

**AN ORDINANCE TO AMEND AN ORDINANCE PRESCRIBING THE
GENERAL RELIEF PROGRAM OF HENRY COUNTY, IOWA ADOPTED JULY
6, 2004**

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRY COUNTY,
IOWA AS FOLLOWS:**

ARTICLE I. TITLE: This Ordinance shall be known and may be cited and referred to as "AMENDMENT TO AN ORDINANCE PRESCRIBING THE GENERAL RELIEF PROGRAM OF HENRY COUNTY, IOWA."

ARTICLE II. AMENDMENT: The ORDINANCE PRESCRIBING THE GENERAL RELIEF PROGRAM OF HENRY COUNTY, IOWA adopted July 6, 2004 is amended to include provisions as stated below in the AMENDMENT TO AN ORDINANCE PRESCRIBING THE GENERAL RELIEF PROGRAM OF HENRY COUNTY, IOWA.

ARTICLE III. REPEAL: All previous provisions of the ORDINANCE PRESCRIBING THE GENERAL RELIEF PROGRAM OF HENRY COUNTY, IOWA, are repealed.

ARTICLE IV. SEVERABILITY CLAUSE: If any section, provision, or part of this ordinance shall be adjudicated 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.

ARTICLE V. WHEN EFFECTIVE: This amendment to the ORDINANCE PRESCRIBING THE GENERAL RELIEF PROGRAM OF HENRY COUNTY, IOWA shall be effective from and after the date of its adoption and publication as required by law.

ARTICLE VI. GENERAL RELIEF AND ASSISTANCE PROGRAM OF HENRY COUNTY, IOWA: The general relief and assistance program for Henry County shall be governed by the following provisions.

SECTION 1-DEFINITIONS

County General Assistance	Chapter 252.25 Code of Iowa defines as: The board of supervisors of each county shall provide for the assistance of 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. The county board of supervisors shall establish general rules as the board's members deem necessary to properly discharge their responsibility under this section.
Assistance	means rent, utilities, dental treatment to relieve pain, prescription medication and medical supplies.
Household	means the individual applying and all persons, related or unrelated, who live in a residence with a shared common toilet, kitchen, dining or bedroom facilities or a shared rental payment or lease.
Awaiting Approval and Receipt	means that a poor person has applied for assistance under any state or federal law, has pursued that application with due diligence, and has not had such application denied. This does not include an appeal of a denial of benefits. It does include a person who has an application denied and who reapplies after eighteen (18) consecutive months have expired from the date of denial.
Director	means the Director of the General Assistance Program for Henry County or their designee.
Emancipated Minor	as defined in Iowa Code sections 225C.45(2) and 252.16(4), an emancipated minor is a person under eighteen years of age, who has assumed a new relationship inconsistent with being part of the family of a person's parents, who is married or who is living separate and apart from the person's parent with the consent of the parents regardless of the duration of the separate residence, who is self-supporting, and who is managing the person's own financial affairs regardless of the source or extent of the person's income.
Basic Needs	means food, clothing, and shelter.

SECTION 2- APPLICATION FOR RELIEF

1. Administration - The Henry County General Assistance Program shall be administered by the General Assistance Director, who is appointed by and responsible to the Board of Supervisors of Henry County. Duties of the Director and/or designee shall include the following:
 - a. Accept applications from applicants
 - b. Provide standard application forms
 - c. Investigate the factual statements on applications as necessary under section 3 of this Ordinance
 - d. Determine eligibility for each applicant according to guidelines set out in this Ordinance
 - e. Arrange for vendor authorization and payment for each eligible applicant
 - f. Maintain adequate records of all disbursements tracked by applicant and by category of assistance provided, together with all information necessary to explain each authorization of General Assistance

2. Applications for relief shall be submitted by needy and poor persons to the General Assistance Director at the General Assistance Office, 106 N Jackson Street, Mt Pleasant, Iowa during usual business hours upon forms provided by the Director. The applications are good for one year from completion date and will be updated upon each request for assistance. The application shall be signed by the applicant under penalty of perjury. Applicants will also be required to sign release and exchange of information forms so the Director can investigate eligibility.

