

NHLCMY-03-2022

RESOLUTION
OF THE
NAVAJO-HOPI LAND COMMISSION
OF THE
24TH NAVAJO NATION COUNCIL

**AMENDING NHLCJY-27-13; APPROVING THE DISTRIBUTION OF ESCROW FUNDS
EARMARKED FOR FORMER BENNETT FREEZE AREA ("FBFA") HOUSING
DIRECTLY TO FBFA CHAPTERS BASED ON PERCENTAGE OF CHAPTER
POPULATION IN THE FBFA AND DIRECTING THE NHLCO AND OFFICE OF THE
CONTROLLER TO IMPLEMENT DIRECT DISTRIBUTION**

WHEREAS:

1. The Navajo-Hopi Land Commission ("NHLC") is established within the Legislative Branch of the Navajo Nation Council and has been delegated the authority to establish Rehabilitation Trust Fund and Escrow Fund program budget policies, and to speak and act for the Navajo Nation on any and all matters relating to the well-being of impacted communities. 2 N.N.C. §§ 851(A), 852 (B)(4) and (B)(5); CO-82-20 (veto override by CD-91-20).
2. A Navajo-Hopi Intergovernmental Compact ("Compact") was entered into on November 3, 2006 and resolved on-going litigation between the Navajo Nation and the Hopi tribe. On May 8, 2009, U.S. President Barrack Obama signed Public Law 93-531 (25 U.S.C. 64d)-9(f) which lifted the forty (40) year Bennett Freeze.
3. Under Article 7.2 of the Navajo-Hopi Compact, the Navajo Nation and the Hopi tribe agreed to equally divide funds which had been held in escrow during the litigation since 1970.
4. In June of 2011, NHLC approved a Former Bennett Freeze Area ("FBFA") Escrow Funds Use Plan, attached herein as **Exhibit A**, which allocated funds for several projects, including a housing allocation of four million dollars (\$4,000,000).
5. In July of 2013, the NHLC adopted and enacted NHLCJY-27-13, attached herein as

Exhibit B, approving the FBFA Escrow Distribution Schedule to distribute the funds to each of the nine (9) FBFA chapter based on their chapter population in the FBFA.

6. NHL CJY-27-13, WHEREAS Paragraph 9, "authorizes NHLCO [Navajo Hopi Land Commission Office] to proceed to distributing (sic) the funds to the chapters, through a MOU."
7. At the time NHL CJY-27-13 was approved, the balance of the Escrow Funds allocated for housing purposes in the FBFA was \$3,606,808.00.
8. As of today, the NHLCO has not executed MOUs with the nine FBFA chapters, nor has the NHLCO distributed the Escrow Funds to the chapters.

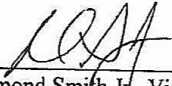
BE IT RESOLVED:

1. The Navajo-Hopi Land Commission reaffirms its approval of the proposed distribution of the Escrow Funds allocated for housing in the FBFA to FBFA chapters and hereby amends NHL CJY-27-13, WHEREAS Paragraph 9, attached as **Exhibit B**, as follows:
 9. NHLC hereby approves the proposed distribution plan, and authorizes NHLCO and the Office of the Controller to immediately proceed to distributing distribute the balance of the Escrow Funds allocated for housing purposes in the FBFA funds to the housing accounts of the FBFA chapters though a MOU; and.
2. The NHLCO and FBFA Chapter shall continue to adhere to the Navajo Hopi Land Commission Escrow Fund Use Plan which limits the distribution for housing assistance to \$30,000 per family.
3. The NHLCO and Office of Controller shall take all steps necessary to immediately implement this resolution.

NHLCMY-03-2022

CERTIFICATION

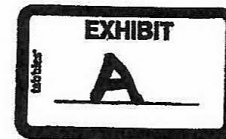
I hereby certify that the foregoing resolution was duly considered by the Navajo- Hopi Land Commission at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, and 3 opposed on this 5th day of May 2022.



Raymond Smith Jr., Vice-Chairperson
Navajo-Hopi Land Commission
Navajo Nation Council

Motion: Jimmy Yellowhair

Second: Thomas Walker Jr.



NHLCJN-07-11

RESOLUTION
OF THE NAVAJO-HOPI LAND COMMISSION
OF THE NAVAJO NATION COUNCIL

Approving the Former Bennett Freeze Area
Escrow Fund Budget and Policy Plan

WHEREAS:

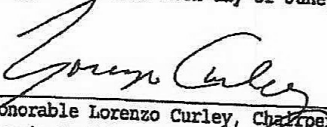
1. Pursuant to 2 N.N.C. §851(A), the Navajo-Hopi Land Commission (NHLC) is established within the Legislative Branch of the Navajo Nation Government; and Pursuant to 2 N.N.C. §853(B)(1) and (2), the Navajo-Hopi Land Commission of the Navajo Nation Council ("NHLC") is authorized to advise the President of the Navajo Nation concerning all matters relating to the Navajo-Hopi Settlement Act of 1974 (P.L. 93-531, as amended; and
2. In 1966, Commissioner of Indian Affairs Robert Bennett imposed a ban on construction in the 1934 disputed area, land claimed by the Navajo and Hopi Nation which became known as the Bennett Freeze Area;
3. In a memorandum dated December 28, 1970, from Acting Commissioner of Indian Affairs Ernest Stevens to Navajo Bureau of Indian Affairs Area Director, Acting Commissioner Stevens stated "All income collected on lands in the 1934 disputed area inside the original Bennett line (or western extension of the 1882 Executive Order Reservation) will be placed in escrow in a special deposit account"; and
4. The Navajo-Hopi Intergovernmental Compact ("Compact") was entered into on November 3, 2006 and resolved the litigation between the Navajo and Hopi Nations and lifted the 40 year Bennett Freeze and on May 8, 2009, Section 10(f) of Public Law 93-531 (25 U.S.C. 640d-9(f)) was repealed by and signed into law by United States President Barack Obama, which lifted the 40 year Bennett Freeze.
5. On December 22, 1974 the United States Congress passed the Navajo and Hopi Indian Land Settlement Act of 1974, P.L. 93-531, as amended. The law authorized litigation between the Tribes to title to the 1934 Reservation, including the Bennett Freeze Area; and
6. Pursuant to Article 7.2 of the Compact the Navajo and Hopi nations agreed to divide the funds from the escrow equally and NHLC requested the Bureau of Indian Affairs to authorize the Office of the Special Trustee to Transfer the Ownership of Securities to the Navajo Nation from the Navajo-Hopi Escrow Account ES-106-20-32. The funds having been deposited into Navajo Nation account titled "NAV-HOPI EXCW BEN FREEZE" with Business Unit No. 703001; attached hereto as Exhibit "A"; and

7. The Navajo Nation Controller has announced the funds are ready for distribution, but policies and a budget and policy plan are required before any expenditure of funds; and
 8. The Former Bennett Freeze Area Fund is to be used for the benefit of the benefits of the people and Chapters located in the Former Bennett Freeze area; and
 9. The Navajo-Hopi Land Commission Office has developed a policy plan for the use of the escrow funds attached hereto as Exhibit "B"; and
 10. The Navajo-Hopi Land Commission concurs with and approves the budget and policy plan.
 11. The Navajo-Hopi Land Commission has the authority to amend the policy plan as deemed necessary.
- NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Navajo-Hopi Land Commission of the Navajo Nation Council hereby approves the Former Bennett Freeze Area Fund budget titled, "NAV-HOPI ESCW BEN FREEZE" marked Exhibit "A".
2. The Navajo-Hopi Land Commission of the Navajo Nation Council also approves the Escrow Policy Plan titled, "A Plan For Use Of the Escrow Funds To Develop the Former Bennett Freeze Area" marked Exhibit "B".
3. The Navajo-Hopi Land Commission Office will coordinate with the impacted Chapters to develop a joint use expenditure plan.

C E R T I F I C A T I O N

I hereby certify that the foregoing resolution was duly considered by the Navajo-Hopi Land Commission of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 5 in favor, 0 opposed, this 24th day of June, 2011.


Honorable Lorenzo Curley, ~~Chairperson~~
Navajo-Hopi Land Commission
Navajo Nation Council

Motion by: Honorable Dwight Witherspoon
Second by: Honorable Walter Phelps
Vote: 5-0



THE
NAVAJO
NATION

EXHIBIT "A"

General Accounting/OoC * P. O. Box 3150 * Window Rock, AZ 86515 * (928) 871-7653
Dr. Joe Shirley, Jr.
President

Bennie Shelly
Vice-President

April 27, 2010

MEMORANDUM:

TO : Roman Bitsie, Executive Director
Office of Navajo Hopi Land Commission

FROM : Myrene Shondee, Accountant *Myrene Shondee*
General Accounting/Office of the Controller

SUBJECT: Assigned Business Unit(s)

Pursuant to Intergovernmental Relations Committee resolution IGRF-27-09, the following account(s) have been assigned as follows:

JDE Business Unit
703001

Description
NAV-HOPI ESCW BEN FREEZE

The account information has been entered into JDEdwards on 4/22/2010. Please provide the following information to the following respective departments.

1. "Budget Justification" to OMB
2. "Expenditure Authorized Signature" form to Accounts Payable

Your cooperation and assistance in providing this information to the respective program/chapters and personnel is appreciated. Any questions, please direct them to my attention at telephone number 871-6498.

CONCURRENCE:

Robert Willie
Robert Willie, Supervisor
Office of the Controller

Attachments: (1)

Xc
Karis N. Begaye, Attorney, Eco/Comm. Dev. Unit
Robert Willie, Supervisor GA/OoC
Emmett Francis, Budget Officer/DMB
File/Chrono

March 31, 2011

Account Number	Account Description	Budget Amount Balance	General Ledger Balance	Variance Balance	% Variance	Budget Amount Period Balance	General Ledger Period Balance	Variance Period Balance	Period % Variance	Level Of Detail	Posting Edit Code	Account ID
5140.0100	NAV-HOI ESCW BEN FREEZE									2	N	42802925
5140.0192	Assets									3	N	42804015
5140.0190	US Treasury Bills		(5,012,553.28)	5,012,553.28						7	N	42803995
5140.0180	Short Term-Other Investments		(5,012,553.28)	5,012,553.28						6	N	42803944
5140.0242	Due To General Fund		5,030,365.78	(5,030,365.78)						5	N	42804402
5140.0241	Due to Due From Interfund Receivables		5,030,365.78	(5,030,365.78)						7	M	42804390
5140.0240	Current Assets		5,030,365.78	(5,030,365.78)						6	N	42804581
5140.0101	Assets		17,812.50	(17,812.50)						5	N	42802933
5140.0100	Liabilities & Fund Balance		17,812.50	(17,812.50)						4	N	42802925
5140.0500	Liabilities & Fund Balance		17,812.50	(17,812.50)						3	N	42806230
	NAV-HOI ESCW BEN FREEZE									3	N	42806230
										2	N	42806230

**THE NAVAJO NATION
DETAILED LINE ITEM BUDGET AND JUSTIFICATION**

BUDGET FORM 5
Page of

PART I. PROGRAM INFORMATION:											
Program Name/Title: Navajo-Hopi Escrow Bennett Freeze											
Business Unit No.: 703001											
PART II. DETAILED BUDGET:											
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)
Line Item	DETAILED Object Code	Object Code Description/Justification	Fund Source Code	Central Office (NIR)	Central Navajo/Chinle	Eastern Navajo/Crowmpt	Fort Defiance	Northern Navajo/Shiprock	Western Navajo/Tuba City	Total by DETAILED Object Code	Total by MAJOR Object Code
4	6500	CONTRACTUAL SERVICES									5,012,553.28
5	6510	Professional Services									
		To be used to retain consultants to work with Senators and Congressmen to introduce legislation designed to aid in the recovery of the Former Bennett Freeze Area (FBFA).									
6	6520	Consulting									
7	6530	Fees									
7	6540	Expenses									
		\$7,500/mo. X 12 mos. = \$90,000							90,000.00		
		\$633.33/mo. X 12 mos. = \$7,600.00							10,000.00		
5	6910	OTHER CONTRACTUAL SERVICES									
7	6921	Other Services									
		Repair, removals or replace 133 occupied homes in the FBFA up to \$30,000/home.									
		\$1.0 million for regional economic development purposes.									
									3,912,553.28		
									1,000,000.00		
										4,912,553.28	
										100,000.00	
											5,012,553.28
PAGE TOTAL:										5,012,553.28	5,012,553.28

EXHIBIT "B"

A PLAN FOR USE OF
ESCROW FUNDS TO DEVELOP
THE FORMER BENNETT FREEZE AREA



SUBMITTED BY THE
NAVAJO-HOPI LAND COMMISSION
OF THE
NAVAJO NATION

June 24, 2011

**A PLAN FOR USE OF ESCROW FUNDS
TO DEVELOP THE FORMER BENNETT FREEZE AREA**

Submitted by the Navajo Nation
Navajo-Hopi Land Commission Office
June 24, 2011

I. INTRODUCTION

During the time title to lands west of the 1882 Executive Order Reservation was unresolved the federal government through the BIA collected and held on to fees and lease proceeds in escrow, waiting for a time when the title claims would be resolved. In the resolution of the land claims perfected in the Intergovernmental Compact of 2006, the Navajo and Hopi Nations, claimants, agreed to share, half and half, the escrow funds, then at \$10 million (\$10,000,000), with interest. A special trustee now has custody of the funds. The funds are available to be transferred to a Navajo Nation Special Account for use. The current amount held is an estimated \$6.3 million.

II. THE ESCROW FUNDS

The escrow funds are "[A]ll income collected on lands in the 1934 disputed area inside the original Bennett line (or western extension of the 1882 Executive Order Reservation) will be placed in a special deposit account pending final decision of the undetermined interest of the Hopi Tribe." Memorandum from Commissioner of Indian Affairs to Navajo and Phoenix BIA area directors dated December 28, 1970. Income was further identified as "[L]ease rental payments from a "[D]esignated areas of trust lands" meaning the lands just identified. Undated unsigned letter from the BIA Navajo area director to certain lessees.

Pursuant to Article 7.2 of the Intergovernmental Compact entered into on November 3, 2006, the Navajo and Hopi tribes agreed to have funds collected between July 8, 1966 to an "Effective Date" and being held for them be distributed to them in equal shares. Art. 7.2, Intergovernmental Compact dated November 3, 2006.

In January 02, 2008, the Department of Interior fiduciary officer advised the Navajo and Hopi tribes that both

tribes were agreeable to "splitting" the escrow funds 50/50 held by her office pursuant to Article 7, Section 7.2. Telefax to Phil Higdon, Perkins, Coie, Brown and Bain from Liz Sparks, Fiduciary Trust Officer, Department of the Interior, Office of the Special Trustee. January 01, 2008.

III. PROBLEM STATEMENT

The federal government recently noted that "[t]he Bennett Freeze was a long standing land dispute that impacted the Navajo people and prevented development of land at the Navajo reservation for over 40 years...more than 12,000 Navajo people live in the area...During the freeze area, the Navajo people were prohibited from building new homes, schools, and health facilities, including development for grazing, energy, and other land use. The freeze influenced the Navajo people socially, economically, physically, mentally, and spiritually." "Empowering Tribal Nations," Departmental Highlights, 57-58.

There are currently hundreds of homes that are unsafe and unsanitary and pose health and safety risks to the occupants. Families do not have homes and sometimes stay at parents' homes. Economic development is minimal or none at all due to lack of capital, credit issues, etc.

IV. ESCROW FUND USE PLAN OR PURPOSE

The funds shall be used to develop the former Bennett Freeze Area (FBFA), or do what is necessary to develop it, described as those lands west of the 1882 EOR and bounded by the western extensions of said executive order reservation, by contributing to the continuing rehabilitation and improvement of the economic, educational and social conditions of the people and communities impacted by:

1. The freeze on development imposed from 1966 through 2006;
2. The 1934 Reservation litigation that ensued in December 1974 and dismissed in December 2006 per settlement agreement between the litigant tribes.

V. PROPOSED GUIDELINES FOR USE OF ESCROW FUNDS, or, PRINCIPLES UNDER THE ESCROW FUNDS WILL OPERATE

1. Assurance of decent and safe homes for families living in the FBFA.
2. Promotion of economic and community development by investing in community and economic development projects in the FBFA.
3. Retention of a portion of the funds as endowment to finance future development in the FBFA using the funds' interest income.
4. Retention of consultant to lobby for passage of legislation for recovery of the affected area.

VI. ELIGIBILITY TO BENEFIT FROM THE ESCROW FUNDS

1. Housing beneficiaries to be occupying a home located on the FBFA.
2. The community development projects must be located on the FBFA.
3. Businesses fostering economic development must be located in the FBFA. Grantees to be Navajo individuals.
4. Future new home recipients must be FBFA residents and have home site leases on the FBFA.

VII. ADMINISTRATION AND MANAGEMENT OF THE ESCROW FUNDS

NHLCO will administer and manage the escrow funds using its 2000 approved housing guideline, policies and procedures for NRTF projects. It will coordinate and plan for use of the funds, drawing on funds from the special account numbered 703001 to be set up in the Navajo Nation Division of Finance.

NHLCO will prioritize and use the fund to renovate or repair dilapidated homes. In certain instances a home may need to be completely replaced.

The NHLCO will set up competitive proposal process identical to the Navajo Rehabilitation Trust Funds that it currently manages and administers for issuing matching loans or grants to small businesses.

