

# NANCE COUNTY, NEBRASKA

## RULES FOR THE ADMINISTRATION OF GENERAL ASSISTANCE

General Assistance (also known as General Relief) is a term used to denote welfare programs that benefit adults without dependents (single persons, or less commonly, childless married couples) as opposed to families with children, who receive assistance from the federal program formerly known as Aid to Families with Dependent Children, and, since 1996, officially known as Temporary Assistance for Needy Families (TANF). Nebraska's TANF program is called Employment First, and information on the program is available at <http://www.tanf.us/nebraska.html>.

The following Rules for General Assistance meet the requirements established by LB604 (1983). They establish eligibility criteria and a schedule of goods and services provided to persons eligible.

### **Section 1. Definitions**

The following definitions shall apply, unless the context would indicate otherwise.

- 100 **Adequate Notice:** Notice of case action which includes a statement of the action taken by the Administrator, the reason for the action, and the specific regulation that supports the action taken, or a change in state law and/or the county regulations which requires the action.
- 101 **Administrator:** The administrator of the Nance County, Nebraska General Assistance Program as appointed by the Nance County Board of Supervisors and serving at the pleasure of said Board.
- 102 **Appeal:** A request for a hearing by an applicant to have the General Assistance Office's action or inaction of their case reviewed. An appeal may be requested by contacting the General Assistance Office in writing or in person.
- 103 **Applicant:** An individual who applies for General Assistance and such individual's spouse or any other person responsible for such individual's support and who resides with such individual.
- 104 **Application:** A written form prescribed by the County and signed by the Applicant which indicated the applicant's desire to receive General Assistance.
- 105 **Application Date:** The date the client signs the application form.
- 106 **Authorized Period:** All eligibility factors and benefits provided will be determined on the basis of a calendar month, which constitutes the authorization period. Such authorization period shall be the month in which an application is filed unless the applicant requested assistance in the month immediately preceding the application but was unable to obtain an appointment in the month of request. In such cases, the authorization period may be the month of request if all other eligibility factors are met for that month.

- 107 **Client:** Anyone who has applied for or is receiving General Assistance.
- 108 **Community Service:** The Administrator shall keep current a list of community service opportunities in the County, including but not limited to such jobs as cleaning Sheriff Department patrol units, picking up trash on city streets, painting, sweeping, shoveling, and mowing. The Administrator and the Applicant shall come to an agreement upon the nature and duration of the community service if such service is required as a condition of receiving General Assistance.
- 109 **Contributions:** Verified payments which are paid to or on behalf of an individual household.
- 110 **Emancipated Minor:** A child under the age of nineteen whose parents are not legally required to support him/her. In all cases the burden of proving emancipation rests with the applicant.
- 111 **Household:** Individuals, regardless of relationship, who reside in the same dwelling unit.
- 112 **Medically Necessary:** Need created by a life-trauma situation or by a lack of medication whose absence will lead to a medical condition requiring hospitalization, institutionalization, or residence in a long-term care facility.
- 113 **Poor Person:** One whose income and resources are below the General Assistance standards, as outlined herein, who does not have a parent, stepparent or spouse supporting him or her, and who is unable to provide for his or her own needs through any other source.
- 114 **Potential or Contingent Resources:** Income and/or resources which are not in the immediate possession and control of the applicant but to which the applicant may be entitled. This also includes the income as a result of a state or federal relief application or appeal.
- 115 **Related Households:** An applicant is considered to reside in a related household if she/he is presently living with a parent, stepparent or spouse.
- 116 **Request Date:** The date the applicant contacts the General Assistance Office and schedules an appointment to apply for benefits.
- 117 **Resources:** Personal and real property in which the applicant has a legal interest.
- 118 **Unrelated Households:** Applicants who reside with individuals who are not related to the applicant as parent, stepparent or spouse.
- 119 **Vested Right to Income:** The applicant is deemed to have a vested right to income if:
- a. The applicant has been approved to receive benefits under a state or federal program for the calendar month in which General Assistance has been requested or applied for, and will be received by the applicant within 30 days following the request or application.

- b. The applicant has earned income in the calendar month in which General Assistance has been requested or applied for and such earnings will be paid to the applicant within 30 days following the request or application.

