

ORDINANCE NO. TWO

An Ordinance Prescribing the General Relief Assistance Program in Cass County, Iowa

BE IT RESOLVED by the Board of Supervisors of Cass County, Iowa:

Section 1. Categories. There shall be two (2) categories of general assistance in Cass County, Iowa. They are:

1. Emergency assistance for needy persons; and
2. Assistance for poor persons

Section 2. Definitions. The definition of terms as used in this Ordinance is:

1. "Needy person" is a person or family unit or the household of that person who is domiciled in Cass County.
2. "Poor person" is a person or family unit or the household of that person who is domiciled in Cass County, Iowa, who has no property, exempt or otherwise and who because of physical or mental disability, is unable to engage in gainful employment or otherwise cannot make a living.
3. "Assistance" means county payment to vendors on behalf of an eligible individual for rent, shelter, utilities and burial.
4. "Net worth" includes income or monies from any source, monies due, savings and other deposits, stocks, bonds, real estate, cash value of life insurance policies, jewelry, and value of all other real and personal property but excludes clothing, engagement and wedding rings, usual household furniture, and similar equipment, one automobile and a homestead.
5. "Household" means the individual applying and all members of the immediate family (spouse, significant other, children under eighteen (18) years of age, children over eighteen (18) years of age who are dependent upon the applicant, and anyone else domiciled with the applicant who is a dependent of the applicant for federal tax purposes) or anyone who reside(s) with the applicant as a household or family unit.
6. "Liquid assets" means cash or any other items of net worth of the family unit or household that can be readily converted to cash within seven (7) days.
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 that application denied. This does not include an appeal of a denial of benefits.
8. "Director" refers to the General Relief Assistance Director &/or a member of the Board of Supervisors.

Section 3. Method of Assistance. The Assistance shall be purchased directly from the supplier for the applicant or family unit or the household. It may be for one or more of the items of assistance that are allowable. No cash will be provided. Assistance can be provided two (2) times in a twelve month period, but not consecutive months, at the discretion of the Director. Additional requests will go before the board of supervisors or their designee.

Section 4. Eligibility of Needy Persons. Emergency Assistance shall be provided to a needy person who is a U.S. citizen or a lawful permanent resident of Cass County, Iowa who is at least 18 years of age or a legally emancipated minor, whose income or assistance from a state or federal program has been delayed or not actually received by the person because of reasons not attributable to that person, or who cannot receive assistance from any other source and whose household living unit net worth is less than five hundred dollars (\$500.00) and does not have liquid assets. Entire household net income will be considered when Applicant is domiciled with a non-relative. An applicant must reside in Cass County for a minimum of thirty (30) days before receiving assistance. General Assistance does not pay for deposits nor first month's rent to establish residency.

Section 5. Eligibility of Poor Persons. Assistance shall be provided to a poor person who is a U.S. citizen or a lawful permanent resident of Cass County, Iowa who is at least 18 years of age or a legally emancipated minor, in need of immediate assistance who cannot obtain assistance from any other source; and whose household net worth is One Hundred Fifty Percent (150%) or less of the current federal poverty level and does not have liquid assets, 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 of this ordinance, cannot be fully met by the assistance furnished under such programs. Entire household net income will be considered when Applicant is domiciled with a non-relative. An applicant must reside in Cass County for a minimum of thirty (30) days before receiving assistance. General Assistance does not pay for deposits nor first month's rent to establish residency.

Section 6. Level of benefits. The maximum level of benefits to be provided for each item of assistance for a person or that person's household unit shall be:

1. Rent and Shelter: Payment shall be limited to the most economical appropriate housing available as determined by the General Relief Director not to exceed Six Hundred Dollars (\$600.00) per month per household for the current month. Applicant must have applied for all other programs providing rental assistance. A landlord statement showing ownership and total amount due may be required. Payment shall only be made to owners of property or their designee. Rent payments shall be paid only for currently occupied housing. Rent shall not be paid to any landlord related to the needy or poor person. Payment to the landlord must enable said tenant to remain at the property for the month. A family unit will be the same as a multi-person household. When a single person has a roommate who pays part of the rent, each person must apply to General Relief for their portion of the rent.
2. Utilities (gas, electric, water & sewer): The amount needed to prevent shut off for current month's needs only. Utilities must be in the name of the applicant or another member of the household. The applicant/household member must be residing full time in the residence for which the utility assistance is requested. If the expense of utilities is being shared, the amount authorized will be prorated. Payment, if eligible, must ensure utility service is not disconnected for that month. Applicants must have applied for all other programs providing funding for utilities. General Relief will not pay for deposits or reconnect fees.

3. Burial: All eligibility and regulations are set forth in the county's burial agreement with Cass County funeral directors and passed as a resolution and adopted on February 10, 2016.

The needy or poor person shall be disqualified from receiving future benefits if (except for reasons not attributable to that person) they fail to repay the amount of the General Relief repayment agreement. If an individual provides false information on the General Assistance application, they are subject to the Iowa Code (including but not limited to Chapters 234, 239, 249, 249A, 712). Cass County may prosecute persons providing false information to the full extent of the law. Persons prosecuted may not regain eligibility to receive assistance through this program.

Section 7. Requirements for Receiving Assistance by a Needy Person. A needy person who is employable shall promptly register for employment with Iowa Workforce Development. A refusal or failure to actively seek employment, or 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. Application for Assistance. Applications for relief shall be submitted by the needy or poor persons to the Director of Relief at the Cass County Courthouse in Atlantic, Iowa during regular courthouse hours. A prearranged appointment is preferred. If the applicant or the household is, or appears to be eligible for assistance from any other federal, state, or local source, the Director shall promptly refer the applicant to that source. It shall be the obligation of the applicant to immediately apply to that source and to diligently pursue the application as a condition of being eligible for further assistance under this ordinance.

It is the obligation of each person applying to establish his or her eligibility for any category of general assistance and to prove his or her need for any item of assistance. If requested, the person applying will provide a verified statement of net worth (income tax returns, S.S. statements, pay stubs, etc.) and anything else requested that pertains to the person's eligibility for assistance. The office will also accept anything that the applicant chooses to submit to establish their eligibility or need (including statements or letters and medical reports). The individual shall provide copies of bills for the current month's utilities, shut off notices, eviction notices, and other written documents, as well as verbal statements of the applicant. The office will then proceed to conduct a reasonable investigation concerning the applicant's eligibility and needs.

Section 9. Initial Determination.

(A.) The Director shall make an initial determination of the eligibility and needs of the applicant at the time of application, if at all possible. If the determination is not made immediately, it shall be made within five (5) working days of the receipt of the application. The Director shall notify the applicant of the decision by telephone, if available, immediately or by mail within five (5) working days of the determination.

(B.) If the Director cannot make the initial determination within five (5) working days, the Director shall immediately notify the applicant by telephone, if possible, of the reasons why such determination cannot be made.

Section 10. Appeal.

(A.) Every applicant, whether granted relief or not, shall be informed of the Director's written decision and 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/herself, or may be represented by an attorney (at the applicant's expense).

(B.) Any written appeal or communication to the Director by or on behalf of an applicant requesting appeal of the Director's determination, shall be taken by the Director and put immediately upon the Board of Supervisor's agenda for the next regular meeting, provided that such appeal shall not be heard sooner than five (5) days after appeal is taken. The written appeal or communication must be made to the Director within ten (10) days of the Director's determination, providing applicant's current address and telephone number, and stating reasons for appeal. The applicant shall be informed immediately, by telephone and by ordinary mail, of the date and time of hearing before the Board. Applicant and his/her attorney, upon written authorization, shall be granted access by the Director to his/her relief case file if request is made.

Section 11. Appeal Hearing.

(A.) The Cass County Board of Supervisors shall hear the applicant's appeal de novo, *at the time scheduled on the agenda*, unless the applicant requests continuance. The applicant shall be permitted to present whatever evidence is 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. The Board may set reasonable time limits for the presentation of evidence. The applicant's file shall be admitted into evidence. The Board may question the applicant. The Director shall present the Board with reasons for determination. The hearing will be recorded. The hearing before the Board may be at a closed meeting in accordance with Chapter 21, Code of Iowa, since the confidential files of the applicant will be in evidence. When the Board deliberates on the appeal, no other 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 based only on the evidence submitted before the Board. The applicant shall be informed immediately by telephone, if available, of the decision and within four (4) working days, thereafter, the Board shall mail to the applicant, at his or her last known address, by ordinary mail, the written decision. The decision shall state the reason for the action, together with any statute or Ordinance applied. The Board's decision shall also state that an appeal may be taken from the Board's determination, as provided below, and the method by which such appeal may be taken.

(C.) Any appeal to the district court shall be allowed by the applicant from the Board's decision within the time limits and by the manner and procedures established under the Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa.

Section 12. Additional Provisions. When General Assistance benefits have been provided, Chapter 252.13, Code of Iowa, is applicable for repayment of said benefits to Cass County. The applicant will acknowledge, in writing, that benefits will be repaid.

Section 13. Other. All Cass County ordinances and resolutions, or parts thereof, in conflict with this ordinance are hereby repealed.

CASS COUNTY BOARD OF SUPERVISORS

BY:

CHAIR, CASS COUNTY BOARD OF SUPERVISORS

First reading and approval:

Second reading and approval:

Third reading and approval:

Published:

PASSED and ADOPTED by the Board of Supervisors of Cass County, Iowa on

ATTEST:

Cass County Auditor