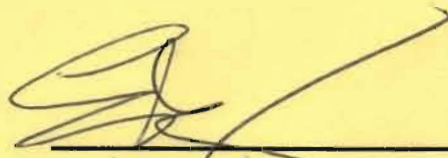


23rd NAVAJO NATION COUNCIL
LEGISLATION SPONSORSHIP WITHDRAWAL

I, Edmund Yazzie, Primary
Sponsor of proposed legislation hereby withdraw my
sponsorship of the proposed legislation. The legislation
tracking number is 01629-15.

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

SPONSOR SIGNATURE:



DATE:

05/13/15

LEGISLATIVE SUMMARY SHEET

Tracking No. 0169-15

DATE: May 11, 2015

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE, RESOURCES AND DEVELOPMENT COMMITTEE; NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL DIRECTING THE NAVAJO HOUSING AUTHORITY TO FURTHER DEVELOP A VETERAN'S HOUSING PROGRAM FOR BOTH LOW INCOME VETERAN'S FAMILIES AND NON LOW INCOME VETERAN'S FAMILIES TO INCLUDE RENTALS AND HOMEOWNERSHIP FROM FINANCING UP TO FREE HOMES FOR VETERANS AND TO AMEND ITS INDIAN HOUSING PLAN TO REFLECT THIS

PURPOSE: This resolution if approved, will allow the Navajo Housing Authority to develop its veteran's housing program to include free housing for veteran families.

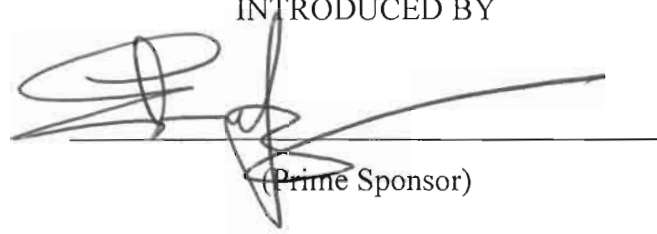
This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed legislation in detail.

5-DAY BILL HOLD PERIOD:
Website Posting Time/Date:
Posting End Date: 5/16/15
Eligible for Action: 5/17/15

Health, Education & Human Services Committee
THENCE
Resources & Development Committee
THENCE

PROPOSED NAVAJO NATION RESOLUTION
23rd NAVAJO NATION COUNCIL -- First Year, 2015 Naa'biik'íyáti' Committee

INTRODUCED BY THENCE



(Prime Sponsor)

Navajo Nation Council

TRACKING NO. 0169-15

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE,
RESOURCES AND DEVELOPMENT COMMITTEE; NAABIK'ÍYÁTI' COMMITTEE
AND THE NAVAJO NATION COUNCIL DIRECTING THE NAVAJO HOUSING
AUTHORITY TO FURTHER DEVELOP A VETERAN'S HOUSING PROGRAM FOR
BOTH LOW INCOME VETERAN'S FAMILIES AND NON LOW INCOME VETERAN'S
FAMILIES TO INCLUDE RENTALS AND HOMEOWNERSHIP FROM FINANCING UP
TO FREE HOMES FOR VETERANS AND TO AMEND ITS INDIAN HOUSING PLAN
TO REFLECT THIS

BE IT ENACTED:

Section One. Findings.

- A. Pursuant to 2 N.N.C. § 400, the Health, Education and Human Services Committee is established as a standing committee of the Navajo Nation Council.
- B. The Navajo Nation established the Health, Education and Human Services Committee as a Navajo Nation Council standing committee to review and recommend resolutions regarding veterans and/or veteran services. 2 N.N.C. §§ 401 (B)(6)(a).
- C. Pursuant to 2 N.N.C. § 500, the Resources and Development Committee is established as a standing committee of the Navajo Nation Council.
- D. Pursuant to 2 N.N.C. § 501 B(5), the Resources and Development Committee represents the Navajo Nation at federal levels, in cooperation and coordination with the President of

the Navajo Nation and the appropriate committee of the Navajo Nation Council on proposed resolutions or actions affecting housing development.

E. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such empowered Naabik'íyáti' Committee to recommend all resolutions to the Navajo Nation Council on matters within the Committee's jurisdiction pursuant to 2 N.N.C. § 701(A)(3).

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. A survey done on the Navajo Reservation showed that of 11,500 homes on the Navajo Reservation surveyed showed they actually housed 31, 213 families of which 2,726 were veterans and their families.

H. The Navajo Housing Authority reports that from January 1-31, 2015 only 216 veterans participated in its homeownership programs and 128 participated in its housing rentals.

I. There are around 10,176 veterans on the Navajo Reservation.

J. There is a disparity between the available housing for veterans and the number of veterans and their homeless families in need.

K. Countless more veterans and their families are homeless on and off the reservation.

L. 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.

M. 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.

N. 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.

- 1 O. U.S. Congress enacted NAHASDA due to its finding that “there exists a unique
2 relationship between the Government of the United States and the governments of Indian
3 tribes and a unique Federal responsibility to Indian people;” NATIVE AMERICAN
4 HOUSING ASSISTANCE AND SELF-DETERMINATION ACT (hereinafter
5 NAHASDA), 25 U.S.C. § 4101(2) (2008); 24 C.F.R. § 1000.2(a)(2) (2013).
- 6 P. U.S. Congress enacted NAHASDA due to its finding that “the Congress, through treaties,
7 statutes, and the general course of dealing with Indian tribes, has assumed a trust
8 responsibility for the protection and preservation of Indian tribes and for working with
9 tribes and their members to improve their housing conditions and socioeconomic status
10 so that they are able to take greater responsibility for their own economic condition;”
11 NAHASDA, 25 U.S.C. § 4101(2) (2008); 24 C.F.R. § 1000.2(a)(4) (2013).
- 12 Q. U.S. Congress enacted NAHASDA due to its finding that “the need for affordable homes
13 in safe and healthy environments on Indian reservations, in Indian communities, and in
14 Native Alaskan villages is acute and the Federal Government shall work not only to
15 provide housing assistance, but also, to the extent practicable, to assist in the
16 development of private housing finance mechanisms on Indian lands to achieve the goals
17 of economic self-sufficiency and self-determination for tribes and their members;”
18 NAHASDA, 25 U.S.C. § 4101(6) (2008); 24 C.F.R. § 1000.2(a)(6) (2013).
- 19 R. U.S. Congress enacted NAHASDA due to its finding that “Federal assistance to meet
20 these responsibilities shall be provided in a manner that recognizes the right of Indian
21 self-determination and tribal self-governance by making such assistance available
22 directly to the Indian tribes or tribally designated entities under authorities similar to
23 those accorded Indian tribes in Public Law 93-638 (25 U.S.C. 450 et seq.). NAHASDA,
24 25 U.S.C. § 4101(7) (2008); 24 C.F.R. § 1000.2(a)(7) (2013).
- 25 S. NAHASDA’s objectives are “[t]o assist and promote affordable housing activities to
26 develop, maintain and operate affordable housing in safe and healthy environments on
27 Indian reservations and in other Indian areas for occupancy by low-income Indian
28 families;” NAHASDA, 25 U.S.C. § 4131(a)(1) (2008); 24 C.F.R. § 1000.4(a) (2013).
- 29
30

- 1 T. NAHASDA's objectives are "[t]o ensure better access to private mortgage markets for
2 Indian tribes and their members and to promote self-sufficiency of Indian tribes and their
3 members;" NAHASDA, 25 U.S.C. § 4131(a)(2) (2008); 24 C.F.R. § 1000.4(b) (2013).
- 4 U. NAHASDA's objectives are "[t]o coordinate activities to provide housing for Indian
5 tribes and their members and to promote self-sufficiency of Indian tribes and their
6 members;" NAHASDA, 25 U.S.C. § 4131(a)(3) (2008); 24 C.F.R. § 1000.4(c) (2013).
- 7 V. NAHASDA's objectives are "[t]o plan for and integrate infrastructure resources for
8 Indian tribes with housing development for Indian tribes;" NAHASDA, 25 U.S.C. §
9 4131(a)(4) (2008); 24 C.F.R. § 1000.4(d) (2013).
- 10 W. The spirit of NAHASDA recognizes that the decision making authority for the housing
11 services and programs lies with the tribal governments, and tribal leadership are essential
12 to the development of Indian policy with regards to housing.
- 13 X. NAHASDA definitions echo the spirit as well for decision making by tribes in that its
14 regulations define family¹ and homeless family² as determined by the tribe. 24 C.F.R. §
15 1000.10(b) (2013).
- 16 Y. Housing may be provided for low income³, homeless, and veteran Indian families as
17 decided by the Navajo Nation through its sovereign self-determination ability.
18 NAHASDA, 25 U.S.C. § 4131(b)(1) (2008).
- 19 Z. Housing may also be provided for non-low income veterans and Indian families
20 "Notwithstanding paragraph (1), a recipient may provide housing or housing
21 assistance through affordable housing activities for which a grant is provided under
22 this chapter to any family that is not a low-income family, to the extent that the
23 Secretary approves the activities due to a need for housing for those families that
24 cannot reasonably be met without that assistance." NAHASDA, 25 U.S.C. §
25 4131(b)(2)(A) (2008).

