

RESOLUTION NO. 95-08

COUNCIL OF THE CHEROKEE NATION

**A RESOLUTION APPROVING AND AUTHORIZING THE SUBMISSION OF AN
AMENDMENT TO THE FISCAL YEAR 2007 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 must submit an Indian Housing Plan in a form prescribed by the United States Department of Housing and Urban Development to receive its Fiscal Year 2007 housing funding allocation;

WHEREAS, the Cherokee Nation submitted an Indian Housing Plan for Fiscal Year 2007 to the United States Department of Housing and Urban Development which was approved;

WHEREAS, the Cherokee Nation now wishes to make changes in its plan;

WHEREAS, the attached sheets reflect the changes to be made to the Indian Housing Plan.

BE IT RESOLVED BY THE CHEROKEE NATION, that the attached changes are approved to be incorporated into the Indian Housing Plan for the Fiscal Year 2007 and submitted to the U.S. Department of Housing and Urban Development as the Nation's amended Indian Housing Plan; 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 15th day of December, 2008, having 16 members present, constituting a quorum, by a vote of 16 yeas; 0 nays; 0 abstaining.

Meredith A. Frailey
Meredith A. Frailey, Speaker
Council of the Cherokee Nation

ATTEST:

Don Garvin
Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 22nd day of December, 2008.

Chadwick Smith
Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:

Melanie Knight
Melanie Knight, Secretary of State
Cherokee Nation

Provide resident services in areas of casework and other social enhancement activities, cultural enhancement, educational, vocational, and job training skills, literacy centers, and related services.

Provide resident services for 150 Youth for HADT.

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.

Provide housing management funds to the HADT for the operation of its NAHASDA 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

None projected at this time.

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.

1-YEAR INDIAN HOUSING PLAN

The 1-Year Plan section of the Indian Housing Plan must contain information, relating to the upcoming fiscal year for which assistance is to be made available, including the following:

1. **GOALS AND OBJECTIVES** - A statement of the goals and objectives to be accomplished during the period that are measurable as determined by the Tribe/TDHE.

Please enter your Goals and Objectives here:

GOAL 1 - INDIAN HOUSING ASSISTANCE (2007)

A. MODERNIZATION (1937 Housing Act Units)

1.1 Rehabilitate/Repair/Modernize 250 Low Rent Units at an average of \$4,400 per unit.

1.1a Provide modernization assistance for 18 LR units at an average of \$5800 per unit for HADT.

B. Operating (1937 Housing Act Units)

1.2 Provide for continued maintenance, occupancy, and efficient administration of Low Rent units through the subsidization of costs to a break-even point, estimated to be \$1,700,000 for the HACN program.

1.3 Provide for continued maintenance, occupancy, and efficient administration of the Housing Authority of the Delaware Tribe's Low Rent and Mutual Help programs in the amount of \$229,183.

Goal 2 - DEVELOPMENT (HOMEOWNERSHIP)

2.1 Provide 18 "building packages" for self-help construction under supervision at an average cost of approximately \$88,000 (plus related environmental review costs).

2.2 Assist in the new construction of 8 houses through the community/group self-help construction method, research energy efficiency for residential dwellings, and operate the Structural Insulated Panel facility to produce panels affordable housing activities, such as building packages.

2.3 Purchase and develop 160 sites (at an estimated 5 acres per site) for affordable housing at a total cost of \$2,794,502 (including staff, overhead, and related costs).

2.4 Provide mortgage assistance and closing costs to 120 low-income Indian homebuyers at a total maximum cost of \$15,000 (plus related environmental review costs).

2.5 Rehabilitate or replace 250 houses privately-owned by low-income Indians at an average cost (including direct staff and overhead) of \$22,000 per recipient (plus related environmental review costs).

