

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed Emergency**

Pursuant to the authority of 2009 Iowa Acts, House File 64, section 5, the Department of Human Services amends Chapter 58, “Emergency Assistance,” Iowa Administrative Code.

These amendments adopt a new division intended to implement the Iowa Unmet Needs Disaster Grant Program (IUNDGP). This new program provides state assistance to address unmet disaster-related expenses that cannot be met by other financial assistance. The program provides for reimbursement for repair or replacement of personal property, home repair, mental health services, food assistance, child care, and temporary housing to households whose income is less than 300 percent of the federal poverty guidelines. The amount of assistance available to a household is capped at \$2,500.

The program is administered by the Department of Human Services in coordination with the Recovery Iowa Office and local Long-Term Recovery Committees established in affected areas. The Long-Term Recovery Committees will receive applications from affected households and will certify the households’ residence and unmet disaster-related expenses and determine eligibility for assistance. Department staff will issue payments and process any appeals.

These amendments do not provide for waivers in specified situations, since the changes benefit recipients in the programs affected. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted these amendments on February 11, 2009.

In compliance with Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary because 2009 Iowa Acts, House File 64, section 5, authorizes the Department to adopt rules without notice and public participation, and also because notice and public participation are contrary to the public interest in that there is an urgent need to make this assistance available as soon as possible.

The Department finds that these amendments confer a benefit upon households affected. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of these amendments is waived.

These amendments are also published herein under Notice of Intended Action as **ARC 7604B** to allow for public comment.

These amendments are intended to implement 2009 Iowa Acts, House File 64, division II.

These amendments became effective February 11, 2009.

The following amendments are adopted.

ITEM 1. Reserve rules **441—58.46** to **441—58.50**.

ITEM 2. Adopt the following **new** division heading and preamble in 441—Chapter 58:

DIVISION IV  
IOWA UNMET NEEDS DISASTER GRANT PROGRAM

PREAMBLE

This division implements a new program of state assistance to address unmet disaster-related expenses that cannot be met by other financial assistance, as authorized by 2009 Iowa Acts, Senate File 64. The rules provide for reimbursement for repair or replacement of personal property, home repair, mental health services, food assistance, child care, and temporary housing to households whose income is less than 300 percent of the federal poverty guidelines. The amount of assistance available to a household is capped at \$2,500.

The program is administered by the department of human services in coordination with the recovery Iowa office and local long-term recovery committees established in affected areas. The long-term recovery committees will receive applications from affected households and will certify the households' residence and unmet disaster-related expenses and determine eligibility for assistance. Department staff will issue payments and process any appeals.

ITEM 3. Adopt the following new rules 441—58.51(83GA,HF64) to 441—58.58(83GA,HF64):

**441—58.51(83GA,HF64) Definitions.**

*“Department”* means the Iowa department of human services.

*“Household”* means all adults and children who lived in the pre-disaster residence who request individual assistance (not including landlords or other businesses), as well as any persons, such as infants, spouses, or part-time residents, who were not present at the time of the disaster but who are expected to return during the assistance period.

*“Iowa disaster recovery case management”* means the entity that oversees the operation of local long-term recovery committees, including ensuring that each county declared a presidential disaster area on and after May 24, 2008, and before August 14, 2008, has a long-term recovery committee.

*“Long-term recovery committee”* means a county-based committee that performs direct work with households seeking assistance for unmet needs and certifies the assistance that each household may receive. The committee operates the voucher system for certified goods and submits documented claims to the department for reimbursement of voucher-related expenses.

*“Unmet need”* means an item or service needed to overcome a disaster-related hardship, injury, or adverse condition due to an eligible federally declared disaster resulting in costs or damages related to personal property, home repair, food assistance, mental health assistance, child care, or temporary housing for which the household has not received adequate assistance from any federal, state, nonprofit, or faith-based agency.

**441—58.52(83GA,HF64) Program implementation.** The Iowa unmet needs disaster grant program (IUNDGP) shall be in effect upon enactment on February 2, 2009, and shall be retroactively applicable to May 24, 2008. Within the funds appropriated, this program is available for households affected by natural disasters in areas that the President of the United States declared a disaster area after May 24, 2008, and before August 14, 2008.

**441—58.53(83GA,HF64) Application for assistance.** To request financial assistance for unmet disaster needs expenses, the household shall complete Form 470-4689, Iowa Unmet Needs Disaster Grant Application, and submit the application to the local long-term recovery committee.

**58.53(1)** Application forms are available from the local long-term recovery committee or the rebuild Iowa office. Individuals can find their local long-term recovery committee by calling the rebuild Iowa office toll-free at (866)849-0323.

**58.53(2)** The application shall include:

- a. A declaration of the household's annual gross income.
- b. A release of confidential information to personnel involved in administering the program.
- c. An assurance that the household had no insurance coverage for claimed items.

d. A commitment to refund any part of a grant awarded that is duplicated by insurance or by any other assistance program, such as but not limited to other state assistance, local community development groups, charities or faith-based agencies, the Small Business Administration, or the Federal Emergency Management Administration.

e. A short, written narrative of the disaster event and how the disaster caused the loss being claimed.

f. A copy of a photo identification document for each adult applicant.

g. When vehicle damage is claimed, current copies of the vehicle registration and liability insurance card.

