

ORDINANCE NO. 3A

AN ORDINANCE PRESCRIBING THE GENERAL RELIEF PROGRAM IN ADAIR COUNTY, IOWA

BE IT RESOLVLED, by the Board of Supervisors of Adair County, Iowa:

Section 1. Categories. There shall be three (3) categories of general relief in Adair County, Iowa. They are:

1. Emergency relief for needy persons:
2. Relief for poor persons: and
3. Relief of an extended nature.

Section 2: Definitions. The definition of terms as used in this Ordinance are:

- a. Needy person: As used in this Ordinance shall be construed to mean those who have some means, but are within the income and resource guidelines established by this Ordinance and assistance provided to them will be conducive to their welfare and in the best interests of the public.
- b. Poor person: As used in this Ordinance shall be construed to mean those who have no property, exempt or otherwise, and are unable, because of physical or mental disabilities to earn a living by labor.
- c. Relief means rent, shelter, water, fuel, lights and medical attention.
- d. Net worth includes income or monies from any source, monies due, savings and other deposits, stocks, bonds, real estate, case value of life insurance policies, jewelry, and the value of all other real and personal property, subject to Section 12 resources.
- e. Household unit means the individual applying and all persons residing in that home except those persons who are residents of a licensed home providing adult foster care, residential care or room and board.
- f. Liquid assets means cash or any other item of net worth of the family unit that can be readily converted to cash within (7) days.
- g. Legal settlement means the county of settlement is that county in which the applicant has most recently lived for a twelve (12) month consecutive period.
- h. In this ordinance "Director" refers to General Relief Director and/or a member of the Board of Supervisors.
- i. Awaiting approval and receipt means a poor person who has applied for assistance under any state or federal law; who has pursued that application with due diligence; and who has not had that application denied. This does not include an appeal of a denial of benefits. It does include a person who has had an application denied and who reapplies after twelve (12) consecutive months have expired from the date of the denial.

Section 3. Form. The relief shall be purchased directly from the supplier for the applicant or the family unit. It may be for one or more of the items of relief that can be provided.

Section 4. Eligibility of Needy Persons Emergency relief is to be provided a needy person who is in need of immediate relief, cannot obtain relief from any other source, and whose income or assistance from a state or federal program has been delayed or not actually received by the person because of reasons not attributable to that person and who does not have liquid assets of the family unit from which to pay for the items of relief that can be provided. Emergency relief is, also, to be provided persons who are in need of immediate relief, cannot obtain relief from any other source whose net worth is less than three (3) times the amount of eligible income amount and who, because of reasons not attributable to that person, does not have liquid assets of his or her family unit from which to pay for items of relief that can be provided.

Section 5. Eligibility of Poor Persons. Relief is to be provided poor persons who are in need of immediate relief, cannot obtain relief from any other source, who are eligible for, or are awaiting approval or receipt of, assistance under programs provided by State or Federal law. Mental or physical disability which precludes earning a living shall be determined by a physician.

Section 6. Level of Benefits. The maximum level of benefits to be provided for each item of relief for a person or household unit shall be:

- a. Shelter: Payments shall be limited to the most economical appropriate housing available as determined by the General Relief Director not to exceed Two Hundred Fifty Dollars (\$250.00) per month per household. Applicant must have applied for all other programs providing shelter assistance. Shelter payments shall be made to property owners or their designee. Shelter payments shall be paid only for currently occupied housing, except for temporary absence of the family for health reasons. Shelter shall not be paid to responsible relatives such as parents, grandparents, children or grandchildren. Shelter payments for needy persons or households shall be limited to a maximum of two months payment per twelve month period. If a house payment is made (principal only) a mortgage form must be signed and filed that states the county has a lien for the purposes of insuring repayment to the county.
- b. Utilities-heat, lights, water: Shall be limited to a maximum of Two Hundred Fifty Dollars (\$250.00) per month for the months of November through April and One Hundred Fifty Dollars (\$150.00) per month for the months of May through October. Applicants must have applied for all other programs providing funding for utilities. General Relief will not pay for deposits, reconnect fees, or telephone. Applicants shall cooperate with General Relief and utility providers budget payment plans. Needy persons and household units shall be limited to receiving utility assistance for two months in a twelve month period.
- c. Medical: Applicant must apply and eligibility determination made for all programs providing medical assistance, such as Title XIX Program or other programs providing medical assistance. Authorization must be given prior to receiving medical assistance. In the case of an emergency, the General Relief

Office or Board of Supervisors must be contacted the first working day following the emergency. General Relief shall not pay for medical supplies or equipment.