If, because of undue hardship, an applicant cannot come to the General Relief Office, the Director shall mail such person an application form. Henry County shall not mail applications to persons not residing in Henry County. Application forms will only be mailed if the applicant or the family unit is or appears to be eligible for relief.

3. If the applicant may 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 relief under this Ordinance.

4. 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 all required verifications and anything else requested by the

Director that bears upon the person's eligibility and need for relief (see face sheet of application).

5. 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 a reasonable investigation concerning the applicant's eligibility and needs. The applicant's file and investigation and finding of the Director shall be made available to the applicant, upon request, or to the applicant's attorney by written request.

SECTION 3-ELIGIBILITY

Those persons eligible for assistance in Henry County shall include the following:

1. Poor persons are applicants who have no property, exempt or otherwise, and are unable, because of physical or mental disabilities, to earn a living by labor (Chapter 252.1 Code of Iowa):
 - a. lawfully reside in Henry County. A resident is an individual who lives within the boundaries of Henry County, Iowa and intends to remain living within Henry County. (Any person who arrives in Henry County to live in a staff supported residential or acute care setting or academic residential setting will generally not be considered a resident of the county);
 - b. are 18 years old or older or an emancipated minor at the time application for assistance is made;
 - c. have no property within the meaning of Iowa Code 252.1 as defined by statute and/or Iowa case law as determined by the Director;
 - d. are unable to earn a living by labor due to a disability, which is the physical or mental condition of a person which constitutes an inability to follow continuously a substantially gainful occupation; and
 - e. provide proof of such disability to the Director by providing documentation of said disability from a licensed medical professional.
2. Needy persons are applicants who have some means to meet their basic needs but because of circumstances not attributable to that person needs immediate assistance and cannot obtain assistance from any other source. Not attributable circumstance examples are a layoff from employment or medical conditions. Attributable circumstance examples are voluntary job quit, failure to follow through with requests by state or federal programs that cause a loss of benefit or pursuing education:

- a. lawfully reside in Henry County. A resident is an individual who lives within the boundaries of Henry County, Iowa and intends to remain living within Henry County. (Any person who arrives in Henry County to live in a staff supported residential or acute care setting or academic residential setting will generally not be considered a resident of the county);
- b. are 18 years old or are an emancipated minor at the time application for assistance is made;
- c. have monthly income of less than 150% of the level for determination of eligibility for Family Investment Program (FIP);
- d. have non-exempt resources of less than \$400.00 as established by the Henry County Board of Supervisors;
- e. have made application for, complied with all requirements of and be awaiting approval and receipt of all other assistance programs for which the applicant may be eligible (food assistance, FIP, SSI, Social Security, Medicaid, Medicare, unemployment, child support, ADC, TANF, Section 8 Housing, LIHEAP, food pantries, Vocational Rehabilitation, Workmans's Compensation etc.). A referral sheet shall be provided to the applicant if they appear eligible for the previously noted programs. It is the obligation of the applicant to immediately make application to that source, and pursue such applications with diligence as a condition to be eligible for assistance under this ordinance. Failure to apply for and pursue said application shall result in a denial of assistance; and
- f. failure to follow through with state and/or federal programs which results in a denial, reduction or termination of benefits shall result in a denial of general assistance. Denial shall be for the same period of time the state and/or federal program is denied, reduced or terminated; and
- g. persons who are cancelled from public assistance due to meeting the sixty (60) month maximum per Iowa Administrative Code Chapter 441, Section 41.30 (1) & (2), are ineligible for general assistance; and
- h. seek full-time employment and register with Workforce Development and those employment agencies which are determined by the Director to be appropriate, comply with the requirements of those agencies, and accept work and training as offered; or
- i. an able-bodied person (not mentally or physically disabled) is eligible to receive General Assistance only once per year; or
- j. an able-bodied person may be given medical exception and can apply for assistance a second time during a calendar year if a physicians statement is

provided stating an inability to work, if it is temporary or permanent, and the approximate time frame the applicant may return to work; or

k. an applicant who has recently applied for FIP but has not yet received a payment may be provided a one- time assistance.

