

CODE
OF
ORDINANCE

CHAPTER 6
GENERAL ASSISTANCE

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6.01 TITLE. This ordinance shall be known as the "General Assistance Program Ordinance of Adams County, Iowa"

6.02 INTENT. It is Adams County's position that provision of assistance is a matter of public benefit as well as a statutory duty of the county, and to that end general assistance as defined herein shall be administered to households as identified by as the General Assistance Program Ordinance. This ordinance fulfills the duties imposed upon the county by Chapter 252 of the Code of Iowa. The guidelines and procedures set out in this Ordinance implement the provisions of the General Assistance Ordinance of Adams County. The Code of Iowa outlines the legal basis for the General Assistance Program in counties. This section deals basically with Chapter 251 and 252 of the Code. The General Assistance Program is administered by the Director of Community Service as appointed by the Board of Supervisors.

6.03 CATEGORIES. There shall be two (2) categories of general assistance in Adams County, Iowa.

They are:

- A. Assistance for needy persons;
- B. Assistance for poor persons.

6.04 DEFINITIONS. The following words are defined for use in this chapter:

- A. "Needy Person" is a person or the family unit of that person who has legal settlement in Adams County, Iowa and who, because of circumstances which are

not attributable to that person, needs immediate assistance. Examples of circumstances not attributable to that person: layoff or medical problems. Examples of circumstances attributable to that person: voluntary quit, failure to keep scheduled appointment for State or Federal Programs, pursuing an education.

- B. A “poor person” is a person or family unit who has no property, exempt or otherwise and are unable, because of physical or mental disabilities, to earn a living by labor.
- C. “Assistance” means food, rent, shelter, utilities (fuel-lights- water), or burial.
- D. “Net Worth” includes income or moneys from any sources, money due, savings and other deposits, public assistance or entitlement benefits, stocks, bonds, jewelry, and the value of all other real and personal property. The following property shall be exempt from consideration: household furniture, tools and equipment used for self-support, vehicles for family unit shall not exceed \$5,000.00, burial irrevocable trust funds not to exceed \$6,000.00, homestead used as a place of residence if equity does not exceed \$20,000.00.
- E. “Family Unit” or “Household” means the individual applying for assistance and all members of his or her immediate family: include spouse, children under 18 years of age, all occupants and children over 18 years of age who are dependent and/or non-dependent upon the applicant. The exception of this policy is an emancipated person due to marriage. All minor children under 18 years of age must receive their assistance from their parents, unless they can provide a marriage license to determine them to be adults.
- F. “Liquid Assets” means cash or any other item of net worth of the family unit that can be readily converted to cash within seven (7) days.
- G. “Awaiting approval and receipt” means a poor person who has applied for assistance under the state or federal law; who has pursued that application with due diligence; and who has not had that application denied.
- H. “Director” means the Director of Community Services or General Assistance Director, or his/her designee, appointed by the Adams County Board of Supervisors to administer the county’s General Assistance Program.
- I. “Disability” means the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment.

6.05 GENERAL ASSISTANCE MANUAL.

- A. The rules, regulations, standards, and guidelines for administering General Assistance outlined in this Ordinance shall comprise the General Assistance Manual.

- B. The General Assistance Program Ordinance shall be adopted by resolution of the Board of Supervisors.
- C. Amendments to the General Assistance Program Ordinance shall be by resolution pursuant to Section 331.302 of the Code of Iowa after publication of notice of the proposed change and opportunity for the public to be heard.
- D. Copies of the General Assistance Program Ordinance shall be available to the public in the office of the Director of Community Services.

