

TITLE I – POLICY AND ADMINISTRATION (Chapters 1-6)

**CHAPTER 3**

**GENERAL ASSISTANCE PROGRAM**

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**3.01 GENERAL PURPOSE.**

General Assistance shall be for the purpose of providing, either in kind or by general assistance order, basic or special needs to poor or needy persons, who reside in Warren County, when such are not supported by their own means, their responsible relatives, or state or federal programs of assistance. General assistance is available to help people in need when the assistance will be conducive to such person’s welfare and in the best interests of the public and is necessary to help the person through a period of hardship and/or is necessary to keep the family intact, or when the person is confronted with a dire emergency and the person has no income, liquid assets or other resources available to meet his/her basic needs.

**3.02 FORM OF BENEFITS.**

The assistance shall be purchased directly from the supplier or vendor for the applicant or the family unit. It may be for one or more of the items of assistance that can be provided.

**3.03 DEFINITIONS.**

The definitions of terms used in this chapter are as follows:

1. “Assistance” means the provision of basic and special needs. “Assistance” may also include provisions of basic or special needs through the offering of shelter at other available facilities in Warren County.
2. “Basic needs” shall mean food, shelter, and utilities. Food shall not include cigarettes, alcoholic beverages, or pet food except pet food for a guide dog, but does include personal items and items used to operate a household.

3. “Board of Supervisors” means the Warren County Board of Supervisors.
4. “Circumstances which are attributable to the person” shall mean any and all of those circumstances occurring to a person which involve failure to safeguard liquid assets and/or resources or failure to prioritize expenses.
  - a. “Failure to safeguard liquid assets and/or resources” shall mean that the person’s liquid assts and/or resources were lost or stolen and a police report has not been filed and there is no evidence that an assault or a break-in has occurred.
  - b. “Failure to prioritize expenses” shall mean that the person has not directed his/her income towards securing and paying for basic needs as a first priority or where the person has demonstrated a continued inability to plan and spread necessary expenditures over the usual period between assistance checks.
5. “College students” are not eligible for assistance unless they are working 20 or more hours per week.
6. “County” means Warren County, Iowa.
7. “County Attorney” means the Warren County Attorney and the Warren County Attorney’s Office.
8. “Director” means the Director of General Assistance for the County or designee.
9. “Director’s exception” means the General Assistance Director, or his/her designee, granting assistance:
  - a. To a poor or needy person in an amount in excess of the amount that can be granted by worker’s exception(s); or
  - b. To a poor or needy person whose income is in excess of the income eligibility standards imposed by resolution of the Warren County Board of Supervisors; or
  - c. To a poor or needy person who is not eligible for a state or federal program of assistance.
10. “Household” means the individual applying for assistance and all members of his/her immediate family (spouse, children under eighteen (18) years of age, children over eighteen (18) years of age who are dependent upon the applicant, and anyone else who is a dependent of the applicant for Federal Tax purposes, significant other, or individual(s) living in the same unit that share expenses).

