

Committee: Community Service
Date: 7-5-07 Committee Date: 7-17-07

Author: Denise Honawa/Marvin Jones
Sponsor: Melvina Shotpouch

RESOLUTION NO. 69-07

COUNCIL OF THE CHEROKEE NATION

**A RESOLUTION APPROVING AND AUTHORIZING THE SUBMISSION OF AMENDMENT
NUMBER FOUR TO THE FISCAL YEAR 2006 INDIAN HOUSING PLAN TO THE U.S.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

WHEREAS, the Cherokee Nation since time immemorial has exercised its sovereign power of self-government on behalf of the Cherokee people;

WHEREAS, the Cherokee Nation is a federally recognized Indian Nation with a historic and continual government-to-government relationship with the United States of America;

WHEREAS, the Native American Housing Assistance and Self-Determination Act of 1996 requires a tribe to adopt a one year plan for each fiscal year's funding;

WHEREAS, the Cherokee Nation approved by Resolution No. 4-06 and submitted its Fiscal Year 2006 Indian Housing Plan to the Department of Housing and Urban Development based on the final allocated amount;

WHEREAS, the Cherokee Nation now desires to amend the original plan to include a model activity of building two storage facilities and increasing the amount of program income.

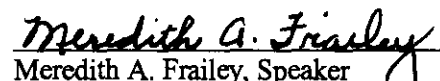
WHEREAS, all changes to the original plan are attached as individual pages with proposed addition of the model activity.

BE IT RESOLVED BY THE CHEROKEE NATION, that the approved Fiscal Year 2006 Indian Housing Plan is amended in accordance with the attached individual pages to include a model activity and is authorized to be submitted to the United States Department of Housing and Urban Development; and


BE IT FURTHER RESOLVED BY THE CHEROKEE NATION, that should the Department of Housing and Urban Development require changes upon its review of the submitted Plan and the changes do not reflect substantial or material modifications as determined by the Community Development/Tribal Services Committee then the changes, additions, deletions, and/or modifications may be made and returned for further consideration by HUD without further Council action.

CERTIFICATION


The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting thereof on the 13th day of August, 2007, having 17 members present, constituting a quorum, by a vote of 17 yeas; 0 nays; 0 abstaining.


Meredith A. Frailey, Speaker
Council of the Cherokee Nation

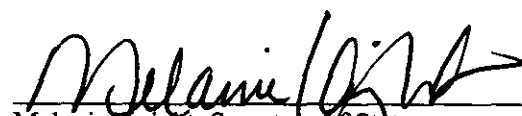
ATTEST:


Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 16th day of August, 2007.


Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:


Melanie Knight, Secretary of State
Cherokee Nation

Cherokee Nation
Outline for Act/Resolution Justification Form

I. PURPOSE: To submit FY 2006 Indian Housing Plan, Amendment # 4, to the U.S. Department of HUD

II. FUNDING REQUIRED / SOURCE OF FUNDS:

Funding Contract Amount: 30,791,313 + 483,233 (estimated interest)

Cash Match (If applicable): Amount N/A Source: N/A

In – Kind (If applicable): Amount N/A Source: N/A

Date Available: Upon approval of amended IHP

General fund: N/A

Motor fuels: N/A

Other (Specify): N/A

Attach Budget Justification Forms: _____
(If the Request Requires Revisions of the Current Budget)

III. CAPABILITY TO PERFORM IF APPROVED:

A. Organizational Responsibility: Division: Community Services/HACN (primarily); Department: Administration

B. Staffing Required: Approximately 300 existing staff

C. Will Any of the Services Be Outsourced or Contracted? \$5,000,000 (estimated to be bid out by the Nation and/or HACN)

D. Space Required: Existing Location: Various, including HACN

E. Service Area (counties etc.): 14 counties

IV. IDENTIFY EXTERNAL –GOVERNMENT AGENCIES:

(Any Contact or Involvement such as BIA, IHS, etc. and the staff contact)

A. Agency: Housing and Urban Development

B. Staff Person: Office of Native American Programs, Wayne Sims

GOAL 4 - HOUSING MANAGEMENT SERVICES

Provide adequate staffing to serve program participants including but not limited to: taking applications, managing waiting lists for services, conducting re-certifications, providing loan processing, and managing participant files, including for the HADT. Also, provide subsidy for the Title VI Program for low income Indians in order to maintain the feasibility of the program as needed for IHBG funds.

OBJECTIVES:

Continue and expand the intake processing of participants.

Provide staff training on all requirements of programs.