NHLCO will administer and manage \$1,300,000.00 of the escrow funds and use the interest income for development purposes. This way the funds will not run out. This approach is used in the administration of NRTF, where its interest income is released at times to finance projects in the former land disputed areas.

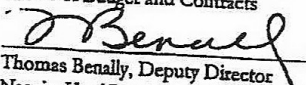
NHLCO may retain consultants to lobby for passage of congressional legislation designed to aid in the recovery of the region.

THE NAVAJO NATION



BEN SHELLY PRESIDENT
REX LEE JIM VICE PRESIDENT

MEMORANDUM

TO : Jolene Russell, Senior Budget Analyst
Office of Budget and Contracts
FROM : 
Thomas Benally, Deputy Director
Navajo-Hopi Land Commission Office
DATE : August 5, 2011
Subject : Request for Business Unit Numbers

The Navajo-Hopi Land Commission Office is requesting your assistance in inputting the budget for the Nava-Hopi Escw Ben Freeze Account 703001. Navajo-Hopi Land Commission (NHLC) Resolution NHLCJN-07-11 (attached) authorizes the Budget for the former bennet freeze area escrow fund budget

If there is any questions, call be at extension 6441. Thank You.

Cc: FBFA Escrow Account
R. Maxx, Exec. Dir., NHLCO



NHLCJY-27-13

RESOLUTION
OF THE
NAVAJO-HOPI LAND COMMISSION
OF THE
NAVAJO NATION COUNCIL

Approving a NHLCO Proposal To Distribute the Escrow Funds
Earmarked for FBFA Housing to FBFA Chapters Based on
Percentage Of Chapter Population In the FBFA Formula and
Directing the NHLCO and Division of Finance to Implement
the Distribution

WHEREAS:

1. Pursuant to 2 N.N.C. §851(A), the Navajo-Hopi Land Commission ("NHLC") is established within the Legislative Branch of the Navajo Nation Government; and
2. Pursuant to N.N.C. §853(B)(1) and (2), and the Government Services Committee resolution no. GSCF-10-91, the NHLC is authorized to collect, update and maintain information on the Navajo-Hopi land dispute matters, and advise the Navajo Nation president of such matters; and
3. A Navajo-Hopi Intergovernmental Compact ("Compact") was entered into on November 3, 2006 and resolved the litigation between the Navajo and Hopi Nations and lifted the 40 year Bennett Freeze. On May 8, 2009, Section 10(f) of Public Law 93-531 (25 U.S.C. 64d0-9(f) which had codified the administrative freeze as statute was repealed by and signed into law by United States President Barack Obama, which lifted the 40 year Bennett Freeze; and
4. Pursuant to Article 7.2 of the Compact the Navajo and Hopi nations divided equally funds which been held in escrow since 1970 and during the litigation; and

5. In June 2011 NHLC approved an Escrow funds Use Plan. The Plan allocated funds for several projects, including a housing allocation of \$4.0 million for housing. Subsequently, NHLC approved a drawdown of \$1.073 million for to acquire 17 manufactured homes for benefit of 17 recipients needing replacement homes on emergency basis; and
6. There remains \$3,606,808.00 out of the Escrow Funds allocation for housing purposes in the FBFA available for use; and
7. NHLCO met on 23 July with representatives from four of the nine FBFA Chapters after proper notification and proposed to them a plan to distribute the funds to each chapter based on their chapter population in the FBFA. The representatives were in consensus to the proposal; and
8. NHLCO requests approval of its proposal to distribute the funds to chapters based on percentage of chapter population in the FBFA. The proposed distribution schedule is attached as "Exhibit A"; and
9. NHLC hereby approves the proposed distribution plan, and authorizes NHLCO to proceed to distributing the funds to the chapters through a MOU; and

NOW, THEREFORE, BE IT RESOLVED THAT:

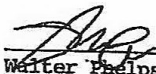
1. The Navajo-Hopi Land Commission of the Navajo Nation Council hereby approves the proposed distribution of the \$3,606,808.00 of the Escrow Funds allocated for housing in the FBFA to FBFA Chapters. Said distribution to be based on percentage of chapter population in FBFA formula.
2. The NHLCO and Division of Finance are hereby directed to implement this resolution directive.

NELCJY-27-13

3. The said Navajo Nation Chapters will follow the previously approved Navajo Hopi Land Commission Escrow Fund Policy which indicates the distribution for housing assistance will be up to \$30,000 per family.

C E R T I F I C A T I O N

I hereby certify that the foregoing resolution was duly considered by the Navajo-Hopi Land Commission of the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 04 in favor, 00 opposed, this 25th day of July, 2013.


Walter Phelps, Chairperson
Navajo-Hopi Land Commission
Navajo Nation Council

Motion: Dwight Witherspoon
Second: Elmer Begay

WHPAC study

Distribution Of Escrow Funds Based On Chapter Population In The FBFA
Based on \$3,606,808 Escrow Balance

CHAPTER	Chapter Percentage Population In FBFA	Chapter Voter registration	% In FBFA	Weighted Unit	Chapter Pop. In FI Of Total Fund Ava
Bodaway Gap	0.91	1356	1233.96	0.24	1233.96
Kalbito	0.09	1145	103.05	0.04	103.05
Coopermine	0.47	694	326.18	0.06	326.18
Tuba City	0.2	3490	698	0.14	698
Cameron	1	915	915	0.18	915
Coalmine	1	866	866	0.17	866
Leupp	0.03	1472	44.16	0.03	44.16
Tolani Lake	0.49	694	340.06	0.06	340.06
Tonalea	0.28	1536	430.08	0.08	430.08
			Total Chapters' Pop. In The FBFA: 49556.49		\$ 3,606,808.00

Subchapter 11. Boards and Commissions

Article 1. Navajo-Hopi Land Commission

§ 851. Establishment; purposes

- A. The Navajo-Hopi Land Commission ("Commission") is hereby established within the Legislative Branch.
- B. It is the purpose of the Commission to:
 - 1. Monitor, collect, and update information on any and all land use conflicts between the Navajo Nation and the Hopi Tribe, and any claimants in and to lands within the area described in the Act of June 14, 1934 (48 Stat. 960).
 - 2. Speak and act for the Navajo Nation with respect to the land selection and land exchange provisions of P.L. 96-305.

§ 852. Membership; selection; Chairperson and Vice-Chairperson; terms of office; ex-officio members

- A. The Commission shall consist of eleven regular voting members and two ex-officio members who shall be appointed by the Speaker of the Navajo Nation Council with the approval of the Intergovernmental Relations Committee of the Navajo Nation Council. The Commission shall have the authority to establish sub committees as deemed appropriate to provide advisory input from citizens, professionals, federal and other non-elected sources.
- B. The Commission shall consist of:
 - 1. Eleven voting members of the Navajo Nation Council representing areas affected by the Navajo-Hopi Land Dispute.
 - 2. All members of the Commission shall serve at the pleasure of the Intergovernmental Relations Committee of the Navajo Nation Council.
 - 3. The Agency Superintendent, Bureau of Indian Affairs, of Tuba City Agency and Crownpoint Agency and Tribal employees shall provide technical input to the Commission.
- C. The Chairperson and Vice-Chairperson of the Commission shall be elected by the Commission.
- D. Commission members shall serve a term of office coinciding with the term of office of members of the Navajo Nation Council and until their successors are appointed.
- E. The President and Vice-President of the Navajo Nation shall serve as ex-officio members of the Commission.

§ 853. Powers

- A. General. The Commission shall have all powers necessary and proper to carry out the purposes set forth in 2 NNC § 851.
- B. Enumerated Powers. The Commission is hereby authorized and directed:
 - 1. To advise the President of the Navajo Nation concerning all matters relating to land use conflicts between the Navajo Nation and the Hopi Tribe, and any claimants in and to lands within the areas described in the Act of June 14, 1934 (48 Stat. 960).
 - 2. To speak and act for the Navajo Nation with respect to the land selection and land exchange provisions of P.L. 96-305 by making such selections and approving or disapproving any proposed exchanges, subject to the limitations set forth in resolution CN-69-80.

§ 854. Meetings

Meetings shall be held on the call of the Chairperson of the Commission, the President of the Navajo Nation, or upon written request of any six members of the Commission. At any meeting, a quorum shall consist of six members.

§ 855. Procedure

Until such time as the Navajo Nation Council adopts procedures and rules for the conduct of Commission business, the Commission is empowered to develop its own procedure for the conduct of meetings, provided that all formal substantive action shall be taken by written resolution duly certified by the presiding officers, or memorialized by written memorandum setting forth the action taken and signed by the presiding officer and filed with the Central Records Department of the Navajo Nation. Minutes shall be kept of all meetings and shall be officially recorded by the Office of Legislative Services.

§ 856. Staff

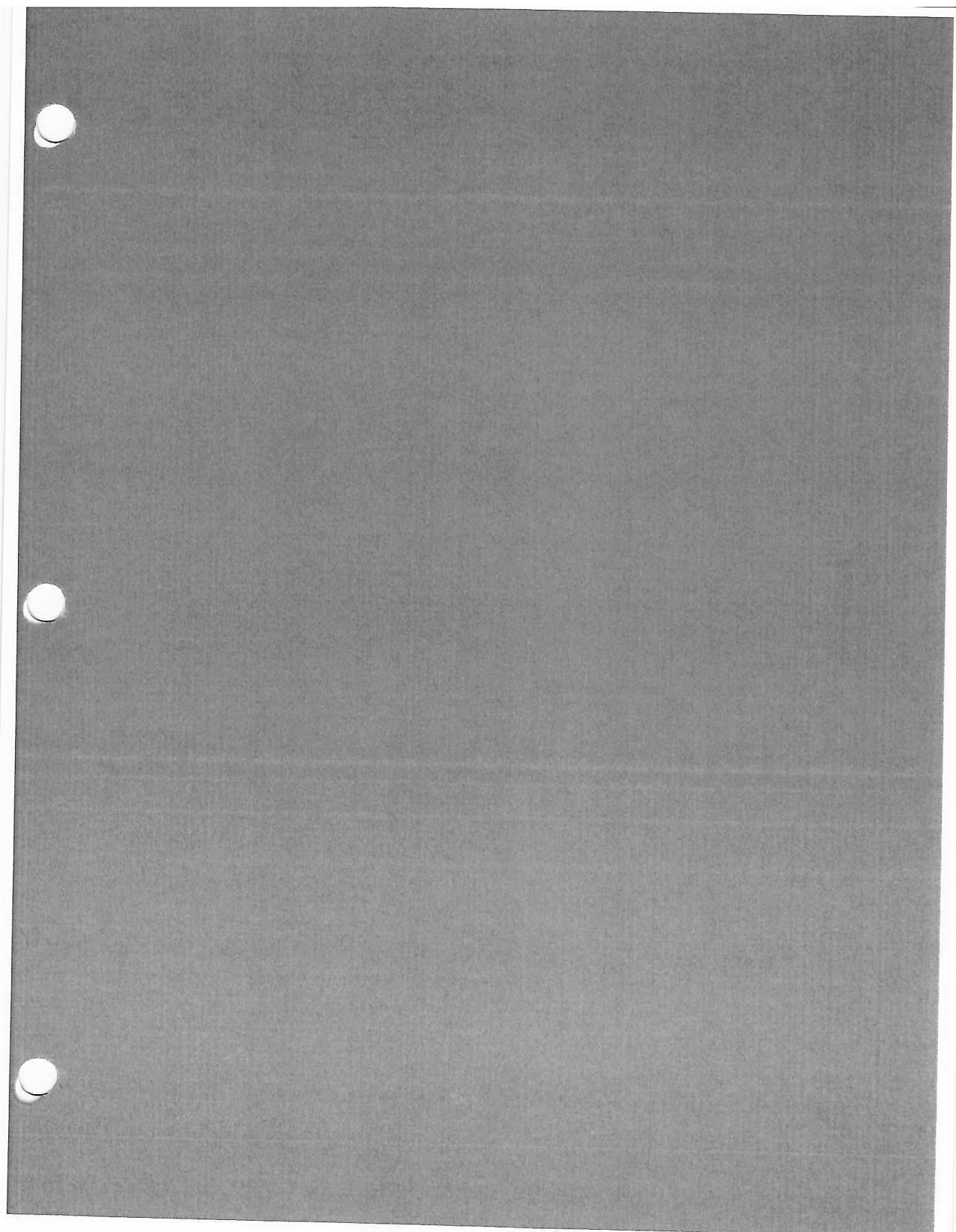
- A. There shall be a Navajo-Hopi Land Commission Office under the direction of the President of the Navajo Nation. The President of the Navajo Nation shall appoint a staff assistant who shall head the Land Commission Office who shall serve at the pleasure of the President of the Navajo Nation.
- B. The Commission shall utilize the Navajo-Hopi Land Commission Office in performing its assigned functions.

§ 857. Reports

The Commission shall report quarterly and in writing to the Navajo Nation Council concerning matters relating to the land use conflict and agreements with the Hopi Tribe.

§ 858. Subcommittees

The Commission is authorized and directed to establish at least one Citizen's Advisory Subcommittee to provide advice and assistance to the Commission. The members of the Citizen's Advisory Committee shall be non-elected private citizens who reside in or near the lands affected by P.L. 96-305 and such other private citizens, as the Commission and the President of the Navajo Nation may deem appropriate.



RESOLUTION
OF THE
NAVAJO-HOPI LAND COMMISSION
OF THE
24TH NAVAJO NATION COUNCIL

**AMENDING NHLCJY-27-13; APPROVING THE DISTRIBUTION OF ESCROW FUNDS
EARMARKED FOR FORMER BENNETT FREEZE AREA ("FBFA") HOUSING
DIRECTLY TO FBFA CHAPTERS BASED ON PERCENTAGE OF CHAPTER
POPULATION IN THE FBFA AND DIRECTING THE NHLCO AND OFFICE OF THE
CONTROLLER TO IMPLEMENT DIRECT DISTRIBUTION**

WHEREAS:

1. The Navajo-Hopi Land Commission ("NHLC") is established within the Legislative Branch of the Navajo Nation Council and has been delegated the authority to establish Rehabilitation Trust Fund and Escrow Fund program budget policies, and to speak and act for the Navajo Nation on any and all matters relating to the well-being of impacted communities. 2 N.N.C. §§ 851(A), 852 (B)(4) and (B)(5); CO-82-20 (veto override by CD-91-20).
2. A Navajo-Hopi Intergovernmental Compact ("Compact") was entered into on November 3, 2006 and resolved on-going litigation between the Navajo Nation and the Hopi tribe. On May 8, 2009, U.S. President Barrack Obama signed Public Law 93-531 (25 U.S.C. 64d)-9(f) which lifted the forty (40) year Bennett Freeze.
3. Under Article 7.2 of the Navajo-Hopi Compact, the Navajo Nation and the Hopi tribe agreed to equally divide funds which had been held in escrow during the litigation since 1970.
4. In June of 2011, NHLC approved a Former Bennett Freeze Area ("FBFA") Escrow Funds Use Plan, attached herein as Exhibit A, which allocated funds for several projects, including a housing allocation of four million dollars (\$4,000,000).
5. In July of 2013, the NHLC adopted and enacted NHLCJY-27-13, attached herein as

Exhibit B, approving the FBFA Escrow Distribution Schedule to distribute the funds to each of the nine (9) FBFA chapter based on their chapter population in the FBFA.

6. NHLCJY-27-13, WHEREAS Paragraph 9, "authorizes NHLCO [Navajo Hopi Land Commission Office] to proceed to distributing (sic) the funds to the chapters, through a MOU."
7. At the time NHLCJY-27-13 was approved, the balance of the Escrow Funds allocated for housing purposes in the FBFA was \$3,606,808.00.
8. As of today, the NHLCO has not executed MOUs with the nine FBFA chapters, nor has the NHLCO distributed the Escrow Funds to the chapters.

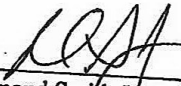
BE IT RESOLVED:

1. The Navajo-Hopi Land Commission reaffirms its approval of the proposed distribution of the Escrow Funds allocated for housing in the FBFA to FBFA chapters and hereby amends NHLCJY-27-13, WHEREAS Paragraph 9, attached as **Exhibit B**, as follows:
 9. NHLC hereby approves the proposed distribution plan, and authorizes NHLCO and the Office of the Controller to immediately proceed to distributing distribute the balance of the Escrow Funds allocated for housing purposes in the FBFA funds to the housing accounts of the FBFA chapters though a MOU; and.
2. The NHLCO and FBFA Chapter shall continue to adhere to the Navajo Hopi Land Commission Escrow Fund Use Plan which limits the distribution for housing assistance to \$30,000 per family.
3. The NHLCO and Office of Controller shall take all steps necessary to immediately implement this resolution.

NHLCMY-03-2022

CERTIFICATION

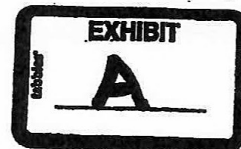
I hereby certify that the foregoing resolution was duly considered by the Navajo- Hopi Land Commission at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, and 3 opposed on this 5th day of May 2022.



Raymond Smith Jr., Vice-Chairperson
Navajo-Hopi Land Commission
Navajo Nation Council

Motion: Jimmy Yellowhair

Second: Thomas Walker Jr.



