



NATIONAL CONGRESS OF AMERICAN INDIANS

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RESOLUTION #MSH-01-048

Title: A Resolution Affirming NCAI's Support for the Request of the Indian Tribes to HUD to Waive the Requirement that the Tribe Enter Into a Local Cooperation Agreement for Development of Affordable Housing

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest, largest, and most representative national American Indian and Alaska Native tribal government organization; and

WHEREAS, Congress enacted the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), P.L. 104-330, as amended, which acknowledges that "Congress, through treaties, statutes, and the general course of dealing with Indian tribes, has assumed a trust responsibility for the protection and preservation of Indian tribes and for working with tribes and their members to improve their housing conditions and socioeconomic status" and that "providing affordable homes in safe and healthy environments is an essential element in the special role of the United States in helping tribes and their members to improve their housing conditions and socioeconomic status; and

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WHEREAS, as originally enacted, Section 101(c) and (d) of NAHASDA required, as a condition of the Secretary of Housing and Urban Development making a grant under that Act to benefit low-income Indian families, that the recipient of a NAHASDA award must enter into an agreement for local cooperation with the governing body of the locality within which affordable housing is located to compensate such government for the costs of providing governmental services (including police and fire protection, roads, water and sewage systems, utilities systems and related facilities), in such amounts as are set forth in NAHASDA; and

WHEREAS, for more than two years, the Narragansett Indian Tribe has sought to negotiate a local cooperation agreement with the Town of Charlestown and has been assisted in this effort by the Deputy Assistant Secretary of the Office of Native American Programs, who has met with Tribal and Town of Charlestown officials in an effort to reach a satisfactory arrangement as required by NAHASDA; and

WHEREAS, Town of Charlestown officials have refused to enter into any local cooperation agreement and have so informed the Tribe in writing; and

WHEREAS, Congress, pursuant to P.L. 106-569, amended Section 101(c) of NAHASDA to direct the Secretary of the Department of Housing and Urban Development to waive local cooperation agreement requirement where the NAHASDA recipient “has made a good faith effort to fulfill the requirements of this subsection and subsection (d)” and agrees to comply with the requirements of NAHASDA until such time as the matter may be resolved; and

WHEREAS, the Secretary of the Department of Housing and Urban Development has not yet waived the requirements for local cooperation agreements as requested by the Narragansett Tribe; and

WHEREAS, without such local cooperation agreement in place, the Tribe cannot carry out affordable housing activities thereby jeopardizing the Tribe’s housing program.

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby request that, pursuant to Section 503 of P.L. 106-569, the Department of Housing and Urban Development waive the requirements of Section 101(c) and (d) of NAHASDA as requested by Indian Tribes and further requests that HUD and the Department of Justice take all steps necessary to protect the sovereign status and safety of the Indian Tribes, and its members, including, without limitation, investigating whether the Tribe’s civil rights have been violated by acts or omissions of officials in refusing to enter into a local cooperation agreement.

CERTIFICATION

The foregoing resolution was adopted at the 2001 Mid-Year Session of the National Congress of American Indians, held at Foxwoods Resort Casino in Mashantucket, Connecticut on May 13-16, 2001, with a quorum present.


Susan Masten, President

ATTEST:


Juana Maje, Recording Secretary

Adopted by the General Assembly during the 2001 Mid-Year Session of the National Congress of American Indians, held in Mashantucket, Connecticut on May 13-16, 2001.