

November 2, 2018

Board of Directors
National American Indian Housing Council
122 C Street N.W. Suite 350
Washington, D.C. 20001

Dear Board Members:

As Region III NAIHC Director and Alternate Director, we are writing to express our strong objection to Board Chairman Cooper's unilateral decision, without prior notice to or approval from the Board or membership, to send a letter to HUD Secretary Carson challenging our right, our Tribes' right, and partner organizations' right to advocate positions and recommendation on HUD programs. We are long-standing members, and some of us are founding members, of NAIHC. We, together with many others, were simply asserting our position and recommendations to HUD Secretary Carson about the new competitive Need and Capacity grants. For Mr. Cooper to personally denigrate us and our partners, the National Low Income Housing Coalition (NLIHC), our Tribes, and other Tribal associations, and also to dictate how we and the others exercise our combined rights to offer opinions to HUD, and for Mr. Cooper to do so on NAIHC stationary, was astonishing and most disturbing.

Our October 1st tribal letter (see attachment) was signed by eleven sovereign Tribal Nations, twenty-five Tribally Designated Housing Entities, one regional association representing sixteen tribal nations, one regional organization representing twenty-eight TDHEs, three additional housing entities, and the National Low Income Housing Coalition. For Mr. Cooper to assert that these Tribal positions are not legitimate, is disrespectful to NAIHC's members and other tribal Nations. His statement that it did not represent a valid and legitimate exercise of tribal sovereignty is not only erroneous, it is disrespectful to the Tribal Nations, TDHEs and entities that signed our Tribal letter.

By any standards available, the signatories to the Tribal letter are among the poorest communities in the United States, and the number of people on housing authority waiting lists number in the hundreds for most. When they have multiple families living on top of one another in seriously overcrowded housing. These are real problems, and the signatories of the tribal letter have every right to seek a solution for these critical issues. Mr. Cooper's attempts to discredit the deep level of poverty on our tribal lands is simply unbelievable. They represent a large percentage of the trust lands in the United States and tribal members living in Indian country. The signatories sought out and greatly appreciate the National Low Income Housing Coalition's efforts to help solve these issues.

Despite what Board Chairman Cooper and some other Tribes state in their letters of objection, none of the Tribes who signed our letter are advocating for a change in the NAHASDA distribution formula at this time. However, they do feel that awarding this \$100 million in discretionary money based on poverty rates and low median income will assure that Congress' stated priorities are met.

We recognize that there are differing positions among NAIHC's membership on this particular matter. However, except for the NAIHC membership voting down an earlier request to support our position, NAIHC has not taken any stand on this matter. This is understandable because it has now become a well-established practice of NAIHC to not take a position on regulatory or legislative matters that do not have membership consensus or a two-thirds vote of our members. The Board Chairman's letter of October 17 (see attachment) is a serious breach of that practice because he used NAIHC letterhead and his title as Board Chairman to advocate on the matter when our membership was split.

It is important to recognize that Board Chairman Cooper's letters to both HUD and NLIHC (also copied to HUD) are factually incorrect in several respects and there is a need to set the record straight about his allegations:

- In both of the letters, he falsely represents that the tribal letter was only NLIHC's letter when, in fact, there were 43 signatories – many of whom were actively involved in drafting the tribal letter alongside NLIHC.
- The letters also assert that the tribal letter “disrespects the government-to-government relationship...” and “disrespects the principles of tribal sovereignty.” Nothing could be further from the truth. It is actually Mr. Cooper's letters that do not respect or understand that sovereignty belongs to the tribes (not to NAIHC) and the importance of the *tribal* government-to-*federal* government relationship. We must remember that it is our tribal governments who establish their TDHEs.
- Mr. Cooper incorrectly states that “NLIHC made no attempt to solicit input from any more than a small number of tribes.” In truth, NAIHC was consulted and provided with a copy of the draft tribal letter several weeks in advance of the letter being sent – a staff member from NLIHC talked with NAIHC's senior staff member in person on September 7 about the tribal positions and shared the text of our draft letter a few days later on September 10. NAIHC's senior staff person stated at that time that NAIHC's membership was split on the issue of defining need, so NAIHC would most likely not join the letter, but that he would discuss it with the Board Chairman, Gary Cooper. NLIHC checked back in with the same NAIHC senior staff person on October 1 shortly before the letter was sent to HUD. NLIHC then shared with him the final text as well as a letter NLIHC had received from the Association of Alaska Housing Authorities.
- Other Tribes weighed-in even before our tribal letter was sent – a lobbyist for the Navajo Nation (who had been invited to sign on) called NLIHC to discuss the letter. Before the letter was sent, NLIHC received several letters of opposition during the week of September 24, including separate letters from the Association of Alaska Housing Authorities, the Karuk Tribe, and the Klamath Tribe. At their request, NLIHC staff met with Gabe Layman and Greg Bringhurst from Cook Inlet Housing Authority on September 27 to discuss their concerns with the positions expressed in the letter. Several adjustments were made to the letter based on their concerns. That was done out of respect

for those entities that opposed our tribal letter, even though they continued to object to the letter.

- Mr. Cooper's letter incorrectly asserts that the Need and Capacity grants "are subject to formal negotiated rulemaking," but the special allocation is, in fact, not part of any negotiated rulemaking process.
- Mr. Cooper's letter incorrectly states that the position on this special appropriation presented to the full membership at the NAIHC annual meeting was a position that was not supported by "most" members. There is no factual basis for this statement, and having been present for that vote, it does not represent what occurred. Furthermore, having voted down the position presented at the annual meeting does not translate to adoption of the position taken by Mr. Cooper in his HUD letter (which was never presented to the NAIHC membership, or adopted). Failure to pass a resolution does not by itself establish approval for an opposing position.

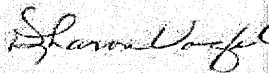
We never claimed in our tribal letter to represent all TDHEs or Tribal Nations. However, for Board Chairman Cooper, on behalf of NAIHC, to now claim that his personal positions represent all TDHEs or Tribes is simply not true. Mr. Cooper's actions were also clearly a violation of NAIHC's Bylaws, specifically Article III, Section 4, Article IV, Section 2, Article V, Section 13, and Article VII, Sections 1 & 3. Mr Cooper has been in office for a scant 3.5 months and we find it troubling that he has usurped the decision making authority of the NAIHC Board in an effort to promote his personal agenda.

Chairman Cooper's action was astonishing and very disturbing. It must be formally addressed and rectified by the Board. As an association of tribal sovereigns and tribal sovereign created entities, NAIHC cannot allow any officer to disrespect or challenge the fundamental rights of our Tribes, their associations and their partners to publicly assert their positions. For the record, we respectfully request that the NAIHC Board take actions to promptly ensure both that this does not occur again, and to make it clear that NAIHC can only take these actions and positions when the Board or the Membership approves. We and many of the signatories to the tribal letter want the NAIHC Board to find a way to formally rectify the Chairman's actions and statements and to take measures to assure that this does not happen again.

Sincerely,



Stuart Langdeau
Region III NAIHC Director
Lower Brule Sioux Housing Authority



Sharon Vogel
Region III NAIHC Alternate Director
Executive Director, Cheyenne River
Housing Authority

Enclosures: Tribal Letter to HUD 10/1/18