NHLCJN-07-11

RESOLUTION
OF THE NAVAJO-HOPI LAND COMMISSION
OF THE NAVAJO NATION COUNCIL

Approving the Former Bennett Freeze Area
Escrow Fund Budget and Policy Plan

WHEREAS:

1. Pursuant to 2 N.N.C. §851(A), the Navajo-Hopi Land Commission (NHLC) is established within the Legislative Branch of the Navajo Nation Government; and Pursuant to 2 N.N.C. §853(B)(1) and (2), the Navajo-Hopi Land Commission of the Navajo Nation Council ("NHLC") is authorized to advise the President of the Navajo Nation concerning all matters relating to the Navajo-Hopi Settlement Act of 1974 (P.L. 93-531, as amended; and
2. In 1966, Commissioner of Indian Affairs Robert Bennett imposed a ban on construction in the 1934 disputed area, land claimed by the Navajo and Hopi Nation which became known as the Bennett Freeze Area;
3. In a memorandum dated December 28, 1970, from Acting Commissioner of Indian Affairs Ernest Stevens to Navajo Bureau of Indian Affairs Area Director, Acting Commissioner Stevens stated "All income collected on lands in the 1934 disputed area inside the original Bennett line (or western extension of the 1882 Executive Order Reservation) will be placed in escrow in a special deposit account"; and
4. The Navajo-Hopi Intergovernmental Compact ("Compact") was entered into on November 3, 2006 and resolved the litigation between the Navajo and Hopi Nations and lifted the 40 year Bennett Freeze and on May 8, 2009, Section 10(f) of Public Law 93-531 (25 U.S.C. 640d-9(f)) was repealed by and signed into law by United States President Barack Obama, which lifted the 40 year Bennett Freeze.
5. On December 22, 1974 the United States Congress passed the Navajo and Hopi Indian Land Settlement Act of 1974, P.L. 93-531, as amended. The law authorized litigation between the Tribes to title to the 1934 Reservation, including the Bennett Freeze Area; and
6. Pursuant to Article 7.2 of the Compact the Navajo and Hopi nations agreed to divide the funds from the escrow equally and NHLC requested the Bureau of Indian Affairs to authorize the Office of the Special Trustee to Transfer the Ownership of Securities to the Navajo Nation from the Navajo-Hopi Escrow Account ES-106-20-32. The funds having been deposited into Navajo Nation account titled "NAV-HOPI EXCW BEN FREEZE" with Business Unit No. 703001; attached hereto as Exhibit "A"; and

7. The Navajo Nation Controller has announced the funds are ready for distribution, but policies and a budget and policy plan are required before any expenditure of funds; and

8. The Former Bennett Freeze Area Fund is to be used for the benefit of the benefits of the people and Chapters located in the Former Bennett Freeze area; and

9. The Navajo-Hopi Land Commission Office has developed a policy plan for the use of the escrow funds attached hereto as Exhibit "B"; and

10. The Navajo-Hopi Land Commission concurs with and approves the budget and policy plan.

11. The Navajo-Hopi Land Commission has the authority to amend the policy plan as deemed necessary.

NOW, THEREFORE, BE IT RESOLVED THAT:

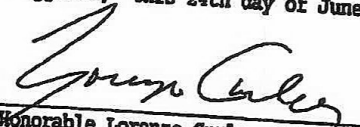
1. The Navajo-Hopi Land Commission of the Navajo Nation Council hereby approves the Former Bennett Freeze Area Fund budget titled, "NAV-HOPI EXCW BEN FREEZE" marked Exhibit "A".

2. The Navajo-Hopi Land Commission of the Navajo Nation Council also approves the Escrow Policy Plan titled, "A Plan For Use Of the Escrow Funds To Develop the Former Bennett Freeze Area" marked Exhibit "B".

3. The Navajo-Hopi Land Commission Office will coordinate with the impacted Chapters to develop a joint use expenditure plan.

C E R T I F I C A T I O N

I hereby certify that the foregoing resolution was duly considered by the Navajo-Hopi Land Commission of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 5 in favor, 0 opposed, this 24th day of June, 2011.


Honorable Lorenzo Curley, Chairperson
Navajo-Hopi Land Commission
Navajo Nation Council

Motion by: Honorable Dwight Witherspoon
Second by: Honorable Walter Phelps
Vote: 5-0



THE
NAVAJO
NATION

EXHIBIT "A"

General Accounting/OoC * P. O. Box 3150 * Window Rock, AZ 86515 * (928) 871-7653
Dr. Joe Shirley, Jr.
President

Bennie Shelly
Vice-President

April 27, 2010

MEMORANDUM:

TO : Roman Blisua, Executive Director
Office of Navajo Hopi Land Commission

FROM : Myrene Shondee, Accountant
General Accounting/Office of the Controller

SUBJECT: Assigned Business Unit(s)

Pursuant to Intergovernmental Relations Committee resolution IGRF-27-09, the following account(s) have been assigned as follows:

JDE Business Unit
703001

Description
NAV-HOPI ESCW BEN FREEZE

The account information has been entered into JDEdwards on 4/22/2010. Please provide the following information to the following respective departments.

1. "Budget Justification" to OMB
2. "Expenditure Authorized Signature" form to Accounts Payable

Your cooperation and assistance in providing this information to the respective program/chapters and personnel is appreciated. Any questions, please direct them to my attention at telephone number 871-8498.

CONCURRENCE:

Robert Wille
Robert Wille, Supervisor
Office of the Controller

Attachments: (1)

Xc: Keris H. Bagaya, Attorney, Eco/Comm. Dev. Unit
Robert Wille, Supervisor/GAO/C
Emanuel Francis, Budget Officer/OMB
File/Chrono

Account Number	Account Description	Budget Amount Balance	General Ledger Balance	Variance Balance	% Variance	Budget Amount Period Balance	General Ledger Period Balance	Variance Period Balance	Period % Variance	Level Of Detail	Posting Edit Code ID	Account Edit Code ID
5140.0100	NAV-HOPI ESCW BEN FREEZE										N	42802925
5140.0102	Assets										N	42804015
5140.0150	US Treasury Bills		(5,012,553.28)	5,012,553.28						2	N	42803995
5140.0180	Short Term-Other Investments		(5,012,553.28)	5,012,553.28						3	N	42803995
5140.0242	Due To General Fund		(5,030,365.78)	5,030,365.78						6	N	42804402
5140.0240	Due to/Due From Interfund Receivables		5,030,365.78	(5,030,365.78)						7	M	42804390
5140.0301	Current Assets		5,030,365.78	(5,030,365.78)						5	N	42804381
5140.0100	Assets		17,812.50	(17,812.50)						6	N	42802993
5140.0500	Liabilities & Fund Balance		17,812.50	(17,812.50)						3	N	42806250
5140.0500	Liabilities & Fund Balance		17,812.50	(17,812.50)						3	N	42806250
5140.0500	NAV-HOPI ESCW BEN FREEZE									2	N	42806250

Exhibit "A"

THE NAVAJO NATION
DETAILED LINE ITEM BUDGET AND JUSTIFICATION

BUDGET FORM 5
Page 1 of 1

PART I. PROGRAM INFORMATION			Business Unit No.: 703001									
Program Name/Title: Navajo-Hopi Escrow Bennett Freeze												
PART II. DETAILED BUDGET:												
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	
Level of Detail (LOD)	Object Code	Object Code Description/Justification	Fund Source Code	Central Office (NIR)	Central Navajo/Chino	Eastern Navajo/Chino	Fort Defiance	Navajo/Shiprock	Western Navajo/Tube City	Total by DETAILED Object Code	Total by MAJOR Object Code	
4	6500	CONTRACTUAL SERVICES										
5	6510	Professional Services To be used to retain consultants to work with Senators and Congressmen to introduce legislation designed to aid in the recovery of the Former Bennett Freeze Area (FBFA). Consulting Fees \$7,500/mo. X 12 mos. = \$90,000 Expenses \$833.33/mo. X 12 mos. = \$10,000								100,000.00	5,012,553.28	
6	6520											
7	6530											
7	6540								90,000.00			
5	6910	OTHER CONTRACTUAL SERVICES							10,000.00			
7	6921	Other Services Repair, removal or replace 133 occupied homes in the FBFA up to \$30,000/home. \$1.0 million for regional economic development purposes.								4,912,553.28		
									3,912,553.28			
									1,000,000.00			
PAGE TOTAL:										5,012,553.28	5,012,553.28	

EXHIBIT "B"

A PLAN FOR USE OF
ESCROW FUNDS TO DEVELOP
THE FORMER BENNETT FREEZE AREA



SUBMITTED BY THE
NAVAJO-HOPI LAND COMMISSION
OF THE
NAVAJO NATION

June 24, 2011

**A PLAN FOR USE OF ESCROW FUNDS
TO DEVELOP THE FORMER BENNETT FREEZE AREA**

Submitted by the Navajo Nation
Navajo-Hopi Land Commission Office
June 24, 2011

I. INTRODUCTION

During the time title to lands west of the 1882 Executive Order Reservation was unresolved the federal government through the BIA collected and held on to fees and lease proceeds in escrow, waiting for a time when the title claims would be resolved. In the resolution of the land claims perfected in the Intergovernmental Compact of 2006, the Navajo and Hopi Nations, claimants, agreed to share, half and half, the escrow funds, then at \$10 million (\$10,000,000), with interest. A special trustee now has custody of the funds. The funds are available to be transferred to a Navajo Nation Special Account for use. The current amount held is an estimated \$6.3 million.

II. THE ESCROW FUNDS

The escrow funds are "[A]ll income collected on lands in the 1934 disputed area inside the original Bennett line (or western extension of the 1882 Executive Order Reservation) will be placed in a special deposit account pending final decision of the undetermined interest of the Hopi Tribe." Memorandum from Commissioner of Indian Affairs to Navajo and Phoenix BIA area directors dated December 28, 1970. Income was further identified as "[L]ease rental payments from a "[D]esignated areas of trust lands" meaning the lands just identified. Undated unsigned letter from the BIA Navajo area director to certain lessees.

Pursuant to Article 7.2 of the Intergovernmental Compact entered into on November 3, 2006, the Navajo and Hopi tribes agreed to have funds collected between July 8, 1966 to an "Effective Date" and being held for them be distributed to them in equal shares. Art. 7.2, Intergovernmental Compact dated November 3, 2006.

In January 02, 2008, the Department of Interior fiduciary officer advised the Navajo and Hopi tribes that both

tribes were agreeable to "splitting" the escrow funds 50/50 held by her office pursuant to Article 7, Section 7.2. Telefax to Phil Higdon, Perkins, Coie, Brown and Bain from Liz Sparks, Fiduciary Trust Officer, Department of the Interior, Office of the Special Trustee. January 01, 2008.

III. PROBLEM STATEMENT

The federal government recently noted that "[t]he Bennett Freeze was a long standing land dispute that impacted the Navajo people and prevented development of land at the Navajo reservation for over 40 years...more than 12,000 Navajo people live in the area. During the freeze area, the Navajo people were prohibited from building new homes, schools, and health facilities, including development for grazing, energy, and other land use. The freeze influenced the Navajo people socially, economically, physically, mentally, and spiritually." "Empowering Tribal Nations," Departmental Highlights, 57-58.

There are currently hundreds of homes that are unsafe and unsanitary and pose health and safety risks to the occupants. Families do not have homes and sometimes stay at parents' homes. Economic development is minimal or none at all due to lack of capital, credit issues, etc.

IV. ESCROW FUND USE PLAN OR PURPOSE

The funds shall be used to develop the former Bennett Freeze Area (FBFA), or do what is necessary to develop it, described as those lands west of the 1882 EOR and bounded by the western extensions of said executive order reservation, by contributing to the continuing rehabilitation and improvement of the economic, educational and social conditions of the people and communities impacted by:

1. The freeze on development imposed from 1966 through 2006;
2. The 1934 Reservation litigation that ensued in December 1974 and dismissed in December 2006 per settlement agreement between the litigant tribes.

V. PROPOSED GUIDELINES FOR USE OF ESCROW FUNDS, or, PRINCIPLES UNDER THE ESCROW FUNDS WILL OPERATE

1. Assurance of decent and safe homes for families living in the FBFA.
2. Promotion of economic and community development by investing in community and economic development projects in the FBFA.
3. Retention of a portion of the funds as endowment to finance future development in the FBFA using the funds' interest income.
4. Retention of consultant to lobby for passage of legislation for recovery of the affected area.

VI. ELIGIBILITY TO BENEFIT FROM THE ESCROW FUNDS

1. Housing beneficiaries to be occupying a home located on the FBFA.
2. The community development projects must be located on the FBFA.
3. Businesses fostering economic development must be located in the FBFA. Grantees to be Navajo individuals.
4. Future new home recipients must be FBFA residents and have home site leases on the FBFA.

VII. ADMINISTRATION AND MANAGEMENT OF THE ESCROW FUNDS

NHLCO will administer and manage the escrow funds using its 2000 approved housing guideline, policies and procedures for NRTF projects. It will coordinate and plan for use of the funds, drawing on funds from the special account numbered 703001 to be set up in the Navajo Nation Division of Finance.

NHLCO will prioritize and use the fund to renovate or repair dilapidated homes. In certain instances a home may need to be completely replaced.

The NHLCO will set up competitive proposal process identical to the Navajo Rehabilitation Trust Funds that it currently manages and administers for issuing matching loans or grants to small businesses.

NHLCO will administer and manage \$1,300,000.00 of the escrow funds and use the interest income for development purposes. This way the funds will not run out. This approach is used in the administration of NRTF, where its interest income is released at times to finance projects in the former land disputed areas.

NHLCO may retain consultants to lobby for passage of congressional legislation designed to aid in the recovery of the region.

THE NAVAJO NATION



BEN SHELLY PRESIDENT
REX LEE JIM VICE PRESIDENT

MEMORANDUM

TO : Jolene Russell, Senior Budget Analyst
Office of Budget and Contracts
FROM : Thomas Benally
Thomas Benally, Deputy Director
Navajo-Hopi Land Commission Office
DATE : August 5, 2011
Subject: Request for Business Unit Numbers

The Navajo-Hopi Land Commission Office is requesting your assistance in inputting the budget for the Nava-Hopi Escw Ben Freeze Account 703001. Navajo-Hopi Land Commission (NHLC) Resolution NHLCJN-07-11 (attached) authorizes the Budget for the former benner freeze area escrow fund budget

If there is any questions, call bc at extension 6441. Thank You.

Cc: FBFA Escrow Account
R. Maxx, Exec. Dir., NHLCO



NHLCJY-27-13

RESOLUTION
OF THE
NAVAJO-HOPI LAND COMMISSION
OF THE
NAVAJO NATION COUNCIL

Approving a NHLCO Proposal To Distribute the Escrow Funds
Earmarked for FBFA Housing to FBFA Chapters Based on
Percentage Of Chapter Population In the FBFA Formula and
Directing the NHLCO and Division of Finance to Implement
the Distribution

WHEREAS:

1. Pursuant to 2 N.N.C. §851(A), the Navajo-Hopi Land Commission ("NHLC") is established within the Legislative Branch of the Navajo Nation Government; and
2. Pursuant to N.N.C. §853(B)(1) and (2), and the Government Services Committee resolution no. GSCF-10-91, the NHLC is authorized to collect, update and maintain information on the Navajo-Hopi land dispute matters, and advise the Navajo Nation president of such matters; and
3. A Navajo-Hopi Intergovernmental Compact ("Compact") was entered into on November 3, 2006 and resolved the litigation between the Navajo and Hopi Nations and lifted the 40 year Bennett Freeze. On May 8, 2009, Section 10(f) of Public Law 93-531 (25 U.S.C. 64d0-9(f) which had codified the administrative freeze as statute was repealed by and signed into law by United States President Barack Obama, which lifted the 40 year Bennett Freeze; and
4. Pursuant to Article 7.2 of the Compact the Navajo and Hopi nations divided equally funds which been held in escrow since 1970 and during the litigation; and

5. In June 2011 NHLC approved an Escrow funds Use Plan. The Plan allocated funds for several projects, including a housing allocation of \$4.0 million for housing. Subsequently, NHLC approved a drawdown of \$1.073 million for to acquire 17 manufactured homes for benefit of 17 recipients needing replacement homes on emergency basis; and
6. There remains \$3,606,808.00 out of the Escrow Funds allocation for housing purposes in the FBFA available for use; and
7. NHLCO met on 23 July with representatives from four of the nine FBFA Chapters after proper notification and proposed to them a plan to distribute the funds to each chapter based on their chapter population in the FBFA. The representatives were in consensus to the proposal; and
8. NHLCO requests approval of its proposal to distribute the funds to chapters based on percentage of chapter population in the FBFA. The proposed distribution schedule is attached as "Exhibit A"; and
9. NHLC hereby approves the proposed distribution plan, and authorizes NHLCO to proceed to distributing the funds to the chapters through a MOU; and

NOW, THEREFORE, BE IT RESOLVED THAT:


1. The Navajo-Hopi Land Commission of the Navajo Nation Council hereby approves the proposed distribution of the \$3,606,808.00 of the Escrow Funds allocated for housing in the FBFA to FBFA Chapters. Said distribution to be based on percentage of chapter population in FBFA formula.
2. The NHLCO and Division of Finance are hereby directed to implement this resolution directive.