26 ¹ Family includes, but is not limited to, a family with or without children, an elderly family, a near-elderly
27 family, a disabled family, a single person, as determined by the Indian tribe.

28 ² Homeless family means a family who is without safe, sanitary and affordable housing even though
29 it may have temporary shelter provided by the community, or a family who is homeless as determined
30 by the Indian tribe.

³ Eligible families in general: Except as provided under paragraphs (2) and (4), and except with respect to loan
guarantees under the demonstration program under subchapter VI of this chapter, assistance under eligible housing
activities under this chapter shall be limited to low-income Indian families on Indian reservations and other Indian
areas. NAHASDA, 25 U.S.C. § 4131(b)(1) (2008).

1 AA. Further, “Notwithstanding paragraph (1), a recipient may provide housing or
2 housing assistance provided through affordable housing activities assisted with grant
3 amounts under this chapter for a family on an Indian reservation or other Indian area if
4 the recipient determines that the presence of the family on the Indian reservation or other
5 Indian area is essential to the well-being of Indian families and the need for housing for
6 the family cannot reasonably be met without such assistance.” NAHASDA, 25 U.S.C. §
7 4131(b)(3) (2008).

8 BB. The Navajo Nation believes it is in the best interest of the Nation to exercise its
9 sovereignty and self-determination to provide housing as it determines and/or housing
10 assistance through affordable housing activities⁴ assisted with grant amounts from
11 NAHASDA funding for a veteran family⁵ on an the Navajo reservation or other Indian
12 area as the Nation determines that the presence of the family on the Navajo reservation or
13 other Indian area is essential to the well-being of Indian families and the need for housing
14 for the family cannot reasonably be met without such assistance.

15
16 ⁴ Affordable housing activities under this subchapter are activities, in accordance with this subchapter, to develop,
17 operate, maintain, or support affordable housing for rental or homeownership, or to provide housing services with
18 respect to affordable housing, through the following activities: (1) Indian housing assistance

19 The provision of modernization or operating assistance for housing previously developed or operated pursuant to a
20 contract between the Secretary and an Indian housing authority.

21 (2) Development

22 The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing,
23 which may include real property acquisition, site improvement, development and rehabilitation of utilities, necessary
24 infrastructure, and utility services, conversion, demolition, financing, administration and planning, improvement to
25 achieve greater energy efficiency, mold remediation, and other related activities.

26 (3) Housing services

27 The provision of housing-related services for affordable housing, such as housing counseling in connection with
28 rental or homeownership assistance, establishment and support of resident organizations and resident management
29 corporations, energy auditing, activities related to the provision of self-sufficiency and other services, and other
30 services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in
other housing activities assisted pursuant to this section.

(4) Housing management services

The provision of management services for affordable housing, including preparation of work specifications, loan
processing, inspections, tenant selection, management of tenant-based rental assistance, the costs of operation and
maintenance of units developed with funds provided under this chapter, and management of affordable housing
projects.

(5) Crime prevention and safety activities

The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of
affordable housing from crime.

(6) Model activities

Housing activities under model programs that are designed to carry out the purposes of this chapter and are
specifically approved by the Secretary as appropriate for such purpose.

⁵ The Navajo Nation adopts the definitions from footnote 1 & 2 and determines family to include all veterans.

1 CC. The Navajo Nation believes the exercise of its sovereignty and self-
2 determination in this legislation is supported by the spirit and objectives of
3 NAHASDA which is supported by the U.S. Congressional findings in enacting
4 NAHASDA.

5 **Section Two.**

- 6 A. The Navajo Nation directs the Navajo Housing Authority to amend its Indian Housing
7 Plan to include all honorably discharged Navajo veterans for affordable housing activities
8 to include rental and homeownership by mortgage or otherwise including free homes to
9 honorably discharged Navajo veterans on the Navajo reservation or other Indian area
10 through criteria established by the Navajo Housing Authority in collaboration with the
11 Navajo Nation Department of Veterans Affairs.
- 12 B. The Navajo Nation directs the Navajo Housing Authority to immediately develop its
13 Indian Housing Plan to include non-low income families pursuant to Y above.
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Background Paper on Excluding Veterans' Compensation and Survivors' Benefits from the Definition of Income in NAHASDA

Introduction

The Native American Housing Assistance and Self-Determination Act ("NAHASDA") provides housing assistance to low-income Native American families on Indian reservations, in Alaska Native villages and on the Hawaiian Home Lands. The Indian Housing Block Grant ("IHBG") is the central feature of the NAHASDA and is the single largest Federal source of capital for housing development, housing-related infrastructure, and home repair and maintenance in Indian Country.

Low-Income Eligibility Requirement

NAHASDA also provides guidance to IHBG recipients as to which activities are eligible for funding, including down-payment assistance, property acquisition, new construction and housing rehabilitation. NAHASDA's housing assistance is limited to Native American families making below 80 percent of median income, and provides a limited number of exceptions to the low income requirement for law enforcement officers and other persons essential to the well-being of the respective tribal community. The statute contains no exception for service-disabled veterans or families of soldiers killed in action. Therefore, although tribes have leeway in setting rents for qualified families, there is no flexibility in determining economic eligibility.

Impact of Income Requirement on Native American Veterans

Compensation paid to veterans with service-related disabilities is not considered income by the Internal Revenue Service ("IRS"). However, HUD considers such compensation income for determining eligibility for low-income housing under NAHASDA. Therefore disability payments and survivor benefits can place a family above the low-income threshold, resulting in a denial of housing assistance. Such an interpretation penalizes veterans with disabilities and families that receive survivors' benefits. In Native American communities, this problem is compounded because of limited affordable housing stock.

A survey done on the Navajo Nation Reservation in Arizona of 11,500 households showed that, in actuality, those homes housed 31,213 families. Of those, 2,726 were veterans and their families. Of those, 86 received disability compensation. Severe overcrowding coupled with veterans returning home to family caretakers, has resulted in these Indian families becoming ineligible for housing assistance --- against the backdrop of a population with significant unmet housing needs.

The Indian Veterans' Housing Opportunity Act of 2009 (H.R. 3553)

The "Indian Veterans Housing Opportunity Act of 2009" (H.R.3553) was recently introduced by Representative Ann Kirkpatrick (D-AZ) to amend the definition of "income" in NAHASDA to exclude payments for "disability compensation under chapter 11 of title 38, United States Code,

or dependency and indemnity compensation under chapter 13 of such title.” The bill will provide veterans and their families an exemption to the low income requirement.

Conclusion

NAHASDA was enacted to provide Indian tribes and Native American communities with new and creative tools necessary to develop culturally relevant, safe, decent and affordable housing for Native people. Native American soldiers who have put themselves in harm’s way protecting our nation should not be penalized for their service and their sacrifice. The amendment contemplated by H.R.3553 will enable tribes to fully serve some of their most needy of families - -- those caring for disabled veterans returning home or their survivors left behind.

25 USC 4103: Definitions

Text contains those laws in effect on March 28, 2015

From Title 25-INDIANS**CHAPTER 43-NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION****Jump To:**

[Source Credit](#)

[References In Text](#)

[Amendments](#)

[Effective Date](#)

§4103. Definitions

For purposes of this chapter, the following definitions shall apply:

(1) Adjusted income

The term "adjusted income" means the annual income that remains after excluding the following amounts:

(A) Youths, students, and persons with disabilities

\$480 for each member of the family residing in the household (other than the head of the household or the spouse of the head of the household)-

(i) who is under 18 years of age; or

(ii) who is-

(I) 18 years of age or older; and

(II) a person with disabilities or a full-time student.