**441—58.54(83GA, HF64) Eligibility criteria.** To be eligible for assistance, an applicant household must meet all of the following conditions:

**58.54(1)** The household's residence was located in the area identified by a presidential disaster declaration occurring on or after May 24, 2008, and before August 14, 2008, and the household verifies occupancy at that residence.

**58.54(2)** Household members are citizens of the United States or are legally residing in the United States.

**58.54(3)** The household's self-declared annual income is at or less than 300 percent of the federal poverty level for a household of that size.

a. Poverty guidelines are updated annually.

b. All income available to the household is counted, including wages, child support, interest from investments or bank accounts, social security benefits, and retirement income.

**58.54(4)** The household has disaster-related expenses not covered by insurance, or the claim is less than or equal to the deductible amount. This program will not reimburse the amount of the insurance deductible when the claim exceeds the deductible amount.

**58.54(5)** The household has not previously received assistance from this program or another program, such as but not limited to other state assistance, local community development groups, charities or faith-based agencies, the Small Business Administration, or the Federal Emergency Management Administration, for the same loss.

**441—58.55(83GA, HF64) Eligible categories of assistance.** The maximum assistance available to a household for a single disaster is \$2,500. Reimbursement is available under the program for the following disaster-related expenses:

1. Personal property.
2. Home repair.
3. Food assistance.
4. Mental health assistance.
5. Child care.
6. Temporary housing.

**441—58.56(83GA, HF64) Eligibility determination and payment.**

**58.56(1) Committee duties.** The long-term recovery committee shall enter into an agreement with the department. The committee shall perform the following duties, including specifying who is approved to certify eligibility for unmet needs grants on behalf of the long-term recovery committee.

a. Accept the household's application.

b. Certify that:

- (1) The address provided on the application is a valid address in the disaster-affected area,
- (2) Disaster-related expenses were a result of the covered disaster,
- (3) The household has presented reasonable documentation or receipts for expenses incurred, or has reasonable estimates for eligible costs for issuance of a voucher to secure specific eligible goods or services to be obtained, and
- (4) Funds remain available.

c. Determine the amount of assistance the household is eligible to receive by category of assistance and provide the rationale for that amount.

d. Provide the signature of long-term recovery committee staff making the certification and the date of certification.

e. Notify the applicant household of the certification decision.

f. Submit a copy of the household's Form 470-4689, Iowa Unmet Needs Disaster Grant Application, to:

(1) The Rebuild Iowa Disaster Recovery Case Management, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319, and

(2) The Department of Human Services, Division of Results-Based Accountability, 1305 East Walnut Street, Des Moines, Iowa 50319-0114.

**58.56(2) *Committee administrative expenses.*** The department shall pay each long-term recovery committee a fee for administrative costs equal to 3 percent of paid grants the committee processes each month.

**58.56(3) *Duties of disaster case management office.*** Designated disaster staff in the rebuild Iowa disaster case management office shall:

a. Ensure that a long-term recovery committee is available in each county affected.

b. Coordinate contact between applicants and their long-term recovery committee.

c. Support the first-level reconsideration process.

**58.56(4) *Duties of the department.*** Designated disaster staff in the department of human services shall:

a. Process grant payments to the household or vendor and administrative fee payments to the long-term recovery committee.

b. Support the second-level reconsideration process.

c. Process appeals.

#### **441—58.57(83GA, HF64) Contested cases.**

**58.57(1) *First-level reconsideration.*** The household may request reconsideration of the long-term recovery committee decision regarding certification of eligible unmet needs and the amount of reimbursement awarded.

a. To request reconsideration, the household shall submit a written request to the Rebuild Iowa Disaster Recovery Case Management, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319, within 15 days of the date of the long-term recovery committee's notification to the household of its certification decision.

b. The rebuild Iowa disaster recovery case management shall review any additional evidence or documentation submitted, issue a reconsideration decision within 15 days of receipt of the request, and notify the household of the reconsideration decision.

**58.57(2) *Second-level reconsideration.*** The household may request reconsideration of the rebuild Iowa disaster recovery case management decision regarding certification of eligible unmet needs and the amount of reimbursement awarded.

a. To request reconsideration, the household shall submit a written request to the Iowa Department of Human Services, Division of Results-Based Accountability, 1305 East Walnut Street, Des Moines, Iowa 50319-0114, within 15 days of the date of the notification to the household of the first-level reconsideration decision from rebuild Iowa disaster recovery case management.

b. The department shall review any additional evidence or documentation submitted, issue a reconsideration decision within 15 days of receipt of the request, and notify the household of the reconsideration decision.

**58.57(3) *Appeal.*** The household may appeal the department reconsideration decision according to procedures in 441—Chapter 7.

a. Appeals must be submitted in writing, either on Form 470-0487 or 470-0487(S), Appeal and Request for Hearing, or in any form that provides comparable information, to the DHS Appeals Section,

1305 East Walnut Street, Des Moines, Iowa 50319-0114, within 15 days of the date of the second-level reconsideration decision.

*b.* A written appeal is filed on the date the envelope sent to the department is postmarked or, when the postmarked envelope is not available, on the date the appeal is stamped received by the department.

**441—58.58(83GA, HF64) Discontinuance of program.** The Iowa unmet needs disaster grant program administered under this chapter shall be discontinued upon exhaustion of allocated funds or on June 30, 2010, whichever occurs first.

These rules are intended to implement 2009 Iowa Acts, House File 64, division II.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/11/09.