

**GENERAL ASSISTANCE PROGRAM ORDINANCE NO. 48
OF FAYETTE COUNTY, IOWA**

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

Section 1. - Purpose.

This program shall be known as the General Assistance Program and is meant to implement Iowa Code §§ 252.1 and 252.25. Fayette County shall provide assistance to those persons who meet the criteria established in the following sections. The Fayette County General Assistance Program is a funding source of last resort. Financial limitations on personal income, personal resources, property ownership, exemptions and the amount and duration of assistance, unless specifically set out in the following sections, shall be established by resolution of the Fayette County Board of Supervisors.

Section 2. - Definitions.

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

(a). *Applying household* means the applicant and

- (1) A legal spouse residing with applicant;
- (2) A person residing with the applicant with whom the applicant has minor children in common.
- (3) Other household members over the age of 18 years

(b). *Countable income* means the total of earned income and unearned income.

(c). *Director* means the director of the general assistance program for Fayette County or his/her designee.

(d). *Disability* means a physical or mental condition of a person, documented by a licensed medical practitioner that results in the person being unable to, regardless of their training and education, engage in activities necessary to receive wages or other earned income.

(e). *Documentation* means material that provides official information or evidence, or that serves as a record. The Director will determine what documentation an applicant is required to provide to participate in, or to receive benefits from, any part of the general assistance program.

(f). *Earned income* means income including, but not limited to, wages, salaries, fees, or exchanged services derived from labor, professional service, or self-employment.

(g). *Exempt resource* means equity in various items of real and personal property as established by resolution of the Fayette County Board of Supervisors.

(h). *Federal poverty guidelines* means an economic measure that is used to decide whether the income level of an individual or family qualifies them for certain federal benefits and programs. For purposes of the Fayette County General Assistance Program, federal poverty guidelines are only as applied to a one- or two-person household as determined by the composition of the applying household and exclude children or other adult members of the household.

(j). *Home mortgage* means a mortgage with first priority recorded upon real property owned by the applicant, which is the applicant's primary residence.

(k). *Mobile home lot rent* means the monthly charge payable to a mobile home park where a mobile home is registered to the applicant, which is the applicant's primary residence, is located.

(m). *Rental unit* means housing where each unit contains its own toilet, shower and/or tub, stove, refrigerator, and sink.

- (n). *Resource* means all cash equivalents and any property, which can be converted to cash to meet needs.
- (o). *Room* means a private sleeping area with shared access to some or all of the amenities of a rental unit.
- (p). *Temporary economic assistance* means assistance, which is granted based on financial need, but does not require documentation of a disability.
- (q). *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.

Section 3. - Eligibility.

Those persons eligible for assistance in Fayette County shall include:

- (a) Applicants for temporary economic assistance who meet all of the following requirements:
- (1) Lawfully reside in Fayette County;
 - (2) Are 18 years old or are an emancipated minor at the time application for assistance is made;
 - (3) Whose household has monthly countable income of less than an amount established by resolution of the Fayette County Board of Supervisors;
 - (4) Whose household has non-exempt resources of less than an amount established by resolution of the Fayette County Board of Supervisors;
 - (5) Who have made application for and complied with all requirements of all other assistance programs for which the applying household may be eligible;

Section 4. - Income and resources.

- (a) All earned and unearned income available to an applying household shall be considered in determining eligibility for general assistance. Any deduction from earned income other than state and federal payroll taxes must be added back in to determine countable earned income.
- (b) All sources of countable income and non-exempt resources shall be verified by the Director prior to approval for benefits.
- (c) The availability of countable income and non-exempt resources of the applying household shall be determined by the Director, and such income verification will be valid for 30 days
- (d) Any transfer of non-exempt property, with a value exceeding the amount established by resolution of the Fayette County Board of Supervisors, for less than full consideration made by a member of the applying household within the three-month period preceding the application for assistance shall render the applying household ineligible for assistance pursuant to the provisions of this article until such time as three months have passed from the date of the transfer.
- (e) Any purchase of exempt property with a value exceeding the amount established by resolution of the Fayette County Board of Supervisors by a member of the applying household within the three-month period preceding the application for assistance shall render the applying household ineligible for assistance pursuant to the provisions of this article until such time as three months have passed from the date of the purchase.
- (f) Applying households that have received a lump sum payment from any source preceding the application for general assistance will be deemed ineligible for assistance for the number of months, beginning with the month of receipt, equal to the lump sum payment divided by the maximum monthly household income guidelines set by resolution of the Fayette County Board of Supervisors.

Section 5. - Other available assistance.

- (a) 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 and shall execute a release of information to allow the Director to contact any other assisting agency to verify application and/or compliance. Failure to make application for other eligible assistance or failure to otherwise comply with the rules of any other assisting agency shall disqualify the applying household from consideration for further assistance under the provisions of this article until such time as there is compliance with this section. Without limiting any of the forgoing requirements, the following shall apply:

Section 6. - Provision of assistance.

