

THE NAVAJO NATION
LEGISLATIVE BRANCH
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LEGISLATION NO: _0155-22_

SPONSOR: Mark A. Freeland

TITLE An Action Relating to Resources and Development; Approving the CARES Act Indian Housing Block Grant Number 20BV0402810 Amendment No. One for Fiscal Year 2020

Date posted: September 12, 2022 at 10:54 AM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0155-22

DATE: September 7, 2022

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE CARES ACT INDIAN HOUSING BLOCK GRANT NUMBER 20BV0402810 AMENDMENT NO. ONE FOR FISCAL YEAR 2020

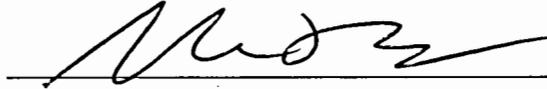
PURPOSE: This legislation, if approved, will approve the CARES ACT IHP AMENDMENT NO. ONE (1) to Grant Number 20BV04028, Federal Fiscal Year 2020.

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 resolution in detail.

5-DAY BILL HOLD PERIOD: Holman
Website Posting Time/Date: _____
Posting End Date: 09-17-22
Eligible for Action: 09-18-22

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL –Fourth Year, 2022

3 INTRODUCED BY

4
5 
6

7 (Sponsor)

8
9 TRACKING NO. 0155-22

10 AN ACTION

11 RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE CARES
12 ACT INDIAN HOUSING BLOCK GRANT NUMBER 20BV0402810 AMENDMENT
13 NO. ONE FOR FISCAL YEAR 2020
14

15
16 **BE IT ENACTED:**

17
18 **Section One. Authority**

- 19 A. The Resources and Development Committee is a Standing Committee of the
20 Navajo Nation Council. 2 N.N.C. §500(A).
21 B. The Resources and Development Committee is the Standing Committee of the
22 Navajo Nation Council with the authority to grant final approval for the Native
23 American Housing Assistance and Self-Determination Act of 1996 (NAHASDA)
24 Indian Housing Plan. 2 N.N.C. §501(B)(2)(b).
25

26 **Section Two. Findings**

- 27 A. The Coronavirus Aid, Relief, and Economic Security Act or the CARES Act, Public
28 Law No. 116-136, was signed into law on March 27, 2020. The CARES Act
29 responds to the COVID-19 outbreak and its impact on the economy, public health,
30 state and local governments, individuals, and businesses.

1 B. On April 10, 2020 U.S. Department of Housing and Urban Development (HUD), issued
2 Notice PIH 2020-05, attached as **Exhibit C**, which provided an opportunity for a Tribally
3 Designated Housing Entity (TDHE) to submit its CARES Act Indian Housing Plan (IHP)
4 without the usual certifications by the Navajo Nation President and the Resources and
5 Development Committee.

6 C. The HUD Notice PIH 2020-05, attached as **Exhibit C**, at page 34, waives the TDHE IHP
7 Certification requirements. The HUD Notice PIH 2020-05 states:

8 *“Some Indian tribes and TDHEs have expressed to HUD that under the current*
9 *conditions, they likely will have difficulty securing required internal approvals to be able*
10 *to provide HUD with information normally required under a regular IHP. This includes*
11 *certifications submitted by an Indian tribe authorizing a TDHE to act as its IHBG*
12 *recipient, and other certifications of compliance required under section 102(b) of*
13 *NAHASDA.*

14 *Accordingly, HUD is waiving the IHP certification requirements in Section 101-103 of*
15 *NAHASDA and establishing the following [] alternative requirements as follows: ...*
16 *[I]f an authorized official of an Indian tribe or TDHE provides a statement to HUD*
17 *indicating that it is not practical or safe for the Indian tribe or TDHE to secure new*
18 *certifications due to the impact of COVID-19 on its operations, or the operations of a*
19 *beneficiary Indian tribe, HUD will, consistent with Section 103(d) of NAHASDA, accept*
20 *all IHP certifications that were previously submitted and accepted by HUD for FY 2020*
21 *IHBG grants (or for FY 2019 IHBG grants for those IHBG recipients that have not yet*
22 *submitted their FY 2020 IHP), in lieu of requiring new tribal certifications to be*
23 *submitted.”*

24 F. In a memorandum dated April 29, 2020, **Exhibit E**, NHA Chief Executive Officer wrote:

25 *“Pursuant to the Statutory and Regulatory Waivers addressed in Notice PIH 2020-05,*
26 *NHA will not obtain a new Certification from Navajo Nation President Johnathan Nez*
27 *because it is unpractical and unsafe to gather Navajo Nation leadership to conduct*
28 *business to secure approval of the IHP at this time due to the impact of COVID-19 on the*
29 *operation of the Navajo Nation as the TDHE.”*

30 D. The Navajo Housing Authority Board of Commissioners Resolution NHA-4963-
2020, attached as **Exhibit D**, at Whereas Paragraph 5, stated that “NHA will receive

1 \$22,33,177.00 in CARES Act IHBG funding.” In the NHA-4963-2020 Resolved
2 Paragraph A, the “The Board of Commissioners hereby authorizes and directs the
3 NHA Chief Executive Officer and NHA management to make available up to
4 \$22,33,177.00 in CARES Act IHBG funding for eligible projects.”

5 E. The Fiscal Year 2020 COVID-19 Indian Housing Plan, CARES Act IHP Grant
6 Number 20BV0402810, attached as **Exhibit F**, was submitted to the Deputy
7 Administrator, HUD Southwest Office of Native American Programs, on April 29,
8 2020.

9 F. The Board of Commissioners of the Navajo Housing Authority, by Resolution
10 NHA-5073-2021, attached as **Exhibit B**, requests the support and endorsement of
11 the Navajo Nation Council Resources and Development Committee to approve an
12 amendment to the Fiscal Year 2020 Navajo Nation Housing Plan for the
13 NAHASDA Indian Housing Block Grant funding.

14 G. Resolution NHA-5073-2021 states that the amendment would be made “(1) to
15 NHA’s CARES Act IHBG Budget contained in NHA’s Amended FY 2020 IHP... for
16 purposes of (i) adding such new eligible activities to such budget, (ii) reallocating
17 budget costs of such new eligible activities to the unused balance of NHA’s CARES
18 ACT IHBG funds, and (iii) approving the use of such funds and making such funds
19 available from the unused balance of NHA’s CARES Act IHBG funds for such
20 purposes.”

21 **Section Three. Approval**

22 A. The Navajo Nation hereby approves an amendment to the Fiscal Year 2020 Navajo
23 Nation Housing Plan for the NAHASDA Indian Housing Block Grant funding. The
24 amendment is contained in CARES ACT IHP AMENDMENT NO. ONE (1) to
25 Grant Number 20BV04028, Federal Fiscal Year 2020, which is attached hereto as
26 **Exhibit A**.

27 B. The Navajo Nation hereby approves the submission of the amended Navajo Nation
28 Indian Housing Plan, CARES ACT IHP AMENDMENT NO. ONE (1), by the
29 Navajo Housing Authority on behalf of the Navajo Nation.
30