSA 165:28 or RSA 165:28-a may be enforced by a bill in equity.

**Source.** 1965, 42:1. 1981, 503:3, eff. Aug. 28, 1981.

### **Section 165:30**

**165:30 Relative Priority. –** Any lien arising under RSA 165:28 shall be subordinate to mortgages and other valid liens, recorded with the register of deeds prior to the recording of the notice of the lien referred to in RSA 165:28.

**Source.** 1965, 42:1. 1981, 503:5, eff. Aug. 28, 1981.

### **Section 165:31**

**165:31 Work Program Requirements for Assisted Persons. –**

I. The overseer of public welfare may require any person who is receiving support under this chapter and who is physically able to work, to participate in the municipality's work program as a condition of continued eligibility for assistance. The overseer of public welfare of the town or city may require the person receiving aid to work for the town or city at any job which it has available that is within the capacity of the person receiving support. Such persons shall receive aid in return for such required work at a rate of exchange equivalent to the prevailing wage for the kind of work they are required to perform in the community from which they receive support, as determined by the municipality's pay schedules prevailing at the time of application for assistance. The amount an assisted person may be required to reimburse the town or city for aid received shall be reduced by the credits received from participation in the municipal work program.

II. The overseer of public welfare of the town or city may require the person receiving aid to perform services for a nonprofit organization if that organization has agreed to participate as a municipal work program, and has been approved by the overseer of public welfare, provided the person is credited according to the prevailing wage scale of that institution.

III. In no case shall participation in a work program be required of the following persons as a condition of receiving assistance:

- (a) Single parents with children under the age of 5 years; and
- (b) Persons with mental or physical disabilities, as determined by the overseer of public welfare.

**Source.** 1965, 321:1. 1977, 59:1. 1985, 380:18. 1987, 261:1. 1996, 213:2, eff. Aug. 9, 1996.

**Section 165:32**

**165:32 Employment of Relatives. –** No person who is otherwise eligible for support under this chapter shall receive such support unless and until all able-bodied adults under the age of 65 years, except those regularly attending school, who are related to such person, regularly residing in the same household as such person, legally liable to contribute to the support of such person and not prevented from maintaining employment and contributing to the support of such person by reason of physical or mental disability or other substantial or other justifiable cause, are employed on a full-time basis. The amount or amounts earned by the persons obligated to maintain employment under this section shall be taken into consideration in determining the level of need for town or city support. Nothing in this section shall be so construed to deny to any minor dependent child any needed support to which he would otherwise be entitled. Unrelated adults living in the same household in loco parentis as to any such person seeking town or city support shall be obligated to contribute to the poor person's support to the same extent as the parent of such person, and in default thereof, shall be subject to the same penalties as the parent of such person would be in such case.

**Source.** 1969, 451:2. 1985, 380:19, eff. Jan. 1, 1986.

### **Section 165:33**

**165:33 City or Town Districts.** – Any city or town may contract with one or more cities or towns to form districts. Such districts shall administer general assistance for which the respective city or town is responsible. The districts are authorized to establish the rate which will be paid to the districts by the respective city or town and to establish written guidelines under which general assistance shall be administered.

**Source.** 1985, 380:20, eff. Jan. 1, 1986.

### **Section 165:34**

**165:34 City or Town may Contract With County.** – Any city or town may contract with its respective county to permit the county to act as its agent in administering general assistance for which the city or town is responsible. The city or town and the county are further authorized to establish the rate which will be paid by the cities or towns to the counties and to establish written guidelines under which general assistance shall be administered.

**Source.** 1985, 380:20, eff. Jan. 1, 1986.

### **Section 165:35**

**165:35 Rulemaking.** – The commissioner of health and human services shall adopt rules, pursuant to RSA 541-A, relative to:

- I. Establishing forms for claims under RSA 165:20-c.
- II. Processing and validating claims under RSA 165:20-c.
- III. [Repealed.]

**Source.** 1993, 229:3, eff. July 1, 1993. 2012, 171:26, IX, eff. Aug. 10, 2012.