NELCJY-27-13

3. The said Navajo Nation Chapters will follow the previously approved Navajo Hopi Land Commission Escrow Fund Policy which indicates the distribution for housing assistance will be up to \$30,000 per family.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo-Hopi Land Commission of the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 04 in favor, 00 opposed, this 25th day of July, 2013.


Walter Phelps, Chairperson
Navajo-Hopi Land Commission
Navajo Nation Council

Motion: Dwight Witherspoon
Second: Elmer Begay

with Pacific study

Distribution Of Escrow Funds Based On Chapter Population In The FBFA
Based on \$3,606,808 Escrow Balance

CHAPTER
Bodaway Gap

Chapter Percentage Population In FBFA
0.91

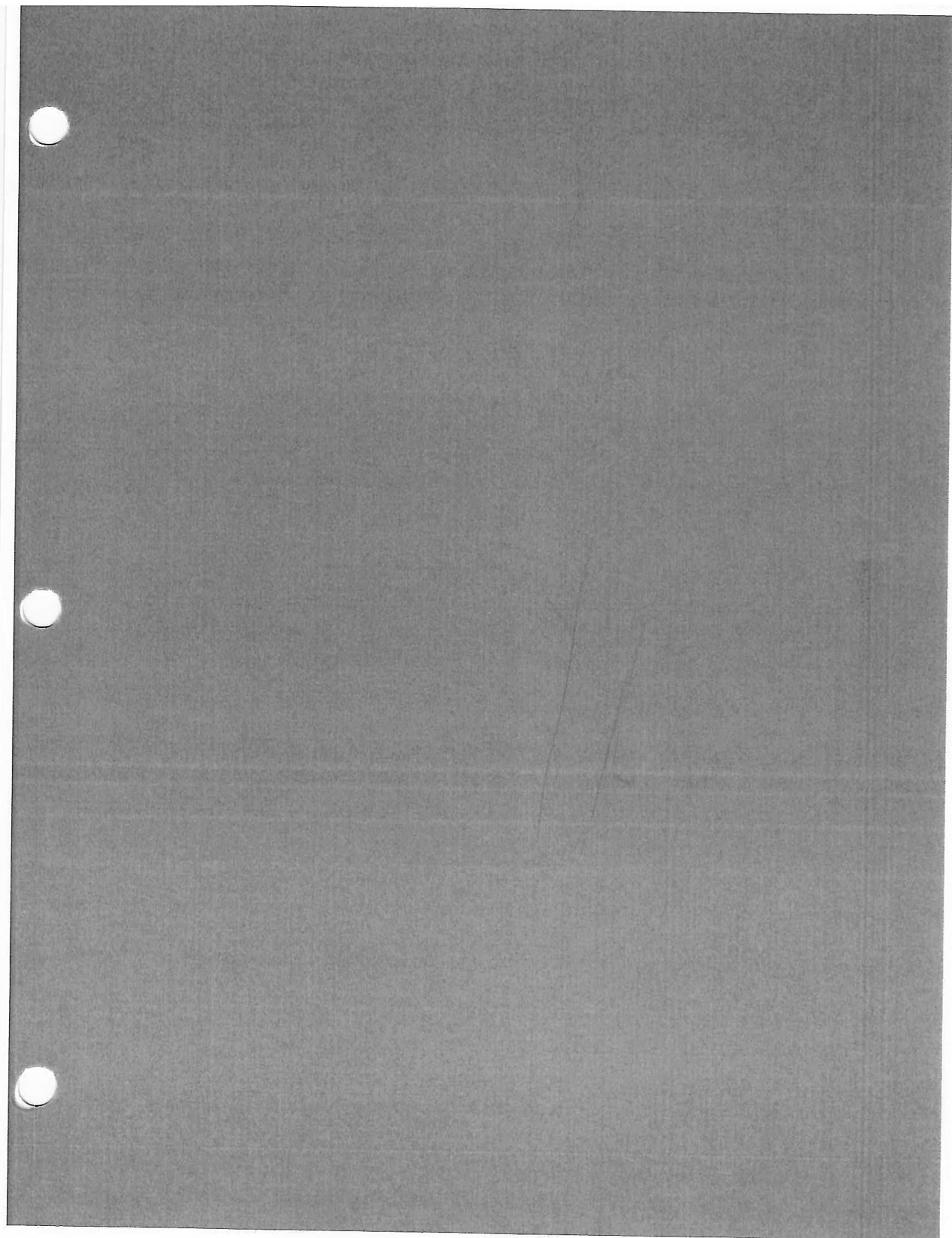
Chapter
Voter registration

CHAPTER	Chapter Percentage Population In FBFA	Chapter Voter registration	% In FBFA	Weighted Unit
Bodaway Gap	0.91	1356	1233.96	0.24
Kaibito	0.09	1145	103.05	0.04
Coopermine	0.47	694	326.18	0.06
Tuba City	0.2	3490	698	0.14
Cameron	1	915	915	0.18
Coalmine	1	866	866	0.17
Leupp	0.03	1472	44.16	0.03
Tolani Lake	0.49	694	340.06	0.06
Tonalea	0.28	1536	430.08	0.08

Total Chapters' Pop.
In The FBFA: 4956.49

Chapter Pop. In FI
OF Total Fund Ava

\$ 3,606,808.00



NHLCMA-05-14

RESOLUTION
OF THE
NAVAJO-HOPI LAND COMMISSION
OF THE
NAVAJO NATION COUNCIL

Supporting and Approving the Project Management Plan and Budget
to Implement a Comprehensive Housing Assessment and Housing Plan
in the Former Bennett Freeze Area Awarded in the FY 2014 NAHASDA
Grant to the Navajo-Hopi Land Commission Office.

WHEREAS:


1. Pursuant to 2NNS 851 et. Seq., the Navajo-Hopi Land Commission (NHLC) is established within the Legislative Branch of the Navajo Nation Government; and
2. Pursuant to Navajo Nation Council Resolution No. CN-9-80, the Navajo Nation Council has delegated to the NHLC the authority to act and speak for the Navajo Nation with respect to land selections and land exchange provisions provided for under Public Law 96-305, the 1980 amendments and the Navajo-Hopi Settlement Act; and
3. The NHLC protects and advances the rights and interest of the people and communities affected to the adverse impacts of the passage of the Navajo and Hopi Indian Land Settlement Act of 1974, P.L. 93-531, as amended; and
4. Pursuant to 25 U.S.C. §640d-30(b), the NHLC seeks to rehabilitate and improve the economic, educational, and social conditions of the Navajo families and communities that have been affected by the Healing v. Jones decision and related proceedings, by the provisions of Public Law 93-305, as amended and/or by the establishment by the Secretary of the Interior of Grazing District Six as lands exclusively for the use of the Hopi Tribe, including the use of Navajo Rehabilitation Trust Fund (NRTF) established for the purposes; and
5. The Navajo-Hopi Land Commission recognizes and supports our Navajo people that were impacted by the "Bennett Freeze" for forty years that stopped all development in these

NHLCMA-05-14

Project Management Plan and Budget submitted by the Navajo-Hopi Land Commission Office and the FBFA Chapters.

C E R T I F I C A T I O N

I hereby certify that the foregoing resolution was duly considered by the Navajo-Hopi Land Commission of the Navajo Nation Council at a duly called meeting in Hardrock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 05 in favor, 00 opposed, this 28th day of March, 2014.


Walter Phelps, Chairman
Navajo-Hopi Land Commission

Motioned by: Duane Tsinigine
Second by: Dwight Witherspoon


6. The FBFA Chapters and the NHLCO worked on the FBFA housing policy for over one year and the NHLC approve the policy; and
7. The NHLCO and FBFA chapter meet on November 6, 2014 at Tuba City, instruction on the Budget, project management submittal be completed by each chapter by December 31, 2014 was given. These documents are needed for submittal to OMB to set up account number for each chapter; and
8. The NHLC Resolution NHL CJY-27-13 need to be reaffirmed by the NHLC since it has been pending for a one year period; and
9. It is in the best interest of the FBFA chapters that NHLC reaffirms NHLC resolution NHLC-27-13.

NOW THEREFORE BE IT RESOLVED:

1. The Navajo-Hopi Land Commission Office hereby direct the nine (9) Chapters to complete a Memorandum of Agreement (MOA)/Memorandum of Understanding (MOU) with the Navajo Hopi Land Commission Office by December 31, 2014
2. The Navajo Hopi Land Commission of the Navajo Nation Council hereby reaffirms NHLC Resolution NHL CJY-27-13 to Distribute the FBFA Escrow Funds to the FBFA Chapter

C E R T I F I C A T I O N

I, hereby, certify that the foregoing resolution was considered by the Navajo-Hopi Land Commission of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 06 in favor, 00 opposed, and 00 abstaining, this 13th day of November, 2014.


Walter Phelps, Chairperson
Navajo-Hopi Land Commission
The Navajo Nation

Motion By: Alton Joe Shepherd
Second By: Joshua Lavar Butler

NHLCJY-27-13

RESOLUTION
OF THE
NAVAJO-HOPI LAND COMMISSION
OF THE
NAVAJO NATION COUNCIL

Approving a NHLCO Proposal To Distribute the Escrow Funds
Earmarked for FBFA Housing to FBFA Chapters Based on
Percentage Of Chapter Population In the FBFA Formula and
Directing the NHLCO and Division of Finance to Implement
the Distribution

WHEREAS:


1. Pursuant to 2 N.N.C. §851(A), the Navajo-Hopi Land Commission ("NHLCO") is established within the Legislative Branch of the Navajo Nation Government; and
2. Pursuant to N.N.C. §853(B)(1) and (2), and the Government Services Committee resolution no. GSCF-10-91, the NHLCO is authorized to collect, update and maintain information on the Navajo-Hopi land dispute matters, and advise the Navajo Nation president of such matters; and
3. A Navajo-Hopi Intergovernmental Compact ("Compact") was entered into on November 3, 2006 and resolved the litigation between the Navajo and Hopi Nations and lifted the 40 year Bennett Freeze. On May 8, 2009, Section 10(f) of Public Law 93-531 (25 U.S.C. 64d0-9(f) which had codified the administrative freeze as statute was repealed by and signed into law by United States President Barack Obama, which lifted the 40 year Bennett Freeze; and
4. Pursuant to Article 7.2 of the Compact the Navajo and Hopi nations divided equally funds which been held in escrow since 1970 and during the litigation; and

NHLCJY-27-13

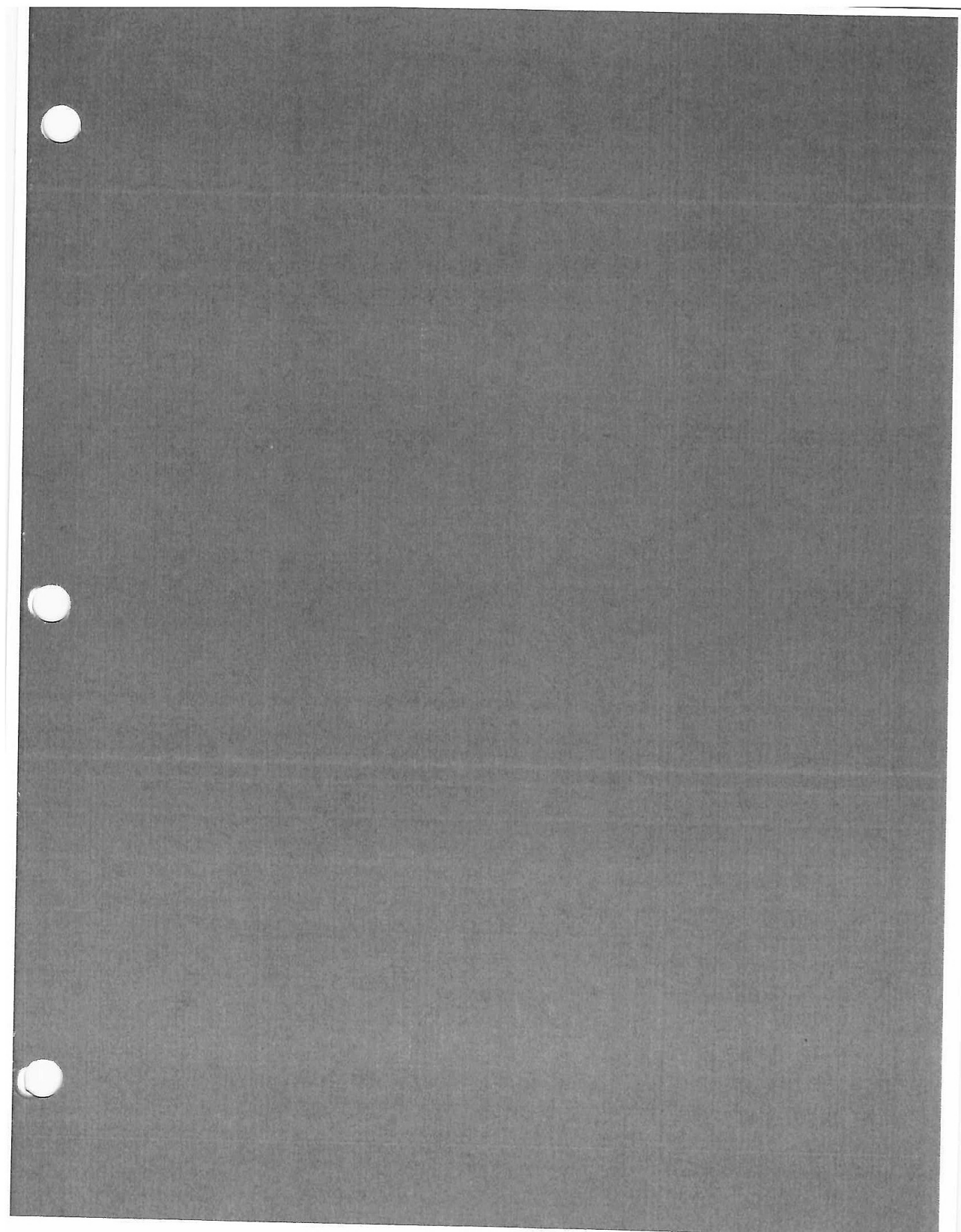
3. The said Navajo Nation Chapters will follow the previously approved Navajo Hopi Land Commission Escrow Fund Policy which indicates the distribution for housing assistance will be up to \$30,000 per family.

C E R T I F I C A T I O N

I hereby certify that the foregoing resolution was duly considered by the Navajo-Hopi Land Commission of the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 04 in favor, 00 opposed, this 25th day of July, 2013.


Walter Phelps, Chairperson
Navajo-Hopi Land Commission
Navajo Nation Council

Motion: Dwight Witherspoon
Second: Elmer Begay



RESOLUTION
OF THE
NAVAJO-HOPI LAND COMMISSION
OF THE
NAVAJO NATION COUNCIL

Approving a NHLCO Proposal To Distribute the Escrow Funds
Earmarked for FBFA Housing to FBFA Chapters Based on
Percentage Of Chapter Population In the FBFA Formula and
Directing the NHLCO and Division of Finance to Implement
the Distribution

WHEREAS:

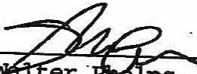
1. Pursuant to 2 N.N.C. §851(A), the Navajo-Hopi Land Commission ("NHLCO") is established within the Legislative Branch of the Navajo Nation Government; and
2. Pursuant to N.N.C. §853(B)(1) and (2), and the Government Services Committee resolution no. GSCF-10-91, the NHLCO is authorized to collect, update and maintain information on the Navajo-Hopi land dispute matters, and advise the Navajo Nation president of such matters; and
3. A Navajo-Hopi Intergovernmental Compact ("Compact") was entered into on November 3, 2006 and resolved the litigation between the Navajo and Hopi Nations and lifted the 40 year Bennett Freeze. On May 8, 2009, Section 10(f) of Public Law 93-531 (25 U.S.C. 64d0-9(f) which had codified the administrative freeze as statute was repealed by and signed into law by United States President Barack Obama, which lifted the 40 year Bennett Freeze; and
4. Pursuant to Article 7.2 of the Compact the Navajo and Hopi nations divided equally funds which been held in escrow since 1970 and during the litigation; and