(B) Elderly and disabled families

\$400 for an elderly or disabled family.

(C) Medical and attendant expenses

The amount by which 3 percent of the annual income of the family is exceeded by the aggregate of-

(i) medical expenses, in the case of an elderly or disabled family; and

(ii) reasonable attendant care and auxiliary apparatus expenses for each family member who is a person with disabilities, to the extent necessary to enable any member of the family (including a member who is a person with disabilities) to be employed.

(D) Child care expenses

Child care expenses, to the extent necessary to enable another member of the family to be employed or to further his or her education.

(E) Earned income of minors

The amount of any earned income of any member of the family who is less than 18 years of age.

(F) Travel expenses

Excessive travel expenses, not to exceed \$25 per family per week, for employment- or education-related travel.

(G) Other amounts

Such other amounts as may be provided in the Indian housing plan for an Indian tribe.

(2) Affordable housing

The term "affordable housing" means housing that complies with the requirements for affordable housing under subchapter II of this chapter. The term includes permanent housing for homeless persons who are persons with disabilities, transitional housing, and single room occupancy housing.

(3) Drug-related criminal activity

The term "drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as such term is defined in section 802 of title 21).

(4) Elderly families and near-elderly families

The terms "elderly family" and "near-elderly family" mean a family whose head (or his or her spouse), or whose sole member, is an elderly person or a near-elderly person, respectively. Such terms include 2 or more elderly persons or near-elderly persons living together, and 1 or more such persons living with 1 or more persons determined under the Indian housing plan for the agency to be essential to their care or well-being.

(5) Elderly person

The term "elderly person" means a person who is at least 62 years of age.

(6) Family

The term "family" includes a family with or without children, an elderly family, a near-elderly family, a disabled family, and a single person.

(7) Grant beneficiary

The term "grant beneficiary" means the Indian tribe or tribes on behalf of which a grant is made under this chapter to a recipient.

(8) Housing related community development

(A) In general

The term "housing related community development" means any facility, community building, business, activity, or infrastructure that-

- (i) is owned by an Indian tribe or a tribally designated housing entity;
- (ii) is necessary to the provision of housing in an Indian area; and
- (iii)(I) would help an Indian tribe or tribally designated housing entity to reduce the cost of construction of Indian housing;
- (II) would make housing more affordable, accessible, or practicable in an Indian area; or
- (III) would otherwise advance the purposes of this chapter.

(B) Exclusion

The term "housing and community development" does not include any activity conducted by any Indian tribe under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(9) Income

The term "income" means income from all sources of each member of the household, as determined in accordance with criteria prescribed by the Secretary, except that the following amounts may not be considered as income under this paragraph:

- (A) Any amounts not actually received by the family.
- (B) Any amounts that would be eligible for exclusion under section 1382b(a)(7) of title 42.
- (C) Any amounts received by any member of the family as disability compensation under chapter 11 of title 38 or dependency and indemnity compensation under chapter 13 of such title.

(10) Indian

The term "Indian" means any person who is a member of an Indian tribe.

(11) Indian area

The term "Indian area" means the area within which an Indian tribe or a tribally designated housing entity, as authorized by 1 or more Indian tribes, provides assistance under this chapter for affordable housing.

(12) Indian housing plan

The term "Indian housing plan" means a plan under section 4112 of this title.

(13) Indian tribe

(A) In general

The term "Indian tribe" means a tribe that is a federally recognized tribe or a State recognized tribe.

(B) Federally recognized tribe

The term "federally recognized tribe" means any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(C) State recognized tribe**(i) In general**

The term "State recognized tribe" means any tribe, band, nation, pueblo, village, or community-

- (I) that has been recognized as an Indian tribe by any State; and
- (II) for which an Indian Housing Authority has, before the effective date under section 705, entered into a contract with the Secretary pursuant to the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.] for housing for Indian families and has received funding pursuant to such contract within the 5-year period ending upon such effective date.

(ii) Conditions

Notwithstanding clause (i)-

- (I) the allocation formula under section 4152 of this title shall be determined for a State recognized tribe under tribal membership eligibility criteria in existence on October 26, 1996; and
- (II) nothing in this paragraph shall be construed to confer upon a State recognized tribe any rights, privileges, responsibilities, or obligations otherwise accorded groups recognized as Indian tribes by the United States for other purposes.

(14) Low-income family

The term "low-income family" means a family whose income does not exceed 80 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may, for purposes of this paragraph, establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the findings of the Secretary or the agency that such variations are necessary because of prevailing levels of construction costs or unusually high or low family incomes.

(15) Median income

The term "median income" means, with respect to an area that is an Indian area, the greater of-

- (A) the median income for the Indian area, which the Secretary shall determine; or
- (B) the median income for the United States.

(16) Near-elderly person

The term "near-elderly person" means a person who is at least 55 years of age and less than 62 years of age.

(17) Nonprofit

The term "nonprofit" means, with respect to an organization, association, corporation, or other entity, that no part of the net earnings of the entity inures to the benefit of any member, founder, contributor, or individual.

(18) Person with disabilities

The term "person with disabilities" means a person who-

- (A) has a disability as defined in section 423 of title 42;
- (B) is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment which-
 - (i) is expected to be of long-continued and indefinite duration;
 - (ii) substantially impedes his or her ability to live independently; and
 - (iii) is of such a nature that such ability could be improved by more suitable housing conditions; or
- (C) has a developmental disability as defined in section 15002 of title 42.

Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for housing assisted under this chapter, solely on the basis of any drug or alcohol dependence. The Secretary shall consult with other appropriate Federal agencies to implement the preceding sentence.

(19) Recipient

The term "recipient" means an Indian tribe or the entity for one or more Indian tribes that is authorized to receive grant amounts under this chapter on behalf of the tribe or tribes.

(20) Secretary

Except as otherwise specifically provided in this chapter, the term "Secretary" means the Secretary of

Housing and Urban Development.

(21) State

The term "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States and Indian tribes.

(22) Tribally designated housing entity

The terms "tribally designated housing entity" and "housing entity" have the following meaning:

(A) Existing IHA's

With respect to any Indian tribe that has not taken action under subparagraph (B), and for which an Indian housing authority-

- (i) was established for purposes of the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.] before October 26, 1996, that meets the requirements under the United States Housing Act of 1937,
- (ii) is acting on October 26, 1996, as the Indian housing authority for the tribe, and
- (iii) is not an Indian tribe for purposes of this chapter,

the terms mean such Indian housing authority.

(B) Other entities

With respect to any Indian tribe that, pursuant to this chapter, authorizes an entity other than the tribal government to receive grant amounts and provide assistance under this chapter for affordable housing for Indians, which entity is established-

- (i) by exercise of the power of self-government of one or more Indian tribes independent of State law, or
- (ii) by operation of State law providing specifically for housing authorities or housing entities for Indians, including regional housing authorities in the State of Alaska,

the terms mean such entity.

(C) Establishment

A tribally designated housing entity may be authorized or established by one or more Indian tribes to act on behalf of each such tribe authorizing or establishing the housing entity.

(Pub. L. 104-330, §4, Oct. 26, 1996, 110 Stat. 4018 ; Pub. L. 105-256, §13(b), Oct. 14, 1998, 112 Stat. 1900 ; Pub. L. 105-276, title V, §595(e)(1), (2), Oct. 21, 1998, 112 Stat. 2656 ; Pub. L. 106-402, title IV, §401(b)(2), Oct. 30, 2000, 114 Stat. 1737 ; Pub. L. 107-292, §3, Nov. 13, 2002, 116 Stat. 2053 ; Pub. L. 110-411, §3, Oct. 14, 2008, 122 Stat. 4320 ; Pub. L. 111-269, §2, Oct. 12, 2010, 124 Stat. 2850 .)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 104-330, Oct. 26, 1996, 110 Stat. 4016 , known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

The Indian Gaming Regulatory Act, referred to in par. (8)(B), is Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467 , which is classified principally to chapter 29 (§2701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

The Alaska Native Claims Settlement Act, referred to in par. (13)(B), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688 , which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

The Indian Self-Determination and Education Assistance Act, referred to in par. (13)(B), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203 , which is classified principally to subchapter II (§450 et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

For the effective date under section 705, referred to in par. (13)(C)(i)(II), as Oct. 26, 1996, see section 705 of Pub. L. 104-330, set out as an Effective Date note under section 4211 of this title.

