**RESOLUTION OF THE
NAVAJO NATION COUNCIL**

23RD NAVAJO NATION COUNCIL -- First Year, 2015

AN ACTION

RELATING TO AN EMERGENCY; SUPPORTING REAUTHORIZATION OF THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996; OPPOSING SECTION 302 OF THE 114TH U.S. HOUSE OF REPRESENTATIVE'S BILL H.R. 360 AND ANY LEGISLATION THAT WITHHOLDS FUNDING FROM THE NAVAJO NATION

WHEREAS:

A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102 (A).

B. Navajo Nation Council has the authority to create laws, resolutions, and to make statements of policy pursuant to 2 N.N.C. §164 (A).

C. Statements of policy are written statements submitted to federal, state or local governments by a Navajo Nation official stating the official position of the Navajo Nation on proposed legislation or other action by that government. 2 N.N.C. § 100(W).

D. Matters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. 2 N.N.C. § 164 (A)(16). Housing development for the Navajo people is a direct service and the federal funding for housing will be severely impacted if no statement is made to Congress about this negative impact.

E. The Navajo Nation is not a member or is it represented by national Native American organizations like the Native American Indian Housing Council or the National Congress of American Indians and their statements do not reflect the position of the Navajo Nation. In fact, the interests of these organizations or its members, at times, conflict with

the interest of the Navajo Nation. In this case, the members of these national Native American organizations stand to benefit by taking NAHASDA funds away from the Navajo Nation.

Navajo Nation officials discussed with tribal leaders who support the fact that one tribe should not be telling other tribes how to spend its funds or attempt to take funds away from other tribes through a formula that is to the detriment of certain tribes. This only encourages a 'divide and conquer' mentality.

F. American Indian and Alaska Native communities have traditionally experienced some of the most deplorable housing conditions in the nation, including overcrowding, substandard living conditions, and high cost burden relative to household income.

G. The U.S. Department of Housing and Urban Development (HUD) reports that over 25 percent of American Indian housing units have "severe housing needs" including lack of basic plumbing or kitchen facilities, housing more than one person per room, and bearing a cost burden of more than 50 percent of their income.

H. In 1996, Congress responded to the growing housing crisis in Indian Country by passing the Native American Housing Assistance and Self-Determination Act (NAHASDA), which reduced burdensome and excessive regulation, affirmed tribal self-determination, and permitted the innovation and local problem-solving that is crucial to the success of community-based housing strategies.

I. NAHASDA is the main legal authority for the United States to fulfill its trust obligation to low-income American Indian and Alaska Natives to provide safe, decent, and sanitary housing.

J. NAHASDA established the Indian Housing Block Grant (IHBG) and authorized funding for housing and housing-related infrastructure and community development in American Indian and Alaska Native communities.

K. NAHASDA has produced remarkable results since its passage, including the construction, acquisition, and/or rehabilitation of more than 110,000 homes in Native American communities and the provision of housing-related assistance to tens of thousands of American Indian and Alaska Native families through home loans, rental assistance, financial literacy counseling, down payment assistance, and numerous other housing-related programs.

L. The spirit of NAHASDA recognizes that the decision making authority for the housing services and programs lies with the tribal governments, and tribal leadership are essential to the development of Indian policy with regards to housing.

M. NAHASDA was last reauthorized in 2008 and expired on September 30, 2013, but continues to be funded by Congress because it is so vital to American Indian and Alaska Native communities.

N. Completed in August 2011, the NHA's housing needs assessment study established a baseline housing need on the Navajo Nation of 34,100 new homes and another 34,300 existing homes are in need of major repair—which equates to approximately nine billion dollars ($9,000,000,000). After holding a series of regional workshops and consultations with all 110 Navajo communities the total housing need was readjusted to 50,445 homes.

O. In 2012, the NHA developed a five-year expenditure plan (2013-2017) that set aggressive spending goals to bring down the large balance of undisbursed Indian Housing Block Grant (IHBG) funds; and in just two years alone NHA has spent $288 million, built 580 new housing units, modernized 964 older housing units, and funded the development of 16 group homes and acquisition of three housing units for persons with disabilities.

P. The U.S. Housing and Urban Development's Fiscal Year 2015 Agency Budget Justification document provided to Congress outlined the following, "As of February 3, 2014, 91.878 percent of IHBG funds allocated from fiscal year 1998 through fiscal year 2013 were disbursed. This is an

excellent spend out rate, considering many construction/development projects take 3 to 5 years, or even longer, to complete." As of February 4, 2015, 79.3 percent of IHBG funds allocated to the Navajo Nation from fiscal year 1998 through fiscal year 2015 were disbursed.

Q. On January 14, 2015, H.R. 360, the Native American Housing Assistance and Self-Determination Act of 2015, was introduced to the U.S. House of Representatives to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

R. H.R. 360 includes Section 302 that aims to withhold annual allocations to a NAHASDA recipient if the recipient has excess undisbursed funds starting January 1, 2015 (see Exhibit A), a date prior to the introduction of the bill.

S. In August 2014, prior to the introduction of H.R. 360, tribal representatives and HUD representatives convened a Negotiated Rulemaking Committee meeting and reached consensus regarding the inclusion of allocation withholding language in the IHBG funding formula. The effective date agreed to by the Negotiated Rulemaking Committee is October 1, 2017, effectively giving Tribes time to prepare for the new rule for fiscal year 2018.

T. The effective date of section 302 in H.R. 360 will limit the 2015 funding to the Navajo Housing Authority to address the housing needs of the Nation; the consequences to the Navajo Nation's housing needs would be catastrophic and devastating. See Exhibit B.

U. Reauthorization of NAHASDA is greatly needed; however, the Section 302 amendments are of great concern to the Navajo Nation and its Tribally-designated Housing Entity, the NHA. See Exhibit B.

V. The Navajo Nation hereby finds that the imminent reduction and loss of Indian Housing Block Grant (IHBG) funding proposed by H.R. 360 amendments to the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) is a matter constituting an emergency pursuant to 2 N.N.C. § 164(A)(16).

W. Any withholding of NAHASDA funds to the Navajo Nation will directly and severely impact the housing needs of the Navajo people on a long-term basis. Some of these needs have been caused by the federal government like the Bennett Freeze Area.

X. It was not until May 9, 2009 that President Obama signed into law P.L. 93-531, section 10(f) that the over 40 year federally imposed Bennett Freeze Area was lifted. At the time Congress acknowledged the lack of infrastructure and the desperate need for housing. This is the purpose of such federal assistance that NAHASDA can provide. The estimated need for redevelopment for the Bennett Freeze Area in housing and infrastructure for these families exceeds $340 million of the NAHASDA fund.

Y. Based on the foregoing, it is in the best interest of the Navajo Nation to oppose the effective date contained in Section 302 of H.R. 360.

