

O'BRIEN COUNTY ORDINANCE NO. 7

TITLE: An ordinance prescribing the General Relief Program in O'Brien County, Iowa.
Be it enacted by the Board of Supervisors of O'Brien County, Iowa:

SECTION I. Categories There shall be three (3) categories of general relief in O'Brien County, Iowa. They are:

1. Emergency Relief for Needy Persons
2. Relief for Poor Persons
3. Relief of an Extended Nature

SECTION II. 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 who is domiciled in O'Brien County, Iowa, or who is a transient in the county for less than three (3) days, and who, because of circumstances which are not attributable to that person, needs immediate relief.
2. "Poor Person" is a person or the family unit of that person and is domiciled in O'Brien 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 rent, shelter, lights and medical attention. Payment for utilities does not include any deposits or guarantees of deposits on any utility. Rent does not include any payment of deposit to the landlord.
4. "Resources." The eligibility for General Relief assistance shall include both real and personal resources examination. A homestead shall be exempt from consideration as real property. A homestead shall not cease to be a homestead because of the temporary absence of the owner. The total of liquid and non-liquid resources owned by the person or family unit applying for General Assistance shall not exceed \$500 for the family unit. A transfer of personal or real property within the last two years prior to applying for assistance, made for the purpose of qualifying for aid, renders the applicant ineligible for aid.

The following property shall also be exempt from consideration as personal property:

1. Personal possessions and household goods and furniture
2. Tools and equipment used for self-support
3. One motor vehicle (passenger car or pickup) per family unit, and any motor vehicle over ten years old with the following exceptions; mopeds, motorcycles, snowmobiles, motor homes and antique cars.
4. Burial lots or funeral trust funds
5. Face value of life insurance (however, cash values shall be considered a liquid resource)

If an applicant for General Assistance has sold property of any kind on a contract it shall be counted as a resource to that applicant.

5. "Income" Eligibility for General Relief Assistance shall be determined according to the guidelines for income limits. Any income of any kind being currently received by the applicant shall be considered when determining eligibility and need, including ADC, Social Security payments, SSI payments, support from relatives, interest and dividends earnings whether full or part-time, contract payments, etc. Food stamp benefits shall not be considered as income to the applicant.

The Standard of Need for persons who are elderly, disabled and other households receiving unearned income shall be the same as the income limits established for the Supplemental Security Program (SSI) by the Social Security Administration. Gross income shall be considered and compared to these income levels.

Standard of Need as listed above shall be adjusted as these limits are changed by the Social Security Administration for persons receiving SSI.

Any applicant who has received prizes or winnings from Lotto, the Lottery, contests, games, etc., or who has received an inheritance, a settlement from a lawsuit, or any

similar one time payments within one year of the date of application for County assistance, shall have such monies pro-rated as follows: The total received shall be divided by the SSI guidelines currently in effect for the appropriate sized household. Example: The applicant wins \$5,000 in the lottery. He is a one-person household. \$5,000 is divided by \$354 = 14.12. The applicant shall be ineligible for assistance from the County for fourteen months from the date of receipt. All recurring lump sums, such as payments from employment, property settlements, cash rent from farm income, etc., shall be pro-rated over the period for which they are intended to cover. Example: Payment of \$5,000 is received each January. \$5,000 is divided by 12 months = \$416.67 income per month. This income would be added to all other income available to the household in determining eligibility for assistance.

Persons having income exceeding these standards shall not be granted assistance except under very unusual circumstances or extreme emergency as determined by the Relief Director.

6. "Family Unit" shall mean the individual applying and all members of the immediate family (spouse, children under eighteen (18) years of age, children over eighteen (18) 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 of family unit.)

Further comments regarding "family unit" are as follows:

1. If two unrelated persons are living together and sharing living expenses, income and resources shall be combined, and the household shall be treated as a two member household. It shall be subject to the income limits for that sized household.

2. If an adult child who is no longer a dependent is living in the home of his parents, and requests assistance for himself, income and resources of the parents shall be considered and added to the income and resources of the applicant. If the adult child should have dependents living with him the household would be based on the number living there.

7. "Liquid Assets" means cash or any other item or net worth of the family unit that can be readily converted to cash within seven (7) days.

8. "Awaiting Approval and Receipt" means a poor or needy 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 that application denied. This does not include an appeal or a denial of benefits.

SECTION III. Form The relief shall be purchased directly from the supplier for the applicant or family unit. It may be for one or more of the items of relief that can be provided. Cash allowances shall not be allowed.

