

AN ORDINANCE TO AMEND AN ORDINANCE PRESCRIBING THE GENERAL RELIEF PROGRAM OF HENRY COUNTY, IOWA ADOPTED JULY 5, 1985

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 5, 1985 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 REPEAL: All previous provisions of the ORDINANCE PRESCRIBING THE GENERAL RELIEF PROGRAM OF HENRY COUNTY, IOWA, are repealed.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

Poor Person	Chapter 252.1 Code of Iowa defines as: those who have no property, exempt or otherwise, and are unable, because of physical or mental disabilities, to earn a living by labor.
Needy Person	is a person (or household living unit of that person) who, because of circumstances not attributable to that person, needs immediate assistance.
Assistance	means food, rent, utilities, emergency medical attention,

	transportation. Food does not include tobacco, alcohol, pop, can deposits, candy or pet food, but does include laundry soap, household cleaners and other non-food items used for personal hygiene.
Household Living Unit	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.
Income	shall include cash, net wages, net salaries, self-employment, social security payments, pension payments, rents, interest, public assistance, food stamps, unemployment, child support payments, student loans (prorated on a monthly basis), or any type of moneys available to support the applicant or household living unit.
Resources	means any assets tangible or intangible and property which can be converted to meet the applicant or household living units basic needs. Exemptions would include a homestead in Henry County in which the applicant resides, household furnishings, one motor vehicle per household living units, regardless of its value, one burial lot or funeral trust fund per individual and tools or equipments used for self-employment used by members of the household living unit.
Liquid Assets	means any item of the household living unit that can be converted to cash within seven (7) days.
Disability	means physical or mental condition of a person which constitutes an inability to follow continuously a substantially gainful occupation.
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.
Burial Expenses	includes basic services of a funeral director and staff, transfer of remains to the funeral home, least expensive casket, least expensive vault or grave liner and hearse.
Director	means the Director of the General Assistance Program for Henry County or his/her designee.
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 the Code of Iowa Section 252.
State (Quota) Papers	for the purpose of receiving free medical treatment at the University of Iowa Hospitals and Clinics. A fixed number per county may be authorized. The Code of Iowa Section 255 sets out requirements of this program.

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.
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SECTION 2-ELIGIBILITY

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

1. Applicants who:
 - a. lawfully reside in Henry County;
 - b. are 18 years old or are an emancipated minor at the time application for assistance is made;
 - c. have monthly income and liquid assets combined of less than 150% of the level for determination of eligibility for Family Investment Program (FIP);
 - d. have non-exempt resources of less than \$200.00 as established by the Henry County Board of Supervisors;
 - e. have made application for and complied with all requirements of all other assistance programs for which the applicant may be eligible and maybe awaiting approval and receipt; and
 - f. 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

2. Applicants who:
 - a. lawfully reside in Henry 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; and

e. provide proof of such disability to the Director by providing documentation of said disability from a licensed medical professional.

SECTION 3-FINANCIAL ELIGIBILITY

1. Determining income eligibility:

a. the total income of the household living unit 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 net wages, child support, retirement benefits, disability benefits, investment income, rental income, income from trust funds, gifts, loans, and any assistance received from public or private entities, including food stamps; 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 or a pended application; 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; and

e. emergency assistance, on a one-time only basis, may be granted to households whose income does not exceed 100% of the federal poverty guidelines.

2. Determining countable resources:

a. resources shall include liquid assets 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, an equity not to exceed \$2,500 in one motor vehicle (equity is defined as the Blue Book price less remaining loan balance), life insurance with no cash surrender value, equity not to exceed \$2,500 in one funeral contract or burial trust for each member of the household living unit, tools of an actively pursued trade; and

d. when the value of one or more exempted resources exceeds the specified amount, the excess must be counted as available resources; and

e. all resources, other than excluded above, shall be considered as available to meet basic needs and must be used for such; and

f. if resources are available to meet the request at the general assistance standard, no eligibility exists; and

g. if 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 1 year from the date of transaction.

SECTION 4-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 30 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.

2. Employment:

a. applicants for or recipients of general assistance who are under 65 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 65 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 employment to attend school shall not be eligible for general assistance; and

f. 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

g. 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

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

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

j. an exception to this ordinance is if the applicant is needed to care for a dependent or incapacitated relative; and

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

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

SECTION 5-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.

2. Rent:

- a. payment for actual rent, up to a maximum of \$200.00 per month; and
- b. no payment will be made for deposits; and
- c. a copy of the lease agreement with the applicants or member of the household living units name on the lease shall be required; or
- d. a written statement from the landlord stating the applicant rents from them, the amount of current rent and signature of the landlord with their mailing address; and
- e. no rental payments will be made to relatives of the applicant or member of the household living unit; and
- f. 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 of \$200.00 per month, by the number of households residing in the dwelling; and
- g. there shall be a 60 day limitation from the date of approval for rental assistance under this ordinance, assistance shall be issued no more than twice in the 60 day period; and
- h. general assistance shall not be extended to any applicant and their household living unit where financial assistance has already been provided within 365 days.

3. Utilities:

- a. payment of an actual current utility bill (less sales tax) for lights, heat, water and cooking, not to exceed \$200.00; and
- b. no payment will be made for deposits or re-connections; and

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

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

e. there shall be a 60 day limitation from the date of approval for utility assistance under this ordinance, assistance shall be issued no more than twice during the 60 day period; and

f. general assistance shall not be extended to any applicant or household member where financial assistance has already been provided within 365 days.

4. Food:

a. available when necessary at local food pantries.

