

General Assistance Program Manual

Chapter 100 – Introduction

The statutory authority for General Assistance is Section 50-01-01 of the North Dakota Century Code, which provides “Within the limits of the county human services appropriation, each county in the state is obligated, upon receipt of a written application, to provide county general assistance to persons who are residents of the county and who are eligible.”

Section 101 – “General Assistance” Defined: The Burleigh County Social Service Board defines “General Assistance” as monetary payment made on behalf of an applicant and his or her family to provide the minimum amount of assistance to meet the basic needs of the household. It can also be a monetary payment made to an appropriate vendor to carry out the funeral responsibilities placed upon the County by subsection 4 of Section 23-06-03 of the North Dakota Century Code.

Section 102 – Policies: On the authority of Section 50-01-01 and other relevant provisions of Title 50, and Section 23-06-03, of the North Dakota Century Code, the Burleigh County Social Service Board has adopted the following policies to meet its responsibility to provide general assistance to the legal residents of Burleigh County, North Dakota, and, in certain cases, to transient individuals.

These policies are also intended to provide guidance to members of the staff of Burleigh County Social Services (the “Agency”) in determining which applicants meet the eligibility requirements established by the Burleigh County Social Service Board (the “Board”) for receipt of General Assistance.

Chapter 200 – Administrative Procedures

Section 201 – Agency Staff Responsibilities: The Board places responsibility on the County Director to adopt such administrative procedures as may be necessary for the fair and equal administration of the General Assistance Program. The Board charges the employees of the Agency with the responsibility of carrying out the adopted policies for the administration of the Board’s General Assistance Program.

Section 202 – Application Process: All individuals shall have the opportunity to apply for General Assistance. An individual or his or her designee may apply either in person, electronically through the Burleigh County Social Services website or by mailing in a completed application. Although residency in the county may be required for receipt of certain kinds of General Assistance, residency shall not be required as a basis for applying for General Assistance. For example, non-residents may file applications on behalf of residents or deceased former residents; and transient individuals may file for transient aid (see Chapter 900). General Assistance eligibility is limited to persons who are citizens of the United States or who are resident aliens who would otherwise be eligible for federally funded public assistance based on their alien status.

Section 203 – Decision: The Agency has ten calendar days to make a decision on a completed application. A completed application is considered a signed and dated General Assistance Application along with all the necessary information, clarifications or verifications necessary to allow determination of eligibility. An application will be denied for failure to provide information if requested information, clarifications or verifications are not received within ten calendar days from the date of the request by the Agency. The Agency shall then issue a notice of decision. This notice shall specify the date of application, the reason for the application, the decision made, the reason for the decision, the amount

of assistance and the payee, if any, and an explanation of the applicant's right of appeal. The written notice of decision will be mailed to the applicant within three working days of the date of the decision.

Section 204 – Appeal Process: An applicant has a right to appeal if he or she disagrees with the eligibility decision, the amount of assistance or the payee. The appeal must be in writing, listing the reason for the appeal, and must be received by the Agency within ten calendar days from the date of the notice of decision. The appeal process is as follows: The first step is an administrative review by the Program Administrator for the Economic Assistance Unit at Burleigh County Social Services. If the applicant continues to disagree with the findings, the County Director will review the findings of the administrative review. The final step will be an appeal hearing before the Board. A written withdrawal of the appeal by the client will be required to end the process at any stage.

Section 205 – Administrative Review: The administrative review by the Program Administrator consists of a review of the client's circumstances and the Agency decision. The review will consider the information provided through the General Assistance application process and the decision made by the Agency. The Economic Assistance Program Administrator will communicate the results of the administrative review to the applicant in writing. The County Director will also review the initial decision, the client's circumstances, and the decision made by the Program Administrator, should the applicant wish to pursue this step of the appeal process. The County Director will communicate the results of their review to the applicant in writing.

Both the Economic Assistance Program Administrator and County Director will either (a) uphold the decision by the Staff, or (b) take other appropriate action to resolve the issue being appealed.

