

**RESOLUTION NO. 2116**

**AT A MEETING OF THE BOARD OF ADA COUNTY COMMISSIONERS, STATE OF IDAHO, ON THE 16TH DAY OF FEBRUARY, 2016, THE FOLLOWING RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 1823 WAS ADOPTED, TO WIT:**

**WHEREAS**, the Board of Ada County Commissioners (hereinafter the "Board") is empowered, pursuant to Idaho Code Section 31-3401, to promulgate policies and procedures, negotiate payments to providers, and contract for non-medical services;

**WHEREAS**, the Board has developed certain policies and procedures for the administration of Idaho Code, Title 31, Chapter 34, as permitted specifically therein, subject to amendment by further Resolution, as deemed necessary;

**WHEREAS**, the Board adopted Resolution No. 1456 on March 20, 2007;

**WHEREAS**, the Board determined that corrections and changes needed to be made to Resolution No. 1456 and therefore repealed and replaced Resolution No. 1456 with Resolution No. 1669 on March 2, 2010;

**WHEREAS**, the Board determined that corrections and changes needed to be made to Resolution No. 1669 and therefore repealed and replaced Resolution No. 1669 with Resolution No. 1823 on May 29, 2012; and

**WHEREAS**, the Board and now determines that corrections and changes need to be made to Resolution No. 1823, which amendments are reflected herein;

**BE IT HEREBY RESOLVED** that the Board hereby repeals Resolution No. 1823 and declares that the following policies and procedures will be utilized in the administration of Idaho Code, Title 31, Chapter 34.

**FURTHER**, this Resolution is intended to provide guidance for the application of the provisions of Title 31, Chapter 34 of the Idaho Code, and nothing contained herein shall be interpreted as a substitution for any language, restrictions, rights, privileges or requirements set forth in said Idaho Code.

**I. RESTRICTIONS ON PROVIDING NON-MEDICAL ASSISTANCE**

A. In determining available resources of the applicant, the Board will not consider as an allowable expense payments to an applicant's relatives of any degree of relation, including but not limited to the applicant's in-laws.

B. Ada County will not make payments to an applicant's relatives of any degree or relation, including but not limited to the applicant's in-laws, for services or goods provided to the applicant or the household, or paid on behalf of the applicant.

C. The Director of Ada County Indigent Services is directed to create, maintain and update, in accordance with Ada County Resolution No. 2050, a Table of Allowable Expenses for Non-Medical Applications listing those expenses the Board has approved as appropriate and allowable when calculating the indigency of the applicant or household member.

D. An application will be denied if the applicant voluntarily terminated his/her employment at any time within thirty (30) days prior to filing the application for assistance or at any time after the application was filed. An applicant will be deemed to have voluntarily terminated his or her employment if he/she was terminated by his/her employer for failing to appear for work, for excessive absences, or for violation of the employer's policies.

E. If at the time of the filing an application for non-medical assistance, or thereafter, the applicant is a defendant in a pending action for unlawful detainer/eviction in the district court, Ada County will not intervene in the action; and the Board will deny the application and the request for payment of the applicant's rent or utilities. The Board will also deny the application if the clerk has reason to believe that the applicant's landlord will begin eviction proceedings within twenty (20) days, notwithstanding any payment of rent by the County.

F. The Board will consider approving an application filed for assistance only when it is demonstrated that no other alternatives for the assistance exist and that Ada County is considered as the last resort to provide the assistance.

G. The applicant and any adult household member must be employed or demonstrate to the satisfaction of the Board that he/she is actively seeking employment. All adult household members must maintain a current registration with the Idaho Department of Employment Job Service. This requirement may be waived if such person produces a written statement from a physician certifying that said person(s) is unable to work for medical reasons. An adult high school student who is attending classes is exempted from this requirement

H. The Board will not approve assistance to an individual for more than one month in a twelve-month period. Assistance granted by any Idaho county for any type of service will count toward this maximum. However, cremation or burial assistance is excluded from this limitation and the Board may approve such assistance notwithstanding any prior assistance granted to the deceased.

I. Ada County will not pay for any non-medical services for any applicant or applicant's spouse, who is an undocumented illegal immigrant, where those services are not considered emergency services.

J. If the clerk determines that the applicant or any adult member of the applicant's household had sufficient funds to pay for the services sought in the application within 45 days or less from the filing of the application, the application shall be denied unless the applicant can demonstrate that the funds were spent on rent, utilities or food for his/her household.

K. Ada County will not pay rent or utilities for full-time or part-time college students unless all of the requirements of this Resolution are met. In addition, said students must demonstrate by documentation that they have made substantial efforts to secure employment. The clerk shall take into consideration the availability of jobs for which the applicant is qualified.

## **II. APPLICATION PROCESS**

A. Any person may apply for non-medical assistance in writing, on a form approved by the Board. The applicant must sign the application and all necessary information release forms; and his/her signature must be notarized. The completed application must be filed with the Clerk of the Board through the Indigent Services Department.

