



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #ABQ-19-021

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**TITLE: Promoting Native Homeownership Opportunities and Tribal
Sovereignty by Streamlining BIA Residential Leasing and Mortgage
Approval Processes**

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 and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and 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 and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, homeownership financed by mortgage loans on trust land stimulates tribal economies, promotes self-determination, and supports family stability and self-sufficiency; and

WHEREAS, less than 12 percent of mortgage loans to Native American families guaranteed by the U.S. Department of Housing and Urban Development (HUD) under the Section 184 Loan Guarantee Program were located on tribal trust or restricted land in FY 2018; and

WHEREAS, the inconsistency and lack of standardization with the review processes conducted by the U.S. Department of Interior's Bureau of Indian Affairs (BIA) for residential leases, Title Status Reports (TSRs), and mortgage encumbrance packages have resulted in slow processing times which has caused a decline in lender participation, increased transactions costs for lenders and consumers, and the inability to meet secondary market investor requirements which impedes access to mortgage capital; and

WHEREAS, the Bureau of Indian Affairs' Division of Real Estate Services recently issued an Indian Affairs Manual (IAM) entitled, "Indian Affairs Mortgage Handbook" which is intended to provide "standardized procedures and other guidance to assist BIA staff in the efficient and consistent processing of leasehold mortgages and land mortgages of trust property from various mortgage lenders and lending programs;" and

WHEREAS, tribal governments have the authority to assume responsibility for issuing residential leases under the Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012 (HEARTH Act) and the Indian Self-Determination and Education Assistance Act (ISDEAA) but lack the training and guidance to implement this function.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) urges the U.S. Department of the Interior Assistant Secretary of Indian Affairs to continue to build on the Bureau of Indian Affairs' (BIA) recent efforts to streamline their mortgage and title processes by conducting staff training, adopting policies and procedures to ensure the consistent implementation of the "Indian Affairs Mortgage Handbook" (52 IAM 4-H), and by conducting related training for tribal nations and lenders; and

BE IT FURTHER RESOLVED, that NCAI urges the Assistant Secretary to provide any tribal nation seeking to exercise their sovereignty during the land management process with digital access to land title records for land management, tracking, and general reference purposes through the Trust Asset and Accounting Management System (TAAMS); and

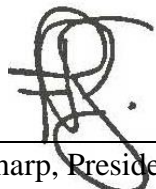
BE IT FURTHER RESOLVED, that NCAI urges the Assistant Secretary to conduct outreach and training for tribal nations seeking to exercise their sovereignty by assuming leasing and land management functions under the Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012 (HEARTH Act) and the Indian Self-Determination and Education Assistance Act (ISDEAA); and

BE IT FURTHER RESOLVED, that NCAI urges Congress to provide the Secretary of the U.S. Department of Housing the authority to issue Loan Guarantee Certificates for loans closed on approved tribal trust lands under the jurisdiction of the BIA immediately upon receipt of the required documentation, but shall not require the trailing documents, including the Final Certified Title Status Report and the Recorded Mortgage, both supplied by the BIA, before issuing the Loan Guarantee Certificate; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2019 Annual Session of the National Congress of American Indians, held at the Albuquerque Convention Center, October 20-25, 2019, with a quorum present.



 Fawn Sharp, President

ATTEST:



 Juana Majel Dixon, Recording Secretary