NHLCJY-27-13

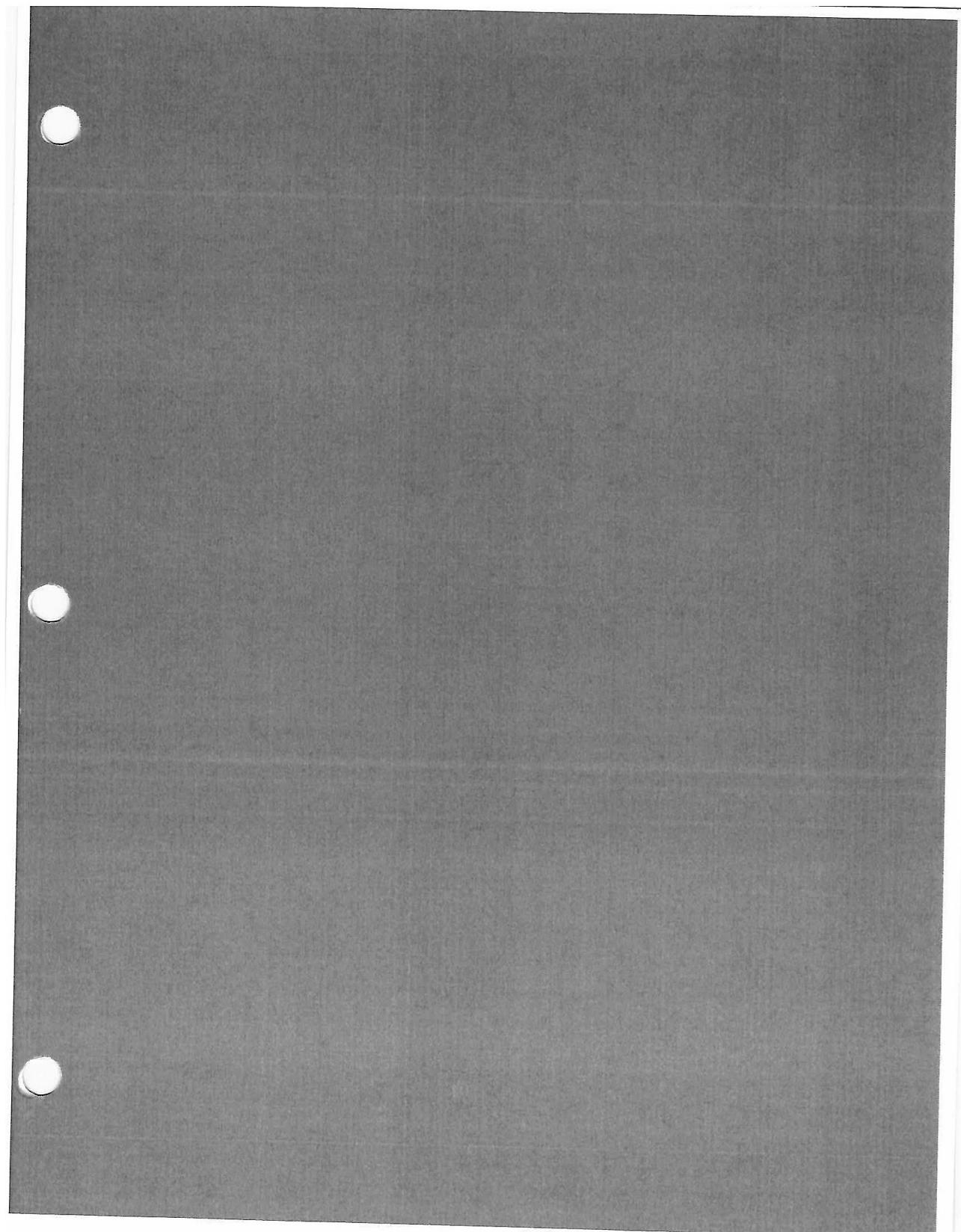
3. The said Navajo Nation Chapters will follow the previously approved Navajo Hopi Land Commission Escrow Fund Policy which indicates the distribution for housing assistance will be up to \$30,000 per family.

C E R T I F I C A T I O N

I hereby certify that the foregoing resolution was duly considered by the Navajo-Hopi Land Commission of the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 04 in favor, 00 opposed, this 25th day of July, 2013.


Walter Phelps, Chairperson
Navajo-Hopi Land Commission
Navajo Nation Council

Motion: Dwight Witherspoon
Second: Elmer Begay



NHLCJN-07-11

RESOLUTION
OF THE NAVAJO-HOPI LAND COMMISSION
OF THE NAVAJO NATION COUNCIL

Approving the Former Bennett Freeze Area
Escrow Fund Budget and Policy Plan

WHEREAS:

1. Pursuant to 2 N.N.C. §851(A), the Navajo-Hopi Land Commission (NHLC) is established within the Legislative Branch of the Navajo Nation Government; and Pursuant to 2 N.N.C. §853(B)(1) and (2), the Navajo-Hopi Land Commission of the Navajo Nation Council ("NHLC") is authorized to advise the President of the Navajo Nation concerning all matters relating to the Navajo-Hopi Settlement Act of 1974 (P.L. 95-531, as amended; and
2. In 1966, Commissioner of Indian Affairs Robert Bennett imposed a ban on construction in the 1934 disputed area, land claimed by the Navajo and Hopi Nation which became known as the Bennett Freeze Area;
3. In a memorandum dated December 28, 1970, from Acting Commissioner of Indian Affairs Ernest Stevens to Navajo Bureau of Indian Affairs Area Director, Acting Commissioner Stevens stated "All income collected on lands in the 1934 disputed area inside the original Bennett line (or western extension of the 1882 Executive Order Reservation) will be placed in escrow in a special deposit account"; and
4. The Navajo-Hopi Intergovernmental Compact ("Compact") was entered into on November 3, 2006 and resolved the litigation between the Navajo and Hopi Nations and lifted the 40 year Bennett Freeze and on May 8, 2009, Section 10(f) of Public Law 93-531 (25 U.S.C. 640d-9(f)) was repealed by and signed into law by United States President Barack Obama, which lifted the 40 year Bennett Freeze.
5. On December 22, 1974 the United States Congress passed the Navajo and Hopi Indian Land Settlement Act of 1974, P.L. 93-531, as amended. The law authorized litigation between the Tribes to title to the 1934 Reservation, including the Bennett Freeze Area; and
6. Pursuant to Article 7.2 of the Compact the Navajo and Hopi nations agreed to divide the funds from the escrow equally and NHLC requested the Bureau of Indian Affairs to authorize the Office of the Special Trustee to Transfer the Ownership of Securities to the Navajo Nation from the Navajo-Hopi Escrow Account ES-106-20-32. The funds having been deposited into Navajo Nation account titled "NAV-HOPI EXCW BEN FREEZE" with Business Unit No. 703001; attached hereto as Exhibit "A"; and



THE
NAVAJO
NATION

EXHIBIT "A"

General Accounting/OoC * P. O. Box 3150 * Window Rock, AZ 86515 * (928) 871-7653
Dr. Joe Shirley, Jr. President
Bennie Shelly Vice-President

April 27, 2010

MEMORANDUM:

TO : Roman Bitsuie, Executive Director
Office of Navajo Hopi Land Commission
FROM : Myrene Shondee, Accountant
General Accounting/Office of the Controller

SUBJECT: Assigned Business Unit(s)

Pursuant to Intergovernmental Relations Committee resolution IGRF-27-09, the following account(s) have been assigned as follows:

<u>JDE Business Unit</u>	<u>Description</u>
703001	NAV-HOPI ESCW BEN FREEZE

The account information has been entered into JDEdwards on 4/22/2010. Please provide the following information to the following respective departments.

1. "Budget Justification" to OMB
2. "Expenditure Authorized Signature" form to Accounts Payable

Your cooperation and assistance in providing this information to the respective program/chapters and personnel is appreciated. Any questions, please direct them to my attention at telephone number 871-6496.

CONCURRENCE:

Robert Willie
Robert Willie, Supervisor
Office of the Controller

Attachments: (1)

Xc: Karis N. Begaye, Attorney, Eco/Comm. Dev. Unit
Robert Willie, Supervisor/GA/OoC
Emmett Francis, Budget Officer/OMB
File/Chrono

THE NAVAJO NATION DETAILED LINE ITEM BUDGET AND JUSTIFICATION

BUDGET FORM 5
Page ___ of ___

PART I. PROGRAM INFORMATION:		Business Unit No.: 703001										
Program Name/Title: Navajo-Hopi Escrow Bennett Freeze												
PART II. DETAILED BUDGET:												
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	
Level of Detail (LOD)	Object Code	Object Code Description/Justification	Fund Source Code	Central Office (WFR)	Central Navajo/Chinle	Eastern Navajo/Crowmpt.	Fort Defiance	Northern Navajo/Shiprock	Western Navajo/Tuba City	Total by DETAILED Object Code	Total by MAJOR Object Code	
4	6500	CONTRACTUAL SERVICES									5,012,553.28	
5	6510	Professional Services										
		To be used to retain consultants to work with Senators and Congressmen to introduce legislation designed to aid in the recovery of the Former Bennett Freeze Area (FBFA).										
6	6520	Consulting										
7	6530	Fees										
		\$7,500/mo. X 12 mos. = \$90,000							90,000.00	100,000.00		
7	6540	Expenses										
		\$833.33/mo. X 12 mos. = \$10,000							10,000.00			
5	6910	OTHER CONTRACTUAL SERVICES										
7	6921	Other Services								4,912,553.28		
		Repair, renovate or replace 133 occupied homes in the FBFA up to \$30,000/home.							3,912,553.28			
		\$1.0 million for regional economic development purposes.							1,000,000.00			
PAGE TOTAL:											5,012,553.28	5,012,553.28

**A PLAN FOR USE OF ESCROW FUNDS
TO DEVELOP THE FORMER BENNETT FREEZE AREA**

Submitted by the Navajo Nation
Navajo-Hopi Land Commission Office
June 24, 2011

I. INTRODUCTION

During the time title to lands west of the 1882 Executive Order Reservation was unresolved the federal government through the BIA collected and held on to fees and lease proceeds in escrow, waiting for a time when the title claims would be resolved. In the resolution of the land claims perfected in the Intergovernmental Compact of 2006, the Navajo and Hopi Nations, claimants, agreed to share, half and half, the escrow funds, then at \$10 million (\$10,000,000), with interest. A special trustee now has custody of the funds. The funds are available to be transferred to a Navajo Nation Special Account for use. The current amount held is an estimated \$6.3 million.

II. THE ESCROW FUNDS

The escrow funds are "[A]ll income collected on lands in the 1934 disputed area inside the original Bennett line (or western extension of the 1882 Executive Order Reservation) will be placed in a special deposit account pending final decision of the undetermined interest of the Hopi Tribe." Memorandum from Commissioner of Indian Affairs to Navajo and Phoenix BIA area directors dated December 28, 1970. Income was further identified as "[L]ease rental payments from a "[D]esignated areas of trust lands" meaning the lands just identified. Undated unsigned letter from the BIA Navajo area director to certain lessees.

Pursuant to Article 7.2 of the Intergovernmental Compact entered into on November 3, 2006, the Navajo and Hopi tribes agreed to have funds collected between July 8, 1966 to an "Effective Date" and being held for them be distributed to them in equal shares. Art. 7.2, Intergovernmental Compact dated November 3, 2006.

In January 02, 2008, the Department of Interior fiduciary officer advised the Navajo and Hopi tribes that both

V. PROPOSED GUIDELINES FOR USE OF ESCROW FUNDS, or, PRINCIPLES UNDER THE ESCROW FUNDS WILL OPERATE

1. Assurance of decent and safe homes for families living in the FBFA.
2. Promotion of economic and community development by investing in community and economic development projects in the FBFA.
3. Retention of a portion of the funds as endowment to finance future development in the FBFA using the funds' interest income.
4. Retention of consultant to lobby for passage of legislation for recovery of the affected area.

VI. ELIGIBILITY TO BENEFIT FROM THE ESCROW FUNDS

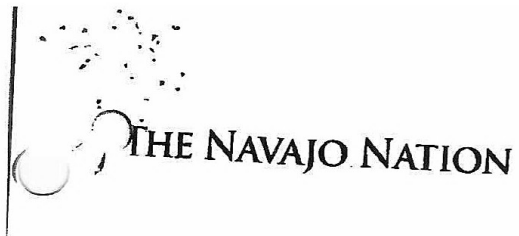
1. Housing beneficiaries to be occupying a home located on the FBFA.
2. The community development projects must be located on the FBFA.
3. Businesses fostering economic development must be located in the FBFA. Grantees to be Navajo individuals.
4. Future new home recipients must be FBFA residents and have home site leases on the FBFA.

VII. ADMINISTRATION AND MANAGEMENT OF THE ESCROW FUNDS

NHLCO will administer and manage the escrow funds using its 2000 approved housing guideline, policies and procedures for NRTF projects. It will coordinate and plan for use of the funds, drawing on funds from the special account numbered 703001 to be set up in the Navajo Nation Division of Finance.

NHLCO will prioritize and use the fund to renovate or repair dilapidated homes. In certain instances a home may need to be completely replaced.

The NHLCO will set up competitive proposal process identical to the Navajo Rehabilitation Trust Funds that it currently manages and administers for issuing matching loans or grants to small businesses.



BEN SHELLY PRESIDENT
REX LEE JIM VICE PRESIDENT

MEMORANDUM

TO : Jolene Russell, Senior Budget Analyst
Office of Budget and Contracts

FROM : Thomas Benally
Thomas Benally, Deputy Director
Navajo-Hopi Land Commission Office

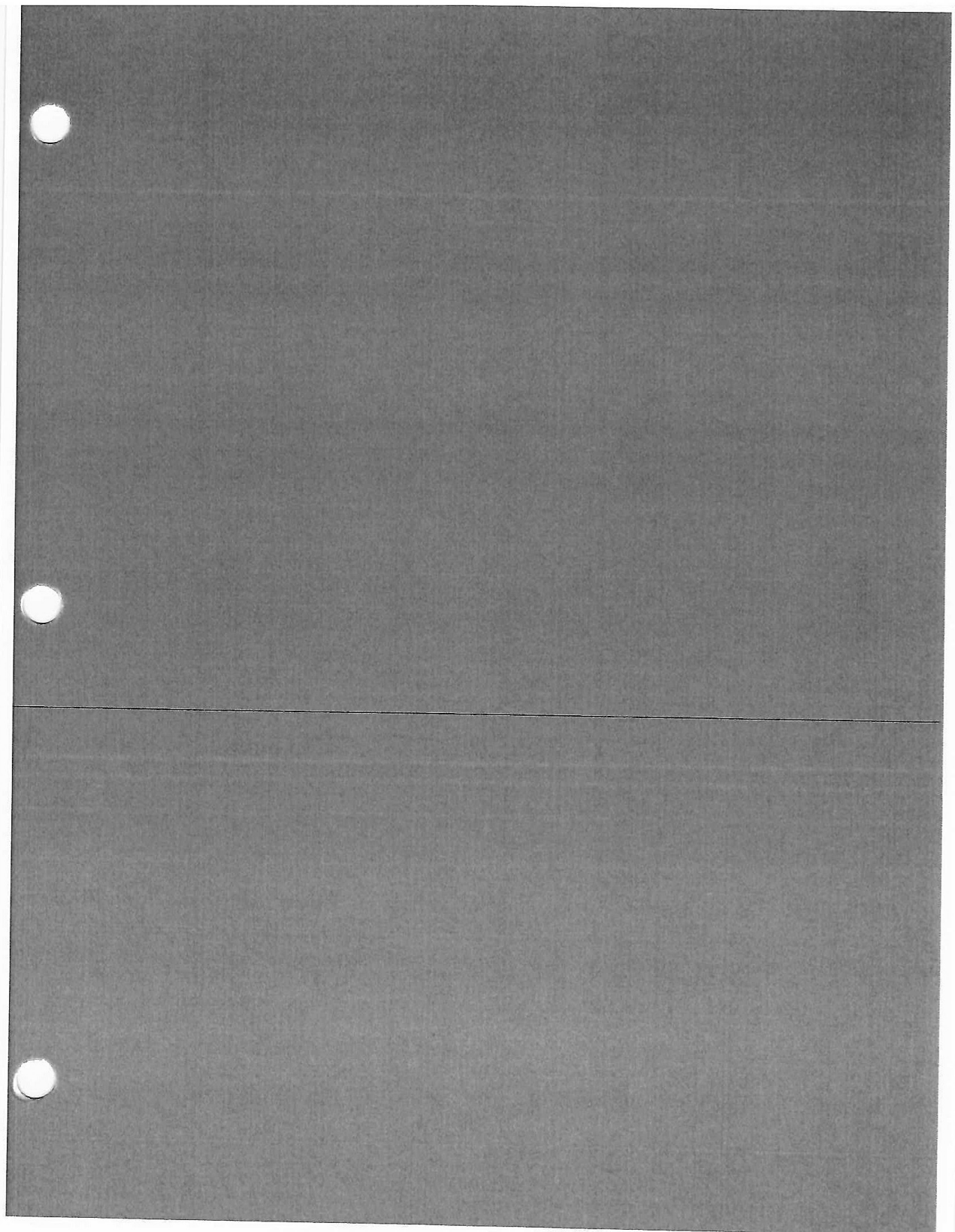
DATE : August 5, 2011

Subject: Request for Business Unit Numbers

The Navajo-Hopi Land Commission Office is requesting your assistance in inputting the budget for the Nava-Hopi Escw Ben Freeze Account 703001. Navajo-Hopi Land Commission (NHLC) Resolution NHLCJN-07-11 (attached) authorizes the Budget for the former bennet freeze area escrow fund budget

If there is any questions, call be at extension 6441. Thank You.

Cc: FBFA Escrow Account
R. Maxx, Exec. Dir., NHLCO



NHLCA-12-2000

**RESOLUTION
OF THE
NAVAJO-HOPI LAND COMMISSION
OF THE
NAVAJO NATION COUNCIL**

Adopting the Proposed Guidelines, Policies, and Procedures for the Navajo Rehabilitation Trust Fund Projects and Directing the Navajo-Hopi Land Commission Office to Implement the Guidelines, Policies, and Procedures Immediately.