B. Except as otherwise provided in this Resolution, the Board may only approve an application for assistance after submission of a completed application, completion of an interview and investigation by the clerk, and a determination of eligibility and indigency by the Board.

C. All adult members of the household described in the application may be required to file a separate application listing, among other things, all available resources. Said application must be duly signed and notarized and must include a signed release of information form; and all such adult household members may be required to appear before the Clerk, provide documentation and submit to an interview.

D. In making a determination of indigency for an application requesting assistance with payment of rent or utilities, the Board may consider the available resources and expenses of all adult members of the household, including child support or any funds being received by a minor child in the household from Social Security, or any other sources.

## **III. INVESTIGATION PROCESS**

A. The clerk will advise the applicant at filing, of the need for any documentation in support of the application. The applicant will be responsible for presenting the required documentation to the clerk at the time of the interview or at a future date designated by the clerk.

B. Every applicant will be required to appear before the clerk and to cooperate in an interview to determine eligibility for assistance.

C. The clerk will make all reasonable attempts to investigate and corroborate the applicant's statements and documentation within the time allotted by Title 31, Chapter 34 of the Idaho Code.

D. If the applicant is unable to participate in the interview or investigation process, a representative may do so on his/her behalf, but only if said representative has been named as the applicant's attorney in fact through a duly executed power of attorney under Idaho law and only if said power of attorney is deemed applicable to the processing of an application under this Resolution.

#### **IV. RENTAL ASSISTANCE**

A. Ada County will not pay the first month of rent, hotel/motel charges, mortgage payment, security deposit, late fees, interest penalties, or fees for parking or space rent for recreation vehicles (RV).

B. If more than one person is named on a lease agreement, and the clerk verifies that any of the named lessees no longer live in the residence, the clerk will not consider those absent lessees as a resource.

C. If the lease application was signed by another as a co-signer on the lease, this will be considered an available resource, and an application for rent will be denied.

D. An application for assistance with rent payments cannot be considered if it is filed sooner than two (2) weeks before said payment is due.

E. Amount of rent — Ada County will not pay rent in an amount that exceeds the Fair Market Rent Guidelines of the Housing and Urban Development Agency (HUD).

F. In the event an application seeks rental assistance for past due rent, Ada County will not pay rent in such cases, unless the clerk verifies that the landlord has agreed not to seek eviction proceedings in the event the amount paid by the county does not satisfy the full amount of rent due.

G. Ada County will not pay rent or housing costs where the landlord or housing agency is considered a "half-way house," "clean and sober living," or similar boarding specifically providing housing for former felons or those recovering from alcohol or substance abuse. Ada County will not pay rent or housing costs for assisted living, rest homes, nursing homes, rehabilitation facilities, homes for wayward children or Good Samaritan homes.

H. The Board will not approve an application for rent payment unless a dated copy of the valid written lease in question, signed by either the applicant or applicant's spouse and the landlord, is presented to the clerk in a timely manner.

I. Handwritten leases will not be considered valid. Handwritten notations on an otherwise valid lease will not be considered part of the lease unless said notations are initialed by both the applicant and the landlord.

#### **V. UTILITY ASSISTANCE**

A. The Board may approve payment of heating oil, natural gas, electric power, and water bills only if the utility account is in the name of the applicant or applicant's spouse, or if it is clearly demonstrated by the terms of the written lease that the tenant is required to pay for said utilities, even if the account remains in the name of the landlord.

B. The Board will grant utility assistance only for the applicant's current residence.

C. Ada County will not pay to connect or reconnect a utility, nor pay late fees, interest, or penalties. Ada County will not pay irrigation fees, internet, cable TV or satellite TV, any type of phone service, sewage or garbage collection fees, any costs associated with the cleaning, maintenance, repair or replacement of a septic tank, any vehicle expenses, or for any goods or services that are not necessary living expenses; except, if water, sewer, and trash are billed on a single billing document, Ada County will consider paying for those utilities.

D. An application for assistance with utility payments cannot be considered if it is filed sooner than two (2) weeks before said payment is due.

E. If the application is for payment of gas or electric power during the months of November through March, and the applicant qualifies for the Winter Payment Plan as set forth in Rule 306 of the Idaho Public Utilities Commission Rules, the application for payment of those utilities shall be denied.

F. If the application is for payment of gas or electric power and the applicant qualifies for the "Serious Illness or Medical Emergency" prohibition against termination of gas or electric power pursuant to Rule 308 of the Idaho Public Utilities Commission Rules, the application for payment of those utilities shall be denied.

G. If the account is guaranteed by another as a co-signer, this will be considered an available resource; and the Board will deny such an application for utility assistance.

**Board of Ada County Commissioners**

By: \_\_\_\_\_  
Jim Tibbs, Commissioner

By: \_\_\_\_\_  
Rick Yzaguirre, Commissioner

By: \_\_\_\_\_  
David L. Case, Commissioner

ATTEST:

\_\_\_\_\_  
Christopher D. Rich, Ada County Clerk