## **Section 2. Eligibility Criteria**

In order to be eligible for General Assistance, the applicant must be in need of aid and meet the following criteria:

- 200 **Residency:** An applicant must keep residence within the geographic boundaries of Nance County, or must have fallen sick in Nance County, in order to make an application through the Nance County office. Individuals residing outside Nance County should be referred to the appropriate county office for assistance. If an individual is not permanently residing in Nebraska and/or Nance County, temporary assistance may be granted provided all other eligibility criteria are met.
- 201 **Citizenship and Alienage:** Recipients of assistance must qualify as either:
  - a. A citizen of the United States; or
  - b. A registered alien or refugee lawfully admitted to the United States. Aliens or refugees must substantiate legal entry by means of documentary evidence that they are not deportable.
- 202 **Assets or Resources:** Equity value of all assets or resources in the immediate possession or control of the applicant, unless otherwise exempt, will be considered as income for purposes of eligibility. Such assets and resources include but are not limited to:
  - a. Bank accounts, stocks, bonds, time certificates, mutual funds, cash value of life insurance, trust funds, revocable burial funds, etc.
  - b. Personal property such as automobiles, boats, campers, motorcycles, etc.
  - c. Real estate
- 203 **Equity Value:** The fair market value less any recorded liens or encumbrances.
- 204 **Fair Market Value of Real Estate and Automobiles:** Unless evidence is presented to the contrary, the fair market value of real estate will be determined in accordance with the property's appraised value for tax purposes, and the fair market value of an automobile will be determined in accordance with the average retail values set forth in the most recent edition of the NADA Used Car Guide. For automobiles more than 10 years old the fair market value will be 50% of such NADA average retail value.
- 205 **Exempt Resources:** The following resources shall not be considered in determining an applicant's eligibility for General Assistance.
  - a. The home in which the client resides, unless the equity value exceeds \$14,000 in which

case the property may be considered an available resource and the person is given 6 months to liquidate the asset.

- b. Stove, Refrigerator, Deep Freeze, Washer and Dryer, and up to \$1,500 of other household items for a family of one, and \$2,500 for a family of two or more.
- c. An automobile which is presently being used to meet the applicant's transportation needs and which has an equity value of less than \$5,000. If the equity value exceeds \$5,000, the applicant may be assisted for up to thirty days to allow the applicant sufficient time to sell the automobile and secure a less expensive one. Proceeds from such sale shall be considered income to the applicant at the time of sale.

206 **Potential Resources:** All applicants will be required to seek alternative sources of income to meet their future needs in order to be or remain eligible. In order to comply with this provision an applicant, when applicable, shall:

- a. Make application for any benefits to which he/she may be entitled, including but not limited to: Social Security, Supplemental Security Income, Veterans Benefits, Aid To The Aged, Blind or Disabled, Aid to Families With Dependent Children, Energy Assistance, Food Stamps, Unemployment Compensation, Worker's Compensation, etc.
- b. Make reasonable efforts to secure full or part-time employment which shall include an obligation to register with the Nebraska Job Service within 7 days of application.
- c. Make reasonable efforts to obtain possession and control of resources or income in which the applicant has a legal interest.

In the event an applicant fails to comply with any of the foregoing requirements, the applicant shall be disqualified from eligibility for assistance until such time as the applicant provides the Administrator with clear and convincing evidence that the applicant has complied with the foregoing. Upon such proof the applicant shall be eligible to make application for the month following such proof of compliance but in no event shall he/she be eligible for assistance for time periods before such proof of compliance was given to the Administrator.

207 **Verification:** For purposes of complying with the provisions of Section 206, the following documentation will be sufficient evidence that the applicant is seeking alternative sources of income to meet future needs.

- a. Verification from the appropriate agency that benefits have been applied for or the applicant has scheduled an appointment to apply for benefits.
- b. Verification that the individual is registered with the Nebraska Job Service, and in addition, that the applicant is actively searching for employment.
- c. Evidence that the applicant has made every effort within his/her means to secure possession and control of resources in which he has a legal interest. This evidence must be supplied by the applicant and shall consist, where applicable, of certifications of such efforts signed by loan companies, life insurance companies, trustees, etc. The burden of

providing the evidence required hereunder rests with the applicant and never shifts to the Administrator. The Administrator shall upon request by the Applicant inform the Applicant of the nature of the information the Applicant needs to supply to comply herewith.

In the event that the Applicant submits a false verification, all assistance shall be terminated and the Applicant eligible for reinstatement only upon a formal letter requesting reinstatement and showing good cause for reinstatement, completion of the verification of employment search required of persons unable to find work within the first 30 days and demonstration of full compliance with these regulations independently verified by the Administrator.

