

MUNICIPAL ORDINANCE ON DIRECT FINANCIAL HELP FOR PEOPLE AND FAMILIES IN A SITUATION OF SOCIAL EMERGENCY

PRELIMINARY TITLE

In accordance with Spanish Constitution, Title I, Chapter III, together with articles 9.2 and 14, the national political system is bound to assume a social active compromise and establishes a Social

Welfare Service; likewise, our Constitution assigns the Autonomous Communities an exclusive competence to

regulate social assistance services in their corresponding geographical areas. The Valencian Community Statute has expressly assumed the exclusive competence

on social affairs; according to the assumption of these mentioned competences, the Law 5/97 of the 25th of July, regulatory of the Social

Service System within the Valencian Community Government, establishes in article 4 that regional social policies will tend to try to

palliate poverty and social inequality conditions, correcting marginalization originating factors and promoting

higher standards of social welfare.

Articles 5 and 6 distribute competences in matters of social assistance and social services between the Local

Administrations and the Valencian Community Government.

Local Administrations analyse the social needs and problems existing in their municipalities, manage the general social services and the programmes and the financial aids delegated by the Valencian

Community Government, including the cases where the citizens can not provide for their vital needs.

Law 7/85 of the 2nd of April, regulatory of the Local Regime Bases, in article 25 e) establishes

the competence of local administrations to assess and report situations of social need and to provide

for people in danger of social exclusion.

Article 25.2.K) gives the municipalities the power to rule. This present Ordinance, therefore, contains a set of financial aids for impoverished social sectors, in order to balance social and

economic inequalities and help the citizens reach a better quality of life.

TITLE I. GENERAL DISPOSITIONS

Article 1.- OBJECT

The regulation of the procedure for the granting, by the Torrevieja Town Hall, of financial help to people, families or "coexisting units"

in a situation of social emergency or social vulnerability

Article 2.- AIM

To cover up for basic urgent needs of food and hygiene, use of habitual residence and other extraordinary

circumstances affecting the personal, social and economic autonomy of people and families with

an urgent problematic.

Article 3.- BUDGET

The social needs regulated in this law will depend on the existence of budgetary funds in the corresponding year.

Yearly budgetary Funds are set in 231,480 euros.

If the financial needs exceed the yearly budget, they will be covered if funds are available, and according to budgetary legality.

Artículo 3. IMPUTACIÓN PRESUPUESTARIA.

La concesión de las ayudas previstas en la presente Ordenanza está supeditada a la existencia de crédito disponible en el presupuesto vigente para cada año.

Article 4. DEFINITION AND NATURE

Emergency social needs are extraordinary, transitional and non regular, and are aimed to people and

families in a situation of need which find themselves incapable of facing specific expenses, and these financial helps try to prevent, avoid or improve situations of social exclusion or segregation.

They are a sole payment aid, and must be applied exclusively to cover up for the expenses specified in the law.

Those needs are incompatible with other public helps, rights, private incomes or economic funds

granted for the same type of expenses.

They are aimed to the "coexisting units".

Article 5. SOCIAL INCLUSION PROCESS

These financial helps will be part of a global social intervention process, which will aim to analyse thoroughly both personal and family situations, always according to the technical

report

issued by the Social Welfare Department.

Article 6. TEMPORARY AIDS

Those financial aids are in any case temporary.

Article 7. BENEFICIARIES

Natural persons and their coexisting unit, when fulfilling legal requirements, and in a situation of social emergency

or vulnerability.

To the purposes of these financial helps for emergency or urgent social needs, a COEXISTING UNIT will be composed of two

or more people living in the same domicile, whether they are relatives or not, and this fact shall be proved through the

corresponding census certificate.

The beneficiary must appear in the rental contract.

A sole financial help will be granted once per year to the same coexisting unit and for the same concept.

