

MEMBERSHIP ASSISTANCE PROGRAM ORDINANCE
Ordinance # 06-700-04

Article I. Purpose; Findings

- 1.01. *Purpose.* This ordinance is intended to outline the programs providing assistance to tribal members.
- 1.02. *Findings.* The Tribal Council, in adopting this ordinance, makes the following findings:
- a. The Constitution of the Little River Band of Ottawa Indians delegates to the Tribal Council the responsibility and authority, “to exercise the inherent powers of the Little River Band by establishing laws ... to promote, protect and provide for public health ... and general welfare of ... its members.” *Constitution, Article IV, Section 7(a)(2).*
 - b. That provision of adequate housing, welfare and health services to members is an important aspect of governmental activities.
 - c. That it is important that the benefits provided by the programs contained within this Ordinance be recognized as program benefits which relate directly to the public health and general welfare of Tribal Members.
 - d. That the development of services that can be accessed by all members in a coordinated program is an essential governmental function.
 - e. That identification of the needs and living conditions of membership in order to draft new programs, amend existing programs, and develop coordination among all programs is necessary.

Article II. Adoption; Amendment; Repeal; Severability

- 2.01. *Adoption.* This Ordinance is adopted on an emergency basis by Resolution # 07-1219-659, which amended the version adopted by Resolution # 06-1108-758, which superseded the Ordinance adopted by #04-700-04, and Tribal Council Resolutions #05-0824-412; #04-0608-239; #04-0908-372; #03-0917-303; #03-090-296; and #02-0710-04.
- a. Amendments adopted by Resolution # 07-1219-659, which removed the Community Well Being and Support Program from the Ordinance.
 - b. Amendments adopted by Resolution #08-0611-_____ which provided that all Membership Assistance Programs shall be strictly subject to funding by Tribal Council.
 - c. Amendments adopted by Resolution #24-xxx-xxx which added a new program, the **Catastrophic Disaster Relief Assistance.**
- 2.02. *Amendment.* This Ordinance may be amended by the Tribal Council in accordance with the Constitution and the Administrative Procedures Act – Ordinances.
- 2.03. *Repeal.* This Ordinance may be repealed in accordance with the procedures set forth in the Administrative Procedures Act – Ordinances.
- 2.04. *Severability Clause.* If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Article III. Definitions

- 3.01. *General.* For purposes of this Ordinance, certain terms are defined in this Article. The word “shall” is always mandatory and not merely advisory.
- 3.02. *Family* means one or more persons maintaining a household.
- 3.03. *Household* means individuals living with a head of household who may be related or unrelated to the head of household and who function as a family unit living within the same home or apartment.

3.04. *Permanent members of household* means an adult living in the household who intends to reside with that family continuously and any child of any adult or legal guardian living in the household.

3.05. *Member* means an individual enrolled as a member of the Little River Band of Ottawa Indians.

3.06 *Income Eligibility*. For purposes of determining whether an applicant's household income meets the criteria of a Membership Department Program, an applicant's gross income does not include the following:

a. Payments made toward medical/dental expenses, provided that the applicant can provide proof of payment by receipt or cancelled check. The payments must be for services rendered to a member of the applicant's household or his immediate family. The applicant must show proof of payment during the three months prior to submission of the application in order to be a valid deduction from household income.

b. Child support payments, provided the applicant can provide proof of payment by automatic deductions from his salary or where it can be proven that such payments are made in compliance with an order of a court of competent jurisdiction or with some other legal obligation. The applicant must show proof of payment during the three months prior to submission of the application in order to be a valid deduction from household income.

3.07 *Eligibility*. For purposes of determining eligibility for all programs administered under this Ordinance, eligibility for benefits shall depend strictly upon membership status on the program application deadline. Any subsequent changes in membership status shall have no affect on, and shall not result in, eligibility for past or retroactive benefits.

Article IV. Membership Assistance Department

4.01. *Program*. The Membership Assistance Program is created to develop and implement programs and benefits that can be accessed by all Tribal members who meet certain eligibility criteria. The Membership Assistance Program is intended to be broken into various programs offering benefits that meet one or more housing, general welfare or health related needs of the membership. Each program will be designed to be integrated with other programs within the Tribal government and build a team approach to identifying assistance available to the member.

