

## CHAPTER 3

### POLK COUNTY GENERAL ASSISTANCE PROGRAM

#### Contents

|   |    |
|---|----|
| 3.1 GENERAL PURPOSE.....                                  | 1  |
| 3.2 FORM.....   | 2  |
| 3.3 ADMINISTRATION.....                                   | 2  |
| 3.4 RULE MAKING AUTHORITY.....                            | 2  |
| 3.5 DEFINITIONS.....                                      | 3  |
| 3.6 INCOME GUIDELINES FOR ASSISTANCE ELIGIBILITY.....     | 9  |
| 3.7 OTHER ELIGIBILITY REQUIREMENTS FOR NEEDY PERSONS..... | 9  |
| 3.8 OTHER ELIGIBILITY REQUIREMENTS FOR POOR PERSONS.....  | 10 |
| 3.9 MAXIMUM BASIC NEEDS BENEFITS.....                     | 10 |
| 3.10 LIMITATIONS ON SPECIAL NEEDS.....                    | 11 |
| 3.11 COMPUTING AMOUNT OF ASSISTANCE TO BE GRANTED.....    | 12 |
| 3.12 DURATION.....  | 12 |
| 3.13 GRANTING OF WORKER'S EXCEPTIONS.....                 | 12 |
| 3.14 GRANTING OF DIRECTOR'S EXCEPTION.....                | 13 |
| 3.15 REQUIREMENTS FOR RECEIVING ASSISTANCE.....           | 13 |
| 3.16 RECOVERY OF EXPENDITURES.....                        | 14 |
| 3.17 APPLICATION FOR ASSISTANCE.....                      | 15 |
| 3.18 INITIAL DETERMINATION.....                           | 16 |
| 3.19 DENIAL OF ASSISTANCE.....                            | 16 |
| 3.20 APPEALS.....   | 17 |
| 3.21 APPEAL HEARING.....                                  | 18 |

#### **3.1 GENERAL PURPOSE.**

General assistance shall be for the purpose of providing, either in kind or by general assistance order, basic or special needs to poor or needy person, who reside in Polk County, when such are not supported by their own means, their responsible relatives or state or federal programs of assistance. General assistance is available to help people in need when the assistance will be conducive to such person's welfare and in the best interests of the public and is necessary to help the person through a period of hardship and/or is necessary to keep the family act, or when the person is confronted with a dire emergency and the person has no income, liquid assets or other resources available to meet his/her basic needs.

### **3.2 FORM.**

The assistance shall be purchased directly from the supplier for the poor or needy person, or it may be provided in kind. It may be for one or more of the items of assistance that are allowed under this ordinance.

### **3.3 ADMINISTRATION.**

The County General Assistance Program shall be administered by the Polk County Department of Community, Family and Youth Services and shall be under the direct supervision of the county General Assistance director. Wherever in this ordinance reference is made to “director” such term shall mean the county General Assistance director or that such person’s designee.

### **3.4 RULE MAKING AUTHORITY.**

The Polk County Service Appeal Board shall have all of the statutory rule making power as authorized by law and granted by the Polk County Board of Supervisors, for the purpose of implementing this ordinance. The Service Appeal Board is comprised of three to five members including one member of the Polk County Board of Supervisors. The other members may include individuals representing the business community or identified as a consumer advocate or a private citizen. Any rules promulgated by the Service Appeal Board under this grant of authority, shall be subject to approval by the Board of Supervisors.

### **3.5 DEFINITIONS.**

The definitions of terms as used in this ordinance are:

1. “Able-bodied person” means a person who is not suffering from a physical or mental disability preventing the person’s employment.
2. “Available for employment” means any able-bodied person who does not fit the definition of “Persons unavailable for employment.”
3. “Awaiting approval and receipt” means a poor person who has applied for assistance under any state or federal law, and who has pursued that application with due diligence. A person who has had his/her original application denied shall be deemed to be “awaiting approval and receipt” until a decision has been made on the person’s initial appeal of such denial.
4. “Basic needs” shall mean food, shelter, and utilities. Food shall not include cigarettes, alcoholic beverages, or pet food except pet food for a guide dog, but does include personal items and items used to operate a household.
5. “Circumstances which are attributable to the person” shall mean any and all those circumstances occurring to a person which involve failure to safeguard liquid assets and/or resources or failure to prioritize expenses.
  - a. “Failure to safeguard liquid assets and/or resources” shall mean that the person’s liquid assets and/or resources were lost or stolen and a police report has not been filed and there is no evidence that an assault or a break-in has occurred.
  - b. “Failure to prioritize expenses” shall mean that the person has not directed his/her income towards securing and paying for basic needs as a first priority or where the person

has demonstrated a continued inability to plan and spread necessary expenditures over the usual period between assistance checks.

