

Committee: Rules
Date: 03-15-2022 Committee Date: 03-31-22

Author: Chuck Hoskin, Jr.
Sponsor: Daryl Legg, Mike Shambaugh, Victoria Vazquez, Dora Patzkowski, Candessa Tehee, Danny Callison, Joshua Sam, Rex Jordan, Johnny Kidwell, Shawn Crittenden, Keith Austin, Melvina Shotpouch, Joe Deere, Mike Dobbins, EO Smith, Julia Coates

An Act

Legislative Act 10-22

THE HOUSING, JOBS, AND SUSTAINABLE COMMUNITIES REAUTHORIZATION ACT OF 2022

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This legislative act shall be titled and codified as “**Housing, Jobs and Sustainable Communities Reauthorization Act of 2022.**”

Section 2. Purpose and Findings

- A. Purpose:** The purpose of this Act is to **reauthorize and amend the Housing, Jobs and Sustainable Communities Act of 2019 (HJSCA)**, authorizing funding in an amount of **\$120** million dollars to fund housing rehabilitation, **new home construction**, create additional jobs in construction and related fields, improve the long-term financial and environmental sustainability of Cherokee Community Buildings, and to otherwise provide for the welfare of Cherokee citizens.
- B. Findings:** The Council finds that the Housing, Jobs and Sustainable Communities Act of 2019 made an historic investment into housing rehabilitation for some of Cherokee Nation’s most vulnerable citizens and community facilities that serve them. HJSCA is responsible for more than 184 housing rehabilitation projects completed or in some phase of completion. HJSCA was further responsible for sustainability improvements to more than 23 community buildings. The Council finds that notwithstanding HJSCA’s historic \$30 million investment into these efforts, there exist further opportunities to improve housing conditions for Cherokee citizens and improve, expand and construct community buildings. The Council finds that these continued efforts can also assist Cherokee Nation in its response to, and recovery from, the COVID-19 pandemic. Accordingly, the Council finds that reauthorization and amendment of HJSCA is warranted.

Section 3. Legislative History

Legislative Act 12-19

Legislative Act 20-19

Section 4. Funding Sources

A. The primary funding source is federal American Rescue Plan Act (ARPA) funds under the Cherokee Nation COVID-19 Respond, Recover and Rebuild Plan (RRR). Other funding sources include dividends received from those for-profit corporations in which Cherokee Nation is the sole or majority shareholder, and that are incorporated under Cherokee Nation law and grants, miscellaneous sources and contributions, revenues of enterprises, taxes, and special and general fund sources. Any funds authorized or appropriated for fiscal year 2022 under HJSCA is hereby authorized as a funding source under this reauthorization act for any purpose specified herein. Nothing in this reauthorization act constitutes an appropriation of funds or precludes the Council from exercising its constitutional duty of budget appropriation.

Section 5. Policy of Accountability

- A. All funds pursuant to this Act under the care of the Cherokee Nation shall be expended as authorized by this enactment unless amended.
- B. Any official who intentionally and willfully misuses, misapplies, diverts or embezzles the application or use of any public funds entrusted to the care of the Cherokee Nation from any sources may be prosecuted according to applicable criminal statutes.

Section 6. Substantive Provisions

§ 1. Amounts Authorized.

- A. A total amount of ~~\$30120~~ million dollars is authorized under this enactment for fiscal years 2022, 2023, 2024 and 2025
- B. The funds authorized shall be allocated as follows:
 - 1. ~~\$20,000,000~~ ~~\$22,500,000~~—of such funding shall address pending Housing Rehabilitation program applications on file with the Housing Authority of the Cherokee Nation (“HACN”) as of ~~August 1, 2019~~ June 1, 2022, with such funds being used to supplement, but not supplant, the HACN’s federal funding under the Native American Housing Assistance and Self Determination Act (NAHASDA). ~~The Executive Director of HACN is~~