Goal 3 - Housing Services

- 3.1 Provide rental assistance to at least 1,471 low-income Indians.
- 3.2 Provide self-sufficiency counseling and case management assistance to 400 low-income Indians on the homeownership waiting list to enhance their ability to procure mortgages.
- 3.3 Provide resident services to 2,737 resident/eligible families/individuals in the areas of education, resident organization, self-sufficiency activities, drug elimination, case management, literacy, job training/education (through matching funds with the Nation's ROSS program), tax preparation, and cultural activities.
- 3.4 Provide transitional and emergency housing assistance to 975 low-income Indian recipients to keep them from becoming homeless.
- 3.5 Match funds to 100 eligible residents or participants to enable them to obtain homeownership or housing rehabilitation service and/or participate in self sufficient enhancement such as job training, education, or micro-enterprise development through Individual Development Accounts.
- 3.6 Provide \$38,500 to the HADT for resident services for 120 youth.

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 \$15,900 to manage HADT's NAHASDA units.

Goal 5 - Crime Prevention & Safety

- 5.1 Provide law enforcement for 1,500 NAHASDA-assisted units in Indian Country and other areas beyond what otherwise would have been provided.

Goal 6 - Model Activities

No model activities

Goal 7 - Planning & Administration

- 7.1 Provide staff, training, facilities, equipment, and related items for overall program administration, management, and planning for the HACN and the Nation (through indirect costs in accordance with its IDC Agreement with the cognizant agency, the DHHS) and IHP/APR development, housing and infrastructure coordination, and compliance monitoring.
- 7.2 Provide \$97,720 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	\$29,554,137
Anticipated Program Income	\$ 1,185,571
Other "Income"	\$ 619,502
IHBG Attributable to HADT	\$ 456,303
Total NAHASDA-related Resources	\$31,815,513



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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 09/30/07	
1937 Housing Act Assistance	
Modernization	\$ 1,100,000
Modernization for HADT	\$ 100,000
Operating Subsidy	\$ 1,700,000
Operating Subsidy for HADT	\$ 229,183
Development (Homeownership)	
Construction/Land Purchase	\$ 2,930,000
Mortgage Assistance	\$ 2,070,000
Rehabilitation (Privately-Owned)	\$ 5,660,000
Land Purchase/Development	\$ 2,794,502
Housing Services	
Rental Assistance	\$ 3,500,000
Self Sufficiency Counseling	\$ 430,000
Resident Services	\$ 1,305,000
Transitional/Emergency Housing	\$ 500,000
Individual Development Accounts	\$ 100,000
HADT Resident Services	\$ 38,500
Housing Management Services	
Housing Management	\$ 4,522,686
Housing Management for HADT	15,900
Crime Prevention & Safety	
Marshal Services	\$ 795,000
Planning & Administration	
Administration/Management/Planning	\$ 3,927,022
Administration Related to HADT	\$ 97,720
<u>TOTAL RESOURCES</u>	\$31,815,513



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k. the entity that will carry out the activities under the plan, including the organizational capacity and key personnel of the entity.

Please enter your Organizational capacity & key personnel that will carry out IHP activities here:

The 2007 Cherokee Indian Housing Plan was developed through a coordinated effort between housing staff, the Principal Chief, the Cherokee Nation, and the Nation's Council.

The Cherokee Nation is the recipient of funds and utilizes many different offices to administer and manage them depending on area of expertise. The Nation has been recipient for the last several years and will be responsible for implementing and overseeing the housing activities outlined in the one-year and five-year sections of the plan.

The Nation's housing authority, the Housing Authority of the Cherokee Nation, has been in existence since 1966 and has had over 2,000 persons successfully complete the homeownership requirements under the Mutual Help Program. The HACN also has extensive experience in administering grant and contract programs, receiving numerous grant awards over the past several years. Most of the property for homeownership, i.e. lease-to-purchase units, and rental units are in its name.

The Housing Authority is organized with the Board of Commissioners serving at the top of the organizational structure. The Housing Authority Executive Director, David Southerland, has many years of experience in administering HUD programs. Current department directors also possess many years of valuable experience in implementation and operation of housing programs.

Cherokee Nation personnel who have various duties and responsibilities as indicated include: Don Vaughn (internal auditing and monitoring), Diane Kelley (job training and self sufficiency activities), Anna Knight (Individual Development Accounts), Norma Merriman (transitional/emergency housing, elder protection, and family unification activities), Charlie Soap (self-help housing), Sharon Wright (Marshal Service and law enforcement), Tom Elkins (LBP identification and environmental reviews), David Southerland (Housing Mgmt, and Rehab), Jack Farmer (Land development).

