



NH Local Welfare Administrators Association

Toward maximum self-sufficiency...

Determination of Responsibility for Non-residents

SECTION 1. PURPOSE

The purpose of this policy is to establish uniform standards for determining municipal responsibility for the provision of general assistance and related services to non-residents, including but not limited to individuals experiencing homelessness. This policy is intended to be used by welfare officials and hearings officers to ensure consistent, fair, and administratively efficient determinations regarding non-residents are made across municipalities, while remaining consistent with RSA 165 and related statutes. This policy will not answer every residency question. Welfare officials and hearings officers must exercise discretion in interpreting the law and this policy when making residency determinations, keeping in mind the goal of meeting the basic needs of those persons who are “poor and unable to support themselves”.

SECTION 2. GENERAL RULE

Non-residents of the town or city who have left their town of origin due to domestic violence, stalking, sexual assault, or human trafficking shall not be disqualified due to residency. Additionally, any non-residents temporarily in a town experiencing a basic-needs emergency shall be provided temporary emergency assistance by the municipality of physical presence where applicable under RSA 165:1-f Temporary Emergency Assistance and RSA 165:1-c Non-residents.

SECTION 3. DEFINITIONS

3.1 Homeless Individual

An individual who lacks a fixed, regular, and adequate nighttime residence, including but not limited to persons residing in shelters, transitional housing, places not meant for human habitation, or temporarily staying with others.

3.2 Town of Origin

The municipality in which the individual last established residency for local welfare purposes prior to becoming homeless, consistent with RSA 21:6-a and related RSA 165 provisions.

3.3 Municipality of Physical Presence

The municipality in which a homeless individual / non-resident is currently physically located at the time of application for assistance.

3.4 Transient Individual

A homeless individual who has stayed in two (2) or more municipalities since leaving their town of origin without clearly establishing residency for local welfare purposes in any such municipality.

3.5 Emergency Housing

Temporary accommodations including, but not limited to, homeless shelters, hotels or motels, or other short-term housing.

3.6 Proof-of-Residency Requirements

Where a municipality elects to require proof of residency prior to approval under RSA 165:1, II(b), acceptable proof includes the documentation and/or attestation described in that section, subject to the “specific, substantiated evidence” qualifier.

3.7 Couch-surfing

The practice of a person who lacks their own residence and stays at various homes of others such as family or friends for brief periods.

3.8 Doubled-up

The practice of a person experiencing homelessness who is staying in someone else’s home with the intent to stay for an extended period of time if needed.

3.9 Unsheltered homelessness

Individuals whose primary nighttime residence is public or private spaces not meant for human habitation such as parks, encampments, vehicles, storage units or abandoned buildings.

3.10 Treatment Center Program

A structured healthcare plan provided at a specialized facility that combines medical care, counseling, and daily support to help individuals recover from substance use or mental health conditions. For the purposes of local welfare administration, sober homes are not considered treatment center programs. This definition is strictly for the purpose of determining residency and does not dictate whether a municipality should pay for a sober living home with programmatic rules.

SECTION 4. SPECIFIC DETERMINATIONS OF RESPONSIBILITY

4.1 Individuals Residing in Emergency Shelters / Emergency Housing / Other Institutions

(a) Placement in emergency housing, shelters, hospitals, correctional facilities, treatment programs, or hotels/motels paid for by a municipality or social service providers do not establish residency for local welfare purposes.

(b) Responsibility for assistance shall be determined under RSA 165 and RSA 21:6-a and shall not be determined solely by the address of a shelter or emergency housing placement.

4.2 Exit from Emergency Housing - Shelter

When an individual exits emergency housing / shelter and remains homeless, their residency shall not be considered to have changed for local welfare purposes for 30 days. **See RSA 165:1-c, III.**

4.3 Transient Individuals

(a) A homeless individual who has stayed in two (2) or more municipalities since leaving their town of origin without clearly establishing residency may be treated as “transient” for local welfare purposes.

(b) Responsibility for transient individuals shall be with the municipality of physical presence.

4.4 Unsheltered, couch-surfers, and doubled-up Individuals

Individuals who are experiencing these forms of homelessness for less than 30 days, who are not considered transient, shall be the responsibility of their town of origin. After 30 days in a new community, the NHLWAA recommends that responsibility for general assistance has likely transferred to the town of physical presence.

4.5 Institutional Stays and Discharge

Stays in hospitals, correctional facilities, or treatment centers do not establish residency for local welfare purposes. See RSA 165:1-c. Individuals who leave these facilities, who are not transient, shall be the responsibility of their town of origin. After 30 days in a new community, the NHLWAA recommends that responsibility for general assistance has likely transferred to the town of physical presence.

4.6 Emergency Housing - Hotel or Motel Stays

(a) **Self-paid Stays:** Homeless individuals who, without the involvement of their Town of Origin's welfare office or other provider assistance, relocate to another municipality where they self-pay for a hotel/motel stay remain the responsibility of the town of origin for the first 30 days in a town of physical presence. Once the threshold of 30 days in a new community has been met in accordance with RSA 165:1-c, IV, the NHLWAA recommends that responsibility for general assistance transfers to the town of physical presence.

