

THE NAVAJO NATION
LEGISLATIVE BRANCH
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LEGISLATION NO: _0177-22_

SPONSOR: Wilson C. Stewart, Jr.

TITLE: Relating to an Emergency and the Navajo Nation Council; Approving Amendment One to the Fiscal Year 2022 Navajo Nation Housing Plan for the Native American Housing Assistance and Self-Determination Act of 1996 Indian Housing Block Grant Funding; Waiving 2 N.N.C. § 501 (B)(2)(b)

Date posted: September 28, 2022 at 5:52PM

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0177-22

DATE: September 28, 2022

TITLE OF RESOLUTION: RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL; APPROVING AMENDMENT ONE TO THE FISCAL YEAR 2022 NAVAJO NATION HOUSING PLAN FOR THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996 INDIAN HOUSING BLOCK GRANT FUNDING; WAIVING 2 N.N.C. § 501 (B)(2)(b)

PURPOSE: This resolution, if approved, will amend the Fiscal Year 2022 Navajo Nation Housing Plan for the NAHASDA Indian Housing Block Grant funding to add Emergency Assistance for Utility Cost as a new activity.

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.

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

INTRODUCED BY



(Sponsor)



TRACKING NO. 0177-22

**RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL;
APPROVING AMENDMENT ONE TO THE FISCAL YEAR 2022 NAVAJO
NATION HOUSING PLAN FOR THE NATIVE AMERICAN HOUSING
ASSISTANCE AND SELF-DETERMINATION ACT OF 1996 INDIAN HOUSING
BLOCK GRANT FUNDING; WAIVING 2 N.N.C. § 501 (B)(2)(b)**

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).
- B. The Navajo Nation Council may approve emergency legislation to address any matter “constituting an emergency [that] shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council.” 2 N.N.C. §164 (A)(16).

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2 **SECTION TWO. FINDINGS**

- 3 A. Public Law 104-330, the Native American Housing Assistance and Self-Determination
4 Act of 1996 ("NAHASDA"), was enacted to provide housing assistance that recognizes
5 the right of Indian self-determination and self-governance, through a block grant
6 program known as the Indian Housing Block Grant ("IHBG")
- 7 B. Pursuant to 6 N.N.C. §§ 605 and 616, the Board of Commissioners of the Navajo
8 Housing Authority ("NHA") is empowered with the authority to manage the affairs of
9 NHA and with the power to do any and all things necessary or desirable to secure the
10 financial aid of the Federal Government in the undertaking to provide safe, decent and
11 sanitary housing to tribal members residing on the Navajo Nation.
- 12 C. Pursuant to 24 CFR §§ 1000.206 and 1000.212, NHA, as the Tribally Designated
13 Housing Entity ("TDHE") for the Navajo Nation, is responsible for submitting the
14 NAHASDA Indian Housing Plan ("IHP") on behalf of the Navajo Nation pursuant to
15 24 CFR § 1000.501. NHA as the TDHE is responsible for monitoring CFR activities.
16 ensuring compliance with applicable federal requirements and monitoring performance
17 goals under the IHP.
- 18 D. NAHASDA requires that the IHP contain a certification that the Indian Tribe: (a) has
19 had an opportunity to review the plan and authorized the TDHE to submit the housing
20 plan on behalf of the tribe; or, (b) has delegated to such TDHE the authority to submit
21 a plan on behalf of the tribe, without prior review by the tribe.
- 22 E. Pursuant to 2 N.N.C. §501(B)(2)(b), the Resources and Development Committee
23 ("RDC") is delegated Council with the authority to grant final approval for the Navajo
24 Nation's NAHASDA IHP. Through Resolution No. RDCJY-13-21, attached hereto as
25 **Exhibit A**, RDC approved the FY 2022 Navajo Nation Indian Housing Plan in
26 accordance with applicable Navajo Nation laws.
- 27 F. The World Health Organization (WHO) declared a Public Health Emergency of
28 International Concern related to the outbreak of coronavirus (COVID-19) on January
29 30, 2020, the U.S. Department of Health and Human Services declared a Public Health
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1 Emergency related to COVID-19 on January 31, 2020 and the WHO declared a global
2 pandemic on March 11, 2020.