- (a) Applicants determined eligible for assistance pursuant to section 3 shall be granted assistance in an amount and for a duration as determined by resolution of the Fayette County Board of Supervisors.
- (b) Needs for which assistance may be provided are rent for rental units, rooms and mobile home lots, interest on home mortgages, utilities, transportation, eyeglasses, dental, pharmaceutical supplies, and burial. Assistance for food and essential non-food products may also be provided to applicants determined eligible for assistance pursuant to section 3(a) upon a determination by the Director that the program funding balance is adequate to allow for expanded assistance.
- (c) Assistance shall not be granted or used for the payment of taxes, interest (other than home mortgage interest), carrying charges, or other payments not directly necessary for the support and maintenance of the applying household.

Section 7. - Rent and home mortgage interest assistance.

- (a) Rent payments shall only be made to property owners of record, or their designees. Rent shall not be paid to property owners who live at the same residence for which rent assistance is requested unless the property is assessed as a multifamily conversion. Property ownership and assessment classification shall be verified by the Director and an agreement to accept direct payment of 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 Director a copy of the recorded contract for purchase. Rent shall not be paid to parents, grandparents, siblings, children, grandchildren, aunts, uncles, nephews, nieces, or any member of the applying household.
- (b) Rental unit 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.
- (c) Room rent shall be paid only to property owners who have requested and received approval from the Director. The approval process may include an actual inspection of the property by the Director.
- (d) Rent shall not be paid to a provider of residential services as part of a rehabilitation or treatment program; however, room rent may be paid to a provider of transitional housing if the property owner requests approval from and is approved by the Director. The approval process may include an actual inspection of the property by the Director.
- (e) Mobile home lot rent shall only be paid to a bona fide mobile home park owner or his/her designee. The mobile home must be currently owned and occupied by the applying household and must have a current registration and be current for mobile home taxes as verified through the Fayette County Treasurer's office.
- (f) Rent shall not be paid for housing units that are subsidized by the federal government or other program where rent paid by the applying household is based on income.

- (g) Home mortgage interest shall be paid only for interest currently due for the applying household's primary residence. 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.
- (h) Home mortgage interest payments shall be made only to the mortgage holder or their designee and only upon verification by the Director of the identity of the mortgage holder. Home mortgage interest payments shall not be paid to parents, grandparents, siblings, children, grandchildren, aunts, uncles, nephews or nieces, of any member of the applying household.
- (i) The amount of assistance available for home mortgage interest and the guidelines for assistance eligibility shall be the same as for rental unit assistance.

Section 8. - Utilities.

- (a) Utilities shall include charges for heat, electricity, water, sanitary sewer, storm sewer, and solid waste removal chargeable to the residence of the applying household.
 - (1) Utility payments shall not be paid for housing units that are subsidized by the federal government or other program where a utility allowance is included in calculating the rent paid by the applying household.
- (b) Utility payments shall be made directly to the utility or its designated billing agent.
- (c) 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 article until such time as there is compliance with this section.

Section 9. - Food/essential non-food items.

Food/essential non-food items may be provided in the form of the food pantry materials for up to five (5) days' supply of food.

Sec. 10. - Transportation.

Verification of need for transportation shall be provided to the Director and granting of vouchers shall be subject to the director's sole discretion in light of other assistance available to the applicant.

Section 11. - Burial.

- (a) Burial assistance may be paid to a funeral home for the benefit of any deceased Fayette County resident whose monthly household income is determined to be at or below 100 percent of the federal poverty guidelines.
- (b) Application for assistance shall be made in the same manner as application for any other type of assistance under the provisions of this article and shall be made within 60 days from the date of death. Application may be made by the funeral home director in the absence of any other responsible party.
- (c) The amount of assistance to be allowed, and the terms by which funeral homes may accept assistance shall be determined by the Fayette County Board of Supervisors by resolution. However, assistance for indigent transient burials shall be limited to the amount stated in Iowa Code § 252.27.

Section 12. - Security deposit assistance.

- (a) Households defined by the United States Department of Housing and Urban Development as category 1 or as category 4 homeless, that also meet the eligibility criteria established in section 3, are eligible to receive security deposit assistance not to exceed \$450.00 in addition to the two months of rental assistance established by a resolution of the Fayette County Board of Supervisors.

- (b) Households eligible to receive security deposit assistance are also subject to the following requirements:
- (1) Must be referred to Fayette County General Assistance from a partnering agency that provides services to the homeless population;
 - (2) May receive security deposit assistance only one time during a five-year period; and,
 - (3) Must return the amount of security deposit assistance provided by Fayette County General Assistance to Fayette County General Assistance upon termination of the lease subject to said security deposit.

Section 13. - Repayment provisions.

