

## IOWA COUNTY ORDINANCE NO. 2

TITLE: AN ORDINANCE PRESCRIBING THE GENERAL RELIEF PROGRAM IN IOWA COUNTY, IOWA.

Section 1. Categories. There shall be three (3) categories of general relief in Iowa County, Iowa. They are:

1. Emergency Relief for needy persons;
2. Relief for poor persons; and
3. Relief of an extended nature.

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

1. "Needy Person" is a person or the family unit of that person that is domiciled in Iowa 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 that is domiciled in Iowa 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, shelter, clothing, transportation, emergency telephone service, fuel, lights 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. "Relief also includes provision of any of the above items of relief by the General Relief Director (hereinafter referred to as Director) or Iowa County Board of Supervisors (hereinafter referred to as Board) through the offering of residence at a residential facility approved by the Board.
4. "Net Worth" includes cash, checking and savings deposits, other deposits, stocks, bonds, real estate, cash value of life insurance policies, jewelry, and the value of all other real and personal property. Exempt items include: clothing, wedding rings, necessary and usual household furnishings, tool and equipment used for home and family maintenance or support, one automobile and one additional vehicle more than ten years old, a homestead used as a principle place of residence and burial lots and funeral trust funds.
5. "Family Unit" means 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 federal tax purposes as long as they reside with the Applicant as a family unit). Non family members are expected to pay an equal portion of household expenses. Benefits for eligible persons living with non-family members shall be paid pro rata.

6. "Liquid Assets" means cash or any other item of net worth of the family unit that can be readily converted to cash within seven (7) days by sale of otherwise.
7. "Awaiting approval and receipt" means a poor person who has applied for assistance under any state or federal law who has pursued the application with due diligence; and who has not had that application denied. This does not include an appeal or a denial of benefits. It does include a person who has had an application denied and who reapplies after eighteen (18) consecutive months have expired from the date of denial.

Section 3. Form. The relief shall be purchased directly from the supplier for the Applicant of the family unit. It may be for one or more of the items of relief that can be provided.

Section 4. Eligibility of Needy Person. Emergency relief is to be provided a needy person who is in need of immediate relief, cannot obtain relief from any other source, and whose income or assistance from a state or federal program has been delayed or not actually received by the person because of reasons not attributable to that person and who does not have sufficient liquid assets of the family unit from which to pay for the items of relief that can be provided. Noncompliance with requirements of any other assistance program the Applicant qualifies for will result in ineligibility for General Relief funds for a period of six (6) months following the date of noncompliance. Emergency relief is also to be provided persons who are members of private charitable organizations, whose net worth is less than Five Hundred Dollars (\$500.00), and who because of reasons not attributable to that person, does not have sufficient liquid assets of his or her family unit from which to pay for items of relief that can be provided. In no event shall relief be provided to persons whose family unit income and liquid assets combined exceed the guidelines of the State Family Investment Program (FIP). Guidelines for a single-family household shall be 83% of a two-person FIP household.

Section 5. Eligibility of Poor Persons. Relief is to be provided poor persons who are in need of immediate relief, cannot obtain relief from any other source, such as family members or private charitable organizations, whose family unit net worth is less than Five Hundred Dollars (\$500.00), 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, and who because of reasons not attributable to that person does not have sufficient liquid assets of his or her family unit from which to pay for items of relief that can be provided. In no event shall relief be provided persons whose family unit income and liquid assets combined exceed the guidelines of the State Family Investment Program (FIP). Noncompliance with requirements of any other assistance program the Applicant qualifies for will result in ineligibility for General Relief funds for a period of six (6) months following the

date of non-compliance. Guidelines for a single-family household shall be 83% of a two-person FIP Household.

