



A RESOLUTION CALLING ON THE 113TH CONGRESS OF THE UNITED STATES TO ENACT AND EXPAND THE PROVISIONS OF HOUSE BILLS 4277 AND 4329 TITLED, "TO REAUTHORIZE THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996 AND FOR OTHER PURPOSES" PARTICULARLY AS RELATED TO ESTABLISHING TIMELINES FOR HUD TO ACT AND ESTABLISHING CONSEQUENCES FOR HUD'S FAILURE TO ACT WITHIN THOSE TIMELINES

#2014 – 02

WHEREAS, the National American Indian Housing Council represents the housing interests of American Indian tribes, Alaska Native villages, and native Hawaiian Home Lands and more than 277 tribally designated housing entities providing housing services to approximately 466 tribes, Alaska Natives, and native Hawaiians; and

WHEREAS, the stated purpose of the organization is to promote advocacy for policy and legislative changes that will favorably impact our primary goals of providing culturally relevant and quality affordable housing for Native people in a manner recognizing the unique government-to-government relationship of tribes and the federal government; and

WHEREAS, the Northwest Indian Housing Association (NWIHA) represents thirty-eight Indian Housing Authorities, Tribally Designated Housing Entities, and Tribal Housing Programs and Departments in Idaho, Oregon and Washington, and Annette Island, Alaska; and,

WHEREAS, the Mission of NWIHA is to promote safe, sanitary, decent and affordable housing for Tribal members in the Pacific Northwest, which it accomplishes by providing training and education opportunities; providing a forum for the discussion and resolution of issues; advocating for the collective benefit of all members; effectively linking members to information and financial resources; and working collaboratively with its industry partners; and,

WHEREAS, the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) was enacted to further Tribal self-governance, and streamline and simplify the process of providing housing assistance to Tribes and Tribal members; and

WHEREAS, NAHASDA was reauthorized twice, in 2002 and 2008, but expired on September 30, 2013; and

WHEREAS, NWIHA has previously adopted a resolution to support the proposed NAHASDA reauthorization bill drafted and circulated by the National American Indian Housing Council (NAIHC), which would reauthorize NAHASDA as well as adopt a series of amendments to the

existing statute intended to make the NAHASDA statutory and regulatory framework more efficient and effective for tribes and TDHEs; and

WHEREAS, among the amendments in the proposed NAIHC bill are a series of provisions that would establish timelines for HUD to act when presented with requests for action by a tribe or TDHE; and

WHEREAS, the NAIHC bill included the following timelines for HUD, with the consequence that a failure to act within that timeline would mean that the request by the tribe/TDHE would be “deemed approved” or, with regard to monitoring reports, that the findings would be “deemed closed”:

- Sec. 101 Waiver of Local Cooperation Agreement requirement (30 days);
- Sec. 102 Waiver of certain Indian Housing Plan Submission requirements (45 days);
- Sec. 104 Waiver of certain Environmental Review requirements (45 days);
- Sec. 405 Issue a final monitoring report within 60 days of receiving tribe’s/TDHE’s comments on draft monitoring report; and

WHEREAS, in July 2013, S. 1352, the NAHASDA reauthorization bill, was introduced in the Senate, and S. 1352 contained a number of the NAIHC proposed amendments, but it did not include any of the items set out above; and

WHEREAS, in March 2014, NAHASDA reauthorization bills HR 4277 and 4329 were introduced in the House, and both contained a majority of the provisions in the NAIHC proposed bill, including the items set out above, with the following differences:

- The timeline for each item was set at 60 days;
- A new timeline was added for HUD to respond to a request for a waiver of Total Development Cost caps under certain circumstances; and
- Section 405 did not include the “deemed closed” provision and merely set out a 60 day timeline); and

WHEREAS, imposing and enforcing timelines on HUD in all the areas set out above is essential for ensuring efficient and effective operation of the NAHASDA statutory and regulatory framework; and

WHEREAS, both HR 4277 and 4329 cap appropriations for each of the fiscal years from 2014-2019 at \$650 million for each of the fiscal years from 2014 to 2019, despite statistics gathered by the HUD that over 25 percent of American Indian housing units have “severe housing needs,” including (among other things), 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 income; and

WHEREAS, after adopting this resolution, the Executive Committee of NWIHA submitted it to its Voting Members to obtain a sense of the membership, a majority of those members having approved it by a vote conducted by electronic means on April 30, 2014 - May 1, 2014; and

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI), an organization consisting of Tribal leaders in the Pacific Northwest, passed this resolution at their 2014 Mid-Year Convention held at Great Wolf Lodge, Grand Mound, Washington May 5-8, 2014 with a quorum present;

NOW, THEREFORE BE IT RESOLVED, that the National American Indian Housing Council does hereby join with NWIHA and ATNI to urge the 113th Congress of the United States to adopt the timeline and enforcement provisions set out in HR 4277 and 4329 set out herein, with the addition of the provision that the draft findings in a draft monitoring report would be deemed closed if HUD does not respond to the tribe's/TDHE's comments within 60 days (for Section 405); and

BE IT FURTHER RESOLVED, that the National American Indian Housing Council does hereby join with NWIHA and ATNI to urge the 113th Congress of the United States to reject the provisions of both HR 4277 and 4329 that cap appropriations at \$650 million for each of the fiscal years from 2014-2019 based upon the severe housing needs in Indian country; and

BE IT FURTHER RESOLVED, that the National American Indian Housing Council does hereby urge Congress to remove the 30% rule and allow tribes to determine their own rental rates or rental burden percentage under Tribal Self Determination; and

BE IT FURTHER RESOLVED, that the National American Indian Housing Council does hereby join with NWIHA and ATNI to strongly support increased Congressional appropriations of at least \$1 billion per year over the 5 year reauthorization period; and

BE IT FINALLY RESOLVED, that the National American Indian Housing Council does hereby respectfully request the National Congress of American Indians and all other regional Native American associations and organizations to join with NWIHA and ATNI in supporting this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the National American Indian Housing Council does hereby support the reauthorization of Title VIII of NAHASDA as part of the overall reauthorization of NAHASDA Programs; and

BE IT FINALLY RESOLVED that the National American Indian Housing Council will advocate for the inclusion of reauthorization of Title VIII along with its efforts and in the same legislation as the reauthorization of the overall NAHASDA program that expired at the end of Fiscal Year 2013.

CERTIFICATION

As the duly appointed Secretary for the National American Indian Housing Council, I hereby certify that Resolution #2014 – 02 was adopted on June 5, 2014 at NAIHC's Annual Members Meeting in Kansas City, MO, with a quorum present and by a supermajority of the vote.



Sami Jo Difuntorum, Chairwoman



Floyd Tortalita, Secretary