WHEREAS:

1. Pursuant to 2 N.N.C. § 853(B)(1), the Navajo-Hopi Land Commission of the Navajo Nation Council is authorized to advise the President of the Navajo Nation concerning all matters relating to land use conflicts between the Navajo Nation and the Hopi Tribe, and any claimants in and to lands within the areas described in the Act of June 14, 1934 (48 Stat. 960); and
2. The Navajo Rehabilitation Trust Fund was established by Public Law 100-666, Section 7 (1988). The purpose of the Navajo Rehabilitation Trust Fund is to continue rehabilitation and improvements of the economic, educational and social conditions of the families and Navajo communities effected by the Healing decision, the provisions of Public Law 93-531, as amended, and the establishment of District Six as exclusively Hopi land; and
3. The Navajo-Hopi Land Commission Office is responsible for the administration and utilization of the Navajo Rehabilitation Trust Funds as authorized by the Navajo-Hopi Land Commission; and
4. In response to the audit findings of the Navajo Rehabilitation Trust Funds, (attached as Exhibit "A") the Navajo-Hopi Land Commission has developed the proposed Guidelines, Policies and Procedures for Navajo Rehabilitation Trust Fund Projects (attached as Exhibit B); and
5. The Guidelines set forth the policies and procedures governing all aspects of projects funded by the Navajo Rehabilitation Trust Fund, including proposal development, project selection, disbursement of Navajo Rehabilitation Trust Funds, monitoring, project performance, funding implementation, and close-out processes; and
6. The proposed Guidelines, Policies and Procedures for Navajo Rehabilitation Trust Fund Projects as consistent with Public Law 100-666, Section 7 (as amended), the Secretary of Interior's Conceptual Management Plan, and the Navajo Nation's Western Area Regional Plan (WARP);

NHLCA-12-2000

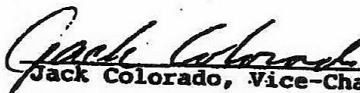
7. In an effort to ensure compliance with all pertinent legislation, policies and procedures with regards to the Navajo Rehabilitation Trust Funds, the Navajo-Hopi Land Commission finds it necessary to develop these Guidelines, Policies, and Procedures.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo-Hopi Land Commission hereby adopts the proposed Guidelines, Policies and Procedures for Navajo Rehabilitation Trust Fund Projects;
2. The Navajo-Hopi Land Commission hereby further directs the Navajo-Hopi Land Commission Office to implement the Guidelines, Policies and Procedures immediately.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo-Hopi Land Commission of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation, (Arizona), at which a quorum was present and the same was passed by a vote of 7 in favor, 0 opposed, and 0 abstained on this 19th day of April, 2000.


Jack Colorado, Vice-Chairperson
Navajo-Hopi Land Commission
NAVAJO NATION COUNCIL

Motion: Duane Tsinigine
Second: Jones Begay

Exhibit B

**GUIDELINES, POLICIES AND PROCEDURES
FOR NAVAJO REHABILITATION
TRUST FUND PROJECTS**

Developed By :

**Navajo-Hopi Land Commission
Navajo-Hopi Land Commission Office**

April 20, 2000

NAVAJO REHABILITATION TRUST FUND PROJECTS GUIDELINES, POLICIES AND PROCEDURES

SECTION I. ESTABLISHMENT

A. Public-Law 100-666, Section 7 (1988 amendment to Public Law 93-531) authorized the creation of the Navajo Rehabilitation Trust Fund (NRTF). Funds appropriated by Congress for the NRTF, plus interest and investment income derived from such funds are deposited into the NRTF.

The purpose of the NRTF, including any interest or investment accruing thereon, is to, "continue rehabilitation and improvement of the economic, educational, and social condition of families and Navajo communities affected by :

- a. the *Healing v. Jones* case or related proceedings;
- b. the provision of this Act; or
- c. the establishment by the Secretary of the Interior of Grazing District Number Six as land for the exclusive use of the Hopi Tribe.

B. The Conceptual Framework for the use of the NRTF was developed by the Secretary of the Interior as required by the United States Congress in June 1990. The Conceptual Framework was intended to meet the Secretary of the Interior's duty under Section 7 of Public Law 100-666, as amended by Public Law 100-121, and required by H.R. 2788 (Conference Report, Amendment No. 88, October 2, 1989). The Conceptual Framework identified the Navajo-Hopi Land Commission and the Office of the President as the responsible entities for the administration and management of the NRTF.

Under the Conceptual Framework, the NRTF Beneficiary Areas are as follows :

- a. Navajo Partitioned Lands
- b. The 1934 Boundary Act (Bennett Freeze) Area
- c. Chambers/Sanders Trust Lands (New Lands)
- d. Paragon Resources Ranch/Dineh Power Project
- e. Off-reservation communities

- f. Accommodation Agreement signers and families
- g. On and off reservation communities impacted by Public Law 93-531 (as amended) and Public Law 100-666 (as amended).

C. Pursuant to Public Law 96-305 and the Secretary of Interior's Conceptual Framework, the Navajo-Hopi Land Commission developed the Western Area Regional Plan (WARP) which served as a guide for the distribution of the NRTF. In January, 1995, the WARP was updated to meet the changing needs of the Navajo families and communities effected by relocation. More recently and in response to Audit Findings by the Navajo Nation Office of the Auditor General the Navajo-Hopi Land Commission developed more specific and detailed guidelines, policies, and procedures which are consistent with the WARP, the Secretary of Interior's Conceptual Framework and Public Law 100-666 (as amended). All applications for funding shall be developed, evaluated, and implemented in accordance with these guidelines, policies and procedures, and the updated WARP.

SECTION II. PURPOSE

These guidelines set forth the policies and procedures governing all projects funded by the NRTF. The guidelines relate to proposal development, project selection, disbursement, and management of NRTF, monitoring, project performance, funding implementation and close-out processes by which the Navajo-Hopi Land Commission Office shall operate and be guided in its decision making and related actions, (other activities, such as land purchases, of the NRTF will be governed by other guidelines).

SECTION III. DEFINITIONS

1. Applicants- Eligible participants that submit proposals for funding by the NRTF.
2. Budget Allocation (aka Budget Appropriation) - The legislative act of

designating Navajo Rehabilitation Trust Funds for a specific purpose in accordance with the applicable budgeting principles, policies and procedures contained in these Guidelines, Policies and Procedures.

3. **Budget Reallocation-** The re-designation of appropriated or budgeted funds from one account to another account or a newly created account for a different use or purpose pursuant to 2 N.N.C. section 185 (A).
4. **Infrastructure-** The basic facilities, services, and installations needed for the operation or functioning of a community, such as transportation and communication systems, water and power lines, and public institutions including schools, post offices, and prisons.
5. **Matching Funds-** Funds from other sources committed to match the NRTF shall be maintained in separate accounts administered by the Controller. If any variances arise in matching funds accounts, the Navajo Nation through the Office of Management and Budget and the Office of the Controller shall make the appropriate adjustments. If matching funds are not obtained from other sources, the appropriated funds shall revert to the Undesignated Fund Balance of the Navajo Rehabilitation Trust Fund.
6. **Navajo-Hopi Land Commission-** Established by the Navajo Nation Council to advise and make recommendations to the President of the Navajo Nation in all matters relating to land use conflicts between the Navajo Nation and the Hopi Tribe, and any claimants in and to lands within the areas described in the Act of June 14, 1934. The Commission and the Office of the President maintain responsibility for the use of all NRTF monies.
7. **Navajo-Hopi Land Commission Office -** Established by Government Services Resolution No. 10-91 to administer the NRTF, consistent with the WARP, Public Law 100-666 (as amended), and other activities related to the NRTF and as

authorized by the Navajo Hopi Land Commission. The NHLCO is located in the Executive Branch of the Navajo Nation Government.

8. Navajo Rehabilitation Trust Fund Beneficiaries- Navajo families and communities affected by relocation and as specified in Section I herein.
9. Navajo Rehabilitation Trust Fund- For Navajo Nation accounting purposes the NRTF is considered a "special revenue fund". The NRTF was established as specified in Section I herein.
10. Partners – Other responsible parties. An entity that is assisting or in partnership with the funded project, e.g. NTUA, IHS, NHS, etc.
11. Projects- Applicants funded by the Navajo Rehabilitation Trust Fund.
12. Selection Committee- The Committee responsible for evaluating, prioritizing, and identifying applicants that may be funded by the NRTF.
13. Selection Criteria- Criteria provided in the Western Regional Area Plan (WARP) which is used to evaluate applicants for funding by the NRTF.
14. Special Revenue Fund - This fund is used to account for the proceeds of specific revenue sources that are legally restricted to expenditures for specified purposes. This fund includes externally restricted funds which are defined as funds received by the Navajo Nation from sources other than the Navajo Nation for a specific purpose. The Navajo Rehabilitation Trust Fund is a special revenue fund.
15. Western Area Regional Plan (aka the WARP) – Serves as a guide for the distribution of the NRTF, including any interest and investment income accruing thereon. The WARP was updated in January 1995 and is consistent with the Secretary of Interior's Conceptual Framework and Public Law 100-666 (as

amended).

SECTION IV. ROLES AND RESPONSIBILITIES

It shall be the policy of the Navajo-Hopi Land Commission to delineate the roles and responsibilities of the Navajo-Hopi Land Commission, the Navajo-Hopi Land Commission Office, and the projects funded by the NRTF to ensure a mutual understanding of said lawful and accountable process. To achieve this goal, the following responsibilities are identified for each respective entity:

A. NAVAJO-HOPI LAND COMMISSION

The Navajo-Hopi Land Commission shall exercise its authorities as authorized by 2 NNC section 851 et. seq. and P.L. 100-666 (as amended) which includes, but are not limited to the following :

1. Approving the criteria for the selection of applicants that may be funded under the NRTF.
2. Approving or disapproving recommendations of the Selection Committee.
3. Reviewing and receiving written and verbal quarterly and annual reports on all projects funded by the NRTF. The reports will include, but are not limited to project performance, site visits, and reviewing for budget reallocations.
4. Reviewing and amending, as necessary, the Guidelines, Policies and Procedures governing the use of the NRTF. Review of the Guidelines, Policies and Procedures will be no less than annually.
5. The Navajo-Hopi Land Commission, with advise and consent of the Office of the

Controller, shall be responsible for the performance of the financial analysis for the purpose of determining the level of funding for NRTF projects on an annual basis. The Controller shall have 30 days to consent, if the Controller does not respond within the 30 days, the Commission may proceed.

6. Identify, request, and allocate NRTF for operations of the NRTF. Operations include, but are not limited to staff and other resources to implement these Guidelines, Policies and Procedures, and to monitor the investment and financial management of the NRTF.
7. Develop and recommend legislation to the Navajo Nation Council pertaining to the NRTF.
8. Ensure NRTF operates in compliance with all Navajo Nation laws, including but not limited to the Navajo Nation Appropriations Act, the Navajo Nation Sovereign Immunity Act, and the Navajo Nation Local Governance Act.
9. Other activities authorized by establishing statutes, such as administrative services necessary for the lawful operation of the Navajo-Hopi Land Commission and the Navajo-Hopi Land Commission Office, such as land selections, and the investment and management of the NRTF which are governed by other Guidelines.

B. NAVAJO-HOPI LAND COMMISSION OFFICE

The Navajo-Hopi Land Commission Office shall exercise its authority as found in its Plan-of-Operation (GSCF10-91) as follows :

1. Provide services necessary to implement the Guidelines, Policies and Procedures for each project funded by the NRTF as specified in Sections V-X herein.

2. Prepare, execute and secure approval of all funding agreements including, but not limited to contracts, prior to disbursing any NRTF monies to any project and/or partner. The Navajo Hopi Land Commission Office shall not allow performance of a contract to begin without securing the necessary approval. At a minimum, the written agreement must describe the use of NRTF including, the tasks to be performed, a schedule for completing the tasks, and a budget. NRTF agreements shall include these items in sufficient detail to provide :
 - i. That NRTF are used in accordance with project requirements, the NRTF Guidelines, Policies and Procedures, and the WARP.
 - ii. For responsible implementation, bookkeeping, and management of day-to-day operations of NRTF projects.
 - iii. For responsible monitoring of the performance of all projects receiving NRTF.
 - iv. For appropriate action when performance problems arise.
 - v. For providing technical assistance to projects funded by NRTF.
 - vi. For tracking of projects funded by the NRTF.

C. PROJECTS FUNDED

The responsibilities of projects funded by the NRTF shall include, but are not limited to the following items. These items should be in sufficient detail to provide the NHLCO and the NHLC with pertinent information as follows :

1. The establishment and maintenance of records sufficient to enable the Navajo-Hopi Land Commission Office to determine whether the NRTF were used in accordance with NRTF requirements, NRTF Guidelines, Policies and Procedures, and the WARP.
2. Seek supplemental funding resources, including matching funds to maximize the use of the NRTF.

3. Assist the NHLCO in compiling data pertaining to the performance and progress of projects funded by the NRTF.
4. Ensure NRTF is used in accordance with project requirements, NRTF Guidelines, Policies and Procedures, and the WARP.
5. Request technical assistance from the Navajo-Hopi Land Commission Office as necessary.
6. Seek assistance from the Navajo-Hopi Land Commission Office when performance problems arise.
7. Ensure project performance does not begin without securing the necessary approval as set forth under Section IV herein.
8. Other tasks necessary to comply with the Guidelines, Policies and Procedures as specified herein.

SECTION V. ELIGIBLE APPLICANTS

It shall be the policy of the Navajo-Hopi Land Commission Office to identify as many eligible applicants in the NRTF funding process as possible. To achieve this policy goal, the following are eligible for such participation :

1. Navajo Nation Chapters
2. Navajo Nation Divisions, Departments, and Programs
3. Non-profit programs and organizations
4. Individual Relocatees
5. Accommodation Agreement signers and their families
6. Off-reservation communities and individuals
7. Partners with Projects funded by the NRTF

Eligible applicants meeting the application criteria are encouraged to apply for funding by the NRTF. Examples of beneficial projects that are eligible for funding are as follows :

1. The construction, renovation(s), repair or expansion of public facilities, such as community centers.
2. Major equipment purchases such as road maintenance equipment, farm equipment, fire fighting equipment, vehicles, school playground equipment, office equipment and furniture that support new buildings.
3. Acquisitions of manufactured buildings, land and or lease thereof.
4. The cost of development of infrastructure such as electric power lines, water lines, sewer lagoons, waste water treatment facilities, communication and transportation systems, roads and parking lots, erosion control systems, and irrigation systems.
5. The installation of bathroom additions and electrical housewiring required as a precedent to planned or current waterline extensions or electrical power line extensions for the same project.
6. Projects that provide educational, health, economic development, and community related services.

SECTION VI. APPLICATION DEVELOPMENT

The Navajo-Hopi Land Commission Office shall coordinate with the respective Navajo Nation Chapters and Programs and other eligible applicants to assist in the development of project proposals to ensure pre-planning of the proposed project. The

Navajo-Hopi Land Commission Office shall provide technical assistance to ensure participation and coordination with the appropriate partners that have responsibility along with the respective project, i.e. IHS, NHSD, NECA, NTUA and others not named herein.

SECTION VII. NOTICE

The Navajo-Hopi Land Commission Office shall provide copies of the properly approved guidelines, policies and procedures, including timelines for participation in the funding process of the NRTF. To achieve this goal, the Navajo-Hopi Land Commission Office shall adhere to the following procedures in giving Notice to the public of the funding process:

1. The Navajo-Hopi Land Commission Office will make available to the public by means of publication in the Navajo Times, the Gallup Independent, and the Farmington Daily Times that NRTF funds are available, that NRTF will be awarded competitively. Notice may also be achieved by sending written notices to applicants via first class mail.
2. The notice shall state the deadline for submission of applications, the total funding available for the competition, and the maximum amount for individual awards. The notice will also describe the maximum points for each of the selection criteria. Notice shall be published bi-weekly for two consecutive weeks.
3. The Navajo-Hopi Land Commission Office shall make available to all eligible applicants notice of availability of funds, procedures to obtain funds, types of projects allowable for funding, eligibility guidelines, due dates for fund requests, and type of documents required. The timeline for Notice is specified under Section VIII herein.

SECTION VIII. TIMELINE AND PROCEDURES

1. The Navajo-Hopi Land Commission with the advise and consent of the Office of the

Controller shall perform the financial analysis for the purpose of determining the level of funding for the NRTF projects by the end of January of each year.

2. The Navajo-Hopi Land Commission Office with the approval of the Navajo-Hopi Land Commission shall establish Priorities and Selection Criteria for the allocation of NRTF to eligible projects by January of each year.
3. The Navajo-Hopi Land Commission Office with the approval of the Navajo-Hopi Land Commission shall make available to the public by means of publication that NRTF monies are available by the end of February of each year and as specified in Section VII herein.
4. The Navajo-Hopi Land Commission Office will close the submission for all applications for funding by the end of April of each year and as specified in Section IX herein.
5. The Navajo-Hopi Land Commission Office shall review and rank each application for funding and submit to the Navajo-Hopi Land Commission a comprehensive listing of projects requesting funding by the NRTF by the end of June of each year and as specified under Sections X and XII herein.
6. The Navajo-Hopi Land Commission shall approve or disapprove the recommendations of the Selection Committee by the end of July of each year.
7. The Navajo-Hopi Land Commission Office shall notify all applicants awarded NRTF monies within two weeks after the Navajo-Hopi Land Commission approves the recommendations of the Selection Committee and as specified above.
8. The Navajo-Hopi Land Commission Office shall prepare and execute written formal NRTF agreements with all projects funded by NRTF by the end of August of each year and as specified under Section IV(B) herein. All contracts must be approved

and executed prior to the commencement of any work on the projects.