~~authorized to promulgate policies to effectuate the purposes of this act.~~

2. \$10,000,000 of such funding shall address emergency housing rehabilitation needs, with such funds being use to supplement, but not supplant, the HACN's federal funding under NAHASDA or to funds such housing rehabilitation programs administered by the Language Services Department's Speaker Services Unit.
3. \$60,000,000 of such funding shall be utilized for HACN's New Construction Home Ownership Program (NCHOP), for the purpose of constructing new homes or providing applicants such alternative options for home ownership as the Executive Director of HACN may deem warranted, provided: Said alternative options for home ownership shall be provide to the Council of the Cherokee Nation for review no less than 30 days before the effective date of said option, and
 - a. The funds allocated in this sub section shall be divided as equally as practicable between NCHOP applicants whose applications indicate they have land available on which to construct a home (landed applicants) and NCHOP applicants whose applications indicate they do not have such land (landless applicants), as reflected in HACN's records as of the date of this act. Said funds allocated for landless applicants may be used for land acquisition and development costs in order to serve landless applicants.
4. \$4,000,000 of such funding shall be utilized to expand the Bonnie Kirk Village for fluent Cherokee speakers, located in our capital of Tahlequah, OK, and/or to construct additional such speakers villages at locations within the Cherokee Nation Reservation determined by the Executive Director of Language Services.
5. \$4,000,000, of such funding shall be utilized for the construction or rehabilitation of low income housing rental units by the HACN, with such funds being used to supplement, but not supplant, the HACN's federal funding under NAHASDA.
6. \$10,000,000 of such funding shall be used for the construction of crisis shelters to address domestic violence or homelessness.
7. ~~\$7,500,000~~ 7,000,000 of such funding shall be administered primarily by Cherokee Community Outreach ("CCO") with guidance from the Secretary of Natural Resources under the Sustainable Communities Program. Said program shall included

grants and other expenditures for installation of high speed internet in Cherokee Community Buildings and other improvements to Cherokee Community Buildings to improve broadband connectivity, to conserve or protect Cherokee cultural resources or to conserve energy and natural resources, such as energy efficiency rehabilitation projects, renewable energy and sustainable grants for the installation of projects which include but are not limited to: HVAC systems, solar panels, and community gardens adjacent to the Cherokee Community Buildings. Said program may include the construction of or expansion of community buildings, provided said construction or expansion meet the cultural, natural and energy resources conservation objectives of this act.

8. Up to \$5,000,000 of such funding may be utilized for land acquisition and development costs associated with the activities described in paragraphs 1-7 of this sub-section, or any portion thereof may be reallocated to increase the amounts authorized in those sub-sections at the discretion of the Principal Chief to effectuate the purposes and policies of this act.

C. Any unspent funds authorized in one fiscal year may be rolled over from year to year until such funds are fully depleted.

D. Administrative Costs: The cost of administering programs under this act may be borne in part by funds allocated in this section, as follows:

a) Housing Programs: Cost to administer housing programs in section 5.1.B, subsections 1-6, of this act may include funds authorized by this act not to exceed 1.5% of the total allocations of funds to said housing programs, with such funds realized from proportional reductions in spending on said housing programs.

b) Sustainable Communities Programs: Costs to administer Sustainability Programs in section 5.1.B, subsection 7, of this act may include funds authorized by this act not to exceed 1.5% of the total allocation of funds to said Sustainability Programs, with such funds realized from a reduction in spending on said Sustainability Programs.

E. Policy Making Authority

1. Housing Programs: The Principal Chief or his administration designee is authorized to promulgate policies, or to recommend such to HACN, to effectuate the housing provisions of this act, provided:

- a) The Principal Chief shall provide the Council of the Cherokee Nation with a copy of said policies within 30 days of effectiveness or any amendments thereto, and
 - b) To the extent that any policy or process relating to housing programs under this act relates to compliance with any federal law or regulation, the Principal Chief shall, in addition to the notice requirement set forth in this section, provide the Council with written justification for such policy or process with citation to relevant legal authority.
 - c) In promulgating policies under this act, the Principal Chief is directed to avoid unnecessary duplication of federal policies or, where appropriate lawful waivers are available, the utilization of the Tribal Employment Rights Act's provisions relating to contractors where doing so will undermine efforts to achieve the housing goals reflected in Sections 5.1.B 1-3 of this act due to unavailability of TERO contractors. Nothing in this act waives or repeals any portion of the Tribal Employment Rights Act.
 - d) The Principal Chief, through the department of Career Services, shall utilize a portion of the administrative funds set aside in Section 5.1.D of this act to conduct outreach to, and encourage the expansion of, the pool of TERO eligible housing construction contractors available to work on housing projects funded under this act.
2. Sustainable Communities Programs: The Director of CCO is authorized to promulgate policies or regulations relating to Sustainable Communities initiatives and grants under this act, provided:
- a) The Principal Chief shall provide the Council of the Cherokee Nation with a copy of said policies within 30 days of effectiveness or any amendments thereto.