Section 206 – Board Hearing: The final step in the appeal process shall be a Board Hearing. A Board Hearing will only be held if the applicant makes a written request, stating the reason(s) he or she is not satisfied with the Administrative Review completed by the Economic Assistance Program Administrator and County Director.

The applicant shall be entitled to a hearing before the Board at the next scheduled Board meeting, following the Administrative Review. The appeal will be a closed session for the Board. The Board's Chairperson shall serve as the chair at the appeal hearing. The Chair shall have available necessary information from the Agency concerning the appeal and shall permit the applicant sufficient time to present any additional information pertinent to the issue under appeal. The applicant or his or her representative shall be excused from the hearing after they have presented their information to the Board. A decision from the Board will be made at that time. Written notification of the Board's decision shall be made available to the applicant within five working days from the date of the meeting. The applicant shall also be notified in writing of the right to judicial review according to Chapter 28-32 of the North Dakota Century Code.

Section 207 – Payment process: General Assistance benefits are paid as a voucher and processed through the County Auditor's Office. Generally, these payments are monthly.

Section 208 – Residency for General Assistance Purposes: A person, who has residence in this state, is a resident of Burleigh County if they live in Burleigh County on other than a temporary basis. If a person is living in a county on a temporary basis, the person is a resident of the county in which the person most recently lived on other than on a temporary basis. Temporary basis means individuals who are incarcerated, hospitalized or in other temporary living situations.

Burleigh County will process all General Assistance applications for individuals who are considered residents of Burleigh County. General Assistance applications received by other Counties for Burleigh County residents should be sent to Burleigh County for processing.

Chapter 300 – Need

Section 301 – General Limitations: General Assistance is an emergency temporary assistance program intended to provide the minimum amount of financial assistance necessary to maintain the basic needs of the applicant and his or her dependents when they are in need of help. Households will be limited to receiving General Assistance during only one month in a fiscal year.

An applicant, who has been sanctioned or found guilty of fraud relating to any of the federally funded economic assistance programs, will not be eligible for that type of General Assistance under these policies. Ineligibility corresponds to the type of assistance, which was to be provided or covered under the federally funded program. For example: an applicant who has been sanctioned on the SNAP program would not be eligible for food assistance under Section 310 of these policies. The period of sanction under this Section will be equivalent to the sanction period under the federally funded assistance program, or for his or her lifetime in the case of an applicant convicted of fraud relating to one of the federally funded assistance programs.

Section 302 – Types of General Assistance: Requests for General Assistance will be determined in the following manner:

- a. **Rent:** Assistance with rent will be limited to those households, which include an elderly individual (over age 62), disabled individual or dependent children under the age of 16. The Agency will not pay rent on a tenancy for any household, which has received a notice of eviction and must move out. The amount of income presently available, or will be available in the foreseeable future to the household, will be a substantial factor in determining whether or not rent paid on behalf of an applicant is reasonable. An applicant will be advised to seek housing that is more economical, if the income available to the household is not sufficient to maintain the household's needs and it does not appear that the income situation will change favorably in the near future.
- b. **Utilities:** Applicants will be referred to LIHEAP and Energy Share through Community Action for assistance with outstanding utility bills.
- c. **Medical Needs:** Applicants will be referred to Health Care Coverages available through Medicaid and other Medical Assistance Programs.
- d. **Food:** Applicants will be referred to the SNAP program. A referral to the Emergency Food Pantry will be given until a decision can be made concerning eligibility for SNAP. Applicants not eligible for SNAP, or to receive food items from any other source, will be referred to the County Director and Eligibility Program Administrator for a determination of eligibility for food through General Assistance and the amount to be given. Assistance amounts are based on the Thrifty Food Plan for the SNAP program and the number of days left in the month.
- e. **Clothing:** Assistance with clothing is provided only after the applicant has checked out all resources, such as Salvation Army and AID Inc. A gift card will be given to Goodwill if eligibility is determined for assistance with clothing needs.
- f. **Burial, Cremation or donation of body to science:** See Chapter 800.

Payment will not be made towards any costs that are considered a resource to the household, such as a house, car or mobile home payments.