6.06 ELIGIBILITY FOR GENERAL ASSISTANCE FOR NEEDY PERSONS.

Assistance is to be provided for needy persons who are in need of immediate assistance and who are eligible for, and are awaiting approval of, and receipt of, assistance under programs provided by state or federal law, or whose actual needs, as defined within the limitations imposed by this ordinance, cannot be fully met by the assistance furnished under such programs. Benefits shall not exceed \$1,000.00 per 12 month period unless specifically authorized by the Adams County Board of Supervisors by resolution. Recipients must be Adams County Residents. Applicant and his or her household must satisfy the following requirements:

- A. Apply for all benefits and public assistance programs (i.e.: food stamps, FIP, SSI, Medicaid, Energy Assistance, etc.) and will meet all program requirements to ensure that they remain eligible.
- B. Complete a General Assistance application and provide the requested information. Providing inaccurate information will result in a determination of ineligibility and will render the applicant ineligible for General Assistance for a period of six months.
- C. Must reside within Adams County.
- D. Must be a U.S. Citizen or legal alien. If you are an illegal alien and or are not a legal citizen of the United States you are automatically ineligible for General Assistance.
- E. Agree to use the household's resources to meet the needs of the household. All real and personal resources of the family shall be considered in making determinations for granting General Assistance with the following exceptions: The applicant's family homestead, personal possessions and household furniture, tools, equipment used for home and family maintenance or support, one motor vehicle and any additional vehicle needed for employment, burial lots and funeral trust

funds not to exceed \$5000. Any transfer of resources made within two years prior to the application renders the family ineligible for General Assistance.

- F. Register with Iowa Workforce Development. Applicants and adult members of the applicant's family shall be referred to Iowa Workforce Development, shall cooperate with the agency in seeking employment, and shall accept employment when available. This requirement shall not be enforced when, in the determination of the Director or Designee, and of the following conditions exist: the person suffers from a mental or physical illness, which prevents gainful employment, the person is unemployed due to a disability, the person is caring for a dependent family member who requires home care or supervision. A person who voluntarily quits, reduces hours or is terminated from a job, without good cause is not eligible for General Assistance for a period of three months. If the person secures comparable employment, the three months will be waived.
- G. If a person is receiving FIP they are automatically ineligible for General Assistance because they are over income guidelines. A person who is on a Limited Benefit Plan (LPB) with Promise Jobs is automatically ineligible for General Assistance until the LBP is lifted. This can only be done if the client speaks with Promise Jobs and cooperates in complying with job searches.
- H. Total countable household income must be less than the allowable FIP, test 3 income levels. One and two member households will use the 2 member income amount. Gross earned income, from all household members, will be totaled and 20% of the total will be deducted for work expenses. From the remaining 80%, 50% will be deducted for other expenses and any paid child support will also be deducted. This remaining amount will be added to any unearned income that the household has resulting in a total household income amount. An example of unearned income would be SSI, Disability, Child Support, or Unemployment. If this amount is less than the income level from the FIP test 3, the household meets the income eligibility criteria.

Please note that if the household is below the income guidelines and is eligible the family must be able to remedy the situation in the following month to receive assistance. This means that the family has to have income coming into the household or prove that the one month of General Assistance will help the family remedy the situation in the following month.

- I. General Assistance will only pay current month expenses. General Assistance will not pay for first months deposits, rent, and or past due utilities.
- J. If an individual is disabled, eligibility for medical services will be determined based on the individual's ability to pay. No needy person shall receive more than one (1) months assistance in a fiscal year up to \$300.00 unless approved by the Director and/or Board of Supervisors. The Adams County Board of Supervisors and/or Director may from time to time find it necessary to go

beyond the normal scope of this ordinance. Assistance may be needed above normal limits or frequency. In order for this to occur the client cannot be the cause of the extended need.

6.07 ELIGIBILITY FOR GENERAL ASSISTANCE FOR POOR PERSONS.

General Assistance will be provided for poor persons who are in need of immediate assistance, are “lawfully” within the county, cannot obtain assistance from any other sources, whose family unit’s net worth is less than \$500, and who are eligible for, and are awaiting approval, and receipt of assistance under programs provided by state or federal law, or whose actual needs, as defined within the limitations imposed by this ordinance, cannot be fully met by the assistance furnished under such programs. The applicant must be a citizen of the United States or a legal alien. No assistance will be provided for illegal aliens.

