

GRANT AND CONTRACT ELIGIBILITY FOR TRIBAL DOMESTIC VIOLENCE RESOURCE CENTERS

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House Bill 4516 as reported from committee

Sponsor: Rep. Betsy Coffia

Committee: Criminal Justice

Complete to 6-6-23

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 182 of 2023)

BRIEF SUMMARY: House Bill 4516 would enable federally recognized Indian tribes who have trust land located in Michigan to apply for funding from the Michigan Department of Health and Human Services (DHHS) to operate shelters and provide services to survivors of domestic violence and sexual assaults, regardless of tribal affiliation.

FISCAL IMPACT: House Bill 4516 would increase costs for DHHS and local units of government by an indeterminant amount. The fiscal impact of the bill would depend on the number of tribal governments that apply for grants or contracts, or both, for domestic violence treatment and prevention programs, as well as the cost of the programs themselves. The state share of costs, which includes federal money, may not exceed 75% of total program costs. Prime sponsors that contract with the department or receive grants for domestic violence prevention and treatment programming are responsible for funding the remaining 25% of program costs. As a prime sponsor, tribal governments may not receive more than \$75,000 general fund/general purpose funds for programming and services per year.

THE APPARENT PROBLEM:

Michigan is home to 12 federally recognized Indian tribes. Tribal domestic violence shelters and service providers provide crucial support services to survivors of domestic and sexual violence, often in resource-scarce areas of the state. They serve all genders and all in need, whether members of a tribe or not. Currently, Michigan law allows municipalities and private, nonprofit associations or organizations to apply for grants administered by DHHS that help fund domestic and sexual violence shelters and service providers. However, some feel that the statute is not clear as to whether tribal shelters and service providers are included under the umbrella of “private, nonprofit associations or organizations” and thus eligible to apply for the grants that are available to similar shelters and programs. Currently, DHHS has entered into an informal agreement with one tribal program that serves domestic and sexual violence survivors. In light of the ambiguity in current law, the need for continuity in state policy, and the need for services to survivors of domestic and sexual assaults, many would like to see the law amended to explicitly include tribal shelters and providers in the list of entities eligible to apply to DHHS for grants to support their programs.

THE CONTENT OF THE BILL:

House Bill 4516 would amend 1978 PA 389, the enabling act for the Michigan Domestic and Sexual Violence Prevention and Treatment Board, to revise the definition of *prime sponsor* for purposes of the act. Currently, *prime sponsor* is defined to mean a county, city, village, or township of Michigan, or a combination of those municipalities, or a private, nonprofit

association or organization. To this definition, the bill would add *a federally recognized Indian tribe that has trust land located within this state.*

The duties of the Domestic and Sexual Violence Prevention and Treatment Board, housed within DHHS, include among other things coordinating and monitoring programs and services funded under the act for the prevention of domestic and sexual violence and the treatment of victims of domestic and sexual violence. Another duty is to provide planning and technical assistance to *prime sponsors* for the development, implementation, and administration of programs and services for the prevention of domestic and sexual violence and the treatment of victims of domestic and sexual violence. A prime sponsor may apply to receive a grant from, or enter into a contract with, the DHHS, which administers the Domestic Violence Prevention and Treatment Fund, for programs designed to establish and maintain a shelter program, develop and establish a training program for persons engaged in areas related to the problems of domestic violence, or develop and implement effective means for the prevention and treatment of domestic violence.

MCL 400.1501

ARGUMENTS:

For:

Although domestic violence, also referred to as intimate partner violence, and sexual assaults involve victims regardless of gender or socioeconomic status, some factors do appear to put some at greater risk. For example, studies conducted during the early period of the pandemic found that loss of one of the partner's jobs or having a toddler in the house was a factor in both new cases of domestic violence and the severity of the violence. Since tribal domestic and sexual assault shelters and programs are often located in rural areas, where resources are scarce and many residents experience unemployment or underemployment, with the associated stress of food and housing instability and lack of child care, tribal service providers are in a unique position to serve all members of their community—tribal members and non-tribal members—who are struggling or have experienced violence. This is particularly important considering that the 2023 Domestic Violence by State statistics reveal that 36.1% of Michigan women have experienced domestic violence in their lifetime (compared to the national average of 37.4%) and 25.8% of Michigan men have experienced domestic violence in their lifetime (compared to the national average of 30.9%).¹

However, Native American/Alaskan Native women and men are at a dramatically increased risk of experiencing violence. According to committee testimony, statistics from the National Institute of Justice reveal that more than 84% of American Indian women experience violence in their lifetime and more than half will experience sexual assault. Over 81% of Native men have experienced violence in their lifetime. It is reported that in some areas of the U.S., Native American women are killed at a rate 10 times the national average.

Besides a lack of available resources for Native survivors, such circumstances as the complex jurisdictional scheme existing across Indian Country, historical trauma, and cultural abuse specific to Native Americans impact how systems and services are accessed by tribal members. Tribes and tribal advocates are able to provide culturally honoring services that consider those

¹ <https://worldpopulationreview.com/state-rankings/domestic-violence-by-state>

experiences faced by Native survivors. Equitable access to funding would increase access to culturally honoring services and provide help to more Native Americans who have experienced the trauma of violence in their lives.

Advocates say that although DHHS has worked to increase access to resources for tribes to provide services to tribal and non-tribal community members, the bill is needed to ensure that future funding is inclusive of all culturally honoring services and to ensure equal access to funding by all similar service providers.

Against:

No arguments in opposition to the bill were raised during House committee hearings.

POSITIONS:

Representatives of the following entities testified in support of the bill (5-16-23):

- Michigan Coalition to End Domestic and Sexual Violence
- Uniting Three Fires Against Violence

Representatives of the following entities indicated support for the bill:

- Department of Health and Human Services (5-23-23)
- Michigan Domestic and Sexual Violence Prevention Treatment Board (5-16-23)
- Grand Traverse Band of Ottawa and Chippewa Indians (5-16-23)
- Sault Ste. Marie Tribe of Chippewa Indians (5-23-23)
- Michigan Poverty Law Program (5-16-23)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.