Chapter 400 – Income

Section 401 – Income: Income can be earned or unearned, received in regular intervals or in lump sum payments. The following income will be considered in determining eligibility or in determining the amount of the General Assistance benefits:

- a. **Anticipated Income:** Income which can be expected to be received by the applicant within 30 days of the date of application and which is determined to be available to meet the requested need.
- b. **Pro-rated income:** That income from self-employment, Individual Indian Monies (IIM) Accounts, school loans and grants, and any other income that is intended to cover living expenses of the household during a specific period of time.
- c. **Verification:** The applicant must verify the amount of his or her income. The Agency will determine the appropriate verifications required. It is the applicant's responsibility to provide the requested verification within the requested timeframe.

Section 402 – Income Eligibility: Income eligibility will be computed as follows:

- a. **Available Income:** Income determined available to the applicant and other household members from all sources will be included in the computation.
- b. **Imputed Income:** Payments provided on behalf of the household by another individual or agency to cover one or more of the household's necessities. The necessity covered by that payment will not be considered in determining need.
- c. **Deductions:** Certain items will be deducted if they are actually paid from current income. These items are Medicare and health insurance premiums, withholding taxes, union dues, court-ordered child support and payments to retirement funds.
- d. **Costs:** The costs of the household's living needs will be deducted in the following order:
 - i. Food: Thrifty Food Plan allotment for the household size less any actual SNAP benefits received that month
 - ii. Shelter: Actual cost – only the portion of the rent the household pays themselves will be counted if they live in subsidized housing
 - iii. Utilities: Current bills less any amount covered through LIHEAP or Energy Share Programs
 - iv. Medical: Current out-of-pocket costs being paid or the anticipated need for the remainder of the month
 - v. Child Care: Actual out-of-pocket costs paid as necessary to maintain employment or continue education and training opportunities.
 - vi. Health Insurance Premium: Those premiums paid separately and not deducted from available income
 - vii. Gasoline: Actual cost of gasoline paid in the previous month by the household to drive back and forth from employment, education or training
 - viii. Miscellaneous costs: Up to \$100 for one to three person household; and \$200 for households of four or more people.

The applicant will not be eligible for assistance if net income remains after all deductions and costs are subtracted.

Chapter 500 – Resources

Section 501 – General Statement: All liquid and non-liquid resources of all members of the applicant’s household are considered as available in determining eligibility for General Assistance.

Section 502 – Liquid Resources: The value of cash, bank accounts, stock, bonds, certificates of deposit, cash value of life insurance policies, retirement funds, etc. are considered available to meet the needs of the household. The application will be denied if the household’s resources equal or exceed the amount of assistance requested. The total resources available will be deducted from the total request in computing the amount of General Assistance to be granted, if available resources are less than the amount requested.

Section 503 – Non-Liquid Resources: Ownership of real or personal property by any member of a household, either jointly or individually, shall not preclude the granting of assistance if the applicant is without funds or liquid resources to meet his or her needs. This is in accordance with North Dakota Century Code Section 50-01-01(2), and is subject to the conditions stated therein.

Section 504 – Other Resources: All other resources will also be considered before action will be taken on any application. Other resources include, but are not limited to assistance from family and friends, loans from financial institutions, and assistance grants from other programs offered by the Agency or other public or private agencies.

Chapter 600 – Work Requirements for General Assistance

Section 601 – Work Registration: The Agency will require the applicant and any members of that applicant’s family, who are able to work, to seek employment. The Agency may refuse to furnish any assistance until it is satisfied that the person claiming assistance is endeavoring to find work. The Agency will require those individuals identified above to register with Job Service North Dakota and will be required to seek employment in the same manner as are applicants for assistance under Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Applicants and other family members required to work are those individuals between the ages of 18 and 60, and who are physically and mentally able to work.

This provision does not apply to transient applicants under Chapter 900.

