



25th NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, HON. BRENDA JESUS, Primary
Sponsor of proposed legislation hereby withdraw my
sponsorship of the proposed legislation. The legislation
tracking number is 0072-24.

If there are any co-sponsors, they may re-sponsor the
same bill by beginning a new legislation.

SPONSOR SIGNATURE:

DATE:

[Signature]
4/24/2024

LEGISLATIVE SUMMARY SHEET

Tracking No. 0072-24

DATE: April 1, 2024

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE, APPROVING THE NAVAJO NATION FISCAL RECOVERY FUNDS, DIVISION OF COMMUNITY DEVELOPMENT (DCD), COMMUNITY HOUSING AND INFRASTRUCTURE DEPARTMENT (CHID), ARPA NEW HOUSING APPLICATION AND ELIGIBILITY CRITERIA

PURPOSE: Resolution CJN-29-22, Section Ten, Subsection D states: “The eligibility criteria for receiving services under the Housing Projects assigned to CHID shall be approved by the Resources and Development Committee by resolution and shall include equal distribution by Delegate Region.” The purpose of this legislation is to approve the Division of Community Development, Community Housing and Infrastructure, “DCD/CHID ARPA Housing Application and Eligibility Criteria,” at pages one and two, Sections I through VI, of EXHIBIT A.

Final Authority: Resources and Development Committee

Vote Required: Simple Majority

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD ASD
Website Posting Time/Date 11:23AM; 04-02-24
Posting End Date: 04-07-24
Eligible for Action: 04-08-24

PROPOSED STANDING COMMITTEE RESOLUTION
25th NAVAJO NATION COUNCIL – Second Year, 2024

INTRODUCED BY


Primary Sponsor

TRACKING NO. 0072-24

AN ACTION

RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE,
APPROVING THE NAVAJO NATION FISCAL RECOVERY FUNDS, DIVISION OF
COMMUNITY DEVELOPMENT (DCD) – COMMUNITY HOUSING AND
INFRASTRUCTURE DEPARTMENT (CHID), “DCD/CHID ARPA HOUSING
APPLICATION AND ELIGIBILITY CRITERIA”

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. Pursuant to 2 N.N.C. § 500 (A), the Resources and Development Committee is hereby established as a standing committee of the Navajo Nation Council.
- B. Pursuant to 2 N.N.C. § 501 (C) (1), the Resources & Development Committee is the oversight committee for the Navajo Nation Chapters.
- C. Pursuant to 2 N.N.C. § 500 (C) (3), the Resources and Development Committee has oversight authority over housing for various purposes including establishing policies appropriate to the housing needs of the Navajo Nation and its People.
- D. Resolution CJN-29-22 titled AN ACTION RELATING TO NAABIK’ÍKÁTI’ COMMITTEE AND NAVAJO NATION COUNCIL; ALLOCATING \$1,070,298,867 OF NAVAJO NATION FISCAL RECOVERY FUNDS; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND EXPENDITURE PLANS FOR: CHAPTER

1 AND REGIONAL PROJECTS; PUBLIC SAFETY EMERGENCY
2 COMMUNICATIONS, E911, AND RURAL ADDRESSING PROJECTS; CYBER
3 SECURITY; PUBLIC HEALTH PROJECTS; HARDSHIP ASSISTANCE; WATER
4 AND WASTEWATER PROJECTS; BROADBAND PROJECTS; HOME
5 ELECTRICITY CONNECTION AND ELECTRIC CAPACITY PROJECTS;
6 HOUSING PROJECTS AND MANUFACTURED HOUSING FACILITIES;
7 BATHROOM ADDITION PROJECTS; CONSTRUCTION CONTINGENCY
8 FUNDING; AND REDUCED ADMINISTRATIVE FUNDING was approved by the
9 Navajo Nation Council on July 8, 2022 and signed by the President on July 15, 2022.

