

## CARROLL COUNTY ORDINANCE NO. 19

### CARROLL COUNTY GENERAL ASSISTANCE PROGRAM

AN ORDINANCE PRESCRIBING THE GENERAL ASSISTANCE PROGRAM IN CARROLL COUNTY, IOWA.

BE IT RESOLVED, by the Board of Supervisors of Carroll County, Iowa:

General assistance is available through the Carroll County General Assistance program to families and individuals who are poor or needy, when such persons are not supported by their own means, relatives, or other public or private resources, in accordance with the policies specified in this ordinance. General Assistance shall be administered to poor and needy persons within the scope of monies appropriated.

Section 1. Categories. The general assistance program shall provide aid to meet the needs of persons who are poor as defined in Iowa Code 252.1. "those who have no property, exempt or otherwise, and are unable because of physical or mental disabilities to earn a living by labor; but this section shall not be construed to forbid aid to needy persons who have some means, when the Board shall be of opinion that the same will be conducive to their welfare and the best interest of the public". These categories shall include:

1. Emergency assistance for needy persons
2. Assistance for poor persons, and
3. Assistance while awaiting approval and receipt for federal/state public assistance

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

1. "Needy person" is a person or the household of that person who is domiciled in Carroll County, Iowa or who is a transient in the County for less than three (3) days and who, because of circumstances which are not attributable to that person, needs immediate temporary assistance.
2. "Poor person" is a person or the household unit of that person who is domiciled in Carroll County, Iowa, and who because of physical or mental disability, is unable to engage in gainful employment and otherwise cannot make a living.
3. "Household unit/members" are those who dwell under the same roof; a social unit comprised of those living together in the same dwelling and can verify residence in such dwelling.
4. "Assistance" means food, rent, shelter, transportation, emergency telephone service, fuel, electric and medical attention. Food does not include cigarettes or alcoholic beverages but may include care and upkeep items such as laundry soap, household cleaners, and other essential items of a non-food nature used for personal hygiene.
5. "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, jewelry, and the value of all other real and personal property. Exemptions when determining limitations are a homestead, one motor vehicle, (equity not to exceed guidelines set for food stamps), and funeral contracts or burial trusts that are designated for each member of the household. When the value of one or more resources exceeds amounts, the excess will be counted toward resource limitations.
6. "Liquid assets" means cash or any other item of net worth of the household that can be readily converted to cash within thirty (30) days.
7. "Awaiting approval and receipt" means a poor person who has applied for assistance under any state or federal law; who 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 eighteen (18) consecutive months have lapsed since the date of the denial.
8. "Director" is the individual (s) or office appointed by the Carroll County Board of Supervisors to carry out the duties and provide assistance as stated in this ordinance.

Section 3. Form. The assistance shall be purchased directly from the supplier for the applicant or the household unit. It may be for one or more of the items of assistance that are allowable. No cash will be provided.

Section 4. Eligibility. Assistance is to be provided to individuals who are in need of immediate assistance, cannot obtain assistance from any other source, who have not been denied assistance from any other source for non-cooperation, whose income or assistance from a state or federal program has been delayed or not received because of reasons not attributable to that person, whose net income is less than One Hundred Percent (100%) of the current federal poverty level, who does not have liquid assets in the household unit of over five hundred dollars (\$500.00) from which to pay for the items of assistance that can be provided and whose net worth is less than two thousand dollars (\$2,000).

