

**Membership Assistance Program Regulations  
Regulation # R700-04:MA-05**

**Chapter 5. Food 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 Food Assistance Program.

1-2 *Purpose* The purpose of this regulation is to provide a framework for ensuring the tribally funded Food 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 protect the Tribal members' health and welfare by providing limited, short term assistance to resolve an immediate dietary/food crisis.

**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 otherwise, 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 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 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 Food 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 breaks and holidays.

2-10 *Food* dietary nourishment to sustain physical health in the form of meat, bread, fruit, vegetable, dairy product and dietary drinks such as Ensure and Glucerna.

2-11 *Food/Dietary Crisis* means one or more of the following:

- a. Special diet needs related to medical restrictions that affect household budget.
- b. Homeless or transition persons needing assistance in obtaining immediate nutritional sustenance.
- c. Unexpected loss of regular household income which adversely affects the ability to purchase food.

2-12 *Transition* means individual or household claiming to be homeless and do not meet the definition in 2-9 Permanent resident of the household and are in the process of seeking permanent housing.

### **Section 3. Eligibility**

Section 3-1 *Eligibility*. An eligible applicant for the Food Assistance Program is:

- a. a Little River Band Of Ottawa Indians member who is:
  1. 18 years or older; or
  2. the parent or legal guardian of a member who has not reached the age 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 or more of the criteria set forth in section 2-11 Food/Dietary Crisis
- c. meets one of the criteria set forth in section 4-3 Program Scope.
- d. Within the income criteria of 175% of the Federal Poverty Guideline level is the maximum level allowed in determining income eligibility. 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* The 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 Application* 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 Food Assistance Program is designed to provide limited assistance in purchasing food as identified in the categories in Section 2-10 Food. This program is not intended to be a complete resource for food. Accessing assistance includes meeting eligibility criteria as identified in Section 3 Eligibility and;

- a. 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.
- b. 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.
- c. Applicant household receiving a denial specifically for food assistance from a state or local assistance agency shall provide a copy of the denial with application.
- d. Applicant shall provide documented attempts to access assistance from other agencies.
- e. 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 and Corrective Action Plan* Access to this assistance is limited to once a year per household and as follows:

1. Restrictions on Program:
  - a. No expenses related to this program shall be utilized to purchase alcohol or tobacco products, or for the purchase of illegal substances.

- b. No expense related to this program shall be utilized outside of the definition of Food Section 2-10. These include by way of example but not limited to the purchase chips, soda/pop beverages, energy drinks, candy, pet food, ice cream, cakes, cookies etc.
  - c. Access to assistance 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 in the program year.
2. Corrective Action Plan:
- a. Failure to comply with program will result in reimbursement of assistance and denial of further assistance and may include prosecution.
  - b. Applicant receiving assistance which is subsequently identified as an expense derived from a prohibited purchase, or criminal activity shall result in reimbursement of assistance, denial of further assistance and may include prosecution.
  - c. Applicant shall be given opportunity to voluntarily reimburse program by deducting amount from per capita. In the event per capita has existing court ordered garnishment or is not eligible for per capita applicant will be required to reimburse program by submitting check or money order to the tribe or where applicable applicant may volunteer time in lieu of cash reimbursement. Volunteer scope and schedule shall be at the discretion of the Members Assistance Coordinator. This provision will only be granted one time to applicant.

4-5 *Enrollment Verification.* The Membership Assistance Department shall obtain, from the Enrollment Department, verification of membership of each applicant. Verification shall include provisions of Section 3.1 (a) Eligibility where applicable.

4-6 *Proof of Income* all forms of income for every person living in the house. Applicant must provide proof of income for the 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 as required 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; and
  - 4. Bank statements (checking and savings) identifying receipt of payments and level of asset resources and;
  - 5. Other sources of documents that have been independently generated or verified.
- c. Every person 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 resource and/or to document income resources not identified in section 4-6 b.
- e. Applicant is required to sign the authorization to release information to participate in this program.

4-7 *Payment to vendor or Receipt* The applicant will receive assistance in the form of a bank card for the

purchase food from the vendor/s of their choice. An applicant receiving this assistance must submit the receipt/s for the food items purchased along with a food voucher to the Members Assistance Department within 7 days of exhausting amount of bank card. The receipt shall identify the bank card was utilized in the transaction of the purchase. Failure to submit a receipt/s, food voucher or use funds to purchase prohibited items and non- food products will result in the reimbursement of assistance amount and denial of further assistance for the remainder of the calendar year. Members Assistance Department shall verify items on receipt meet the requirements of this program as defined in Section 2-10 Definitions.

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.

4-9 *Processing Time Lines* final processing will not occur until all required documentation and a completed application have been received by the Members Assistance Department. It is the responsibility of the applicant to provide all required information with application. 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.

4-10 *Eligibility Notification* Applicants that have satisfactorily completed the application and provided the required supporting documentation will be reviewed for eligibility and determination shall be made within 5 business days. Applicant will be notified of the approval for assistance.

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 notifications shall include clearly stated reasons why the applicant is ineligible, and applicant's rights 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 as specified in the federal Privacy Act and;

- a. *Statistical*. Information may be compiled and reported only to the Little River Band Of Ottawa Indians tribal Ogema and Tribal Council which does not identify specific applicant names.
- b. *Program Building*. Upon request from the tribal Ogema and Tribal Council information may be compiled and shared to the extent necessary to project 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 Membership Assistance Program works in conjunction with other Tribal programs to identify unmet need/s and assistance resources for applicants. Program 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 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:

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- 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 \_\_\_\_\_.