11. “Liquid assets” means cash or any other item of value of the family unit that can be readily converted to cash within seven (7) days but does not include customary household goods and furniture or other items of personal property that are exempt under Chapter 627, Code of Iowa (2020).
12. “Net worth” includes liquid assets and income or moneys, as of the date of application, from any source, moneys due, savings and other deposits, bonds, cash value of life insurance policies and the value of all other real and personal property that can be converted to cash. This excludes clothing, wedding rings, household goods and personal effects, bedding, towels and similar equipment, one automobile, one homestead, and that which is exempt under the Iowa Homestead Law, Iowa Code Chapter 561; Iowa Code Chapter 627, excluding Sections 627.6(2), 627.6(8)(A-E), and 627.13. “Net Worth” also excludes tools of trade (tools used in one’s income-earning activity).
13. “Needy person” is a person or family unit of that person, residing in Warren County, Iowa, and who, because of circumstances needs immediate assistance, or a person or family unit of that person who needs immediate assistance.
14. “Poor person” is a person or the family unit of that person residing in Warren County, Iowa, and who needs assistance because of a physical or mental disability that makes the person an unemployable person.
15. “Special needs” shall mean medical, funeral expenses, and shelter at facilities with whom the County has an agreement to provide shelter.
16. “State” means the State of Iowa.
17. “State or federal programs of assistance” means a program funded by the State and or Federal government including but not limited to FIP, SSI, SSA, SSDI, Worker’s Compensation, Veterans Benefits, and Soldiers Relief.
  - a. A person who is eligible for assistance or has received the maximum amount of assistance from Veterans Affairs, will not be eligible for General Assistance from the County.
18. “Transients” are those persons passing through, having no intent to remain in the County, and being without residence in the County.
19. “Unemployable person” means one of the following:
  - a. A person whose physical and/or mental condition is so severe, as stated by a medical doctor or other competent authority, that employment in the competitive job market is not possible.

- b. A person who may have some “ability” to work, according to a medical doctor or other competent authority, but cannot apply this ability on the job due to a physical and/or mental impairment. This person would require constant one to one supervision and could be disruptive and unmanageable in a work setting. Therefore, employment in the community is not feasible.
  - c. Adults who by reason of age or lack of job skills are unable to secure employment.
20. “Waiting approval and receipt” means that a poor or needy person has applied for assistance under any State or Federal law, has pursued that application with due diligence, and has not received a decision on that application.

### **3.04 INCOME GUIDELINES FOR ASSISTANCE ELIGIBILITY.**

Assistance shall be provided to eligible poor or needy persons whose income is less than the amount designated by the Board of Supervisors. Warren County is the funder of last resort.

### **3.05 OTHER ELIGIBILITY REQUIREMENTS FOR NEEDY PERSONS.**

Assistance may be provided to a needy person who is in need of immediate assistance and who cannot obtain assistance from any other source and who does not have liquid assets or resources either as an individual or as a family unit to pay for basic or special needs.

### **3.06 OTHER ELIGIBILITY REQUIREMENTS FOR POOR PERSONS.**

Assistance shall be provided to poor persons who are in need of immediate assistance and who cannot obtain assistance from any other source; and who are eligible for and are awaiting approval and receipt of assistance under State or Federal programs of assistance. In the event the initial appeal of a person who has applied for SSI or SSDI is denied, the person shall no longer be eligible for general assistance unless a Director’s Exception is granted by the General Assistance Director. The County may require any person claiming to be an unemployable person to submit to an independent examination by a medical doctor or other qualified expert, of the County’s choosing, for the purpose of determining the person’s capacity to work.

### **3.07 BASIC NEEDS BENEFITS.**

Maximum benefits are determined in the following manner:

1. The maximum benefits for each basic need (food, shelter and utilities) to be provided during any twelve (12) month period to a needy person without the Director’s Exception, shall be the maximum amount designated by the Board of Supervisors.
2. The maximum benefits for all basic needs to be provided during any twelve (12) month period to a poor person who is the head of a family unit shall be the reasonable and necessary amount required to provide the basic need to such poor

person for that period of time as established by the Board of Supervisors. The assistance provided per month cannot exceed the amount allowed per month under the income guidelines established by the Board of Supervisors unless a Director's Exception is granted.

3. Specific basic needs assistance may be granted as follows:

**A. Rent**

1. Rent payment shall be made only to owners of the property.
2. Rent shall only be paid for housing that is currently being occupied, except for temporary absence due to health reasons.
3. In most cases, rent payment may not be paid to any relative.
4. Roommates must apply for assistance separately for their portion of the rent.
5. Rent may be paid for the current month only.
6. Landlord must agree to accept a County voucher and agree, in writing, not to evict for a period of 30 days from the date specified on the voucher, as demonstrated by a signed rent verification form.
7. The amount of assistance will be determined by the most recent rent/utility guideline. (Flexibility will be allowed in cases where the entire request for assistance is no more than \$50 over the guideline.)
8. General Assistance is available for deposits, first month's rent or back rent.
9. Affordability of housing is a consideration in determining eligibility.

