



Sioux County

GENERAL ASSISTANCE

ORDINANCE NO. 3

AUGUST 2003

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ORDINANCE NO. 3

An Ordinance prescribing the General Assistance program in Sioux County, Iowa

Be it enacted by the Board of Supervisors of Sioux County, Iowa.

SECTION I - POWER

This Ordinance is passed by virtue of the authority established under Iowa Code Chapters 251, 252, and 253 and Iowa Constitution Amendment 37, Section 39A, the County Home Rule Amendment.

SECTION II - DEFINITIONS

The definitions of terms as used in this Ordinance are:

1. **Needy Person:** A person or the family unit of that person and is domiciled in Sioux County, Iowa, or who is transient in the county and who, because of circumstances which are not attributable to that person, needs immediate assistance.
2. **Poor Person:** A person or the family unit of that person and is domiciled in Sioux County, Iowa, and who, because of physical or mental disability, is unable to engage in gainful employment and otherwise cannot make a living.
3. **Assistance:** Assistance to the Poor and Needy as set forth and qualified in this Ordinance.
4. **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 other real and personal property, subject to certain exclusions as set forth herein.
5. **"Family Unit":** Includes the individual applying and all members of the immediate family: spouse, children under eighteen (18) years of age, children over eighteen (18) years of age who are dependent upon the applicant for food, care and shelter, and anyone else who is a dependent of the applicant for federal income tax purposes, as long as such person resides with the applicant as a family member.
6. **"Liquid Assets":** Cash or any other item of net worth of the family unit that can readily be converted to cash within seven (7) days.
7. **"Awaiting Approval and Receipt":** 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. "Awaiting Approval and Receipt" does not mean or include an appeal of a denial of any application for benefits. It does mean and include a person who has had an application denied and who reapplies after eighteen (18) consecutive months have expired from the earliest date of denial.
8. **"Director" :** The Director of Sioux County General Assistance.
9. **Board:** The Sioux County Board of Supervisors.

SECTION III - ADMINISTRATION

A. General assistance shall be administered, by the Sioux County Director of General Assistance, to poor and needy persons and their families when such persons are not supported by their own means, their relatives, or other public or private resources in accordance with this Ordinance. It shall be administered promptly, humanely and equitably to assure decent and healthful living circumstances to poor and needy persons.

B. The Sioux County General Assistance Director or the Director's designee shall:

- a. Receive, on forms provided by the Director, all information from an applicant required to determine that individual's or family unit's eligibility for general assistance under this ordinance.
- b. Investigate fully the means and needs of each person filing an application for general assistance.
- c. Reinvestigate as often as appears required by the elements of the individual case.

C. Prudent Person Concept.

The following are illustrations of circumstances in which County General Assistance personnel would find it "prudent" to make further inquiry into an individual's eligibility status:

1. The person's situation indicates potential resources.
2. Property or cash reserves are very near or equal to the limitations allowed.
3. Living expenses are greater than income.
4. The individual's situation indicates that some, if not all, of the eligibility factors need further inquiry or verification. This would include instances in which the individual:
 - a. appears to be mentally confused;
 - b. is physically ill or disabled and unable to participate adequately in the eligibility determination process;
 - c. has a known history of misrepresentation;
 - d. is a transient or someone who changes his address frequently or has no permanent place of abode;
 - e. does not give consistent answers or information consistent with other known facts.

D. Any general assistance dispensed under this Ordinance will be granted on the vendor system, i.e. paid to a supplier of goods or services directly by the county, except when the emergency of the individual situation, as it then appears to the Director, requires payment by some other method.

SECTION IV - AVAILABILITY AND LIMITATIONS ON ASSISTANCE

A. General.

General Assistance shall only be granted after completion of an application, on forms to be supplied by the Director, by the individual applicant or his legal representative. The application shall be verified by the applicant. The applicant shall only be eligible for general assistance after the investigation by the Director has been completed.

General Assistance, under this Ordinance, shall include only current amounts necessary for rent, utilities, provisions, including food and non-food items, medical services and funeral bills. It shall not include payment of deposits, taxes, interest or carrying charges, penalties, or past due amounts. Current amounts are those incurred within the most recent billing cycle.

A. Rent.

1. Rent payment shall only be made to owners of property or their designee.
2. Rent shall not be paid to responsible relatives such as parents, grandparents, children, or grandchildren.
3. Rent shall not be paid if applicant has access to alternative means of shelter, for example: family, friends, significant other.
4. Rent may be paid for temporary housing, such as a motel, at the discretion of the Director, but payments shall be for a reasonable amount as billed by the vendor.
5. Rent shall be paid in an amount commensurate with typical and reasonable rent paid for similar dwellings in the community, up to 80% of the amount due, at the discretion of the Director.