SECTION 4-FINANCIAL ELIGIBILITY

1. Determining income eligibility:

a. the total income of the household for thirty (30) days prior to the date of application will be considered; and

b. all income received by the applicant's household shall be considered, including but not limited to cash, net wages (income after federal and state payroll taxes are deducted), net salaries, self-employment, unemployment, social security payments, child support, pension payments, retirement benefits, disability benefits, investment income, interest income, rental income, income from trust funds, gifts, loans, student loans (prorated on a monthly basis), Workman's Compensation and any assistance received from public or private entities, including food assistance or any type of moneys available to support the applicant or household; and

c. proof of income shall be required for determining eligibility for general assistance, failure to provide proof of income shall result in denial of benefits; and

d. necessary medical expenses including doctor, hospital, prescriptions, medical supplies, x-ray, dental, eyeglasses, laboratory, prescribed therapy and medical insurance premiums that have been actually paid in the four (4) weeks prior to the date of application for assistance may be deducted from income.

2. Determining countable resources:

a. resources shall include any assets tangible or intangible and property which can be converted to meet the applicant or households basic needs. Liquid assets (any item that can be converted to cash within seven (7) days) including but not limited to checking or savings accounts, cash on hand, stocks, bonds or other investments, the total value of such assets shall be considered an available resource; and

b. all real property shall be considered a resource at net value (value of property less remaining payments/mortgage), except exempted property identified in this ordinance; and

c. excluded as countable resources are household goods, personal effects, a homestead, equity in a family home or farm, one motor vehicle per household, life insurance with no cash surrender value, one irrevocable burial trust for each

- individual, one burial lot for each individual and tools or equipment used for self-employment used by members of the household to actively pursue a trade; and
- d. when the value of one or more exempted resources exceeds \$400.00, the excess must be counted as available resources; and
 - e. all excess resources, other than excluded above, shall be considered as available to meet basic needs and must be used for such; and
 - f. if excess resources are available to meet the request at the general assistance standard, no eligibility exists; and
 - g. if excess resources are available to partially meet the need, they must be utilized prior to eligibility for assistance; and
 - h. if an applicant has sold, traded, or transferred any personal or real property within six (6) months prior to their application for assistance at less than fair market value, the applicant will be ineligible for General Assistance for twelve (12) months from the date of transaction.

SECTION 5-INELIGIBILITY

General Assistance shall be denied or discontinued under the following circumstances:

- a. If Applicant qualifies for programs that provide income from other sources to meet the Applicant's needs and Applicant refuses or declines to apply for or otherwise utilize those programs.
- b. Households who are currently receiving ongoing cash assistance from local (private charitable organizations), state or federal programs are not eligible for county General Assistance.
- c. Applicant's income and/ or resources exceed the financial guidelines for assistance.
- d. The applicant refuses to use available resources to pay for their basic needs.
- e. Applicant fails to appeal, as allowed, a denial of benefits under other programs.
- f. 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 their DHS worker to become self-sufficient within five years. Henry County policies will not conflict with the Federal Government.