9. All projects funded by the NRTF shall immediately, and on an on-going basis, adhere to the NRTF Guidelines, Policies and Procedures and in particular Section IV herein.
10. The Navajo-Hopi Land Commission Office shall immediately begin to monitor all projects funded by the NRTF on an on-going basis and as specified under Section XIV herein.
11. The Navajo-Hopi Land Commission Office shall provide technical assistance to applicants requesting assistance, and to projects funded by the NRTF, on an on-going basis, and as specified under Section XIII herein.
12. The Navajo-Hopi Land Commission Office shall prepare and submit to the Navajo-Hopi Land Commission written and verbal reports on all projects funded by the NRTF on a quarterly and annual basis and as specified under Section IV herein.
13. The Navajo-Hopi Land Commission shall review and amend as necessary the NRTF Guidelines, Policies and Procedures by the end of September of each year and as specified under Section IV (A) herein.
14. The Navajo-Hopi Land Commission shall identify, request and allocate NRTF for operations of the NRTF as necessary and as specified under Section IV (A) herein.
15. The Navajo-Hopi Land Commission shall develop and recommend legislation to the Navajo Nation Council pertaining to the NRTF as necessary.
16. The Navajo-Hopi Land Commission shall ensure compliance with all Navajo Nation Laws on an on-going basis.

17. The Navajo-Hopi Land Commission shall address other activities authorized by establishing statutes as necessary.

SECTION IX. ACCEPTED APPLICATIONS AND REQUIRED DOCUMENTATION (CHECK-OFF LIST)

It shall be the policy of the Navajo-Hopi Land Commission Office to utilize the following "Check-Off List" for initial review and acceptance of all applications for funding by the NRTF.

All applications must be submitted either personally or via first class mail to the Navajo-Hopi Land Commission Office by the last day of April of each year by 5:00 p.m. Applications postmarked by the last day of April of each year by 5:00 p.m. will be accepted by the Navajo-Hopi Land Commission Office. Applications not received by the Navajo-Hopi Land Commission Office by the last day of April of each year by 5:00 p.m. shall be considered late and returned to the applicant via certified first class mail with receipt. All applications shall include the following :

1. A description of the proposed project. An application must provide a brief narrative summary description of the proposed project that tells the Commission Office what the applicant wants to do with the NRTF.
2. A description which addresses how the project meets the selection criteria, including but not limited to eligibility, need, identification of beneficiaries, and implementation and management strategies.
3. A specific "output".
4. Specific timelines for completion.

SECTION X. SELECTION CRITERIA

Each project submitted for funding under the NRTF shall be evaluated using a established selection criteria consistent with the WARP. The Navajo-Hopi Land Commission Office and the Selection Committee shall review and rank each project

proposal. A rating form will be used to total up the scores for each of the applications utilizing the evaluation criteria attached hereto and incorporated as Attachment A which has been reviewed and approved by the Navajo-Hopi Land Commission.

After all applications have been rated the scores will be assembled in a single, merged list of scores for all rated applications. The ranking process shall produce an ordered list of applications that may receive funding. The application with the highest ranking shall be funded first, the next highest shall be funded second, and so on.

When ratings result in a tie among applicants, applications shall be approved in the following order :

1. Those that can be fully funded over those that cannot be fully funded.
2. Those that benefit the most NRTF beneficiaries.
3. Those that benefit the highest percentile of people affected by Section I (A)(a).

SECTION XI. MATCHING FUNDS (ADDITIONAL FINANCIAL RESOURCES)

It shall be the policy of the Navajo-Hopi Land Commission Office that project proposals which include the use of matching commitments from other sources of funds will score higher. The matching funds make an application more competitive because it maximizes the use of limited resources and achieves the greatest benefit for each project funded by the NRTF. To achieve this policy goal, the following funding sources are identified, by means of example, not limitation, to create the needed partnerships :

1. The Navajo Nation Community Development Block Grant
2. The United States Department of Agriculture-Rural Utilities Services
3. New Mexico Legislature
4. Arizona Legislature
5. Utah Legislature
6. County and City Governments
7. Indian Health Services
8. Navajo Tribal Utility Authority

9. Other appropriate utility companies
10. Bureau of Indian Affairs
11. Private contributors
12. United States Government
13. Navajo Engineering and Construction
14. Bonds issued by the Navajo Nation
15. Navajo Nation General Funds

SECTION XII. DEVELOPMENT OF ANNUAL PROJECT FUNDING LIST

The Navajo-Hopi Land Commission Office shall be responsible for the development of a comprehensive listing of applicants requesting funding by the NRTF. This list will be made available to the Navajo-Hopi Land Commission as specified under Section XII herein and shall include the following :

1. The anticipated costs of each project.
2. The anticipated source of funds for each project.
3. The estimated annual operating cost and/or saving for each project and how operation and maintenance costs will be funded and who will be responsible.
4. The estimated completion date for each project.
5. The intended goal or policy, if any, that each project would help to implement or achieve.
6. The viable alternatives that were considered for each project with a statement of reasons that the proposed project is the most cost effective and practical alternative for meeting the stated objective.

7. The project's ranking and the selection criteria used as a basis for selection of projects funded by the Navajo Rehabilitation Trust Funds.

SECTION XIII. TECHNICAL ASSISTANCE

It shall be the policy of the Navajo-Hopi Land Commission Office to provide technical assistance to chapters and programs in the areas of proposal development, project management, and project implementation. To achieve this policy goal, the Navajo-Hopi Land Commission Office shall provide the following:

1. Technical assistance workshops to disseminate information on the guidelines, policies and procedures in evaluating, prioritizing and selecting projects that may be funded under the Navajo Rehabilitation Trust Fund.
2. Technical assistance to projects funded by the NRTF to ensure compliance with project requirements, meeting scheduled project completion, compliance with codes, regulations, laws and policies.
3. Assist projects with development of construction schedules, manpower needs, and material lists.
4. Assist projects with procurement, contracting, hiring of construction personnel and resolution writing;
5. Assist with project inspections and close out activities.
6. Assist with quality assurance as specified under Section XIV herein.

SECTION XIV. MONITORING

It shall be the policy of the Navajo-Hopi Land Commission Office to monitor all

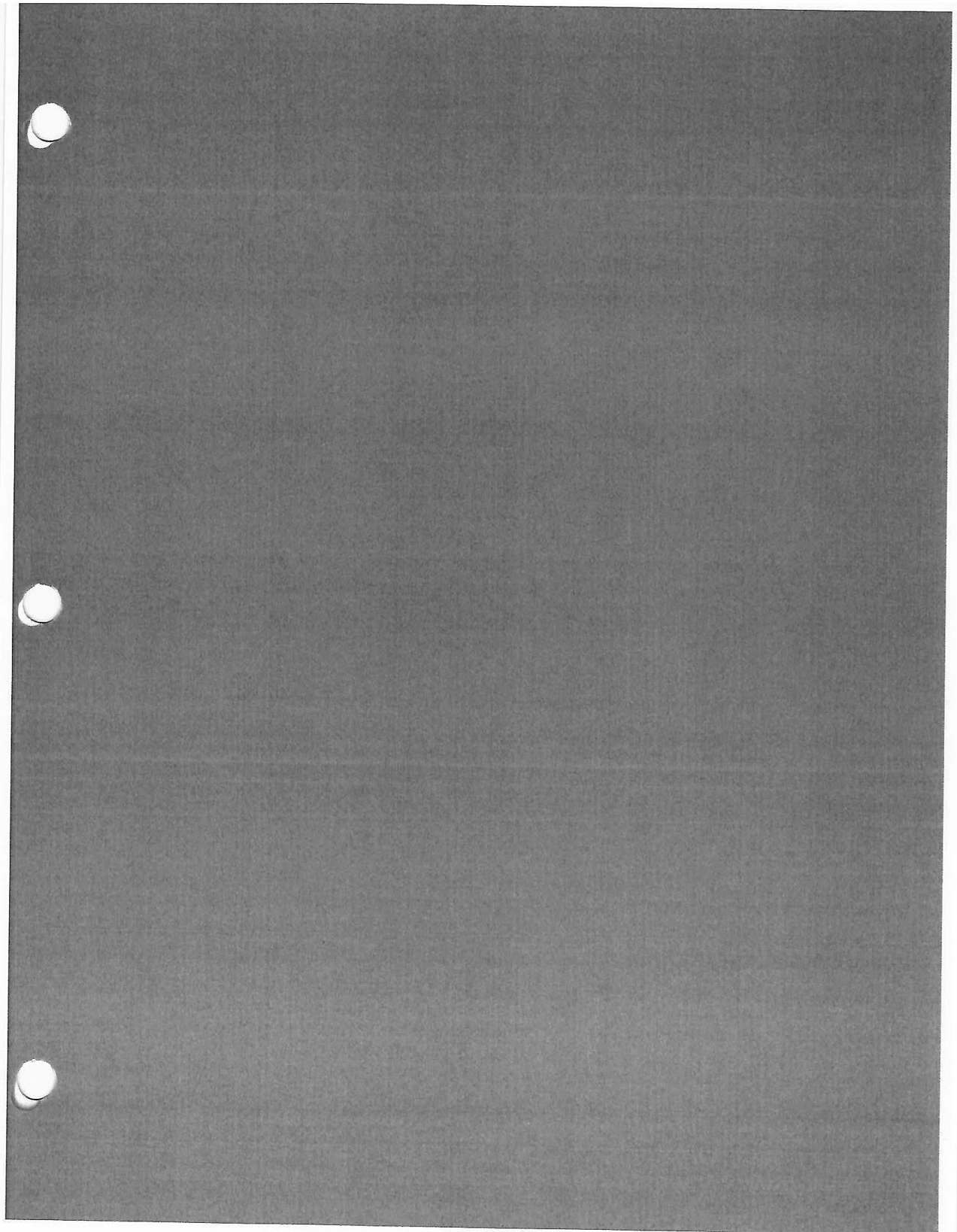
projects that have been funded by the NRTF and are in the implementation process to ensure compliance with project requirements and with all appropriate uniform codes, regulations, laws, policies, and practices. To achieve this policy goal, the Navajo-Hopi Land Commission Office shall:

1. Develop and implement monthly project monitoring schedules.
2. Develop project-monitoring forms to retrieve project data that includes the status of the progress, problems encountered, and achievements.
3. Prepare and report quarterly progress reports, managerial accounting reports, and financial accounting reports for all projects funded by the NRTF to the Navajo-Hopi Land Commission, and other appropriate officials as necessary.
4. Utilize records maintenance and data management systems to safeguard confidential information, protect project files, and compile cost and project data statistics.
5. Develop Memorandum of Agreement (MOA), Memorandum of Understanding (MOU), Administrative Agreements (AA), Joint Powers of Agreements (JPA) to coordinate and implement NRTF projects to include, but not limited to the following :
 - i. Issue Notice-to-Proceed to contractors of record.
 - ii. Monitor the terms and conditions of all Agreements and Contracts for compliance.
 - iii. Implement project close out by coordinating the required final inspections of projects and the approval of the final payment to contractors of record.The following close out documents are required as applicable :
 - a. Certificate of Substantial Completion
 - b. Certificate of Occupancy

- c. Insurance coverage
 - d. Registration with the Navajo Nation Office of Property and Supplies
 - e. Other pertinent close out documents (allowable)
 - h. Title Transfer
- vi. In the event the project is a non-construction project, such as a service provider or consultant, the close out process includes, but is not limited to, a transmittal letter signed by the Navajo Nation and the Service Provider. At a minimum, the transmittal letter should evidence completion of performance by the service provider and acceptance by the Navajo Hopi Land Commission Office, a final bill for services provided and any other pertinent information or documentation required by the Navajo Nation Office of Contracts and Grants and the Navajo-Hopi Land Commission Office.

SECTION XV. AMENDMENTS

The Navajo Rehabilitation Trust Fund Guidelines, Policies and Procedures may be amended from time to time by the Navajo-Hopi Land Commission of the Navajo Nation Council.



NHLCAU-15-14

RESOLUTION
OF THE
NAVAJO-HOPI LAND COMMISSION
OF THE
NAVAJO NATION COUNCIL

Approving the Navajo-Hopi Land Commission Office Former Bennett Freeze Area Housing Selection, Administrative Grievance, Health, Safety, and Sanitary Policy.

WHEREAS:

1. Pursuant to 2NNC§ 851 et. seq., and Government Services Committee resolution GSCF-10-91, the Navajo-Hopi Land Commission (NHLCO) of the Navajo Nation Council is authorized to collect, update and maintain information on land dispute matters, and advise the Navajo Nation President of such matters; and
2. Pursuant to 25 U.S.C § 640d-30 (b), the NHLC seeks to rehabilitate and improve the economic, educational, and social conditions of the Navajo families and communities that have been affected by the Healing vs. Jones Decision and related proceedings, by the provision of Public Law 93-531, as amended and/or by the establishment by the Secretary of the Interior of Grazing district Six as lands exclusively for the use of the Hopi Tribe; and
3. The NHLC pursuant to resolution NHLCA-11-2000 ratified the NHLCO Housing Construction and Improvement Program Guidelines, Policies and Procedures; and
4. The NHLCO Housing Policy is deemed outdated. NHLCO and the nine (9) Former Bennett Freeze Area (FBFA) Chapters have developed a proposed comprehensive Housing Policy that will serve to assess the housing needs in the FBFA; and
5. The proposed NHLCO Housing Selection, Administrative Grievance, Health, Safety and Sanitary Policy (hereto attached as Exhibit "A") will be used to assess the housing needs; and

NAVAJO-HOPI LAND COMMISSION OFFICE
HOUSING SELECTION, ADMINISTRATIVE GRIEVANCE,
HEALTH, SAFETY AND SANITARY
POLICY

SECTION I. HOUSING SELECTION:

A. INTRODUCTION:

1. Policy Statement:

It is the policy of the Navajo-Hopi Land Commission Office ("NHLCO") to provide housing assistance for repairs, renovation, replacement of existing homes or construction of new homes that are owned or occupied by Navajo families affected by the land dispute. The NHLCO's goals will be best accomplished by enacting policies and procedures that will govern the actions of the NHLCO and its applicants. NHLCO shall make every effort to work with the applicants and all Navajo governmental entities to ensure compliance.

This policy and procedures are applicable to all applicants and employees of the NHLCO and the local Chapter government offices. The NHLCO Housing Selection, Administrative Grievance, Health, Safety and Sanitary Policy ("Policy") is consistent with the national housing policy which declares that every American family should have an opportunity for a decent and safe house and suitable living environment.

2. Purpose:

The Policy is the selection, administrative grievance, health, safety and sanitary process and procedures of applicants to provide housing assistance to eligible Navajo families affected by the land dispute with new or improved homes.

The NHLCO's Policy serve to supplement, not supplant the rules and regulations of other funding source. In the event the Policy conflicts with any provisions, rules and/or regulations of other funding sources, in whole or in part, the provisions of the granting source shall prevail, e.g. projects funded by the Navajo Rehabilitation Trust Fund shall be governed by that funding source.

The NHLCO shall operate and be guided in its decision making and related actions by this Policy.

3. Navajo-Hopi Land Commission Office:

The NHLCO is established by the Government Services Committee Resolution No 10-91 as an office under the Executive Branch. The NHLCO administers the Policy and other activities related to the Navajo-Hopi land dispute, and the Paiute settlement matter.

4. Legal Authority:

Pursuant to 2 N.N.C. § 953(B) (1), the Navajo-Hopi Land Commission of the Navajo Nation Council is authorized to advise the President of the Navajo Nation concerning all matters relating to land use conflicts between the Navajo Nation and the Hopi Tribe, and any claimants in and to lands within the areas described in the Act of June 14, 1934 (48 Stat. 960); and

All grant awards made shall comply with applicable law and regulations.

~~5) Relocates: A homesite lease or if there is no homesite lease, a chapter resolution authorizing the construction shall be required until such time homesite lease is approved for the family.~~

2. Income:

- a. Must meet income eligibility requirements.
- b. Income Guidelines and Definition:
 - ~~1) The annual income will be based on the U.S. Median Income Guideline.~~
 - ~~2) Income is at or below 80% of the poverty level.~~
 - 3) The poverty income guidelines are effective for 2014 (revised every year) and are to be used for certifying an applicant's income eligibility.
 - 4) Cash Receipts earned and/or received by the applicant before taxes during applicable tax years(s) but not the Income Exclusion listed in the Appendix A.
 - 5) Income of all household members listed on the applications who are 18 years of age and older accordingly.
 - 6) The household includes members who have received cash assistance payments under AFDC, Navajo Nation General Assistance, Navajo Nation Commodity Food Distribution Program, Food Stamps Program, and SSI.
 - 7) Income from Social Security Administration Benefits-SSA benefits (sometimes referred to as RSDI- Retirement, survivors, and disability Insurance) granted to eligible wages earners and/or their dependents or survivors.
- c. Annual Income: When an applicant receives income for a part of the applicable tax year, their partial income may be annualized to determine eligibility.
- d. Income Calculation:
 - 1) Income calculation shall be completed for each client to determine income eligibility for assistance.

3. Household:

- a. Must be the head of a household or the spouse of the head of the household.
- b. Head of household or spouse must be 18 years of age or older.
- c. Must provide the names, ages, Indian census numbers and family relationship for all household members.
- d. Must provide documentation for income received by all household members.