6.08 LEVEL OF BENEFITS.

The maximum level of benefits to be provided for each item of assistance for each person or that person’s family unit shall be:

A. Food

- i. Referrals will be made to a food pantry, as well as having the clients fill out a food stamp application through the Department of Human Services.

B. Shelter

- i. Benefit limits are the reasonable rental value not to exceed \$400.00.
- ii. Rent will only be paid to the landlord. Payments will not be paid to a sub-renter or relative. Rent will not be paid in advance. House payments will not be paid as it creates an estate.
- iii. Deposits will not be paid for rent, gas, water or electricity.

C. Utilities

- i. Assistance with utility costs shall be provided only in the amount of the actual cost for current usage, which allows continuance of service and not service provided for prior months. Assistance under this category does not include deposits, taxes or penalties. The amount shall not exceed current month.
- ii. Heat, lights and water are the only utilities that will be considered.
- iii. Failure to pay on utilities during moratorium will result in denial of assistance.
- iv. Utilities must be in the name of the applicant or another member of the household. If the expense of utilities is being shared with a non-applicant, the payment is prorated.

D. Medical Services

- i. Assistance will be given for prescriptions, and also for some medical needs that require no prescription, such as insulin and needles, not to exceed \$300.00 per month.

- ii. Dental assistance for immediate need and to relieve severe pain. Not to exceed \$200.00 for Extractions and \$350.00 for dentures.
- iii. Eye glasses may be authorized one time only. Client must pay for exam and one-half cost of glasses.

E. Hospital Services

- i. No hospital services will be provided to a needy person if any of the following apply:
 - 1) The person was offered enrollment in his/her employer's medical insurance program and voluntarily declined said enrollment unless client can show good cause.
 - 2) The occurrence for which medical services are claimed would have occurred within the coverage period of the employer's medical services insurance program, had the person enrolled which offered, and continued enrollment as long as eligible.
 - 3) General assistance cannot assist on Medicare deduction except for poor persons 65 years old or older, under 18 years of age, or disabled.
- ii. Prior authorization will be required for medical services, if possible.
- iii. When prior authorization was not possible, the office must be notified within the next working day by client or representative. A telephone call will be acceptable as notification.
- iv. The county reserves the right to set a maximum liability for itself in hospital bills and doctor fees. The maximum allowed to a hospital or doctor is \$300.00, unless otherwise approved by the Board of Supervisors.
- v. No out of state or out of county medical costs will be approved if needed services could have been provided locally. Medical payments will be made for services and goods to local hospitals, physicians and health care provisions for reasonable value of medical care authorized.
- vi. Indigent persons in need of medical help must apply for medically needy and denial must be received for assistance to be considered.

F. Burial

- i. Vendor payment for burial expense is limited to a maximum of \$1,000.00 for cremation only. Social Security Death Benefits shall be deducted from this amount. Any insurance, assets, resources or family contributions must be applied to burial expenses before General Assistance payment will be made.
- ii. Cost of cremation shall not exceed \$1,000.00
- iii. The General Assistance payment must represent payment in full.

- G. Treatment for alcohol and/or other drug abuse, including prescription drugs and illicit drugs, will not be covered.

6.09 APPLICATION FOR GENERAL ASSISTANCE. Application for General Assistance shall be made to the Director at the Adams County Relief Office during usual business

hours, upon the Application for General Assistance forms required. If, because of undue hardship, a needy or poor person cannot come to the office, the Director shall mail such person the application form. Applications are good for one year from completion date, but will be updated upon each request for assistance. The application shall be signed by the applicant under penalty of perjury. In addition to the Application for General Assistance, all applicants will be required to sign a release and exchange of information form that will allow the Director to act in the client's best interest.

