

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0025-24\_

SPONSOR: Casey Allen Johnson

**TITLE: An Action Relating to the Resource and Development Committee:  
Approving Amendments to the Homesite Lease Regulations 2016**

***Date posted:*** January 25, 2024 at 9:56PM

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**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0025-24

DATE: January 25, 2024

**TITLE OF RESOLUTION:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING AMENDMENTS TO THE HOMESITE LEASE REGULATIONS 2016

**PURPOSE:** The purpose of this legislation is to approve amendments to the Homesite Lease Regulations 2016 for existing homes built prior to October 4, 2016, who are seeking to utilize American Rescue Plan Act funding, and other amendments related to septic systems and leach/drain fields being built outside the homesite leased premises as long as certain requirements are met, including a construction permit from the Navajo Nation Environmental Protection Agency.

**Final Authority:** Resources and Development Committee

**Vote Required:** Simple Majority

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

OLC No. 24-002-1

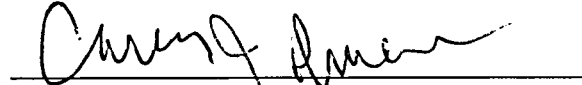
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Posting End Date: 01-30-24

Eligible for Action: 01-31-24

PROPOSED STANDING COMMITTEE RESOLUTION  
25<sup>th</sup> NAVAJO NATION COUNCIL—Second Year, 2024

INTRODUCED BY

  
\_\_\_\_\_  
Primary Sponsor

TRACKING NO. 0025-24

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE;  
APPROVING AMENDMENTS TO THE HOMESITE LEASE REGULATIONS  
2016

**BE IT RESOLVED:**

**SECTION ONE. AUTHORITY**

- A. The Resources and Development Committee of the Navajo Nation Council has the authority to promulgate rules and regulations governing the use, sale, exchange, and development of Navajo Nation lands and/or resources, whether held in fee or trust status. 2 N.N.C. § 501 (B) (1).
- B. The Resources and Development Committee also has final approval for all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation lands and unrestricted (fee) lands. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals and terminations. 2 N.N.C. § 501(B) (2) (a).
- C. The Resources and Development Committee can delegate its final approval authority for the transactions listed in 2 N.N.C. § 501(B) (2) (a) to appropriate divisions, governance-certified Chapters, Townships or appropriate entities for efficiency and streamlining of government processes provided that the Committee

1 first grants final approval of rules and regulations governing such delegations and  
2 rescission of such delegations. 2 N.N.C. § 501 (B) (3).

3  
4 **SECTION TWO. FINDINGS**

5 A. Pursuant to RCD-289-93, the Resources Committee of the Navajo Nation Council  
6 delegated its authority to approve, issue, amend, assign, relinquish, and execute  
7 homesite leases to the Navajo Land Department in accordance with procedures  
8 adopted by the Resources Committee.

9 B. Pursuant to RDCO-74-16, the Resources and Development Committee of the  
10 Navajo Nation Council approved amendments to the Navajo Nation Homesite  
11 Lease Regulations for the benefit of qualified applicants who were seeking  
12 housing assistance and/or utility infrastructure assistance through various Navajo  
13 Nation Divisions, Enterprises, and State and Federal Programs (herein referred to  
14 as the “Homesite Lease Regulations 2016”).

15 C. On March 11, 2021, President Biden signed the American Rescue Plan Act  
16 (“ARPA”) into law. Section 9901 of ARPA established the Coronavirus State  
17 Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund (together  
18 the “Fiscal Recovery Funds”) by amending Title VI of the Social Security Act,  
19 which provided \$362 billion for state, local, and tribal governments, including  
20 \$20 billion designated for tribal governments.

21 D. As of April 12, 2022, the United States Department of Treasury has allocated two  
22 billion seventy-nine million four hundred sixty-one thousand four hundred sixty-  
23 four dollars (\$2,079,461,464) to the Navajo Nation under the Fiscal Recovery  
24 Funds provisions of ARPA. The Fiscal Recovery Funds are designed to build on  
25 and expand the relief provided in the 2020 Coronavirus Aid, Relief, and  
26 Economic Security Act (CARES Act), Public Law 116-136, 134 Stat. 281 (2020),  
27 and are intended to mitigate and contain the spread of COVID-19, as well as to  
28 respond to the health, social and economic impacts of COVID-19 suffered by  
29 residents and businesses.

30

- 1 E. The Navajo Nation Council has allocated hundreds of millions of ARPA dollars  
2 toward basic infrastructure projects (*i.e.* water/wastewater, home electric  
3 connections, broadband and bathroom additions). *See* Resolutions CJY-41-21  
4 and CJN-29-22.
- 5 F. Pursuant to ARPA, as stated in Resolution CJY-41-21(J):
- 6 1. Fiscal Recovery Fund costs must be incurred by December 31, 2024,  
7 meaning the Navajo Nation must obligate funds by that date; and
  - 8 2. The Fiscal Recovery Fund period of performance runs until December 31,  
9 2026, meaning funded projects must be completed by that date.
- 10 G. There are currently hundreds, if not thousands, of existing homes on the Navajo  
11 Nation that do not have a valid homesite lease. Many of these homeowners are  
12 seeking the installation of basic infrastructure that would utilize ARPA funding.  
13 This basic infrastructure includes water, wastewater, electricity, broadband and/or  
14 bathroom additions.
- 15 H. As currently drafted, the Homesite Lease Regulations 2016 do not allow a  
16 homesite lease applicant to move forward with any land disturb or the commence  
17 of construction activities until a homesite lease has been approved.
- 18 I. The proposed amendments to the Homesite Lease Regulations 2016 would allow  
19 basic infrastructure projects utilizing ARPA funding to move forward if the  
20 homeowner has submitted a homesite lease application to the Navajo Land  
21 Department, with the expectation that the homeowner will follow the  
22 requirements of the regulations and eventually obtain an approved homesite lease.  
23 The proposed amendments also have other requirements that will help speed up  
24 the homesite lease application and approval process for existing homeowners  
25 seeking to utilize ARPA funding for basic infrastructure, which will assist the  
26 Navajo Nation in meeting applicable ARPA deadlines. These particular proposed  
27 amendments to the Homesite Lease Regulations 2016 are only valid through  
28 December 31, 2026.
- 29 J. Additionally, in certain instances, a septic system and leach/drain field design  
30 requires that it be constructed outside the homesite leased premises given the

1 topography of the land, soil condition and other factors. The proposed  
2 amendments would allow for these types of systems to be built outside the leased  
3 premises as long as a construction permit is obtained from the Navajo Nation  
4 Environmental Protection Agency, along with any other applicable requirements,  
5 and if there is no interfere with any third party's right to use the land or if a third-  
6 party provides consent in accordance with applicable laws. This proposed  
7 amendment applies to all homes, either existing or new construction, is not tied to  
8 any particular funding source and has no expiration date.

9 K. The amendments to the Homesite Lease Regulations 2016 are herein attached as  
10 **Exhibit A.**

11 L. Executive Official Review Document No. 022090 is attached as **Exhibit B.**

12  
13 **SECTION THREE. APPROVAL**

14 The Resources and Development Committee of the Navajo Nation Council hereby  
15 approves the amendments to the Homesite Lease Regulations 2016, which are attached as  
16 **Exhibit A.**