If a homeless individual who is not transient left their town of origin due to the lack of motel/hotel availability in their town of origin, then local welfare responsibility will remain with the town of origin, until the person self-pays for at least 30 days at which point residency for local welfare purposes transitions to the municipality of physical presence.

*Absolute Exception for Domestic Violence, Sexual Assault, stalking, or human trafficking:

Notwithstanding the guidelines above if an individual leaves their town of origin to escape any of these forms of abuse, the availability of shelter or emergency housing in the town of origin is legally irrelevant. For safety, trauma-informed care, and confidentiality reasons, any relocation to escape abuse is strictly deemed involuntary. The municipality of physical presence shall assume immediate liability, if eligible. No applicant shall be compelled to return to, or coordinate with, the municipality from which they fled.

(b) **Municipality- or Agency-Funded Stays:** Where a hotel or motel placement is funded by a municipality or other provider assistance, residency for local welfare purposes remains with the town of origin, until and unless the person self pays for a period of 30 days at which point residency for local welfare purposes transitions to the municipality of physical presence.

SECTION 5. DOCUMENTATION AND VERIFICATION

Municipal welfare officials shall document all relevant factors used in determining responsibility for assistance under RSA 165.

5.1 Proof-of-Residency

If a municipality elects to require proof of residency in its local welfare guidelines, the municipality shall apply the documentation/attestation structure described in RSA 165:1, II(b), as amended. However, these municipalities are still required to assist non-residents consistent with the provisions of RSA 165 including but not limited to:

- (a) 165:1-c I. Any person who is 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.

- (b) 165:1-f. The welfare official shall provide temporary emergency assistance for up to 6 days to individuals, as necessary to relieve a basic needs emergency. Such temporary assistance shall be provided to individuals temporarily in the town or city for the purpose of obtaining proof of residency, completing an application to the municipality of origin, or coordination with such municipality. If the municipality initiates the inter-municipal hearing process under RSA 165:2-a to determine residency and financial responsibility, temporary emergency assistance shall be extended until a final decision on residency or responsibility is rendered by the hearing officer pursuant to RSA 165:2-a, III, provided the applicant remains in compliance with the municipality's general assistance guidelines. The provision of temporary emergency assistance under this subdivision shall not, for local welfare purposes, be construed as establishing residency in the municipality where the assistance is rendered.
- (c) 165:1 III. Non-residents of the town or city who have left their town of origin due to domestic violence, stalking, sexual assault, or human trafficking shall not be disqualified due to residency.

If not adopted, residency determinations shall be made under RSA 21:6-a and related RSA 165 provisions.

5.2 Documentation/Attestation

The criteria for determining eligibility may require an individual to provide proof of residency prior to being approved for such assistance.

If proof of residency is required, acceptable proof shall include the documentation or attestation listed below, unless the welfare official identifies specific, substantiated evidence contradicting the documentation or attestation:

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

5.3 Contradictory Evidence (Documented Exception)

Documentation or attestation should be accepted as sufficient proof unless the welfare official identifies specific, substantiated evidence contradicting the documentation or attestation. Where such evidence exists, the welfare official shall document the basis for the contradiction and proceed consistent with RSA 165.

SECTION 6. DISPUTE RESOLUTION

In the event of a dispute between municipalities regarding financial responsibility of an individual:

(a) The municipality of physical presence shall provide interim assistance as required by RSA 165, including temporary emergency assistance up to six (6) days where applicable under RSA 165:1-f, while responsibility is clarified.

(b) Municipalities shall seek resolution through intergovernmental coordination, reimbursement procedures, and, when necessary, the inter-municipal hearing process under RSA 165:2-a.

If a town or city assists an individual and believes that individual is a resident of another municipality, the assisting municipality should seek reimbursement from the municipality it believes is responsible for the individual and/or ask that municipality to take over assistance going forward under its own welfare guidelines. (RSA 165:2-a, II (a)-(b)). If the other municipality refuses, the assisting municipality may request a hearing to determine the residency of the individual and which municipality is financially responsible. (SA 165:2-a, II(c))

If an inter-municipal hearing to determine residency is requested:

- A hearing must be conducted by either:
 - a current or former welfare official from a third municipality who agrees to serve, or
 - an attorney familiar with the welfare statute.
- The hearing follows the fair-hearing procedures of the municipality alleged to be responsible.
- The hearing may be held by telephone or video conference if the participants agree.

If the hearing officer determines that another municipality is responsible:

- That municipality must reimburse the assisting municipality for assistance already provided.
- Reimbursement is limited to the amount that would have been payable under the responsible municipality's welfare guidelines.
- Going forward, the municipality responsible must either:
 - continue reimbursing the assisting municipality while the individual remains eligible for assistance, or
 - takeover assisting directly under its own guidelines.

Practical Effect

The statute creates a process for resolving disputes over which municipality must pay for welfare assistance. It prevents a municipality from providing ongoing assistance when another municipality is financially responsible, while ensuring that the applicant continues to receive needed assistance during the dispute.

SECTION 7. EFFECTIVE DATE

This policy shall take effect upon adoption and shall apply to determinations made on or after that date.