

**CHAPTER 11**  
**ELIGIBILITY FOR RELIEF**  
**AND RULES FOR THE PROVISION OF**  
**RELIEF TO LINN COUNTY RESIDENTS**

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## AN ORDINANCE PRESCRIBING THE GENERAL ASSISTANCE PROGRAM IN LINN COUNTY, IOWA

### 11.1 Purpose

1. Section 252.25, 1995 Code of Iowa, provides that a county shall provide for the assistance of poor persons in its county who are ineligible for, or are in immediate need and are awaiting approval and receipt of assistance under programs provided by state or federal law, or whose actual needs can not be fully met by the assistance furnished under such programs.

Section 252.1, 1995 Code of Iowa, allows a county to provide aid to needy persons who have some means.

2. Linn County shall provide assistance to those persons who meet the criteria established in the following sections. Financial limitations on personal income, personal resources, property ownership and the amount and duration of assistance, unless specifically set out in the following sections, shall be established by the Linn County Board of Supervisors by resolution. This program shall be known as the General Assistance Program.

### 11.2 Definitions

The following words and phrases when used in this chapter shall have the following meanings:

1. "applying household"- means the applicant and:
  - a. any person cohabiting with the applicant;
  - b. all persons who reside with the applicant who are dependents, as defined by the Internal Revenue Code (Chapter 26 U.S.C. §152), of either the applicant or a person cohabiting with the applicant;
  - c. any other adult person residing with the applicant who shares income and expenses in common.
2. "resource" - means any property which can be converted to meet need with the following exemptions:
  - a. wedding rings from current marriage;
  - b. household furniture and appliances;

- c. one burial lot or funeral trust fund per individual;
  - d. one homestead within in Linn County, per applying household, regardless of its value;
  - e. one motor vehicle per applying household, regardless of its value;
  - f. tools and equipment used for self-support by members of the applying household.
3. "earned income" - means income including, but not limited to, wages, salaries, fees, or exchanged services derived from labor, professional service, or self-employment.
4. "unearned income" - means all income derived from invested capital, child support payments, alimony, inheritances, gifts, public assistance, benefit and pension programs, social security payments, or any other type of monetary payment not defined as earned income.
5. "disability" - means physical or mental condition of a person which constitutes an inability to follow continuously a substantially gainful occupation.
6. "Division" - means the division of the Linn County Department of Human Resources Management which administers the General Assistance Program to the poor and needy in Linn County.
7. "countable income" - means the total earned income and unearned income minus exemptions allowed pursuant to the provisions of this ordinance or resolution of the Linn County Board of Supervisors.
8. "home mortgage" - means a mortgage with first priority recorded upon property owned by the applicant which is the applicant's primary residence.
9. "Director" - means the Director of the General Assistance Program for Linn County or his/her designee.

### **11.3 Eligibility**

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

- 1. Applicants who:
  - a. lawfully reside in Linn County;

b. are 18 years old or are an emancipated minor at the time application for assistance is made;

c. have monthly countable income of less than an amount established by resolution of the Linn County Board of Supervisors;

d. have non-exempt resources of less than an amount established by resolution of the Linn 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

f. register with those employment and/or job training 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 Linn County;

b. are 18 years old or older or are 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 Division documented by a licensed medical practitioner.

Applicants who provide documentation of a disability due solely to addiction to drugs and/or alcohol shall also provide proof of their participation in an appropriate treatment plan. Failure to enroll in or participate in an appropriate treatment plan shall result in the applicant being deemed ineligible for assistance under the provisions of this ordinance until such time as enrollment is attained or participation is restored.

