



**Little River Band of Ottawa Indians**

375 River Street  
Manistee, MI 49660  
(231) 723-8288

**Resolution # 04-1208-501**

*Adoption of Amendment to the Membership Assistance Regulation R700-04:MA adding  
Chapter 4 Rental and Mortgage Assistance Program*

WHEREAS, the status of the *Gaá Čhing Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the tribal Council is authorized under Article IV, Section 7(a) (2) of the Constitution to promulgate ordinances protecting the health and welfare of the membership; and

WHEREAS, the Tribal Council has determined that the creation of the Membership Assistance Program consolidating tribally funded benefits for the member in the continental United States is part of that governmental responsibility; and

WHEREAS, the Membership Assistance Program Ordinance was adopted by the Tribal Council by Resolution #03-917-303; and


WHEREAS, the Tribal Ogema Lee Sprague has received a draft of the Rental and Mortgage Assistance Program Regulation by the Members Assistance Department and has determined that the Rental and Mortgage Assistance Program regulation is acceptable and will allow for an effective program to assist the membership.

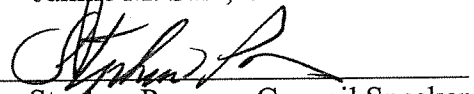
WHEREAS, the Tribal Council has determined that the approval of the regulation is in the best interest of the Tribe and its members;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves the Membership Assistance Department Regulation R700-04:MA adding Chapter 4. Rental and Mortgage Assistance Program Regulation. Program to be implemented January 1<sup>st</sup>, 2005.

**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on December 8, 2004, at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.

  
Janine M. Sam, Council Recorder

  
Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records  
Tribal Ogema  
Tribal Court

# Membership Assistance Program Regulations

Regulation # R700-04:MA

## Chapter 4. Rental and Mortgage Assistance Program Regulations

### Section 1. Authority; Purpose

1-1. *Authority.* In accordance with Section 4.02 of Membership Assistance Program Ordinance, Ordinance # 03-700-04, the Tribal Ogema hereby promulgates these regulations for implementation of the Rental and Mortgage Assistance Program.

1-2. *Purpose.* This regulation is intended to provide a framework for ensuring the tribally funded Rental and Mortgage Assistance Program is appropriately implemented and administered for the benefit of eligible members of the Little River Band of Ottawa Indians. The program provides assistance to members experiencing temporary housing crisis and who have no other recourse for assistance.

### Section 2. Definitions

2-1. *General.* For purposes of this regulation, certain terms are defined in this section. The word "shall" is always mandatory and not merely advisory. Unless defined elsewhere, terms defined in the Membership Assistant Program Ordinance are defined for the purposes of *this chapter*.

2-2. *Household* means persons living in the same residence maintaining a single economic unit and also includes any person living alone/single who is a permanent member of and participates in the maintenance of the household.

2-3. *Household Income* means the sum of income received in the calendar year by all household members, including household members not related to the head of household, people living alone/single within household, and other non-family member within household.

2-4. *Income* means total income amounts reported separately for wage/salary earned income and unearned income.

2-5. *Applicant* means on whose behalf an application for services has been received.

2-6. *Member* means an enrolled member of the Little River Band of Ottawa Indians.

2-7. *Age 18 or over* includes a member who has not yet reached the age of 18 but who has been recognized by a court of competent jurisdiction to have been emancipated and accorded all legal rights and privileges of being recognized as an adult.

2-8. *Membership Assistance Department* means the office *delegated responsibility* to implement the Rental and Mortgage Assistance Program.

2-9 *Rent* means the payment of an amount fixed by contract made by a tenant at specified intervals in return for the right to occupy the property of another.

2-10. *Lease* means a contract granting use or occupancy of property during a specified period in exchange for a specific rent.

2-11 *Mortgage Payment* means the amount paid on a regular basis for the purchase of a house.

2-12. *Permanent resident of the household* includes all persons, of any age or relationship, living in the house for one or more months. A person residing in the house should be considered a permanent resident if they are a student at a higher education program living at the house during school breaks and holidays.