- d. Burial Benefits: Burial expense not to exceed Twelve Hundred Dollars (\$1,200.00) per service which shall include opening and closing the grave less any payment from any other source. If burial lot is needed, it will be provided in a public cemetery in Adair County.
- e. Maximum limitation for a needy household unit shall not exceed \$1,000.00 per twelve month period for all services provided.
- f. A reimbursement agreement shall be signed by all individuals receiving assistance with the understanding that reimbursement shall occur if and when financially able.
- g. The total amount for all of the items of relief needed, at any time, shall be determined, and there shall be deducted there from the amount of liquid assets the person or the family unit have available. The balance remaining is the amount of relief benefits the needy person may receive. If the needy or poor person, except for reasons not attributable to that person, fails to repay the value of the benefits received, he or she shall be disqualified from receiving future benefits. The Board of Supervisors may, upon application, waive the repayment of all or some of the benefits provided on the same basis as it may waive payment of property taxes.

Section 7. Requirements for Receiving Relief by a Needy Person. A needy person who is not needed in the home to care for minor children shall immediately register for employment with WIA and otherwise actively seek employment. The needy person shall seek and accept any reasonable employment whether or not it is suitable employment under the guidelines of WIA. A refusal or failure to actively seek employment, or a refusal or voluntary failure to continue available employment offered, or a refusal or voluntary failure to continue available employment, shall disqualify the needy person from receiving future benefits. The needy person shall be required to provide reasonable proof that he or she is actively involved in job search. The needy person shall submit monthly a list of at least two job contacts per week which are initiated by the prospective employee.

If an individual quits his/her employment to attend school, he/she shall not be eligible for county assistance. Students shall register for work with WIA and maintain General Relief job search requirements. In addition to be eligible for General Relief, a student must be responsible for the care of dependent household member under the age of twelve.

A person will not be eligible for general relief if he/she voluntarily leaves employment within sixty (60) days of the application for relief.

A person must be eighteen (18) years of age to receive assistance with the exception to this policy being a married person under the age of eighteen (18). Otherwise a parent or guardian would apply for the under-aged child.

Section 8. Relief of an Extended Nature. It is contemplated that items of relief to be provided to needy persons, poor persons, or their family unit, will not, during any one consecutive period of time, exceed sixty (60) days unless it is determined by the General Relief Director that continued benefits are necessary. This determination will be made on a month to month basis.

Section 9. Application for Relief. Applications for relief shall be submitted by needy and poor persons to the Director of General Relief, Board of Supervisors, or their designee at the Adair County Courthouse in Greenfield, Iowa, during usual business hours upon forms provided by the Director. If, because of undue hardship, a needy or poor person cannot come to the Courthouse, the Director or Board shall mail such person an application form or deliver to such person the application. If the applicant or the family unit is or appears to be eligible for relief or assistance from any other federal, state, or local source, the Director or Board 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 future relief under this ordinance. It is the obligation of each person applying to establish his/her eligibility for any category of general relief and need for any item of relief. The person applying shall provide the Director with a verified financial statement and federal and state income tax returns for the past year. Medical reports, medical authorization, and anything else requested by the Director that bears upon the person's eligibility and the need for relief shall be provided. The Director may also require, upon approval of the Board, that the applicant submit to a physical or mental examination to determine applicant's capacity to labor. The Director shall also receive anything that the person applying desires to submit to establish their 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 a reasonable 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. Any applicant found to have provided inaccurate or untruthful information will not be granted relief.

If an applicant for relief refuses to cooperate in securing necessary information or applying for all other resources available to them, the applicant will be denied general relief on the basis of non-cooperation.

Section 10. Residence. To be eligible for general relief individuals or families must reside in Adair County even if they do not have legal settlement in Adair County. If a person does not have legal settlement (one year of continuous residence in Adair County), the General Relief Director will contact the county of legal settlement for approval of services and reimbursement.

Exceptions may be made in the following circumstances:

- (1) An individual who has no legal residence elsewhere.

- (2) An individual or family presumed to have legal residence elsewhere pending verification of such residence and returned thereto.

Iowa Code, Section 252. Contains basic laws governing residence. A distinction is made between residence and legal settlement. An applicant has Adair County residence if the applicant lives in Adair County. Legal settlement shall be determined based upon where the client has lived for a continuous twelve (12) month period.

The following documents are helpful in verification of residence or legal settlement:

1. Dated rent receipt.
2. Mortgage payment books.
3. Utility bills.
4. Record of earnings.
5. School attendance records.
6. Birth records.
7. Iowa Motor Vehicle Operators License.
8. Hospital records.

Section 11. Income. All income (gross income) in cash or in kind (including, but not limited to food stamp benefits, housing assistance, etc.) received or readily available to an applicant or a recipient and his/her family, shall be considered in determining General Relief payment. The current calendar month income will be considered and verification of the income should be made. If gross income exceeds 70% of the Federal Income Poverty Guidelines, the applicant and/or family is ineligible for general relief.

Exceptions may be made in income guidelines on a proper showing of need, if need is for emergency medical need, or assistance requested for heating fuel bills and no other resources are available to help with such assistance.

Also consideration for assistance may be given to families whose income is above guidelines for the month but income has terminated or suspended due to lay-off, illness, or circumstances beyond the family's control, e.g. desertion or death of a family member.