- g. Applicant fails to correctly, truthfully, and accurately complete all requested forms, or Applicant is otherwise non-compliant with such forms.
- h. Applicant chooses to discontinue or withdraw application.
- i. There is a transfer of property or assets within six (6) months of the date of the application, such transfer done with the intent to establish eligibility herein.
- j. Applicant declines, refuses, or otherwise fails to diligently seek employment.
- k. Applicant is uncooperative with requests for information by staff.
- l. Applicant fails to participate in any work assistance program.
- m. Applicant or any adult member of the household has received county general assistance in any other county shall not receive general assistance benefits from Henry County until twelve (12) months have elapsed from the month assistance was granted in the other county.
- n. Applicant or any adult member of the household has received assistance from Community Action for rent or utilities shall not receive general assistance benefits from Henry County until sixty (60) days have elapsed from the month assistance was granted. Proof of a denial of assistance is required to apply for Henry County general assistance.
- o. Applicant fails to provide a medical doctor's letter stating that Applicant is non-employable due to health if required, or proof verifying Applicant is the custodian of a dependent child under the age of 6 or a dependent adult.
- p. Applicant knowingly provides false information on an application or to a General Assistance case worker to establish eligibility.
- q. Applicant fails to repay assistance when required to do so. Applicants shall become ineligible for further assistance commencing ten (10) days after a payment date is missed, and shall remain ineligible for further assistance herein three (3) years from the date re-payment is made in full.
- r. Applicant lives in a residential setting as a part of participation in an organized program or voluntarily leaves a subsidized living arrangement that would have provided basic needs.
- s. Applicant is a student unavailable for full-time employment.
- t. Applicant requests assistance for basic needs, but chooses to use resources for non-basic need items such as cell phones, cable television, internet access, etc.

u. Applicant is a veteran of the armed services or spouse of a veteran and is eligible for Veteran's benefits.

v. Any applicant missing 2 scheduled appointments without providing any prior notification or cancellation will be ineligible for twelve (12) months.

SECTION 6 -GENERAL ASSISTANCE REQUIREMENTS

1. Application for Assistance:

a. all applicants for general assistance must complete a Henry County General Assistance application in its entirety; and

b. the applicant must also have an interview with the Director or their designee prior to approval for assistance; and

c. eligibility will be determined within ten (10) business days of receipt of complete application and interview, so long as all required documentation has been provided; and

d. applicants will receive a written notice of eligibility determination, either in person or by regular mail.

2. Employment:

a. applicants for or recipients of general assistance who are under 66 years of age and not disabled will be required to seek full-time employment and register with the Workforce Development Center; and

b. applicants who are 66 years of age or older or who are physically or mentally disabled will not be required to register for employment; and

c. any applicant for general assistance who must seek employment shall be required to provide reasonable proof he or she is actively seeking employment and has registered with the Workforce Development Center; and

d. a refusal or failure to actively seek employment, or refusal or failure to accept a reasonable employment offer shall disqualify the applicant from receiving benefits under this ordinance; and

e. an applicant who voluntarily quits or is fired from his or her job may be disqualified for a period not to exceed three (3) months, but may be eligible for general assistance after the period of disqualification; and

f. an applicant who has been laid off from work temporarily shall provide a written statement from the employer stating they will be called back to work; and

g. an applicant who's employment has been terminated due to a business closing shall be eligible to apply for general assistance; and

h. an exception to this ordinance is if a person has a written excuse from a medical doctor, physician assistant or accredited registered nurse practitioner stating the individual is unable to work full-time; and

i. an exception to this ordinance is if the applicant is needed to care for a dependent under the age of 6 or a dependent adult family member who requires home care and supervision; and

j. all members of the household 18 years of age or older are required to comply with this section; and

k. applicants or members of the household on strike from their employer will be ineligible for general assistance.

SECTION 7-BENEFITS

1. Scope of Assistance:

a. the forms of assistance hereinafter described shall be available only for current bills or expenses; and

b. assistance is not available for bills or expenses accrued prior to application for general assistance. Rent and utility assistance will be paid for the current month only. Verification shall be required to show that past due amounts have been paid before a funding guarantee will be issued.

c. When two or more unrelated individuals are residing at the same address and share expenses equally, each person must apply for general assistance. The amount of rent or utilities to be approved shall be determined by dividing the actual amount, up to the maximum of \$400.00 per month on rent and \$200.00 on utilities, by the number of individuals residing in the dwelling.