- (a) Payments shall be received by the Director from any person offering to repay assistance that 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.
- (b) Fayette County may seek reimbursement for assistance provided to a poor person from those persons or entities obligated for their support (Iowa Code 252.13).
- (c) Any person making application for assistance who applies for supplemental security income (SSI) or social security disability income (SSDI) and who would be entitled to a retroactive lump sum payment must agree to comply with the reimbursement provisions of the state supplemental income program or, in the case of SSDI, execute a repayment agreement with the Director to be or remain eligible for assistance under the provisions of this article.

Section 14. - Appeals.

- (a) An applicant receiving an adverse determination regarding eligibility for assistance or regarding the amount of assistance to be granted may file a written request for review with the Director within ten days of the adverse determination. A review of the application shall be conducted, and the director shall cause a second notice of decision to be issued within five days of the receipt of the written request for review. The decision shall be mailed to the applicant by regular mail to the applicant's last known address.
- (b) An appeal from the decision of the director shall be made by filing a written notice of appeal to the Fayette County Board of Supervisors. A notice of appeal shall be filed with the office of the Fayette County Auditor within ten days of the date shown on the Director's second notice of decision at the address provided in the decision. The board shall schedule a hearing as soon as practicable, but no later than 15 days after receipt of the notice of appeal. The Board of Supervisors shall hear applicant's appeal de novo at the time scheduled in the agenda unless continuance is requested by applicant. Applicant shall be permitted to present whatever evidence 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 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 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 21, Code of Iowa, since the confidential files of the applicant will be in evidence. When the Board deliberates on the appeal, no parties shall be present. The chairperson shall issue a written decision within five working days of the hearing. The decision shall be mailed to the applicant by regular mail to the applicant's last known address. 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 application 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.
- (d) The director may adopt additional procedures, not inconsistent with this chapter, to ensure an orderly appeal process and consistent administration. Every applicant shall be provided a written copy of their appeal rights, as well as the procedures to be followed. The director shall provide such information.

Section 15. - Enforcement.

- (a) All applications shall be verified by the applicant under the penalty of perjury and in compliance with Iowa Code § 622.1.
- (b) Any applicant who receives assistance as a result of knowingly making false statements in an application for assistance pursuant to the provisions of this Ordinance, or who is found to have misused or otherwise applied any assistance received in a manner that is fraudulent or not for the purposes intended by this Ordinance shall be subject to prosecution under any and all applicable state and local laws. In addition, the applicant shall be subject to the repayment provisions of this article and the applicant and all adult members of the applying household shall be subject to the following periods of ineligibility for any further assistance:
 - (1) First violation shall result in one year of ineligibility to be counted beginning with the next period in which an applicant would otherwise be eligible;
 - (2) Second violation shall result in permanent ineligibility.

Section 16. - Allocation of annual budget.

- (a) Prior to the beginning of each fiscal year, the director shall prepare an allocation table showing a percentage of the total budget for assistance to be expended each month based on average demand from the preceding seven years.
- (b) Priority shall be given to payments for ongoing economic assistance already authorized. When the current month's allocation is reached, any applicant that cannot receive assistance that would have otherwise qualified for assistance will be placed on a priority list to reapply the following month. If the current month's allocation is not reached, any surplus shall be carried forward to the next month.
- (c) Should there be any funds remaining at the end of the fiscal year, the director may apply the remaining funds to transportation vouchers or other paid-up assistance that can be used the following fiscal year.
- (d) The director is authorized to make exceptions to policy on a case-by-case basis even if it results in exceeding the allocated budget for a given month as long as the total annual budget amount is not exceeded.

Section 17 Abrogation, Greater Restriction, Severability and Repeal.

(a). Abrogation and Greater Restriction

This Ordinance is not intended to repeal, annul, abrogate, impair or interfere with any existing covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to the law. However, wherever this Ordinance imposes greater restrictions the provisions of this Ordinance shall govern.

(b). Severability

Each section, paragraph, sentence, clause, word and provision of this Ordinance is severable and if any portion is deemed unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Ordinance nor any part thereof other than the portion affected by such a decision.

(c). Repeal

All other ordinances or parts of ordinances of Fayette County, Iowa, inconsistent or conflicting with this Ordinance to the extent of the inconsistency only, are hereby repealed.

Section 18 Effective Date.

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

1st Reading May 22, 2023

2nd Reading JUNE 5, 2023

3rd Reading "waived"

Motion by Supervisor BUNN and seconded by

Supervisor Lehmann to approve the final reading of Fayette County Ordinance #48 (General Assistance Program Ordinance).

Vote taken resulted as follows:

Ayes - BUNN, Lehmann, Bradley

Nays - -NONE-

Absent - -NONE-

Passed and approved by the Fayette County Board of Supervisors on this 5th day of June, 2023.

Janelle Bradley
Board of Supervisors Chair

[Signature]
Supervisor

[Signature]
Supervisor

Attest:
[Signature]
County Auditor