B. Utilities.

1. Utility payments may include payments to vendors of gas, electric, water and fuel oil and merchants who may provide another type of fuel for heating or cooking. (This does not include phone, cable, satellite, internet or like services.)
2. The amount authorized shall be the amount of the current utility billing or a lesser amount depending upon the resources of the applicant or his family unit, subject to the availability of county and/or state funds. Applicant must first seek Emergency Assistance from the State of Iowa (DHS) before County funds will be made available.
3. Utilities must be in the name of the applicant, or a member of the family unit for which application is made. If the expense of the utilities is being shared with others for whom application is not made, applicant shall be eligible for utility assistance on a pro rata basis which is based upon the number of persons sharing expenses. A shut-off notice shall not be necessary for eligibility.

C. Provisions.

This section covers payment for food and non-food authorizations:

1. Initial requests for food and non-food benefits shall be referred to the area food pantry.
2. In the event that food/non-food provisions from the food pantry are unavailable or exhausted, food authorizations for the benefit of the applicant and family unit will be provided by the Director directly to a grocery store at a level commensurate with the current food stamp guidelines.
3. Non-food authorizations will be limited to soap products, paper products, household cleaning supplies, personal grooming supplies, non-prescription drugs, and any other non-food item shown by the applicant to be necessary to the applicant or family unit. Under no circumstances will food or non-food authorizations be used to purchase items such as pet food, tobacco products, alcoholic beverages, soda pop and candy.

D. Medical Services.

Individuals seeking medical assistance will be referred to the Iowa Health and Wellness Plan.

E. Burial

1. The Director of Sioux County Community Services shall be contacted with a request for assistance PRIOR TO the provision of funeral services.
2. **Vendor payment for burial expense is limited to a maximum of \$1500.00 per person for burial costs, with up to \$250.00 for opening and closing the grave, and up to \$250.00 for a burial plot.** The funeral home may collect up to \$1,000.00 of the total funeral expenses from the family of the deceased, with the total funeral expenses not to exceed \$3000.00. Any

- insurance, assets, resources or financial contributions above \$ 300.00 must be applied to burial expenses and deducted from the amount the county has approved for burial assistance.
3. The General Assistance office must have an itemized statement of all burial expenses before a warrant will be issued to the vendor. Included expenses shall be:
 - a. Removal of the deceased from location of death, i.e., hospital
 - b. Preparation of the deceased (embalming, cosmetology, dressing, etc.)
 - c. Arrangements (meeting with family, notifying media, etc.)
 - d. Visitation (for a minimum of two hours immediately prior to the service)
 - e. Funeral Service (including all staff, equipment and facilities)
 - f. Automotive transport (for removal of deceased as well as transport to church and/or cemetery)
 - g. Necessary items (minimum cloth covered pressboard casket, minimum concrete grave box, visitors registration, minimum of 50 acknowledgement cards)
 4. Payment will not be allowed for clothing, flowers, clergy, organist, etc. and/or death certificate.
 5. Memorials and contributions made on behalf of the deceased in excess of \$300.00 must be applied to funeral costs.
 6. General Assistance will not pay more than the actual cost of burial expense after family, friends, and estate contributions towards those costs is made.

F. Legal Services

1. To the extent funding from sources other than property taxes is available (IOLTA), payment shall be made on behalf of eligible applicants for the following types of legal services rendered in Sioux County, or for civil litigation filed in the Iowa District Court for Sioux County:
 - a. Tenant / landlord matters
 - b. Family law matters, i.e. wills and simple dissolutions involving abandonment or physical violence.
 - c. Guardianships/conservatorships
 - d. Domestic abuse petitions
 - e. Debtor/creditor matters
 - f. Tort defenses, if no insurance coverage is available
2. The application for legal assistance shall be approved by the Director or his designee prior to provision of services. The maximum benefit for eligible services shall be \$800.00. An applicant shall be eligible to receive paid legal services for not more than one legal matter per 12 consecutive-month period. The applicant's request for funding under this ordinance may be denied by the Director or his designee when alternative funding or other low cost legal services can be reasonably obtained from any other source.
3. Legal services shall be performed by a member of a low-fee panel comprised of attorneys licensed in Iowa who practice primarily in Sioux County, who have agreed to perform legal services on behalf of indigent residents of Sioux County at rates not to exceed those limits set forth herein. Any qualified attorney may apply upon forms prescribed by the Director to become a member of this panel. The Board of Supervisors shall, by resolution, determine the maximum fee, as well as the hourly rate to be allowed under this section of the ordinance.

