

Membership Assistance Program Regulations
Regulation # R700-04: MA-04

Chapter 4. Rental and Mortgage Assistance Program Regulations

Section 1. Authority; Purpose

1-1 *Authority* In accordance with Section 4.04 of Membership Assistance Program Ordinance, Ordinance # 06-700-04, the Tribal Ogema hereby promulgates these regulations for implementation and administration 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 Assistance 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 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 loss of regular income requiring

relocation to housing that will better fit household income.

- f. Documented inability to pay existing rent or mortgage due to loss in regular income.
- g. 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.

2-14 *Close Relative* for the purpose of this program means; parents, siblings and in-laws.

2-15 *Affordable Housing* means housing payment plus one month applicable heat, electric, taxes and insurance does not exceed 30% of household resources.

2-16 *Eviction notice* means landlord has served tenant with notice to pay or eviction will proceed to court.

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 as a permanent household member
- b. Within the income criteria as follows: 175% 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 are updated and published by the U.S. Department of Health and Human Services shall be maintained in the Members Assistance Department and included with each application
- c. meets the criteria set forth in section 4-3, Program Scope.
- d. household meets one or more of the criteria set forth in section 2-13, Housing Crisis.

3.2 *Lease, Rental Agreement Mortgage or Land Contract Requirement.* The lease or rental agreement must be not less than twelve months. A lease or rental agreement less than twelve month duration shall not be eligible for this program. Where lease or rental agreement will expire within one month of ending date on lease, applicant shall provide a renewal lease or rental agreement or notarized addendum to lease or rental agreement stating start and ending date. The lease or rental agreement must be a notarized document executed by both parties; landlord and tenant. A lease that is not notarized is unacceptable. A Mortgage or Land Contract must be not less than 5 yrs. A Land Contract less than 5 yrs shall not be eligible for this program.

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 Members Assistance Department. Applicant may reapply for assistance.

4-3 *Program Scope* The Rental and Mortgage Assistance Program provides limited assistance to resolve a housing crisis. This program is not intended to be a complete resource to resolve housing crisis but an assistance payer of last resort. Assistance may be used to assist with housing payment for areas defined in

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Section 2-10, 2-11 or 2.12 provided that;

- a. An eviction notice. Assistance provided must prevent eviction court 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 in excess of maximum assistance available through program, applicant must provide documented means to obtain remaining amount necessary to stop foreclosure proceedings.
- c. Documented inability to pay existing rent due to budgeting issues requiring relocation to housing that will better fit household income.
- d. 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.
- e. Loss of rental housing due to natural disaster. The applicant must provide documented evidence for loss of rental.
- f. Documented inability to pay existing rent or mortgage due to loss in regular income.
- g. Applicant household has applied for state agency assistance specifically housing and is experiencing unmet need for additional housing assistance.
- h. Applicant household received a denial specifically for housing assistance from a state assistance agency.
- i. Lease, rental agreement, mortgage or land contract must be in the Tribal Members name, or where it is in the name of the member's spouse, legal guardian or significant other, applicant shall provide verification that applicant's address matches the physical address on the lease, rental agreement, mortgage or land contract. Applicant, applicant spouse, legal guardian or significant other shall provide a copy of current driver's license or state identification card and copy of lease, rental agreement, mortgage or land contract that states the physical address of residence.
- j. Income eligibility determination is based on three months' income prior to application. Applicant must provide proof of income for three months. 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.
- k. Loss of income resulting in inability to pay rent or mortgage. Income resources prior to the date of income loss may be waived from income determination period provided applicant has provided plan to continue housing to meet affordability criteria. Income loss shall be verified by Members Assistance Department.
- l. Applicant shall provide documented attempts to access assistance from other agencies.
- m. 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 Application* Access to this assistance are limited to once every two years.

This requirement applies to applicant and household and as follows;

- a. Applicant applying for rental assistance more than one time is required to provide court ordered eviction, denial for assistance from an outside agency and a statement from landlord identifying rent payment history and amount owed.

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- 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 housing payment. i.e. payment receipt or mortgage payment statement and copy of check, money order or cash receipt.
- d. Accessing assistance through this program applies to applicant and household. In the event that applicant relocates to a new residence, applicant shall not be eligible to apply for assistance more than one time within a two year period.
- e. In the event crisis exceeds allowable assistance amount, applicant shall provide written verification of resources to cover excess amount in order to receive assistance from this program.
- f. Housing must be affordable. Housing payment plus one month applicable heat, electric, taxes and insurance should not exceed 30% of household resources.

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

- g. Housing deposit
- h. Late fees and/or court fees for nonpayment of rent or mortgage.
- i. If landlord is a close relative of applicant or a permanent member of the household
- j. If assistance amount will not resolve foreclosure or eviction proceedings.
- k. Housing is not affordable.

4-5 *Enrollment Verification* The 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 applicants must identify, and verify, all forms of income for every person living in the house. Applicant must provide proof of income for the three months prior to application as follows;

- 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. 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 and/or to document all income resources not identified in section 4-6 b.

- e. Applicant is required to sign an authorization to release of 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 the equivalent of one month housing payment or amount of assistance matrix. In the event of an eviction or foreclosure where amount due exceeds the maximum amount of assistance available in 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 determination shall 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 of payment to vendor.

4-11 *Ineligibility Notification* Applicants ineligible for assistance will be notified by the Members Assistance Department within 5 days of the ineligibility determination. 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. Referral may include household budget tools and case management.

4-13 *Applicant files.* The Members 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 Members 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.
- 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 Members 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 _____