



DR. BUU NYGREN *PRESIDENT*
RICHELLE MONTOYA *VICE PRESIDENT*

The Navajo Nation | Yideeskáadi Nitsáhákees

April 28, 2023

TRANSMITTAL

TO : Raymond Maxx, Executive Director
Navajo - Hopi Land Commission Office / NN OPVP

FROM : CMS
Cordell Shortey, Contracting Officer
Contracts & Grants Section (CGS) / OMB

SUBJECT : Housing: NPL and Former Bennett Freeze; ARPA Fund allocated to Navajo-Hopi Land Commission
Office

I. Information on Contract (per Original Award):

Housing: NPL and Former Bennett Freeze	U.S. Treasury American Recovery Plan Act (ARPA)	21.027
Title of Contract	Funding Agency	CFDA No. - Federal
CJN-29-22	2022	03/11/2021 to 12/31/2026
Grant No.	Amount	Term - Begin and End Date
	\$ 15,550,000.00	

II. Data Entered in FMIS Regarding:

☒ New Contract or Grant Company No. 8059 Business Unit (K#) K2115137
☐ Contract Mod No. _____
☐ Amt of Award _____ to _____
AMOUNT FROM TO
☐ Budget Period - Extend End Date: From _____ To _____
☐ Other, specify: _____

Authorizing Document - Attached:

☐ Contract / Agreement - Date executed _____
☐ NNC / Committee Resolution - No. & Date _____
☒ Other, specify: NN Council Resolution CJN-29-22

III. Comments by CGS:

Budget received on April 21, 2023 is authorized for implementation pursuant to FY 2023 NN BIM Appendix L Section II. B. and concurred by Navajo Nation Fiscal Recovery Fund (NN FRF) Office by memorandum on July 19, 2022.

Attachment

Copy: Contract files
Contract Accounting / OOC / DPM
Tom Platero, Executive Director - NN FRF Office

Revised February 2023




The Navajo Nation **DR. BUU NYGREN** *PRESIDENT*
Yideeskáadi Nitsáhákees **RICHELLE MONTOYA** *VICE PRESIDENT*

MEMORANDUM

TO : Dominic Beyer, Director
Navajo Nation Office of Management & Budget

Cordell Shortey, Contracting Officer
Navajo Nation Office of Management & Budget

FROM : 
Lisa Jymm, Deputy Executive Director
Navajo Nation Fiscal Recovery Fund Office

DATE : April 20, 2023

SUBJECT : Allocation of \$15,550,000 to Navajo-Hopi Land Commission Office per CJN-29-22.

The Navajo Nation Fiscal Recovery Fund Office (NNFRFO) is requesting a new business unit in the amount of \$15,550,000 per CJN-29-22, Exhibit L-4, as listed in the table below.

No.	Description	Category	\$
1	Navajo-Hopi Land Commission Office	2.15	\$15,550,000.00
		TOTAL:	\$15,550,000.00

If you have any questions, please feel free to contact me by phone at (928) 309-5535 or by email at ljymm@navajo-nsn.gov. Thank you.

CC: Germaine Jones, Deputy Contracting Officer, OMB
Christine Chavez, Director, Contract Acctg/OOC

xc: Attachments



THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT


MYRON LIZER | VICE PRESIDENT



MEMORANDUM

TO : Robert Black, Jr., Executive Director
Navajo-Hopi Land Commission Office
Executive Offices/OPVP

Paulson Chaco, Chief of Staff
Office of the President & Vice-President

FROM : 
Lisa Jymm, Deputy Executive Director
Navajo Nation Fiscal Recovery Fund Office

DATE : July 19, 2022

SUBJECT : CJN-29-22 – Allocation of \$1,070,298,867 in Navajo Nation Fiscal Recovery Funds and \$15,550,000 to the Division of Community Development.

The Navajo Nation Fiscal Recovery Fund Office (NNFRFO) is requesting budgets totaling \$15,550,000 for the Division of Community Development per CJN-29-22, Exhibit L, as listed in the table below:

Exhibit	Description	Category	\$
L-4	Housing: NPL and Former Bennett Freeze	2.15	\$15,550,000
	Total Funding for NHLC		\$15,550,000

The attached Budget Form 1 and 4 has a budget of \$14,000,000, but the approved Exhibit L indicates \$15,550,000. Navajo-Hopi Land Commission should prepare a budget for \$15,550,000. As applicable, prepare Budget Forms 2, 3, and 4 in accordance Budget Form 1 in approved Navajo Nation Council resolution CJN-29-22.

If you have any questions, please feel free to contact me by phone at (928) 309-5535 or by email at ljymm@navajo-nsn.gov.

Thank you.



**NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL**



DOREEN N. MCPAUL
Attorney General

KIMBERLY A. DUTCHER
Deputy Attorney General

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

RFS/HK Review #: HK0189

Date & Time Received: 4/13/22 21:35

Date & Time of Response: 14 April, 2022; 3:28 pm

Entity Requesting FRF: Navajo Hopi Land Commission Office

Title of Project: Housing for the Former Bennett Freeze Area and NPL

Administrative Oversight: Navajo Nation Division of Community Development

Amount of Funding Requested: \$15,550,000

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: 2.15 (Long-term Housing Security: Affordable Housing)

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

Other Comments: _____

Name of DOJ Reviewer: Adjua Adjei-Danso

Signature of DOJ Reviewer:  _____

Disclaimers: An NNDOJ Initial Eligibility Determination will be 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: Navajo Hopi Land Commission Office Date prepared: 4/11/2022
Indicate Department, Program, Office, Division, or Branch

NN Government Unit's P.O. Box 2549 phone/email: robertblackjr@navajo-nsn.gov
mailing address: Window Rock, Arizona 86515 website (if any): _____

Form prepared by: Robert K. Black, Jr. phone/email: 928-380-0420
Executive Director, NHLCO
CONTACT PERSON'S name, title and Department, Program, Office, etc. CONTACT PERSON'S info

Title & type of Project: Housing for the Former Bennett Freeze Area and NPL

NN Government Unit's Director or Manager: Robert K. Black, Jr. phone & email: RobertBlackJr@navajo-nsn.gov

Division Director (if any): Same phone & email: Same

Branch Chief: _____ phone & email: _____

Funding Recipient will be working with: Navajo Nation 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):
Modular Housing Companies and Project Administrators ☐ document attached

Amount of FRF requested: \$15,550,000 FRF funding period: June 1, 2022 - December 31, 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:

Overcrowding and the lack of domestic water have added to the negative impacts of COVID-19. This project will address this problem in two ways. First, \$14,000,000 will be expended to purchase and transport modular homes that will serve the people of the 23 impacted Chapters (the nine Bennett Freeze Chapters and the 14 NPL Chapters). Second, \$1,550,000 will be expended to develop a plan for a manufactured housing plant on the Nahata Dził Chapter. The plant will create the capacity for the Navajo Nation to make a long-term impact to the overcrowding problem and to create jobs for Relocates from the Navajo-Hopi Land Dispute.

☐ document attached

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

One of the priorities of the OPVP and the NNC is to finally address the impacts of the Bennett Freeze and Forced Relocation. A long-term plan is in place for the nine Bennett Freeze Chapters and the primary Relocation community, Nahata Dził. This is an effort known as the Navajo Thaw. This effort will be expanded to provide planning and development funding for the 14 Chapters of the NPL. This project will leverage funding being pursued from Congress by the Navajo Nation to more fully resolve the overcrowding, lack of infrastructure, lack of public facilities, and lack of jobs.

☐ 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:

06/01/22-Project Commencement; 08/01/22-Administrative Team Formed; 09/01/22 Outreach to all 24 Chapters Requesting Prioritized Housing Waiting List; 09/01/22-Manufacturing Plant Study Begins; 09/01/22-RFP Issued for Modular Housing; 12/01/22 Contractor(s) Selected for Modular Housing; 06/01/23 First batch of 16 homes delivered; 08/01/23 Completion of Manufacturing Plant Study; 06/01/24 Second batch of 17 homes delivered; 06/01/25 Third batch of 17 homes delivered. Challenges relate to the ability of the housing contractor to maintain schedule and costs given strong construction economy.

☐ document attached

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

NHLCO will oversee the project. NHLCO will award a contract to a qualified project administrator to ensure compliance with ARPA and Navajo Nation requirements.

☐ 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:

NHLCO will issue an RFP for a qualified non-profit organization with experience in housing maintenance to provide training and support for benefiting families. NHLCO has already identified at least one capable non-profit which will respond to the RFP. The non-profit will have the capacity to attract funding and provide home maintenance services.

☐ 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:

3.10 Housing Support: Affordable Housing

ARPA makes provisions that housing projects for Native American Tribes are eligible expenses.

☐ document attached

Part 3. Additional documents.

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

APPENDIX 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 Robert K. Black, Jr. Digitally signed by Robert K. Black, Jr.
Date: 2022.04.12 10:42:02 -0600
Preparer: signature of Preparer CONTACT PERSON Approved by: Robert K. Black, Jr. Digitally signed by Robert K. Black, Jr.
Date: 2022.04.12 10:42:02 -0600
signature of NN Government Unit Dept. Program Office Director or Manager

Approved to submit Paulson Chaco Digitally signed by Paulson Chaco
Date: 2022.04.12 13:53:12 -0600 Print Name, Title, Paulson Chaco, Chief of Staff
for Review: signature of Branch Chief or Division Director Branch or Division: print name and indicate title or position
Office of the President and Vice President
indicate Branch or Division

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

FY 2023

PART I. Business Unit No.: NEW		Program Title: Navajo-Hopi Land Commission Office - ARPA Project		Division/Branch: OPVP - Executive	
Prepared By: Caroline G. Pete, Admin. Assistant		Phone No.: (928) 871-6446		Email Address: cgpete@navajo-nsn.gov	

PART II. FUNDING SOURCE(S)		Fiscal Year / Term	Amount	% of Total	PART III. BUDGET SUMMARY			Fund Type Code	Original Budget	Proposed Budget	Difference or Total
Fiscal Recovery Funds		10/1/22 - 9/30/25	15,550,000.00	100%							
					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			6	\$0	\$14,456,530	\$14,456,530
					7000 Special Transactions						
					8000 Public Assistance			6	\$0	\$1,093,470	\$1,093,470
					9000 Capital Outlay						
					9500 Matching Funds						
					9500 Indirect Cost						
					TOTAL				\$0	\$15,550,000	\$15,550,000

PART IV. POSITIONS AND VEHICLES		(D)	(E)
Total # of Positions Budgeted:			0
Total # of Vehicles Budgeted:			0

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.

SUBMITTED BY:	Raymond Maxx	APPROVED BY:	Patrick J. Sandoval
	Program Manager's Printed Name		Division Director / Branch Chief's Printed Name
	<i>R Maxx</i>		<i>Patrick J. Sandoval</i>
	Program Manager's Signature and Date		Division Director / Branch Chief's Signature and Date

J. R. Pulido

5/25/23



THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:		Business Unit No.:		NEW		Program Name/Title:		Navajo-Hopi Land Commission Office - ARPA Project							
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:															
IGR Resolution GSCF-10-91; 2 N.M.C. Sub Sec. 851, et seq.; RCO-205-98. Protect and advance the interest and rights of the people and communities adversely impacted by the 1974 Land Settlement Act, as amended. Rehabilitate and improve the social, economic conditions of the people and communities, so impacted. Evaluate and select lands for the benefit of relocatees in NM and AZ pursuant to P.L. 96-305 (1980 Amendments)															
PART III. PROGRAM PERFORMANCE CRITERIA:															
1. Goal Statement:		To Construct homes within the FBFA and NPL.		Program Performance Measure/Objective:		To alleviate overcrowded conditions to stop the spread of COVID-19 Virus		1st QTR		2nd QTR		3rd QTR		4th QTR	
								Goal		Actual		Goal		Actual	
								0		31		32		32	
2. Goal Statement:															
3. Goal Statement:															
4. Goal Statement:															
5. Goal Statement:															
6. Goal Statement:															
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.															
Raymond Maxx, Executive Director				Patrick J. Sandoval, Chief of Staff				Division Director/Branch Chief's Signature and Date							
Program Manager's Printed Name				Division Director/Branch Chief's Printed Name											
RM4				Patrick J. Sandoval											
Program Manager's Signature and Date				Division Director/Branch Chief's Signature and Date											

JRM 4/15/23

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:			
Program Name/Title: Navajo-Hopi Land Commission Office - ARPA Project		Business Unit No.: NEW	
PART II. DETAILED BUDGET:			
(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)
6910	6500 CONTRACTUAL SERVICES Purchase (95) 3-bedroom modular homes for clients within the Former Bennett Freeze Area (FBFA) and Navajo Partitioned Lands (NPL) Chapters. Other Contractual Services 6921 Other Services \$152,174.00/home x 95 homes = \$14,456,530.00	\$14,456,530	\$14,456,530
8020	8000 ASSISTANCE Purchase wood-burning stoves, stove wall protectors, stove pipes and chimney kits for each modular home. \$11,510.21 x 95 homes = \$1,093,469.95	\$1,093,470	\$1,093,470
TOTAL		\$15,550,000	\$15,550,000

J. R. Johnson

