

CEDAR COUNTY

ORDINANCE NO. 3

AN ORDINANCE PRESCRIBING THE GENERAL ASSISTANCE PROGRAM IN CEDAR COUNTY, IOWA, ORDINANCE #3 BE IT ENACTED BY THE BOARD OF SUPERVISORS OF CEDAR COUNTY, IOWA:

Section 1 Categories:

There shall be three (3) categories of General Assistance in Cedar County, Iowa. They are:

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

Section 2 Definitions:

The definition of terms used in this Ordinance are:

1. "Needy person" is a person or the family unit of that person and is domiciled in Cedar 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 relief.
2. "Poor Person" is a person or the family unit of that person and is domiciled in Cedar County, Iowa, and who, because of physical or mental disability, is unable to engage in gainful employment and otherwise cannot make a living.
3. "Relief" means food, rent, mortgage, shelter, clothing, burial expenses, transportation, emergency telephone service, fuel, lights, home extermination and medical attention. Food does not include cigarettes or alcoholic beverages but does include laundry soap, household cleaners, and other items of a non-food nature used for personal hygiene.
4. "Family Unit" means the individual applying and all members of the immediate family including spouse and minor children not over eighteen (18) years of age who are dependent upon the applicant for food, care and shelter and anyone else who is dependent upon the application for federal tax purposes and who resides with the applicant as a family unit member.
5. "Resources" includes all bank accounts, certificates of deposit, stocks, bonds, notes, income producing property, real estate, cash value of life insurance, cash, and other items with salable not to exceed \$2,000 in value. Excluded from consideration are the following: a person's homestead (must be residing in Cedar County), personal possessions, household goods, one motor vehicle, burial lots and funeral trust funds.
6. "Income" is defined as cash, gross wages, gross salaries, Social Security, pension benefits, rents, interest, FIP/ADC cash payments, child support, cash value of rental assistance, received and the value of assistance from all other relief or charitable type programs, unemployment or other monies available for the support of the applicant.
7. "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 re-applied after eighteen (18) consecutive months have expired from the date of denial.

Section 3 Form:

1. The assistance 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 assistance that can be provided.

Assistance shall be paid only on current bills and will not be paid to satisfy any past due bills or indebtedness of the applicant. Current bills do include the monthly bills or statements incurred for the monthly billing cycle in which relief is applied for even though a portion of that monthly bill may have accrued prior to the time assistance was applied for.

Section 4 Eligibility of a Needy Person:

1. Emergency assistance is to be provided to needy persons who are in need of emergency assistance, cannot obtain assistance from any other source despite diligent efforts in their behalf to do so and
 - (a) whose family unit income as defined in this ordinance does not exceed 100% of the Federal Annual Income Poverty Guidelines and
 - (b) whose family unit resources as defined in this ordinance does not exceed \$2,000 and because of reasons not attributable to that person has no liquid assets.

Section 5 Eligibility of Poor Person:

1. Assistance is to be provided to poor persons who are in need of immediate relief, cannot obtain assistance from any other source, whose family unit income does not exceed 100% of the Federal Annual Income Poverty Guidelines, and whose resources do not exceed \$2,000 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.

Section 6 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 if food stamps have not been received.
- b. Rent, mortgage and shelter: The reasonable value not to exceed one half of the allowable monthly amount set by the Fair Market Rent Documentation system and used by HUD. This allowable amount is based on what type of unit is being occupied by the applicant. These allowable amounts will change on a yearly basis along with the Fair Market Rent Documentation System amounts change. The amount of this assistance is not to exceed the assistance maximum listed in subsection j of Section 6 unless applying for assistance of an extended nature as stated in Section 8 of this ordinance.
- c. A landlord statement showing ownership may be required. If said landlord has previously signed a landlord statement, a second statement is not required. Payment to the landlord must enable said tenant to remain at the property for the month. Rent shall not be paid to relatives. A copy of the tenant agreement will be required to show type of unit and the amount of allowable assistance.
- d. Clothing, the reasonable value of clothing actually needed if not immediately available from other sources.
- e. Assistance shall be paid only on current bills and will not be paid to satisfy any past due bills or indebtedness of the applicant. Current bills do include the monthly bills or statements incurred for the monthly billing cycle in which assistance is applied for even though a portion of that monthly bill may have accrued prior to the time assistance was applied for. Payment will not be made on deposits or first month's bills.

- f. Medical services, dental services, optical services and prescriptions may be paid in cases where such services are emergent in nature and required to alleviate an immediate serious threat to the health or life. These services will generally be provided in accordance with the provisions of Cedar County Ordinance #8 prescribing the Medical Relief Program in Cedar County, Iowa.
- g. Transportation expenses, including gasoline, as needed to obtain other benefits or seek employment, provided that proof of application for benefits or employment is provided to the Director. Transportation expenses shall not exceed \$20.00
- h. If a person lives in a rural area and the nearest neighbor is too distant to reach in the event of an emergency, or has a medical necessity, the monthly cost of one telephone is to be allowed. Long distance telephone charges for other than medical emergencies shall not be allowed or provided.
- i. Burial assistance for indigent Cedar County residents in an amount not to exceed \$2,500 for funeral home services and grave opening and closing will be allowed. Of this amount, up to \$300 may be utilized for the cost of grave opening and closing to be paid directly to the cemetery by Cedar County and up to \$2,200 may be expended for the funeral home services set forth below to be paid to the funeral director by the county. The family is allowed to contribute an additional \$1,000 to the cost of the funeral for items not included in a county burial. The family is not allowed to exceed that amount or they will be denied county assistance.

When a funeral director is contacted by the family concerned that the deceased may require county funds for burial, the family will be referred to the Cedar County Veteran Affairs/General Assistance office before any further arrangements are made. The funeral home shall make the family aware of what services are available through assistance funds.