4. Family:

Definition of a Family is a person or persons over the age of 18 years old with or without children, an elderly family, a disabled family or is a single person over the age of 18 years old.

5. Dwelling Unit Requirements:

- a. Dwelling unit must be occupied by a family.
- b. Dwelling unit must be a primary residence.
- c. The dwelling unit must be existing structure.
- d. The dwelling unit must be determined sub-standard, unsafe, and unsanitary condition threatening the health and safety of the applicants for housing assistance for replacement of existing home. The Dwelling Unit Assessment, Health, Safe and Sanitary Form and pictures of the dwelling unit for replacement is required by the NHLCO
- e. A new constructed home must be well justified with the Dwelling Unit Assessment, Health, Safe and Sanitary Form and pictures.

3. Occupancy Standards:

The occupancy shall not exceed the following limits: Bedroom Size:

- a. One bedroom – Up to three persons.
- b. Two bedroom home – Up to four persons.
- c. Three bedroom home – Up to seven persons.
- d. Four bedroom home – Up to 10 persons.

4. Previous Housing Assistance:

- a. Applicants may receive housing assistance although they received previous housing assistance, as long as it is well justified and verified with proof of documents from a recognized agency, i.e. Burn-outs, Flood or destroyed by natural causes.
- b. Applicant is eligible for assistance after 10 years from the date of a new construction or replacement of a home for repairs and renovation only.
- c. Applicant can apply for assistance after 10 years from the date of a new construction or replacement of a home repairs and renovation based on the housing assessment.
- d. NHLCO recommends Homeowner Insurance.
- e. Applicants must disclose any applications pending with other governmental housing agencies. A "Release of Information Form" shall be utilized to obtain information.
- f. NHLCO shall maintain a listing of all clients assisted and shall verify and cross reference applicant's names prior to placing applicant on the waiting list.

5. Homeowner Responsibility:

The family has the responsibility to take care of their home after their housing assistance from the NHLCO on minor wear and tear and to upkeep their home in good and sanitary condition.

6. Priority Classification:

Every applicant shall be rated and given a preference score based on their need per the Preference Rating System (Form #13) to place on the waiting list. An applicant with higher preference points identifies the higher need to be assisted. Based on the preference score for each applicant, a priority list shall be developed. The evaluation criteria shall consider eight factors as follows.

- a. Household Annual Income.
- b. Household Size (Overcrowded Conditions).
- c. Elderly, Disability, Medical and Veterans.
- d. Displacement or Substandard.
- e. Structure of Home.

7. Preference Rating System:

- a. Applicants will be rated in accordance to the Preference Rating System.
- b. Every applicant shall be rated and given a preference score based on their need per the Preference Rating System to place the applicant on the waiting list. An applicant with higher preference points identifies the higher need to be assisted.
- c. Applicant's claiming preference shall be required to submit required documents.
- d. Meeting a Preference does not guarantee assistance, but rather identifies priority groups for first consideration.

- a. Repairs and renovation only.
- b. Replacement of existing home.
- c. New construction of home.

The NHLCO personnel shall explain the assessment and evaluation of the home to the applicant. The applicant(s) sign and date the evaluation and assessment form to confirm they understood the information provided. The NHLCO shall sign and date the form.

3. Verification of Information:

All statement and information provided by the applicant in the application is subject to verification by the NHLCO during assistance and recertification. Verification of income, earned and non-earned (including appropriate documentation to substantiate the determination of total family income), family composition and present housing conditions is required. Verification documents are essential to substantiate the application and shall be made part of the record of each application along with all other documents relating to eligibility.

Applicant(s) and family members listed as household members 18 years of age or older shall sign the Authorization for the Release of Information form to verify information provided.

4. Waiting List:

a. Establishment of a Waiting List:

- 1) The NHLCO shall establish and maintain one (1) waiting list of clients for each chapter which has been determined eligible for housing assistance utilizing the Preference Rating System.
- 2) NHLCO shall require all documents prior to placing families on the waiting list.
- 3) Eligible applicants will be placed on the waiting list according to:
 - a) Preference rating.
 - b) Time and date of the initial application.
 - c) Applicants on the waiting list shall be a complete application with all required documents in the file.
 - d) The waiting list shall remain open for new applicants.
 - e) Any applicant on the waiting list who wishes to be removed from the waiting list shall submit a Notice in writing to the NHLCO personnel.
 - f) NHLCO shall maintain a waiting list on the Waiting List Form.
- 4) NHLCO shall select prospective applicants from the waiting list according to the eligibility criteria and preference rating.

b. Process of Eligibility:

- 1) NHLCO shall write a "Letter of Eligibility" to the applicant(s) within ten (10) days after the assessment and evaluation dwelling unit process by the NHLCO.
- 2) Place applicants on the waiting list in accordance to the Preference Ranking System.
- 3) If an applicant is disabled and needs reasonable accommodation, the NHLCO will make reasonable efforts to work and coordinate with family members.

c. Recertification:

- 1) Recertification is required every two year in January to remain on the waiting list.
- 2) All files of eligible applicants will be in a central location.

E. DENIAL PROCEDURES FOR INELIGIBLE APPLICANTS:

NHLCO shall write a "Letter of Ineligibility" to the applicant(s) stating the reasons for ineligibility within ten (10) days after the determination. The Letter of Ineligibility shall state the reason(s) for the applicant's

- 3) The right to have others make statements on his/her behalf.
- 4) The right to refute the evidence presented, including the right to cross examine witnesses.
- 5) The right to a written decision.
- f. Decision of the NHLCO Deputy Director or Designee:
 - 1) The NHLCO Deputy Director or Designee shall render a decision within 10 days.
 - 2) The decision of the conference shall be the final administrative decision and shall be binding on all parties.
 - 3) A copy of the written decision shall be given:
 - a) To the applicant or client.
 - b) File copy in applicant or client's file.
 - c) Copy to the NHLCO's file.

SECTION III. HEALTH, SAFETY, AND SANITARY POLICY AND PROCEDURE:

A. PURPOSE:

There are three types of Health, Safety, and Sanitary (HSS) Policy and Procedures that will be performed by the NHLCO to ensure compliance and guidance for the health and safety of clients and NHLCO. The procedure in this Section outlines the administrative protocols and procedures to identify HSS issues through inspections before delivery of housing assistance and completion of work. NHLCO's goal is to identify and address the HSS issues from the inspection process.

1. Additional Client Screening.
2. Health, Safe and Sanitary (HSS) Assessment and Evaluation.
3. Dwelling Unit Assessment and Evaluation.

The procedure is to provide guidance related to the implementation of HSS measures for repair, renovation, replacement of existing home or new construction of a new home. These procedures will be used to determine the house conditions based on the HSS issues and will justify the need for one of the following category listed below:

B. TYPE OF HOUSING ASSISTANCE SERVICES:

1. Repairs.
2. Renovation.
3. Replacement of existing home.
4. New construction of a new home.

C. ALLOWABLE COST:

NHLCO is allowed to utilize funds for HSS purposes to ensure that housing activities do not cause or aggravate HSS conditions for occupants, workers, or create potential durability issues for the dwelling.

1. Cost Limit:

Costs are not to exceed the budget limit per dwelling unit for each housing assistance categories. All cost must be recorded in the budget category and be reflected in the client file.

- 3) Biological unsanitary conditions – odors, mustiness, bacteria, viruses, raw sewage, rotten wood, etc.
 - 4) Major moisture problems that cannot be corrected, such as an enclosed crawl space or basement that has standing water for significant periods of time due to inadequate ground or surface water drainage.
 - 5) Mold or mildew.
 - 6) Electrical hazards.
 - 7) Pests including insect or other animal infestation.
 - 8) Building structure to ensure a safe working environment.
 - 9) Other sanitation or health problems identified and documented as unusual or unforeseen circumstances by the NHLCO that pose a health hazard to workers or occupants. Those situations are most likely not written in the regulations because they are unusual or unforeseen cases.
- b. **HSS Assessment Protocols – No Hazards Identified:**
If no unsafe or unsanitary conditions are identified as a result of the pre-assessments, the unit may proceed with regular construction work.
- c. **HSS Assessment Protocols – Hazards Identified:**
The following protocols will be followed if HSS hazards or client health concerns are identified during the pre-assessment:
- 1) The NHLCO personnel will complete the Client Notification HSS (Form #7) in the standardized file). The HSS Form #7 shall indicate a list of HSS hazards and/ or client health concerns revealed as a result of the pre-assessments.
 - 2) The HSS Form #7 will indicate:
 - a) If a unit is determined to contain hazardous materials, is unsafe, and/or has latent defect, it will be at discretion of the NHLCO to replace and/or correct the hazard materials, unsafe and latent defect based on availability of funds.
 - b) The NHLCO shall verbally explain to the client(s), the determination and have the client(s) sign and date the form to confirm they understood the information provided.
 - 3) The NHLCO shall clearly explain to the client(s) the list of HSS hazards/concerns as well as the process and determination. The NHLCO will also offer any referrals to other programs that might remediate the hazardous and unsafe conditions, if applicable.
 - 4) Upon completion of the Dwelling Unit Assessment, the NHLCO shall immediately submit the Dwelling Unit Assessment form signed and completed in order to complete the Client Preference Ranking Sheet and place the applicant(s) on the waiting list in accordance with the Client Preference Ranking System for the eligible applicant(s).
- d. **Client's Right to Appeal:**
Every client has the right to appeal pursuant to the Housing Selection, Administrative Grievance, Health, Safety and Sanitary Policy and Procedures, Section II. Administrative Grievance Procedures.
- e. **Client/Owner Declines Services and Illegal Activities:**
- 1) The owner has the right to refuse housing assistance services. NHLCO is a voluntary program.
 - 2) If the dwelling is host to illegal activities such as cultivation or distribution of alcohol or illegal drugs (i.e. meth labs, etc.), NHLCO will decline the housing assistance services to the client.

- d. Unsafe and Unsanitary Mobile Home:
A mobile home shall not be worked on if it is unsafe and unsanitary to live in.
- e. Client/Owner Declines Services:
The owner has the right to refuse housing assistance services.
- f. Illegal Activities:
If the dwelling is host to illegal activities such as cultivation or distribution of alcohol or illegal drugs (i.e. meth labs, etc.).

3. Referrals:

If construction work cannot proceed, the NHLCO shall indicate on the HSS Form #7 to refer the client to programs that offer assistance for such repairs. Potential referral resources include but not limited to:

- a. HIP (Housing Improvement Program).
- b. LIHEAP (Low Income Heat Energy Assistance Program).
- c. Veteran's Affairs.
- d. Social Services.
- e. USDA (United States Department of Agriculture).
- f. NHA (Navajo Housing Authority).
- g. NN EPA (Navajo Nation Environmental Protection Agency).
- h. OEH (Office of Environmental Health).
- i. SWIF (South West Indian Foundation).
- j. Rural Development Grants for Elderly.
- k. Local Chapters Government.
- l. Other housing agencies.

F. BUILDING STRUCTURE:

- 1. The NHLCO must document all building structure hazards on Client HSS Form #7. As part of the HSS assessment, the NHLCO must provide client education and inform clients in accordance with the Client HSS Form #7 when building structure hazards are identified in the dwelling unit. At the time of assessment, the NHLCO personnel will determine the condition of the building structure. It will be at discretion of the NHLCO to replace and/or correct the hazard materials based on availability of funds.

2. Building Structure hazard might include:

- a. Poor Structural support/foundation.
- b. Structure or roof beyond construction repair.
- c. Dwelling unit still under construction.
- d. Condemned structure.
- e. Latent Defect.

G. INJURY PREVENTION OF OCCUPANTS AND NHLCO WORKERS:

All personnel shall take all reasonable precaution while performing work on homes that subjects HSS risks to workers or occupants.

H. ELECTRICAL ISSUES:

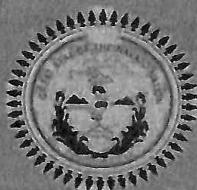
The two primary energy-related health and safety electrical concerns in NHLCO involve dwelling units that contain knob-and-tube (K&T) wiring, and dwelling units with overloaded electrical circuits. The NHLCO must, as part of the HSS assessment, perform inspections as well as a voltage drop detection/inspection. The NHLCO must document all electrical hazards on Client HSS Form #7. As part

APPENDIX A.

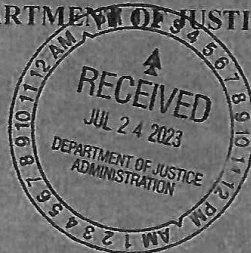
A. ALLOWABLE AND DISALLOWED INCOME

1. Allowable Income: Cash Receipts including the following:
 - 2) Money, wages, and salaries before any deductions;
 - 3) Net receipts from non-farm or farm self-employment (receipts from a person's own business on or from an owned or rented farm after deductions for business or farm expenses);
 - 4) Regular payments from social security, retirement, unemployment compensation, strike benefits from union funds, worker's compensation, veteran's payments, stipends, alimony, and military family allotments;
 - 5) Pensions, (including military retirement pay), and regular insurance or annuity payments;
 - 6) Dividends and/or interest;
 - 7) Net rental income and net royalties;
 - 8) Periodic receipts from estates or trusts; an Net gambling or lottery winnings.
2. Disallowable Income: The following Cash Receipts are not considered sources of Income for the purpose of determining applicant eligibility.
 - a. Capital gains;
 - b. Any assets drawn down as withdrawals from a bank;
 - c. Money received from the sale of a property, house, or car;
 - d. One-time payments from a welfare agency to a family or person who is in temporary financial difficulty;
 - e. Tax refunds;
 - f. Gifts, loans, or lump-sum inheritances;
 - g. College scholarships;
 - h. One-time insurance payments, or compensation for injury;
 - i. Non-cash benefits, such as the employer paid or union paid portion of health insurance;
 - j. Employee fringe benefits, food or housing received in lieu of wages;
 - k. The value of food and fuel produced and consumed on farms;
 - l. The imputed value of rent from owner-occupied non-farm or farm housing;
 - m. Federal non-cash benefit programs such as Medicare, Medicaid, Food Stamps, school lunches, and housing assistance;
 - n. Combat zone pay to the military; and
 - o. Child Support as defined below:
 - 1) Child Support: Child support payments, whether received by the Payee or paid by the Payer, are not considered sources of Income for the purpose of determining applicant eligibility.
 - 2) Payee: Where an applicant receives child support from any state program or individual during an applicable tax year, such assistance is not considered income for the purpose of determining eligibility.

NAVAJO NATION DEPARTMENT OF JUSTICE



REQUEST FOR SERVICES



DOJ 7/24/23 2:44p DATE / TIME
RES # 23-1575
UNIT: NHLSF

☐ RESUBMITTAL

*** FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE

DATE OF REQUEST: 7/24/2023	ENTITY/DIVISION: OPVP
CONTACT NAME: Caroline G. Pete	DEPARTMENT: Navajo Hopi
PHONE NUMBER: (928) 871-6446	E-MAIL: cgpete@navajo-nsn.gov
COMPLETE DESCRIPTION OF LEGAL NEED AND SERVICES REQUESTED (Attach Documents): NHLCO is requesting legal review of NHLC Resolution Number (NHLCMY-03-022)	
DEADLINE: 7/28/2023	REASON: Need legal review for NHLC Mtg 8/3/2023

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT:	REVIEWING ATTORNEY/ADVOCATE:
DATE TIME OUT OF UNIT:	PREPARED BY (initials):
DOJ ATTORNEY / ADVOCATE COMMENTS	

REVIEWED BY: (PRINT)	DATE / TIME:
DOJ Secretary Called:	for Document Pick Up on at By:
PICKED UP BY: (PRINT)	DATE / TIME:



The Navajo Nation **DR. BUU NYGREN** **PRESIDENT**
Yideeskáadi Nitsáhákees **RICHELLE MONTOYA** **VICE PRESIDENT**

MEMORANDUM

TO : Susan Eastman, Principal Attorney/Director
Navajo-Hopi Legal Services Program
Department of Justice

FROM : Caroline G. Pete, Administrative Assistant *CGP*
Navajo-Hopi Land Commission Office

DATE : July 24, 2023

SUBJECT : Request Legal Review of NHLCO Resolution No. (NHLCCMY-03-022)

The Navajo-Hopi Land Commission Office (NHLCO), on behalf of Mr. Raymond Maxx, Executive Director, is requesting a legal review of the attached document, NHLCO Resolution Number (NHLCCMY-03-022). We have discussed this issue on several occasions; however, we would like to have this matter documented for all parties involved. Our office would like to know if it is feasible in transferring funds to non-certified chapters. In the past, our office, has provided assistance with the procurement process for the non-certified chapters. Our office remains to continue to provide the assistance. The certified chapters already received their funds via Request for Direct Payment (DP) back in June of 2022.

Please respond to Mr. Maxx upon your review. If you should have any questions and/or concerns, please do not hesitate to contact our office at (928) 871-6441.

Thank you for expediting our request.

CGP:cgp

Attachments

xc: Raymond Maxx, Executive Director, NHLCO
Delegate Otto Tso, Chair, Navajo-Hopi Land Commission
Delegate Casey A. Johnson, Vice Chair, Navajo-Hopi Land Commission
Calvin Castillo, Division Director, Division of Community Development
Rodgerick T. Begay, Assistant Attorney General, Chapter Unit, NNDOJ
File/Chrono