GOAL 5 - CRIME PREVENTION & SAFETY

Provide security, safety, law enforcement measures, and activities to protect NAHASDA-assisted residents from crime.

OBJECTIVES:

Maintain staff to perform law enforcement/security functions beyond the basic responsibilities of the primary law enforcement agencies and the services they provide to all citizens of the applicable jurisdiction.

GOAL 6 - MODEL ACTIVITIES

Providing warehouse and storage space for building materials exclusively for housing assisted under NAHASDA.

OBJECTIVES:

To construct one building in Stilwell, Oklahoma and one building in Tahlequah, Oklahoma for storage space.

GOAL 7 - PLANNING & ADMINISTRATION

Provide staff, training, equipment, facilities and other related items for delivery of all objectives and to ensure: efficient administration, monitoring and planning supervision; human, economic, and community resource development; procurement; fiscal management; reporting and auditing of all operations, including for the HADT.

OBJECTIVES:

Develop, maintain, and revise the Indian Housing Plan as needed.

Maintain adequate staffing levels to ensure efficient administration, compliance with federal regulations, and effective supportive services.

Review policies and revise as needed.

Keep Nation citizens, Nation Councilors, and Administrators informed of regulatory changes, and the effect those changes have on the Nation.



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3. **ACTIVITIES PLAN - An overview of the activities planned during the period including an analysis of the manner in which the activities will enable the tribe to meet its mission, goals, and objectives.**

Please enter your Activities Plan here:

The Cherokee Nation will continue to utilize the Housing Authority of the Cherokee Nation, the Nation's internal groups, and possibly other entities to carry out housing activities.

The development of homeownership units shall follow guidelines that ensure quality land and/or housing is purchased or constructed to meet environmental requirements, lead-based paint regulations, modest cost standards, safe and sanitary conditions, construction standards, energy efficiency, handicapped accessibility, low cost maintenance, and other considerations necessary to provide quality housing at modest costs for the greatest number of eligible families. Storage space for building materials for homeownership construction will be provided.

Activities involving the development of financing alternatives such mortgage assistance, the Title VI program, Section 184 loan guarantees, Individual Development Accounts, Low Income Housing Tax Credits, and the Federal Home Loan Bank's Affordable Housing Program, shall be utilized to leverage IHBG funds into providing more homeownership and rental opportunities.

The modernization and operation of the 1937 Act housing stock shall be an ongoing basis. Needs will be determined through annual inspections. Continued maintenance, enforcement of agreements, and various planning activities will continue to be available for occupancy by low income Indians to ensure the housing stock.

The Nation's plan shall provide for short-term emergency assistance in the case of natural disasters, economic hardships, and other conditions that require short-term assistance to prevent homelessness. Rental vouchers will be issued for a limited amount of time in order to allow eligible Indians to put themselves in the position of moving on to unsubsidized housing.

NAHASDA-assisted residents shall be provided various resident services that will encourage self-sufficiency and the development of life skills for the children so that they do not have to rely on subsidized housing in the future. These services shall reflect a broad range of activities in order to address a wide diversity of population that has different needs, whether literacy skills, job skills, cultural enhancement, drug prevention, case management, etc., in order to progress toward self sufficiency. In addition, police and security protection shall be provided to assisted residents in order to maintain a safe and healthy environment.

The Nation has entered into a subrecipient agreement with the Housing Authority of the Delaware Tribe to enable it to maintain and operate its 1937 Act units, as well as provide other services to residents of the units.



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3.4 Subsidize the Nation's Title VI program in the amount of \$1,500,000 for principal and interest payments as a means of keeping the housing affordable to low-income Indian homebuyers.

3.5 Provide transitional and emergency housing assistance to 250 low-income Indian recipients to keep them from becoming homeless.

Goal 4 - Housing Management Services

4.1 Provide staff and related costs to process applications, maintain waiting lists, perform inspections, and conduct related activities for NAHASDA-funded programs and units.

4.2 Provide staff to process applications, make inspections, and related work for the Housing Authority of the Delaware Tribe in the amount of \$25,000.

Goal 5 - Crime Prevention & Safety

5.1 Provide law enforcement for NAHASDA-assisted units in Indian Country and other areas beyond what local law enforcement provides.

Goal 6 - Model Activities

6.1 The construction of two structures to provide warehouse and storage space for building materials exclusively for housing assisted under NAHASDA.

Goal 7 - Planning & Administration

7.1 Provide staff, training, facilities, equipment, and related items for overall program administration, management, and planning, including APR/IHP development, housing and infrastructure coordination, conducting research and development for creation of alternative housing services at local levels, compliance monitoring, and indirect costs in accordance with an approved agreement with the cognizant agency, i.e. Department of Interior.

