

**A Resolution Demanding that the US Department of Housing and Urban Development (HUD) Cease and Desist Use of the “LOCCS Edit” Until After Complying with Notice and Hearing Requirements of 24 CFR 1000**

RESOLUTION #2016 – 05

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, Housing opportunities are among the most significant for Indian Country in advancing sovereignty, and developing prosperous, healthy communities and economies; and

WHEREAS, NAHASDA was landmark legislation because, for the first time under any HUD program, the right to self-governance and self-determination for tribes was formally recognized in a federal statute; and

WHEREAS, The enactment of Section 401(a)(1) of NAHASDA implements the original spirit and intent of NAHASDA, whereby tribes are to be provided with notice and opportunity for a hearing before HUD may restrict, reduce, or limit a recipient’s IHBG funding based on a finding of substantial non-compliance; and

WHEREAS, For many years the HUD Office of Native American Programs has used a process known as the “LOCCS edit” to limit a recipient’s access to funds when HUD unilaterally determines – with no opportunity for a hearing – that there has been some non-compliance; and

WHEREAS, Imposing the limitations of a “LOCCS edit” on a recipient’s funding without the opportunity for a hearing required by NAHASDA Section 401(a)(1) is inconsistent with the statute and contrary to law, and interferes with tribal self-governance and self-determination; and

WHEREAS, HUD has been successfully sued for trying to implement a similar limitation on other non-Indian housing programs that contain nearly identical language requiring an opportunity for a hearing before such a limitation is imposed; and

WHEREAS, The imposition of the LOCCS edit limitation imposes substantial administrative and fiscal burdens on the operations of tribal housing programs, and unduly interferes with the efficient and self-determined operation of such program by the tribes.

**NOW, THEREFORE BE IT RESOLVED, that the National American Indian Housing Council demands that the Department of Housing and Urban Development immediately cease and desist using the “LOCCS edit” or any similar method to limit funding without providing notice and opportunity for a hearing as required by NAHASDA Section 401(a)(1); and**

**BE IT FINALLY RESOLVED that the National American Indian Housing Council urges the National Congress of American Indians to support this resolution.**

**C E R T I F I C A T I O N**

**As the duty appointed Secretary for the National American Indian Housing Council, I hereby certify that Resolution #2016-05 was adopted May 11, 2016 at NAIHC’s Annual Members Meeting in Honolulu, HI, with a quorum present and by a supermajority of the vote.**

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**Sami Jo Difuntorum, Chair Floyd Tortalita, Secretary**