NOW, THEREFORE BE IT RESOLVED:

A. The Navajo Nation hereby urges Congress to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

B. The Navajo Nation hereby supports H.R. 360 generally, but opposes the effective date contained in Section 302.

C. The Navajo Nation urges Congress to respect the consensus based work of the Negotiated Rulemaking Committee and believes that any changes to the NAHASDA funding allocation formula should be consistent with the terms agreed to by the Negotiated Rulemaking Committee.

D. The Navajo Nation strongly urges that the effective date of Section 302 be amended from January 1, 2015 to January 1, 2018, in order to more closely align with the effective date agreed to by the Negotiated Rulemaking Committee.

E. The Navajo Nation hereby opposes any form of withholding language in any legislation or appropriation that adversely affect the Navajo Nation's NAHASDA funding or that is

inconsistent with the terms agreed to by the Negotiated Rulemaking Committee in August 2014.

F. President Obama has supported similar punitive language without visiting the Navajo Nation to see the housing conditions on Navajoland or providing for tribal consultation on this housing issue with the Navajo Nation as provided in various Executive Orders. Navajo Nation respectfully request him to reverse his position as to not provide for the taking of NAHASDA funds from Navajo Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 23 in favor and 0 opposed, this 10th day of February 2015.

LoRenzo Bates, Speaker
Navajo Nation Council

Feb 11, 2015
Date

Motion: Honorable Walter Phelps
Second: Honorable Leonard Pete

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

EXHIBIT
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114TH CONGRESS
1ST SESSION

H. R. 360

To reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 2015

Mr. PEARCE (for himself, Mr. COLE, Mr. YOUNG of Alaska, Ms. MOORE, Mr. HECK of Washington, Mr. KILDEE, Mr. KILMER, Ms. GABBARD, Mr. TAKAI, Mr. MULLIN, Mr. AMODEI, Mr. ZINKE, Mr. SCHWEIKERT, and Ms. MCCOLLUM) introduced the following bill; which was referred to the Committee on Financial Services

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A BILL

To reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Native American Housing Assistance and Self-Determination Reauthorization Act of 2015".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

Sec. 101. Block grants.
Sec. 102. Recommendations regarding exceptions to annual Indian housing plan requirement.
Sec. 103. Environmental review.
Sec. 104. Deadline for action on request for approval regarding exceeding TDC maximum cost for project.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

Sec. 201. National objectives and eligible families.
Sec. 202. Program requirements.
Sec. 203. Homeownership or lease-to-own low-income requirement and income targeting.
Sec. 204. Lease requirements and tenant selection.
Sec. 205. Tribal coordination of agency funding.

TITLE III—ALLOCATION OF GRANT AMOUNTS

Sec. 301. Authorization of appropriations.
Sec. 302. Effect of undisbursed block grant amounts on annual allocations.

TITLE IV—AUDITS AND REPORTS

Sec. 401. Review and audit by Secretary.
Sec. 402. Reports to Congress.

TITLE V—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

Sec. 501. HUD–Veterans Affairs supportive housing program for Native American veterans.
Sec. 502. Loan guarantees for Indian housing.

TITLE VI—MISCELLANEOUS

Sec. 601. Lands Title Report Commission.
Sec. 602. Limitation on use of funds for Cherokee Nation.
Sec. 603. Leasehold interest in trust or restricted lands for housing purposes.
Sec. 604. Clerical amendment.

TITLE VII—DEMONSTRATION PROGRAM FOR ALTERNATIVE PRIVATIZATION AUTHORITY FOR NATIVE AMERICAN HOUSING

Sec. 701. Demonstration program.
Sec. 702. Clerical amendments.

TITLE VIII—HOUSING FOR NATIVE HAWAIIANS

Sec. 801. Reauthorization of Native Hawaiian Homeownership Act.
Sec. 802. Reauthorization of loan guarantees for Native Hawaiian housing.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms

of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

SEC. 101. BLOCK GRANTS.

Section 101 (25 U.S.C. 4111) is amended—

(1) in subsection (c), by adding after the period at the end the following: "The Secretary shall act upon a waiver request submitted under this subsection by a recipient within 60 days after receipt of such request."; and

(2) in subsection (k), by striking "1" and inserting "an".

SEC. 102. RECOMMENDATIONS REGARDING EXCEPTIONS TO ANNUAL INDIAN HOUSING PLAN REQUIREMENT.

Not later than the expiration of the 120-day period beginning on the date of the enactment of this Act and after consultation with Indian tribes, tribally designated housing entities, and other interested parties, the Secretary of Housing and Urban Development shall submit to the Congress recommendations for standards and pro-

cedures for waiver of, or alternative requirements (which may include multi-year housing plans) for, the requirement under section 102(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112(a)) for annual submission of one-year housing plans for an Indian tribe. Such recommendations shall include a description of any legislative and regulatory changes necessary to implement such recommendations.

SEC. 103. ENVIRONMENTAL REVIEW.

Section 105 (25 U.S.C. 4115) is amended—

(1) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "may" and inserting "shall"; and

(B) by adding after and below paragraph (4) the following:

"The Secretary shall act upon a waiver request submitted under this subsection by a recipient within 60 days after receipt of such request."; and

(2) by adding at the end the following new subsection:

"(e) CONSOLIDATION OF ENVIRONMENTAL REVIEW REQUIREMENTS.—If a recipient is using one or more sources of Federal funds in addition to grant amounts under this Act in carrying out a project that qualifies as an affordable housing activity under section 202, such

other sources of Federal funds do not exceed 49 percent of the total cost of the project, and the recipient's tribe has assumed all of the responsibilities for environmental review, decisionmaking, and action pursuant to this section, the tribe's compliance with the review requirements under this section and the National Environmental Policy Act of 1969 with regard to such project shall be deemed to fully comply with and discharge any applicable environmental review requirements that might apply to Federal agencies with respect to the use of such additional Federal funding sources for that project.".

SEC. 104. DEADLINE FOR ACTION ON REQUEST FOR APPROVAL REGARDING EXCEEDING TDC MAXIMUM COST FOR PROJECT.

(a) APPROVAL.—Section 103 (25 U.S.C. 4113) is amended by adding at the end the following new subsection:

"(f) DEADLINE FOR ACTION ON REQUEST TO EXCEED TDC MAXIMUM.—A request for approval by the Secretary of Housing and Urban Development to exceed by more than 10 percent the total development cost maximum cost for a project shall be approved or denied during the 60-day period that begins on the date that the Secretary receives the request.".

(b) DEFINITION.—Section 4 (25 U.S.C. 4103) is amended—

(1) by redesignating paragraph (22) as paragraph (23); and

(2) by inserting after paragraph (21) the following new paragraph:

"(22) TOTAL DEVELOPMENT COST.—The term 'total development cost' means, with respect to a housing project, the sum of all costs for the project, including all undertakings necessary for administration, planning, site acquisition, demolition, construction or equipment and financing (including payment of carrying charges), and for otherwise carrying out the development of the project, excluding off-site water and sewer. The total development cost amounts shall be based on a moderately designed house and determined by averaging the current construction costs as listed in not less than two nationally recognized residential construction cost indices.".