The United States Housing Act of 1937, referred to in pars. (13)(C)(i)(II) and (22)(A)(i), is act

Sept. 1, 1937, ch. 896, as revised generally by Pub. L. 93–383, title II, §201(a), Aug. 22, 1974, 88 Stat. 653, which is classified generally to chapter 8 (§1437 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1437 of Title 42 and Tables.

AMENDMENTS

2010–Par. (9)(C). Pub. L. 111–269 added subpar. (C).

2008–Pars. (8) to (22). Pub. L. 110–411 added par. (8), redesignated former pars. (8) to (21) as (9) to (22), respectively, and struck out former par. (22) which defined "housing related community development".

2002–Par. (22). Pub. L. 107–292 added par. (22).

2000–Par. (17)(C). Pub. L. 106–402 substituted "as defined in section 15002 of title 42" for "as defined in section 6001 of title 42".

1998–Par. (10). Pub. L. 105–276, §595(e)(1), amended heading and text of par. (10) generally. Prior to amendment, text read as follows: "The term 'Indian area' means the area within which a tribally designated housing entity is authorized by one or more Indian tribes to provide assistance under this chapter for affordable housing."

Par. (12)(B). Pub. L. 105–256 substituted "Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)" for "Indian Self-Determination and Education Assistance Act of 1975".

Par. (12)(C)(i)(II). Pub. L. 105–276, §595(e)(2), substituted "705" for "107".

EFFECTIVE DATE

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104–330, set out as a note under section 4101 of this title.



VETERANS HOUSING PROJECT OCT. 15, 2013

Report to President / Vice-President of the Navajo Nation
OCTOBER 16, 2013

By Department of Navajo Veterans Affairs

CS – 48 - 13

- Amending Veterans Trust Fund, 12 NNC §1171
- To provide for equal distribution of the annual budgeted amount between the NN Veterans Trust Fund and DNVA to construct 15 homes and to provide minor renovation and repairs for Navajo Veterans in each of the Five Navajo Agencies.

5 Agency Business Units

- Funds distributed equally to the 5 agency offices in amount of 931,169.89.
- Budget line items include:
- Materials for 1,2 & 3 Bedroom homes (15 homes per agency)
- Labor force to build the homes
- Project managers, carpenters and laborers
- Equipment rentals
- Electrical and plumbing contracts

Veteran's Preference

- Provide opportunity to Navajo Veterans for employment.
- Veterans Preference will be applied.
- Navajo Preference will be applied.

Selection of recipients

- Agency offices will use the waiting list for housing
- The management of the waiting list includes the procedures for accepting applications, compiling applicable documents, and the rating of applications.
- Rating factors include veteran status, Gold Star Mothers, and surviving spouses; elderly, homeless, overcrowded conditions, substandard dwelling conditions and indigence.

Documents required

- Approved Homesite lease
- Boundary Survey
- Arch / EA Clearances
- Other studies that may apply

Feasibility determinations

- Site visitations to determine whether it is feasible to build on selected home sites by VSO and Senior carpenter.
- A preliminary identification of Flood Plain, Rock Beds, off set utilities, access roads.

Method of construction

- DNVA will be using the Force-Account Method of Construction to build these homes
- Navajo Nation Finance and accounting
- NN Contracts and Grants
- NN Personnel
- NN Property and Supplies for inventory
- NN Insurance and Workers' Compensation
- NN Records and Filing procedures

Request For Proposal

- A Request For Proposal will be printed in the Newspaper for housing material for 75 five homes.
- Delivery capability at multiple sites concurrently
- Capability to provide full orders
- Capability to account for expenditures and inventory.

Construction timeline

- Hiring of the construction personnel
- Orientation of personnel
- Phases of construction requires development of contracts for rental of equipment and procurement of goods and services.
- Site Preparation projected to starts October 28, 2013.
- Foundations starts November 25, 2013.
- Floor, Wall and roof systems starts December 30, 2013.
- Electrical and Plumbing installations starts February 25, 2014.
- Insulations, Dry Wall and cabinets starts March 18, 2014.

Construction Supervision

- Senior Carpenter and Project Manager (PM) will process Timesheets for payments. VSO will sign off timesheets for submission.
- On-site supervision will be the responsibility of the PM.
- The PM will coordinate delivery schedules for materials, equipment and supplies.
- The VSO will be responsible for enforcing all applicable personnel policies.
- PM provides Monthly Construction updates and reports to Central Administration.

Inspections

- Inspections of the phases of construction
- Resource coordination is required
- Procurement contracts required

Administrative Preparations

- Develop accounts in the NN FMIS Software
- Expect to drawdown funds by October 25, 2013.
- Procurement of services for blueprints
- Develop contracts for materials, equipment and services.
- Personnel Classification of positions. Delay due to Personnel Policies Manual revisions effecting new hire.
- Reserve the right to move the construction timelines by at least one month.
- Select applicants for succeeding three (3) years of 15 homes per year.

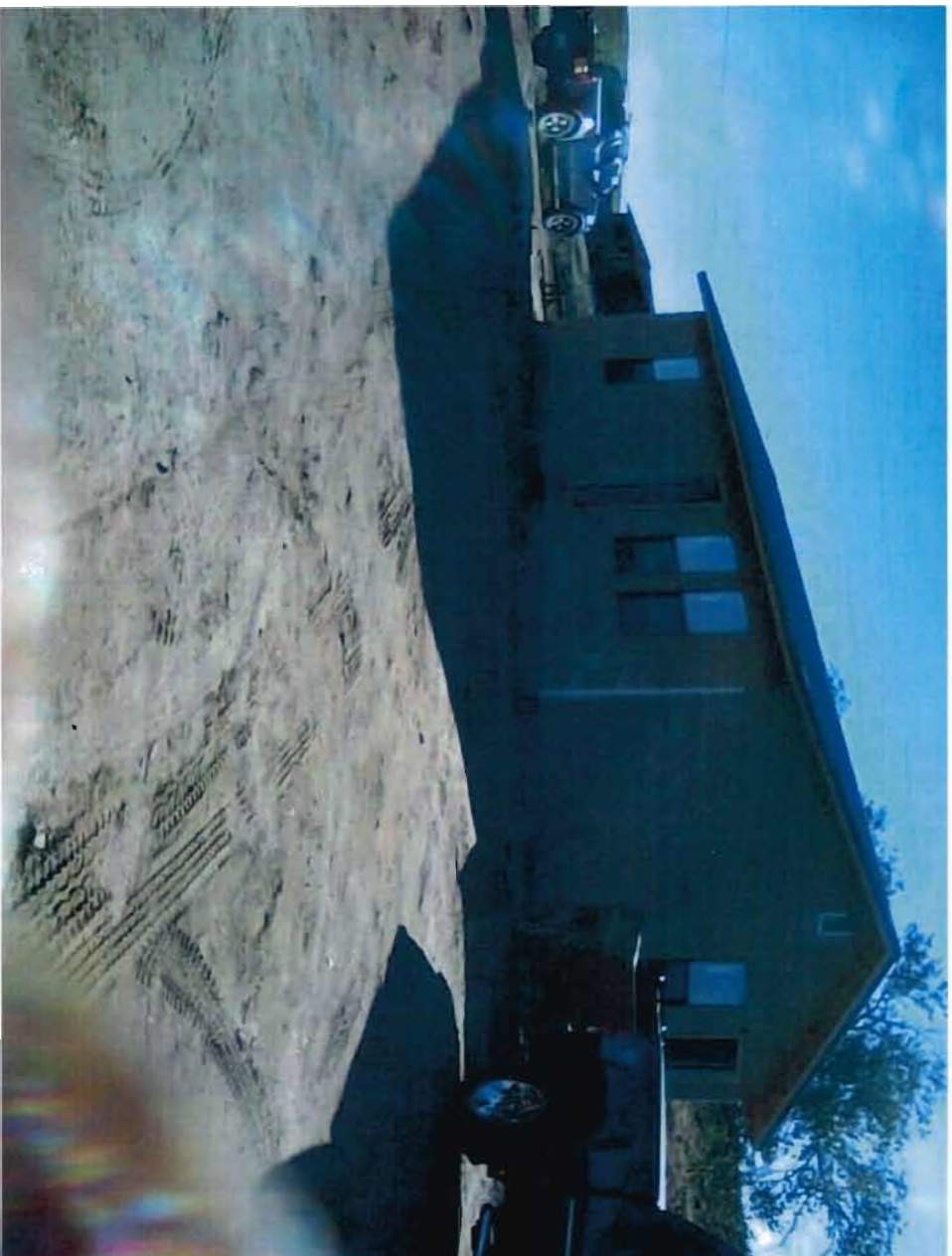
Threat

- The law in effect to eliminate the equivalency clause has caused a delay in new hire for at least two months.
- This will cause the Project to be stalled by at least two months.