§ 2. **Reporting Requirements.**

Within 90 days Prior to the expiration of the expiration of each fiscal year, the Secretary of State shall compile a report concerning such allocation which shall include the number of jobs created, the number of projects completed, and an assessment of energy savings. This report shall be submitted to the Council of the Cherokee Nation, the Cherokee Nation Businesses ("CNB") Board of Directors and the HACN Board of Commissioners.

Section 7. Provisions as cumulative

The provisions of this act shall be cumulative to existing law, except to the extent this act conflicts with or amends HJSCA of 2019, in which case this act supersedes HJSCA 2019.

Section 8. Severability

The provisions of this act are severable and if any part of provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.


Section 9. Effective Date: Emergency Declared

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this Act shall take effect immediately upon its approval and signatures.

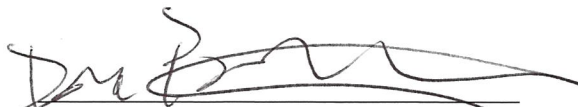
~~**Section 9. Self-Help Contributions**~~

~~To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute~~


Enacted by the Council of the Cherokee Nation on the 31st day of March, 2022.


Mike Shambaugh, Speaker
Council of the Cherokee Nation


ATTEST:


Dora Patzkowski, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 31st day of March, 2022.


Chuck Hoskin, Jr., Principal Chief
Cherokee Nation

ATTEST:



Tina Glory Jordan, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Rex Jordan	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Candessa Tehee	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
Wes Nofire	<u>Absent</u>	Dora Smith Patzkowski	<u>Yea</u>
Mike Dobbins	<u>Absent</u>	Joe Deere	<u>Yea</u>
E. O. "Jr." Smith	<u>Yea</u>	Keith Austin	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Danny Callison	<u>Yea</u>
Joshua Sam	<u>Yea</u>	Julia Coates	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Johnny Kidwell	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		

Cherokee Nation Act/Resolution Proposal Form

Act Resolution

THE HOUSING, JOBS, AND SUSTAINABLE COMMUNITIES REAUTHORIZATION ACT OF 2022

<u>ADMINISTRATIVE CLEARANCE</u>	
Dept/Program:	
Signature/Initial	Date
Executive Director:	
Signature/Initial	Date
Treasurer (Required: Grants/Contracts/Budgets):	
Signature/Initial	Date
Government Relations:	
Signature/Initial	Date
Administration Approval:	
11/30/21	
	3/15/22
Signature/Initial	Date
	3/15/22
<u>LEGISLATIVE CLEARANCE:</u>	
Legal & Legislative Coordinator:	
	3/15/22
Signature/Initial	Date
Standing Committee & Date:	
Chairperson:	

DEPARTMENT CONTACT: Chuck Hoskin Jr.

RESOLUTION PRESENTER: Chuck Hoskin Jr.

COUNCIL SPONSOR: Daryl Legg, Mike Shambaugh, Victoria Vazquez, Dora Patzkowski, Candessa Tehee, Danny Callison, Joshua Sam, Rex Jordan, Johnny Kidwell, Shawn Crittenden, Keith Austin, Melvina Shotpouch, Joe Deere, Mike Dobbins, EO Smith, Julia Coates

NARRATIVE:
The purpose of this Act is to reauthorize and amend the Housing, Jobs and Sustainable Communities Act of 2019 (HJSCA), authorizing funding in an amount of \$120 million dollars to fund housing rehabilitation, new home construction, create additional jobs in construction and related fields, improve the long-term financial and environmental sustainability of Cherokee Community Buildings, and to otherwise provide for the welfare of Cherokee citizens.

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