

## BOONE COUNTY ORDINANCE #7

## GENERAL RELIEF PROGRAM ORDINANCE

Be It Enacted by the Board of Supervisors of Boone County, Iowa:  
As adopted May 23, 1988.

SECTION 1. CATEGORIES.

There shall be three (3) categories of General Relief in Boone 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.

For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. "Needy person" is a person or the family unit of that person and is domiciled in Boone County, Iowa or who is a transient who, because of circumstances which are not attributed to that person, needs immediate relief.

2. "Poor person" is a person or the family unit of that person and is domiciled in Boone 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 non-food nature used for personal hygiene. "Relief" also includes provisions of any of the above items of relief by the General Relief Director or Board of Supervisors through the offering of residence at the County Care Facility.

4. "Net worth" includes income or monies from any source, monies due (earned or unearned income expected to be received during the month), savings, and other deposits, stocks, bonds, real estate, cash value of personal property, but it excludes clothing, wedding rings, usual household furnishings, bedding, towels, and similar equipment, one automobile, with an equity value not to exceed four thousand five hundred dollars (\$4500), and a homestead.

5. "Family unit" means the individual applying and all members of the immediate family (spouse, children under 18 years of age, children over 18 years of age who are dependent upon the applicant, and anyone else who is a dependent of the applicant for Federal tax purposes) as long as they reside with the applicant as a family unit.

6. "Liquid assets" means cash or any other item of net worth of the family unit that can be readily converted to cash.

7. "Awaiting approval and receipt" means a poor person who has applied for assistance under any state or federal law; who has pursued that application with due diligence; and who has not had the application denied. This does not include an appeal of a denial of the aforementioned benefits.

SECTION 3. FORM. The relief shall be purchased directly from the supplier for the applicant or 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, and who 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 that person because of reasons not attributable to that person and who does not have liquid assets of the family unit from which to pay for the items of relief that can be provided. Emergency relief is, also, to be provided persons who are in need of immediate relief, and who cannot obtain relief from any other source, whose net worth is less than five hundred dollars (\$500), and who, because of reasons not attributable to that person, does not have liquid assets of his or her family unit from which to pay for items of relief that are provided.

SECTION 5. ELIGIBILITY OF POOR PERSONS. Relief is to be provided poor persons who are in need of immediate relief, and who cannot obtain relief from any other source, whose family unit net worth is less than five hundred dollars (\$500), 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.

SECTION 6. LEVEL OF BENEFITS. The maximum level of benefits to be provided for each item of relief for each person or 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 one hundred fifty dollars (\$150) per month or two hundred twenty five dollars (\$225) per month if utilities are included;

3. Clothing, the reasonable value of clothing actually needed if not immediately available from other sources;

4. Heat, lights, and water, the amount needed to provide these services and supplies;

5. Medical, dental services, and prescriptions, the reasonable value of these services actually needed as shown by a statement from a physician, dentist, or optician. Authorization must be given prior to receiving medi-

cal assistance. In the case of an emergency, the Director of Relief or designee must be contacted the first working day following the emergency;

6. Transportation, for emergency medical purposes;

7. Telephone, the monthly cost when a medical necessity; long distance charges for other than medical emergencies shall not be allowed;

8. Burial, shall not exceed seven hundred fifty dollars (\$750) this includes all available benefits;

9. Benefits will only be paid for covered items of relief currently due; deposits are not considered a covered item of relief.

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 needy 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. 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 who is not needed in the home to care for minor children, shall immediately register for employment with Job Service of Iowa and otherwise actively seek employment. The needy person shall seek and accept any reasonable employment under the guidelines of Job Services of Iowa. A refusal or failure to accept reasonable employment offered shall disqualify the needy person from receiving future benefits. The needy person may be required to provide reasonable proof that he or she is actively seeking employment.

SECTION 8. DIVESTMENT OF RESOURCES. In determining the eligibility of an individual for General Relief, the Director or designee shall include as resources still available to the applicant or the family unit, those nonexempt assets owned by the applicant or family unit within the preceding twenty four (24) months, which the applicant or family unit gave away or sold for less than the fair market value. Such a transaction shall be presumed to have been made for the purpose of establishing eligibility for General Relief unless the applicant furnishes proof to establish that the transaction was exclusively for some other purpose. The value of an asset given away or sold for less than fair market value within the preceding twenty-four (24) month period shall be the fair market value at the time of the transaction less the amount of any compensation received.