7.2 Provide \$48,571 for administrative expenses for and related to the FCAS funding for the Housing Authority of the Delaware Tribe.



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3. FINANCIAL RESOURCES- An operating budget for the recipient, in a form prescribed by the Secretary, including:

- a. an identification and a description of the financial resources reasonably available to the recipient to carry out the purposes of NAHASDA, including an explanation of the manner in which amounts made available will leverage additional resources; and

Please enter your Identification and Description here:

IHBG funding will be utilized in an efficient manner and invested according to approved investment policy and current regulations in order to generate interest income and leverage additional resources - as approved by the Southern Plains Office of Native American Programs (HUD).

IHBG	\$30,216,767
Anticipated Program Income	\$ 483,233
IHBG Attributable to HADT	<u>\$ 574,546</u>

Total NAHASDA-related Resources	\$31,274,546
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The Nation is also proposing to utilize \$17 million in Title VI loan guarantee funds for homeownership.



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b. the uses to which such resources will be committed, including eligible and required affordable housing activities under title II of NAHASDA and administrative expenses.

Please enter the Uses of Such Resources here:

Fiscal Year ending 09/30/06	
1937 Housing Act Assistance	
Modernization	\$ 1,100,000
Operating Subsidy	\$ 1,700,000
Operating Subsidy for HADT	\$ 500,975
Development (Homeownership)	
Construction	\$ 1,500,000
Mortgage Assistance	\$ 3,900,000
Rehabilitation (Privately-Owned)	\$ 5,660,000
Housing Services	
Rental Assistance	\$ 3,500,000
Self Sufficiency Counseling	\$ 1,500,000
Resident Services	\$ 1,185,000
Title VI Debt Subsidy	\$ 1,500,000
Transitional/Emergency Housing	\$ 437,000
Housing Management Services	
Housing Management	\$ 2,800,000
Housing Management for HADT	\$ 25,000
Crime Prevention & Safety	
Marshal Services	\$ 1,195,000
Model Activities	
Warehouse and Storage Facilities	\$ 200,000
Planning & Administration	
Administration/Management/Planning	\$ 4,523,000
Administration Related to HADT	\$ 48,571
<u>TOTAL RESOURCES</u>	<u>\$31,274,546</u>
(Removed: "In addition, the down payment/closing cost program is expected to leverage an additional \$20,000,000 in mortgage money, primarily guaranteed by Section 184.")	



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**TABLE 2
FINANCIAL RESOURCES**

Name of Tribe: Cherokee Nation
 Name of TDHE (if applicable):
 Federal Fiscal Year: 2006
 Tribal/TDHE Program Year: 2006



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PART I: SOURCES OF FUNDS FOR NAHASDA ACTIVITIES	
column a	column b
1. HUD Resources	
a. NAHASDA Block Grant	\$30,791,313.00
b. NAHASDA Program Income	\$483,233.00
c. NAHASDA Title VI	\$17,000,000.00
d. Section 184 Loan Guarantee	
e. Indian Community Development Block Grant	
f. Drug Elimination Grants and Drug Technical Assistance	\$0.00
g. Prior Year Funds	
h. Other	
2. Existing Program Resources	
a. 1937 Housing Act Programs	
b. Other HUD Programs	
3. Other Federal or State Resources	
a. BIA Home Improvement Program	
b. Other	
4. Private Resources	
a. Tribal Contributions for affordable housing	
b. Financial Institution	
c. Other	
5. Other	
6. Total Resources	\$48,274,546.00

Table 2 Financial Resources Continued

PART II: ALLOCATION OF FUNDS FOR NAHASDA ACTIVITIES			
column a	column b	column c	column d
7. Indian Housing Assistance			
a. Modernization (1937 Housing Act)	\$1,100,000.00	250	250
b. Operating (1937 Housing Act)	\$2,200,975.00	1133	1133
8. Development			
a. Rental	1. Construction of new units	\$0.00	0
	2. Acquisition	\$0.00	0
	3. Rehabilitation	\$0.00	0
b. Homeownership	1. Construction of new units	\$18,500,000.00	230
	2. Acquisition	\$3,900,000.00	233
	3. Rehabilitation	\$5,660,000.00	250
9. Housing Services	\$8,122,000.00		5721
10. Housing Management Services	\$2,825,000.00		2631
11. Crime Prevention and Safety	\$1,195,000.00		1200
12. Model Activities (specify below)			
a. Warehouse & Storage Facilities	\$200,000.00	0	0
13. Planning and Administration	\$4,571,571.00		
14. Reserves	\$0.00		
15. Other	\$0.00	0	0
16. Total	\$48,274,546.00	2096	11648

OTHER SUBMISSIONS

Recipients of NAHASDA funds are required to prepare and submit the following information:

1. Useful Life

Sections 205(a)(2) and 209 of NAHASDA requires that housing remain affordable. Each recipient will determine the "useful life" period for its units. The useful life of each assisted housing unit in each development must be described. This information may be described here or in the affordable housing resources section of the 1-year plan.

