

Submitted by: Council President Johnathan F. Austin

Recommended by: Council President Johnathan F. Justin

**ORDINANCE NO.** \_\_\_\_\_

**SECTION 1.**

**BE IT ORDAINED** by the City Council of the City of Birmingham that Section 4 of Ordinance No. 17-23, adopted February 28, 2017 and establishing a Healthy Food Incentive Program for the City of Birmingham, be and hereby is amended to provide that the starting date for applications shall be May 15 and to amend the require income qualifications for the program as follows:

**SECTION 4. QUALIFIED PARTICIPANTS**

Every person desiring to participate in the program shall submit to the administrator a verified, written application form signed under oath with necessary documentation required in accordance with rules to be adopted by the City Council. The application must be filed between ~~April~~ May 15 and June 30 each year. The administrator shall review the applications to determine if the applicant satisfies the qualifications set forth in this ordinance and shall distribute healthy food incentive cards to qualified participants beginning August 1 of each year. The healthy food incentive must be used between August 1 of the year in which application is made and approved and June 1 of ~~each~~ the following year. Any healthy food incentive issued but not used within such time period shall be forfeited. Healthy food incentive cards shall not be transferable.

Each applicant for a healthy food incentive card must satisfy the following requirements to be eligible to participate in the program:

1. (a) The applicant must be at least eighteen years old and have been a full time resident of the City for a full twelve-month period prior to making an application for the year for which a healthy food incentive is being applied for. The applicant must provide proof of identity and proof of residency. Proof of identity shall be demonstrated by providing a copy of driver's license or other State of Alabama or Federal photo identification and birth certificate. Proof of residency will be verified using copies of a deed or a lease, and utility bills for the residence. The proof of residency must demonstrate at least twelve (12) months residency in the City of Birmingham during the required period; and (b) Applicants meeting one or more of the following criteria shall be presumed to be eligible for the program:

14A

- i. Applicants with income at or below 130 percent of the current federal poverty level guidelines as defined by the U.S. ~~Census Bureau~~ Department of Health and Human Services; or
  - ii. Applicants currently enrolled in SNAP; or
  - iii. Applicants currently enrolled in WIC.
2. If the applicant is an individual, the applicant must establish that he or she has not been claimed as a dependent on anyone other qualified participant or applicant's tax return for the year for which a rebate is claimed;
3. No household shall be eligible for more than one healthy food incentive card;
4. Determination of eligibility shall be made by the administrator based on investigation and sworn application from the applicant which shall include a copy of the applicant's tax return for the preceding year. The administrator may require additional documentation of income eligibility, including, but not limited to, W-2 forms, 1099 forms, Social Security income statements, asset statements, or other similar documentation as necessary;
5. The City Council shall have the authority to annually adjust qualifying income levels and healthy food incentive amounts consistent with the changes in area median family income. The qualifying income levels and healthy food incentive amounts shall be published on the City's website: and
6. No City employee, nor the spouse or a dependent of a City employee, shall be eligible to participate in the program. No City official, nor the spouse, dependent, adult child or his or her spouse, parent, spouse's parents, sibling and his or her spouse, of a City official shall be eligible to participate in the program.

**SECTION 2. SEVERABILITY.**

The provisions of this Ordinance are hereby declared to be severable. If any of these sections, provisions, sentences, clauses phrases, or parts is held to be unconstitutional or void, the remainder shall continue in full force and effect.

**SECTION 3. EFFECTIVE DATE.**

This Ordinance shall become effective upon publication as required by statute.