Section 5. Level of benefits. The maximum level of benefits to be provided for each item of assistance for each person or that person's household unit shall be:

1. Food: if food stamps have not been received, food bank referral will be made. A food order may be given at \$25.00 for one person plus \$5.00 per additional household member.
2. Rent and shelter: the reasonable rental value not to exceed two hundred fifty dollars (\$250.00) per month for one person and an additional twenty-five dollars (\$25.00) per month for each additional household member that actually resides with the person, up to a maximum of three hundred (\$300.00) per month. The allowed amount may be increased up to fifty dollars (\$50.00) per month for the total amount of rent, if the rent includes heat, electric, water and sewer.
3. Clothing: if clothing items are of immediate need and not available from any other source and considered a necessity, the reasonable value of the clothing from a local merchant will be allowed.
4. Electric, heat and water/sewer: the amount not to exceed one hundred fifty (\$150.00) or the amount of the most recent month bill owed, whichever is the least amount. Deposits, reconnection fees or other fees will not be allowed.
5. Medical services, dental services and prescriptions: for dental, medical and prescriptions the reasonable value of those services actually needed on an emergency basis. All other payment sources must have been applied for and denied.
6. Transportation expenses, including gasoline and oil: as needed to obtain other benefits, seek employment, or medical care, provided proof of application/appointment for benefits or employment is provided to the Director.
7. Telephone: only allowed if a person has a medical necessity, the monthly cost of one telephone is to be allowed. Long distance charges shall not be allowed or provided. The person must show doctor verification of medical necessity.
8. Maximum limitation: for any one person per year for the above benefits, shall be one thousand dollars (\$1,000.00) and one hundred dollars (\$100.00) extra for each additional household member up to a maximum of fifteen hundred dollars (\$1,500.00) per year for any household. Benefits shall not exceed this limit in any year for any situation (definition for year shall begin from the first allowance for assistance for the person or any person within a household). An exception may be allowed by the Board of Supervisors based on medical necessity as evidenced by a statement from a health practitioner.

Section 6. Application for assistance. Applications for assistance shall be submitted to the Director of General Assistance in Carroll, Iowa during usual business hours Monday through Friday on forms provided by the Director. If, because of hardship, a needy or poor person cannot come to the office, the Director shall mail such person an application form. If the applicant or the household unit is or appears to be eligible for 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 resolution. Failure or denial to make application to other sources may be grounds for denial of assistance.

It is the obligation of each person applying to establish his or her eligibility for any category of general assistance and to prove his or her need for any item of assistance. If requested, the person applying will provide the Director with a verified statement of net worth (federal and state income tax returns) for the past five (5) years, medical reports, medical authorization, and anything else requested by the Director that pertains to the person's eligibility for assistance. The Director may also require that the applicant submit proof of a physical or mental examination to determine the applicant's capacity for labor. The Director will also request submission of statements to establish eligibility and need (including statements or letters, medical reports, bills for current utilities, shut off notices, eviction notices, and other written documents as well as verbal statements from vendors and other community references). The Director will then proceed to conduct a reasonable investigation concerning the applicant's eligibility and needs. The applicant's file, investigation documents and findings of the Director will be made available to the applicant on request.

Section 7. Determination.

- A. The Director shall make an initial determination of the eligibility and the needs of the applicant within five (5) working days of the receipt of the application with all supporting documentation requested. Upon that determination, the Director shall notify the applicant by telephone, if possible, and within five (5) working days after that determination, shall mail to the applicant at the last address shown on the application the Director's written decision showing the reasons for the determination and the statutes or ordinances applied, together with the specific benefits and the amounts to which the applicant is entitled.
- B. If the Director cannot make the initial determination within five (5) working days, the Director shall inform the applicant, by telephone, if possible, of the reasons why

such determination cannot be made. The Director shall, also, mail to the applicant, within five (5) working days thereafter, the Director's written decision showing the reasons why such determination could not be made.

- C. If an applicant has been previously found eligible, and the persons situation has remained the same, the Director need not receive a new application and may just request supporting documentation for current need and may proceed to a determination of current need and assistance that may be allowed. Notice and mailing of such determination shall be as provided above.
- D. If an emergency and immediate need is present, the Director may provide verbal authorization to a vendor to furnish any assistance for the benefit of the person and the amount allowed for such assistance. If the applicant is allowed a benefit under an emergency situation, the applicant must provide any application and documentation of eligibility for need and determination that is requested by the Director. If the person fails to provide an application and/or information requested to document need, any further assistance shall be denied and current assistance shall be discontinued.
- E. If, as part of determination of eligibility, the person is presumed to have legal settlement in another county; expenditures for that person or household unit will be billed to the county of legal settlement as specified in Chapter 252 of Iowa Code. The applicant must provide information to assist in the legal residence determination.

