

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

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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.

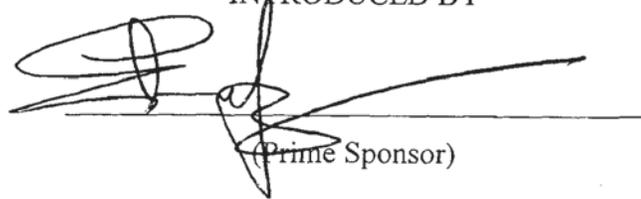
This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed legislation in detail.

5-DAY BILL HOLD PERIOD: Robert Bell
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
Naa'bik'íyáti' Committee
THENCE
Navajo Nation Council

PROPOSED NAVAJO NATION RESOLUTION
23rd NAVAJO NATION COUNCIL -- First Year, 2015

INTRODUCED BY



(Prime Sponsor)

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).
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- 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.

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.

(2) Development

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

(3) Housing services

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

(4) Housing management services

30 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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