

**Membership Assistance Program Regulations
Regulation # R700-04:MA-07**

Chapter 7. Emergency Transportation Assistance Program Regulations

Section 1. Authority; Purpose

1-1. *Authority.* In accordance with Section 4.02 of Membership Assistance Program Ordinance, Ordinance # 06-700-04, the Tribal Ogema hereby promulgates these regulations for implementation of Assistance Programs.

1-2. *Purpose.* This program is intended to offer temporary assistance to members in need of transportation assistance. This program is intended to provide limited, short-term financial assistance to eligible members experiencing a transportation 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 elsewhere, terms defined in Chapter 4 and the Membership Assistant Program Ordinance are defined for the purposes of all *Membership Assistance Program Regulations*.

2-2. *Household* means persons living in the same residence maintaining a single economic unit and also includes any person living along/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 created to implement the Emergency Transportation 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. *Transportation Crisis* means the following:

- a) Vehicle in need of repair or maintenance is the only means of transportation for household or;
- b) Household with more than one vehicle do not have adequate transportation to and from employment and/or school; and
- c) A denial for transportation assistance from an outside agency;
- d) Unavailability of a vehicle has affected the health and general welfare of the household;
- e) Budgeting issues where the household has unexpected costs or unexpected loss of income which affect the resources to provide for means of sufficient and/or safe transportation.

Section 3. Eligibility

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

- a. a Little River Band Of Ottawa Indians member who is 18 years or older; or
- b. the parent or legal guardian of a member who has not reached the age of 18; or

c. 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.

d. household meets criteria set forth in section 2-10 Transportation Crisis.

e. household meets the criteria set forth in section 4-3 Program Scope.

f. within the income criteria of 175% of the Federal Poverty Income Guideline level is the maximum level allowed in determining income eligibility for Emergency Transportation Assistance. The federal poverty income guidelines are published by the U.S. Department of Health and Human Services in the federal register and shall be maintained in the Members Assistance Department and included with each application.

g. 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.

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 Application.* Applicants submitting applications incomplete or missing required information shall be sent a request for further information. Application will not be processed until complete information is received. Applications that is incomplete for 30 days after receipt shall be closed by the Members Assistance Department resulting in reapplying for services.

4-3. *Program Scope.* The Emergency Transportation Assistance Program is designed to provide limited assistance for transportation crisis as identified in the categories in this section 3 Eligibility. This program is not intended to be a complete resource for transportation assistance. All repair or maintenance of vehicle must be done by experienced and state certified mechanics 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 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.
- f. Household owning more than one vehicle shall demonstrate one of the following needs for Assistance;
 1. Transportation needs to and from employment and/or;
 2. Transportation needs to and from school.
- g. Vehicle receiving Emergency Transportation assistance shall be identified on repair invoice by the VIN (Vehicle Identification Number) that shall correspond with the vehicle registration.
- h. Repair or replacement of mechanical and/or electrical items required for proper vehicle operation.
- i. Maintenance of safety items – tires, brakes, exhaust, headlights, break lights, broken glass, and similar items that may affect the safety of the vehicle.

4-3 *Proof of Ownership.* Ownership of vehicle in need of repair or maintained must either be in the tribal member's name or a permanent member of the household. Where vehicle is in the name of the members spouse, legal guardian or significant other, applicant shall provide verification that applicants address matches the physical address on the vehicle title, registration and/or drivers license of vehicle title holder. Applicant shall provide a copy of current driver license or state identification card and a copy of vehicle title, registration and drivers license of the vehicle title holder.

4-4. *Restrictions on Program.* No expenses related to traffic violations, licensing, insurance, title transfer, vehicle registration, vehicle sound systems, immediate road service contracts e.g. OnStar, alarm systems, repossessions, impounds or purchase of a vehicle shall be provided assistance under the Emergency Transportation Assistance Program. No expenses related to this program shall be utilized to assist in the conduct of criminal or illegal activities. Any applicant receiving assistance which is subsequently identified as an expense derived from, or used for, a prohibited expense, criminal or illegal activity shall result in denial of further assistance, reimbursement of assistance amount and may include prosecution.

4-5 *Responsibility; Liability* The applicant assumes all responsibility for timely and satisfactory completion of vehicle services rendered. Liability arising from an incomplete or unsatisfactory vehicle services lies with the applicant and the vehicle service provider.

4-6 *Enrollment Verification* The Members Assistance Department shall obtain, from the Enrollment Department verification of enrollment of each applicant.

4-7. *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 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 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. 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 declaring no income resources shall sign a notarized zero income statement attesting that the person has no income from any resource and/or to document all income resources not identified in section 4-7b.

e. Applicant is required to sign an authorization to release of information to participate in this program .

4-8. *Payment to Vendor.* Payment will be sent directly to vendor. Payment shall not be directly sent to applicant. Applicant shall receive notice of payment to vendor for their records.

4-9. *Amount of Assistance.* 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 cost of completing the needed repair/maintenance to vehicle up to the assistance amount determined by the Assistance Matrix. In the event the expense 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.

4-10. *Processing Time Lines.* Final processing will not occur until all required documentation and a completed application has been received by the Members Assistance Department. Application review for eligibility and determination may take up to 5 business days.

4-11 *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 to vendor.

4-12 . *Ineligibility Notification.* If an applicant is ineligible for assistance, they will be notified by the Members Assistance Department within 5 business days of the eligibility 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.

4-13. *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 Little River Band of Ottawa Indians tribal 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.

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.

4-14 *Applicant file.* 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.

4-15 *Ineligible File:* Membership Assistance Department shall retain Ineligible file for one year. Ineligible file shall contain at a minimum: application and letter of ineligibility.

4-16. *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 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 _____.