Reasonableness concept

- The homes are sized at 700 SF for 1 Bedroom
- 900 SF for 2 Bedroom
- 1,100 SF for 3 Bedroom
- The price we will pay is for quality material, equipment and cabinets, doors and windows.
- The homes will be built with quality assurance.

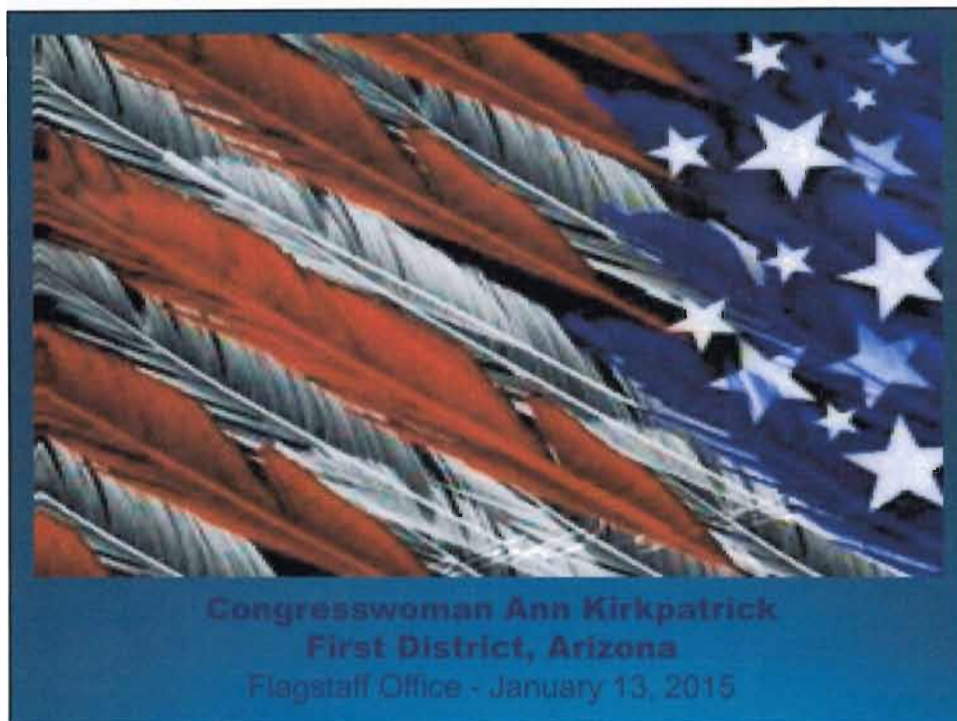
Veteran's House Built By DNVA

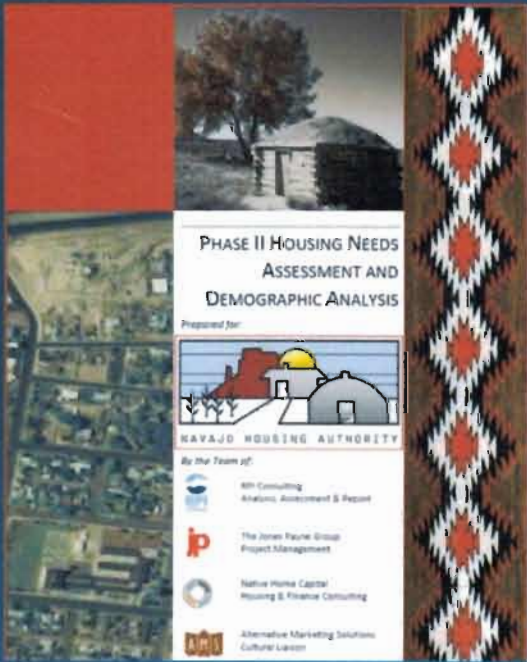


Questions and Answers



Earl
TJ Lee
Development
Officer





Housing Needs
Assessment &
Demographic Analysis
August 2011

A.) The purpose of this section's analysis was to extract basic demographic and housing data from the NHA Survey in order to highlight where conditions so as to better understand the dynamics of people and housing on the Navajo Reservation. Total population histories and projections are also considered, with additional information on migration factors driving the population trends.

Housing Need

1.) This part of the report is the culmination of all research and analysis preceding it. Here, the total current housing-unit needs for the Navajo Nation are detailed. Housing needs are first determined by the condition of the housing stock and then looked at in terms of total capacity. Capacity based additions to the housing stock are driven by crowded housing conditions.

2.) The talent and experience that the Navajo Housing Authority possesses in the development and management of affordable housing provides it with an opportunity to lead an effort that could mark the beginning of community renewal benefitting both housing residents and Navajo Nation government agencies. The recommendations contained herein recognize that the scale of the effort ahead is large and therefore, they are intended to create opportunities for NHA to engage other parties to more actively participate in housing and community development activities thereby sharing both burdens and successes.

ELDERLY WITH OR RAISING CHILDREN

1.) Nearly half of all households where the elderly are raising children have incomes below \$15,000 and contain a disabled or retired individual. The unemployment and crowding rates are lower than the nation as a whole, however low income rates, disability rates, and veteran rates are higher than the nation as a whole.

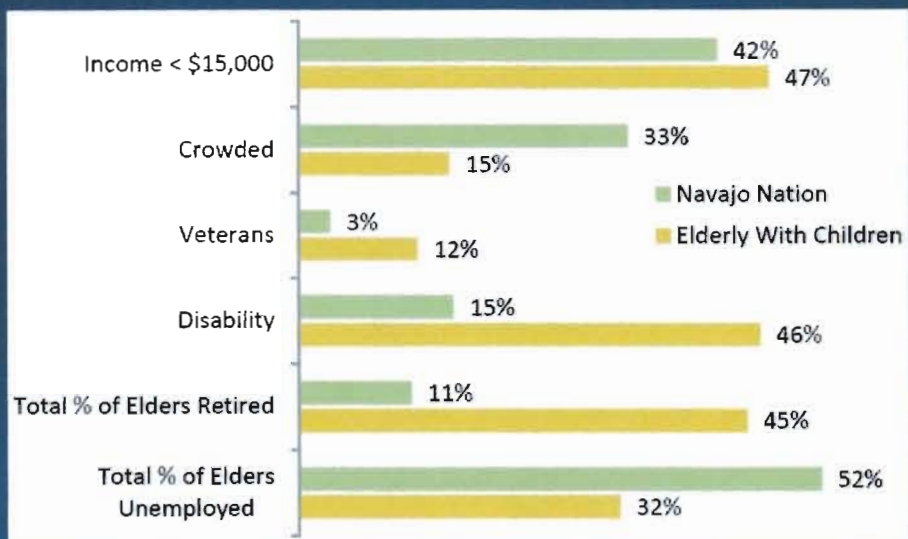
2.) Within the Navajo Reservation elderly women outnumber elderly men by 13%. This may be due to the average lower life expectancy of Navajo men (approximately 59) – although it should be noted that if either men or women reach the age of 65 their life expectancy shifts to 85 and 88 respectively.

3.) Of all elders, roughly 31% consider themselves retired, that is, beyond working years. Another 33% consider themselves capable of working but are currently out of work, and so consider themselves unemployed. The remainder do not report themselves in either category.

