



*"A Tradition of Native American Housing"*

**NATIONAL AMERICAN INDIAN HOUSING COUNCIL**  
*Resolution Number 2006-01*

**A resolution to exclude applicability of Section 504 requirements to new residential construction development in Indian country under 24 CFR 8.22(b)**

- WHEREAS, the National American Indian Housing Council represents the housing interests of American Indian tribes and Alaska Native villages and more than 261 tribally designated housing entities; and
- WHEREAS, the stated purpose of the organization is to promote advocacy for policy and legislative changes that will favorably impact our primary goals of providing safe, decent, and affordable housing for Indian people in a manner recognizing the unique government-to-government relationship of tribes and the federal government; and
- WHEREAS, the Northwest Indian Housing Association (NWIHA) represents thirty-four Indian Housing Authorities and Tribally Designated Housing Entities in Idaho, Oregon and Washington, and Annette Island, Alaska; and
- WHEREAS, the Mission of NWIHA is to promote safe, sanitary, decent and affordable housing for Tribal members in the Pacific Northwest, which it accomplishes by providing training and education opportunities; providing a forum for the discussion and resolution of issues; advocating for the collective benefit of all members; effectively linking members to information and financial resources; and working collaboratively with its industry partners; and
- WHEREAS, one of the main goals of the Native American Housing Assistance and Self-Determination Act (NAHASDA) was to "recognize the right of Indian self-determination and tribal self-governance" in the provision of housing services to Indian people (NAHASDA, Section 2(7)); and
- WHEREAS, Indian communities have long carried out their responsibility to take care of the needs of tribal members with accessibility issues in a culturally sensitive and appropriate manner; and
- WHEREAS, NWIHA has reviewed regulation 24 CFR 1000.12(b) which reads, "*Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and HUD's regulations at 24 CFR part 8 apply,*" and the corresponding regulation at 24 CFR 8.22(b) which reads, "*Subject to paragraph (c) of this section, a minimum of five percent of the total dwelling units or at least one unit in a multifamily housing project, whichever is greater, shall be made*

*accessible for persons with mobility impairments. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in §8.32 is accessible for purposes of this section. An additional two percent of the units (but not less than one unit) in such a project shall be accessible for persons with hearing or vision impairments. "; and*

WHEREAS, the Northwest Indian Housing Association has determined that imposing the requirement of 24 CFR 8.22(b) on tribes and TDHEs is inconsistent with the goal of NAHASDA to recognize tribal self-determination and self-governance, because it restricts each tribe's flexibility to respond to the needs of its members in a culturally sensitive and appropriate manner.

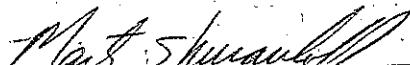
**NOW, THEREFORE BE IT RESOLVED**, that the National American Indian Housing Council does hereby join the Northwest Indian Housing Association in recommending that 24 CFR 1000.12(b) be revised to read as follows:

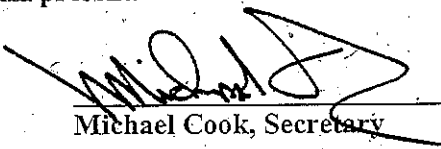
*(b) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and HUD's regulations at 24 CFR part 8 apply, except that 24 CFR 8.22(b) shall not apply to new construction development where tribal ordinances which address accessibility issues are in place.*

**BE IT FURTHER RESOLVED**, that the National American Indian Housing Council does hereby request that the National Congress of American Indians, the Affiliated Tribes of Northwest Indians and all other regional Native American associations and organizations join in this endeavor.

#### CERTIFICATION

As the duly appointed Secretary for the National American Indian Housing Council, I hereby certify that Resolution #2006-01 was adopted at NAIHC's 32<sup>nd</sup> Anniversary Business Meeting in Honolulu, Hawaii on May 24, 2006 with a quorum present.

  
Marty Shuravloff, Chairman

  
Michael Cook, Secretary