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ORDINANCE NO. 3B

An Ordinance Prescribing the Indigent Burial Program in Adair County, Iowa and  
Repealing the Indigent Burial Program Prescribed in Ordinance 3A Section 6d

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

Section 1. Categories. There shall be one (1) category of Burial relief in Adair County, Iowa:

1. Emergency relief for needy persons:

Section 2: Definitions. The definitions 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 are referred to the County by the Funeral Home
- b. Relief means Funeral Expense
- c. Net worth includes income or monies from any source, monies due, savings and other deposits, stocks, bonds, real estate, cash value of life insurance policies, and the value of all other real and personal property, subject to Section 12 resources.
- d. 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.
- e. 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.
- f. 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.
- g. Residency means the county in which the applicant resides.

Section 3. Form. The relief shall be purchased directly from the Funeral Home for the applicant or the family unit.

Section 4. Eligibility of Needy Persons. Relief is to be provided to a needy person who cannot obtain relief from any other source, and whose income and/or liquid assets are less than 150 percent of the Federal Poverty Guidelines.

Section 5. Level of Benefits. The maximum level of benefits to be provided for burial relief for a person shall be:

- a. Burial expense shall not to exceed One Thousand Dollars (\$1,000.00) per service which shall include opening and closing the grave. If burial lot is needed, it will be provided in a public cemetery in Adair County.
- b. A reimbursement agreement shall be signed by the applicant requesting assistance with the understanding that reimbursement shall occur if and when financially able.

Section 6. Application for Relief. Applications for relief shall be submitted to the Adair County Auditor's Office or Board of Supervisors at the Adair County Courthouse in Greenfield, Iowa, during usual business hours upon forms provided by the Auditor's Office. It is the obligation of each person applying to establish his/her eligibility for relief. The County may request the person/family applying provide a verified financial statement and federal and state income tax returns for the past year. 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 the applicant will be denied burial relief on the basis of non-cooperation.

Section 7. Residence. To be eligible for burial relief, the individual must have legal settlement in Adair County and have a current residence in Adair County.

Exceptions may be made in the following circumstances:

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

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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 may be requested to establish residence and legal settlement:

1. Dated rent receipt.
2. Mortgage payment books.
3. Utility bills.
4. Iowa Motor Vehicle Operators License
5. Voter Registration Card

Section 8. 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 Burial Relief payment. The current calendar month income will be considered and verification of the income may be made.

The monthly income guidelines shall be adjusted on July 1 of each year to be equal to 150% of the Federal Income Poverty Guidelines in effect on that date.

A person who is eligible for other local, state, or federal programs or private benefit programs shall use those resources.

Section 9. Resources. The eligibility for burial assistance shall include both real and personal property and financial assets not to exceed two (2) 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 Burial Relief shall be considered in determining Burial 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 and household furniture.

Section 10. Initial Determination.

- (a) Applicant must be referred to the County by the Funeral Home.
- (b) Application must be submitted to County Auditor's Office before services are received.
- (c) The Statement of Reimbursement must be signed to be eligible for relief.
- (d) A Notice of Privacy of Privacy Practices shall be given to the applicant.
- (e) Within 24 hours after receiving a complete application, the County Auditor's Office will contact the members of the Board of Supervisors until a majority to approve or deny is reached starting with the Chair, then Vice Chair, then other members.
- (f) The Auditor's Office will notify the Funeral Home of the Board's decision within 24 hours of receiving the application which includes approval, denial, or a request for financial verification.
- (g) The Board of Supervisors may request financial verification. If required the applicant will have 48 hours to provide the requested verification documentation.

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- (h) The application will be placed on the Board of Supervisors agenda at the next regular Board Meeting.
  - (i) After the application is acted upon, the County Auditor's Office shall notify the applicant in writing.

Section 11. Appeal.

- (a) Every applicant, whether granted relief or not, shall be informed of the decision in writing and of the applicant's right to appeal 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 shall be directed to the Board of Supervisors and shall be put immediately upon the Board of Supervisor's agenda for the next regular meeting. The written appeal or communication must be made to the Board of Supervisors within ten (10) days of the Board's determination at a regular meeting, providing applicant's current address and telephone number are accurate and stating reasons for appeal. The applicant shall be informed immediately, by telephone and by ordinary mail, of the date and time the Board will review the appeal. Applicant and his/her attorney, upon written authorization, shall be granted access to his/her relief case file if request is made.

Section 12. Actions of the Board of Supervisors. In the event the Board of Supervisors questions any allowance of relief benefits, financial verification may be requested. The financial verification must be provided by applicant within 48 hours.


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Section 13. Additional Provision. All recipients of Burial Relief shall execute an Agreement to Reimburse. 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 property is sold, there is a property transaction, or the recipient comes in the possession of funds.

Section 14. All ordinances and resolutions, or parts thereof, in conflict herewith are hereby repealed including but not limited to Section 6d in Ordinance 3A.

Final passage: June 29, 2012

Published and effective: June 29, 2012

  
Chairman, Adair County Board  
Of Supervisors

Attest:

  
Mindy Schaefer  
Adair County Auditor