The current approved hourly rate is \$50.00 for out of court service, and \$65.00 for service rendered in a courtroom setting, with a maximum payment of \$800.00, which includes incidental expenses. The applicant, if approved by the General Assistance Director or his designee, may select a member of the low-fee panel to represent him/her. The applicant may be rejected by the member attorney if it is determined that the applicant's claim is without legal merit. Claims for payment shall be submitted by the attorney, directly to the General Assistance Director, upon forms prescribed by the Director, after the legal matter has been concluded. Disbursements by the General Assistance Office for said services shall be considered payment in full. At no time shall the applicant be billed for services.

4. Referrals for payment will be made for legal services, to the extent funding is available, through the Interest on Lawyer's Trust Account (IOLTA) program, or other non-property tax funding. When available funds have been exhausted in a given fiscal year, no further claims will be allowed.
5. The attorney-client relationship existing between the applicant and the attorney providing services under the ordinance shall remain inviolate and no secrets or confidential information imparted by the applicant to the attorney will be revealed to the General Assistance Director or others unless done so in the course of the attorney's representation of the applicant. Attorneys, however, shall be required to furnish, to the General Assistance Director, an itemized statement of services rendered, briefly stating the services rendered to an applicant and the time involved in hours and tenths of hours.

G. Miscellaneous

Under no circumstances shall the Director find taxes, interest, carrying charges, or credit card balances to be current need for which General Assistance may be disbursed.

SECTION V - ELIGIBILITY

A. Location:

To be eligible for general assistance applicant must be a citizen of the United States of America and must be a resident of Sioux County according to Iowa law. The Applicant shall provide proof of citizenship upon request. Applications will not be mailed to persons residing outside of Sioux County.

B. Resources

1. Eligibility for general assistance shall be determined by the Director based on all household items of net worth, including but not limited to, both real and personal properties and household income. Any transfer of property made within two years prior to the application and for the purpose of qualifying for assistance renders the applicant ineligible for general assistance.
2. A homestead, not to exceed forty (40) acres, shall be exempt from consideration of real property. A homestead shall not cease to be a homestead because of temporary absence of the owner, not to exceed six (6) months.
3. The following personal property shall also be exempt from consideration:
 - a. Household furniture, clothing of the applicant and family unit, bedding and other items.
 - b. Tools and equipment used for self support.

C. Income

Since FIP cash amounts have been determined by the state to meet all of the needs of an individual and/or family, persons receiving FIP payments are ineligible for general assistance.

Further, persons who are discharged from the FIP Program due to meeting the sixty (60) month maximum are ineligible for general assistance. The Federal Government Welfare Reform Act of 1996 created an expectation that a person receiving welfare would work with the Department of Human Services to become self-sufficient within five years. Sioux County will not have general assistance policies that are in conflict with the Federal Government.

All gross income in cash, or in kind, actually received by, or readily available to, the applicant or his or her family unit shall be considered by the Director in determining eligibility. Any applicant, either a poor or needy person or their respective family units, shall be ineligible for general assistance if his or her family unit's income exceeds the amount of 150% of the current established federal poverty levels.

The manual allows certain exceptions as provided for in our ordinance. Additionally, unusual circumstances regarding particular applicants may be considered by the Director.

D. Net Worth

An applicant or his family unit, determined to be either a poor or needy person, shall be ineligible for general assistance if the individual has a net worth more than \$2000.00, or family unit has a net worth more than \$3,000.00.

E. Needy Persons

To be eligible for general assistance, a needy person must additionally qualify as follows:

1. If the applicant is employable, he or she must be registered, or register immediately, with Iowa Workforce Development. If the ability to work is disputed or applicant claims any medical condition which would prohibit him from working or would jeopardize his health or safety, applicant shall be sent to a physician for a determination of work ability or medical limitations on work ability.
2. A person must be eighteen (18) years of age, not claimed as a dependent for federal income tax purposes and not living as a member of his parents' family unit.
3. Assistance shall not be granted to students or members of their family unit who are enrolled in a full-time vocational or academic program beyond the twelfth grade of high school. A person continues to be considered a full-time student during school vacations if expected to return to full-time attendance when vacation is over.

F. Poor Persons

To be eligible for general assistance a poor person must additionally qualify, as follows:

1. The applicant must demonstrate to the Directors' satisfaction that he or she has, in fact, some physical or mental disability which prohibits applicant from engaging in gainful employment.
2. If the asserted mental or physical disability is disputed, the Director may have applicant examined by the appropriate medical authority to establish the existence of the mental or physical disability and the impact it may have upon the employability of the applicant.
3. The applicant shall, if requested by the Director, sign any necessary waivers allowing the Director access to applicant's medical records, when necessary, in order to make a determination as to the existence and extent of any such mental or physical disability.

