



2019 Mid-Year Convention Airway Heights, Washington

RESOLUTION #19 - 28

“REQUEST CONSULTATION WITH ADMINISTRATION OF FEDERAL HOUSING PROGRAMS TO DISCUSS MORTGAGEE DECLINATION LETTER 2019-06”

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of the ATNI;

WHEREAS, the Department of Housing and Urban Development (HUD) has historically attempted to dictate the geographic scope and manner in which Indian tribal governments and their designated Native American housing authorities provide services to populations typically underserved by housing programs; and

WHEREAS, certain Indian tribal governments have used the authority and flexibility afforded Indian tribes under Section 17 of the Indian Reorganization Act (IRA) to both provide housing mortgage assistance to their communities and to generate supplemental income to support tribal government programs through engaging in economic development both on and off tribal lands; and

WHEREAS, on April 18, 2019, HUD issued Mortgagee Declination Letter 2019-06 limiting an Indian tribal government's use of a federal mortgage access program to only those sites located within the boundaries of its reservation, or those to be owned by enrolled members, despite several years of successful service by some participating tribal governments to a broader national underserved community of eligible borrowers; and

WHEREAS, HUD issued the Mortgagee Declination Letter with an immediate effective date, without consulting or coordinating with the Indian tribes directly impacted by the letter, thereby ignoring both Executive Order 13175 and HUD's own internal tribal consultation policy dated April 4, 2016; and

WHEREAS, the Mortgagee Declination Letter is discriminatory because it expressly prohibits all Indian tribal governments and their instrumentalities, including Section 17 corporations, from servicing off-reservation and non-member borrowers who are otherwise eligible to participate in HUD administered programs involving down payment assistance, under the guise that such tribal entities are not operating in a governmental capacity; and

WHEREAS, HUD's exclusion of Indian tribes and their instrumentalities from servicing otherwise eligible HUD program participants using down payment assistance, because such activity generates income to the tribes, is both discriminatory on its face and antithetical to the federal government's longstanding policy of promoting tribal sovereignty, self-government and self-sufficiency; now

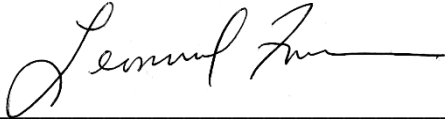
THEREFORE BE IT RESOLVED, that ATNI respectfully requests that HUD immediately withdraw the Mortgagee Declination Letter and refrain from any future agency action that attempts to discriminate against Indian tribes, or has a disparate impact on Indian tribes, in their direct or indirect participation in federal housing programs administered by the agency or attempts to define for Indian tribes what it means for them to act in a governmental capacity; and

BE IT FURTHER RESOLVED, that ATNI requests that HUD engage in government-to-government consultation with tribal leadership regarding this arbitrary decision; and

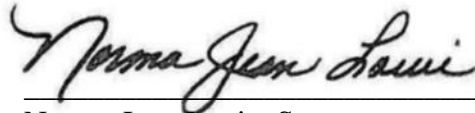
BE IT FINALLY RESOLVED, that ATNI, in its own name or by joining with other American Indian groups and organizations, hereby condemns the attempt by HUD to administer Federal housing programs in a manner that discriminates against Indian tribes, and calls upon HUD to engage in meaningful consultation with Indian tribes on policy and programmatic changes that may adversely impact Indian country, specifically including programs in which Indian tribes are already active participants.

CERTIFICATION

The foregoing resolution was adopted at the 2019 Mid-Year Convention of the Affiliated Tribes of Northwest Indians, held at Northern Quest Resort and Casino, Airway Heights, Washington on May 20-23, 2019, with a quorum present.



Leonard Forsman, President



Norma Jean Louie, Secretary