

# THE LARC ADVOCATE

*"We stand alone, together."*

A monthly newsletter from

[THE LEGAL ADVICE & REFERRAL CENTER](#)

ISSUE 3 | MAY 2020



Bart (above) enjoys hopeful signs of spring.

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Legal Advice & Referral Center (LARC), a legal aid office that provides free advice and counsel over the phone, and referral services to low-income NH residents.

Call LARC at  
1-800-639-5290  
9 AM - 3 PM  
weekdays.

Foreclosure  
issues: 877-399-  
9995

Apply online on  
our [website](#)  
anytime.

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Pandemic and 2\) How To Receive The  
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## LARC WANTS TO HELP

Welcome to the third issue of The LARC Advocate!

We are the Legal Advice & Referral Center (LARC), a free legal advice by telephone, and referral service for low-income NH residents.

This edition addresses some of the new problems the low-income community faces as a result of the COVID-19 pandemic. **LARC is an essential service and remains open during the State of Emergency.**

LARC is the starting point to find reliable legal services in NH. Learn more about NH legal aid and the critical role LARC plays. [Watch a short video](#) from the NH Judicial Branch website.

If you know someone who needs help with a non-criminal legal problem, have them contact LARC. We help NH's low-income people by providing free legal advice and information, or a referral to another program for legal help.

LARC can give legal advice about benefits, housing and family problems such as

- eviction
- custody of a child
- divorce
- social security benefits

LARC can refer people to an attorney to resolve

- immigration problems,
- debt collection issues, or
- to expunge a conviction from their record
- foreclosure

Whatever the civil law problem, have your client call LARC. You, or your client, can also submit an application for legal help from LARC's website.

- Call 1-800-639-5290 or (603) 224-3333 from 9 AM - 3 PM weekdays,
- Apply online at [NHlegalaid.org](http://NHlegalaid.org),
- Foreclosure issues, call 877-399-9995.

LARC is here to help the people you serve. Help them connect with LARC. We want to serve them, too. We can advise them of their legal rights during this confusing time.

## **A QUESTION OF LAW:**

# **CHILD VISITATION DURING THE PANDEMIC**

# AND

## HOW TO RECEIVE THE ECONOMIC STIMULUS CHECK IF YOU DIDN'T FILE A TAX RETURN

Q. My child's father has weekend visitation coming up and I don't think he is following the Covid-19 safety protocols. Can I refuse to let him have the child?

A. While there is no ruling statutory or case law as yet on this issue, generally, both parties to a parenting plan are expected to follow the terms of the parenting plan unless or until the plan is modified by the court. If you believe the other parent is placing your child in imminent danger of irreparable harm, you can file for emergency orders asking the court to modify the parenting plan so as to protect the child. As always, if you have concerns related to this issue, you should contact LARC to speak to a family law advocate.

Q. I didn't make enough money to file a tax return in either 2018 or 2019. How will the IRS know where to send my Economic Stimulus check?

A. If you were not required to file a tax return in 2018 and 2019 and you do not receive Social Security retirement, disability (SSDI), Supplemental Security Income (SSI) or survivor benefits, Veteran's benefits or Railroad Retirement benefits, then you can use the "Non-Filers: Enter Payment Info Here" application found on the IRS.gov website at: <https://www.irs.gov/coronavirus/non-filers-enter-payment-info-here>

Also, SSI recipients who have not filed returns for the 2018 or 2019 tax years and who **do** have a child dependent under age 17 must **go to the IRS's non-filer online tool** by **Tuesday, May 5th** and provide information about their child dependents. If they miss the deadline, they will need to wait until 2021 and claim the dependent

payment when filing their 2020 tax return. Note that only the dependent payment is affected, as these individuals will still receive the \$1,200 payment automatically even if they do not provide information on their dependents by May 5th.

*The above information is not a complete guide to the law. It is meant to serve as an aid in assessing possible options in the event of an eviction, but is not meant to replace the services of a lawyer. Be advised that changes in the law affecting the rights of landlords and tenants could occur anytime.*

## NEWS AND INFORMATION FOR THE LOW-INCOME COMMUNITY

### **Free Legal Advice and Referrals:**

LARC is an essential service and remains open during the State of Emergency. We can advise low-income people of their legal rights during this confusing time. Have them call 800-639-5290 between 9 AM and 3 PM weekdays, or [apply online](#) at anytime. LARC gives free legal advice by telephone.