Section 6. Level of Benefits. The maximum level of benefits to be provided for each item of relief during the month of application for each person of that person's family unit shall be:

1. Food- if food stamps have not been received, at the level of guidelines for food stamps.
2. Rent and shelter- the reasonable rental value not to exceed an amount established annually or more often as needed by resolution of the Iowa County Board of Supervisors.
3. Clothing- the reasonable value of clothing actually needed if not immediately available from other sources.
4. Heat, light, and water- the amount needed to provide these services and supplies.
5. Medical and dental services and prescriptions- the reasonable value of these services actually needed, but only on an emergency basis. Relief benefits will be paid only for those applicants who seek and obtain medical attention at the University of Iowa Hospitals and Clinics by filing a complaint pursuant to Chapter 225 of the Code of Iowa. The manner of providing benefits to those eligible shall be based on the applicant's income as herein provided.
  - A. If the income of the needy person does not exceed 150% of the Federal Poverty Guidelines, that person's medical bills, not exceeding \$750.00, will be covered by County Clinical for all departments at University of Iowa Hospitals and Clinics other than Orthopedics, Obstetrics, and Psychiatry.
  - B. State quota papers obtained by filing a complaint pursuant to Chapter 255 of the Code of Iowa will be issued for fiscal years bills exceeding \$750.00 to persons whose income does not exceed 150% of the Federal Poverty Guideline. They will be issued to the extent available.
  - C. Orthopedic and Obstetric papers will be issued if income does not exceed 185% of the Federal Poverty Level Guidelines by filing a complaint pursuant to Chapter 255 of the Iowa Code. Psychiatric papers will be issued if income does not exceed 150% of the Federal Poverty Level Guidelines by filing in the same manner.
6. If a person lives in a rural area and the nearest neighbor is too distant to reach in the event of 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.

7. Maximum limitation for any one person per month for the above benefits shall be Five Hundred Dollars (\$500.00). Applications must be filed in the current month for bills incurred during that month for the benefits to be approved and paid.

The total amount for all of the items of relief 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 relief benefits the needed 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 for one year. 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 Relief by a Needy Person. A needy person shall be referred to the Department of Employment Services and actively seek employment. Two job searches per week are required to be eligible for benefits and proof of these job searches shall be of file with the General Relief Office. The needy person shall accept any employment offered whether or not it is suitable employment under the guidelines of the Department of Employment Services. A refusal or failure to actively seek employment offered shall disqualify the needy person from receiving future benefits for one year.

Section 8. Relief of an Extended Nature. It is contemplated that items of relief to be provided to needy persons, poor persons or their family unit will not during any twelve (12) month period exceed ninety (90) days. If it appears that items of relief are needed beyond this 90 day period, they may be provided by placement in a residential facility approved by the Iowa County Board of Supervisors.

Section 9. Application for Relief. Applications for relief shall be submitted by needy and poor persons to the Director of Relief in Marengo, Iowa County, Iowa, during usual business hours upon forms provided by the Director. If, because of undue hardship, a needy or poor person cannot come to Marengo, the Director shall mail such person an application form or deliver to such person the application. If the Applicant or the family unit is or appears to be eligible for relief or assistance from any other federal, state, or local source, the Director shall immediately make application to that source, and pursue such application with due diligence as a condition to be eligible for further relief under this Ordinance. It is the obligation of each person applying to establish his or her eligibility for any category of general relief and need for any item of relief. The person applying shall provide the Director with a verified statement of net worth and liquid assets. The Director may request the most recent federal and state income tax returns, medical reports, medical authorization and anything else that bears upon the person's eligibility and need for relief. 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 statements of the Applicant. The Director shall then proceed to conduct an investigation concerning the applicant's file and the investigation and findings of the Director shall be made available to the Applicant, upon request, or 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 the determination, the Director shall notify the Applicant within two (2) working days. Notification shall be sent to the address shown in the application and include reasons for the determination and the statutes or ordinances which apply, together with the specific benefits 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. The Director shall also mail to the Applicant by ordinary mail, 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 previously applied for relief, the applicant must reapply in full. The Director shall then proceed to a determination of whether or not current relief 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 relief 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.