Artículo 8. REQUIREMENTS

Besides the situation of urgent need, the eligibility requirements are the following ones:

- Insufficient income for the emergency situation
- Gross income lower than the yearly IPREM index
- Not having ownership titles other than the ones linked to the habitual residency
- Legal age of majority or legal emancipation
- Being a resident in Torrevecija and being registered at the Municipal Census Office for a

minimum

of 12 months prior to the financial aid submission (exceptional cases must be accredited through the corresponding social report)

- Presenting all required documentation
- Not being under one of the ineligibility causes as listed in article 13 of the General Law on Subsidies
- If unemployed, being registered as such at the Conselleria Employment Offices and being actively searching for a job.
- Having already applied for other subsidies and economic rights, grants or social services.
- Not having already granted a public or private financial help for the same concept.
- Technical Report issued by the municipal social services accrediting the urgency of the situation

and the inexistence of other resources to alleviate the social emergency situation.

Artículo 9. OBLIGATIONS

Petitioners must:

- Report to the Social Welfare Department, within 15 calendar days, any changes in the family

situation that may modify the legal requirements to obtain the financial help.

- Bring all required documentation
- Return the financial help when not applied to the social emergency needs.
- Properly justify the use of the financial help granted
- Apply for the subsidies, pensions or economic rights he/she may be entitled to.
- Cooperate with the instructions given by the Social Services Department
- Participate in the activities proposed by the Base Social Team in order to facilitate personal, family and social development. Denial to such proposals may cause the petitioner to lose his/her financial help.
- Diligently provide for the needs and rights of the minors under the care of the petitioner or

the coexisting unit

- Not beg
- Not refuse a job offer, except for justified reasons
- Participate in training and integration programmes

Artículo 10. INCOMPATIBILITY

Those financial helps will be not compatible with other helps or subsidies granted to the petitioner for the same concept.

TITLE III. TIPOLOGY, ASSESSMENT CRITERIA AND AMOUNTS

Article 11. Characteristics and typology

For the purposes of this law, an emergency situation will be such originating extraordinary expenses

aimed at the coverage of specific, basic and urgent needs:

a) Basic needs of the coexisting unit, survival needs and other primary needs not covered up by

other social protection systems, in particular: basic food needs, children's basic products, personal hygiene products,

basic clothing and footwear and house cleaning products.

b) Housing expenses: rent, water bills, electricity bills and gas expenses.

c) Exceptional expenses of urgent social need or emergencies, such as:

- Travelling tickets and travelling expenses when needed for proper health care or for returning to home town.

- Rental debts
- Alternative housing, with a maximum of 6 months
- Other exceptional expenses, when properly justified, and when not covered by other public system of social protection.

Article 12. ASSESSMENT CRITERIA.

The granting of those helps will be subjected to the existence of a recognised need and income shortage,

and will be based on a mandatory report issued by the Social Base Team, which will contain an informed decision about

the granting of the financial help and the amount granted. The final amount will depend on the number

of members in the family unit, the nature of the financial problem and the average level of income, according to

the following criteria:

A) SOCIAL AND FAMILIAR ASSESSMENT:

- Monoparental family and/or numerous family (2 points)
- Recognised disability equal or higher than 33% of any family member (1 point)
- Dependent persons in the family unit (1 point)
- Victim of domestic abuse or gender violence (1 point)
- Eviction (1 point)
- Long term unemployment (1 point)
- Family burdens (minors, legally incapacitation, seniors parents...) (1 point)
- Coexisting conflicts
- Extraordinary circumstances of social vulnerability, recognised by the Social Welfare Department (2 points)

- Special difficulties for employment insertion (3 points)
- Lack of social and family support (1 point)

Maximum rating will be of 15 points

B) ECONOMIC ASSESSMENT:

1- For helps destined to cover up for basic needs and/or the use of habitual residency:

the three last wages will be used in order to determine the monthly income of the coexisting unit

and its stability.

2- Incomes will consist, for the purposes of this law, of gross wages, bank interests, movable assets,

pensions and public and private financial helps granted to any member of the coexisting unit.

The total income will be divide among all members of the coexisting unit.

Article 13. ECONOMIC UNTIS AND AMOUNT OF AID

A percentage on the global income will be applied according to the following tables:

- in between 12 and 14 points, up to 100%
- in between 9 and 11, up to 80%
- in between 6 and 8, up to 60%
- in between 3 and 5, up to 50%
- in between 1 y 2, up to 30%

Article 14. ECONOMIC MODULS.

