



**A Resolution Upon Congress and the US Department of Housing and Urban Development (HUD) to Honor the Congressional Intent of Section 703 of the Native American Housing Assistance and Self-Determination Act and Restore Full Funding to the National American Indian Housing Council.**

**RESOLUTION #2015-01**

- 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 703 of NAHASDA implements the original spirit and intent of NAHASDA, whereby tribes control and design programs and services to meet their housing needs; and
- WHEREAS, NAHASDA Section 703 states that funds shall be appropriated each year for a national organization representing Native American housing interests for providing Training and Technical Assistance (T&TA) to Indian housing authorities and tribally designated housing entities, so that tribes can oversee and control the delivery of tribal-specific T&TA to meet their needs; and
- WHEREAS, The National American Indian Housing Council is the only experienced and qualified national organization that is competent to provide T&TA to Indian housing authorities and TDHEs; and
- WHEREAS, In some NAIHC regions, tribes have experienced positive training and technical assistance outcomes, including cost savings, improved quality and greater relevancy, through the delivery of T&TA by the regional tribal housing associations; and

- WHEREAS, President William Jefferson Clinton on November 6, 2000 issued Executive Order 13175 that stated in Section 5: “*Consultation.* (a) Each agency shall have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications. Within 30 days after the effective date of this order, the head of each agency shall designate an official with principal responsibility for the agency’s implementation of this order. Within 60 days of the effective date of this order, the designated official shall submit to the Office of Management and Budget (OMB) a description of the agency’s consultation process.”
- WHEREAS, In accordance with the aforementioned Presidential Executive Order, HUD published its Tribal Government-to-Government Consultation policy on September 28, 2001 with the purpose to “enhance communication and coordination between HUD and federally recognized Indian tribes”; and
- WHEREAS, Section IV of the policy states that “when proposed federal government policies, programs or actions are determined by HUD as having tribal implications, HUD will notify the affected tribe(s) and take affirmative steps to consult and collaborate directly with the tribe(s) or its (their) designee; and
- WHEREAS, On September 23, 2004, President George W. Bush issued his Executive Memorandum, *Government-to-Government Relationship with Tribal Governments* recommitting the federal government to work with federally-recognized Native American tribal governments on a government-to-government basis and strongly supporting and respecting tribal sovereignty and self-determination; and
- WHEREAS, Beginning in 2011 and in the following years, up to and including FY 2014, the HUD “Transformation Initiative,” has been presented to Congress which ignored these Presidential Executive Orders and HUD’s own policies; this Transformation Initiative required a portion of HUD’s budget, including appropriations for the Indian Housing Block Grant program – be transferred to the Transformation Initiative to provide general HUD programs; and
- WHEREAS, During the past several appropriations cycles, the Administration has proposed and Congress has adopted language in the annual Indian Housing Block Grant appropriation that directly undercuts Section 703 by requiring HUD to allocate the T&TA funds under the IHBG by competition to national and regional organizations; and
- WHEREAS, Similar language has now been proposed to be incorporated into the NAHASDA reauthorization legislation; and
- WHEREAS, The provision of T&TA to Indian Country through the HUD Transformation Initiative and through the national and regional competitive process is directly contrary to Section 703 of NAHASDA, which section was requested and supported by tribes throughout Indian Country; and
- WHEREAS, The provision of T&TA through this process has significant tribal implications, yet HUD has never conducted any government-to-government negotiations with the tribes over this proposal in direct contravention of the Presidential Executive Orders and HUD’s own Tribal Government-to-Government Consultation policy; and

WHEREAS, Each year since 2006, tribes have passed resolutions and have urged Congress to continue to implement the letter and spirit of NAHASDA by designating a portion of Indian Housing Block Grant funds to the National American Indian Housing Council to provide tribal-specific T&TA.

**NOW, THEREFORE BE IT RESOLVED, that the National American Indian Housing Council urges Congress and the Department of Housing and Urban Development to honor and implement Section 703 of NAHASDA and provide to a national organization such amounts necessary for Training and Technical Assistance (T&TA) to tribes, housing authorities, and tribally designated housing entities; and**

**BE IT FURTHER RESOLVED that Training and Technical Assistance from HUD to Indian Country should not have been funded through the Transformation Initiative, and that no funds from the Indian Housing Block Grant should be transferred to the Initiative for this or any other purpose; and**

**BE IT FURTHER RESOLVED that the National American Indian Housing Council does hereby call upon Congress to protect the existing language in Section 703 and not to amend it to authorize competitive allocation of T&TA funds to regional and national organizations; and**

**BE IT FURTHER RESOLVED that the National American Indian Housing Council recognizes that positive outcomes have been achieved through the delivery of training and technical assistance by some regional tribal housing associations; and**

**BE IT FURTHER RESOLVED that the National American Indian Housing Council commits to collaborate with regional tribal housing associations that have successfully delivered T&TA within their regions to ensure that they remain able to deliver quality T&TA services to tribes in their regions and that equitable resources remain available to them for that purpose, through subcontracts or otherwise; and**

**BE IT FINALLY RESOLVED that the National American Indian Housing Council urges the National Congress of American Indians and the Affiliated Tribes of Northwest Indians (ATNI) to support this resolution.**

#### **CERTIFICATION**

**As the duty appointed Secretary for the National American Indian Housing Council, I hereby certify that Resolution #2015-01 was adopted May 14, 2015 at NAIHC's Annual Members Meeting in Phoenix, AZ, with a quorum present and by a supermajority of the vote.**



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**Sami Jo Difuntorum, Chair**



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**Floyd Tortalita, Secretary**