5. Medical and Drugs:

a. prior approval for one doctor's office visit only where a continued delay of treatment could lead to medical complications shall be authorized by general assistance; and

b. physicians will be paid their usual and customary fee; or

c. medical or surgical treatment of indigent persons may be provided in any manner authorized under Chapter 255 of the Iowa Code, as it may be amended; or

d. emergency dental treatment to relieve pain, an estimate for the cost of treatment shall be provided prior to treatment; 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 \$150.00 to any applicant or household member within 365 days.

6. Telephone:

a. only where service is required due to medical necessity and the nearest neighbor with telephone service is too distant to reach in the event of an emergency (long distance charges other than the medical emergency will not be paid); or

7. Transportation Expenses:

a. including gasoline to obtain emergency medical treatment at local medical providers.

8. 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, Chapter 252.16 Iowa Code, in Henry 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. income of the available spouse must be within general assistance income standards unless exception is granted; or

d. application for burial assistance must be made within thirty (30) days of the indigent person's death; and

e. applications outside thirty (30) days will not be approved by Henry County; and

f. application for burial assistance may be made by a funeral home director in the absence of any other responsible party; and

g. 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;

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 one thousand two hundred dollars (\$1,200) 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 \$1200 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. transportation from place of death to internment within Henry County
 - 6. cremation and urn

k. if death benefits identified in “h” above exceed \$1200, Henry County will not approve a General Assistance burial application; and

l. 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

m. 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.

SECTION 6-FORM

Assistance shall be purchased directly from the supplier for the applicant or the applicant’s household living unit. Payment will be through a warrant issued out of the Henry County Auditors office and according to the Henry County Auditors monthly disbursement schedule.

SECTION 7-STATE PAPERS

1. Criteria for State Quota Papers:

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

b. State Quota Papers are limited and are available on a first come, first served basis to persons meeting eligibility requirements; and

c. an applicant must have a bill at the University of Iowa Hospitals and Clinics which exceeds three thousand dollars(\$3,000.00) after any third party pay (i.e. insurance, Medicare, Medicaid, Medically Needy, etc.); and

d. if the applicant is eligible for Medicaid or the Medically Needy program without the spend down or eligible for treatment at the Veteran's Hospital, the Director will not recommend issuance of State Quota Papers; and

e. 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. Verbal decisions from the income maintenance worker may be accepted; and

f. applicant must provide verification of current income; and

g. applicants must have income at or below 100% of current federal poverty guidelines; and

h. applicant must provide verification of paid medical expenses, which may be deducted from verified income, medical expenses include but are not limited to hospital bills, doctor bills, prescriptions, medical appliances, dental bills and insurance premiums; and

i. must require medically necessary treatment, State Quota Papers will not be issued for elective procedures, medical tests or surgeries etc. A statement from a physician may be requested stating that the procedure is medically necessary; and

j. State Quota Papers will not be issued for workmen's compensation claims until or unless a written statement from the employer's insurance company is received; and

k. applicants with resources over \$200.00 will not be recommended for issuance of State Quota Papers, exempted resources are listed in Section III of this ordinance; and

l. State Quota Papers at the University of Iowa Hospitals and Clinics for substance abuse treatment will be limited to availability at the Director's discretion. A doctor's recommendation for this treatment is required. The State Quota Paper will only be issued if the applicant completes the treatment program; and

m. State Quota Papers will not be issued for dentistry services (oral surgery at University of Iowa Hospitals and Clinics is a covered service); and

n. 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; and

o. State Quota Papers can be denied, approved or conditionally approved; and

p exception to policy for the State Quota Papers can be made at the Director's discretion.

2. Criteria for State Orthopedic and State OB Papers:

a. applicants must have income at or below 150% of current federal poverty guidelines; and

b. applicant must provide verification of paid medical expenses, which may be deducted from verified income, medical expenses include but are not limited to hospital bills, doctor bills, prescriptions, medical appliances, dental bills and insurance premiums; and

c. State Orthopedic and State OB Papers will not be issued for workmen's compensation claims until or unless a written statement from the employer's insurance company is received; and

d. 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 .

3. Appeals of State Paper Recommendations:

a. an applicant may appeal any denial by the General Assistance Director by following the established appeals procedure in this ordinance, Section XII.

4. Confidentiality:

a. 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.

SECTION 8-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 9-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 so noted on the Notice of Decision provided to the applicant.

SECTION 10-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 of the INA; or
 - c. aliens whose deportation has been withheld under Section 243(h) of the INA; or
 - d. Veterans of the U.S. Armed Forces who were honorably discharged for reasons other than alienage, their spouses and dependent children; or
 - e. active duty personnel of the U.S. Armed Forces, their spouses and dependent children; or
 - f. 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.
 - g. proof of status shall be required for general assistance.

SECTION 11-VETERAN'S ASSISTANCE

Applicants who have serviced in the Armed Forces shall be required to apply for Henry County Veteran's Affairs General Assistance. If they are denied Veteran's Affairs General Assistance they may then apply for Henry County General Assistance.

SECTION 12-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 3 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 applicants 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 13-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; and

b. applicants who have applied for federal benefits must sign an Interim Assistance Agreement with Henry County, if applicable.

SECTION 14-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 15-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.

Approved this _____ day of _____, 2004.

SUPERVISORS

HENRY COUNTY BOARD OF

Attest:

Aye: _____
Stan Young, Supervisor

Carol McCulley
Henry County Auditor

Aye: _____
Marc B Lindeen, Supervisor

Aye: _____
Gary K. See, Supervisor

I certify that the foregoing was published on the _____ day of _____, 2004.

Carol McCulley, Henry County Auditor

Subscribed and sworn to before me this _____ day of _____, 2004 by Carol McCulley, Henry County Auditor.

Notary Public, In and for the State of Iowa