TITLE II—AFFORDABLE HOUSING ACTIVITIES

SEC. 201. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.

The second paragraph (6) of section 201(b) (25 U.S.C. 4131(b)(6); relating to exemption) is amended—

(1) by striking "1964 and" and inserting "1964,"; and

(2) by inserting after "1968" the following: ", and section 3 of the Housing and Urban Development Act of 1968".

SEC. 202. PROGRAM REQUIREMENTS.

Section 203(a) (25 U.S.C. 4133(a)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(2) by adding at the end the following new paragraph:

"(3) APPLICATION OF TRIBAL POLICIES.—Paragraph (2) shall not apply if the recipient has a written policy governing rents and homebuyer payments charged for dwelling units and such policy includes a provision governing maximum rents or homebuyer payments.".

SEC. 203. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-INCOME REQUIREMENT AND INCOME TARGETING.

Section 205 (25 U.S.C. 4135) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by striking "and" at the end; and

(B) by adding at the end the following new subparagraph:

"(E) notwithstanding any other provision of this paragraph, in the case of rental housing that is made available to a current rental family for conversion to a homebuyer or a lease-purchase unit, that the current rental family can purchase through a contract of sale, lease-purchase agreement, or any other sales agreement, is made available for purchase only by the current rental family, if the rental family was a low-income family at the time of their initial occupancy of such unit; and"; and

(2) in subsection (c), by adding after the period at the end the following: "The provisions of such paragraph regarding binding commitments for the remaining useful life of the property shall not apply to improvements of privately owned homes if the cost of such improvements do not exceed 10 percent of the maximum total development cost for such home.".

SEC. 204. LEASE REQUIREMENTS AND TENANT SELECTION.

Section 207 (25 U.S.C. 4137) is amended by adding at the end the following new subsection:

"(c) NOTICE OF TERMINATION.—Notwithstanding any other provision of law, the owner or manager of rental housing that is assisted in part with amounts provided under this Act and in part with one or more other sources of Federal funds shall only utilize leases that require a notice period for the termination of the lease pursuant to subsection (a)(3).".

SEC. 205. TRIBAL COORDINATION OF AGENCY FUNDING.

(a) IN GENERAL.—Subtitle A of title II (25 U.S.C. 4131 et seq.) is amended by adding at the end the following new section:

"SEC. 211. TRIBAL COORDINATION OF AGENCY FUNDING.

"Notwithstanding any other provision of law, a recipient authorized to receive funding under this Act may, in its discretion, use funding from the Indian Health Service of the Department of Health and Human Services for construction of sanitation facilities for housing construction and renovation projects that are funded in part by funds provided under this Act.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) is amended by inserting after the item relating to section 210 the following new item:

"Sec. 211. Tribal coordination of agency funding.".

TITLE III—ALLOCATION OF GRANT AMOUNTS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

The first sentence of section 108 (25 U.S.C. 4117) is amended by striking "such sums as may be necessary for each of fiscal years 2009 through 2013" and inserting "$650,000,000 for each of fiscal years 2015 through 2019".

SEC. 302. EFFECT OF UNDISBURSED BLOCK GRANT AMOUNTS ON ANNUAL ALLOCATIONS.

(a) IN GENERAL.—Title III (25 U.S.C. 4151 et seq.) is amended by adding at the end the following new section:

"SEC. 303. EFFECT OF UNDISBURSED GRANT AMOUNTS ON ANNUAL ALLOCATIONS.

"(a) NOTIFICATION OF OBLIGATED, UNDISBURSED GRANT AMOUNTS.—Subject to subsection (d) of this section, if as of January 1 of 2015 or any year thereafter a recipient's total amount of undisbursed block grants in the Department's line of credit control system is greater than three times the formula allocation such recipient would otherwise receive under this Act for the fiscal year during which such January 1 occurs, the Secretary shall—

"(1) before January 31 of such year, notify the Indian tribe allocated the grant amounts and any

tribally designated housing entity for the tribe of the undisbursed funds; and

"(2) require the recipient for the tribe to, not later than 30 days after the Secretary provides notification pursuant to paragraph (1)—

"(A) notify the Secretary in writing of the reasons why the recipient has not requested the disbursement of such amounts; and

"(B) demonstrate to the satisfaction of the Secretary that the recipient has the capacity to spend Federal funds in an effective manner, which demonstration may include evidence of the timely expenditure of amounts previously distributed under this Act to the recipient.

"(b) ALLOCATION AMOUNT.—Notwithstanding sections 301 and 302, the allocation for such fiscal year for a recipient described in subsection (a) shall be the amount initially calculated according to the formula minus the difference between the recipient's total amount of undisbursed block grants in the Department's line of credit control system on such January 1 and three times the initial formula amount for such fiscal year.

"(c) REALLOCATION.—Notwithstanding any other provision of law, any grant amounts not allocated to a recipient pursuant to subsection (b) shall be allocated under

the need component of the formula proportionately amount all other Indian tribes not subject to such an adjustment.

"(d) INAPPLICABILITY.—Subsections (a) and (b) shall not apply to an Indian tribe with respect to any fiscal year for which the amount allocated for the tribe for block grants under this Act is less than $5,000,000.

"(e) EFFECTIVENESS.—This section shall not require the issuance of any regulation to take effect and shall not be construed to confer hearing rights under this or any other section of this Act.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) is amended by inserting after the item relating to section 302 the following new item:

"Sec. 303. Effect of undisbursed grant amounts on annual allocations.".

TITLE IV—AUDITS AND REPORTS

SEC. 401. REVIEW AND AUDIT BY SECRETARY.

Section 405(c) (25 U.S.C. 4165(c)) is amended, by adding at the end the following new paragraph:

"(3) ISSUANCE OF FINAL REPORT.—The Secretary shall issue a final report within 60 days after receiving comments under paragraph (1) from a recipient.".

SEC. 402. REPORTS TO CONGRESS.

Section 407 (25 U.S.C. 4167) is amended—

(1) in subsection (a), by striking "Congress" and inserting "Committee on Financial Services and the Committee on Natural Resources of the House of Representatives, to the Committee on Indian Affairs and the Committee on Banking, Housing, and Urban Affairs of the Senate, and to any subcommittees of such committees having jurisdiction with respect to Native American and Alaska Native affairs,"; and

(2) by adding at the end the following new subsection:

"(c) PUBLIC AVAILABILITY TO RECIPIENTS.—Each report submitted pursuant to subsection (a) shall be made publicly available to recipients.".

TITLE V—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

SEC. 501. HUD–VETERANS AFFAIRS SUPPORTIVE HOUSING PROGRAM FOR NATIVE AMERICAN VETERANS.