Before authorization by Cedar County for any indigent funeral, a complete and detailed statement of all charges for services to be rendered must be furnished by the funeral home to the Veteran Affairs/General Assistance offices. Failure to obtain advance approval of the County Veteran Affairs/General Assistance Director shall result in disqualification for assistance funds. The following services will be provided for the \$2,500 assistance funds paid by Cedar County:

- a. Transfer the remains from the place of death to the funeral home within a 50 mile radius. (Charge will be made for extra miles)
- b. Professional services (embalm, dress and casket the remains)
- c. Provide arrangements and consultation (death certificate, temporary marker)
- d. Minimum cloth covered casket/grave box (if required by the cemetery)
- e. Two hour visitation at funeral home prior to graveside services.
- f. Provide a hearse to transport the casket to the cemetery within a 50 mile radius of the funeral home.

Provide graveside service. It will be the responsibility of the family/funeral home to contact the cemetery director regarding indigent burial plots. Veteran spaces are available at the Masonic Cemetery and the New Horizon Cemetery, Tipton.

- j. Maximum limitation for any one person for the above benefits, not to include burial and disregarding residents of a nursing home, shall be Twelve Hundred Dollars (\$1,200) and One Hundred Dollars (\$100) extra for each additional member of the family unit, unless extended relief is being provided under Section 8 of this Ordinance in which case the maximum shall be Two Thousand Five Hundred Dollars (\$2,500) plus One Hundred Dollars (\$100) for each additional member of the family unit.

The total amount for all of the items of assistance needed, at any one time, shall be determined, and there shall be deducted the amount of liquid assets the person or the family unit have available and the balance remaining is the amount of assistance benefits the needy

person is to receive. If the needy or poor person, except for reasons not attributable to that person, fails to repay the value of the benefits received, if agreed, 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 assistance by a needy person:

All members of the family unit of the needy person who are at least 18 years of age shall immediately register for employment with Job Services of Iowa and Temporary Employment Agencies 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 Job Services of Iowa. A failure to accept reasonable employment offered shall disqualify the needy person from receiving future benefits. The needy person may be required to provide reasonable proof that he or she is actively seeking employment. General Assistance shall be denied at any time if:

- a. The applicant or recipient refuses to rely on his/her own resources.
- b. There is a transfer of property without due consideration with intent to qualify for General Assistance.
- c. The applicant or recipient refuses to answer any relevant questions, willfully withholds any pertinent information, or falsifies their application.
- d. The applicant quits a job within the last 90 days.
- e. The applicant is fired from a position within 90 days.

Section 8 Assistance of an Extended Nature:

It is contemplated that assistance provided to poor or needy persons and their family units pursuant to this Ordinance will be temporary in nature and not of an extended duration. Assistance to be provided for rent and shelter and for heat, light, water and utilities shall not exceed a total duration of sixty (60) days over any one consecutive twelve (12) month period of time. Assistance provided for other purposes or in other forms shall generally not exceed sixty (60) consecutive days in duration and no more than one hundred twenty (120) days cumulative in any consecutive twelve (12) month time period.

Section 9 Application for Assistance:

Applications for assistance shall be submitted by needy and poor person to the Director of Assistance at the Cedar County Courthouse in Tipton, 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 shall mail such person an application form. If the applicant or the family 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 Ordinance. It is the obligation of each person applying to establish his or her eligibility for any category of general assistance and need for any item of assistance. If requested, the person applying shall 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 bears upon the person's eligibility and need for assistance. 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 statement 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.

Section 10 Initial Determination:

1. The Director shall make an initial determination of the eligibility and needs of the applicant within three (3) working days of the receipt of the application. Upon that determination, the Director shall notify the applicant by telephone immediately, if possible, and within two (2) working days after that determination, mail the applicant at the last address shown on the application, by ordinary mail, the Director's written decision showing the reasons for the determination and the statutes or ordinances applied, together with the specific benefits and their amounts to which the applicant is entitled.
2. If the Director cannot make the initial determination within three (3) working days, the Director shall immediately inform the applicant, by telephone, if possible, of the reasons why such determination cannot be made and mail to the applicant within two (2) working days thereafter the Director's written decision showing the reasons why such determination could not be made.
3. If an applicant has been previously found eligible, the Director need not receive a new application, but may proceed to a determination of mailing of such determination shall be as provided above. If an emergency and immediate need is present, the Director may verbally authorize a supplier or vendor to furnish any item of assistance 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 above.
4. Whenever an applicant is found eligible and entitled to assistance, the Director shall proceed to provide the same and notify the Board of Supervisors.

Section 11 Appeal:

1. 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 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.
2. Any written appeal of 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 Supervisors' agenda, in accordance with Chapter 28A, Code of Iowa, for the next regular Board meeting, provided that such 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. The applicant and his or her attorney, upon written authorization, shall be granted access by the Director to his or her relief case file if request is made.

Section 12 Appeal Hearing:

1. The Board of Supervisors shall hear applicant's appeal de novo at the time scheduled in the agenda unless continuance is requested by the applicant. Applicant shall 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 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 28A, Code of Iowa, since the confidential files of the applicant will be in evidence unless the Board and the applicant mutually agree that the meeting be an open meeting rather than a closed meeting. When the Board deliberates on the appeal no parties shall be present.

2. 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 of the decision and within four (4) 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 actions, 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.

Section 13 Actions of the Board of Supervisors:

In the event the Board of Supervisors, in reviewing the actions of the Director of General Assistance, questions any allowance of general assistance 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. All ordinances and resolutions, or parts thereof, in conflict herewith are hereby repealed.