

Membership Assistance Program Regulations

R700-04:MA-03

Chapter 3. Low Income Energy Assistance Program Regulations

Section 1. Authority; Purpose

1-1 *Authority* In accordance with Section 4.04 of Membership Assistance Program Ordinance, # 06-700-04, the Tribal Ogema hereby promulgates these regulations for implementation and administration of the Low Income Energy Assistance Program.

1-2 *Purpose* This regulation is intended to provide a framework for ensuring the tribally funded Low Income Energy Assistance Program is appropriately implemented and administered for the benefit of eligible members of the Little River Band of Ottawa Indians. This program is intended to provide limited, short-term financial assistance to eligible members experiencing an energy crisis. This assistance is intended to assist with an energy crisis to protect the Tribal Member's health, safety and welfare.

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 *Members Assistance Department* means the office delegated responsibility to implement the Low Income Energy Assistance Program.

2-9 *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.

2-10 *Energy Crisis* means one or more of the following:

- a. A shut off notice from utility vendor;
- b. A denial for energy assistance from a state or local assistance agency.
- c. Unexpected loss of regular income that prevents ability to pay energy bill.

2-11 *Energy* means, for the purpose of this program, the necessary household utilities for electric, heat and water services provided by a utility vendor.

Section 3. Eligibility

3-1 *Eligibility* an eligible applicant for the Low Income Energy Assistance Program is:

- a. member of the Little River Band Of Ottawa Indians who is:

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Members Assistance Department

Adopted: June 20, 2012

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 the criteria set forth in section 4-3, Program Scope.
 - c. household meets one or more of the criteria set forth in section 2-10, Energy Crisis.
 - d. Within the income criteria as follows: 175% of the Federal Poverty Income Guideline level is the maximum level allowed in determining income eligibility for Low Income Energy Assistance. The federal poverty income guidelines and updates are published by the U.S. Department of Health and Human Services shall be maintained in the Membership Assistance Department and included with each application.

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. 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 30 days after receipt of the application shall be closed by the Membership Assistance Department. Applicant may reapply for assistance.

4-3 *Program Scope* The Low Income Energy Assistance Program provides limited assistance to resolve an energy crisis. This program is not intended to be a complete resource to resolve energy crisis but an assistance payer last resort. Payment of previous utility bill is provided only in the event that non-payment of previous bill prevents applicant from having utility turned on in their name. Assistance may be used to assist with multiple utilities as defined in Section 2-11 provided that;

- a. Utility bill must be in the applicant's name, or where utility is in the name of the member's spouse, legal guardian, significant other, or landlord, applicant shall provide verification that applicant's address matches the physical address on the utility bill. Applicant shall provide a copy of current driver's license or state identification card and copy of utility bill that states the physical address of utility service. Where utility is in the landlord's name applicant shall provide a copy of lease agreement stating utility shall be paid by tenant.
- b. Receipt of income for eligibility determination based on three month's income prior to application. Applicant must provide proof of income for three months prior to date of application. Applicant and/or permanent household member shall complete the zero income form for periods within the three months where there is no income generated. The zero income form shall be notarized attesting that there was no income from any resource.
- c. Receipt of verification to prove loss of income and time frame of loss. Income resources prior to the date of income loss may be waived from income determination period. Income loss shall be verified by Members Assistance Department.
- d. Applicant household receiving a denial specifically for energy assistance from a state or local assistance agency shall provide a copy of the denial with application.
- e. Applicant shall provide documented attempts to access assistance from other agencies.
- f. Applicant shall make attempt to access referrals recommended by the Members Assistance Department and other self sufficiency building programs of the Tribe or other agencies.

4-4 *Restrictions on Program Access* Access to this assistance is limited to one time a year per household. This requirement applies to applicant and household. In the event the applicant relocates to a new household, applicant shall not be eligible to apply for assistance more than one time in the program year.

4-5 *Enrollment Verification* Members 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. Verification shall include provisions of Section 3.1 (a) Eligibility where applicable.

4-6 *Proof of Income* all applications must identify, and verify, all forms of income for every person living in the house. Applicant must provide proof of income for three months prior to application.

- 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 three months 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;
 4. Bank statements (checking and savings) identifying receipt of payments and level of resources and;
 5. Other sources of documents that have been independently generated or verified.
- c. The term "every person" includes both members and non-members residing in the household.
- 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 resource and/or document all income resources not identified in section 4-6 b.
- e. Applicant is required to sign an authorization to release information to participate in this program.

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 maximum amount of assistance is limited to budget amount proposed by the Ogema and approved by Tribal Council for the given program year. An Assistance Matrix shall be utilized in determining level of assistance amount per applicant based on level of resources. Assistance must be accessed in the calendar year applied. Assistance does not carry over into the next program year.

This program does not guarantee the full amount of assistance, it only provides for the amount to alleviate crisis. In the event the utility bill exceeds the maximum amount of assistance available by this program, a written verification showing resources to cover the excess amount shall be submitted to the Members Assistance Department.

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 have the application reviewed for eligibility and a determination will be made within 5 business days. Applicant will be notified of the approval for assistance and for their records they will be provided a copy of the vendor notification identifying amount paid on utility bill.

4-11 *Ineligibility Notification* If an applicant is ineligible for assistance, they will be notified by the Members Assistance Department within 5 days of the eligibility and determination review. The ineligibility notification shall include clearly stated reasons why the applicant is ineligible, and applicant's 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 unmet needs and 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.
- d. *Referral Resources.* The Members Assistance Department may provide referral for self sufficiency building opportunities and other assistance resources to assist in resolving immediate crisis. Referral may include household budget tools and case management.

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.

4-15 *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. Where payment is a reimbursable medical expense, applicant may utilize as a payment toward medical/dental expense if reimbursement is not expected to be received within 30 days of application.
- 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.

Section 5. Adoption; Amendment; Repeal

5-1 *Adoption* This Chapter is approved by the Tribal Ogema on and approved by the Tribal Council on 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.