SECTION 9. APPLICATION FOR RELIEF. Applications for relief shall be submitted by needy and poor persons to the Director of Relief or designee at the Department of Human Services in Boone, Iowa during usual business hours upon forms provided. If, because of undue hardship, a needy or poor person cannot come to the Department of Human Services, the Director shall mail such person an application form or deliver 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 or

designee shall refer the applicant that source. It shall be the obligation of the applicant to make application to that source and pursue such application with due diligence as a condition to be eligible for further relief under this ordinance. Application for medical assistance must be made prior to receiving medical assistance. In the case of an emergency, the Relief Director or designee must be contacted the first working day following the emergency. 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. If requested, the person applying shall provide the Director or designee with a verified statement of net worth, federal and state income tax returns, medical reports, medical authorization, and anything else requested by the Director or designee that bears upon the person's eligibility and need for relief. The Director or designee may also require, upon approval of the Board, that the applicant submit to a physical or mental examination to determine applicant's capacity to labor. The Director or designee shall also receive anything that the person applying desires to submit to establish his or her eligibility or need to include statements or letters, medical reports, and other written documents as well as verbal statements of the applicant. The Director or designee shall then proceed to conduct a reasonable investigation concerning the applicant's eligibility and needs. The applicant's file and the investigation and findings shall be made available to the applicant, upon request, or to the applicant's attorney by written authorization.

#### SECTION 10. INITIAL DETERMINATION.

A. The Director or designee shall make an initial determination of the eligibility and need of the applicant within five (5) working days of the receipt of the application. Upon the determination, the Director or designee shall notify the applicant within five (5) working days after that determination.

B. If an applicant has been previously found eligible, the Director or designee need not receive a new application, but may proceed to a determination of whether or not current relief is warranted. Notice of such determination shall be as provided above. If an emergency and immediate need is present, the Director or designee 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.

C. Whenever an applicant is found eligible and entitled to relief, the Director or designee shall proceed to provide the same and notify the Board of Supervisors.

#### SECTION 11. APPEAL.

A. Every applicant, whether granted relief or not, shall be informed of the Director's or designee's decision of the applicant's right to appeal such decision to the Board of Supervisors. The applicant shall be informed 1) of the method by which an appeal may be taken, and 2) that he or she may represent him or herself, or may be represented by an attorney.

B. Any written appeal or communication to the Director or designee by or on behalf of an applicant requesting appeal of the Director's or designee's

nee's determination, shall be taken by the Director or designee and put immediately upon the Board of Supervisor's agenda, in accordance with Chapter 28A, Code of Iowa. The written appeal or communication must be made to the Director or designee within ten (10) days of the Director's or designee's determination, provided applicant's current address and telephone number, and state the reasons for the appeal. The applicant shall be informed 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 Director or designee to his or her relief case file if request is made.

#### SECTION 12. APPEAL HEARINGS.

A. The Board of Supervisors shall hear applicant's appeal de novo at the time scheduled in the agenda unless a continuance is requested by applicant. Applicant shall be permitted to present whatever evidence desired in support of the appeal including testifying, having other witnesses, if present. The technical rules of evidence shall 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 or designee 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 the appeal, no parties shall be present.

B. The Board shall make a decision on the appeal within five (5) working days. The Board's decision shall be only on the basis of the evidence submitted before the Board. The applicant shall be informed of the decision.

C. 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. ACTIONS OF THE BOARD OF SUPERVISORS. In the event the Board of Supervisors, in reviewing the actions of the Director or designee, it shall take no action concerning such allowance until it conducts a hearing. This hearing, the reasons for it, and notification to the applicant shall be given 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 or designee's determination.

SECTION 14. ADDITIONAL PROVISIONS. The Director or designee 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 Boone County, are applicable and the applicant shall acknowledge the same in writing. Recipients of relief may further be required to work for the County as a condition to receive such benefits as required in Section 252.7 and 252.42, Code of Iowa. Benefits provided a recipient may be further a claim against the homestead of a recipient and a claim in probate, as provided by law.

SECTION 15. CONFIDENTIALITY. All applicants and/or recipients have the right to confidential treatment of information concerning their situation;

however, it should be understood that such information may be shared with other employees of the Department of Human Services, when appropriate, and with the Board of Human Services and Board of Supervisors. A certain amount of information may need to be released to direct providers of service, such as grocery stores, pharmacies, hospitals, doctors, clothing stores, etc., in order to authorize release of goods to the client. In certain instances when the General Relief employee is working cooperatively with other agencies, ie: Veteran Affairs, Community Action Center, and/or County departments, certain information may be released in order to complete transactions.

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

SECTION 16. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 17. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Adopted this 23rd day of May, 1988.

May 23, 1988.

A public hearing was held regarding the General Relief Program in Boone County. There being no objections, written or oral, it was moved by Eich, second by Danilson, in the absence of Carlson, to adopt the Ordinance #6. YES: Danilson, Eich. Absent: Carlson. NO: None. Carried.