SECTION IV. Eligibility of Needy Persons Emergency relief is to be provided to a needy person who is in need of immediate relief, cannot obtain relief from any other source, and whose income or assistance from a State or Federal program has been delayed or not actually received by the person for reasons not attributable to that person, and who does not have liquid assets in that family unit from which to pay for the items of relief that can be provided.

Once needy persons have been approved for State or Federal programs, O'Brien County General Relief shall not subsidize those programs. Examples: (1) A household or individual receiving ongoing payments through the ADC program shall not receive county assistance for basic needs. (2) An individual approved for and receiving HUD rental assistance shall not have such rent paid by General Relief.

SECTION V. Eligibility of Poor Persons Relief is to be provided poor persons who are in need of immediate relief, cannot obtain relief from any other source, 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.

Once poor persons have been approved for State or Federal programs, O'Brien County General Relief shall not subsidize those programs as per examples above under Section IV.

SECTION VI. Level of Benefits The maximum level of benefits to be provided for each item of relief for each person's family unit shall be:

1. Rent and Shelter: The reasonable rental value shall not exceed \$150 per month. Rent shall not be paid by the County to immediate relatives of the applicant household. Immediate relatives shall mean Mother, Father, Mother-in-law, Father-in-law, grandparents, son, daughter, sister, or brother. Rent may be paid to an Aunt, or Uncle if it is for an actual rental unit, and not for residence in the home of the Aunt or Uncle.

House payments or mortgage payments may be made on property or Mobile Homes in emergency situations, and within the limits allowed for rental payments. However, when property payments are made by O'Brien County the applicant shall sign a legal mortgage agreement, and a legal lien shall be placed on such property. The mortgage agreement shall be open ended so that all payments made at any time shall be collectible. All persons listed on the title of said property shall sign the mortgage agreement which will then be filed with the County Recorder or County Treasurer as appropriate.

2. Utilities to provide heat, lights, water, sewer and garbage in the amounts needed to provide these services and supplies. O'Brien County shall not approve payment of deposits on utilities. Telephone and cable TV costs shall not be paid. Only bills due in the month of application shall be approved except in extreme emergencies.

3. Medical, dental and prescriptions; the reasonable value as needed. For large medical expenses the usage of state papers shall be explored before medical payment is authorized by the county. The limit for payment of local hospitalizations shall be \$1,000.

Payment of local hospital bills, whether they are for physical and mental needs, shall be determined by the Relief Director according to the regular relief income and resource guidelines. Each case will be determined on an individual basis, and exceptions may be made at the discretion of the relief director. At no time shall payment be made on bills incurred prior to notification to the General Relief office.

Issuance of county pay papers to University Hospitals shall be made only for households who meet the General Relief income and resource guidelines. Quota papers (for major costs) can be issued for persons over the guidelines who have no means of payment, but county pay papers must be reserved for individuals who are within the regular limits.

Payment may be made for physical therapy when recommended by a physical therapist.

At no time will chiropractic treatment and manipulation be paid.

Payment for medical appliances will not be paid.

Payment for necessary dental work to alleviate pain. Payment for necessary dental work will include denture, denture repair, and/or replacement. The limit shall be \$200 for extractions or restorations, and \$255 for dentures as needed, or according to the Title XIX fee schedule.

4. Burial

A. Eligibility for burial benefits will exist when the deceased person's estate does not have at least \$1,520 effective July 1, 1992, or \$1,670 effective July 1, 1993 which can be applied toward the burial expense. Such limit will be reviewed every two years. Application for benefits must be made within five days of the date of death.

B. The following may be paid by the county:

1. Burial benefits to the funeral home up to a maximum of \$800. Effective July 1, 1993, the maximum will be \$1,000. Any money derived from a life insurance or death benefit, social security, RR retirement, VA benefits, cash from sale of vehicles, real estate, or any other asset, shall be deducted from the limit paid by the county. The limit of payment shall include the cost of the following:
 - a. preparation and embalming of the body
 - b. casket, including an oversize casket

- c. outside burial case, which may be a vault or similar device
- d. transportation of the body from place of death to place of interment.
- e. services of a second funeral director
- f. burial plot
- g. opening and closing of the grave
- h. grave marker or headstone

SECTION VII. Requirements for receiving relief by a Needy Person A needy person who is not needed in the home to care for minor children under the age of six 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 whether or not it is suitable employment under guidelines of Job Services of Iowa. A refusal or failure to actively seek employment or refusal or failure to accept reasonable employment offered shall disqualify such needy person from receiving future benefits. The needy person may be required to provide reasonable proof that he or she is actively seeking employment. Failure to comply with work search requirements shall be a basis for denial.