- 10 E. In accordance with CJN-29-22, Section Ten, Subsection D, at page 16 of 28, "The
11 eligibility criteria for receiving services under the Housing Projects assigned to CHID
12 shall be approved by the Resources and Development Committee by resolution and
13 shall include equal distribution by Delegate Region."
14

15 **SECTION TWO. FINDINGS**

- 16 A. In accordance with CJN-29-22, Section Ten, Subsection B (1), at page 15 of 28,
17 "\$50,000,000 [is allocated] to the Community Housing and Infrastructure Department
18 (CHID) for New Housing Projects, as Long-Term Housing Security: Services for
19 Unhoused Persons (Expenditure Category 2.15) ..., with administrative oversight by
20 the Division of Community Development and legislative oversight by the Resources
21 and Development Committee."

- 22 B. In accordance with CJN-29-22, Section Ten, Subsection C, at page 16 of 28, "The
23 Housing Projects assigned to CHID ... are need-based."

- 24 C. The CJN-29-22, Section Ten (D) Housing Projects "shall include equal distribution by
25 Delegate Region."

- 26 D. The Community Housing and Infrastructure Department developed the "DCD/CHID
27 ARPA Housing Application and Eligibility Criteria," at Sections I through VI, of

28 **EXHIBIT A.**

29
30

1 E. The “DCD/CHID ARPA Housing Application and Eligibility Criteria” was developed
2 to provide guidance to the Nation for determining the most qualified, eligible applicants
3 to receive new housing under CJN-29-22 Section 10 (B) (1).

4 F. The “DCD/CHID ARPA Housing Application and Eligibility Criteria” will ensure all
5 applicants are qualified tribal members that have provided the required documentation
6 and will consider site specific homesite conditions and costs associated with the
7 required removal/demolition of existing structures, site preparation, available utilities,
8 and accessibility to the homesite with the objective of maximizing the funding and
9 serving as many tribal members with new housing as possible in each Delegate Region.

10
11 **SECTION THREE. APPROVAL**

12 A. The Resources and Development Committee of the Navajo Nation Council hereby
13 approves the “DCD/CHID ARPA Housing Application and Eligibility Criteria,” at
14 Sections I through VI, of **EXHIBIT A**.



**NAVAJO NATION FISCAL RECOVERY FUNDS
DCD-CHID ARPA New Housing
Application and Eligibility Criteria**

I. Funding Source and Distribution

- A. Navajo Nation Fiscal Recovery Funds (2.16 New Housing): \$50 million
 - \$50 million to DCD/CHID new housing (CJN-29-22)
- B. \$50 million equal distribution to the 24 Council Delegate Regions
- C. \$2,083,333 to each Delegate Region

II. Application Solicitation

- A. Application Dates
 - 1. Issue notice to Chapters of the online New Housing Application
- B. Application Type and Submittal Process
 - 1. Online New housing application
 - 2. A link will be emailed to Chapters to access the online ARPA Housing Application
 - 3. Chapter staff must utilize Chapter email account to access application portal and to upload required supporting documents
 - 4. Chapter staff to assist community members with completing the online application for the neediest of the needy and submission
 - 5. One new housing application per applicant
- C. Application Requirements
 - 1. Please make sure all information on the application is accurate and filled out entirely. If any information is not provided, your application will be considered incomplete and placed in "pending status".
 - 2. Head of Household is the only applicant to apply and submit housing application along with other necessary documents for homeownership completion through the application portal.
 - 3. All information entered on the application will be true and complete, any misrepresentation or false information will be justification for refusal of housing assistance.

III. Eligibility Criteria

- A. CHID office will screen the new housing applications once submitted by the Chapter
- B. CHID to ensure all applications have the Applicant's required supporting documents attached (copies):
 - Approved Homesite/Residential Lease (with Navajo Nation Arch & Biological Compliance Form)
 - Photo Identification Card (Government Issued)
 - Certificate of Indian Blood (CIB)
 - Proof of Chapter Voter Registration
 - Within Navajo Nation Service Area (utility connection)

- Doctor's Statement
- C. Applications will be separated based on number of bedrooms according to number persons in the household
- D. Applicants will be notified by CHID office if application is incomplete or any supporting documents not attached.