4.02. *Limitations to Funding*. All programs administered by the Membership Assistance Department shall be strictly subject to allocation of funding during the adoption of the annual budget through the Tribe's defined processes and ordinances. Only those programs defined or identified during the adoption of the annual budget may be provided during the fiscal year. Programs that are not defined or identified in the annual budget shall not be offered during the fiscal year; provided, however, that if additional funding is identified by the Ogema and the Membership Assistance Department, the Tribal Council may adopt, through Resolution, provisions to provide the unfunded programs.

4.03 *Limitation of Liability*. Any agreement or contract for work performed under any Membership Assistance Program is solely between the Tribal member and the vendor/provider, and the Tribe shall not be liable for any loss or damages whatsoever resulting from work performed.

4.04. *Membership Assistance Department.* The Membership Assistance Department shall be delegated the authority to create and implement regulations governing all aspects of benefit programs available through the department, subject to allocation of funding by Tribal Council. Such regulations shall be effective only after approval by the Ogema and presentation to and approval by the Tribal Council. The Membership Assistance Department may be placed within the government organization as directed by the Ogema..

a. It is the intent of this ordinance that the Membership Assistance Department shall be the clearinghouse for information presented under section 4.03 as well as budgeting processes.

b. It is further the intent of this ordinance that the Membership Assistance Department shall be the primary location for all housing related assistance that is tribally funded. The department may create offices within its department to implement programs as may be needed.

c. It is further the intent of this ordinance that the Membership Assistance Department shall strive to identify any and all needs of Tribal Members and make appropriate referrals to other agencies in order to provide quality assistance to all individuals seeking or in need of assistance. The Members Assistance Department works in conjunction with other programs to identify the greatest amount of assistance to members. In the event that the member requests additional assistance, they will be notified by that department as part of the cross functional framework process. Members shall have the ability to reject any or all services identified, and such rejection shall not result in penalizing the member for any program accepted, unless such restriction is specifically included within the eligibility requirements for that program.

d. It is finally the intent of this ordinance that assistance programs created within separate departments shall not be consolidated within the Membership Assistance Department unless specifically identified by the Ogema and approved by the Tribal Council to be in the best interests of providing services, and that such separate departments shall have the necessary authority, subject to the limitations set forth specifically in this section, and generally in this ordinance, to develop future programs and regulations.

4.05. *Reporting.* The Membership Assistance Program Department shall submit reports consolidating information regarding all programs created under this ordinance that contains at least the following information. Such reporting shall be submitted monthly to the Ogema and the Tribal Council.

a. Funding allocations to each program, expenditures, including internal costs associated with providing the services.

b. Listing of implemented programs and assistance provided by those programs in numerical information. The program shall not be required to provide information that specifically identifies any applicant.

c. Development of programs and potential funding needs related to those proposed programs.

d. Recommendations regarding consolidation, application, amendment or other process/activity that would allow the program to provide better service while maximizing the available funding for providing those services.

Article V. Review of Determinations in Program Application and Eligibility

5.01. *General.* The programs implemented under this ordinance shall contain an appeal process that allows applicants to appeal a determination of application of program resources and/or eligibility to participate in the program as set forth in this Section.

5.02. *Appeal.* An applicant may appeal a determination on application of program resources and/or eligibility to participate by filing with the Membership Assistance Program Department a notice of appeal which shall be provided by the program to all applicants as part of the application process and along with

every program resource award. Notice of appeal must be filed in writing, contain a copy of the award determination letter and identify with sufficient specificity the following information.

- a. Name, address, phone number of applicant.
- b. Copy of the determination letter.
- c. In simple terms, the reason why the applicant is appealing, this may include ineligibility, or the level of program resources received.
- d. The name of the program and the Members Assistance Department personnel that the applicant was working with in that program.
- e. Signature and date of applicant at bottom of notice.

5.03. *Appeal Review Panel.* The Appeal Review Panel shall consist of the Membership Assistance Program Department Director, a caseworker that is not involved in the decision making process related to the appeal, and a representative identified by the Ogema. The panel will request the materials related to the application, interview the Members Assistance personnel and the applicant, which may be conducted by phone, and review the program eligibility and award criteria. The panel will render a written decision within 14 working days after being called to order. The written decision shall contain a summary of the pertinent facts, the applicable ordinance or regulation provisions, and a clear, concise description of the decision of the Appeal Review Panel. The written decision shall be forwarded to the applicant and the Membership Assistance Department personnel. A decision of the Appeal Review Panel is an administrative determination shall be final, and cannot be appealed by Tribal Court.