### **LARC's Walk-In Policy during Pandemic**

The Concord office at 15 Green Street has a reduced staff while most of the staff works remotely.

If you **MUST** physically come to the office, wear a face mask or similar protective covering at all times. Staff members will stay at least 6 feet from you while you are here.

If you need immediate legal advice, you may have to stay in the reception area and use your telephone to speak to an attorney or advocate.

These measures are necessary to lessen the chance that you or LARC staff will spread the COVID 19 virus.

### **Foreclosure Moratorium:**

NH Governor Sununu issued Emergency Order #4 placing a moratorium on all foreclosures until the emergency is over. [Read the Order.](#)

LARC's Foreclosure Relief Project: 877-399-9995

**Social Services:**

To connect your clients or patients with social services for help with food, housing, transportation and more, enter their zip code on Aunt Bertha's [website](#) .

**Community Action Programs receive extra funds:**

**Short-Term Rental Assistance at The Local Community Action Agency**

New Hampshire Housing Finance Authority has made an extra \$200,000 available to its Emergency Housing Program. Local Community Action Agencies will be in charge of distributing that money to folks in need of short-term rental assistance around the state. If you have a client or patient behind on rent and under threat of eviction, encourage that person to:

- Apply for rental assistance at Town or City welfare office.
- If denied assistance at Town or City welfare, contact nearest Community Action Agency. Call NH Helpline at 2-1-1 for phone number to nearest Community Action Agency.
- To challenge Town or City welfare office's denial of rental assistance, contact New Hampshire Legal Assistance at 1-800-921-1115, ext 4.

## **GOOD CLIENT STORY**

"Hope," a 22-year-old woman, was renting a room in a rooming house in Nashua with her boyfriend. Community Action helped them financially when they moved in this past January. The rented room was Hope's first real home base since leaving home at 17.

The couple fell behind in rent when COVID-19 hit and her boyfriend's hours at work were cut. The rooming house manager threatened them with immediate ejection.

The Attorney General and New Hampshire Legal Assistance referred Hope to LARC.

LARC told Hope some basic facts about renter's rights in a rooming house: 1. People residing in rooming houses for less than 90 days have no tenant rights, are not protected by the Governor's statewide moratorium on evictions, and could be ejected on the spot for any reason. 2. Residents gain tenant status if they remain in the same room for at least 90 consecutive days.

Hope was just 5 days short of 90 days. On her 90<sup>th</sup> day, she would be protected as a tenant under the Governor's moratorium on evictions for non-payment of rent during NH's State of Emergency. When LARC reviewed Hope's papers from Community Action, it saw that the manager's signature was on rental vouchers issued in January. These vouchers identified Hope as a tenant. LARC advised Hope to tell the manager that his signature had designated her as a tenant who was now protected by the Governor's moratorium on non-payment evictions during the pandemic. LARC gave advice about paperwork she could file at court to immediately reverse a lockout if the manager followed through on his earlier threat.

Hope presented her "case" to the manager and the couple was not ejected. In fact, she and the manager worked out a reasonable payment plan. LARC stayed in touch with Hope until she reached the 90<sup>th</sup> day of renting the room, which clearly established a tenancy that no one could dispute.

If you know someone who had a good outcome in a legal case due to LARC's help, please share that Good Client Story with us! We would love to share it with our readers. LARC will never use a client's real name or any facts that could reveal who that client is. Send your Good Client Stories to: [webmaster@larcnh.org](mailto:webmaster@larcnh.org) and put "Good Client Story" in the subject line.

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*Know someone who would find this newsletter useful?*

*Pass it on!*

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## Equal justice for all should not depend on whether you can afford it.

Make a difference for New Hampshire's most vulnerable citizens by donating to the New Hampshire Campaign for Legal Services. Your donation will provide vital support to the Legal Advice & Referral Center and New Hampshire Legal Assistance. Help us ensure that New Hampshire's poor and elderly have a place to turn when they need legal help.

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