



Ninilchik Traditional Council

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January 28, 2010

US Department of HUD/ ONAP
Attn: William Zachares III
3000 C Street, Suite 401
Anchorage, AK 99503

Re: HUD Consolation Policy

Dear Mr. Zachares,

The Ninilchik Tribe would like to thank you for the opportunity to comment upon potential changes to your current "HUD Government to Government policy".

Following are our suggestions and when appropriate, reasoning behind our suggestions.
Legend: [remove] (replace with)

On Page 2, III. Principles D. HUD [shall] (**will**) take appropriate steps to remove existing legal and programmatic impediments to working directly and effectively with tribes on housing and community development programs administered by HUD.

Page 2, III. Principles E. HUD [shall] (**will**) encourage states and local governments to work with and cooperate with tribes to resolve problems of mutual concern.

Page 2, III. Principles F. HUD [shall] (**will**) work with other federal departments and agencies to enlist their interest and support in cooperative efforts to assist tribes to accomplish their goals within the context of all HUD programs.

The Ninilchik Tribe does not know what wording it would take to insure that HUD would follow though in the spirit of the above-mentioned language.

A regulatory part of NAHASDA states that Tribe's will verify income, and will insure that applicants are low income before administering any services. HUD is aware of agencies such as the Social Security Administration and the Alaska State Department of Labor, which are key agencies for verifying income are now informing the Ninilchik Tribe, that in order to obtain any information through their offices, we will pay them for their services. The Ninilchik Tribe has corresponded this problem with the local ONAP, and was told that they are aware of the problem, and said we are to document what we are were told and to include it within the files. Furthermore at an annual NAIHC meeting I met with other Tribal representatives from around the country and found that they too were experiencing the same problems with SS and other agencies. And when they informed their local ONAP offices they received the same reply as we did.

The Ninilchik Tribe does not believe this to be an adequate form of carrying out the NAHASDA income requirements. Using these agencies in the past has allowed us to catch people that were applying for Housing services, which had not fully disclosing all their income information and therefore were found to be over the income limits. It is only because these agencies were in cooperation with us at one time, that we were able to find that the applicants were over the income limits and not eligible for our services.



The Niniilchik Tribe believes that either the requirement of income verification be dropped due to not being able to obtain all needed information, or that Tribes be allowed to have access through HUD, to verify applicant's information. Privileges that are already given to Housing Authorities, State Agencies and all other HUD departments. This would be one step in showing that HUD is truly committed in treating Tribes as equals on a Government-to-Government basis. After all, Indian Housing Authorities are using Tribe's NAHASDA funding to work with, and should not be receiving more privileges from HUD, than any Federally recognized Tribes should be receiving from HUD.

Pg 2 & 3, Section IV, Part A & B.

Again, if Tribes of ALL population sizes are not included within the framework of this language, then there is no reason to be asking for our input.

Case in point-

On January 22, of 2010, the Niniilchik Tribe received an email from the NAIHC, regarding President Obama's memorandum directing federal agencies to develop plans to implement Executive Order 13175 "Consolation and Coordination with Tribal Governments." The President ordered that these plans be developed after consulting with Indian tribes. HUD had ONAP put forth several consultation sessions around the United States to discuss HUD's current tribal consultation policy with Tribes on how to make it better. Alaska's, ONAP Consultation Session was held in Anchorage on January 20, of 2010. This meeting was held two days before we received this email from NAIHC, which has nothing to do with advertising HUD's agenda. Furthermore it was held at a Regional Indian Housing Authority meeting - where no Tribes were notified, or invited to attend. What Tribal consultation do you think happened here?

Again Housing Authorities are not Tribes and therefore should not be given more preference with receiving information or given more privileges than Tribe's receive.

This issue must be addressed, within HUD's Consultation Policy. That All Tribes will be notified and All Tribes will respond. Whether it is returned as "No Comment" or "Comment Enclosed". In this day and age of electronic email forms, there is absolutely no reason why HUD should not strive to receive some sort of reply from all Tribes that run a NAHASDA Housing Program.

Pg 3, Part D.

HUD has administered Work/Task Groups, but what became out of them? These groups are talking in behalf of all Tribes. This information needs to be shared more transparently with Tribes and then have comments taken from all Tribes. Again communicates should be made with a Comment e-Form.

The Niniilchik Tribe offers these comments, hoping it will help HUD to have smoother communication with Tribes, be timelier, efficiently and hopefully less confusion with Tribes in dealing with housing matters.

Again I thank you for allowing us this opportunity to comment.

Sincerely,



Bob Crosby,
Housing Director
Niniilchik Indian Housing Programs.