



**RESOLUTION OF THE GOVERNING BODY OF
THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION**

A Resolution Entitled; Request to Department of Housing and Urban Development to change flawed formula Set out in 24CFR Part 1000 for Tribally Designated Housing Entities”.

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, The Fort Berthold Housing Authority (“FBHA”) is a tribal agency that provides affordable housing and homeownership opportunities to tribal members, in large part through Turnkey and Mutual Help Homeownership Programs established under the 1937 Housing Act; and

WHEREAS, The FBHA receives funding to achieve its purposes through an annual block grant under the Native American Housing Assistance and Self-Determination Act (“NAHASDA”), 25 U.S.C. § 4101 *et seq.*; and

WHEREAS, NAHASDA mandates that funding be made available to Tribally Designated Housing Entities (“TDHEs”) based on need, which is determined in part by the number of low-income dwelling units owned or operated by a TDHE; and

WHEREAS, The Federal government, though the Department of Housing and Urban Development (“HUD”) has promulgated regulations setting forth the formula to be used in calculating the amount of the annual block grant received by each TDHE, including the FBHA, which regulations make the number of dwelling units a TDHE counts as part of its stock a crucial component in the funding calculations; and

WHEREAS, By regulation 24 C.F.R. 1000.318, HUD excludes old Mutual Help and Turnkey dwelling units from the block grant formula after these homes are conveyed or become eligible for conveyance, resulting in substantial

WHEREAS, By regulation 24 C.F.R. 1000.318, HUD excludes old Mutual Help and Turnkey dwelling units from the block grant formula after these homes are conveyed or become eligible for conveyance, resulting in substantial decreases in the block grants received by TDHEs like the FBHA who operate large homeownership programs; and

WHEREAS, TDHEs whose majority stock consists of rental units are allowed to count, without exception, all of their low rent units for block grant formula purposes, and in addition receive increased funding as funding for TDHEs with a large number of Mutual Help and Turnkey units decreases; and

WHEREAS, The Tribal Business Council finds that the regulation governing block grant allocations is contrary to the spirit, intent and clear direction of NAHASDA, creates unfair classifications among TDHEs, and unduly penalizes tribes for successfully operating homeownership programs.

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby requests that the United States Department of Housing and Urban Development, Office of Native American Programs, take immediate action to correct the above described flawed funding formula and develop an equitable funding formula that does not penalize certain TDHE's due to engaging in home ownership activities prior to the passage of NAHASDA.

BE IT FURTHER RESOLVED, that the Tribal Business Council approves the attached letter to Rodger J. Boyd, Deputy Assistant Secretary of the U.S. Department of Housing and Urban Development, Office of Native American Programs, which details the inequities herein mentioned and calls on HUD to take immediate action to correct the flawed funding formula; and

BE IT FINALLY RESOLVED, that the Tribal Business Council authorizes the Chairman to sign a letter to Rodger J. Boyd on behalf of the Three Affiliated Tribes, and to assist in correcting this serious problem which threatens the existence of the Fort Berthold Housing Authority and homeownership opportunities of Fort Berthold tribal members.

CERTIFICATION

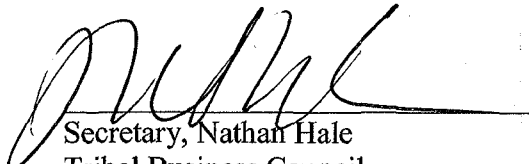
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 17th day of October, 2005; that the foregoing Resolution was duly adopted at such

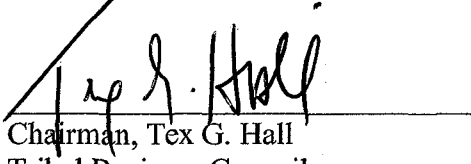
Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman Voting. Not Voting.

Dated this 17th day of October, 2005.

ATTEST:


Secretary, Nathan Hale
Tribal Business Council


Chairman, Tex G. Hall
Tribal Business Council

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