2-13. *Housing Payment Crisis* means one or more of the following:

- a) *An eviction notice or;*
- b) *A foreclosure notice*
- c) *Loss of a rental unit due to natural disaster.*
- d) *A denial for rent or mortgage assistance from an outside agency.*
- e) *Documented inability to pay existing rent due to budgeting issues requiring relocation to housing that will better fit household income.*
- f) *Assistance needed in order to upgrade their living situation from substandard to a standard home; this does not include the down payment for the purchase of a*

*home, or repair to a home. The applicant must provide documented evidence of substandard home i.e. report from an inspection agency.*

### **Section 3. Eligibility**

3-1. *Eligibility.* An eligible applicant for the *Rental and Mortgage Assistance Program* is:

- a. member of the a Little River Band Of Ottawa Indians who is
  - 1 18 years or older; or
  2. the parent or legal guardian of a member who has not reached the age of 18; or
  3. the legal guardian of a Little River Band Of Ottawa Indians member who has been determined by a court of competent jurisdiction to require a legal guardian over the person and/or affairs, provided that the legal guardian is not the State of Michigan or other state government ;and Tribal member must reside in home on a permanent household member.
- b. *meets one of the following criteria set forth in section 4-3, Program Scope.*
- c. Within the income criteria as follows: 150% of the Federal Poverty Income Guideline level is the maximum level allowed in determining income eligibility for Rental and Mortgage Assistance. *The federal poverty income guidelines published by the U.S. Department of Health and Human Services shall be maintained in the Membership Assistance Department and included with each application.*

Family Size	FEDERAL POVERTY INCOME GUIDELINE	LRBOI CRITERIA
	100%	150%
1	\$ 9,310	\$13,965
2	\$12,490	\$18,735
3	\$15,670	\$23,505
4	\$18,850	\$28,275
5	\$22,030	\$33,045
6	\$25,210	\$37,815
7	\$28,390	\$42,585

For Families units with more than 8 members, add \$4,770 for each additional member of the household in the 150% column.

*3.2 Lease , Mortgage or Land Contract Requirement. The lease must be not less than twelve months. A lease less that twelve months duration shall not be eligible for this program. The lease must be a notarized document executed by both parties; landlord and tenant. A lease that is not notarized is unacceptable. A Land Contract must be not less than 5 yrs. A Land Contract less than 5 yrs shall not be eligible for this program. The lease, mortgage or land contract must be in the Tribal member's name or legal guardian/parents name.*

### **Section 4. General Policies**

4-1. *Application.* Members Assistance Department must receive a fully completed application signed by the applicant and accompanied by all required documentation to begin processing any request for assistance. It is the responsibility of the applicant to provide all required information with application.

4-2. *Incomplete Applications.* Applicants submitting applications incomplete or missing required information shall be sent a request for further information. Applications will not be processed until complete information is received. *Applications that are incomplete 90 days after receipt of the application shall be closed by the Membership Assistance Department and applicants must submit a new application to begin the process again.*

4-3. *Program Scope.* A member must identify one of the following actions in order to receive benefits under this program.

- a. *An eviction notice. Assistance provided must stop eviction proceedings. In the event that eviction amount is in excess of maximum assistance available through program, applicant must provide documented means to obtain remaining amount necessary to stop eviction proceedings.*
- b. *A foreclosure notice. Assistance provided must be to stop foreclosure proceedings. In the event that foreclosure amount is excess of maximum assistance available through program, applicant must provide documented means to obtain remaining amount necessary to stop foreclosure proceedings.*
- c. *A denial for rent or mortgage assistance from an outside agency.*
- d. *Documented inability to pay existing rent due to budgeting issues requiring relocation to housing that will better fit household income.*
- e. *Assistance needed in order to upgrade living situation from substandard to standard home, which does not include the down payment for the purchase of a home, or repairs to a home. The applicant must provide documented evidence of substandard home, i.e. report from an inspection agency.*
- f. *Loss of rental housing due to natural disaster. The applicant must provide documented evidence for loss of rental.*

*4-4. Restrictions on Program Application. Access to this assistance is limited to once every two years and as follows;*

- a. *Applicant applying for rental assistance more than one time is required to provide denial for assistance from an outside agency and a statement from landlord identifying rent payment history and amount owed.*
- b. *Applicant applying for mortgage assistance more than one time is required to provide a denial for assistance from an outside agency and a statement from mortgagor identifying mortgage payment history and amount owed*
- c. *Applicant must demonstrate an attempt to pay rent or mortgage payment. i.e. payment receipt or mortgage payment statement and copy of check, money order or cash receipt.*

*And; The Rental and Mortgage Assistance Program will not assist with payment of the following;*

- a. *Rent deposit*
- b. *Late fees for nonpayment of rent or mortgage*
- c. *If landlord is a close relative of applicant or a permanent member of the household*
- d. *If assistance provided will not resolve foreclosure or eviction proceedings.*