d. In situations of shared living arrangements where it is determined that separate households are sharing the same dwelling, the amount of rent or utilities to be approved shall be determined by dividing the actual amount, up to the maximum of \$400.00 per month on rent and \$200.00 on utilities, by the number of households residing in the dwelling. Each household must apply for general assistance for their portion.

e. General assistance will not be authorized if said authorization will not remedy the problem, which means an applicant must be able to show evidence they can maintain their basic needs through their own resources after receipt of the requested assistance.

f. General assistance will not be authorized to supplement any other government or charitable funding that is expected to meet the need of the individual for the bill in question. This means rent assistance will not be given to a person on low income housing, receiving rental subsidy or other financial assistance for rent and FIP cash amounts have been determined by the State to meet all of the needs of an individual making persons on FIP ineligible for general assistance.

2. Rent:

a. payment for actual rent for housing that is currently being occupied in Henry County by the applicant, up to a maximum of \$400.00 per month; and

b. no payment will be made for deposits or first month rent. If the applicant is residing in a residential motel verification of payment of first month rent will be required; and

c. a copy of the lease agreement with the applicants or member of the household name on the lease shall be required; or

d. a written statement from the landlord stating they are the property owner or owner designee, the applicant rents from them, the amount of current rent, verification first month rent has been paid may be required if the applicant has lived at the property less than sixty (60) days and signature of the landlord with their mailing address. A federal tax identification number is required for Henry County to issue a vendor payment; and

e. rental payments will only be made to the owners of the rented property or their designee. Payments will not be made to relatives of the applicant, sub-renters or member of the applicants household. House payments will not be paid as it creates an estate; and

f. rent payments are limited to two (2) consecutive months in a twelve (12) month period, (example: an applicant received rent assistance in February and March of any given year they are not eligible to apply for rent assistance until February of the next year).

3. Utilities:

a. payment of an actual current utility bill (less sales tax, penalty and miscellaneous charges) for a residence located in Henry County for lights, heat, water, sewer assessment and solid waste removal chargeable to the residence of the applying household not to exceed \$200.00; and

b. no payment will be made for deposits, connections or re-connections; and

c. a copy of the current utility bill in the name of the applicant or member of the household shall be required; and

d. utility payments are limited to two (2) consecutive months in a twelve (12) month period, (example: an applicant received utility assistance in February and March of any given year they are not eligible to apply for utility assistance until February of the next year).

4. Food:

a. available when necessary at local food pantries.

5. Medical and Drugs:

a. all requests for medical assistance will be referred to the Department of Human Services to apply for Iowa Cares or to the Community Health Center; and

d. emergency dental treatment to relieve pain shall not exceed \$200.00 to any applicant or household member within twelve (12) months; and

e. no other dental procedures other than for the relief of dental pain will be authorized; or

f. prescription drugs and other necessary medical supplies when request is made prior to the time the expense is incurred; and

g. general assistance for prescription drugs and other necessary medical supplies shall not exceed \$200.00 to any applicant or household member within twelve (12) months.

6. Burial costs may be paid to a funeral home when:

a. payment will only be made for an indigent person who had established legal settlement in Henry County, gained by continuously residing in any county in this state for a period of one year with the exceptions described, Chapter 252.16 Iowa Code, additionally any person who arrives in Henry County to live in a staff supported residential or acute care setting or academic residential setting does not gain legal settlement in the county; and

b. the deceased person would have been eligible to receive assistance under the provisions of this ordinance in the month of death; or

c. application for burial assistance shall be made prior to formalizing any arrangements with the funeral home. If an arrangement with the funeral home is reached and signed before general assistance is secured and the costs of those services exceeds the allowable amounts, the application for benefits will be denied; and

