O'BRIEN COUNTY GENERAL ASSISTANCE ORDINANCE

ORDINANCE No. 26

AN ORDINANCE PRESCRIBING THE GENERAL ASSISTANCE PROGRAM IN O'BRIEN COUNTY, IOWA.

This ordinance is passed by virtue of the authority established under Iowa Code Chapters 251, 252 and Iowa Constitutional Amendment 31, County Home Rule Amendment.

The Code of Iowa outlines the legal basis of the General Assistance Program in counties. The General Assistance Program is administered by a Director and that person reports to the Board of Supervisors.

It is necessary to set forth by regulations the level of relief to be provided and eligibility requirement for relief under distinct welfare programs of O'Brien County, Iowa, and therefore, the following regulations be adapted.

Be It Enacted by the Board of Supervisors of O'Brien County, Iowa.

SECTION I CATEGORIES - The general assistance program shall provide aid to meet the needs of persons who are poor as defined in Iowa Code 252.1 "those who have no property, exempt or otherwise, and are unable, because of physical or mental disabilities, to earn a living by labor; but this section shall not be construed to forbid aid to needy persons who have some means, when the Board shall be of opinion that the same will be conductive to their welfare and the best interests of the public". Categories shall include:

1.) Emergency assistance for needy persons;
2.) Assistance for poor persons; and
3.) Assistance while awaiting approval and receipt for federal/state public assistance.

SECTION II DEFINITIONS - The definitions of terms as used in this ordinance are:

1.) "Needy Person" is a person or household 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 temporary assistance.
2.) "Poor Person" is a person or the household unit of that person who 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.) "Household unit/members" is those who dwell under the same roof: a social unit compromised of those living together in the same dwelling and can verify residence in such dwelling.
4.) "Assistance" means rent, shelter, utilities and medical attention.
5.) "Net worth" includes income of monies from any source, monies due, savings and other deposits, stocks, bonds, real estate, cash value of life insurance policies, jewelry and the value of all other real estate and personal property. Resource limitation shall be $1,000 per household. Exemptions when determining limitations are a homestead, one motor vehicle, funeral contracts or burial trusts that are designated for each member of the household. When the value of one or more resource exceeds amounts, the excess will be counted toward resource limitations.
6.) "Liquid assets" means cash or any other item of net worth of the 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 pursued that application with due diligence; and who has not had that application denied. This does not include an appeal or denial of benefits. It does include a person who has had an application denied and who reapplies after eighteen (18) consecutive months have lapsed since the date of the denial.
8.) "Director" is the individual(s) or office appointed by the O'Brien County Board of Supervisors to carry out the duties and provide assistance as stated in this ordinance.

SECTION III FORM – The assistance shall be purchased directly from a supplier for the applicant or the household unit. It may be for one or more of the items of relief that are allowable. No cash will be provided. All bills and accounts due must be in the name of the applicant and must be the debt of the application to be eligible for payment.

SECTION IV ELIGIBILITY OF NEEDY PERSONS – Emergency assistance is to be provided to a needy person who is in need of immediate assistance, not obtainable from any other source, or whose income or assistance from a state or federal program has been delayed due to reasons not attributable to that person, and whose household does not have liquid assets from which to pay for the items of assistance that are to be provided. Emergency assistance is, also, to be provided to persons who are in need of immediate assistance, which are not obtainable from any other source, whose net worth is less than one hundred percent (100%) of the current poverty level, and who, due to reasons not attributable to that person, does not have liquid assets of his or her household from which to pay for items of Assistance that are allowable.

Once a needy person has been approved for state or federal programs, O'Brien County General Assistance shall not subsidize those programs.

SECTION V ELIGIBILITY OF POOR PERSONS – Assistance is to be provided to poor persons who are in need of immediate assistance, who cannot obtain assistance from any other source, whose household net worth is less than one hundred percent (100%) of the current federal poverty level and who are eligible for, and are awaiting approval and receipt of assistance under programs provided by state and federal law.