#### **11.4 Income and Resources**

1. All earned and unearned income available to an applying household shall be considered in determining eligibility for General Assistance with the following exemptions deducted from earned income:

a. any type of employment expense made necessary by such employment;

b. child care expenses incurred as a result of employment or training for employment or an allowed educational program. No payments for child care expenses made to another member of the applying household shall be exempted from earned income;

c. court ordered payments for alimony and child support which are actually paid in the four (4) weeks prior to the date of application for assistance;

d. necessary medical expenses including doctor, hospital, prescriptions, medical supplies, x-ray, dental, eyeglasses, laboratory, prescribed therapy and medical insurance premiums which have been actually paid in the four (4) weeks prior to the date of application for assistance;

e. income from childcare activities performed in the residence, subject to subsection (b.) above, shall be reduced by 40% to allow for related expenses. The remaining 60% shall be counted as net earned income from such childcare activities.

Any other deduction from or reduction to earned income will not be allowed and the amount of any other deduction or reduction in earned income must be added back in to determine countable earned income.

2. All sources of countable income, exemptions from countable income and non-exempt resources shall be verified by the Director prior to approval for benefits.

3. The availability of countable income, exemptions from countable income and non-exempt resources of the applying household shall be determined monthly by the Division.

4. Any transfer of property for less than full consideration made by a member of the applying household within the two (2) year period preceding the application for assistance shall render the applying household ineligible for assistance pursuant to the provisions of this ordinance until such time as two full years have passed from the date of the transfer.

### **11.5 Other Available Assistance**

1. An applicant shall apply for any form of financial assistance other than general assistance for which any member of the applying household may be eligible. Failure to make application for other eligible assistance or failure to otherwise comply with the rules of the other assisting agency shall disqualify the applying household from consideration for further assistance under the provisions of this ordinance until such time as there is compliance with this section.

2. Assistance received from the commission of Veteran Affairs shall be considered as assistance received through the General Assistance Program. All eligible applicants shall apply for assistance through the Commission of Veteran Affairs prior to making application to the General Assistance Program.

3. Applicants who apply for S.S.I. benefits must execute an Interim Assistance Reimbursement (IAR) form and provide it to the Director.

## **11.6 Employment**

1. An applying household shall not be eligible for assistance under the provisions of this ordinance until each adult member of the applying household has registered with the employment and/or job training agencies which the Director has determined to be appropriate. Failure to comply with the directives of the employment and/or job training agencies or to accept any employment offered by the agencies within thirty (30) days of the directive or offer shall disqualify the applying household from further assistance under the provisions of this ordinance until there is compliance with this section.

2. Refusal by any adult member of the applying household to accept any bona fide offer of employment training or career training shall result in the applying household being deemed ineligible for assistance under the provisions of this ordinance for a period of three months from the date that the offer of training was made.

3. Refusal by any adult member of the applying household to accept any bona fide offer of employment shall result in the applying household being deemed ineligible for assistance under the provisions of this ordinance for a period of three months from the date on which the offered employment would have commenced.

4. Voluntary withdrawal by any adult member of the applying household from the work force for any purpose other than to attend an accredited day-time high school program or higher level educational and/or training program shall result in the applying household being deemed ineligible for assistance under the provisions of this ordinance for a period of three (3) months from the date of withdrawal. Any adult member of the applying household who has not been in the work force for the three months prior to application for assistance, who has actively been seeking employment, and who enrolls in an educational program shall not cause the applying household to be deemed ineligible for assistance solely because of their enrollment in the educational program.

5. An applicant or other adult member of the applying household, who is needed in the home for the care of their own children under the age of six (6), is exempt from the requirements of this subsection (11.6).

### **11.7 Provision of Assistance**

1. Applicants determined eligible for assistance pursuant to Section 11.3(1) shall be granted assistance in an amount and for a duration which shall be determined by resolution of the Linn County Board of Supervisors. Applicants eligible for assistance pursuant to Section 11.3(2) shall receive benefits so long as the mental or physical disability continues. If required by the Director, applicants receiving assistance pursuant to Section 11.3(2) shall undergo an evaluation by a licensed medical practitioner chosen by the Director and provided at no charge to the applicant.

2. Needs for which assistance may be provided are rent, interest on home mortgages, utilities, food, essential non-food products, qualified medical expenses, transportation and burial.