Paragraph (19) of section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amended by adding at the end the following new subparagraph:

"(D) NATIVE AMERICAN VETERANS.—

"(i) AUTHORITY.—Of the funds made available for rental assistance under this subsection for fiscal year 2015 and each fiscal year thereafter, the Secretary shall set aside 5 percent for a supported housing and rental assistance program modeled on the HUD–Veterans Affairs Supportive Housing (HUD–VASH) program, to be administered in conjunction with the Department of Veterans Affairs, for the benefit of homeless Native American veterans and veterans at risk of homelessness.

"(ii) RECIPIENTS.—Such rental assistance shall be made available to recipients eligible to receive block grants under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

"(iii) FUNDING CRITERIA.—Funds shall be awarded based on need, administrative capacity, and any other funding criteria established by the Secretary in a notice published in the Federal Register, after consultation with the Secretary of Veterans Affairs, by a date sufficient to

provide for implementation of the program under this subparagraph in accordance with clause (i).

"(iv) PROGRAM REQUIREMENTS.—Such funds shall be administered by block grant recipients in accordance with program requirements under Native American Housing Assistance and Self-Determination Act of 1996 in lieu of program requirements under this Act.

"(v) WAIVER.—The Secretary may waive, or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the use of funds made available under this subparagraph, but only upon a finding by the Secretary that such waiver or alternative requirement is necessary to promote administrative efficiency, eliminate delay, consolidate or eliminate duplicative or ineffective requirements or criteria, or otherwise provide for the effective delivery and administration of such supportive housing assistance to Native American veterans.

"(vi) CONSULTATION.—The Secretary and the Secretary of Veterans Affairs shall jointly consult with block grant recipients and any other appropriate tribal organizations to—

"(I) ensure that block grant recipients administering funds made available under the program under this subparagraph are able to effectively coordinate with providers of supportive services provided in connection with such program; and

"(II) ensure the effective delivery of supportive services to Native American veterans that are homeless or at risk of homelessness eligible to receive assistance under this subparagraph.

Consultation pursuant to this clause shall be completed by a date sufficient to provide for implementation of the program under this subparagraph in accordance with clause (i).

"(vii) NOTICE.—The Secretary shall establish the requirements and criteria for the supported housing and rental assist-

ance program under this subparagraph by notice published in the Federal Register, but shall provide Indian tribes and tribally designated housing agencies an opportunity for comment and consultation before publication of a final notice pursuant to this clause.".

SEC. 502. LOAN GUARANTEES FOR INDIAN HOUSING.

Section 184(i)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)(5)) is amended—

(1) in subparagraph (B), by inserting after the period at the end of the first sentence the following: "There are authorized to be appropriated for such costs $12,200,000 for each of fiscal years 2015 through 2019."; and

(2) in subparagraph (C)—

(A) by striking "2008 through 2012" and inserting "2015 through 2019"; and

(B) by striking "such amount as may be provided in appropriation Acts for" and inserting "$976,000,000 for each".

TITLE VI—MISCELLANEOUS

SEC. 601. LANDS TITLE REPORT COMMISSION.

Section 501 of the American Homeownership and Economic Opportunity Act of 2000 (25 U.S.C. 4043 note) is amended—

(1) in subsection (a), by striking "Subject to sums being provided in advance in appropriations Acts, there" and inserting "There"; and

(2) in subsection (b)(1) by striking "this Act" and inserting "the Native American Housing Assistance and Self-Determination Reauthorization Act of 2015".

SEC. 602. LIMITATION ON USE OF FUNDS FOR CHEROKEE NATION.

Section 801 of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 (Public Law 110–411) is amended by striking "Temporary Order and Temporary Injunction issued on May 14, 2007, by the District Court of the Cherokee Nation" and inserting "Order issued September 21, 2011, by the Federal District Court for the District of Columbia".

SEC. 603. LEASEHOLD INTEREST IN TRUST OR RESTRICTED LANDS FOR HOUSING PURPOSES.

Section 702 (25 U.S.C. 4211) is amended—

(1) in subsection (c)(1), by inserting ", whether enacted before, on, or after the date of the enactment of this section" after "law"; and

(2) by striking "50 years" each place such term appears and inserting "99 years".

SEC. 604. CLERICAL AMENDMENT.

The table of contents in section 1(b) is amended by striking the item relating to section 206 (treatment of funds).

TITLE VII—DEMONSTRATION PROGRAM FOR ALTERNATIVE PRIVATIZATION AUTHORITY FOR NATIVE AMERICAN HOUSING

SEC. 701. DEMONSTRATION PROGRAM.

Add at the end of the Act the following new title:

"TITLE IX—DEMONSTRATION PROGRAM FOR ALTERNATIVE PRIVATIZATION AUTHORITY FOR NATIVE AMERICAN HOUSING

"SEC. 901. AUTHORITY.

"(a) IN GENERAL.—In addition to any other authority provided in this Act for the construction, development, maintenance, and operation of housing for Indian families,

the Secretary shall provide the participating tribes having final plans approved pursuant to section 905 with the authority to exercise the activities provided under this title and such plan for the acquisition and development of housing to meet the needs of tribal members.

"(b) INAPPLICABILITY OF NAHASDA PROVISIONS.—Except as specifically provided otherwise in this title, titles I through IV, VI, and VII shall not apply to a participating tribe's use of funds during any period that the tribe is participating in the demonstration program under this title.

"(c) CONTINUED APPLICABILITY OF CERTAIN NAHASDA PROVISIONS.—The following provisions of titles I through VIII shall apply to the demonstration program under this title and amounts made available under the demonstration program under this title:

"(1) Subsections (d) and (e) of section 101 (relating to tax exemption).

"(2) Section 101(j) (relating to Federal supply sources).

"(3) Section 101(k) (relating to tribal preference in employment and contracting).

"(4) Section 104 (relating to treatment of program income and labor standards).

"(5) Section 105 (relating to environmental review).

"(6) Section 201(b) (relating to eligible families), except as otherwise provided in this title.

"(7) Section 203(g) (relating to a de minimis exemption for procurement of goods and services).

"(8) Section 702 (relating to 99-year leasehold interests in trust or restricted lands for housing purposes).

"SEC. 902. PARTICIPATING TRIBES.

"(a) REQUEST TO PARTICIPATE.—To be eligible to participate in the demonstration program under this title, an Indian tribe shall submit to the Secretary a notice of intention to participate during the 60-day period beginning on the date of the enactment of this title, in such form and such manner as the Secretary shall provide.

"(b) COOPERATIVE AGREEMENT.—Upon approval under section 905 of the final plan of an Indian tribe for participation in the demonstration program under this title, the Secretary shall enter into a cooperative agreement with the participating tribe that provides such tribe with the authority to carry out activities under the demonstration program.

"(c) LIMITATION.—The Secretary may not approve more than 20 Indian tribes for participation in the demonstration program under this title.

