



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Supporting the Resolution of the Navajo Nation Council Which Opposes Section 302 of the 114th U.S. House of Representative's Bill H.R. 360)

- WHEREAS,** the Navajo Nation recently passed a council resolution supporting H.R. 360, also known as the Native American Housing Assistance and Self-Determination Reauthorization Act of 2015 ("Bill"), in general, but strongly opposing the proposed section 302 amendments that would allow the recapture and loss of Indian Housing Block Grant ("IHBG") funds for certain tribal housing authorities, such as the Navajo Nation that have undisbursed IHBG funds greater than three times their annual formula allocation; and
- WHEREAS,** if the proposed amendment passes, the Navajo Nation stands to lose approximately One Hundred Million Dollars (\$100,000,000.00); and
- WHEREAS,** the Navajo Housing Authority has approached the White Mountain Apache Tribe seeking their support of the Navajo Nation Resolution; and
- WHEREAS,** the Tribal Council of the White Mountain Apache Tribe has reviewed the Navajo Nation Council resolution, attached hereto, and finds that it is in the best interests of the Tribe to support said resolution.

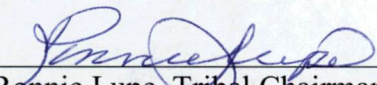
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby supports the attached Navajo Nation Council Resolution.

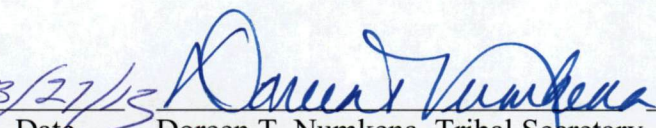
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on FEBRUARY 25, 2015 duly adopted by a vote of TEN for, ZERO against, and ONE abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).


Ronnie Lupe, Tribal Chairman

3/27/15  3-27-2015
Date Doreen T. Numkena, Tribal Secretary Date

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:

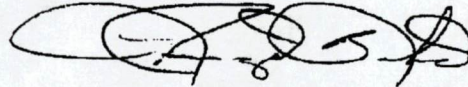
- A. The Navajo Nation hereby urges Congress to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.
- B. The Navajo Nation hereby supports H.R. 360 generally, but opposes the effective date contained in Section 302.
- C. The Navajo Nation urges Congress to respect the 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