

Chapter 27. Health, Food and Housing Program Statute

15.2701 PURPOSE

The purpose of this Statute is to layout the guidelines for the Little Traverse Bay Bands (LTBB) of Odawa Indians Department of Human Services to distribute allocated funds for allowance of health, food and housing to Tribal Citizens who participate in the Health, Food and Housing Program. Hereinafter the Health, Food and Housing Program will be referred to as "HFH". HFH will be in accordance with the "IRS Tribal General Welfare Guidance" and the "General Welfare Statute."

(Source: WOS 2021-008, July, 7, 2021, Section I)

15.2702 GENERAL WELFARE EXCLUSION

As stated by the requirements of the United States Internal Revenue Section 139E, Health, Food and Housing Program meets the criteria of the United States *Public Law* 113-168, Tribal General Welfare Exclusion Act of 2014 and WOS 2017-002 General Welfare Statute.

(Source: WOS 2021-008, July 7, 2021, Section II)

15.2703 DEFINITIONS

- A. **“Department”** means the Department of Human Services.
- B. **“Food”** means groceries, paper and cleaning products and other household supplies.
- C. **“Health”** means doctor office visits, co-pays, prescriptions, vitamins, dental care, vision care, hearing care, hospital costs, nursing home care, nursing care, and other medical or health related expenditures.
- D. **“Program”** means Health, Food and Housing program will be referred to as "HFH" located within the Executive Branch of the Tribe.
- E. **“Housing”** means temporary or permanent housing related expenses including rent, mortgage, land contract, property taxes, home improvement, and home repairs.

F. “**Tribal Citizen**” or “**LTBB Citizen**” means a person enrolled with the Little Traverse Bay Bands of Odawa Indians on or before January 1st of the calendar year.

G. “**Tribe**” or “**LTBB**” mean the Little Traverse Bay Bands of Odawa Indians.

(Source: WOS 2021-008, July 7, 2021, Section III)

15.2704 APPLICATION

A. The program shall be administered by the Department of Human Services within the Executive Branch.

B. Program funds shall be paid directly to the LTBB Citizen or a Parent/Guardian of a minor dependent LTBB Citizen that applies.

C. Application shall be made available upon request from a LTBB Citizen or a Parent/Guardian of a minor dependent LTBB Citizen that applies.

D. The Department will publish the application, no later than the June issue, in the Odawa Newsletter of the current calendar year. An updated version of the program's application will be posted on the LTBB website by the Department of Human Services, no later than June 1st of the current calendar year.

E. Applications shall be deemed completed if they contain the following information:

1. Name and contact information;

2. Enrollment number;

3. Dated signature of the LTBB Citizen or a Parent/Guardian of a minor dependent LTBB Citizen that applies applying for the program certifying that the funds will be used toward health, food or housing expenditures.

Applications shall become available no later than June 1st of the current calendar year accepted through December 15th of the current calendar year.

F. Completed applications and electronic signatures shall be accepted by email or other forms of electronic transmission.

G. Funding shall only apply to the current fiscal year. Applications shall not be accepted for past or future fiscal years.

(Source: WOS 2021-008, July 7, 2021, Section IV)

15.2705 FUNDS

A. Funding for the HFH Program is allocated from the Tribal General Fund.

B. Each Fiscal Year, if funding is allocated, it shall be to a separate fund within the Executive Branch Budget and an estimate of the amount of payment that each LTBB Citizen shall receive shall be reflected in the budget.

C. At the end of the Fiscal Year, any funds remaining in the separate fund shall be returned to the general fund unrestricted balance available for appropriation in subsequent years.

(Source: WOS 2021-008, July 7, 2021, Section V)

15.2706 SUSPENSION OF PROGRAM

The HFH Program shall automatically be suspended for each fiscal year that funds are not allocated with the Executive Branch HFH Separate Fund Budget.

(Source: WOS 2021-008, July 7, 2021, Section VI)

15.2707 REGULATIONS REQUIRED

The Department shall develop regulations for this statute for Tribal Council approval; however, the implementation of the statute shall not be delayed by approval of regulations.

(Source: WOS 2021-008, July 7, 2021, Section VII)

15.2708 SEVERABILITY

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(Source: WOS 2021-008, July 7, 2021, Section VIII)

15.2709 EFFECTIVE DATE

Effective upon signature of the Executive or thirty (30) days from Tribal Council approval whichever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

(Source: WOS 2021-008, July 7, 2021, Section IX)

15.2710 OTHER RELATED STATUTES

See Waganakising Odawak Statute (WOS) 2020-006 Tribal Government Budget Formulation and Modification Process, WOS 2017-002 General Welfare, or as may be amended.

(Source: WOS 2021-008, July 7, 2021, Section X)