IV. Eligibility/Selection Criteria

- A. CHID office to carefully review each complete application and home site assessment to determine selection (serve the neediest of the needy):
 - Carefully review applicants' names on the home/residential lease, will not assist applicant if Applicant is not on the lease
 - Applicant is disabled/severe health concerns
 - Applicant has a burnout home
 - Applicant is homeless (no structure on home site)
 - Applicant's existing home is dilapidated (unrepairable)
 - Overcrowded or multi-generational home
 - Applicant utility service ready for connection

V. Application Homesite Assessments

- A. CHID office will conduct applicant homesite assessment to verify all information on the application is accurate, if any information on application is determined false, applicant will be ineligible for housing assistance.
- B. CHID office to request the attendance of a Chapter representative during meetings and assessments
- C. Visual assessment of the access road, existing home will determine if a new home is to be constructed or a possible renovation to a livable standard
- D. Existing homes will also be considered for demolition and removal if a new home is considered.

VI. Home Size Determination

- A. The size of the new home will be determined based on the number of eligible household members. This information will be shared with the applicant.
- B. The health condition of the applicant, if a care provider is needed, an additional bedroom will be added. A letter or statement from the health care provider will be required if home care services are needed
- C. All applicant's receiving new homes will also receive the required infrastructure to facilitate the home to include electric, solar, natural gas/propane, water/wastewater and cistern/septic system.
- D. There will be three types of floor plans: (ADA requirements will be applied)
 1. 1 bedroom; 1 bathroom (+/-700 sq. ft.)
 2. 2 bedroom; 1 bathroom (+/-1,000 sq. ft.)
 3. 3 bedroom; 2 bathroom (+/-1,200 sq. ft.)

VII. General Contractor Selection – Design Build (Stick Build, Modular, Manufactured)

- A. Compliance with the Navajo Business Opportunity Act (NBOA) and the Navajo Nation Procurement Policy to bid out services.
- B. Priority 1 and 2 qualified licensed General Contractor(s) and subcontractor's will be selected to perform the new housing construction for all selected eligible applicants.
- C. CHID office will develop the request for proposals (RFP/RFQ), including scope of work, budget and schedule for each new home construction activity
- D. The Contractor will update or redesign the existing floor plans, if needed.
- E. Additional design to improve the energy or cost efficiency of each new home
- F. The Contractor will comply with the current International Residential Codes, Plumbing and Electrical Codes.
- G. CHID office will coordinate with Contractor and Utility company to connect all utility services (waterline, wastewater system, powerline)
- H. CHID office & the Contractor will comply with all funding requirements and other laws and regulations.

VIII. New Housing Construction Phases

- A. The new home construction will identify the necessary work to be performed at each phase of the new home construction:
 - 1. Foundation/Site Prep;
 - 2. Subfloor;
 - 3. Exterior and interior walls;
 - 4. Rough-in electrical and plumbing
 - 5. Roof System;
 - 6. Exterior and interior finish walls
 - 7. Trim-out electrical and plumbing
 - 8. Accessible ramp at main entrance, if needed
 - 9. Existing home demolition and debris removal

X. Construction Begin

- A. Construction for new housing will be coordinated between the CHID office and the Contractor
- B. All preliminary activities have been cleared for construction
- C. Take into consideration weather conditions
- D. Chapters to communicate with homeowners to stay clear of the construction site and its contents, before, during and after construction, for their safety and the safety of the construction crew.

XI. Monitoring

- A. CHID office will coordinate with the Contractor on scheduled monitoring visits to the construction site for reporting purposes.

- B. The Contractor will be required to provide bi-weekly written reports to include updated pictures, any project challenges, and/or changes to the project schedule
- C. office will meet and discuss any issues/concerns with the Contractor and to provide recommendations for solutions
- D. CHID will conduct continuous monitoring visits to the construction site until construction is complete

IX. Construction Completion and Final Inspection

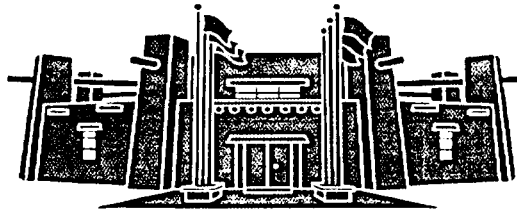
- A. The Contractor must have completed all phases of the construction described in section VIII. and IV.
- B. All utility services are connected and operating
- A. The Contractor will inform the CHID office of the completion of the construction and schedule a Pre-Final Inspection to note any punch list
- B. All corrections to the punch list to be complete by the scheduled deadline and pre-established contract terms
- C. General Contractor will notify CHID office and CHID office will notify necessary parties of a final Inspection date and time
- D. The Contractor will be required to provide Operation and Maintenance (O&M) Manuals and training to Homeowner prior to occupancy.
- E. CHID office to hand over the Homeowner Certificate and house keys to the new homeowner