Persons who are unavailable for employment and not subject to work search requirements shall include:

1. Persons with physical or mental impairments which render them totally disabled and unable to engage in gainful employment. Persons with substance abuse problems are excluded while in inpatient treatment, but are not excluded while participating in outpatient treatment, AA, etc.

2. Handicapped persons due to old age (65), mental or physical disabilities which render them unemployable as defined by the Social Security Administration of the State of Iowa disability board. If such determinations are pending, a doctors statement shall be required to verify disabilities.

3. Persons required in the home to care for a dependent who is ill. This dependent may be a child or handicapped adult.

An applicant who has voluntarily quit a job within thirty (30) days prior to date of application shall be ineligible for thirty (30) days following the date of application.

Age limitations: A person must be 18 years of age or older to receive General Relief. The only exception to this policy shall be an emancipated person due to marriage, or persons receiving the independent living AFDC payment and removed from the custody of the parents.

SECTION VIII. Relief of an Extended Nature Items of relief shall not be granted to any needy person or their family units, for a period not to exceed three (3) months during each year. The year begins the month the client applies and ends a year from that month. Eligibility may be interrupted. Assistance may be for three consecutive months or for three non-consecutive months, as long as the assistance does not exceed the three month maximum, except in cases where an extreme emergency exists, and the director and the Board of Supervisors determines it is in the best interests of the county and the family unit to continue assistance. In such cases assistance shall be provided on a month by month basis.

SECTION IX. Application for Relief Applications for relief shall be submitted by poor and needy persons to the Director of Relief at the O'Brien County Courthouse. If the applicant is unable to come to the Director's office, and application shall be mailed or delivered. If an applicant or family unit appears to be or is eligible for assistance from other State or Federal or local source, the Director shall immediately refer the applicant to that source. It shall be the responsibility of the applicant to immediately make an application to that source and pursue such application with all diligence as a condition of further eligibility for county relief.

Failure to complete a drug/alcohol treatment program or to pursue outpatient treatment as ordered by the court or recommended by professional persons working with the applicant will be a basis for denial of assistance.

Failure to provide verification or information as requested by the relief director to establish eligibility within thirty (30) days from the date of application shall be a basis of denial of assistance.

Withholding information or providing false information concerning any eligibility factor (household composition, address, income, resources, etc.,) shall be a basis for immediate denial of assistance.

If it is determined a family is in need of financial counseling and they refuse such counseling, this will be considered lack of cooperation, and the household will be denied assistance.

SECTION X. Initial Determination The Director shall make a determination of eligibility and assistance to be provided. Upon a determination of ineligibility the Director shall notify the applicant in writing of the decision and by what regulation assistance was denied.

Whenever an applicant is found eligible and entitled to relief, the Director shall proceed to provide the same.

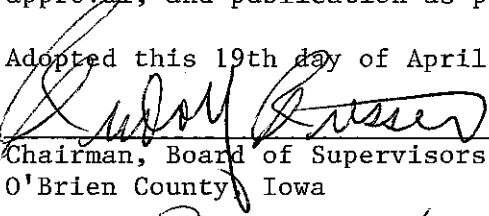
SECTION XI. Appeal The client has the right to appeal any decision made by the Director relative to the administration or interpretation of policies with the following procedure.

1. The client shall receive a notice of decision denying benefits, and explaining the reason. If he disagrees with this decision, he may signify his intent to appeal. The appeal shall be submitted in writing within thirty (30) days of the decision.
2. The appeal shall be submitted to the Board of Supervisors, and a decision rendered within fifteen (15) days.
3. A notice of the Board's decision shall be sent to the client.
4. Appeals filed more than thirty (30) days after the Notice of Decision denying assistance shall be dismissed.

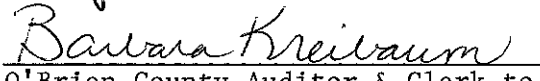
SECTION XII. Actions of the Board of Supervisors In the event the Board of Supervisors, in reviewing the claims submitted by the Director, denies any allowance of relief benefits allowed by the Director, then the Director shall deny benefits to the applicant. The Director shall notify the applicant of the decision and the appeal process.

SECTION XIII. EFFECTIVE DATE This ordinance shall be effective after its final passage, approval, and publication as provided by law.

Adopted this 19th day of April, 1993.


Chairman, Board of Supervisors

O'Brien County, Iowa

ATTEST: 
O'Brien County Auditor & Clerk to
the Board of Supervisors