5.04. *Eligibility.* For purposes of determining eligibility for all programs administered under this Ordinance, eligibility for benefits shall depend strictly upon membership status and available funding on the program application deadline. Any subsequent changes in membership status shall have no affect on, and shall not result in, eligibility for past or retroactive benefits. An administrative determination of ineligibility under this subsection shall be final, and cannot be appealed to the Tribal Court.

Article VI. Home Repair Program

6.01. *General.* The Home Repair Program is created to provide assistance for repairs to sub-standard housing conditions. The program shall be developed to provide services to all eligible Tribal members living within the continental United States. The Home Repair Program shall be placed within the Membership Assistance Department.

6.02. *Minimum Criteria.* The program shall identify additional criteria and requirements, but shall not be less than –

- a. home repairs must be made such that the house will meet local building codes; and
- b. home repairs must be done through a licensed contractor.

6.03. *Prioritization.* For eligible applicants, a priority list will be established by the Membership Assistance Department. Eligibility guidelines are contained in the Home Repair Program Regulations.

6.04. *Priorities.* The program shall establish priorities which are not less than those defined below, but may make additional categories of priorities that substantially meet those defined in this section. Provided further, that funding shall be allocated such that substantially all priority #1 needs have been met. A quarterly priority list shall include the priority number issued to an applicant and a description of the repair requested.

- a. Priority #1 is repair to substandard housing as determined by a building inspector for an elder or physically impaired tribal member.
- b. Priority #2 is repair to substandard housing as determined by a building inspector for households with minor children.

- c. Priority #3 is repair to substandard housing as determined by a building inspector for all other households.
- d. Priority #4 is repair to housing where a circumstance outside the scope of the definition of standard housing that if left un-repaired may pose a threat to the health and/or safety of a member of a household.

6.05. *Maximum Grant Award.* No grant award may be made in excess of \$7,500.00. The Tribal Council may amend the grant amount by resolution stating such change without prior notice to the membership or applicants. Such amendment to the grant amount shall not be retro-active and shall apply to any existing applications for disbursement of the grant not yet awarded. Provided that, the regulations may identify lower grant awards for specific priorities in order to best allocate limited funds.

Article VII. Low Income Energy Assistance Program.

7.01 *General.* The Low Income Energy Assistance Program is created to provide limited, short-term financial assistance to eligible members experiencing an energy crisis. This assistance is designed to resolve an energy crisis and return the member or household back within the household budget.

7.02 *Program Participation.* Tribal members are eligible to participate provided they meet the program requirements and income criteria adopted by the Low Income Energy Assistance Program Regulations as follows:

- a. All members of the Little River Band of Ottawa Indians are eligible who are:
 - 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.
- b. meets one of the criteria set forth in section 4-3 of the Low Income Energy Assistance Program Regulations.
- c. is within the income criteria set forth in section 3-1(c) of the Low Income Energy Assistance Program Regulations.

7.03 *Amount of Assistance.* The maximum amount of assistance is limited to \$300.00 per year per household.

7.04 *Application Procedure.* A fully completed application, in conformance with the Low Income Energy Assistance Program Regulations, and signed by the applicant and accompanied by all required documents must be received by the Members Assistance Department prior to processing. All applicants must identify and verify all forms of income for every person living in the house as described in the Program Regulations.

7.05 *General Policies.* The general policies of the Low Income Energy Assistance Program are contained in the Program Regulations. Applicants shall be provided with and shall review the Regulations and shall follow the procedures contained therein.

Article VIII. Rental and Mortgage Assistance Program.

8.01 *General.* The Rental and Mortgage Assistance Program is created 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 crises and who have no other recourse for assistance.

8.02 *Program Participation.* Tribal members are eligible to participate provided they meet the program

requirements and income criteria adopted by the Rental and Mortgage Assistance Program Regulations as follows:

- a. All members of the Little River Band of Ottawa Indians are eligible who are:
 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.
- b. meets one of the criteria set forth in section 4-3 of the Rental and Mortgage Assistance Program Regulations.
- c. is within the income criteria set forth in section 3-1(c) of the Rental and Mortgage Assistance Program Regulations.