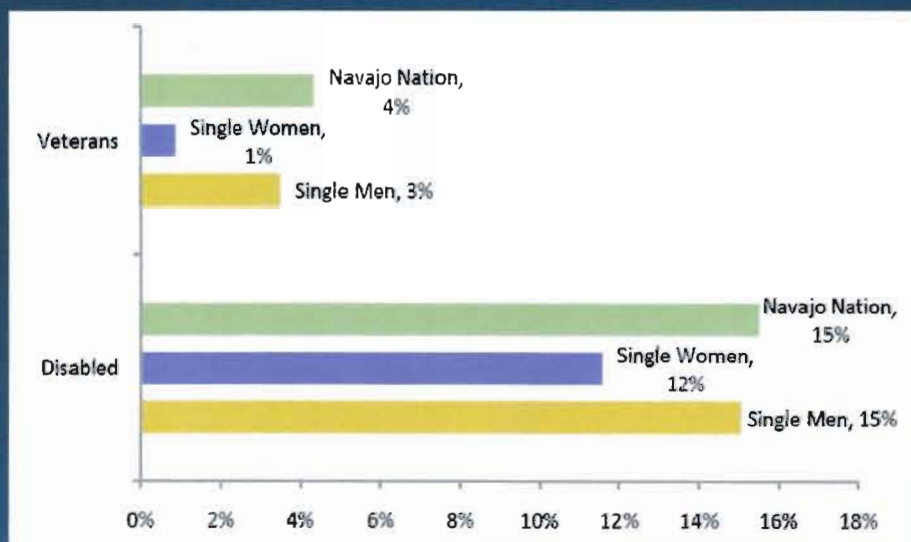
4.) 7% of elders are military veterans; this is somewhat lower than the percentage for both the Navajo Nation and the United States as a whole and is likely due in large part to lower-than-average lifespans of Navajo men. More closely related to potential housing needs, however, is the fact that 39% of elders list themselves as disabled. This is consistent with the United States as a whole, where approximately 37% of those aged 65 or older site a severe disability.³⁶ Disabilities can have consequences on daily life activities including bathing, eating, walking, using the toilet, and dressing. Consequently, disability is often a significant conditioning factor for housing.

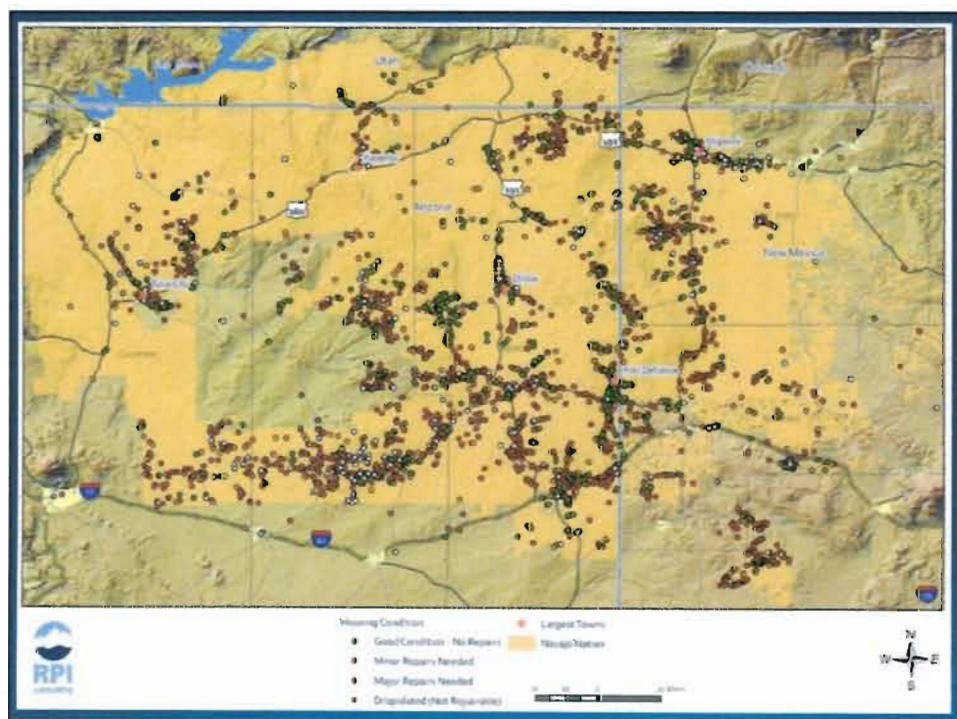
5.) Within the Navajo reservation, 20% of elders live alone while another 15% live in crowded living conditions, both facts have implications for housing needs. Overall, the percentage of elders living alone is considerably lower than the national average, which is closer to 30%. Nonetheless, this has implications for housing requirements, as elders living alone often need to be proximal to assistance. Those living in crowded conditions clearly do not lack nearby assistance, but instead have other concerns.

Elderly with or Raising Children Indicators



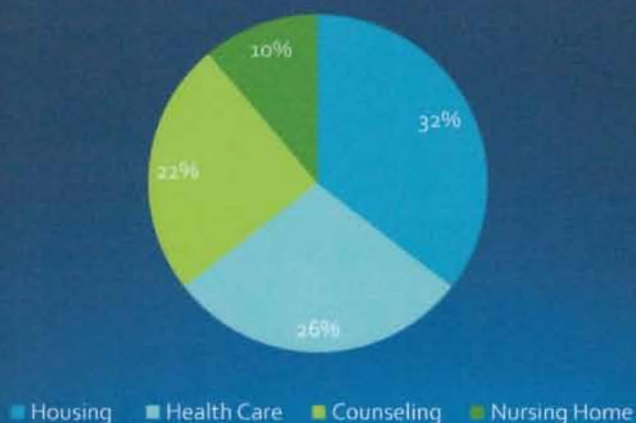
Disability and Veteran Status of Single Women and Men



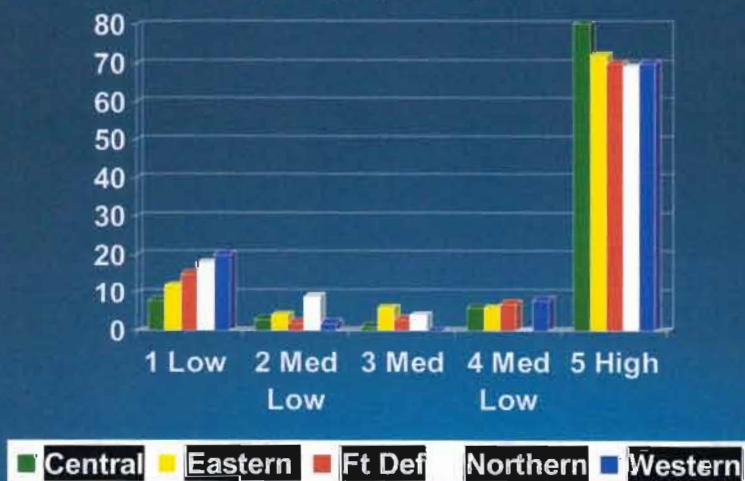


21st Navajo Nation Council
Veterans Services Conference
Window Rock, Arizona

Participants deem housing as a high priority of the four categories listed; Housing 212, Health Care 173, Counseling 150 & Nursing Home 130.



80% of Central Agency participants deem housing high priority. With the remaining four Agencies indicating 70% or better housing as a high priority.



Roles and Responsibilities

DNVA Agency Office

- Identify eligible Navajo veteran families.
- Refer pre-qualified families w/address to NHA.
- Coordinate NHA entrance & exit conference.
- Assist with archaeological clearances & home site lease.

NHA Housing Management Office (HMO)

- Submission of Application
- Required Documents
- 3rd Party Verification
- Background Checks
- Determine Eligibility & make Selection
- Contact Applicant for home site visit
- Certify Application for participation.

Construction Services Division

- Secure Homesite Lease
- Conduct Site Feasibility Study
- Ensure Land Clearance (Enviro/Arch)
- Verify all ROW accessibility to development site.
- Design and Engineering.
- Secure General Contractor.
- Transfer Unit to HMO.