SECTION VI LEVEL OF BENEFITS

1.) SHELTER
   a. The reasonable rental value for rent of shelter is not exceed seven hundred fifty dollars ($750) per month. Rent payments are limited to two (2) months in a twelve (12) month period.
   b. Rent will only be paid to the landlord or owner. Payment to the landlord or owner must enable said tenant to remain at the property for the next month. Persons or households receiving rental subsidies, housing vouchers, or other financial assistance for rent are not eligible for rent assistance. Payments will not be paid to a lesser. Rent will not be paid in advance. The County shall not pay rent to immediate relatives of the applicant's household. "Immediate relative" means 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.
   c. Deposits for rent will not be paid for rent.

2.) UTILITIES
   a. Assistance with utility costs shall be provided only in the amount of actual cost for current amounts, which may include an agreed upon amount for installment payments of delinquent amounts, which allows continuance of services. Relief under this category does not include deposits, taxes or penalties. Utility assistance is limited to two (2) months in a twelve (12) month period.
   b. Assistance will be provided for heat, light, water/sewer in the amount of the current month. Back payment due, deposits, reconnection fees or other fees will not be allowed.
   c. Telephone, cable TV and internet costs shall not be paid.

3.) MEDICAL SERVICES
   a. Assistance will be given for prescription medication only.
   b. Dental assistance for immediate need and to relieve severe pain may be provided.

4.) BURIAL
   a. An applicant may be eligible for burial benefits when:
      i. The decedent's gross estate is valued at $1,000 or less.
      ii. None of the decedent's children or parents are able to pay for funeral expenses.

iii. Application for burial benefits is made prior to making funeral arrangements. In the event the O'Brien County General Assistance Office is closed:
   a.) The person wishing to apply must notify the funeral director of the intent to apply for burial benefits.
   b.) The funeral director must attempt to contact or notify the General Assistance Director or designee regarding this intent.
   c.) If the funeral director is unable to contact the General Assistance Director, the funeral director may then proceed with funeral arrangements as if the county ordinance regarding burial benefits applied, and shall then contact the General Assistance Director as soon as possible.

iv. The Director shall approve payment for burial expenses at a cost of not more than the greater of (1) two thousand dollars $2,000, or (2) an amount equal to the fixed[1] maximum set for veterans' burial benefits at United States Code Title 38, section 2307. Liquid assets of the decedent's estate may be used to offset the maximum amount of payment, which the county may contribute toward the funeral bill.

v. If the applicant is not a member of the decedent's immediate family, i.e., parents, spouse, or child, the applicant's resources will not be considered in determining eligibility for burial benefits.

SECTION VII REQUIREMENTS FOR RECEIVING RELIEF

1.) Poor persons applying for relief must live and reside in O'Brien County. If a poor person does not have legal residence in O'Brien County, the county of residence will be contacted. Any person or persons from other counties that were brought to O'Brien County to reside in a nursing facility or residential care facility shall not be considered a resident of the county and therefore shall be ineligible for benefits.

2.) No needy person shall receive more than two (2) months' relief in a 12-month period from the county unless approved by the Director and/or Board of Supervisors. The O'Brien County Board of Supervisors and/or director may, from time to time, find it necessary to go beyond the normal limits of frequency. In order for this to occur the applicant cannot be the cause of the extended need.

3.) The applicant with a voluntary job termination shall be disqualified. The applicant shall not be eligible for relief until after three (3) months from the date of termination. A strike is considered a voluntary quit. The applicant must register with Workforce Development Center and must make bona fide job searches with proper verification and dates. Laid off workers must have a form filled out by their employer and provide it to the Director regarding vacation, severance pay, status and medical coverage. Laid off workers must also apply for unemployment benefits. If employable, applicant must accept work or retraining assignments as requested. The Director may require that previous employers fill out a work record from a client's employment status. Workers must have worked all reasonable hours offered by employer. No attempts to control income level will be allowed.

4.) Applicants must be eighteen (18) years of age and not claimed as a dependent for federal income tax purposes.

