



NEW HAMPSHIRE LEGAL ASSISTANCE POLICY UPDATE * DECEMBER 2014

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New Hampshire Legal Assistance (NHLA) provides legal services to low-income and elderly clients in civil cases. We handle cases involving our clients' most basic needs, such as shelter, safety from abuse, and access to health care and subsistence income. We are New Hampshire's leading expert on poverty law.

As a full-service law firm, NHLA offers our clients legal advice and information, representation in all of New Hampshire's state and federal courts and before several state agencies, and advocacy at the New Hampshire Legislature. In the legislative forum, we lobby for policies that reduce poverty, promote the well-being of low-income people and senior citizens, and enhance access to justice for all. We target our work toward policy proposals for which NHLA can provide specialized expertise grounded in practical experience representing clients. Our day-to-day legislative work includes monitoring legislation and rulemaking, presentation of oral and written testimony to administrative agencies and House and Senate committees, and negotiation and collaboration with other stakeholders.

Like legal aid programs nationwide, funding cuts have hit NHLA hard. Through policy work, we leverage our expertise on behalf of the tens of thousands of New Hampshire individuals and families who never contact us or whose individual cases are beyond our capacity to handle due to our small staff. Many of the state law and rule changes that NHLA achieves remain in force for years and continue to benefit low-income and elderly Granite State residents over the long term.

This Policy Update summarizes highlights of NHLA's 2014 policy advocacy. Please contact NHLA Policy Director Sarah Mattson at smattson@nhla.org for more information.

HEALTH PROTECTION PROGRAM (MEDICAID EXPANSION)

NHLA supported HB 413, which created the New Hampshire Health Protection Program. The Health Protection Program will eventually use federal Medicaid expansion dollars under the Affordable Care Act to purchase private insurance plans for low-income adults, who are eligible for enrollment in Medicaid in the interim. Since the passage of HB 413, NHLA has played a key role in Health Protection Program

implementation through our advocacy on new administrative rules and the so-called “research and demonstration” Medicaid waiver that New Hampshire is currently pursuing. We also continue to monitor the ongoing rollout of Medicaid care management.

FINANCIAL EXPLOITATION

NHLA’s Senior Law Project prioritizes cases in which low-income seniors have been victimized by financial exploitation. This widespread but often invisible problem can strip much-needed resources away from vulnerable elderly people, sometimes even leaving them destitute or facing homelessness. Through NHLA’s work with seniors who have been victimized by financial exploitation, we observed that the community response to financial exploitation was typically inadequate, with the practice often being viewed as a “family” or “civil” matter that should be resolved by the people involved. HB 1555 clarified the law around financial exploitation, establishing that it is a crime that should be investigated and penalized as such. The bill passed with broad support from legislators of both parties as well as a wide array of stakeholders. We are particularly proud of this bill’s success as it marks a giant step toward more effective prevention and punishment of senior financial exploitation. Senior Law Project Director Cheryl Driscoll led NHLA’s efforts on this bill.

DEBT COLLECTION

The passage of HB 1631 was the culmination of several years of collaboration between NHLA, the creditors’ bar, and the court system. Debt collection defense is another NHLA Senior Law Project priority, and we have worked closely with private attorneys and court officials to implement reforms to debt collection court rules and forms. HB 1631 supported this effort by updating substantive protections for low-income judgment debtors, ensuring that they can’t be forced to use certain subsistence income – such as welfare benefits and modest retirement income – to make payments on old debts. HB 1631 grew out of a 2013 legislative study commission, and passed with bipartisan support.

HOUSING

2014 was a mixed bag for NHLA’s vigorous landlord-tenant policy advocacy. We successfully defeated bills that would have harmed low-income tenants, but also saw our effort to prohibit housing discrimination based on domestic violence and receipt of housing assistance die in an end-of-session committee of conference.

On the homeownership front, Foreclosure Relief Project Director Stephanie Bray spent much of the summer representing NHLA on a legislative study commission to examine New Hampshire’s foreclosure law, which hasn’t been updated in over a decade. The study commission ultimately recommended a number of changes to the foreclosure law, all of which NHLA supports. These changes will be considered by the Legislature when it convenes early next year.

PUBLIC BENEFITS

Most of the public benefits action this year centered on the law of Electronic Benefits Transfer (EBT) cards, the vehicles for delivery of most cash assistance and Food Stamps to low-income families, seniors, and people with disabilities. The EBT card debate has raged here in New Hampshire – as well as around the country and in Washington, DC – for years. This session, the Legislature focused on whether to ban the use of EBT cards to purchase certain items, such as cigarettes and alcohol. In compliance with federal law, New Hampshire already prohibits EBT card use in a number of *venues* – such as liquor stores and adult entertainment establishments. The House decided to study the EBT issue over the summer, and ultimately recommended adding additional prohibited venues to the existing list. NHLA supports this outcome, which strikes a fair balance between promoting the use of cash assistance for basic needs and protecting the rights and dignity of welfare recipients.

OTHER DEVELOPMENTS

Youth Law Project Director Michelle Wangerin helped push HB 1624, an omnibus juvenile justice reform bill that raised New Hampshire's age of majority back up to 18. NHLA also supported a number of domestic violence bills in collaboration with our partners at the Coalition Against Domestic and Sexual Violence. This was a banner year for domestic violence advocates as the Legislature codified domestic violence as a standalone crime and also improved the civil domestic violence and termination of parental rights statutes.

LOOKING AHEAD

In 2015, NHLA will focus largely on the development of the biennial state budget. We welcome your feedback about our policy advocacy and look forward to working with you next year!



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