#### Section 11. Appeal.

1. Every application, whether granted relief or not, shall be given written notice stating the reasons for the Director's action or inaction and explaining the Applicant's right to appeal the Director's decision to the Board. The written appeal notice shall inform the aggrieved Applicant of the method by which he may obtain an appeal hearing before the Board.
2. Upon notification of the Applicant to the Director requesting appeal of the Director's determination, the Director shall take such appeal and immediately schedule it upon the Board's agenda, in accordance with Chapter 28A of the Code of Iowa, for the next regular Board meeting. In no event shall the Board hear such appeal sooner than five (5) days after the Applicant requests an appeal. The applicant must notify the Director of the Applicant's desire to appeal within ten (10) days of the Director's

determination, and provide Applicant's current address and telephone number, and state the reasons for the appeal. Upon scheduling by the Board of the appeal, the Applicant shall be informed immediately by telephone and by ordinary mail of the date and time of hearing before the Board and of the particular ordinance under which said appeal is taken. The Director shall grant the Applicant or his representative access to the Director's relief case file as it pertains to the Applicant upon the Applicant's request.

#### Section 12. Appeal Hearing.

1. The Board shall hear the Applicant's appeal de novo at the time scheduled unless continuance is requested by the Applicant. At the appeal hearing the Applicant shall have the right to be represented by counsel at Applicant's own expense, or by any other representative the Applicant desires. The Applicant or his representative shall have the right to present arguments in Applicant's behalf present witnesses, present documentary evidence, and to cross examine the witnesses opposing his application for relief. The technical rules of evidence shall not apply. However, all irrelevant, immaterial, or unduly repetitious evidence may be excluded from evidence. The appeal hearing will not be an open meeting under Chapter 28A, Code of Iowa, since the confidential files of the Applicant will be in evidence. In all cases the Director shall be present at the appeal hearing, and shall present the reasons for the initial determination.
2. The Board shall make a decision on the Applicant's appeal within five (5) working days of the appeal hearing. The decision shall be made solely on the evidence produced and presented at the appeal hearing, and on other evidence officially noticed by the Board. The Board shall allow the Applicant and the Director to submit proposed findings and rulings if desired by the parties. The decision of the Board shall be in writing and shall contain a statement of the reasons supporting it. The Applicant shall be informed immediately by telephone and ordinary mail of the Board's decision. 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.
3. The Applicant shall be allowed to appeal from the Board's decision to the district court within the time and by the manner and procedures provided under the Iowa Administrative Procedures Act, Chapter 17A of the Code of Iowa.

Section 13. Actions of the Board of Supervisors. In the event the Board, in reviewing the actions of the Director, questions any allowance or disallowance of relief benefits allowed or disallowed by the Director, it shall take no action concerning such allowance or disallowance 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 under Sections 11 and 12. This hearing shall proceed in the same manner as an appeal from the Director's determination under Sections 11 and 12.

Section 14. Additional Provision. The Director may allow, upon application, the additional benefits provided for in Chapter 252, Code of Iowa. The provisions of Chapter 252.13, Code of Iowa, for repayment of benefits to Iowa County, are applicable and the Applicant shall acknowledge the same in writing. Recipients of relief may further be required to work for Iowa County as a condition to receipt of such benefits as required in Section 252.42, Code of Iowa. Benefits provided a recipient shall be a claim against the homestead of a recipient and a claim against his estate as provided by law.

Section 15. Funeral Benefits. Iowa County will pay an amount not to exceed the rate established annually by resolution of the Iowa County Board of Supervisors toward burial expenses for eligible applicants. Eligibility will be determined using General Relief Financial Guidelines. Any and all funds available for burial expenses shall be deducted from the County's liability. Such "other available funds" shall include but not be limited to funds of the decedent, insurance benefits, retirement benefits, supplemental security income benefits, social security benefits, veteran's benefits, etc. The maximum amount paid includes opening and closing costs. Funeral benefit payments will be sent directly to the funeral director. Family or friends may provide for additional services and/or merchandise through the funeral director. The total of all additional services shall not exceed Five Hundred Dollars (\$500.00). Such items shall be itemized and attached to the billings submitted to the County.

Application for an approval of funeral services must be obtained from the General Relief Director within three (3) working days of the burial service.

Section 16. All ordinances, resolution, existing policies, or parts thereof in conflict herewith are hereby repealed. The Provisions of the ordinance shall not be waived or excepted.

Effective Date: July 5, 1996

Amended: February 13, 2001

Second Amendment: July 6, 2005