"SEC. 903. REQUEST FOR QUOTES AND SELECTION OF INVESTOR PARTNER.

"(a) REQUEST FOR QUOTES.—Not later than the expiration of the 180-day period beginning upon notification to the Secretary by an Indian tribe of intention to participate in the demonstration program under this title, the Indian tribe shall—

"(1) obtain assistance from a qualified entity in assessing the housing needs, including the affordable housing needs, of the tribe; and

"(2) release a request for quotations from entities interested in partnering with the tribe in designing and carrying out housing activities sufficient to meet the tribe's housing needs as identified pursuant to paragraph (1).

"(b) SELECTION OF INVESTOR PARTNER.—

"(1) IN GENERAL.—Except as provided in paragraph (2), not later than the expiration of the 18-month period beginning on the date of the enactment of this title, an Indian tribe requesting to participate in the demonstration program under this title shall—

"(A) select an investor partner from among the entities that have responded to the tribe's request for quotations; and

"(B) together with such investor partner, establish and submit to the Secretary a final plan that meets the requirements under section 904.

"(2) EXCEPTIONS.—The Secretary may extend the period under paragraph (1) for any tribe that—

"(A) has not received any satisfactory quotation in response to its request released pursuant to subsection (a)(2); or

"(B) has any other satisfactory reason, as determined by the Secretary, for failure to select an investor partner.

"SEC. 904. FINAL PLAN.

"A final plan under this section shall—

"(1) be developed by the participating tribe and the investor partner for the tribe selected pursuant to section 903(b)(1)(A);

"(2) identify the qualified entity that assisted the tribe in assessing the housing needs of the tribe;

"(3) set forth a detailed description of such projected housing needs, including affordable housing needs, of the tribe, which shall include—

"(A) a description of such need over the ensuing 24 months and thereafter until the expiration of the ensuing 5-year period or until the affordable housing need is met, whichever occurs sooner; and

"(B) the same information that would be required under section 102 to be included in an Indian housing plan for the tribe, as such requirements may be modified by the Secretary to take consideration of the requirements of the demonstration program under this title;

"(4) provide for specific housing activities sufficient to meet the tribe's housing needs, including affordable housing needs, as identified pursuant to paragraph (3) within the periods referred to such paragraph, which shall include—

"(A) development of affordable housing (as such term is defined in section 4 of this Act (25 U.S.C. 4103));

"(B) development of conventional homes for rental, lease-to-own, or sale, which may be combined with affordable housing developed pursuant to subparagraph (A);

"(C) development of housing infrastructure, including housing infrastructure sufficient

to serve affordable housing developed under the plan; and

"(D) investments by the investor partner for the tribe, the participating tribe, members of the participating tribe, and financial institutions and other outside investors necessary to provide financing for the development of housing under the plan and for mortgages for tribal members purchasing such housing;

"(5) provide that the participating tribe will agree to provide long-term leases to tribal members sufficient for lease-to-own arrangements for, and sale of, the housing developed pursuant to paragraph (4);

"(6) provide that the participating tribe—

"(A) will be liable for delinquencies under mortgage agreements for housing developed under the plan that are financed under the plan and entered into by tribal members; and

"(B) shall, upon foreclosure under such mortgages, take possession of such housing and have the responsibility for making such housing available to other tribal members;

"(7) provide for sufficient protections, in the determination of the Secretary, to ensure that the

tribe and the Federal Government are not liable for the acts of the investor partner or of any contractors;

"(8) provide that the participating tribe shall have sole final approval of design and location of housing developed under the plan;

"(9) set forth specific deadlines and schedules for activities to be undertaken under the plan and set forth the responsibilities of the participating tribe and the investor partner;

"(10) set forth specific terms and conditions of return on investment by the investor partner and other investors under the plan, and provide that the participating tribe shall pledge grant amounts allocated for the tribe pursuant to title III for such return on investment;

"(11) set forth the terms of a cooperative agreement on the operation and management of the current assistance housing stock and current housing stock for the tribe assisted under the preceding titles of this Act;

"(12) set forth any plans for sale of affordable housing of the participating tribe under section 907 and, if included, plans sufficient to meet the require-

ments of section 907 regarding meeting future affordable housing needs of the tribe;

"(13) set forth terms for enforcement of the plan, including an agreement regarding jurisdiction of any actions under or to enforce the plan, including a waiver of immunity; and

"(14) include such other information as the participating tribe and investor partner consider appropriate.

"SEC. 905. HUD REVIEW AND APPROVAL OF PLAN.

"(a) IN GENERAL.—Not later than the expiration of the 90-day period beginning upon a submission by an Indian tribe of a final plan under section 904 to the Secretary, the Secretary shall—

"(1) review the plan and the process by which the tribe solicited requests for quotations from investors and selected the investor partner; and

"(2)(A) approve the plan, unless the Secretary determines that—

"(i) the assessment of the tribe's housing needs by the qualified entity, or as set forth in the plan pursuant to section 904(3), is inaccurate or insufficient;

"(ii) the process established by the tribe to solicit requests for quotations and select an investor partner was insufficient or negligent; or

"(iii) the plan is insufficient to meet the housing needs of the tribe, as identified in the plan pursuant to section 904(3);

"(B) approve the plan, on the condition that the participating tribe and the investor make such revisions to the plan as the Secretary may specify as appropriate to meet the needs of the tribe for affordable housing; or

"(C) disapprove the plan, only if the Secretary determines that the plan fails to meet the minimal housing standards and requirements set forth in this Act and the Secretary notifies the tribe of the elements requiring the disapproval.

"(b) ACTION UPON DISAPPROVAL.—

"(1) RE-SUBMISSION OF PLAN.—Subject to paragraph (2), in the case of any disapproval of a final plan of an Indian tribe pursuant to subsection (a)(3), the Secretary shall allow the tribe a period of 180 days from notification to the tribe of such disapproval to re-submit a revised plan for approval.

"(2) LIMITATION.—If the final plan for an Indian tribe is disapproved twice and resubmitted

twice pursuant to the authority under paragraph (1) and, upon such second re-submission of the plan the Secretary disapproves the plan, the tribe may not re-submit the plan again and shall be ineligible to participate in the demonstration program under this title.

"(c) TRIBE AUTHORITY OF HOUSING DESIGN AND LOCATION.—The Secretary may not disapprove a final plan under section 904, or condition approval of such a plan, based on the design or location of any housing to be developed or assisted under the plan.

"(d) FAILURE TO NOTIFY.—If the Secretary does not notify a participating tribe submitting a final plan of approval, conditional approval, or disapproval of the plan before the expiration of the period referred to in paragraph (1), the plan shall be considered as approved for all purposes of this title.

"SEC. 906. TREATMENT OF NAHASDA ALLOCATION.