G. Additional Eligibility Requirements

1. General Assistance funds shall not be utilized until all other sources of public assistance have been exhausted. Any applicant who appears to the Director to be eligible for other local,

state, or federal programs of assistance shall be referred by the Director to the proper source of such programs. If any such applicant refuses to apply for any other programs of assistance, that applicant will no longer be eligible for county general assistance.

2. Applicants with children under the age of eighteen in the home must apply for FIP through the Department of Human Services
3. The applicant is not eligible for assistance if they voluntarily quit their job without good reason or were discharged from their job, although exceptions may be made at the discretion of the Director. Furthermore, applicants are not eligible for assistance if they are unemployed for the purpose of seeking post high school training.
4. General assistance will not be authorized if said authorization will not remedy the problem, i.e., if a person can not produce evidence of ability to pay the bill in the next month.

H. Financial Reimbursement Request(s)

Financial Reimbursement will be requested when:

1. Applicant expects to receive a regular monthly income in the near future, which will be above income guidelines.
2. Applicant receives, or expects to receive in the near future, a lump sum income payment, inheritance, or any other resource of value which is not exempt under income and/or resource guidelines.

The provisions of Chapter 252.13, Code of Iowa, for repayment of benefits to Sioux County, are applicable and the applicant shall acknowledge the same in writing. Those recipients of assistance who are able or medically determined able to labor may further be required to work for the County as a condition to receipt of such benefits as required in Sections 252.7 and 252.42, Code of Iowa. Benefits provided a recipient may be a further claim against the homestead of a recipient and a claim in probate, as provided by law.

I. Frequency

An able-bodied person (not mentally or physically handicapped) is eligible to receive General Assistance only once per 12 consecutive month period. Medical exceptions may be allowed if the applicant is able to provide a physician's statement, which specifically forbids the applicant from performing work.

SECTION VI - PROCEDURE

A. Application Completion

Applicants for general assistance shall file their applications and any other evidence or information deemed necessary by the Director to assist in the determinations required by this ordinance at the Sioux County General Assistance Office located at 210 Central Avenue Southwest, Orange City, Iowa, 51041, during usual business hours. If, because of undue hardship, an applicant can not come to the General Assistance Office, the Director shall mail such person an application form.

It is the obligation of each person applying for general assistance to establish his or her eligibility and/or need for any category of general assistance authorized by this ordinance. If requested by the Director, the applicant shall provide a verified statement showing all items of real and personal property constituting net worth, federal and state income tax returns for the past five (5) years, any medical reports required and/or any other information that bears upon the applicant's eligibility and need for assistance.

The Director shall also receive, and consider in connection with the determination of eligibility and need, any other information, statements, letters or memoranda applicant desires to submit. The

Director shall then proceed to conduct a reasonable investigation concerning applicant's eligibility and needs.

B. Initial Determination

1. 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 application. If possible, the applicant will be notified by telephone within 24 hours regarding his/her determination decision. Notification by ordinary mail will be sent within 5 (five) working days to the applicant at the last address shown on the application. The Director's written decision shall note the reason(s) for the determination and the applicable statutes or ordinances, as well as the specific benefits and related amounts to which the applicant is entitled or which were denied.
2. If the Director cannot make the initial determination within five (5) working days, the Director shall immediately notify the applicant, by telephone if possible, regarding the reasons why such determination cannot be made within the time-frame listed in item one of this section. Same notification by ordinary mail will be sent to applicant within 5 (five) working days to the current address shown on the application.
3. If an applicant has previously been found eligible, the Director need not receive a new application, but may proceed to a determination of whether or not current assistance is warranted. Notice and 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.

C. Appeals

1. Every applicant, whether granted assistance or not, shall be informed by written decision of the applicant's right to appeal such decision to the Board of Supervisors. The applicant shall be informed (a) of the method by which an appeal may be taken, and (b) that he or she may represent him or herself, or may be represented by an attorney.
2. Any written appeal or communication to the Director by or on behalf of an applicant requesting appeal of a General Assistance 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 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 General Assistance determination, provided 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 to his or her assistance case file if request is made.
3. The Board of Supervisors shall hear applicant's appeal de novo at the time scheduled in the agenda unless continuance is requested by applicant. Applicant shall 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 technical rules of evidence shall not apply. The Board may set reasonable times for the presentation of the parties at an 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 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. When the Board deliberates on the appeal, no parties shall be present.

4. 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 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.
5. 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.

SECTION VII - SEVERABILITY

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION VIII - REPEAL OF CONFLICTING ORDINANCES

All Ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IX - EFFECTIVE DATE

This ordinance shall be in effect from and after final passage, approval and publication as required by law.