



## Affiliated Tribes of Northwest Indians

### 2008 Winter Conference Yakima, Washington

#### RESOLUTION #08 - 24

#### "TO EXCLUDE APPLICABILITY OF SECTION 504 REQUIREMENTS TO NEW RESIDENTIAL CONSTRUCTION DEVELOPMENT IN INDIAN COUNTRY UNDER 24 CFR 8.22(B)"

#### 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 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 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**, the Affiliated Tribes of Northwest Indians is a regional organization comprised of American Indians 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 Affiliated Tribes of Northwest Indians; and

**WHEREAS**, the Northwest Indian Housing Association (NWIHA) represents thirty-six 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 multi-family 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

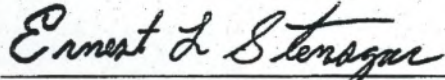
**WHEREAS**, the Northwest Indian Housing Association has determined that imposing the requirement of 24 CFR 8.22(b) on tribes and Tribally Designated Housing Entities is inconsistent with the goal of NAHASDA to recognize tribal self-determination and self-governance, because it restricts each tribe's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

**THEREFORE BE IT RESOLVED**, that the Affiliated Tribes of Northwest Indians supports the recommendation of the Northwest Indian Housing Association, 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 Part 8 shall not apply where tribal ordinances which address accessibility issues are in place which are consistent with accessibility requirements that are determined by the Tribe.*

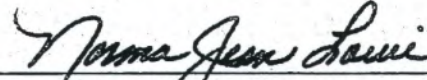
**CERTIFICATION**

The foregoing resolution was adopted at the 2008 Winter Conference of the Affiliated Tribes of Northwest Indians, held at the Yakima Convention Center, Yakima, Washington on January 25, 2008, with a quorum present.



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Ernest L. Stensgar, President



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Norma Jean Louie, Secretary