3. Assistance shall not be granted or used for the payment of deposits, taxes, interest (other than home mortgage interest), carrying charges, delinquent payments, or other payments not directly necessary for the support and maintenance of the applying household.

### **11.8 Rent and Home Mortgage Interest Assistance**

1. Rent payments shall be made only to property owners of record, or their designees. Property ownership shall be verified by the Division and an agreement to accept assistance in lieu of rent shall be signed by the property owner or their designee prior to any rent payments being made. A contract purchaser of rental property may provide verification of their ownership interest by presenting to the Division a copy of the recorded contract of purchase. Rent shall not be paid to parents, grandparents, children, grandchildren, aunts, uncles, nephews or nieces of any member of the applying household.

2. Rent shall be paid only for housing that is currently occupied by the applying household. Temporary absence from the residence of a member of the applying household due to health problems shall not disqualify the applying household from receiving assistance.

3. Rent shall not be paid to a provider of residential services as part of a rehabilitation or treatment program.

4. Home mortgage interest shall be paid only for interest currently due. Temporary absence from the residence of a member of the applying household due to health problems shall not disqualify the applying household from receiving assistance.

5. Home mortgage interest payments shall be made only to the mortgage holder or their designee and only upon verification by the Division of the identity of the mortgage holder. Home mortgage interest payments shall not be paid to parents,

grandparents, children, grandchildren, aunts, uncles, nephews or nieces of any member of the applying household.

6. The amount of assistance available for home mortgage interest and the guidelines for assistance eligibility shall be the same as for rent assistance.

### **11.9 Utilities**

1. Utilities shall include charges for heat, electricity, water, sewer assessment, and solid waste removal chargeable to the residence of the applying household.

2. Utility payments shall be made directly to suppliers or their designated billing agent.

3. Utility payments shall be made for current charges billed in the month in which the application is made which may include charges from the previous month if the utility company bills for goods and/or services at the end of the month in which services are supplied. If the applying household participates in a monthly budget program, the budget payment due the month of application will be the current charge for which payment will be made.

4. The applicant shall apply for all other utility assistance programs for which the applying household may be eligible. Failure to make such application shall disqualify the applying household from further consideration for assistance under the provisions of this ordinance until such time as there is compliance with this section.

### **11.10 Food/Essential Non-food Items**

1. Food/essential non-food items which may be paid for through this program shall exclude any alcoholic beverage, tobacco product, candy, pet food, automotive supplies, camera supplies, school supplies, tools, books/magazines, glassware/dishes, cooking/microwave utensils and clothing/shoes.

2. Essential non-food items include only household cleaning products, personal hygiene products, and over the counter medications and ointments.

### **11.11 Qualified Medical Expenses**

1. The cost of replacement or repair of eyeglasses may be paid in an amount not to exceed the guidelines established under Title XIX.

2. The cost of treatment at the University of Iowa Hospital and Clinics pursuant to Iowa Code Chapter 255 in an amount established by the Director for the purpose of insuring availability of care for all qualified applicants.



### **11.12 Transportation**

1. Eligible transportation expenses include only:
  - a. vouchers for gasoline or bus transportation to University of Iowa Hospital and Clinics for treatment provided pursuant to the State Papers program (Chapter 255, Code of Iowa);
  - b. voucher for one-way transportation to return to place of legal settlement. Recipients of this benefit shall be ineligible for any other assistance under the provisions of this ordinance for a period of one year from the date the transportation benefit is received.
2. Limitations on the type or cost of assistance provided for transportation shall be determined by resolution of the Linn County Board of Supervisors.
3. Allowance for mileage shall be in an amount equal to the mileage deduction currently allowed under the Internal Revenue Code or Linn County Mileage Reimbursement Policy, whichever is less.
4. Verification of need for transportation shall be provided to the Director.