208 **Available Income:** All income received by or vested in the applicant or related household members for the authorization period. In the case of earned income, the following items are allowable deductions from gross earnings:

- a. Withholding Taxes
- b. RSDI and Social Security
- c. Mandatory Retirement
- d. Premiums for Health Insurance

209 **Income and Resource Guidelines:** Applicants with available income and resources equal to or in excess of the following standards (based on 75% of the Poverty Guidelines updated in the Federal Register by DHHS) during the authorization period are ineligible for General Assistance:

One person household: \$849

Two person related household: \$1,144

Add: \$295 for each additional related household member.

### **Section 3. Goods and Services Provided**

The obligation of Nance County to provide assistance under any program shall be subject to the availability of funds in the fiscal year.

300 **The following items are payable or provided through the General Assistance program:**

- a. Food vouchers redeemable at county approved and cooperating area food vendors. All applicants will be required to apply for assistance through the Supplemental Nutrition Assistance Program (SNAP) to meet their food needs. The General Assistance provided for herein will not be issued to supplement the SNAP allotment. In cases of emergency, the food stamp tables issued by DHHS ([dhhs.ne.gov/children\\_family\\_services/Pages/fia\\_guidelines.aspx](http://dhhs.ne.gov/children_family_services/Pages/fia_guidelines.aspx)) will be used to determine the amount of the food order by household size and the number of days covered.

- b. Shelter: Includes rent and utilities, so long as the same are not provided by an aunt, uncle, parent, child, sister or brother. See Section 302a. for rates.
- c. A Board and Room facility is a facility licensed by the Nebraska Department of Health and Human Services to provide shelter, meals, and oversight to persons having a verified medical need which requires some degree of supervision. Payments to such facilities may be made to alleviate a crisis situation. The Administrator shall negotiate the lowest possible rate which does not exceed the rate established by DHHS.
- d. Medical Assistance: Provided pursuant to Nebraska Revised Statutes §68-104 through §68-126 known as Care for the Medically Indigent. Individuals and families in need of medical services will be referred to the East Central District Health Department in Columbus, Nebraska at 2282 East 32nd Ave. where no one is denied services because of an inability to pay.

Emergency medical care may be paid directly to the provider at rates no higher than the Nebraska Medical Assistance Program rate and the Medicaid rate of 73% of actual cost, provided that the emergency services provider supplies documentation that the services were medically necessary. Medically necessary shall mean need created by a life-trauma situation or by a lack of medication whose absence will lead to a medical condition requiring hospitalization, institutionalization, or residence in a long-term care facility.

To qualify for emergency medical financial assistance from the County, the applicant must demonstrate that he/she has sought assistance through all other appropriate channels (as described in Section 2). If the applicant is able to secure partial payment for emergency medical care, the County may pay the remaining balance directly to the provider up to 73% of cost.

- e. Ground transportation: Provided in the form of bus tickets or gasoline vouchers for job searches within 150 miles, and for trips to and from the approved food vendor, medical care within the County, church and school within the County, emergencies, and other necessary travel, all of which must be approved in advance by the Administrator in writing and upon written application. The amount of assistance provided shall be calculated at 50% of the IRS' annually issued mileage reimbursement rate ([www.irs.gov/Tax-Professionals/Standard-Mileage-Rates](http://www.irs.gov/Tax-Professionals/Standard-Mileage-Rates)), but may at no time exceed the Income and Resource Guidelines established in Section 209. If there is a physical disability which precludes the use of the bus service, the client should be referred to DHHS for Social Services Block Grant (Title XX) transportation services.
- f. Non-food necessities: Limited to laundry, housing supplies, personal care items and such necessities of life as may be approved in advance by the Administrator in writing and upon written application. The client must provide receipts for all such items or reasonable explanation of the unavailability of receipts in order to have continued eligibility for such items. See Section 302b. for rates.
- g. Clothing: As authorized in writing by the Administrator, a clothing allowance may be granted in an amount not to exceed \$75 per person per six-month period, provided that:

- (1) The clothing is essential for health and safety; and
- (2) Appropriate donated clothing is not available in the community; and
- (3) The applicant has not been authorized for a clothing allowance within the last six months through the GA/EA program.

h. Death-related expenses: Nance County will consider providing assistance for any person who dies within the geographic boundaries of Nance County or who has legal settlement in Nance County. It is the policy of the County that cremation is the only option available except in situations where cremation is not an option due to legal considerations.