X. Close-out

- A. The Contractor to submit all pertinent construction documents to the CHID office for their records
- B. CHID office will pay out remaining invoices to the Contractor
- C. CHID office to maintain construction files at a central location for audit purposes

XIII. INVOICES & PAYMENTS

- A. All invoices and payments will be handled by the CHID office in coordination with the Contractor according to the master contract.
- B. Invoices to be paid according to Navajo Nation policies



MEMORANDUM

TO: Delegate Brenda Jesus
Chairwoman, Resources and Development Committee

FROM: Mariana Kahn
Mariana Kahn
Attorney, Office of Legislative Counsel

DATE: April 1, 2024

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE, APPROVING THE NAVAJO NATION FISCAL RECOVERY FUNDS, DIVISION OF COMMUNITY DEVELOPMENT (DCD), COMMUNITY HOUSING AND INFRASTRUCTURE DEPARTMENT (CHID), ARPA NEW HOUSING APPLICATION AND ELIGIBILITY CRITERIA

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government, however, it can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees' powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0072-24_

SPONSOR: Brenda Jesus

TITLE: An Action Relating to the Resources and Development Committee; Approving the Navajo Nation Fiscal Recovery Funds, Division of Community Development (DCD) – Community Housing and Infrastructure Department (CHID), “DCD/CHID ARPA Housing Application and Eligibility Criteria”

Date posted: April 02, 2024 at 11:23AM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

**Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586**

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0072-24

SPONSOR: Honorable Brenda Jesus

TITLE: An Action Relating to the Resources and Development Committee; Approving the Navajo Nation Fiscal Recovery Funds, Division of Community Development (DCD) – Community Housing and Infrastructure Department (CHID), “DCD/CHID ARPA Housing Application and Eligibility Criteria”

Posted: April 02, 2024 at 11:23 AM

5 DAY Comment Period Ended: April 08, 2024

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



**Legislative Secretary II
Office of Legislative Services**

April 09, 2024; 8:05 AM
Date/Time

**RESOURCES AND DEVELOPMENT COMMITTEE
25th NAVAJO NATION COUNCIL**

SECOND YEAR 2024

COMMITTEE REPORT

Madam Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

LEGISLATION #0072-24: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUNDS, DIVISION OF COMMUNITY DEVELOPMENT (DCD) – COMMUNITY HOUSING AND INFRASTRUCTURE DEPARTMENT (CHID), “DCD/CHID ARPA HOUSING APPLICATION AND ELIGIBILITY CRITERIA”. Sponsor: Honorable Brenda Jesus

Has had it under consideration and reports a **TABLED** with no amendments.

TABLED:

The Resources and Development Committee (“Committee”) has tabled Legislation #0072-24 to the next Committee Regular Meeting for Wednesday, April 24, 2024 at 10:00 a.m. in order for the Office of Legislative Counsel and Navajo Department of Justice to draft possible Amendments to the Legislation.

And thereafter the legislation was **TABLED**.

Respectfully submitted,



Casey Allen Johnson, *Vice-Chairperson*
Resources and Development Committee of
the 25th Navajo Nation Council

Date: April 10, 2024 – Regular Meeting (Chinle, Arizona)

Location: Chinle Chapter – U.S. Highway 191 and Indian Route 07 – Chinle, Arizona 86503

Main Motion:

M: Rickie Nez

S: Otto Tso

V: __-__-1 (VCNV)

In Favor: None

Opposition: None

Excused: None

Not Voting: Casey Allen Johnson, *Vice-Chairperson*

Tabled Motion:

M: Danny Simpson

S: Shawna Ann Claw

V: 4-1-1 (VCNV)

In Favor: Shawna Ann Claw; Brenda Jesus; Rickie Nez, Danny Simpson

Opposition: Otto Tso

Excused: None

Not Voting: Casey Allen Johnson, *Vice-Chairperson*

(NOTE: VOTE TALLY attached hereto)