Please enter your Useful Life Information:

The "useful life" of each assisted housing unit will be determined by the amount of IHBG funds invested (as defined in IHBG Program Guidance 2005-10) as follows:

<u>IHBG Funds Invested</u>	<u>Affordability Period</u>
Under \$5,000.....	1 year
\$5,000 to \$15,000.....	5 years
\$15,001 to \$30,000.....	10 years
\$30,001 to \$50,000.....	15 years
Over \$50,000.....	20 years

These provisions shall be assured through binding commitments to ensure that each housing unit will remain affordable for its "useful life."

2. Model Housing Activities

Recipients are required to submit proposals to operate model housing activities or other housing programs as defined in NAHASDA sections 201(b)(2) and 202(6) for non low-income families. If a model housing activity is to be undertaken during the 1-year plan period, proposals may be included here, in the affordable housing resources section of the 1-year plan, or as a separate submission. All proposals must be approved by the Secretary prior to beginning any model housing activity.

Please enter your Model Housing Activities here:

The Cherokee Nation proposes to construct two structures for the warehousing and storage of building materials, including structural insulated panels, exclusively to be used for new houses under NAHASDA for eligible applicants. One structure would be located in Stilwell, Oklahoma and the other in Tahlequah, Oklahoma. These structures are situated so as to shorten the distance the materials would need to be carried to arrive at the different building sites within Cherokee Nation. Both will be pole barn style structures. Each structure will be 15,000 square feet of storage space (100' x 150') with 16' walls (without a concrete floor). They are estimated at a cost of \$100,000 each. The structures fall within the eligible model activities listed in the ONAP Guidance No. 2001-02T, November 20, 2000.

4. Planning and Administration

In accordance with the Final Rule, state the percentage of annual grant funds which will be used for planning and administrative purposes. If the amount is over 20 percent of the annual grant amount, HUD approval is required.

Please enter your planning and administration here:

During this plan year, the Cherokee Nation will use slightly less than 15% of the grant amount for planning and administrative activities. The percentage based on the principal and program income IHBG amount is \$4,571,571 divided by \$31,274,546.

5. Minimal Funding

As stated in the Final Rule, the first year of NAHASDA participation, a tribe whose allocation is less than \$50,000 under the need component of the formula shall have its need component of the grant adjusted to \$50,000. Certify here that there is a need for funding.

Please enter your minimal funding here:

N/A

6. Method of Payment

In accordance with the Final Rule, state the method of payment the tribe/THDE will use to request its grant funds.

Please enter your method of payment here:

The LOCCS system will be utilized as the method of payment in accordance with the Final Rule and NAHASDA program guidance notices.



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AR
RCVD

Cherokee Nation Act /Resolution Proposal Form

Act

Resolution

TITLE: A Resolution Approving and Authorizing the Submission of Amendment Number Four to the Fiscal Year 2006 Indian Housing Plan to the U.S. Department of Housing and Urban Development

DEPARTMENT CONTACT: Denise Honawa, Gov't Resources

RESOLUTION PRESENTER: Marvin Jones, Consultant

SPONSOR: Melvina Shotpouch

NARRATIVE:

Submittal of the 2006 Indian Housing Plan, Amendment #4, to revise Plan to include a model activity of building two storage facilities and increasing the amount of program income.

Administrative Clearance

Program/Project Manager

Signature/Initial _____ Date _____

Department Director:

Signature/Initial _____ Date _____

Executive Director:

Melanilla 7/3/07
Signature/Initial _____ Date _____

Controller: (If Needed)

Signature/Initial _____ Date _____

Government Resources Dept:

Lita Maysie 7/5/07
Signature/Initial _____ Date _____

Administration Approval:

Melanilla 7/3/07
Signature/Initial _____ Date _____

Legislative Clearance

Legislative Aide:

Brittain 7/5/07
Signature/Initial _____ Date _____

Standing Committee:

Community Service

7/17/07

Next Meeting Date

Chairperson:

Shotpouch
Signature/Initial _____ Date _____

Returned to Presenter: _____

Date

07-05-07P05:02 RCVD