NAVAJO NATION VETERANS PROGRAM NAHASDA ASSISTANCE

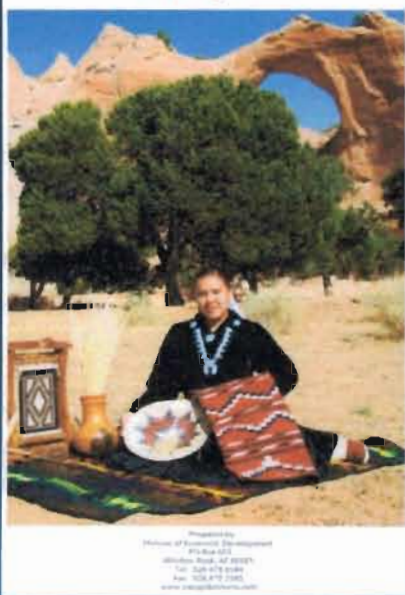
GRANT YEAR	TYPE	AMOUNT
FY 1998	NNVA - HOMEOWNERSHIP DEVELOPMENT	2,000,000
FY 1999	NNVA - HOMEOWNERSHIP DEVELOPMENT	2,003,355
FY 2000	NNVA - PLANNING & ADMINISTRATION	1,085
FY 2000	CSD - HOMEOWNERSHIP DEVELOPMENT *	3,879,455
FY 2001	CSD - ADMINISTRATION	954,299
FY 2002	CSD - HOMEOWNERSHIP DEVELOPMENT	3,638,307
FY 2004	CSD - PLANNING	3,274,989
FY 2004	CSD - PLANNING & ADMINISTRATION	250,000
FY 2001	LUKACHUKAI VETERANS	924,535
FY 2001	LUKACHUKAI VETERANS - PLANNING	140,000
TOTAL		17,066,925

Veteran Homeownership Opportunities



Navajo Housing Authority plans to continue Veterans housing assistance for all income ranges of veterans and to leverage the current resources offered by the U.S. Dept of Veterans Affairs native veteran direct home loan program and NN veterans trust fund to the extent funds are available and respective state veterans agency programs to maximize leveraging so that all Navajo veterans can be assisted for home repair, expansion and/or new construction. NHA also intends to create a program to be a funding partner to assist our veterans.

2009-2010 Comprehensive Economic Development Strategy The Navajo Nation



HOUSING OCCUPANCY

Total housing units	70,032	100%
Occupied housing units	41,645	59%
Vacant housing units	28,387	41%

Average House Hold size of owner-occupied unit
3.84 persons

Average household size of renter-occupied unit
4.07 persons

SELECTED CHARACTERISTICS

Occupied housing units	41,645	100%
Lacking complete plumbing facilities	8,838	21.22%
Lacking complete kitchen facilities	7,897	18.96%

Navajo Nation Population

- Navajos ONLY population on the Navajo Nation:
1980 - 125,449 1990 - 136,253 2000 - 167,539 **2010 - 156,823**
- Total population (all races) on the Navajo Nation:
1980 - 140,984 1990 - 155,876 2000 - 180,462 **2010 - 173,667**
- Navajos population in the U.S.:
1980 - 158,633 1990 - 219,198 2000 - 298,197 **2010 - 332,129**
- Percentage of Navajos living off-Reservation:
1980 - 20.9% 1990 - 37.8% 2000 - 43.8% **2010 - 52.7%**

Navajo Populations by Cities

Cities	Population	% of Population	City Population
Gallup	9,374	39.4	23,615
Page	2,356	32.5	7,247
Farmington	13,698	24.4	56,141
Holbrook	1,143	22.6	5,053
Winslow	1,845	19.1	9,655
Grants	861	9.4	9,182
Flagstaff	6,855	7.6	89,754
Albuquerque	13,552	2.1	633,223
Phoenix	22,963	0.08	2,972,357
Salt Lake	4,192	0.04	932,320
Denver	1,118	0.02	600,158

What is your Chapter doing to improve your Community Needs?

✓ Infrastructure ✓ Better Schools ✓ More Navajo Businesses
✓ Transportation ✓ Better Health Care ✓ Grow our economy

Leakage of Navajo dollars to the border towns

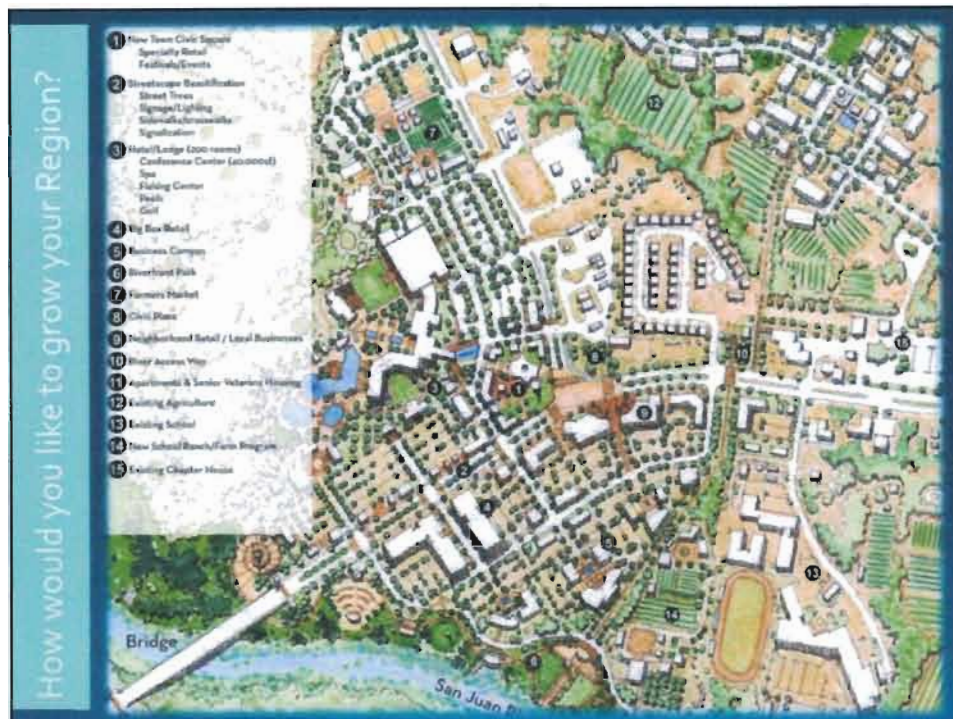
Lack of retail outlets is one of the major problems faced by the Navajo people. A survey by the Support Services Department of the Division shows that only around 36% of all the Navajo monies are spent inside the reservation. In other words, over 64% of the Navajo money is spent in off-reservation communities. This is simply because the Nation lacks wholesale and retail outlets. In remote areas, the problem is further exacerbated by lack of transportation. A ride to Gallup from Low Mountain, for example, costs as much as \$100.00 round-trip, provided some vehicle owner volunteers to make the trip. This causes great hardship, particularly to the elderly. The problem typically sky rockets during the winter.

Hooghandéé éí Hadóózhóódgo liná Silá dóó Anoosééł

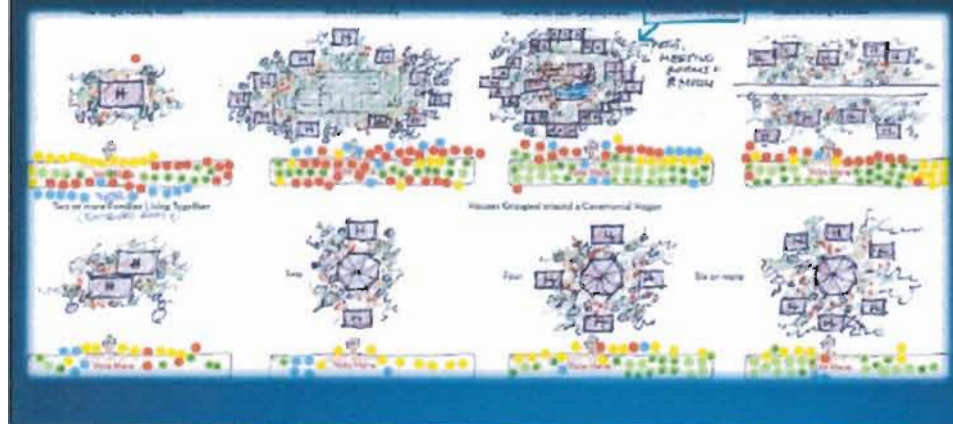
THE SUSTAINABLE JOURNEY OF BEAUTY

A PLANNING MANUAL for developing
new housing and community initiatives
on the Navajo Nation

Prepared for
NAYAJO HOUSING AUTHORITY



What is your community housing development preference?