8.03 *Amount of Assistance.* The maximum 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 \$1,000.00 once every two years per household and/or member applying for services.

8.04 *Lease, Mortgage or Land Contract Requirement.* The lease must not be for less than twelve months. A lease less than 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 five years. A Land Contract less than five years shall not be eligible for this program. The lease, mortgage or land contract must be in the Tribal member's name or legal guardian/parent's name.

8.05 *Application Procedure.* A fully completed application, in conformance with the Rental and Mortgage Assistance Program Regulations, and signed by the applicant and accompanied by all required documents must be received by the Members Assistance Department prior to processing. All applicants must identify and verify all forms of income for every person living in the house as described in the Program Regulations.

8.06 *General Policies.* The general policies of the Rental and Mortgage Assistance Program are contained in the Program Regulations. Applicants shall be provided with and shall review the Regulations and shall follow the procedures contained therein.

Article IX. Food Assistance Program.

9.01 *General.* The Food Assistance Program is created to provide limited, short term assistance to eligible members experiencing a dietary/food crisis. This assistance is designed to resolve a dietary/food crisis and protect the Tribal members' health and welfare.

9.02 *Program Participation.* Tribal members are eligible to participate provided they meet the program requirements and income criteria adopted by the Food Assistance Program Regulations as follows:

- a. All members of the Little River Band of Ottawa Indians are eligible who are:
 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.
- b. meets one of the criteria set forth in section 4-3 of the Food Assistance Program Regulations.
- c. is within the income criteria set forth in section 3-1(c) of the Food Assistance Program Regulations.

9.03 *Amount of Assistance.* The maximum amount of assistance is limited to \$300.00 per year per

household.

9.04 *Application Procedure.* A fully completed application, in conformance with the Food Assistance Program Regulations, and signed by the applicant and accompanied by all required documents must be received by the Members Assistance Department prior to processing. All applicants must identify and verify all forms of income for every person living in the house as described in the Program Regulations.

9.05 *General Policies.* The general policies of the Food Assistance Program are contained in the Program Regulations. Applicants shall be provided with and shall review the Regulations and shall follow the procedures contained therein.

Article X. Elder Chore Service Assistance Program.

10.01 *General.* The Elder Chore Service Assistance Program is created to provide limited, short-term financial assistance to Little River Band of Ottawa Indians elder tribal members that are disabled, or otherwise limited in their ability to perform routine household chores essential to their health and safety.

10.02 *Program Participation.* All members are eligible to participate in the Elder Chore Service Assistance Program provided that they are 55 years of age or older; and meet the program requirements and income criteria adopted by the Elder Chore Service Assistance Program Regulations and Policy.

10.03 *Amount of Assistance.* The amount of assistance is limited to \$400.00 per year per household and/or member applying. Payments will be made directly to the vendor/provider in accordance with the Elder Chore Service Assistance Program Regulations.

10.04 *Application Procedure.* In conformance with the Elder Chore Service Assistance Program Regulations and Policy, the Membership Service Department must receive a fully completed application signed by the tribal member, and the required supporting documents. The Applicant must also provide proof of expenditure. Final processing will not occur until all required documents and completed application have been received by the Membership Services Department. Applications may take up to five working days to complete once all documentation is received.

10.05 *Requests May Not Duplicate Work Performed by Other Departments.* Any services provided by another Tribal Department or entity or under a different Tribal program may not be requested to be performed by an outside provider under this Program.

10.06 *General Policies.* The general policies of the Elder Chore Service Assistance Program are contained in the Program Regulations. Applicants shall be provided with and shall review the Regulations and shall follow the procedures contained therein.

Article XI. Emergency Transportation Assistance

11.01 *General.* The Emergency Transportation Assistance Program is created to provide limited, short-term financial assistance to eligible members experiencing a transportation crisis. This assistance is designed to resolve a transportation crisis as it relates to vehicle repair, maintenance and repair or replacement of safety items.

11.02 *Program Participation.* Tribal members are eligible to participate provided they meet the program requirements and income criteria adopted by the Emergency Transportation Assistance Regulations as follows;

- a. All members of the Little River Band of Ottawa Indians are eligible who are:
 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.

4. meet one of the criteria set forth in section 4-3 of the Emergency Transportation Assistance Regulations.

5. is within the income criteria set forth in section 3-1(e) of the Emergency Transportation Assistance Regulations.