5.) Assistance shall not be granted to anyone incarcerated, pursuant to a court order in a criminal matter, on any county jail, a state or federal prison or a residential treatment facility.

6.) Assistance shall not be granted to students or members of their family unit who are enrolled in a full-time vocational or academic program beyond the twelfth grade of high school. A person continues to be considered a full-time student during school vacations.

7.) Applicants shall provide the director, upon request, a verified statement of net worth, federal and state income tax returns, medical reports, medical authorizations, and information requested by the Director that bears upon the person's eligibility and need for

[1] The applicable federal statute provides for payment "in an amount not exceeding the greater of (1) **$2,000**, or (2) the amount authorized to be paid under section 8134(a) of title 5 in the case of a Federal employee whose death occurs as the result of an injury sustained in the performance of duty." 38 U.S.C. § 2307 (emphasis added). The "fixed maximum" in this Ordinance refers to the number value following "(1)," $2,000 as of April 21, 2026, as quoted and bold-underlined. If 38 U.S.C. § 2307 is amended such that no fixed amount appears in that place as a maximum, the alternative in this Ordinance of $2,000 will apply as the maximum burial benefit.

relief. Medical examinations and statements may be required to determine work capabilities or eligibility for assistance.

8.) Withholding information, false statement or incorrect statement on an application for assistance may be cause for denial of benefits. If it becomes apparent the applicant knowingly withheld information or provided false or incorrect statement on an application they will be disqualified from further benefits for a period of twelve (12) months.

9.) If the applicant, except for reasons not attributable to that person, fails to repay the value of the benefits received, as agreed, he or she shall be disqualified from receiving future benefits.

10.) O'Brien County is the funding source of last resort. The applicant shall seek assistance for needs from all other available resources before relief will be considered. Any person who is eligible for state or federal assistance, such as FIP, SSI, State or Federal Medical Programs, SSA, VA, SS, Workman's Compensation etc. shall be referred to the proper source and shall make an application and accept assistance offered. Denial of application from any of those programs will be required before relief will be considered. Applicants who are discharged from other assistance programs due to their own negligence or choice shall be disqualified from receiving relief.

11.) Persons who are discharged from the FIP (Family Investment Program) due to meeting the sixty (60) month maximum are ineligible for General Assistance. The Federal Government Welfare Reform Act of 1996 created an expectation that a person receiving welfare would work with their DHS worker to become self-sufficient within five years. O'Brien County will not have General Assistance policies that are in conflict with the federal government.

12.) Applicants will also be required to sign a release and exchange of information form which will allow the Director to act in the client's best interests.

13.) Failure to provide verification or information as requested by the General Assistance Director to establish eligibility within thirty (30) days from date of application shall be basis of denial for assistance.

SECTION VIII RELIEF OF AN EXTENDED NATURE

Items of relief shall not be granted to any needy person, poor person or their family units for longer than sixty (60) days consecutively except in cases where an extreme emergency exists, and the director determines it is in the best interests of the county and family unit to continue assistance. In such cases assistance shall be provided on a month-by-month bases.

SECTION IX DISASTER SITUATION –

1. In the event of a Federal, State or County declared emergency where normal circumstances for employment are unavailable (ie childcare is not available, life threatening disease has created self-isolation necessities) the guidelines for employment may be waived at the discretion of the General Services Director on a case by case basis.

SECTION X APPLICATION FOR RELIEF

1.) Applications for relief must be submitted to the Director at the O'Brien County Courthouse in Primghar, Iowa, during usual business hours, upon forms provided by the Director. Applications may be mailed upon request. Applications are good for one year from completion date, but will be updated upon each request for assistance. The applicant under penalty of perjury shall sign the application.

2.) If the applicant of the family unit is or appears to be eligible for relief from any other federal, state, or local source, the Director shall immediately refer the applicant to that source. It shall be the obligation of the applicant to immediately make application to that source and pursue such application with due diligence as a condition to be eligible for further relief under this ordinance.

3.) It is the obligation of each person applying to establish his or her eligibility for any category of relief and need for any item of relief. The director shall receive anything that the applicant desires to submit to establish need as well as the verbal statements of the applicant. The Director shall conduct an investigation concerning the applicant's eligibility and needs. The applicant's file and the investigation and findings of the Director shall be made available to the applicant, upon request, or to the applicant's attorney, by written authorization of the applicant.

SECTION XII INITIAL DETERMINATION

1.) The director shall make an initial determination of the eligibility and needs of the applicant within seven (7) working days of the receipt of the application. Upon the determination, the Director shall mail to the applicant, at the last address shown on the application, by ordinary mail, the Director's written decisions with the reasons for the determination and the statutes and ordinances applied, together with the specific benefits awarded and the amounts to which the applicant is entitled.
2.) If the Director cannot make the initial determination within seven (7) working days, the Director shall immediately inform the applicant by telephone, if possible, of the reason why such determination cannot be made. The Director shall, also mail to the applicant by ordinary mail within five (5) days thereafter, the Director's written decision including the reason why such determination could not be made.
3.) If an application has been previously found eligible, within the last year the Director may not need to receive a new application, but may update the existing application, then may proceed to a determination of whether or not current relief is warranted. The Director may request a new application if need is warranted. Notice and mailing of such determination shall be as provided above. If immediate need is present, the director may verbally authorize a supplier or vendor to furnish any item of relief for the benefit of the applicant and advise the amount allowed for such benefit. The recipient must sign and deliver verification of assistance received to the supplier.

XIII APPEALS

1.) Every applicant shall be informed in the Director's written decision of the applicant's right to appeal from such decision to the Board of Supervisors. The applicant shall be informed of the method by which an appeal may be taken and that he or she may represent him or herself or may be represented by an attorney.
2.) An appeal shall be in writing and must be made to the Director within ten (10) days of the Director's determination and shall include the applicant's current address and telephone number and shall state the reasons for the appeal. Any appeals shall be presented by the director to the Board of Supervisors to be included on the agenda of the next regularly scheduled meeting of the Board of Supervisors, provided that such appeal shall not be heard sooner than five (5) days after the appeal is taken. The applicant shall be informed immediately, by telephone and by ordinary mail, of the date and time of the hearing before the Board.
3.) The Board of Supervisors shall hear the applicant's appeal de novo at the time scheduled in the agenda, unless the applicant requests a continuance. The parties shall be permitted to present whatever evidence desired regarding 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 presentation of the parties at any appeal. The applicant's file shall be admitted into evidence. The Board may question the application and the Director shall present the Board with the reasons for the determination. The hearing before the Board will be conducted pursuant to Chapter 21, Iowa Code. When the Board deliberates the appeal, no parties shall be present.
4.) The Board shall make a decision on the appeal within five (5) working days. 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 within five (5) working days. The decision shall state the reason for the action, together with any statute or ordinance applied. The Board's decision shall also state that any appeal may be taken from the Board's determination, as provided below, and the method by which such appeal may be taken.
5.) Any appeal to the district court shall be allowed by the applicant from the Board's decision within the time, and by the manner and procedures of Chapter 17A, Code of Iowa.

SECTION XIV ADDITIONAL PROVISIONS

1.) All recipients of general assistance, the available spouse, and/or parent of recipient who is minor child shall agree to reimburse for assistance allowed, except where such requirements would cause undue hardship. The O'Brien County Board of Supervisors and the O'Brien County General Assistance Director may make suitable prearrangements for securing repayment. Recovery efforts shall be initiated as allowed under Chapter 252 of the Iowa Code.
2.) Applicants with active SSI application must sign an interim reimbursement to O'Brien County as a condition of eligibility.

SECTION XV REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. Specifically, Ordinance 7 is repealed.

SECTION XVI SEVERABILITY CLAUSE

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION XVII EFFECTIVE DATE

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

Passed and approved by the Board of Supervisors this 9th day of June 2026.

Nancy McDowell

Nancy McDowell, Chair

Attest:

Rhea Schmalen O'Brien County Auditor