Section 8. Reimbursement.

- A. All recipients of general assistance, their available spouse, and/or parents of recipient who is a minor child shall agree to reimburse for assistance allowed. Recovery efforts shall be initiated as allowed under Chapter 252 of the Iowa Code.

Section 9. Appeal

- A. Every applicant denied assistance shall be informed in writing of the Director's decision and of the applicant's right to appeal such decision to the Board of Supervisors. The applicant shall be informed of the method by which an appeal may be taken and that he or she may represent him or herself or may be represented by an attorney at their own expense.
- B. The applicant/recipient may appeal the decision of the Director or the designees of the county. This appeal must be communicated in writing to constitute an official appeal to be presented to the Board of Supervisors. The appeal shall be filed, in writing, within fifteen (15) business days of the decision. Such appeals must have a clear description of the decision in question with specific times, dates and any other factual basis for the appeal. The appeal must contain the applicant's/recipient's current address and telephone number.
- C. Upon receipt of a written appeal, the Director shall schedule a time on the Board of Supervisor's agenda (in accordance with Chapter 28A, Code of Iowa) at their regular Board Meeting.

The applicant/recipient will be informed, by telephone, if possible, and by mail of the date and time of the hearing before the Board of Supervisors.

Section 10. Appeal Hearing

- A. The Board of Supervisors will hear the applicant's appeal at the time scheduled in the agenda, unless the applicant requests continuance. The applicant will be permitted to present whatever evidence desired in support of the appeal including testifying, having other witnesses testify, offering documentary evidence, and reasonable cross examination of other witnesses, if present. The Board may question the applicant. The Director will present the Board with the reasons for the determination. The hearing will be tape- recorded. The hearing before the Board will be at a closed meeting in accordance with Chapter 21, Code of Iowa, since the confidential files of the applicant will be in evidence. When the Board deliberates on the appeal, no other parties will be present unless the Board may request the presence of the County Attorney.
- B. The Board will make a decision on the appeal within fourteen (14) working days after the hearing. The Board's decision will be based only on the evidence submitted before the Board. The applicant will be informed immediately by telephone, if the applicant may be reached by phone, and within seven (7) working days thereafter, the Board will mail to the applicant, at his or her last known address, the written decision. The decision will state the reasons for the action. The Board's decision will also state that an appeal of the Board's determination may be made by the method described in section 10C of this Ordinance.
- C. An appeal by the applicant to the district court will be allowed within the time limits and the manner and procedures established under Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa.

Section 11. Actions of the Board of Supervisors. The Board of Supervisors may review the actions of the Director in allowing or disallowing assistance benefits, and may approve or disapprove of such actions, consistent with the provisions of the Ordinance.

Section 12. Additional Provisions. The Director may allow, upon application, the additional benefits provided for in Chapter 252, Code of Iowa. The provisions of Chapter 252, Code of Iowa, for repayment of benefits to Carroll County, are applicable and the applicant shall acknowledge the same in writing. Recipients of assistance may further be required to actively seek employment and accept work when offered as a condition to receipt of such benefits as required in 252, Code of Iowa. Benefits provided recipient may further a claim in probate, as provided by law.

Section 13. All ordinance and resolutions, or parts thereof, in conflict herewith are hereby repealed.

s/Eugene Meiners, Chairman, Carroll County Board of Supervisors

ATTEST: Paul S. Fricke, Auditor

First Reading: December 30, 2002

Second Reading: January 13, 2003

Third Reading: January 20, 2003

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