Maximum amounts of financial helps:

- Use of habitual residency

a) rent: up to 350 € per month

b) bills (water, gas and electricity): up to 200 € per month

-Extraordinary circumstances: up to 3000 €

-Basic needs: up to 300 € per month

Title III. PROCEDURE

Article 15. INITIATION OF THE PROCEDURE.

The procedure may be started by the interested party, by presenting the corresponding official form before the Town Hall General Registry Office; it can also be started by any social worker when appreciating a danger for people.

Term: from the first working day of January to the last working day of October of any fiscal year.

In case of forms submitted out of legal term, and when the emergency situation is accredited in the corresponding technical report, ordinary terms may not apply.

Article 16. DOCUMENTATION.

Documentation required:

- 1.- Official application form, duly filled in, and signed by the petitioner or his/her legal representative (ANNEX I)
- 2- Updated Census Certificate
- 3- Photocopies of ID cards or Passports of all members of the coexisting unit
- 4- Family Book
- 5- Proof of income of every member of the coexisting unit (16 years old and older): Income tax, salaries, work contract, Social Security certificates of pensions, labour life report, occupation demand card, sworn declaration of other sources of income (ANNEX IV), bank statements from the past 6 months and current account balance.
- 6- Proof of special circumstances, such as: medical reports, disability certificate, recognised degree of dependency, sentence where the divorce or separation was declared and the family agreement that was approved, restraining order, legal incapacitation sentence, when necessary.
- 7- Documentation related to housing: rental contract, last three rental payments, identification of the landlord/lady, acknowledgement of debt (ANNEX V), ownership deed, two last receipts of mortgage payments, water and electricity bills, judicial documentation of mortgage foreclosure....
- 8- Petitioner's bank account number duly accredited (ANNEX VI)
- 9- Creditor's bank account number when necessary (ANNEX VII)
- 10- Any other documentation required by the social technician for the purposes of an adequate assessment.

Article 17. DOCUMENTARY RECTIFICATION.

In the event of lack or error affecting some of the legally required documentation, the petitioner

will be granted 10 days for documentary rectification, and will be warned that failing to do so will be

regarded as a withdrawal from the procedure.

Article 18. FILE PROCESSING.

Social workers within the Social Base Team will be competent for processing submitted forms.

Application forms will be sent to the Social Welfare Department.

A technician will

La instrucción del expediente corresponderá a los/las trabajadores sociales del Equipo Social de Base.

Las solicitudes de ayudas serán remitidas al Área de Bienestar Social.

Posteriormente el técnico que instruya el expediente podrá efectuar las comprobaciones oportunas sobre la veracidad de los datos aportados por los interesados. Igualmente se les podrá requerir aclaraciones por escrito, de acuerdo con el procedimiento dispuesto en la base 17.

Once all requirements are duly verified, a social report will be issued by the competent social team, which will include a resolution of a fundamented approval or dismissal.

An approval resolution will contain, in any case:

- The needs and problems assessed
- Actions undertaken for proper solutions
- Tipology of help, concepts and amounts

- Suitability of the financial help for the specific needs
- Positive consequences of the financial help and negative impact in case of dismissal
- Method of payment
- Beneficiaries
- If a sole or periodical payments
- Means for proper control of funds

The technical report and the full file will be sent to the Assessment Committee, composed of:

- Chairman: the Mayor/ess or his/her appointed delegate
- Committee's Secretary
- Deputy Councillor from the Social Welfare Department
- Head of the corresponding Municipal Area
- Spokepersons: at least two technicians or social workers adscribed to the Social Base Team.

The Committee will assume the following tasks:

- Evaluation of the files, determination of amount granted and methods of payment.
- Dismissal of the files
- Elaboration of proposals
- If documentation is not sufficient, devolution of the file for its completeness
- Resolution of inquiries and questions

On the bases of the technical report issued by the social team, the Committee will dictate a final

proposal for each file submitted, according to the conclusions reached after each file

examination.

Committee shall gather at least once per month, except in case of extraordinary and urgent circumstances.

Committee will be considered to have a valid quorum when half of its members are present.