301 **Standards for Payment:** All payments from General Assistance will be made on the basis of qualified household size and the maximum payment shall not exceed the standard established for each category. Whenever possible, payments will be made directly to the vendor providing the goods or services.

302 **Maximum Payments per Month by Related Household Size:**

a. Shelter (includes utilities)

Household Size	Maximum Rate
1	\$590
2	\$650
3	\$710
4 or more	\$767

An individual may elect to have all or part of the shelter allowance applied to his/her rent or utilities, any combination of which cannot exceed the maximum shelter rate. In no case will payment be authorized for an amount which exceeds the actual charge incurred or required. A client cannot move from a less costly unit which is adequate to a more costly unit.

b. Non-food necessities (includes laundry, housekeeping supplies, and personal care items)

Household Size	Maximum Rate
1	\$57
2	\$89
3	\$99
4 or more	\$111

The applicant/recipient may be asked to provide receipts for all such items or reasonable explanation of the unavailability of receipts in order to have continued eligibility for such items.

#### **Section 4. Ineligibility**

- 400 **Ineligible Applicants:** Applicants who meet the eligibility criteria may still be denied General Assistance if the lack of income and/or resources is a result of the client's own actions or inactions. (Action or inaction includes status as a student which prohibits the applicant from seeking full-time employment.)
- 401 **Disposal of Resources:** If an applicant has transferred or sold any resource at less than fair market value, the applicant will be eligible for the period of time in which the asset or resource would have been available to meet the needs of the household had it been sold at fair market value.
- 402 **Reduction or Loss of Income:** If an applicant has suffered a loss or reduction in income and such loss or reduction is a result of the voluntary actions or inactions of the applicant, General Assistance will be denied. Such actions or inactions include but are not limited to the following:
- a. Failure to cooperate with any state or federal agency providing benefits to the applicant and which non-cooperation results in the loss or reduction of benefits.
  - b. Failure to work when employment is or was available within the last 90 days, or has been offered to the applicant, and it is or was within the applicant's physical and mental ability to perform the type of work involved.
  - c. The applicant has been denied or suffered a reduction of benefits due to fraud or misrepresentation in applying for or receiving benefits from a state or federal agency.

#### **Section 5. Payments**

- 500 **Vendor Payments:** Payments on behalf of eligible clients can only be made if the vendor will accept a county voucher and the vendor agrees to provide the goods and services through the authorization period.
- 501 **Insuring Maintenance of Minimum Health and Decency:** Even though an applicant is found eligible for General Assistance, payment will not be issued unless such payment will insure the maintenance of minimum decency and health for the client. Such situations include, but are not limited to, the following:
- a. Utility shut-offs: The applicant has received a shut-off notice for non-payment and the maximum rate of payment allowable for the size of the household is insufficient to prevent the shut-off from occurring.
  - b. Foreclosure or eviction proceedings are pending and the maximum payment allowable for the size of the household is insufficient to prevent foreclosure or eviction.



- c. The applicant's residence does not meet the minimum provisions of the applicable health codes.

**502 Notice of Eligibility but Non-Issuance of Payment:** In all cases in which the provisions of Sections 500 and 501 apply, the client will be notified in writing that: they are eligible for General Assistance, the maximum available for the items requested, that payment will not be issued to the vendor, and that once they have secured alternative living arrangement, or the vendor has agreed to provide the goods and services through the authorization period, General Assistance will be issued.

## **Section 6. Budgeting**

The following formulas will be used to determine the amount of General Assistance per month that can be issued on behalf of the applicant.

Household	Formula	Example
Applicant living alone	Income and resource maximum - Available income and resources Total amount of GA that may be authorized and issued	\$849 -150 \$699
Related household (eg. 2 persons: applicant +	Income and resource maximum based on household size - Available income and resources of all related household members Total amount of GA that may be authorized and issued (subject to maximum	\$1,144 -0 \$1,144
Unrelated household (eg. 2 persons: applicant + his/her partner)	Step 1: Income and resource maximum for applicant - Available income and resources Total amount of GA that may be authorized and issued  Step 2: Actual cost of requested item, eg. rent ÷ Number of people in household Payment allowed for shelter (not to exceed	\$849 -50 \$799  \$200 ÷ 2 \$100

## **Section 7. Timely Notice and Monthly Redetermination**

**700 Action on Cases:** Within seven days after the submission of an acceptable application, General Assistance shall be furnished to all eligible individuals who are not otherwise disqualified by these regulations.

**701 Eligibility Redetermination:** All applications must be updated, reviewed and eligibility redetermined on a monthly basis, although the Administrator may extend said redetermination period to three months at the Administrator's discretion. A case shall remain open as long as there is a need within the scope of the program and the client continues to meet all eligibility requirements, provided that the application and/or applicant shall be required to appear before the Board of Supervisors in the sixth month of continuous assistance.

- 702 **Elements of Redetermination:** In order to redetermine eligibility, the applicant must complete and sign a new General Assistance application or acceptable update of prior application in a face-to-face interview, and provide necessary verification on all points of eligibility.

## **Section 8. Responsibilities**

- 800 **Client Responsibilities:** The client is required to:

- a. Provide complete and accurate information, sign all required documents, and provide verification of eligibility.
- b. Report a change in circumstances no later than three days following the date of change. This includes information such as:
  - (1) an increase or decrease in monthly income and expenses
  - (2) an increase or decrease in resources
  - (3) a change in employment status
  - (4) a change in the composition of the household regardless of whether the change involves a related or unrelated household member
  - (5) a change in address and/or living arrangements
  - (6) a change in incapacity or disability status
  - (7) provide employment search validation as required
- c. Accept referral to any other public or private agency or organization which may be able to provide the requested assistance to the client.
- d. Participate in Community Service and/or Job Training if required by the Administrator as a condition of receiving General Assistance.

- 801 **Agency Responsibilities:** At the time of initial application and redetermination, the Administrator shall:

- a. give an explanation of program requirements
- b. explain the eligibility factors that require verification
- c. obtain the client's written consent for needed verification
- d. explore current and potentially available income and resources with the client
- e. inform the client of his/her rights and responsibilities
- f. act with reasonable promptness on the client's application for assistance as defined in Section 700
- g. provide adequate notice to the client of approval, rejection, termination or any other case action which will affect the client's assistance payment
- h. inform the client of the information he/she must provide (as described in Section 207) in order to come into compliance with the requirements for receiving General Assistance

## **Section 9. Appeals**

- 900 **Right to Appeal:** All applicants for General Assistance whose application (1) has not been acted upon with the time established under Section 700, (2) has been denied, (3) was not granted in full, or (4) was reduced or terminated, may request an appeal on such action or inaction to the Nance County Board of Supervisors through the General Assistance Office.
- 901 **Appeal Procedure:** All requests for appeals will be referred to the Board of Supervisors for a fair hearing and the following procedures will apply:
- a. The client shall have the right to:
    - (1) examine his/her General Assistance file prior to and during the hearing
    - (2) be represented in the proceedings by a lawyer, friend, relative or anyone else he/she may select
    - (3) present evidence
    - (4) confront and cross-examine witnesses
  - b. The County Board shall:
    - (1) tape record the hearing
    - (2) make a decision within 30 days of the hearing
    - (3) make the decision based upon the evidence adduced and the law
    - (4) provide the client a written copy of the decision setting forth findings and conclusions
    - (5) preserve the tape recording of the hearing and all exhibits offered at the hearing for not less than sixty days following the day the County Board entered its decision on the record
  - c. Upon the request of either party or the County Board's own motion, the hearing may be continued and the hearing record held open for a period not to exceed ten days in order to obtain additional or to verify new information.
  - d. The appellant shall at all times bear the burden of proof by a quality of evidence admissible in a court of law.
- 902 **Right of Judicial Review:** The actions taken pursuant to 900 and 901 are appealable to the District Court of Nance County, Nebraska provided that such appeal is made within 30 days and otherwise is filed and perfected in accordance with the Statutes of the State of Nebraska, the Rules of the Supreme Court of Nebraska, and all applicable regulations in force and effect.

**RESOLUTION OF ADOPTION**

WHEREAS the County Board of Nance County finds that the foregoing rules fulfill the County of Nance’s obligations to poor people as set out by law, it is hereby resolved that the foregoing be adopted as the Rules for the Administration of General Assistance for Nance County, Nebraska.

\_\_\_\_\_  
Chairperson, Board of Supervisors

\_\_\_\_\_  
Date

\_\_\_\_\_  
Nance County Clerk

\_\_\_\_\_  
Date