**B. Utilities.**

1. Utility assistance includes payments for gas, electricity, water, and fuel oil for the purpose of heating and cooking.
2. Utility assistance is provided only in emergency situations when a disconnect notice has been received or payment arrangement will be broken and will result in disconnect.
3. Utility assistance may be provided only when the applicant demonstrates a "good faith" effort (two or more client payments made from November-March) to contribute toward utilities during the moratorium. A payment is defined as the monthly budget billing amount for the account. If the client is not on budget billing, then the client must have paid two payments equal to one month's average. Payments made by agencies are not considered in determining "good faith" effort.

4. In determining eligibility for utility assistance, the applicant must be the individual in whose name the utilities are listed.
5. General Assistance is not available for old bills, reconnect fees, utility deposits, repairs, and miscellaneous equipment-related fees.
6. The amount of assistance allowable will be determined by the most recent rent/utility guideline.

### **3.08 LIMITATIONS ON SPECIAL NEEDS.**

The following special needs shall be in addition to the benefits allowed under 3.07 of this ordinance:

1. **Medical:** Reasonable value of needed services if the services were not available under Medicaid, the Medically Needy program, at Broadlawns Medical Center, University of Iowa or in a private hospital under the provision of the Hill-Burton Act.
2. **Funeral Expenses:** Funeral expenses shall be paid at the maximum amount designated by the Board of Supervisors for County residents. Payment will be made directly to the funeral service provider. Any resource available to the estate (other than sentimental property with a nominal value) including but not limited to donations, gifts, non-organizational memorials, life insurance, bank accounts, personal allowance accounts, cash on hand, real estate, and veteran's benefits, will be deducted from the amount paid by the County. The amount shall be \$750 for a nonresident, indigent transient. Assistance shall not exceed the actual cost and may be utilized towards burial or cremation. No other payment shall be received above the County Assistance for the funeral expenses of the applicant, except for the minimum amount required for burial. The above limitations may be modified by the Board of Supervisors on a case-by-case basis.
3. **Emergency Shelter:** Service shall be limited to four (4) weeks duration. Shelter will only be provided in emergency situations (natural disaster or victim of domestic violence). If a person is a victim of domestic violence, the Director will need to see proof of the criminal case and/or no contact (protective) order.

### **3.09 DURATION.**

Assistance may be provided as follows:

1. **Poor Person:** Assistance may be provided, during any twelve (12) month period, for so long as the total amount does not exceed the maximum amount designated by the Board of Supervisors. The twelve (12) month period is to begin with the month when the first assistance is issued.
2. **Needy Person:** Assistance may be provided, during any twelve (12) month period, for so long as the total amount provided does not exceed the maximum amount designated by the Board of Supervisors. The twelve (12) month period is to begin with the month when the first assistance is issued.

**3.10 GRANTING OF DIRECTOR'S EXCEPTION.**

A Director's Exception may be granted for the purpose of providing assistance to:

1. A Poor or Needy Person whose income is in excess of the income eligibility standard imposed by the Board of Supervisors.
2. A Poor or Needy Person who is not eligible for a State or Federal assistance program.
3. A Poor or Needy Person who has made a single payment that exceeds ne month's average of utility charges.

**3.11 REQUIREMENTS FOR RECEIVING ASSISTANCE.**

Requirements for receiving assistance are as follows:

1. **Needy Person:** A needy person who is available for employment and is unemployed shall immediately register for employment with Iowa Workforce Development, attend WeLIFT, and otherwise actively seek employment. The needy person shall attend WeLIFT one time per week and show proof of attendance or provide proof of at least two job applications per week. The needy person shall seek and accept any reasonable employment whether it is suitable employment under the guidelines of Iowa Workforce Development.