3 G. The Navajo Nation Commission on Emergency Management, with the concurrence of
4 Navajo Nation President Jonathan Nez, declared a Navajo Nation Public Health State
5 of Emergency on the Navajo Nation on March 11, 2020 due to COVID-19. Resolution
6 No. CEM 20-03-11. The Navajo Nation Department of Health subsequently issued
7 numerous Public Health Emergency Orders. Public Health Orders 2020-001 through
8 2022-008 are incorporated by reference into this resolution.

9 H. As of September 27, 2022, NNDOH has confirmed 74,132 confirmed cases of COVID
10 on the Navajo Nation, as well as 1,902 COVID-related deaths. The Navajo Nation
11 Public Health State of Emergency is still in effect as of September 28, 2022.

12 I. Many Navajo Nation members are still suffering long-haul COVID viral effects and
13 can no longer remain gainfully employed, some have lives lost from COVID with some
14 children now living with grandparents, some are caretaking affected family members
15 and some suffering economic setbacks exacerbated by the inflation caused by COVID
16 globally that contributed to the high cost of fuel, groceries and basic necessities
17 including payment of utilities.

18 J. The Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), Public Law
19 No. 116-136, was signed into law on March 27, 2020. The CARES Act responds to
20 the COVID-19 outbreak and its impact on the economy, public health, state and local
21 governments, individuals, and businesses.

22 K. While the federal, state, and tribal government(s) responded to such economic
23 hardships, lingering post COVID-19 effects and its variants are still impacting families
24 such that it still causing hardships in various ways, specifically including the imminent
25 disconnection of utility services with winter weather on the horizon.

26 L. The Board of Commissioners of the Navajo Housing Authority, by Resolution NHA-
27 5119-2022, attached as **Exhibit B**, requests the support and endorsement of the Navajo
28 Nation Council to approve an amendment (Amendment One) to the Fiscal Year 2022
29 Navajo Nation Housing Plan for the NAHASDA Indian Housing Block Grant funding
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1 by adding Emergency Assistance for Utility Cost as a new activity. *See also* Executive
2 Summary attached as **Exhibit C**.

3 M. Resolution NHA-5119-2022 states that the amendment will “assist impacted families
4 with utility assistance payments for low and non-low income families who have lost
5 employment as result of the COVID-19 pandemic effects, and its other impacts that
6 have caused price increases on food and gasoline. and that adversely impact costs for
7 their daily necessities such as electricity, natural gas, propane, water and waste water,
8 and are facing potential interruption of utility services through their local utility
9 companies across the Navajo Nation.” **Exhibit B**.

10 N. The Navajo Nation Council finds that preventing the interruption of utility services for
11 Navajo Nation families is a disaster relief service meeting the emergency provisions of
12 2 N.N.C. §164 (A)(16).

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14 **SECTION THREE. WAIVING 2 N.N.C. § 501(B)(2)(b)**

15 The Navajo Nation hereby waives 2 N.N.C. § 501 (B)(2)(b) to the extent necessary for
16 Navajo Nation Council, instead of the Resources and Development Committee, to approve
17 an amendment Fiscal Year 2022 Navajo Nation Housing Plan for the NAHASDA Indian
18 Housing Block Grant. This is intended as a one-time waiver.

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20 **SECTION FOUR. APPROVAL**

21 A. The Navajo Nation hereby approves an amendment (Amendment One) to the Fiscal
22 Year 2022 Navajo Nation Housing Plan for the NAHASDA Indian Housing Block
23 Grant funding to add Emergency Assistance for Utility Cost as a new activity as set
24 forth in **Exhibits B and D**.

25 B. The Navajo Nation hereby approves the submission of the amended Navajo Nation
26 Indian Housing Plan, including Amendment One approved herein, by the Navajo
27 Housing Authority on behalf of the Navajo Nation.

28 C. The President of the Navajo Nation is authorized to take all steps necessary to
29 effectuate Amendment One to the Fiscal Year 2022 Navajo Nation Housing Plan
30 for the NAHASDA Indian Housing Block Grant.

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SECTION FIVE. SAVINGS CLAUSE.

Should any provision(s) of this Action be determined invalid by the Navajo Nation Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.

SECTION SIX. EFFECTIVE DATE.

This Action is effective upon its approval pursuant to 2 N.N.C. § 221(B).

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