- d. payment for out of state funerals will not be provided; and
- e. application for burial assistance may be made by a funeral home director in the absence of any other responsible party; and
- f. all of the deceased assets must be applied toward burial expenses, if there is no surviving spouse, including cash on hand and funds in checking and savings accounts, or savings certificates; and
- g. eligibility for burial benefits will exist when the deceased person's estate does not have at least \$2,000 which can be applied toward the funeral expense; or
- h. death benefits may be available from employment, railroad retirement, pension plans, VA benefits, life insurance policy, prepaid burial agreements or social security. The family of the deceased must apply for these benefits and apply them to the burial; and
- i. no more than two thousand dollars (\$2,000) will be paid by Henry County per burial and the county shall not provide for partial burial costs if arrangements exceed the established limit; and
- j. costs towards which the \$2000 maybe applied shall include;
 - 1. preparation and embalming of the body
 - 2. services of funeral director and staff
 - 3. use of facilities and equipment
 - 4. casket and grave liner
 - 5. opening and closing of the grave
 - 6. transportation from place of death to internment within Henry County
 - 7. cremation and urn
- k. in applications for county burial, the financial ability of responsible relatives to provide for the burial will be considered. Responsible relatives are parents, grandparents, children and grandchildren of the deceased; and
- l. ineligibility for county burial will result if there is one responsible relative whose income is at or in excess of 300% of the federal poverty level or if there are two or more responsible relatives whose income is at or in excess of 200% of the federal poverty level; and
- m. \$250.00 will be available for the burial or cremation of those deceased persons deemed non-resident transients.

7. State Psychiatric Papers:

a. an applicant must reside in an Iowa County and intends to remain there permanently or for an indeterminate period of time.

b. a General Assistance Application must be completed.

Patients who do not complete the application will be found ineligible.

c. if the applicant is eligible for Medicaid or the Medically Needy program without the spend down, Henry County will not recommend issuance of State Psychiatric Papers.

d. an applicant must have a Notice of Decision from the Department of Human Services noting the outcome of the client's application for medical assistance.

e. applicant must report current net income on the application, verification of income may be requested. A copy of wage stubs, social security earnings, written employer verification, written unemployment verification or a copy of a federal income tax return may be provided for proof of income. Household size is determined by the number of persons living with the applicant, except in the case of adult children living with parents. In this case, the adult child shall be a household in and of themselves.

f. applicants must have net income at or below the income standard for General Assistance. Income includes earned and unearned net monthly income. No income shall be excluded in computation of eligibility. Self-employed applicants shall have their income prorated on the basis of their previous years Federal Income Tax Return.

g. applicants must have no resources available to pay the cost of treatment. Resources include but are not limited to any asset or jointly held asset that has cash value and can be converted to cash. These may include the following; bank accounts, IRA's, annuities, insurance policies, cash, vehicles, loans, stocks, bonds, certificates of deposit, property, and any other holdings. All real property shall be considered a resource at net value (value of property less remaining payments/mortgage), except exempted property is listed in Section 4, subsection 2c.

h. payments made by the individual on the billing from the University of Iowa Hospitals and Clinics will be applied to the hospital balance and will not be reimbursed.

j. State Psychiatric Papers can be denied, approved or conditionally approved.

k. exception to policy for the State Psychiatric Papers can be made at County discretion.

SECTION 8-FORM

Assistance shall be purchased directly from the supplier for the applicant or the applicant's household. Payment will be through a warrant issued out of the Henry County Auditors office and according to the Henry County Auditors monthly disbursement schedule. No cash payments will be made directly to an applicant.

SECTION 9-WITHELD OR FALSE INFORMATION

If it becomes apparent that an applicant or recipient has knowingly withheld or provided false information in order to gain eligibility for or continue to be eligible for General Assistance, that applicant or recipient will be ineligible for General Assistance for twenty four months.

SECTION 10-DIRECTORS EXCEPTION

The Director of General Assistance shall have the authority to authorize assistance to an applicant who does not meet eligibility criteria in instances of extraordinary circumstances. Any such authorization provided through the Director's exception will be approved with the Henry County Board of Supervisors and noted on the Notice of Decision provided to the applicant.