A refusal or failure to actively seek employment or refusal or failure to accept reasonable employment offered shall disqualify the needy person from receiving future benefits. The needy person may be required to provide proof that he or she is actively seeking employment. Once employed, a needy person may be required to demonstrate a good-faith effort to retain employment.

**3.12 RECOVERY OF EXPENDITURES.**

Expenditures for General Assistance shall be recovered or repaid as follows:

1. From any homestead of a recipient to the extent provided in Iowa Code Section 252.14 (2020).
2. From any person who received General Assistance after applying for Federal Supplementary Security Income (SSI) benefits but before being determined eligible for such benefits, pursuant to the terms of an "Interim Assistance Reimbursement Authorization" which shall be signed by the person at the time of receiving the General Assistance and which shall then be filed with the United States Social Security Administration.
3. From any other government or government agency to such extent as may be permitted by law.

**3.13 APPLICATION FOR ASSISTANCE.**

Applications for assistance shall be submitted by needy or poor persons to the Director of General Assistance or designee at the Community Services Building, 1007 S. Jefferson Way, Indianola, Warren County, Iowa 50125, during business hours upon forms provided by the Director. If, because of undue hardship, a needy or poor person cannot come to the General Assistance Officer, the Director shall mail such person an application form or deliver application form to such person.

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 applicant shall pursue such application with due diligence. If requested, the person applying for provide the Director with a verified statement of net worth, Federal and State income tax returns for the past one (1) year, medical reports, medical authorization, bank statements or anything else required by the Director that bears upon the person's eligibility and need for assistance. If past records are not available, then an oath may be taken. The Director also may require, upon approval of the Board of Supervisors, that the applicant submit to a physical or mental examination to determine applicant's capacity to labor.

The Director also shall receive anything that the person applying desires to submit to establish eligibility or need, including 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 an 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 that applicant, upon request, or to the applicant's attorney or other representative as designated by the client, by written authorization.

**3.14 INITIAL DETERMINATION.**

The process for Initial Determination is as follows:

1. All persons making requests shall be assisted in applying for General Assistance. The Director, giving an applicant any initial information, must determine if the applicant has emergency need. An emergency food, medical, or shelter need shall be provided for immediately through referrals to available community resources.
2. The Director shall make an initial determination of the eligibility and needs of the applicant within three (3) working days of receipt of the application. Upon that determination, the Director shall notify the applicant by telephone immediately, if possible; within two (2) working days after the determination is made, the Director shall mail by ordinary mail the determination to the applicant, at the last address shown on the application.

The Director shall include in the mailing the Director's written decision showing the reason for the determination and the statutes or ordinances applied, together with the specific benefits and the amounts to which the applicant is entitled and proceed to provide such assistance.



3. 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. The Director also shall mail by ordinary 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.
4. If an applicant has been previously found eligible within the last twelve (12) months, the Director need not receive a new application but may update the application as the applicant requests benefits and then proceed to a determination whether current assistance is warranted. Notice and mailing of such determination shall be provided as noted in paragraph 3 above.

### **3.15 APPEAL.**

The Appeal Process is set forth as follows:

1. Every applicant, whether granted assistance or not, shall be informed in the Director's written decision of the applicant's right to appeal, as well as the time limits, from such decision to the Board of Supervisors. The applicant shall be informed (a) of the method by which appeal may be taken, and (b) that the applicant may represent himself or herself or may be represented by another person.
2. Upon denial of General Assistance, the applicant shall receive written notice, including the right to appeal within five (5) working days from the receipt of a completed application.
3. Any written appeal to the Director by or on behalf of an applicant requesting appeal of the Director's determination shall be made to the Director within ten (10) working days of the Director's determination and state the applicant's current address, telephone number, and reasons for the appeal. Once the appeal has been received by the Director, the Director shall request placement on the Board of Supervisor's next regular meeting agenda, pursuant to Iowa Code Chapter 21 (2020), provided that such appeal shall not be heard sooner than five (5) days after appeal is taken. The applicant shall be informed by ordinary mail of the date and time of the hearing before the Board of Supervisors. The applicant and the applicant's attorney or other representative, as designated by the applicant, upon written authorization, shall be granted access by the Director to applicant's assistance case file if request is made. When emergency assistance has been denied, the appeal shall be taken immediately to the Board of Supervisors by the Director.

