

# **Webster County General Assistance Ordinance No.043**

## **I. PURPOSE**

The purpose of this ordinance is to describe the forms of assistance provided by Webster County, in accordance with Chapter 252, to poor persons and needy persons. This ordinance establishes criteria which must be met by an applicant before assistance is made available to persons in any of the two categories.

## **II. PERSONS ELIGIBLE FOR GENERAL ASSISTANCE**

Assistance shall be available as specified in this ordinance to persons legally residing in the United States with an established residence in Webster County and meets the following:

### **A. Poor Person**

Shall be construed to mean those who have no property, exempt or otherwise, and are unable, because of physical or mental disabilities, to earn a living by labor. Verification of disability by a physician is required. Assistance is to be provided to poor persons as required by Iowa Code Chapter 252, for poor persons lawfully in the county who are ineligible for, or are in immediate need and are awaiting approval and receipt of, assistance under programs provided by state or federal law, or whose actual needs cannot be fully met by the assistance furnished under those programs.

### **B. Needy Person**

A needy person is one who is not a "poor person" as defined above. This ordinance does not provide for assistance for needy persons.

### **III. General Assistance Requirements**

#### **A. Proof of Disability**

All applicants who claim disability must provide written verification from a physician or other source ie: Social Security

#### **B. Applicant /Recipient Responsibilities**

Applicants for General Assistance will verify all aspects of eligibility as requested. Recipients shall report any and all circumstances that change, such as income, resources, address, etc. Failure to obtain verification will result in denial or termination of General Assistance benefits. Recipients who fail to report changes within ten (10) days of the change will be ineligible for General Assistance for (3) months.

### **IV. FORMS OF ASSISTANCE AVAILABLE AND LIMITS OF ASSISTANCE**

#### **A. Scope of Assistance**

The forms of assistance hereinafter described, shall be available only for current bills or expenses. Assistance is not available for bills or expenses accrued prior to application for General Assistance. No cash assistance will be allowed.

#### **B. Rent**

Payment for actual rent, up to a maximum of \$250.00 per month for the applicant and an additional \$50.00 per month for each additional member of the family unit that actually resides with the applicant up to a maximum of \$350.00 per month, will be approved unless it appears the rent is excessive to community standards, or the type of rental is inappropriate to the total situation. If utilities are included in the rent, no more than \$200.00 per month will be added to the maximum rental payment.

No payment will be made for deposits or first month rent, applicant must have already established a residence. The lease or rental agreement must be in the applicant's name or that of an adult member of the household. Rent payments shall be made only to owners of property or their designees. Rent shall not be paid to relatives. Rent shall not be paid for housing units that are subsidized by the federal government or other sources where rental amount is based on income.

No rent shall be paid to any person having ownership rights in any room, apartment, or home including unencumbered ownership, co-

ownership, being a mortgagor or mortgagee, or being a contract seller or purchaser.

In situations of shared living arrangements where it is determined that separate households are sharing the same dwelling, the amount of rent to be approved for each household shall be determined by dividing the actual rent, up to the maximum allowable for the household, by the number of households residing in the dwelling.

### **C. Utilities**

Actual utility bills can be approved for lights, heat, water, and cooking; however, the maximum monthly payment for all utilities shall not exceed \$200.00. Only current bills will be considered. No payment will be made for deposits. No payments will be made for telephone service unless a telephone is needed because of a medical emergency. All utility accounts must be in the name of the applicant or an adult member of the household to be eligible for General Assistance. Utility companies offer a moratorium on disconnection of heating-related utilities annually for eligible customers. To be eligible for General Assistance after the moratorium, an applicant must have made reasonable effort to pay all or part of the ongoing bills during the moratorium period, excluding assistance from other sources. Persons living in subsidized housing are not eligible for assistance with utilities, as utility allowances are included in calculating the rental amount.

In situations of shared living arrangements where it is determined that separate households are sharing the same dwelling, the amount of utility payments to be approved for each household shall be determined by dividing the actual bill, up to the maximum of \$200.00 per month, by the number of households residing in the dwelling.

### **D. Food**

Applicants will be referred to the Food Pantry in their respective town of residency. Grocery orders will be allowed only if the applicant is not eligible for food stamps or is awaiting approval and need exists and if the household's needs can not be met by the local food pantry. Orders will be for no more than the allotment under the Food Stamp Program by family size. Orders may be pro-rated by one-half or one-quarter month to cover time prior to receipt of Food Stamps.

### **E. Medical, Prescription Drugs and Dental**

Payment will not be made for any medical, dental, eye exams or chiropractic services. Anyone requesting medical assistance will be

referred to the Iowa Department of Human Services, IowaCare Program. Prescriptions drugs, other necessary medical supplies, and necessary repair of medical appliances will be allowed.

Payment for prescription drugs and related necessary medical supplies may be approved if all other options have been exhausted (samples, etc) Payments shall be limited to a maximum of 2 months for a 12 month period and shall not exceed \$150.00 per month.

#### **F. Funeral**

Vendor payment for funeral expense is limited to \$1,100.00 per poor person. Payment for funeral expenses will not be paid for needy persons.

Allowable costs may include vault, casket, preparation of the body, visitation, church, chapel or graveside service and securing permits, filing death certificate and other forms and claims. Non-allowable costs include flowers, musicians, speakers and singers, but these may be furnished by family or friends.

If cost for cremation, a child or infant funeral is less than \$1,100, General Assistance will pay the actual cost minus insurance, assets, resources and family contributions.

The General Assistance Office must have an itemized statement that does not exceed the \$1,100.00 of all funeral expenses before a check will be issued to the vendor.

Vendor payment for funeral expenses will be considered for those vendors located in Webster County. If arrangements are made with a vendor located outside of Webster County, costs will be considered self pay by applicant.

#### **G. Temporary Shelter**

Temporary emergency shelter provided on a day to day basis for those having suffered a loss of their normal domiciliary shelter through fire, explosion, flood, tornado or wind storm, blizzard, any natural disaster, and emergency situations which are beyond the control of the person.

#### **H. Transportation**

*Transportation to return to original residence*

Transportation will be paid one time in order to enable an applicant to return to their original residence or to their previous residence in lieu of other assistance from General Assistance.

Transportation that is paid will be that with the lowest cost, such as bus tickets. Bus transportation will be used to return a person to his legal residence.

***Transportation to out of county medical appointments***

Transportation may be paid in order that an applicant may obtain medical services when there are no other resources available. Webster County General Assistance will reimburse the same mileage rate for medical appointments paid by the Department of Human Services.

Payment will be made to the driver. A transportation voucher for medical appointment must be completed and submitted to the General Assistance office for reimbursement.

Payment shall be made directly to fuel vendor or transportation vendor.

**V. APPLICATION PROCEDURES**

**A. Application**

All applicants for General Assistance must fully complete the Webster County General Assistance Application. Upon reviewing the application the General Assistance Director or staff determines an individual is not eligible for assistance, a notice of decision will be sent to the person within 10 days. If upon review of the application, it appears the person may be eligible for assistance, an appointment with the individual will be scheduled within 10 days. The person will be given an appointment time and a list of items to bring to the appointment. At the appointment, the Webster County General Assistance Director or designee will assist the individual in completing additional information forms and appropriate release forms will be signed by the applicant in order to be considered for assistance. The applicant must have an interview with the General Assistance Director or designee prior to a decision. This requirement will be waived only in an emergency situation.

**B. Verification of Income & Resources**

It is the responsibility of the applicant to provide verification of any eligibility factors. Verification may include tax returns, bank statements, wage stubs, etc. Failure to provide requested information will result in rejection of assistance.

### **C. Eligibility**

Eligibility will be determined within 30 days from date of application according to guidelines established herein. Applicants will receive a written notice of eligibility determination.

### **D. Appeals**

Applicants or recipients of General Assistance, who are dissatisfied with any decision regarding their eligibility, have the right to appeal that decision to the Webster County Board of Supervisors in accordance with Chapter 28 A, Code of Iowa. The appeal shall be in writing to the General Assistance Director, and shall be received by the Director not more than ten (10) days from the date of the Notice of Decision to the applicant. To be considered, the appeal must state the reasons for the appeal, and the written appeal must include the applicant's current address and telephone number.

Upon receipt of the written appeal, the General Assistance Director will contact the Board of supervisors and such appeal shall be heard within ten (10) working days. If the appeal cannot be heard within ten (10) working days, the appeal shall be heard at the first regularly scheduled meeting for the Board of Supervisors after the expiration of ten (10) working days. The applicant shall be informed 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 General Assistance Director to his or her assistance case file if request is made.

#### **Appeal Hearing**

The Board of Supervisors shall hear applicant's appeal at the time scheduled unless continuance is requested by applicant in writing, and the continuance is granted by the Board of Supervisors. 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 do 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. When the Board deliberates on the appeal, no parties shall be present.

The Board shall make a decision on the appeal within ten (10) working days. The Board's decision shall be only on the basis of the evidence submitted before the Board. The Board shall mail its written decision to the applicant within five (5) working days thereafter (within 15 days of the appeal hearing). The decision shall state the reasons for the action, together with any statute or resolution applied. The Board's written decision shall also state that further appeal may be made to the District Court according to Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa.

#### **E. Eligibility Review**

All General Assistance cases will be reviewed for continued eligibility as follows:

1. Cases will be reviewed at least annually and more often if deemed necessary due to a change in circumstances.

### **VI. MISCELLANEOUS PROVISIONS**

#### **A. Residence**

There is no residence requirement for applying for General Assistance. However, assistance requested and/or granted may be referred to the applicant's county of legal settlement for payment. Legal Settlement is gained by continuously residing in any county in this state for a period of one year, with the exception of other situations described in Section 252, Code of Iowa.

#### **B. Liability of Relatives**

Relatives of applicants or recipients of General Assistance shall not be held liable for support unless a legal obligation for support exists. However, the possibility of assistance from parents or adult children shall be explored with the applicant or recipient. Parents are responsible for the support of children under the age of 18. Parents are responsible for the support of children over the age of 18 if they continue to claim the child as a dependent for income tax purposes.

#### **C. Recovery of Assistance**

Webster County reserves the right to enact the provisions of Section 252.13, Code of Iowa, if it appears that the possibility of recovery of assistance exists.

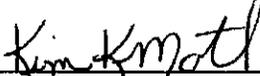
**APPROVAL:** This ordinance was approved by the Webster County Board of Supervisors on January 5, 2010.

**EFFECTIVE DATE:** January 13, 2010

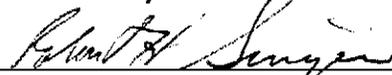
Webster County Board of Supervisors



Keith Dencklau, Chair



Kim Motl, Board Member



Bob Singer, Board Member



Eddie Peterson, Board Member



Phil Condon, Board Member.

I, Carol Messerly, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa, and that this is a true and accurate copy of the Webster County Ordinance No. 043, passed by the Webster County Board of Supervisors on January 5, 2010.



Carol Messerly, Webster County Auditor

First Reading: December 15, 2009

Second Reading: Waived

Final Passage: January 5, 2010

Published: January 13, 2010