"Amounts otherwise allocated for a participating tribe under title III of this Act (25 U.S.C. 4151 et seq.) shall not be made available to the tribe under titles I through VIII, but shall only be available for the tribe, upon request by the tribe and approval by the Secretary, for the following purposes:

"(1) RETURN ON INVESTMENT.—Such amounts as are pledged by a participating tribe pursuant to section 904(10) for return on the investment made by the investor partner or other investors may be used by the Secretary to ensure such full return on investment.

"(2) ADMINISTRATIVE EXPENSES.—The Secretary may provide to a participating tribe, upon the request of a tribe, not more than 10 percent of any annual allocation made under title III for the tribe during such period for administrative costs of the tribe in completing the processes to carry out sections 903 and 904.

"(3) HOUSING INFRASTRUCTURE COSTS.—A participating tribe may use such amounts for housing infrastructure costs associated with providing affordable housing for the tribe under the final plan.

"(4) MAINTENANCE; TENANT SERVICES.—A participating tribe may use such amounts for maintenance of affordable housing for the tribe and for housing services, housing management services, and crime prevention and safety activities described in paragraphs (3), (4), and (5), respectively, of section 202.

"SEC. 907. RESALE OF AFFORDABLE HOUSING.

"Notwithstanding any other provision of this Act, a participating tribe may, in accordance with the provisions of the final plan of the tribe approved pursuant to section 905, resell any affordable housing developed with assistance made available under this Act for use other than as affordable housing, but only if the tribe provides such assurances as the Secretary determines are appropriate to ensure that—

"(1) the tribe is meeting its need for affordable housing;

"(2) will provide affordable housing in the future sufficient to meet future affordable housing needs; and

"(3) will use any proceeds only to meet such future affordable housing needs or as provided in section 906.

"SEC. 908. REPORTS, AUDITS, AND COMPLIANCE.

"(a) ANNUAL REPORTS BY TRIBE.—Each participating tribe shall submit a report to the Secretary annually regarding the progress of the tribe in complying with, and meeting the deadlines and schedules set forth under the approved final plan for the tribe. Such reports shall contain such information as the Secretary shall require.

"(b) REPORTS TO CONGRESS.—The Secretary shall submit a report to the Congress annually describing the

activities and progress of the demonstration program under this title, which shall—

"(1) summarize the information in the reports submitted by participating tribes pursuant to subsection (a);

"(2) identify the number of tribes that have selected an investor partner pursuant to a request for quotations;

"(3) include, for each tribe applying for participating in the demonstration program whose final plan was disapproved under section 905(a)(2)(C), a detailed description and explanation of the reasons for disapproval and all actions taken by the tribe to eliminate the reasons for disapproval, and identify whether the tribe has re-submitted a final plan;

"(4) identify, by participating tribe, any amounts requested and approved for use under section 906; and

"(5) identify any participating tribes that have terminated participation in the demonstration program and the circumstances of such terminations.

"(c) AUDITS.—The Secretary shall provide for audits among participating tribes to ensure that the final plans for such tribes are being implemented and complied with. Such audits shall include on-site visits with participating

tribes and requests for documentation appropriate to ensure such compliance.

"SEC. 909. TERMINATION OF TRIBAL PARTICIPATION.

"(a) TERMINATION OF PARTICIPATION.—A participating tribe may terminate participation in the demonstration program under this title at any time, subject to this section.

"(b) EFFECT ON EXISTING OBLIGATIONS.—

"(1) NO AUTOMATIC TERMINATION.—Termination by a participating tribe in the demonstration program under this section shall not terminate any obligations of the tribe under agreements entered into under the demonstration program with the investor partner for the tribe or any other investors or contractors.

"(2) AUTHORITY TO MUTUALLY TERMINATE AGREEMENTS.—Nothing in this title may be construed to prevent a tribe that terminates participation in the demonstration program under this section and any party with which the tribe has entered into an agreement from mutually agreeing to terminate such agreement.

"(c) RECEIPT OF REMAINING GRANT AMOUNTS.—The Secretary shall provide for grants to be made in accordance with, and subject to the requirements of, this Act

for any amounts remaining after use pursuant to section 906 from the allocation under title III for a participating tribe that terminates participation in the demonstration program.

"(d) COSTS AND OBLIGATIONS.—The Secretary shall not be liable for any obligations or costs incurred by an Indian tribe during its participation in the demonstration program under this title.

"SEC. 910. FINAL REPORT.

"Not later than the expiration of the 5-year period beginning on the date of the enactment of this title, the Secretary shall submit a final report to the Congress regarding the effectiveness of the demonstration program, which shall include—

"(1) an assessment of the success, under the demonstration program, of participating tribes in meeting their housing needs, including affordable housing needs, on tribal land;

"(2) recommendations for any improvements in the demonstration program; and

"(3) a determination of whether the demonstration should be expanded into a permanent program available for Indian tribes to opt into at any time and, if so, recommendations for such expansion, in-

cluding any legislative actions necessary to expand the program.

"SEC. 911. DEFINITIONS.

"For purposes of this title, the following definitions shall apply:

"(1) AFFORDABLE HOUSING.—The term 'affordable housing' has the meaning given such term in section 4 (25 U.S.C. 4103).

"(2) HOUSING INFRASTRUCTURE.—The term 'housing infrastructure' means basic facilities, services, systems, and installations necessary or appropriate for the functioning of a housing community, including facilities, services, systems, and installations for water, sewage, power, communications, and transportation.

"(3) LONG-TERM LEASE.—The term 'long-term lease' means an agreement between a participating tribe and a tribal member that authorizes the tribal member to occupy a specific plot of tribal lands for 50 or more years and to request renewal of the agreement at least once.

"(4) PARTICIPATING TRIBES.—The term 'participating tribe' means an Indian tribe for which a final plan under section 904 for participation in the

demonstration program under this title has been approved by the Secretary under section 905.

"SEC. 912. NOTICE.

"The Secretary shall establish any requirements and criteria as may be necessary to carry out the demonstration program under this title by notice published in the Federal Register.".

SEC. 702. CLERICAL AMENDMENTS.

The table of contents in section 1(b) is amended by inserting after the item relating to section 705 the following:

"TITLE VIII—HOUSING ASSISTANCE FOR NATIVE HAWAIIANS

"Sec. 801. Definitions.
"Sec. 802. Block grants for affordable housing activities.
"Sec. 803. Housing plan.
"Sec. 804. Review of plans.
"Sec. 805. Treatment of program income and labor standards.
"Sec. 806. Environmental review.
"Sec. 807. Regulations.
"Sec. 808. Effective date.
"Sec. 809. Affordable housing activities.
"Sec. 810. Eligible affordable housing activities.
"Sec. 811. Program requirements.
"Sec. 812. Types of investments.
"Sec. 813. Low-income requirement and income targeting.
"Sec. 814. Lease requirements and tenant selection.
"Sec. 815. Repayment.
"Sec. 816. Annual allocation.
"Sec. 817. Allocation formula.
"Sec. 818. Remedies for noncompliance.
"Sec. 819. Monitoring of compliance.
"Sec. 820. Performance reports.
"Sec. 821. Review and audit by Secretary.
"Sec. 822. General Accounting Office audits.
"Sec. 823. Reports to Congress.
"Sec. 824. Authorization of appropriations.