Section 601 – Work or Other Disabilities: Persons, who claim to be physically or mentally unable to work, will be required to provide verification of their disability if the disability is not evident. Verification may consist of receipt of disability payments through a public or private agency, or a statement from a physician, psychologist, or other medical or mental health practitioners who are licensed to practice their profession in North Dakota. A parent or pregnant woman will be excused from work registration under the same conditions applicable to the TANF program.

Chapter 700 – Residence

Section 701 – Determination of Residence: A person who has residence in this state is a resident of the county in which the person is living on other than a temporary basis. If a person is living in a county on a

temporary basis, the person is a resident of the county in which the person most recently lived other than on a temporary basis. A person is considered a resident of North Dakota if:

a) The person is not living in an institution and is living in this state with the intent to remain in North Dakota permanently or for an indefinite period, or without intent if incapable of stating intent;

b) The person was placed in an out-of-state institution by a county agency or the Department of Human Services while the person was incapable of indicating intent;

c) The person is living in an in-state institution, has lived in that institution for at least thirty days, and was not placed in that institution by another state. A person placed in an institution by another state is a resident of the state making the placement.

For purpose of General Assistance, an institution is defined as a jail, state or county correctional facility, or medical facilities such as hospitals or treatment centers.

Chapter 800 – Burials (See Burial policy)

Chapter 900 – Transient Aid

Section 901 – Temporary Aid to Travelers in Need: Temporary assistance is provided for those individuals who are passing through the state and arrive in Burleigh County without funds for food, lodging or transportation. This assistance is provided only to those individuals whose legal residence cannot be ascertained to be in North Dakota. All applicants must have some form of identification before assistance can be given. Applicants must complete, or have completed on their behalf, the application for transient general assistance as designed and approved by the Agency. The Agency will maintain a list of resources available in the community.

Section 902 – Lodging for Transients: All requests for lodging will be referred to the local homeless shelters.

Section 903 – Food: All requests for food will be referred to the local food pantry(s) or the Salvation Army first. The applicant will be referred to the County Director or Economic Assistance Program Administrator, if food is not available from those sources.

Section 904 – Transportation: Assistance with transportation will be given only under extreme circumstances and after all other resources are exhausted. The applicant will be referred to the County Director or Economic Assistance Program Administrator.

Chapter 1000 – Non-Discrimination

Section 1001 – Non-discrimination: The general assistance program will be administered without regard to race, color, religion, national origin, age, sex, political beliefs, disability or status with respect to marriage. General Assistance is also accessible to persons with disabilities. Any applicant, who believes he or she has been discriminated against for the foregoing reasons in either eligibility determination or benefit amount, may appeal as provided in Chapter 200.

Chapter 1100 – Fraud and Improper Payments

Section 1101 – Investigation: The Agency will investigate alleged fraudulent information or failure to inform and report upon receipt of information that an applicant gave false or incomplete information at the time of application. The Agency will determine whether this false information or failure to give accurate information was done with the apparent intent of wrongfully receiving General Assistance payments. The Agency will report to the County Director the results of the investigation.

Section 1102 – Repayment Demand: The Agency will send a letter demanding repayment of any improper payment, upon determination that payments were made based on false or incorrect information provided by the General Assistance recipient. If no repayment is made, the Agency reserves the right to forward the claim to a collection agency or pursue repayment through small claims court. In egregious cases, the claim will be forwarded to the Burleigh County State’s Attorney for prosecution.

Section 1103 – Forwarding for Prosecution: The County Director will forward the information gathered to the Burleigh County State’s Attorney for any legal action deemed appropriate, upon determination that fraud may have occurred because of false or incorrect information provided by the general assistance recipient in the application process.

Section 1104 – Future Ineligibility: Any person convicted of fraudulently receiving or applying for General Assistance under these policies will be ineligible as an applicant or a member of an applicant’s household for any General Assistance for the remainder of the convicted person’s life, unless the County Director specifically allows that person’s application.

Chapter 1200 – Board Certification

The Burleigh County Social Services Board has adopted the above revised policies and reserves the right to amend and/or delete as it considers necessary any or all of the preceding policies at any time upon a majority vote of the Board.

Adopted on _____ by unanimous motion of the Board.