The HADT has been in existence nearly 30 years. Its Executive Director is Mike Ellick who has three years of experience in Indian housing.

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**TABLE 2
FINANCIAL RESOURCES**

Name of Tribe: Cherokee Nation
 Name of TDHE (if applicable):
 Federal Fiscal Year: 2007
 Tribal/TDHE Program Year: 2007



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PART I: SOURCES OF FUNDS FOR NAHASDA ACTIVITIES	
column a	column b
1. HUD Resources	
a. NAHASDA Block Grant	\$29,554,137.00
b. NAHASDA Program Income	\$1,185,571.00
c. NAHASDA Title VI	
d. Section 184 Loan Guarantee	
e. Indian Community Development Block Grant	\$0.00
f. Drug Elimination Grants and Drug Technical Assistance	\$0.00
g. Prior Year Funds	
h. Other	\$0.00
2. Existing Program Resources	
a. 1937 Housing Act Programs	\$0.00
b. Other HUD Programs	\$0.00
3. Other Federal or State Resources	
a. BIA Home Improvement Program	\$0.00
b. Other	\$0.00
4. Private Resources	
a. Tribal Contributions for affordable housing	\$819,502.00 (disallowed cost reimbursement)
b. Financial Institution	\$0.00
c. Other	
5. Other	\$456,303.00
6. Total Resources	\$31,815,513.00

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)	\$1,200,000.00	268	268
b. Operating (1937 Housing Act)	\$1,929,183.00	1275	1275
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	\$5,724,502.00	26
	2. Acquisition	\$2,070,000.00	120
	3. Rehabilitation	\$5,660,000.00	250
9. Housing Services	\$5,873,500.00		5683
10. Housing Management Services	\$4,538,586.00		2587
11. Crime Prevention and Safety	\$795,000.00		1500
12. Model Activities (specify below)			
a.	\$0.00	0	0
13. Planning and Administration	\$4,024,742.00		
14. Reserves	\$0.00		
15. Other	\$0.00	0	0
16. Total	\$31,815,513.00	1939	11709

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 12.7% of the grant amount and projected program income for planning and administrative activities. The percentage based on the principal and program income IHBG amount is \$4,024,742 divided by \$31,815,513.

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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**Cherokee Nation
Act /Resolution Proposal Form**

Act

Resolution

TITLE: A Resolution Approving and Authorizing the Submission of an Amendment to the Fiscal Year 2007 Indian Housing Plan to the U.S. Department of Housing and Urban Development

DEPARTMENT CONTACT: Marvin Jones, Housing Policy Office

RESOLUTION PRESENTER: Marvin Jones

SPONSOR:

NARRATIVE:

Submittal of Amendment #3 to the 2007 Indian Housing Plan to HUD.

Administrative Clearance

Program/Project Manager

Signature/Initial _____ Date _____

Department Director:

Signature/Initial _____ Date _____

Executive Director:

Signature/Initial _____ Date _____

Controller: (If Needed)

Signature/Initial _____ Date _____

Government Resources Dept:

Lita Mays 10/20/08
Signature/Initial _____ Date _____

Administration Approval:

Melby A 10/31/08
Signature/Initial _____ Date _____

Legislative Clearance

Legislative Aide:

Shelli Britton 10/31/08
Signature/Initial _____ Date _____

Standing Committee:

Community Service

11/10/08

Next Meeting Date

Chairperson:

Burgard
Signature/Initial _____ Date _____

Returned to Presenter: _____

Date

10-31-08P05:04 RCVD

Cherokee Nation
Outline for Act/Resolution Justification Form

I. PURPOSE: To amend FY 2007 Indian Housing Plan and submit to the U.S. Department of Housing and Urban Development

II. FUNDING REQUIRED / SOURCE OF FUNDS:

Funding Contract Amount: \$30,010,440 + \$1,805,073 (estimated program and other income)

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

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

Date Available: When IHP is amended

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: Various; Department: Various

B. Staffing Required: Approximately 300 existing staff

C. Will Any of the Services Be Outsourced or Contracted? Yes, \$5,000,000 (estimated)

D. Space Required: Existing Location: Various

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