The monthly income guidelines shall be adjusted on July 1 of each year to be equal to 70% of the Federal Income Poverty Guidelines in effect on that date.

A person who is eligible for other state or federal programs or private benefit programs should be referred to the proper source.

Example:

- (1) FIP
- (2) SSI
- (3) Veterans
- (4) Social Security

- (5) Food Stamp Program
- (6) Company Pension
- (7) Private Insurance
- (8) Back Wages
- (9) Unemployment Compensation
- (10) Workman's Compensation
- (11) WIC

Failure of the applicant to apply for these programs and cooperate in determining eligibility will make him/her ineligible for the General Relief Program.

Section 12. Resources. The eligibility for general assistance shall include both real and personal property and financial assets not to exceed three (3) times the eligible income guideline amount. A homestead with equity value of \$15,000.00 or less is exempt from consideration as real property.

Personal Property

The equity and negotiable personal property owned by an individual or family receiving General Relief shall be considered in determining General Relief eligibility and these resources shall be used before assistance is granted.

Financial assets would include: Cash-on-hand, checking account, savings accounts, time certificates, bonds, etc. Cash surrender value of insurance policies should also be investigated.

Real property would consist of any land or home owned by the applicant. This also includes trailers, or mobile homes.

The following properties shall be exempt from consideration of resources:

- (1) Personal possessions, household and household furniture.
- (2) Tools and equipment used for self-employment
- (3) Burial lots or funeral trust funds

Any transfer of personal property or real property within the last two years, which was made for the purpose of qualifying for aid renders applicant ineligible for General Assistance.

Section 13. Initial Determination.

- (a) (1) The Director shall make an initial determination of the eligibility and needs of the applicant within ten (10) working days of the receipt of the application. Upon that determination, the Director shall notify the applicant, and within ten (10) working days after that determination, mail, by ordinary mail to the last address shown on the application, the Director's written decision showing the reasons for the determination and the status or

ordinances applied, together with the specific benefits and their amounts to which the applicant is entitled.

- (a)(2) If the Director cannot make the initial determination within ten (10) working days, the Director shall inform the applicant, by telephone if possible, or the reasons why such determination cannot be made.
- (b) If an applicant has been previously found eligible, within the past three (3) months, the Director need not receive a new application, but may proceed to a determination of whether or not current relief is warranted. Notice and mailing of such determination shall be as provided in Section 13(a)(1). If any emergency or immediate need is present, the Director may verbally authorize a supplier or vendor to furnish any item of relief for the benefit of the applicant and the amount allowed for such benefit. The Director shall inform the applicant and issue a written decision as provided in section 13 (a) (1).
- (c) Whenever an applicant is found eligible and entitled to relief, the Director shall proceed to provide the same and notify the Board of Supervisors.

Section 14. Appeal.

- (a) Every applicant, whether granted relief or not, shall be informed in the Director's written decision of the applicant's right to appeal from such decision to the Board of Supervisors. 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 for the next regular 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, providing applicant's current address and telephone number, and stating reasons for 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/her attorney, upon written authorization, shall be granted access by the Director to his/her relief case file if request is made.

Section 15. Actions of the Board of Supervisors. In the event the Board of Supervisors, in reviewing the actions of the Director of Relief, questions any allowance of relief benefits allowed by the Director, it shall take no action concerning such allowance until it conducts a hearing. This hearing, the reasons for it, and notification to the applicant, shall be given in the same manner as if the applicant had taken an appeal. This hearing shall proceed in the same manner as an appeal from the Director's determination.

Section 16. Additional Provision. The Director shall allow, upon application, the additional benefits provided for in Chapter 252.33, Code of Iowa, for repayment of benefits to Adair County, are applicable and the applicant shall acknowledge the same in writing. Benefits provided a recipient may be further a claim against the homestead of a recipient and a claim in probate, as provided by law.

All recipients of General Relief shall execute an Agreement to Reimburse, except where payments would do irreparable harm to the individual (s). If other persons have an interest in property which may defeat the lien created by the Agreement to Reimburse, then the recipient shall make every effort to obtain the consent of other persons to the lien.

The lien created by the Agreement to Reimburse shall be taken for the purpose of insuring repayment of the aid granted to the recipient, but it shall not be exercised until the property is sold, there is a property transaction, the recipient comes in the possession of funds, or the recipient dies, providing there is no dependent parent, spouse, or child using the property as a home at the time of the recipient's death.

Section 17. The General Relief Director of Adair County may from time to time, subject to the approval of the Adair County Board of Supervisors, enact such rules and regulations as are appropriate to assist in the application and enforcement of this ordinance.

Section 18. All ordinances and resolutions, or parts thereof, in conflict herewith are hereby repealed.

Final passage:

Published and effective:

Chairman, Adair County Board
Of Supervisors

Attest:

Jenice Wallace,
Adair County Auditor