SECTION 11-SERVICES TO NON-CITIZENS

1. Persons who are illegally in the United States are not eligible for general assistance.
2. Legally admitted aliens who are not admitted for permanent residence are not eligible for general assistance.
3. Legal immigrants are not eligible for general assistance except for the following:
 - a. refugees admitted under Section 207 of the INA; or
 - b. asylees admitted under Section 208 if the INA; or
 - c. aliens whose deportation has been withheld under Section 243(h) of the INA; or
 - d. legal permanent residents who have earned 40 quarters of coverage for social security purposes. Quarters worked after December 31, 1996, in which the alien received any federal means-tested public assistance shall not be considered to be a qualifying quarter.
 - e. proof of status shall be required for general assistance.

SECTION 12-VETERAN'S ASSISTANCE

Applicants who have served in the Armed Forces and have a discharge other than dishonorable shall be required to apply for Henry County Veterans Affairs General Assistance. If they are denied Veterans Affairs General Assistance they may then apply for Henry County General Assistance. An applicant will not be provided assistance from Henry County Veterans Affairs General Assistance and Henry County General Assistance.

SECTION 13-APPEALS

1. Right to a Hearing:

- a. applicants are entitled to a hearing if assistance is denied; or
- b. failure to determine applicant's eligibility, and if found eligible, grant assistance within ten (10) days of the of the application; or
- c. amount of assistance granted.

2. Informing of Decision and Right to Appeal:

- a. applicants shall be informed in writing of the decision and basis for the decision relating to their application on the date the application is initially reviewed; and
- b. notice to appeal the decision will be in the form of written communication on the Notice of Decision provided regarding the approval or denial of their general assistance application; and
- c. the applicant may be represented by themselves or a representative of their choice;
- d. if the applicant represents themselves by attorney, attorney fees shall be the responsibility of the applicant;

3. Appeal Request:

- a. applicants must provide written notice within ten (10) days of the date on the Notice of Decision to the Director of General Assistance requesting an appeal of the determination; and
- b. the applicants written request for an appeal must provide the applicants current address and telephone number and state the reason(s) for the appeal; and
- c. the written request for an appeal may be delivered in person to the General Assistance office or by regular mail, if delivered by regular mail the cancellation

date on the envelope must be within ten (10) days of the date on the general assistance Notice of Decision; and

d. an appeal request cannot be denied except where the applicant has abandoned or withdrawn the request in writing on or prior to the day of the appeal hearing; and

e. an applicant's failure to show for the appeal hearing shall be considered an abandoned appeal and the Notice of Decision will remain in effect; and

f. an applicant withdraws or abandons an appeal they have no further standing to have the original decision reconsidered.

4. Appeals Hearing:

a. upon receipt of a properly submitted appeal request the Director shall forward the appeal to the Board of Supervisors; and

b. the Board of Supervisors shall place the matter on the agenda, in accordance with Chapter 21, Code of Iowa, for the next regularly scheduled board meeting, provided that such appeal shall not be heard sooner than five (5) days after the appeal request has been submitted; and

c. the applicant shall be informed immediately, by telephone and ordinary mail, of the date and time of the hearing before the Board of Supervisors; and

d. the applicant and his or her representative, upon written authorization, shall be granted access by the Director or designee access to their general assistance file if a request is made; and

e. the Board of Supervisors shall hear the appeal de novo at the time scheduled in the agenda unless continuance is requested by the applicant; and

f. the board may set reasonable time limits for the present action of the parties at any appeal; and

g. the applicant shall be permitted to submit 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); and

h. the applicants general assistance file shall be admitted into evidence; and

i. the Board may question the applicant and the Director shall present the Board with reasons for the determination; and