*4-5. Enrollment Verification. The Membership Assistance Department shall obtain, from the Enrollment Department, verification of membership of each applicant and each person identified in the household as a member of the Little River Band of Ottawa Indians.*

*4-6. Proof of Income. All applications must identify, and verify, all forms of income for every person living in the house.*

- a. *Income includes all forms of income, including but not limited to-*
  - 1. *Employment, including gross income from self employed persons;*
  - 2. *Unemployment benefits;*
  - 3. *Workers compensation benefits;*
  - 4. *Disability income or benefits;*
  - 5. *Retirement, pension, or annuity payments;*
  - 6. *Social Security payments;*
  - 7. *Child support and alimony payments; and*
  - 8. *Dividends, and other investment income.*
- b. *Income shall be verified by the Members Assistance Department. Income can be verified by submission of the following by way of example and not limitation.*
  - 1. *Paycheck stubs for the month prior to the application;*
  - 2. *Income tax return, including W-2's and other tax reporting forms;*

3. Benefit payment receipts, including notices that identify the amount and duration of benefit; and

4. Other sources of documents that have been independently generated or verified.

c. *A household* includes members and non-members.

d. Except for children under the age of 18, each person shall sign a notarized statement *attesting to the fact* that the person has no income from a resource and complete a Zero Income Form.

4-7. *Payment to Vendor.* Payments will be sent directly to vendor. *No payment under this regulation shall be made directly to the applicant.*

4-8. *Amount of Assistance.* *The amount of assistance is limited to an equivalent of one month rent or mortgage payment to resolve housing crisis not to exceed a maximum of \$1000.00.*

4-9. *Processing Time Lines.* Final processing will not occur until all required documentation and a completed application has been received by the Members Assistance Department. Applications will not be processed until complete information is received.

4-10. *Eligibility Notification.* Applicants that have satisfactorily completed the application and provided the required supporting documentation will be notified by the Members Assistance Department of receipt of application and required documentation. The application will be reviewed for eligibility and a determination will be made within 10 business days.

4-11. *Ineligibility Notification.* If an applicant is ineligible for assistance, they will be notified by the Members Assistance Department within 10 days. The ineligibility notification shall include clearly stated reasons why the applicant is ineligible, and applicants right to appeal an ineligible determination *as set forth in section 5.02 of the Membership Assistance Program Ordinance.*

4-12. *Maintenance of File; Use of Information.* Members Assistance Program shall maintain a confidential filing system.

a. *Statistical.* Information may be compiled and reported only to the Ogema and Tribal Council which does not identify specific applicants.

b. *Program Building.* Upon request from the tribal Ogema and Tribal Council information may be compiled and shared to the extent necessary to identify a need to expand or create a program. Such information shall be in a format that does not identify specific applicants.

c. *Contact with Applicant.* The Members Assistance Program works in conjunction with other Tribal programs to identify the greatest possible amount of assistance to applicants. Department staff shall notify the applicant of this cross-functional team work process. The applicant shall have the ability to reject any or all services identified, and such rejection shall not result in penalizing the applicant for any program accepted, unless such restriction is specifically included within the eligibility requirements for that program.

4-13. *Applicant file.* The Membership Assistance Department shall retain applicant file for up to 5 years. Applicant file shall contain at a minimum: applicant application, supporting documentation for eligibility criteria.

4-14. *Ineligible File.* The Membership Assistance Department shall retain ineligible file for one year. Ineligible file shall contain at a minimum: application and letter of ineligibility.

## **Section 5. Adoption; Amendment; Repeal**

5-1. *Adoption.* This Chapter is approved by the Tribal Ogema on [date] and approved by the Tribal Council on \_\_\_\_\_ 2004 by adoption of resolution # \_\_\_\_\_.

5-2. *Amendment.* This regulation may be amended by the Membership Assistance Department in accordance with the Constitution and any rules set forth governing amendment of regulation of the Little River Band of Ottawa Indians. Provided that, any amendments must approved or adopted in the same manner as set forth in section 5-1.

5-3. *Severability Clause.* If any provision of this regulation or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

5-4. *Compliance.* In regards to compliance with this regulation, substantial compliance with the 'spirit' of this regulation rather than complete compliance is acceptable.

5-5. *Sovereign Immunity.* Nothing in this Regulation shall provide or be interpreted to provide a waiver of sovereign immunity from suit of the Tribe or any of its governmental officers and/or agents.

5-6. *Effective Date.* This Regulation shall take effect on \_\_\_\_\_ 2005.