Development Process....Where to start?

1. CLUP and Chapter Resolutions
2. Site Selection
 1. Feasibility Study
 2. Approved Lease /Clearance's
 3. Utility Commitment

Title 26 § 2004 Zoning: CLUP; Land Use Variations

- Community Education on needs, and process for Planning.
- Future land needs: location for: Residential, Commercial, Industrial, and Public Use.
- Plan base as articulated by community.
- Inventories & assessments: Natural + Cultural + Human Resources + Community Infrastructure = Land Capacity.
- Plan may include: Open space plan preserving natural state or recreational areas.
- Thoroughfare plan of current & future road network.
- Community facilities plan: location, type, capacity.
- Services areas for: Schools, Libraries, & other Public Structures.
- Right of Way for utilities, roads, etc.

NAHASDA Funding:

NHA is working with Chapters to develop community master plans. As part of this process, Chapters are being requested to formally withdraw land for new housing construction. Construction activity also includes community facility units like boys and girls clubs, women and children shelters, elderly congregate care homes, and transitional homes.

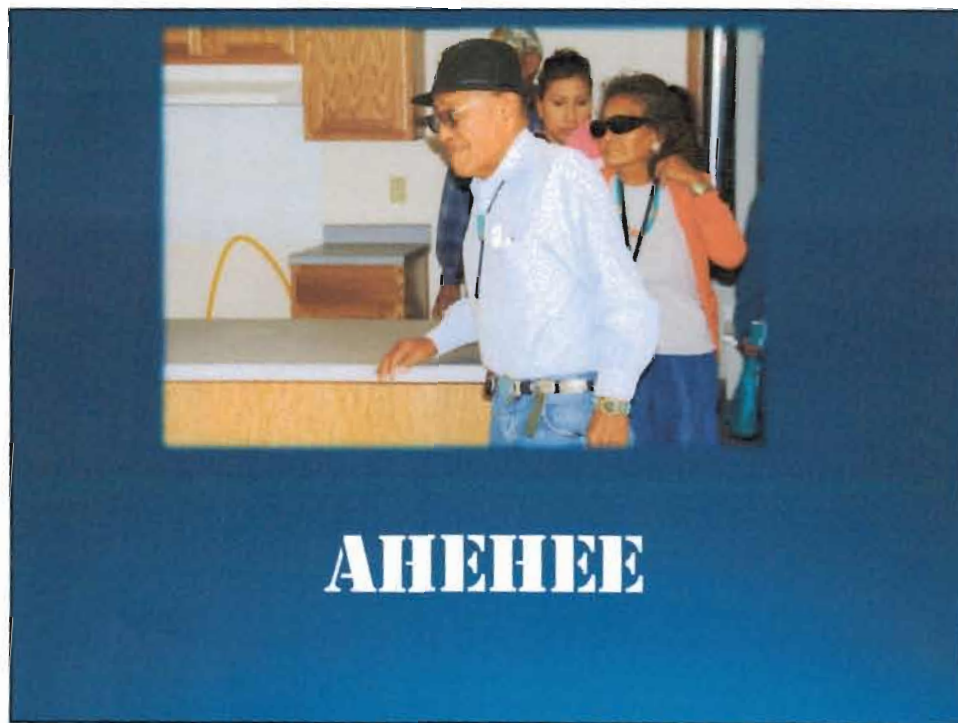


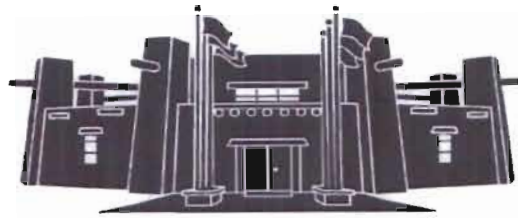
Expanded Homeownership Programs

Project Hope Program: Serves families with adjusted gross annual incomes from \$15,000 to \$35,000; Credit score <550; other obstacles to economic self-sufficiency; Sweat equity contribution at \$100 per hour deducted from the purchase price; NHA forgivable loan.

Shi' Shighan Program: Serves families with adjusted gross annual incomes between \$35,000 to \$50,000 and stable income; credit score >=550; NHA forgivable subordinate loan.

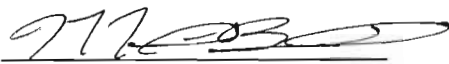
Developing Indigenous Native Estates (D.I.N.E) Program: Serves families with adjusted gross annual incomes over \$50,000 and stable income and creditworthy to independently qualify for a mortgage; NHA forgivable subordinate loan.

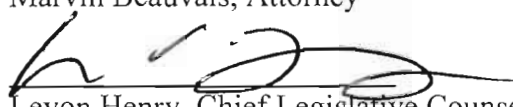




MEMORANDUM

TO: Honorable Edmund Yazzie
Navajo Nation Council

FROM: 
Marvin Beauvais, Attorney

THRU: 
Levon Henry, Chief Legislative Counsel
Office of Legislative Counsel

DATE: May 11, 2015

SUBJECT: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE, RESOURCES AND DEVELOPMENT COMMITTEE; NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL DIRECTING THE NAVAJO HOUSING AUTHORITY TO FURTHER DEVELOP A VETERAN'S HOUSING PROGRAM FOR BOTH LOW INCOME VETERAN'S FAMILIES AND NON LOW INCOME VETERAN'S FAMILIES TO INCLUDE RENTALS AND HOMEOWNERSHIP FROM FINANCING UP TO FREE HOMES FOR VETERANS AND TO AMEND ITS INDIAN HOUSING PLAN TO REFLECT THIS

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law and review of the documents submitted, the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Sponsor", and submit it to the office of Legislative Services for the assignment of a tracking number and referral to the Speaker.


If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make to the proposed resolution. You may contact me at (928) 871-7166. Thank you.



May 11, 2015

MEMORANDUM

TO : *Honorable Members*
Health, Education and Human Services Committee
Resources and Development Committee
Naabik'iyati' Committee
Navajo Nation Council

FROM : 
Hon. LoRenzo C. Bates, *Speaker*
23rd Navajo Nation Council

SUBJECT : **ASSIGNMENT OF LEGISLATION**

Pursuant to 2 N.N.C § 164 (A)(4), this memorandum serves to inform and advise you that I assign the following legislation to the Health, Education and Human Services Committee, Resources and Development Committee, Naabik'iyati' Committee and Navajo Nation Council;

Legislation No. 0169-15

Relating to Health, Education and Human Services Committee, Resources and Development Committee; Naabik'iyati' Committee and the Navajo Nation Council Directing the Navajo Housing Authority to Further Develop a Veteran's Housing Program for Both Low Income Veteran's Families and Non Low Income Veteran's Families to Include Rentals and Homeownership from Financing up to Free Homes for Veterans and to Amend its Indian Housing Plan to Reflect This.

As the Committee assigned to consider the legislation, Legislation No. 0169-15 must be placed on the Health, Education and Human Services Committee, Resources and Development Committee, Naabik'iyati' Committee and Navajo Nation Council's agenda at the next regular meeting for final consideration.

ATTACHMENT: Legislation No. 0169-15

xc: Hon. Ben Shelly, *President*
The Navajo Nation
Harrison Tsosie, *Attorney General*
Robert Willie, *Controller*
Dominic Beyal, *Executive Director, OMB*
Honorable Edmund Yazzie, Council Delegate (*Prime Sponsor*)

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0169-15__

SPONSOR: Edmund Yazzie

TITLE: An Action Relating To Health, Education And Human Services Committee, Resources And Development Committee; NAABIK'IYATI' Committee And The Navajo Nation Council Directing The Navajo Housing Authority To Further Develop A Veteran's Housing Program For Both Low Income Veteran's Families And Non Low Income Veteran's Families To Include Rentals And Homeownership From Financing Up To Free Homes For Veterans And To Amend Its Indian Housing Plan To Reflect This

Date posted: May 11, 2015 at 5:45PM

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.*