### **3.16 APPEAL HEARING.**

The Appeal Hearing proceeds as follows:

1. The Board of Supervisors shall hear the applicant's appeal anew at the time scheduled in the agenda unless continuance is requested by the applicant. The applicant shall be permitted to present whatever evidence is 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 parties to present evidence of any appeal. The applicant's file shall be admitted into evidence. The Board may question the applicant, and the Director shall present before the Board the reasons for the determination. The appeal will be tape recorded. The hearing before the Board will not be an open meeting, under Iowa Code Chapter 21 (2020), since the confidential files of the applicant will be in evidence. 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) 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 Director shall mail to the applicant at the applicant's last known address by ordinary mail, the Board's 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 made of the Board's determination, as provided below, and the method by which such appeal may be taken.
3. A person who is aggrieved by a decision of the Board of Supervisors may appeal the decision as if it were a contested case before an agency and as if the person had exhausted administrative remedies in accordance with the procedures and standards in Iowa Code Sections 17A.19 and 17A.20 (2020).

### **3.17 ACTIONS OF THE BOARD OF SUPERVISORS.**

In the event the Board of Supervisors, in reviewing the actions of the Director, questions any allowance of 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.

### **3.18 ADDITIONAL PROVISIONS.**

The Director may allow, upon application, the additional benefits provided for in Iowa Code Chapter 252 (2020). The provisions of Iowa Code Chapter 252.13, for repayment of benefits to the County, are applicable and the applicant shall acknowledge the same in writing. Recipients of assistance may further be required to work for the County as a condition to receipt of such benefits as required in Iowa Code Sections 252.27 and 252.42 (2020). Benefits provided to a recipient may be a further claim against the homestead of a recipient and a claim in probate, as provided by Iowa Code Section 252.13 (2020).

### **3.19 TRANSIENT ASSISTANCE.**

Assistance for those individuals passing through the County (with a destination elsewhere) is limited to a tank of gasoline, oil as needed, a meal, and a night's lodging. Bus fare may be substituted for the tank of gasoline. (Transients are those persons passing through, having no intent to remain in the County, and being without residence in the County).

### **3.20 CONFIDENTIALITY.**

All applicants and/or recipients have the right to confidential treatment of information concerning their situations. However, recipients should understand that such information may

be shared when appropriate with the Board of Supervisors. A certain amount of information may need to be released to direct providers of services, such as grocery stores, pharmacies, hospitals, doctors, clothing stores, etc., to authorize release of goods to the client. In certain instances when the General Assistance employee is working cooperatively with other agencies, i.e., Veterans Affairs, Community Action Center, and/or County departments, certain information may be released to complete transactions.

The client's signature on the application not only indicates that information provided on the application is factual and true to the best of the client's ability, but also authorizes the department to conduct transactions with those mentioned above, obtain further information, verify information and to cooperate with others necessary to complete the application, eligibility, final determination and transaction of the assistance process.

### **3.21 FRAUDULENT ACTIVITY.**

Any person or persons applying for or receiving assistance through the County General Assistance program who knowingly and intentionally: (a) provides false information in order to become eligible or continue to be eligible, or (b) who alters vouchers or claims issued to providers in order to receive additional assistance, will be denied future assistance for a period of three (3) years. Any individual(s) having allegedly committed fraudulent activity will be referred by the General Assistance Director to the County Attorney for possible prosecution.

### **3.22 SEVERABILITY CLAUSE.**

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, paragraph, provision or part thereof not adjudged invalid or unconstitutional.