Minutes of each Committee meeting shall be drawn up, and they must contain the following information:

- Date, place and time of initiation and ending of the meeting
- Full names of the Chairman, present members, absent members and delegate members.
- Matters examined, beneficiaries, file number, type of financial aid, amount proposed, duration,
and reasons for dismissal.
- Signature of the Secretary, approved by the Chairman

Article 19. RESOLUTION, NOTIFICATION AND ADMINISTRATIVE SILENCE

Final decisions about each submitted form will be notified in the terms regulated in article 40 of the Law 39/2015 of the Common

Administrative Procedure.

The files shall be processed within the next 3 months following the date of form submission before the General Registry.

Lack of notification after these 3 months will be considered as a dismissal by virtue of negative administrative silence.

Resolutions can be appealed before the corresponding judicial authority and before the Committee itself (not mandatory).

Article 20. CAUSES OF DISMISSAL

- Lack of legal competence for the file resolution
- Not being registered at the Municipal Census Office for the legally established time, or not being able to show evidence of an alleged extraordinary circumstance.
- Refusal to participate in a social intervention project or to fulfill the required conditions established by the social department
- Level of income is superior to the minimum one required by law
- Inadequacy of the requested financial aid to solve the presented need.

Article 21. PAYMENT.

Financial aids may be paid in a sole payment or periodically, and for the months established by

the social authority, with a maximum of 10 months.

In case of specially urgent circumstances duly determined by the technical report, the financial needs may extend an extra more month.

As a general rule, payments will be made effective after presentation of proof of previously made expenses

and for the purposes of the coverage of the needs as established in this law. If petitioners were unable to priorly make the needed expenses,

then payments will be made to the service and/or goods providers. If that solution was not

possible,

partial and prior payments may be approved by the Social Welfare Department

Payments will be made into the bank account number as consigned by the petitioner in the official form. In such a case,

proof of expenses made with such priorly tranferred amounts shall be presented by the beneficiary within the next 10 days.

Article 22. JUSTIFICATION OF EXPENSES

Beneficiaries must properly justify the proper use of the financial aids granted for the specified needs:

1.- Basic needs: provider's invoice and receipt of purchase with description of purchased items

as described in the List 13 provided by the Social Welfare Department (ANNEX VII).

2.- Proof of rental payments

3.- Water, gas and electricity bills and proof of payment of such expenses

All proof of expenses must be presented before the General Registry within the terms established by law for each case,

except for justified exceptional circumstances (article 16.2 from the Municipal General Ordinance on Subsidies),

and being the 1st of December of each fiscal year the maximum time limit in any case and in general terms (article 16.1)

for presenting justification of expenses by the beneficiaries.

Article 23. CAUSES FOR SUSPENSION, TERMINATION AND REFUND

1.- Causes for suspension or termination:

- Funds are used by beneficiaries for non authorised purposes; breach of established conditions.
- False or concealed data
- Refusal to the social intervention plan proposed by the Welfare Department or infringement of conditions established for the granting of the financial help by the corresponding technician.
- Change in economic conditions of the petitioner resulting in the disappearance of the initial need
- Change of residency, outside Torre Vieja municipality.
- Infringement of legal obligations or loss of legal requirements
- Failure to properly justify the use of the financial help granted.

2.- Causes for refund

In the extraordinary case of approved anticipated payment of financial help, failure to properly justify the use of the financial aid granted, will result in the obligation of refunding such financial aids.

Article 24. DECISION, NOTIFICATION, LEGAL APPEALS AND ADMINISTRATIVE SILENCE

Final decisions will be notified to the interested parties according to article 40 of the

Submitted forms will be decided within the next 3 months after the date of submission before the Municipal General Registry.

Lack of notification after these 3 months shall result in a dismissal in virtue of administrative silence (article 25 of Law Law 39/ 2015 of the 1st of October on Common Administrative Procedure).

Final decisions shall be appealed before the corresponding judicial court. Reconsiderations can optionally be presented before the Committee prior to the court appeal.

FINAL DISPOSITION

The present regulation will enter into force 15 working days after its publication in the Official Bulletin of the Alicante Province,
and will remain mandatory unless expressly modified or derogated.