If the applicant or the family unit is or appears to be eligible for assistance or assistance from any other federal, state or local source, the Director shall immediately refer the applicant to that source.

It shall be the obligation of the applicant to immediately make application to that source and pursue such application with due diligence as a condition to be eligible for further assistance under this ordinance.

It is the obligation of each person applying to establish his or her eligibility for any category of assistance and need for any item of assistance. The Director shall also receive anything that the person applying desires to submit to establish his or her eligibility or need to include statements or letters, medical reports, and other written documents as well as the verbal statements of the applicant. The Director shall then proceed to conduct an investigation concerning the applicant's eligibility and needs. The applicant's file and the investigation and findings of the Director shall be made available to the applicant, upon request, or to the applicant's attorney by written authorization.

6.10 FORM OF PAYMENT FOR GENERAL ASSISTANCE.

The assistance shall be purchased directly from the supplier for the applicant or the family unit on a vendor system.

6.11 INITIAL DETERMINATION. The Director shall make an initial determination of the eligibility and needs of the applicant within five (5) working days of the receipt of the signed, completed application. If the Director cannot make initial determination within five (5) working days, the Director shall immediately inform the applicant by telephone, if possible, of the reasons why such determinations cannot be made. The Director shall, also, mail the applicant by ordinary mail within five (5) working days, thereafter, the Director's written decision showing the reason why such determination could not be made.

6.12 ASSISTANCE OF AN EXTENDED NATURE.

It is contemplated that items of assistance to be provided to needy persons or their family unit, and should not, during any one consecutive period of time, exceed thirty (30) days.

6.13 APPEAL.

A. Every applicant, whether granted assistance or not, shall be informed in the Director's written decision of the applicant's right to appeal. The applicant shall be informed (1) of the method by which an appeal may be taken and (2) that he or she may represent him or herself, or may be represented by an attorney.

B. Any written appeal or communication to the Director by or on behalf of an applicant requesting appeal of the Director's determination, shall be taken by the Director and put immediately upon the Board of Supervisor's agenda, in accordance with Chapter 21, Code of Iowa, for the next regular board meeting, provided that such appeal shall not be heard sooner than five (5) days after appeal is taken. The written appeal or communication must be made to the Director within ten (10) days of the Director's determination, provide applicant's current address and telephone number, and state the reasons for the appeal. The applicant shall be informed immediately, by telephone, and by ordinary mail, of the date and time of hearing before the Board. Applicant and his or her attorney, upon written authorization, shall be granted access by the Director of his or her assistance case file if assistance case file if request is made.

6.14 APPEAL HEARING.

A. The Board of Supervisors shall hear the applicant's appeal at the time scheduled on the Board of Supervisors' agenda, unless continuance is requested by the applicant. The parties shall be permitted to present whatever evidence desired regarding the appeal including testifying, having other witnesses testify, offering documentary evidence, and reasonable cross examination of other witnesses, if present. The technical rules of evidence shall not apply. The Board may set reasonable times for the present action of the parties at any appeal. The applicant's file shall be admitted into evidence. The Board may question the applicant, and the Director shall present the Board with the reasons for the determination. The appeal will be tape recorded. The hearing before the board will not be an open meeting under Chapter 21, Code of Iowa, since the confidential files of the applicant will be in evidence. When the Board deliberates the appeal, no parties shall be present.

B. The Board shall make a decision on the appeal within five (5) working days. The Board's decision shall be only on the basis of the evidence submitted before the Board.

The applicant shall be informed immediately by telephone the decision and within five (5) working days thereafter, the Board shall mail to the applicant at his or her last known address, by ordinary mail, its decision in writing. The decision shall state the reasons for the action, together with any statute or ordinance applied. The Board's decision shall also state that an appeal may be taken from the Board's determination as provided below and the method by which such appeal may be taken.

C. Any appeal to the District Court shall be allowed by the applicant from the Board's decision within the time and by the manner and procedures established under the Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa.