



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

ETHEL B. BRANCH
Attorney General

HEATHER CLAH
Deputy Attorney General

DEPARTMENT OF JUSTICE
INITIAL ELIGIBILITY DETERMINATION
FOR NAVAJO NATION FISCAL RECOVERY FUNDS

RFS/HK Review #: HK 736-2

Date & Time Received: 1/10/24 at 14:39; 4/3/24 19:05

Date & Time of Response: 4/16/2024 17:00

Entity Requesting FRF: Community Housing & Infrastructure Department (CHID)/DCD

Title of Project: 2.16 Long Term Housing Security: New Home Construction

Administrative Oversight: DCD

Amount of Funding Requested: \$7,000,000

Eligibility Determination:

- FRF eligible
FRF ineligible
Additional information requested

FRF Eligibility Category:

- (1) Public Health and Economic Impact
(2) Premium Pay
(3) Government Services/Lost Revenue
(4) Water, Sewer, Broadband Infrastructure

U.S. Department of Treasury Reporting Expenditure Category:
Section 2.16, Long-term Housing Security: Services for Unhoused Persons


Printed 4/17/24

**Returned for the following reasons (Ineligibility Reasons/Paragraphs 5.E.(1)-(10) of FRF Procedures):**

- |  |  |
|--|--|
| <input type="checkbox"/> Missing Form  | <input type="checkbox"/> Expenditure Plan incomplete                     |
| <input type="checkbox"/> Supporting documentation missing  | <input type="checkbox"/> Funds will not be obligated by 12/31/2024       |
| <input type="checkbox"/> Project will not be completed by 12/31/2026                                     | <input type="checkbox"/> Incorrect Signatory                             |
| <input type="checkbox"/> Ineligible purpose  | <input type="checkbox"/> Inconsistent with applicable NN or federal laws |
| <input type="checkbox"/> Submitter failed to timely submit CARES reports                                 |  |
| <input type="checkbox"/> Additional information submitted is insufficient to make a proper determination |  |

Other Comments: \_\_\_\_\_  
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Name of DOJ Reviewer: Katherine Belzowski, AAG

Signature of DOJ Reviewer: 

**Disclaimers:**

If additional information has been requested and you wish to provide it, please resubmit all the required forms updated to include the additional information. Full resubmission will expedite the Initial Eligibility Determination process. Therefore, please include a new RFS form indicating resubmission, revised Appendix A, Budget Form 1, and other supporting documents. **Please email your resubmission to [arpa@nndoj.org](mailto:arpa@nndoj.org).** Please be aware that under Resolution BFS-31-21 a Project or Program can only be reviewed twice, therefore it is critical that you include all the requested additional information for your second submission.

An NNDOJ Initial Eligibility Determination is based on the documents provided, which NNDOJ will assume are true, correct, and complete. Should the Project or Program change in any material way after the initial determination, the requestor must seek the advice of NNDOJ. An initial determination is limited to review of the Project or Program as it relates to whether the Project or Program is a legally allowable use – it does not serve as an opinion as to whether or not the Project or Program should be funded, nor does it serve as an opinion as to whether or not the amount requested is reasonable or accurate.

THE NAVAJO NATION  
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN  
FOR NAVAJO NATION GOVERNMENT UNITS

**Part 1. Identification of parties.**

NN Government Unit requesting FRF: Community Housing & Infrastructure Department (CHID)/DCD Date prepared: 12/13/23  
indicate Department, Program, Office, Division, or Branch

NN Government Unit's mailing address: P.O.Box 2389 phone/email: 928.871.6468  
Window Rock, Arizona 86515 website (if any): \_\_\_\_\_

Form prepared by: Patrick Dalgai, Department Manager II phone/email: pat\_dalgai@nnchid.org  
Community Housing & Infrastructure Department/DCD 928.871.6468  
CONTACT PERSON'S name, title and Department, Program, Office, etc. CONTACT PERSON'S info

Title & type of Project: 2.16 Long Term Housing Security: New Home Construction

NN Government Unit's Director or Manager: Patrick Dalgai phone & email: 928.871.6868

Division Director (if any): Arbin Mitchell, Director phone & email: 928.871.7172

Branch Chief: Buu Nygren President phone & email: 928.871.7000

Funding Recipient will be working with: Division of Community Development on the Project and  
indicate Branch and/or Division  
the same will be submitting the Funding Request Package for Initial Eligibility Determination Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List names or types of Subcontractors or Subrecipients that will be paid with FRF (if known):

Qualified General Contractors and/or Manufactured Home Vendors  document attached

Amount of FRF requested: 7,000,000.00 FRF funding period: January 01, 2023 to December 30, 2026  
indicate Project starting and ending/deadline date

**Part 2. Expenditure Plan details.**

(a) Describe the Program(s) and/or Project(s) to be funded, including how the funds will be used, for what purposes, the location(s) to be served, and what COVID-related needs will be addressed:

The Community Housing & Infrastructure Department (CHID) is requesting \$7,000,000.00 to construct new housing and/or or purchase Modular/Manufactured Homes to assist Navajo families within the community of Tuba City. Providing stable housing for those in need and will help eliminate the spread of the COVID-19 among families living in multi-generational homes and provide new home for homeless families and individuals, which will provide sanitary infrastructure (water/wastewater system and electricity).

document attached

(b) Explain how the Program or Project will benefit the Navajo Nation, Navajo Communities, or the Navajo People:

This project will benefit the needs of the Tuba City Community and the Navajo people by providing stable housing for those in need. The CHID strives to provide affordable housing for individuals with limited economic opportunities. During the COVID pandemic, stable housing will improve the living conditions for families living in multi-generational homes and help to provide needed sanitary infrastructure.

document attached

**APPENDIX A**

(c) Provide a prospective timeline showing the estimated date of completion of the Project and/or each phase of the Project. Disclose any challenges that may prevent you from incurring costs for all funding by December 31, 2024 and/or fully expending funds and completing the Program(s) or Project(s) by December 31, 2026:

Advertisement by CHID for new housing throughout NN: 01/01/2023 - 06/30/2023  
Design for homes across Tuba City Delegate Region: 01/01/2023 - 09/30/2023  
Advertisement for construction of new housing: 10/01/2023 - 12/31/2023  
Construction: 01/01/2024 - 12/31/2026

document attached

(d) Identify who will be responsible for implementing the Program or Project:

The Community Housing and Infrastructure Department

document attached

(e) Explain who will be responsible for operations and maintenance costs for the Project once completed, and how such costs will be funded prospectively:

Homeowners are responsible for the operation and maintenance of new homes following a 1 year warranty period.

document attached

(f) State which of the 66 Fiscal Recovery Fund expenditure categories in the attached U.S. Department of the Treasury Appendix 1 listing the proposed Program or Project falls under, and explain the reason why:

This project title falls under the new Expenditure Category 2.16 Long-Term Housing Security.

Providing new homes for Navajo people/families in need will help to address homelessness by offering housing support and improving access to secure, stable, affordable housing.

document attached

**Part 3. Additional documents.**

List here all additional supporting documents attached to this FRF Expenditure Plan (or indicate N/A):

**Part 4. Affirmation by Funding Recipient.**

Funding Recipient affirms that its receipt of Fiscal Recovery Funds and the implementation of this FRF Expenditure Plan shall be in accordance with Resolution No. CJY-41-21, the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies:

NN Government Unit  
Preparer:  1.3.24  
signature of Preparer/CONTACT PERSON

Approved by:   
signature of NN Government Unit's Dept./Program/Office Director or Manager

Approved to submit  
for Review:   
signature of Branch Chief or Division Director

Print Name, Title,  
Branch or Division: Arbin Mitchell  
print name and indicate title or position

Division of Community Development  
indicate Branch or Division

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

FY 2024

PART I. Business Unit No.: <u>NEW</u>		Program Title: <u>DCD/CHID - Build New Homes</u>		Division/Branch: <u>DCD/Executive</u>	
Prepared By: <u>Patrick Dalgai</u>		Phone No.: <u>928.871.6468</u>		Email Address: <u>pat_dalgai@nnchid.org</u>	
PART II. FUNDING SOURCE(S)		Fiscal Year /Term	Amount	% of Total	
Regional Expenditure Plan		<u>11/23-12/24</u>	<u>7,000,000.00</u>	<u>100%</u>	
PART III. BUDGET SUMMARY					
	Fund Type Code	Original Budget	Proposed Budget	Difference or Total	
2001	Personnel Expenses				
3000	Travel Expenses				
3500	Meeting Expenses				
4000	Supplies				
5000	Lease and Rental				
5500	Communications and Utilities				
6000	Repairs and Maintenance				
6500	Contractual Services	<u>6</u>	<u>0</u>	<u>7,000,000</u>	<u>7,000,000</u>
7000	Special Transactions				
8000	Public Assistance				
9000	Capital Outlay				
9500	Matching Funds				
9500	Indirect Cost				
<b>TOTAL</b>		<b>50.00</b>	<b>7,000,000.00</b>	<b>7,000,000</b>	
PART IV. POSITIONS AND VEHICLES					
		(D)	(E)		
Total # of Positions Budgeted:		<u>0</u>	<u>0</u>		
Total # of Vehicles Budgeted:		<u>0</u>	<u>0</u>		
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.					
SUBMITTED BY: <u>Patrick Dalgai, Department Manager II</u>		APPROVED BY: <u>Arbyn Mitchell, Director</u>			
Program Manager's Printed Name		Division Director / Branch Chief's Printed Name			
<u>Patrick Dalgai</u>		<u>Arbyn Mitchell</u>			
Program Manager's Signature and Date		Division Director / Branch Chief's Signature and Date			
<u>Patrick Dalgai</u>		<u>Arbyn Mitchell</u>			
<u>6-3-24</u>					

<b>PART I. PROGRAM INFORMATION:</b> Program Name/Title: _____ Business Unit No.: _____ <b>NEW</b>			
<b>PART II. DETAILED BUDGET:</b>			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
8000 ASSISTANCE  8020 Social 8095-Other Public Assistance		7,000,010.	7,000,000.
<b>TOTAL</b>		7,000,010.	7,000,000.

**THE NAVAJO NATION  
PROJECT BUDGET SCHEDULE**

<b>PART I. Business Unit No.:</b> _____ <b>New</b> <b>Project Title:</b> CHID-New Housing <b>Project Description:</b> Construction of New Home and/or Purchase of Modular or Manufactured Homes  <b>Check one box:</b> <input checked="" type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification	<b>PART II. Project Information</b> <b>Project Type:</b> New Housing <b>Planned Start Date:</b> 111123 <b>Planned End Date:</b> 12130124 <b>Project Manager:</b> Vacant
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PART III. List Project Task separately, such as Plan, Design, Construct, Equip or Furnish.	FY <u>24</u>												FY <u>25</u>				Expected Completion Date if project exceeds 8 FY Qtrs.															
	1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.										
	M	A	X	J	J	A	S	O	N	D	J	F	M	A	X	M		A	S	O	N	D	J	F	M	A	M	J	J	A		
Planning																																
Design	X	X																														
Construction	X	X		X	X		X	X		X	X		X	X		X	X		X	X		X	X		X	X		X	X			
Project Closeout	X																															
<b>PART V.</b>																																
Expected Quarterly Expenditures	\$ 636,363.63			\$ 636,363.63			\$ 636,363.63			\$ 636,363.63			\$ 636,363.63			\$ 636,363.63			\$ 636,363.63			\$ 636,363.63			\$ 636,363.63			\$ 636,363.63			PROJECT TOTAL	\$ 5,090,909.04



**THE NAVAJO NATION  
PROJECT BUDGET SCHEDULE**

<b>PART I.</b> Business Unit No.: _____ New		<b>PART II.</b> Project Information							
Project Title: <u>CHID-New Housing</u>		Project Type: <u>New Housing</u>		Planned Start Date: <u>11123</u>		Expected Completion Date if project exceeds 8 FY Qtrs. _____			
Project Description: <u>Construction of New Home and/or Purchase of Modular or Manufactured Homes</u>		Planned End Date: <u>12/30/24</u>		Project Manager: <u>Vacant</u>					
Check one box: <input checked="" type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification									
<b>PART III.</b> List Project Task separately, such as Plan, Design, Construct, Equip or Furnish.		<b>PART IV.</b> Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.		FY <u>25</u>		Date <u>9/30/2026</u>			
		FY <u>24</u>							
		1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.
Planning	M A X	J J A S O N	X X X X	X X X X	X X X X				
Design	X X X X	X X X X	X X X X	X X X X	X X X X				
Construction	X X X X	X X X X	X X X X	X X X X	X X X X				
Project Closeout	X X X X	X X X X	X X X X	X X X X	X X X X				
<b>PART V.</b>									
Expected Quarterly Expenditures	\$ 636,363.63	\$ 636,363.63	\$ 636,363.63	\$ 636,363.63	\$ 636,363.63	\$	\$	\$	\$
<b>PROJECT TOTAL</b>									\$1,909,090.89

FOR OMB USE ONLY: Resolution No: \_\_\_\_\_

FMS Set Up Date: \_\_\_\_\_

Company No: \_\_\_\_\_

OMB Analyst: \_\_\_\_\_

**ARPA Housing Applicant List  
Tuba City Chapter  
Delegate Otto Tso**

	Timestamp	Applicant's Full Name (First, M.I., Last)	Chapter	Agency	Council Delegate
1	2/10/2023 19:26:12	Tiffany Rose Scott	To' Nanees' Dizi' (Tuba City)	Western	Otto Tso
2	2/13/2023 8:30:25	Justice Beard	To' Nanees' Dizi' (Tuba City)	Western	Otto Tso
3	3/31/2023 16:34:12	Jesse J. Bilagody	To' Nanees' Dizi' (Tuba City)	Western	Otto Tso
4	4/21/2023 12:15:45	Eric & Bella Butler	To' Nanees' Dizi' (Tuba City)	Western	Otto Tso
5	4/28/2023 11:52:58	Tanya Redburrow, formerly Roanhorse	To' Nanees' Dizi' (Tuba City)	Western	Otto Tso
6	4/24/2023 15:42:05	Eddie & Marlinda Dodson	To' Nanees' Dizi' (Tuba City)	Western	Otto Tso
7	4/28/2023 11:53:52	Anna Z. Denedeal	To' Nanees' Dizi' (Tuba City)	Western	Otto Tso
8	4/27/2023 8:40:06	Herbert Tohannie, Jr. Eddie Dodson Sr. & Marlinda	To' Nanees' Dizi' (Tuba City)	Western	Otto Tso
9	4/27/2023 8:45:14	Dodson	To' Nanees' Dizi' (Tuba City)	Western	Otto Tso
10	4/27/2023 8:45:54	Melvin Woody	To' Nanees' Dizi' (Tuba City)	Western	Otto Tso
11	4/27/2023 8:46:29	Melissa L. Woody	To' Nanees' Dizi' (Tuba City)	Western	Otto Tso
12	4/27/2023 8:47:44	Christine A. Cox (Bilagody)	To' Nanees' Dizi' (Tuba City)	Western	Otto Tso
13	4/27/2023 8:48:38	Victoria L. Jackson	To' Nanees' Dizi' (Tuba City)	Western	Otto Tso
14	4/27/2023 8:49:31	Fred B. Willie	To' Nanees' Dizi' (Tuba City)	Western	Otto Tso
15	4/27/2023 8:50:29	Cynthia A. Nez	To' Nanees' Dizi' (Tuba City)	Western	Otto Tso
16	4/27/2023 8:51:28	Bercinda L. Tohannie	To' Nanees' Dizi' (Tuba City)	Western	Otto Tso
17	4/27/2023 8:52:01	Kelly L. Lobato	To' Nanees' Dizi' (Tuba City)	Western	Otto Tso
18	4/27/2023 8:52:34	Mary Reeves	To' Nanees' Dizi' (Tuba City)	Western	Otto Tso
19	4/27/2023 8:53:55	Lee Secody	To' Nanees' Dizi' (Tuba City)	Western	Otto Tso
20	4/27/2023 8:54:54	Georgiana Davis	To' Nanees' Dizi' (Tuba City)	Western	Otto Tso
21	4/27/2023 10:50:51	Ruth Y. Tohannie	To' Nanees' Dizi' (Tuba City)	Western	Otto Tso
22	4/27/2023 11:57:51	Michelle L. Nez	To' Nanees' Dizi' (Tuba City)	Western	Otto Tso



NAVAJO NATION DEPARTMENT OF JUSTICE
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ETHEL B. BRANCH
Attorney General

HEATHER CLAH
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DEPARTMENT OF JUSTICE
INITIAL ELIGIBILITY DETERMINATION
FOR NAVAJO NATION FISCAL RECOVERY FUNDS

RFS/HK Review #: HK 736

Date & Time Received: 1/10/24 at 14:39

Date & Time of Response: Jan. 18, 2024 at 10:30 a.m.