11.03 *Amount of Assistance* The amount of assistance is limited to \$400.00 or amount needed to correct transportation crisis not to exceed \$400.00. Accessible one time per year per household and/or member applying.

11.04 *Application Procedure*. In conformance with the Emergency Transportation Assistance Program Regulations and Policy, the Membership Assistance Department must receive a fully completed application signed by the tribal member and the required supporting documents. All applicants must identify and verify all forms of income for every person living in the house as described in the Program Regulations. Final processing will not occur until all required documents and application are received by the Membership Assistance Department. Eligibility determination review may take up to 5 days once all documentation is received.

11.05 *General Policies* The general policies of the Emergency Transportation Assistance Program are contained in the program regulation. Applicants shall be provided with and shall review the Regulations and shall follow procedures contained therein.

ARTICLE XII. Catastrophic Disaster Relief Program

12.01 *General*. Catastrophic Disaster Relief Assistance program is created to provide supplemental assistance to tribal members that responds to unmet needs, and helps tribal members recover from major disasters or emergencies including but not limited to, house fires, tornados, hurricanes, wildfires, floods, power outages, severe storms and weather conditions.

12.02 *Program Participation*. This program is available to all Tribal members who need disaster relief assistance. Tribal member usage of this program does not affect the ability of the member to use other services/programs offered by the tribe.

12.03 *Criteria*. Tribal Members need to provide documentation verifying natural disaster or other destruction of the home and loss or damage to personal possessions.

- a. Relief Funds. The Membership Assistance Department shall make funds available to tribal members impacted by major disaster or emergency once per year. Tribal members shall use funds for immediate needs as a result of loss or damage by the disaster that may pose a threat to the health and/or safety of tribal member household. Immediate needs are as follows but not limited to:
 1. Shelter needs or Relocation Costs; and
 2. Food (including replacement of spoiled); and
 3. Medical Needs (including replacement of spoiled medications); and
 4. Loss of income due to employment issues; and
 5. Replacement of household goods, clothing, personal hygiene; and
 6. Transportation (fuel, community transit); and
 7. Other minor repairs on home affected by disaster (rental of floor dryers, purchase of shop vacuum, service call and repair of furnace, water heater).
- b. The program falls within the safe harbor guidelines of the Tribal General Welfare Exclusion Act, which presumes need based on the safe harbors of the General Revenue Procedure to:
 1. Provide assistance to individuals in exigent circumstances, including but not limited to the costs of food, clothing, shelter, transportation, auto repair bills, and similar expenses; and
 2. Pay costs for temporary relocation and shelter for individuals involuntarily displaced from their homes (including but not limited to situations in which a home is destroyed by a fire or natural disaster); and
 3. Provide assistance for transportation emergencies (for example, when stranded away from home) in the form of transportation costs, a hotel room, and meals.

12.04 *Amount of Assistance.* The maximum assistance award per enrolled Tribal Member is \$3000.00. Parents or guardians of minors that are enrolled Tribal Members may apply for assistance for each Tribal Member minor. The Tribal Council may amend the assistance amount by resolution stating such change without prior notice to the membership or applicants. Such amendment to the assistance amount shall not be retroactive and shall not apply to any existing applications for disbursement of the assistance not yet awarded.

12.05 *Application Procedure.* The Membership Assistance Department must receive a fully completed application signed by the tribal member and the required supporting documents (if any). These requirements may be waived if the Membership Assistance Department establishes an emergent need, for a period of thirty (30) days. The Membership Assistance Department shall make all application materials available and fillable online. The information required in the application includes, but is not limited to:

- a. Name of Tribal Member applicant.
- b. Tribal enrollment identification number of Tribal Member
- c. The name of the Tribal Member who the Relief Funds will be sent too.

12.06 *Funds.* If an application is approved, payment of funds will be made directly to the tribal member, or if the tribal member is a minor, to the parent or guardian. The Members' Assistance Department shall forward funds in a prompt and timely manner, and in a form in which the funds can be made most easily available to the members. Such forms may be a check sent overnight or other next day service, funds transfer, direct deposit, or other method.

12.07. *General Policies.* The general policies of the Catastrophic Disaster Relief Assistance program are contained in the program regulation. Applicants shall be provided with and shall review the Regulations and shall follow procedures contained therein.