- j. the appeal will be tape recorded and will not be an open meeting under Chapter 21, Code of Iowa, since confidential files will be in evidence; and
- k. when the Board deliberates the appeal, no parties shall be present; and
- l. the Board shall make a decision on the appeal within five (5) working days; and
- m. the decision shall be only on the basis of the evidence submitted before the Board; and
- n. the applicant shall be informed in writing by regular mail to the last known address of the applicant within five (5) working days after the Board's decision; and
- o. the Board's decision shall state the reasons for the action, together with any statute or ordinance applied; and
- p. the decision shall state that an appeal may be taken from the Board's determination and the method by which such appeal may be taken; and
- q. 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 14-AGREEMENT TO REIMBURSE

1. Recovery efforts for general assistance recipients:
 - a. Henry 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.
2. Recovery efforts for general assistance paid by Henry County may be made to the county of legal settlement. The county where the settlement is shall be liable to the county granting assistance for all reasonable charges and expenses incurred in the assistance and care of a poor person, in accordance with Sections 252.22 through 252.24 Code of Iowa. Legal settlement is gained by continuously residing in any county in this state for a period of one year, with the exceptions described in the Code of Iowa Section 252.16.
3. Interim Assistance Reimbursement: Persons applying for Social Security Supplementary Security Income benefits can apply for interim assistance for their basic needs. The applicant will have to sign an Interim Assistance Reimbursement Authorization which will be filed with the United States Social Security Administration allowing payment directly to Henry County for general assistance paid on the applicant's behalf if they are awarded benefits. Assistance with partial rent, and utilities, will be allowed on a monthly basis, if necessary. This will be done only until the person has

been awarded benefits or denied benefits. Only persons with obvious disabilities will be considered for this program. The applicant may be asked to provide proof of the status of their application for disability benefits and update their eligibility status on a monthly basis. The applicant is also required to provide a proof of disability statement from their doctor. If they fail to comply, they will be removed from this program.

SECTION 15-RESIDENCE

1. A resident is an individual who lives within the boundaries of Henry County, Iowa, and has the intent to remain living within Henry County.
2. Assistance will not be granted to applicants who maintain a permanent address outside of Henry County.
3. Assistance will not be granted to applicants receiving public assistance on an ongoing basis from another state or local government outside of Henry County.
4. Applicants who have not established legal settlement in Henry County and are granted assistance may be referred to the applicant's county of legal settlement for reimbursement to Henry County.

SECTION 16-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 by the Director, it shall take no action concerning such allowances 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.

SECTION 17-CONFIDENTIALITY

1. Per Chapter 348 of the Code of Iowa, the names of persons receiving relief from the county poor fund shall not be published in any newspaper as part of any required publication of county records.
2. All applications, investigation reports, and case records of persons applying for county general assistance are privileged communications and confidential, subject to use and inspection only by persons authorized by law in connection with their official duties relating to financial audits and administration of general assistance or as authorized by order of a district court. Examination of an individual's applications, reports, and records may also be authorized by a signed release from the individual.

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First Reading: October 7, 2010

Approved first reading this 7th day of October, 2010

Aye: _____
Gary See, Chairman

Aye: _____
Marc Lindeen, Vice Chairman

Aye: _____
Kent White, Member

Second Reading: October 7, 2010

Approved second reading this 7th day of October, 2010

Aye: _____
Gary See, Chairman

Aye: _____
Marc Lindeen, Vice Chairman

Aye: _____
Kent White, Member

Third Reading: October 12, 2010

Approved third reading this 12th day of October, 2010

Aye: _____
Gary See, Chairman

Aye: _____
Marc Lindeen, Vice Chairman

Aye: _____
Kent White, Member

Ordinance approved this 12th day of October, 2010.

HENRY COUNTY BOARD OF SUPERVISORS

Attest:

Aye: _____
Gary See, Chairman

Hettie Maschmann
Henry County Auditor

Aye: _____
Marc Lindeen, Vice Chairman

Aye: _____
Kent White, Member

I certify that the foregoing was published on the 8th day of July, 2010 and the 29th day of September, 2010.

Hettie Maschmann, Henry County Auditor

Subscribed and sworn to before me this _____ day of _____, 2010 by
Hettie Maschmann, Henry County Auditor.

Notary Public, In and for the State of Iowa