Entity Requesting FRF: Community Housing and Infrastructure Department

Title of Project: 2.16 Long Term Housing Security: New Home Construction

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$7,000,000

Eligibility Determination:

- FRF eligible
FRF ineligible
Additional information requested

FRF Eligibility Category:

- (1) Public Health and Economic Impact
(2) Premium Pay
(3) Government Services/Lost Revenue
(4) Water, Sewer, Broadband Infrastructure

U.S. Department of Treasury Reporting Expenditure Category: To be determined

**Returned for the following reasons (Ineligibility Reasons/Paragraphs 5.E.(1)-(10) of FRF Procedures):**

- |  |  |
|--|--|
| <input type="checkbox"/> Missing Form  | <input type="checkbox"/> Expenditure Plan incomplete                     |
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| <input type="checkbox"/> Project will not be completed by 12/31/2026                                     | <input type="checkbox"/> Incorrect Signatory                             |
| <input type="checkbox"/> Ineligible purpose  | <input type="checkbox"/> Inconsistent with applicable NN or federal laws |
| <input type="checkbox"/> Submitter failed to timely submit CARES reports                                 |  |
| <input type="checkbox"/> Additional information submitted is insufficient to make a proper determination |  |

**Other Comments:** We need additional information to determine if the proposed housing assistance is an eligible use. To assist us, please provide answers to the following questions in as much detail as possible and include any application forms or other relevant information:

1. What is the criteria to be approved for a new home/how will recipients be selected? How many individuals or families will be assisted? How will the Chapter prioritize projects if there are more persons in need of homes than funds available? Please be specific, and include any family size and income limitations or other criteria used to establish and prioritize needs.

2. Please explain whether the home construction projects would qualify for any federally funded housing programs, including but not limited to the National Housing Trust Fund, Indian Housing Block Grant Program, the Indian Community Development Block Grant program, or the BIA Housing Improvement Program. (Eligibility for one of these programs is a favorable factor in determining whether a housing project is eligible as a use of the Nation's Fiscal Recovery Funds.)

3. What size houses will be built? Please estimate the per-home cost. How does that cost compare to other homes in the area?

Name of DOJ Reviewer: Lorenzo Curley

Signature of DOJ Reviewer: lorenzo Curley

**Disclaimers:**

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**Leonora Henderson**

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**From:** Otto Tso <otso@navajo-nsn.gov>  
**Sent:** Tuesday, February 20, 2024 10:25 AM  
**To:** btso@nndoj.org  
**Cc:** Leonora Henderson; pat\_dalgai@nnchid.org  
**Subject:** Update on TC Housing Project

Good Morning Ms Tso,

I am requesting an update on the TC Housing project that is in DOJ review. Last we spoke on on the phone, February 09 ,2024. You indicated that DOJ had a question.

**Who was going to get served with the Housing Project in Tuba City?**

My answer was....

Registered To Nanees Dizi Chapter Voters will be benefiting from this project. This funding is appropriated to To Nanees Dizi Delegate Region. The Navajo Nation Division of Community Development has a portal through DCD-CHID program to accept the application and work directly with To Nanees Dizi Chapter to process the names and verify. The Navajo Nation has a system in place and we don't need to invent a new wheel.

You did tell me, that answers the question that DOJ raises and will move forth the project and have DOJ sign off. So last week I been asking around DOJ on who has the documents and see where project is at. Please call me back at 928-255-2912, I been trying to get in contact with you all morning.

Thank You,

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*Otto Tso  
25<sup>th</sup> Navajo Nation Council, To Nanees Dizi Local Governance  
Resources and Development Committee  
Chairman of the Navajo Hopi Land Commission  
Telephone: 928-871-6380 & Email: otso@navajo-nsn.gov*

**NAVAJO NATION**

357

4/25/2024

Naa'bik'iyati' Committee Regular Meeting

05:06:49 PM

**Amd# to Amd#**

**New Business: Item B.**

**PASSED**

MOT Daniels, H

#0085-24

SEC Tolth, G

**Yeas : 15**

**Nays : 0**

**Excused : 3**

**Not Voting : 5**

**Yea : 15**

Arviso, S

Crotty, A

Nez, A

Yanito, C

Begay, N

Curley, C

Simpson, D

Yazzie, C

Charles-Newton, E

Daniels, H

Tolth, G

Yazzie, L

Claw, S

James, V

Tso, O

**Nay : 0**

**Excused : 3**

Nez, R

Notah, N

Jesus, B

**Not Voting : 5**

Aseret, L

Johnson, C

Parrish, S

Simonson, G

Begay, H

**Presiding Speaker: Slater, C**