"TITLE IX —DEMONSTRATION PROGRAM FOR ALTERNATIVE PRIVATIZATION AUTHORITY FOR NATIVE AMERICAN HOUSING

"Sec. 901. Authority.
"Sec. 902. Participating tribes.

"Sec. 903. Request for quotes and selection of investor partner.
"Sec. 904. Final plan.
"Sec. 905. HUD review and approval of plan.
"Sec. 906. Treatment of NAHASDA allocation.
"Sec. 907. Resale of affordable housing.
"Sec. 908. Reports, audits, and compliance.
"Sec. 909. Termination of tribal participation.
"Sec. 910. Final report.
"Sec. 911. Definitions.
"Sec. 912. Notice.".

TITLE VIII—HOUSING FOR NATIVE HAWAIIANS

SEC. 801. REAUTHORIZATION OF NATIVE HAWAIIAN HOMEOWNERSHIP ACT.

Section 824 (25 U.S.C. 4243) is amended by striking "such sums as may be necessary" and all that follows through the period at the end and inserting "$13,000,000 for each of fiscal years 2015 through 2019.".

SEC. 802. REAUTHORIZATION OF LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

Section 184A(j)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b(j)(5)) is amended—

(1) in subparagraph (B), by inserting after the period at the end of the first sentence the following: "There are authorized to be appropriated for such costs $386,000 for each of fiscal years 2015 through 2019."; and

(2) in subparagraph (C), by striking "for each of fiscal years" and all that follows through the pe-

riod at the end and inserting "for each of fiscal years 2015 through 2019 with an aggregate outstanding principal amount not exceeding $41,504,000 for each such fiscal year.".

○

RESOLUTION NHA-4480-2015

EXHIBIT
tabbies B

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE NAVAJO HOUSING AUTHORITY

Supporting NAHASDA Reauthorization in General but Opposing Section 302 of H.R. 360 or any language that Targets the Navajo Nation's Housing Funds Allocation for Reduction

WHEREAS:

1. Pursuant to 6 N.N.C., Sections 605 and 616 (b) (14) the Board of Commissioners of the Navajo Housing Authority (NHA) is empowered with the authority to manage the affairs of the NHA with the power to do any and all things necessary to secure the financial aid of the Federal Government in the undertaking, construction, maintenance, operation of, or to support affordable housing for rental or homeownership based on the distinct housing needs of the Navajo Nation and such undertakings necessarily include the approval of the NHA Budget and related matters; and

2. Public Law 104-330, the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), as amended, was enacted to provide housing assistance that recognizes the right of Indian self-determination and self-governance through a block grant program known as Indian Housing Block Grant (IHBG); and

3. Since the adoption of NAHASDA, the U. S. Congress appropriates funding for the IHBG program that gets distributed to all eligible Indian tribes and Tribally Designated Housing Entities nationwide based on a formula; and

4. On January 14, 2015, H.R. 360, a bill that reauthorizes NAHASDA was introduced in the U.S. House of Representatives that included section 302 which purports to withhold the amount of annual housing appropriations for certain NAHASDA recipients (see Exhibit A); and

5. Section 302 of H.R. 360 proposes to include the following language into NAHASDA as a new section 303, Effects of Undisbursed Grant Amounts on Annual Allocations:

> "(a) NOTIFICATION OF OBLIGATED, UNDISBURSED GRANT AMOUNTS. Subject to subsection (d) of this section, if as of January 1 of 2015 or any year thereafter a recipients' total amount of undisbursed block grants in the Departments' line of credit control system is greater than three times the formula allocation such recipient would otherwise receive under the Act for the fiscal year during which such January 1 occurs, the Secretary shall—
> (1) Before January 31, of such year, notify the Indian tribe allocated the grant amounts and any tribally designated housing entity for the tribe of the undisbursed funds; and . . . "

6. According to section 302 of H.R. 360, not later than 30 days after HUD provides notice by January 31, the recipient must notify HUD of the reasons why the funds have not been disbursed and demonstrate to the satisfaction of HUD that the recipient has the capacity to spend federal funds in an efficient manner; and

7. Section 302 goes on to state that the allocation for a recipient shall be the amount initially calculated according to the formula minus the difference between the recipient's total amount of undisbursed funds in the recipient's LOCCS account on such January 1 and three times the initial formula amount for such fiscal year; and

8. Any amount not allocated to a recipient because of an excess undisbursed balance will be allocated under the "need" component of the formula proportionately to all other tribes; and

9. The provisions imposed by section 302 will not apply to any tribe that has a grant allocation of less than $5 million. Furthermore, section 302 states that no regulations are needed for the new language to take effect and no hearings rights are conferred; and

10. While reauthorization of NAHASDA in general is greatly needed, section 302 of H.R. 360 is of great concern to the Navajo Nation and its Tribally-designated Housing Entity, namely the NHA. If the proposed language in section 302 were to become law, the consequences to the Navajo Nation's housing needs would be catastrophic and devastating; and

11. The NHA's 2011 scientifically-based comprehensive Navajo Nation housing needs assessment shows a need for 34,100 more new housing units and the rehabilitation of 34,300 existing homes on the Navajo reservation for a total estimated need of $9 billion; and

12. In addition, there is a 700,000 acre site called the former Bennett Freeze Area of the western Navajo reservation that had a construction freeze imposed by the U.S. government for over 40 years which also needs at least $4 billion of additional housing and infrastructure needs; and

13. Because of the NHA's size, the size of the construction projects (10 to 60 houses per project), the number of projects (562), the large land mass spread over three states (AZ, NM and UT), lack of infrastructure at most if not all project locations, all of the logistics involved in completing a project, and the multiple environmental clearances required for each involved tribal and federal agency (NN, HUD, BIA, EPA, IHS, HHS, DOL, DOT, etc.) and their varying agency requirements and reporting, an average NHA project takes more time and resources than those projects by other Indian and Public housing authorities; and

14. On average, an NHA construction project takes anywhere from 7 to 10 years according to the U.S. Government Accounting Office (GAO) March 27, 2014 report entitled "Native American Housing: Additional Actions Needed to Better Support Tribal Efforts".

15. Additionally, the Deputy Assistant Secretary for the HUD Office of Native American Programs, Rodger Boyd, testified before the Senate Committee on Indian Affairs on April 10, 2013 that a typical project ranges from **three to five years in Indian Country**; and

16. Furthermore, on March 10, 2014, HUD released its Agency Budget Justification for fiscal year 2014 to Congress stating: "As of February 3, 2014, 91.878 percent of IHBG funds allocated from fiscal year 1998 through fiscal year 2013 were disbursed. This is an excellent spend out rate, considering many construction/development projects **take 3 to 5 years, or even longer, to complete**." Page L-13 (Emphasis added).