### **11.13 Burial**

1. Burial costs may be paid to a funeral home for the benefit of:
  - a. Any deceased person who would have been eligible to receive assistance under the provisions of this ordinance in the month of death; or
  - b. An applicant who qualifies for assistance under the provisions of this ordinance if the deceased person was the applicant's child.
2. In determining applicant eligibility for burial benefits, the following additional exemptions from countable income may be made:
  - a. Rent and utility expenses of the deceased person;
  - b. Amounts due from the deceased person for their own care in a residential care facility or nursing home.
3. Costs toward which the assistance from this program may be applied shall include:
  - a. Preparation and embalming of the body;

- b. Casket;
- c. Outside burial case;
- d. Transportation costs incurred by the funeral home in transporting the body from the place of death to place of interment upon verification of the residency of the decedent in Linn county prior to the time of the death. No transportation costs will be paid to transport the body for interment outside of Linn County;
- e. Burial plot;
- f. Opening and closing of the grave;
- g. Grave marker or headstone;
- h. Cremation / Urn.

3. Application for assistance shall be made in the same manner as application for any other type of assistance under the provisions of this ordinance and shall be made within ninety (90) days from the date of death. Application may be made by the funeral home director in the absence of any other responsible party.

4. The amount of assistance to be allowed shall be determined by the Linn County Board of Supervisors by resolution.

#### **11.14 Repayment Provisions**

1. Payments shall be received by the Division from any person offering to repay assistance which has been provided to that person or any other person pursuant to the provisions of this ordinance, or any previous ordinance or amendment in effect which made provisions for assistance or relief to the poor or needy.

2. Any person making application for assistance who suffers no disability shall agree, prior to the receipt of any assistance, to make reimbursement for any assistance received pursuant to the provisions of this ordinance if the applicant becomes financially able to make such reimbursement.

3. Any person making application for assistance who applies for Supplemental Security Income and is entitled to a retroactive lump sum payment must agree to comply with the reimbursement provisions of the State Supplemental Income Program to be or remain eligible for assistance under the provisions of this ordinance.

### **11.15 Appeals**

1. An applicant may appeal an adverse determination regarding eligibility for or the amount of assistance to be granted by filing a written notice of appeal with the Director within ten (10) days of the denial. The Director shall set a time and place to review the adverse determination with the applicant. Said review shall be conducted within ten (10) working days of the receipt of notice. The Director shall provide a decision, in writing, to the applicant within three (3) working days of the review. The decision shall be mailed to the applicant by regular mail to the applicant's last known address.

2. If an applicant, after appeal to the Director, is refused assistance, the applicant may appeal to the Linn County Board of Supervisors, who, upon examination into the matter, may order the Director to afford assistance which is in compliance with the provisions of this ordinance.

3. An appeal to the Linn County Board of Supervisors shall be made by giving notice to the Board in writing within ten days of the denial of assistance by the Director. The Board shall hear the appeal and render its decision in writing within ten (10) working days of receiving notice of appeal from the applicant.

4. Every applicant shall be advised in writing of the applicant's right to appeal and the procedure to be followed. Such information shall be provided by the Director.

### **11.16 Enforcement**

1. All applications shall be made while the applicant is under oath and every applicant shall affirm the truthfulness of each statement made and represented in the application for assistance under this ordinance. All applications shall be notarized.

2. Any applicant who receives assistance as a result of making false statements in an application for assistance pursuant to the provisions of this ordinance shall be subject to repayment provisions and prosecution under any and all applicable state and local laws. Intentionally making false statements in an application for assistance shall also subject the applicant and all adult members of the applying household to the following periods of ineligibility:

- a. 1st violation shall result in six months of ineligibility;
- b. 2nd violation shall result in 12 months of ineligibility;
- c. 3rd violation shall result in permanent ineligibility.

### **11.17 Separability and Repeal**

1. The provisions of this ordinance are separable, and if any provisions, sentence, clause, section or part thereof should be held illegal, invalid, unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality

or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the ordinance.

2. This ordinance repeals all resolutions, ordinances, or regulations and parts of resolutions, ordinances, and regulations in conflict herewith.

**11.18 When Effective**

This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Approved by the Linn County Board of Supervisors the 26<sup>th</sup> day of June, 1996.