6. “Circumstances which are not attributable to the person” means any one or more of the following events or circumstances occurring to a “needy person”:

a. Employed persons:

1. Being involuntarily terminated from his/her employment for reasons other than for cause, or;
2. Voluntarily quitting his/her job for good cause, such cause to include those causes used by the Iowa Department of Human Services in determining whether a person applying for food stamps has quit his/her job for good cause, or;
3. Having his/her hours of employment reduced to the point where the person cannot provide basic needs for the family unit, or;
4. Being prevented from entering his/her place of employment because of a strike, lockout, or other form of labor dispute.

b. Persons involved in a state or federal program of assistance:

1. Having his/her monthly assistance check or benefits that have been issued in connection with a state or federal program of assistance or having his/her paycheck from an employer lost, stolen or destroyed under such circumstances that the state, federal government or employer will replace the check, or benefits, or having his/her liquid assets and/or resources stolen and a police report has been filed and there is evidence of an assault or break-in.

2. Has applied for but has not yet been approved or been denied FIP assistance.

3. If approved for a state or federal program of assistance or benefits, any department error in the administration of the federal or state program of assistance or benefits that results in delayed delivery or non-delivery of assistance or benefits to the person.

c. All persons:

Payment of an unusual and/or inordinate amount of expense regarding any or all of the following:

1. Medical expenses.

2. Transportation expense, including the cost of necessary repairs to a car to maintain employment.

3. Moving expenses and/or utilities and/or rental deposits incurred by: (a) persons that are moving because of domestic abuse provided the person has reported the abuse to the police or sought assistance in or from the Family Violence Center; (b) persons that are moving from sub-standard housing; (c) persons that are moving from a more expensive to a less expensive house; or (d) persons who are being required to move for reasons other than for cause.

This section shall not apply to a person who is being required to move because of non-payment of rent unless the person qualifies as one of those persons described in (a), (b), (c), or (d) herein.

d. Incarcerated persons:

Having been incarcerated and now being released back into the community.

7. “Department” shall mean the Polk County Department of Community, Family and Youth Services or Polk County Health Services.

8. “Director” shall mean the person who has been appointed General Assistance director as provided by Section 252.26, Code of Iowa , or the Executive Director of Polk County Health Services for Mental Health related issues.

9. “Director’s exception” means the General Assistance director, or his/her designee, granting assistance or the Executive Director of Polk County Health Services granting Mental Health related assistance.

a. to a poor or needy person in an amount in excess of the amount that can be granted by worker’s exception(s); or

b. to a poor or needy person whose income is in excess of the income eligibility standards imposed by resolution of the Polk County Board of Supervisors; or

c. to a poor or needy person who is not eligible for a state or federal program of assistance.

10. “Family unit” means the individual applying for assistance and all members of his/her immediate family (spouse, children under eighteen (18) years of age, children over eighteen (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. A family unit cannot consist of an individual only.

. “Liquid assets” means cash or any other item of value of the family unit that can be readily converted to cash within seven (7) days but does not include customary household goods and furniture or other items of personal property that are exempt under Chapter 627, Code of Iowa.

12. “Needy person” is a person or family unit of that person, residing in Polk County, Iowa, and who, because of circumstances which are not attributable to that person, needs immediate assistance or a person or family unit of that person who because of circumstances which are attributable to that person needs immediate assistance.

13. “Persons unavailable for employment” means any of the following:

a. Persons who by a physician’s statement are unable to engage in gainful employment due to a physical or mental disability, this shall include women who are in their third trimester of pregnancy.

b. Substance abusers who are participating in a rehabilitation plan.

c. Adults who by reason of debilitating old age or illness are unable to compete in the labor market.

d. Persons needed in the home to care for a relative.

e. Children under eighteen (18) years of age and unmarried who are part of a family unit receiving general assistance and who are attending school.

f. Minors who are dependent children or wards of the Juvenile Court who are part of a family unit receiving general assistance and who are still attending school.

g. Couples, when both are unemployed due to any of the above reasons or if one spouse is needed in the home to care for the other spouse.

h. Adults who by reason of age or lack of job skills are unable to secure employment.

14. “Poor person” is a person or the family unit of that person residing in Polk County, Iowa, and who needs assistance because of a physical or mental disability that makes the person an unemployable person.

15. “Assistance” means the provision of basic and special needs. “Assistance” may also include provisions or basic or special needs through the offering of shelter and/or food at other available facilities in Polk County.

16. “Special needs” shall mean clothing, transportation, furniture and appliances, medical, funeral expenses, and room and board at facilities with whom the county has an agreement to provide food and/or shelter.

17. “State or federal programs of assistance” means a program funded by the state and/or federal government including but not limited to FIP, SSI, SSA, SSDI, Workers’ Compensation, Veterans Benefits, and Soldiers Relief.

18. “Unemployable person” means one of the following:

a. A person whose physical and/or mental condition is so severe, as stated by a medical doctor or other competent authority, that employment in the competitive job market is not possible.

b. A person who may have some “ability” to work, according to medical doctor, or other competent authority, but cannot apply this ability on the job due to a physical and/or mental impairment. This person would require constant one to one supervision



and could be disruptive and unmanageable in a work setting. Therefore, employment in the community is not feasible.

c. Adults who by reason of age or lack of job skills are unable to secure employment.

19. “Worker’s exception” means a person employed by the department to provide social work service granting additional general assistance to a needy person who has received assistance equal to the assistance maximum as approved by the Board of Supervisors during a twelve (12) month period. The twelve (12) month period to begin with the date the first assistance is provided.

### **3.6 INCOME GUIDELINES FOR ASSISTANCE ELIGIBILITY.**

Assistance shall be provided to eligible poor or needy persons whose income is less than the amount designated by the Board of Supervisors.

For granting of assistance with burial expenses, income eligibility guidelines will be set at 100% of current Federal Poverty Guidelines.

### **3.7 OTHER ELIGIBILITY REQUIREMENTS FOR NEEDY PERSONS.**

1. Assistance may be provided to a needy person who is in need of immediate assistance and who cannot obtain assistance from any other source and who does not have liquid assets or resources either as an individual or as a family unit to pay for basic or special needs.

2. Any person who is a needy person because of circumstances which are attributable to that person may be required to participate in the Polk County Community, Family and Youth Services “Protective Payee Program” as a condition to receiving general assistance.

### **3.8 OTHER ELIGIBILITY REQUIREMENTS FOR POOR PERSONS.**

1. Assistance shall be provided to poor persons who are in need of immediate assistance; and cannot obtain assistance from any other source; and who are eligible for and are awaiting approval and receipt of assistance under state or federal programs of assistance.

2. In the event the initial appeal of a person who has applied for SSI or SSDI is denied, the person shall no longer be eligible for general assistance unless a director's exception is granted by the general assistance director.

3. The county may require any person claiming to be an unemployable person to submit to an independent examination by a medical doctor or other qualified expert, of the county's choosing, for the purpose of determining the person's capacity to work.

### **3.9 MAXIMUM BASIC NEEDS BENEFITS.**

1. The maximum benefits for all basic needs (food, shelter and utilities) to be provided, during any twelve (12) month period to a needy person without a worker's exception or a director's exception, shall be the maximum amount designated by the Board of Supervisors.

2. The maximum benefits for all basic needs to be provided during any twelve (12) month period to a poor person who is the head of a family unit shall be the reasonable and necessary amount required to provide the basic needs to such poor person for that period of time set forth in Section 3.12 of this ordinance. The assistance provided per month cannot exceed the amount allowed per month under the income guideline established by the Board of Supervisors unless a director's exception is granted.

### **3.10 LIMITATIONS ON SPECIAL NEEDS.**

The following special needs shall be in addition to the benefits allowed under 3.9 of this ordinance:

1.     **Clothing:**     The reasonable value of clothing actually needed if not available free from other sources, but not to exceed \$100 per person.

2.     **Transportation:**     Actual cost of needed public transportation or where such is not available or feasible, the purchase of necessary gas and oil. “Transportation” does not include car repairs, but is limited to the purchase of gas and oil.

3.     **Furniture and appliances:**     Reasonable value of needed used furniture and appliances if not available free from other sources, but not to exceed \$200 for a single person or family unit.

4.     **Medical:**     Reasonable value of needed services if the services are not available under Medicaid, the Medically Needy program, at Broadlawns Medical Center, University of Iowa or in a private hospital under the provision of the Hill-Burton Act.

5.     **Burial expenses:**     Up to the maximum allowed by resolution of the Polk County Board of Supervisors for all expenses involved in a burial, if those expenses are not covered in full from other sources.

6.     **Room and board:**     The amount provided for in the agreements in effect between facilities providing room and board and the Polk County Department of Community, Family and Youth Services. Service shall be limited to four (4) weeks duration.

### **3.11 COMPUTING AMOUNT OF ASSISTANCE TO BE GRANTED.**

The total amount for all of the items of assistance granted at any one time shall be determined, and there shall be deducted therefrom the amount of liquid assets the person or the family unit have available and the balance remaining is the amount of assistance benefits the poor or needy person is to receive.

### **3.12 DURATION.**

1. Poor Person: Assistance shall continue until such time as the physical or mental disability no longer prevents the person from being employed or until the person's appeal under SSI or SSDI has been denied by the administrative law judge (ALJ) whichever event occurs first.

2. Needy Person: Assistance may be provided, during any twelve (12) month period, for so long as the total amount provided does not exceed the maximum amount designated by the Board of Supervisors. The twelve (12) month period is to begin with the month when the first assistance is issued.)

### **3.13 GRANTING OF WORKER'S EXCEPTIONS.**

A person employed by the department to provide general assistance social work services may grant, during a twelve (12) month period, a worker's exception(s) for the purpose of providing additional general assistance to a needy person who has received assistance in an amount equal to the assistance maximum as determined by the Board of Supervisors. Any such assistance issued shall be limited to an amount equal to the assistance maximum. The twelve (12) month period begins with the date the first assistance is provided.

### **3.14 GRANTING OF DIRECTOR'S EXCEPTION.**

A director's exception may be granted for the purpose of providing assistance to:

1. A poor or needy person who has received the maximum assistance as provided in Section Thirteen; or
2. A poor or needy person whose income is in excess of the income eligibility standard imposed by the Board of Supervisors.
3. A poor or needy person who is not eligible for a state or federal program of assistance.

### **3.15 REQUIREMENTS FOR RECEIVING ASSISTANCE.**

1. Needy person: A needy person who is available for employment and is unemployed shall immediately register for employment with Iowa Workforce Development and otherwise actively seek employment. The needy person shall seek and accept any reasonable employment whether or not it is suitable employment under the guidelines of 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 proof that he or she is actively seeking employment. Once employed, a needy person may be required to demonstrate a good-faith effort to retain employment.

2. Poor person – mentally ill, mentally retarded or developmentally disabled: A person who is a poor person because of mental disability that prevents the person from engaging in gainful employment or otherwise making a living may, as a condition for receipt of general assistance, be required to work on a public program or project or with a suitable private non-

profit corporation when it has been determined by the person's caseworker and the caseworker's supervisor, after consultation with any state mental health caseworker assigned to the person, that the work would have therapeutic value for the person.

### **3.16 RECOVERY OF EXPENDITURES.**

Expenditures for general assistance shall be recovered or repaid as follows:

1. From any homestead of a recipient to the extent provided in Section 252.14 of the Code of Iowa.
2. From any person who received general assistance after applying for federal Supplementary Security Income benefits but before being determined eligible for such benefits, pursuant to the terms of an "Interim Assistance Reimbursement Authorization" which shall be signed by the person at the time of receiving the general assistance and which shall then be filed with the United States Social Security Administration.
3. From the county of legal settlement of a recipient having legal settlement outside of Polk County, in accordance with sections 252.22 through 252.24 of the Code of Iowa, or from any other government or government agency to such extent as may be permitted by law.
4. From any other recipient in accordance with the terms of a "General Assistance Agreement to Repay" which shall be signed by the person at the time of receiving the general assistance. The director need take only such steps to enforce the agreement as the director, in his or her judgment, believes will result in greater receipts than the costs of collection, including employee time and benefits and alternative uses for available time and resources in any evaluation of such costs.

### **3.17 APPLICATION FOR ASSISTANCE.**

Application for assistance shall be made by needy and poor persons at the Polk County General Assistance office during usual business hours upon forms to be provided by the department. If, because of undue hardship, a needy or poor person cannot come to the district office, employees of the department shall mail the person an application form or deliver the form to the person. If the applicant or the family unit is or appears to be eligible for assistance from any other source, the employee shall immediately refer the applicant to immediately make application to that source, and pursue such application with due diligence as a condition to be 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 need for any item of assistance. If requested, the person applying shall provide the department with a verified statement of net worth, medical reports, medical authorization, and anything else requested by the department that bears upon the person's eligibility and need for assistance. The department may also require that the applicant submit to a physical or mental examination to determine applicant's capacity to labor. The department shall also receive anything that the person applying desires to submit to establish his/her eligibility or need to include statements or letters, medical reports, and other written documents as well as the verbal statements of the applicant. The Department shall then proceed to conduct a reasonable investigation concerning the applicant's eligibility and needs. The applicant's file and the investigation and findings of the department shall be made available to the applicant upon request or to the applicant's attorney by written authorization.

### **3.18 INITIAL DETERMINATION.**

1. The department will, if possible, make an initial determination of the eligibility needs of the applicant within three (3) working days of the receipt of the application. Upon determination, the department shall notify the applicant by written decision showing the reasons for the determination together with the specific benefits and the amount to which the applicant is entitled.

2. If the department cannot make the initial determination within three (3) working days, the department shall immediately inform the applicant of the reason and may pend the application for ten (10) days for the purpose of allowing the applicant to submit additional information in support of his/her application. If the applicant fails to submit the additional information within the ten (10) day period, his/her application is deemed denied without any further action by the department.

### **3.19 DENIAL OF ASSISTANCE.**

1. Payment of general assistance to a poor or needy person may be denied for one or more of the following reasons:

- a. Other resources are available to the person to meet the person's needs at the level of general assistance limitations applicable under this ordinance.
- b. The person has failed to provide requested information or to otherwise cooperate.
- c. The person, if available for employment but unemployed, cannot demonstrate a good faith effort to secure employment, or if previously employed, cannot demonstrate a good faith effort to remain employed.



- d. The maximum amount of assistance available to the person under this ordinance has been received.
  - e. The person's income exceeds the income guidelines established by the Board of Supervisors.
  - f. The person is eligible for or has received maximum assistance benefits from Polk County Veteran Affairs.
  - g. The person does not fit the definition of poor or needy.
  - h. The person has failed to use income and/or resources for the purpose of providing for his/her or the family unit basic needs.
  - i. The person has failed to safeguard income and/or resources.
2. Any person presenting false or misleading information for the purpose of obtaining such general assistance shall not be eligible to reapply for general assistance for a period of ninety (90) days from the date of discovery of the false or misleading information.

### **3.20 APPEALS.**

1. All appeals of the decision of a department employee to deny the person's application for general assistance or mental health services shall be mailed or delivered to the county General Assistance director or Executive Director of Polk County Health Services if the service is a mental health related service. The director's written decision regarding the appeal shall be mailed to the applicant within five (5) working days from the receipt of the appeal by the director. The director's decision should inform the applicant of the applicant's right to appeal the decision. The appeal of the director's decision shall be to the County Service Appeal Board. The Service Appeal Board's decision is final unless appealed to the district court. 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 another person or by an attorney.

2. 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 Service Appeal Board agenda, for the next regular board meeting, provided that such appeal shall be not heard sooner than five (5) days after appeal is taken.

3. An appeal of the director's decision must be made to the director within ten (10) days of the director's determination. The notice or communication must provide applicant's current address and telephone number, and state the reasons for the 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 or her attorney, upon written authorization, shall be granted access by the director to his or her assistance case file if request is made.

### **3.21 APPEAL HEARING.**

1. The Service Appeal Board shall hear applicant's appeal at the time scheduled in the agenda unless continuance is requested by the applicant. The Service Appeal Board may elect to have an Administrative Law Judge convene the Appeal Hearing. Applicant shall be permitted to present whatever evidence he/she desires in support of the appeal including testifying, having other witnesses, if present. The technical rules of evidence shall not apply. The applicant's file shall be admitted into evidence. The board may question the applicant, and the director or his/her designated representative shall present the board with the reasons for the determination.

2. The Service Appeal Board shall make a decision on the appeal within five (5) working days after the appeal. The board's decision shall be only on the basis of the evidence submitted before the board. The board shall mail to the applicant at his or her last known address, by ordinary mail, its decision in writing.

3. An appeal to the district court shall be allowed the applicant of the Board of the Service Appeal Board within the time, the manner, and the procedures established under the Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa.(Ord No. 51, 8/11/89; Ord. No. 115, 2/4/93; Ord. No. 163, 7/11/97; Ord. No. 164, 10/14/08; Ord. No. 276, 6/09).