17. The March 27, 2014 U.S. Government Accountability Office (GAO) report confirmed what the NHA has been reporting to Congress all along that, among other causes, the multiple federal agencies with varying environmental clearance requirements that tribes have to contend with for each development project was a major cause of excessive and protracted development delays on Indian reservations; and

18. While the NHA has over the past two years rapidly decreased its undisbursed balances that built up over a decade while HUD did nothing during that time, the NHA needs more time to bring its balance down further. The NHA's LOCCS current expenditure rate is 78% which is very healthy given the vast amount of challenges that must be addressed. Furthermore, HUD has issued to NHA "zero-findings" reports for two consecutive years in 2012 and 2013 while also nominating NHA for best model management practices; and

19. While the NHA's current balance in the Line of Credit Control System (LOCCS) still exceeds three times its prior year's allocation, it has made demonstrative LOCCS drawdowns such that all pre-2011 grants have zero balances and NHA expects to drawdown all of the 2011 and most if not all of 2012 grant balances by fiscal year end 2015; thereby, having only three open grant balances (2012-2014); and

20. The proposed language is discriminatory as it singles out and deliberately targets the Navajo Nation and the NHA. The proposed language is unfair and inequitable as the proposed language completely ignores the many obstacles and federal regulatory requirements that excessively delay construction projects on the Navajo Nation as confirmed by the GAO's March 27, 2014 report. Consequently, the Navajo Nation's housing funds would be at risk of losing millions of dollars if the proposed language were adopted into law; and

21. If a large portion of the NHA's housing funds were redistributed, that would prolong and exacerbate the severe housing shortage on the Navajo reservation. The severe housing shortage on the Navajo Nation far exceeds the NHA's balances in the LOCCS system.

22. Also, the reduction and reallocation of Navajo funds would cause loss of funding for many of the NHA's construction projects that are currently underway or still in the planning stages; and

23. On March 11, 2014, the House Committee on Financial Services (HCFS) issued a sharply critical review of HUD's programs stating: "The Committee is concerned that despite tens of billions of dollars in annual appropriations, HUD remains overly bureaucratic, lacks prioritization to define the agency's mission, and fails to deliver measurable results."; and

24. The HCFS did not spare the IHBG program from critical review. The Committee's Views & Estimates continued to express concern about bureaucratic and administrative problems that have impeded [IHBG] funds from reaching their intended

beneficiaries. The HCFS stated: "[t]he [IHBG] program has an obligated unexpended balance of $772.5 million, which represents a 21 percent decrease from the previous year's unobligated balance of $979.7 million.

25. Tribes have consistently expressed that Congress should make no changes to the Indian Housing Block Grant funding allocation formula, recognizing that any change to the funding allocation formula should be negotiated openly and on a government-to-government basis through a negotiated rulemaking process.

26. In August 2014, the Negotiated Rulemaking Committee agreed to adopt similar limitation language to go into effect October 1, 2017. The Negotiated Rulemaking Committee consisted of tribal, HUD and Navajo representatives.

27. The Board of Commissioner of the Navajo Housing Authority states that while the Navajo Nation Council by resolution number CJN-32-14 on June 6, 2014 opposed HUD recommended language in the FY 2015 housing appropriations, that resolution addressed only FY 2015 appropriations. The current recommended resolution addresses withholding language in HR 360 and any other appropriations or legislation that would have withholding language that withhold any funding from the Navajo Nation.

28. The Board of Commissioner of the Navajo Housing Authority states that because HR 360's withholding language would disrupt housing and other services provided directly to our Navajo people, the NHA believes that the adoption of the withholding language would cause "cessation . . . of other direct services required as an entitlement under Navajo Nation or federal laws. . . ." and that under such circumstances, the recommended Council legislation constitutes an emergency as provided in 2 N.N.C. § 164(a)(16).

NOW THEREFORE, BE IT RESOLVED THAT:

A. The Board of Commissioners of the Navajo Housing Authority hereby expresses its support for NAHASDA reauthorization in general but also expresses its opposition in the strongest terms to the section 302 of H.R. 360 of the NAHASDA Reauthorization bill introduced on January 14, 2015 and section 302 should not become effective until January 1, 2018.

B. The Board of Commissioner of the Navajo Housing Authority states that while the Navajo Nation Council by resolution number CJN-32-14 on June 6, 2014 opposed HUD recommended language in the FY 2015 housing appropriations, that resolution addressed only FY 2015 appropriations. The current recommended resolution addresses withholding language in HR 360 and any other appropriations or legislation that would have withholding language that withhold any funding from the Navajo Nation.

C. The Board of Commissioner of the Navajo Housing Authority states that because HR 360's withholding language would disrupt housing and other services provided directly to our Navajo people, the NHA believes that the adoption of the withholding language would cause "cessation . . . of other direct services required as an entitlement under Navajo Nation or federal laws. . . ." and that under such circumstances, the recommended Council legislation constitutes an emergency as provided in 2 N.N.C. § 164(a)(16).

D. The Board of Commissioners of the Navajo Housing Authority hereby expresses its opposition in the strongest terms to any proposed language that would withhold IHBG fund allocations for tribes that as of January 1, 2015 or thereafter have IHBG balances that exceed three times their allocation because the NHA is currently implementing the third year of its 5 year expenditure plan that is successfully and rapidly reducing its LOCCS balance.

E. The Board of Commissioner of the Navajo Housing Authority states that Congress should make no changes to the IHBG funding allocation formula and that any changes to the funding allocation formula should be consistent with the terms agreed to by the Negotiated Rulemaking Committee in August 2014 in Scottsdale, Arizona.

F. The Board of Commissioner of the Navajo Housing Authority requests and recommends that the Navajo Nation Council approve legislation consistent with the draft proposed resolution attached hereto as exhibit "B".

G. The Board of Commissioners of the Navajo Housing Authority hereby authorizes and directs the Chief Executive Officer to carry out the intent and purpose of this resolution.

CERTIFICATION

Commissioner Asa Begaye, moved that the foregoing Resolution **NHA-4480-2015** be adopted and this was seconded by Commissioner Kenneth Chester.

Same was passed by the following vote:

AYES: 8 NAYES: 0 ABSTAINED: 0

The Secretary, thereupon, declared said motion carried and said Resolution **NHA-4480-2015** was adopted this **5th** day of **February,** 2015.

Wayne Claw, Chairperson
NHA BOARD OF COMMISSIONERS

ATTEST:

Christina Lewis, Secretary/Treasurer
NHA BOARD OF COMMISSIONERS

RESPECTIVE CHIEF:
LEGAL REVIEW:
CHIEF EXECUTIVE OFFICER: