

DINÉ RELOCATEE FUND ADMINISTRATION MANUAL

I. INTRODUCTION

A. PURPOSE. This Diné Relocatee Fund Administration Manual ("Manual") governs administration of and provision of financial assistance from the Diné Relocatee Fund ("Fund") to benefit Navajo families that resided on Hopi-Partitioned Lands ("HPL") as of December 22, 1974 ("Relocation Beneficiaries"), regardless of their current locations.

B. AUTHORITY.

1. Section 11 of the Navajo-Hopi Settlement Act of 1974 ("Relocation Act"), as amended and previously codified at 25 U.S.C. § 640d-10, provides for the transfer and acquisition in trust for the Navajo Nation ("Nation") as part of the Navajo Reservation of certain lands ("New Lands"), which shall be administered by the U.S. Office of Navajo and Hopi Indian Relocation ("ONHIR") and used solely for the benefit of the Relocation Beneficiaries until relocation under the Relocation Act is complete.
2. Under the Navajo Nation Code, 2 N.N.C. §§ 102(A), 851(B)(3)-(5), and 853(B)(6), (9), and (10), the Navajo Nation Council is the governing body of the Nation and the Navajo-Hopi Land Commission ("NHLC") is established within the Nation's Legislative Branch with authority to act and speak for the Nation on all matters relating to lands acquired under the Relocation Act or the well-being of impacted communities, to develop policies and monitor the Navajo Rehabilitation Trust Fund ("NRTF") under the Relocation Act and similar Escrow Funds, and to oversee the Navajo-Hopi Land Commission Office ("NHLCO").
3. Under the Navajo Nation Code, 2 N.N.C. §§ 856(A)-(B), 1005(A), (B), and (C)(1), (9), and (12), the NHLCO is established with the Nation's Executive Branch under the direction of the Nation's President ("President") and assists the NHLC in performing its functions and the President is authorized to conduct, supervise, and coordinate personnel and programs of the Nation, to represent the Nation in relations with governmental agencies, to execute and enforce the Nation's laws, to exercise such powers as may be lawfully delegated to the President, and to speak and act for the Nation on matters related to the Navajo-Hopi land dispute subject to applicable law.
4. The Navajo Nation Code, 12 N.N.C. §§ 2801-08, has authorized the establishment of a separate account known as the Fund to receive and hold revenue, income, payments, and proceeds generated from the Arizona New Lands to be used to support the Relocation Beneficiaries in accordance with Section 11(h) of the Relocation Act, 25 U.S.C. § 640d-10.
5. The Fund Management Plan ("FMP"), adopted by Res. No. BFJN-19-22 (June 7, 2022), and the Amended Fund Policy ("AFP"), adopted by Res. No. NHLCO-06-2022 (Oct. 6, 2022), also provide for administration of the Fund in accordance with

procedures, forms, and an administration manual to be developed by the NHLCO, approved by the NHLC, and concurred in by ONHIR.

C. FINDINGS.

1. Various lands have been transferred and acquired in trust for the Nation pursuant to Section 11 of the Relocation Act, including without limitation all or part of the Twin Arrows and Tse Bonito parcels and the Bar N, Chambers, Paragon, Roberts, Spurlock, Turquoise, and Wallace Ranches.
2. In May 2010, the Nation and ONHIR entered into a memorandum of agreement on the allocation of revenues from the Twin Arrows parcel in a fund for the benefit of the Relocation Beneficiaries maintained as a separate subaccount of the Rehabilitation Trust Fund maintained by the Navajo Nation Office of the Controller to be expended in accordance with guidelines approved by the Nation and ONHIR and consistent with federal law.
3. In January 2011, the Nation and Navajo Nation Gaming Enterprise entered into a business site lease, with the concurrence of ONHIR for the Twin Arrows parcel providing for payment of monthly rent.
4. Other than requiring that lands acquired pursuant to the Act be used solely for the benefit of Navajo families residing on Hopi-partitioned lands as of December 22, 1974, the Relocation Act does not expressly address the deposit, investment, and use of revenue derived from Arizona New Lands, unlike Section 32 of the Relocation Act as amended and previously codified at 25 U.S.C. § 640d-30, which provides that net income derived from New Mexico New Lands shall be deposited in the NRTF, which shall also include interest or investment income accrued on such funds, and subject to disposition for distinct beneficiaries and purposes.
5. The Navajo Nation has determined that it in the best interest of the Relocation Beneficiaries to establish this manual and have the NHLCO administer this Manual to further govern the administration of and provision of financial assistance from Arizona New Lands revenue for the benefit of the Relocation Beneficiaries. ONHIR concurs so long as the provisions in this Manual are fully complied with by the Navajo Nation and NHLCO.

D. EFFECTIVE DATE; AMENDMENT; SUCCESSOR. This Manual shall be effective and may be amended upon approval by the NHLC and concurrence by the ONHIR in the Manual and any amendments hereto. When ONHIR ceases to exist, its rights and obligations concerning this Manual shall be transferred to such other entity that succeeds ONHIR under federal law.

E. POSTING; COPIES. Copies of this Manual shall be: (1) prominently posted in Window Rock and Tuba City NHLCO offices and the offices of Navajo Nation Chapters from which members of the Navajo Nation Council are appointed to serve on the NHLC as specified

in 2 N.N.C. § 852(B)(1); and (2) provided to Fund benefits applicants upon request and provided to other Chapters and non-Navajo communities where eligible Navajos have relocated.

F. APPLICATION; INTERPRETATION. This Manual shall be applied and interpreted in accordance with the Relocation Act, the Navajo Nation Code, the FMP, and the AFP (together, "Applicable Laws").

II. FUND ADMINISTRATION

A. DEPOSITS.

1. All revenues derived from lands located in Arizona that are transferred or acquired in trust for the Nation under Section 11 of the Relocation Act other than from lands either directly used by the Nation and not subject to any sublease, or subject to a homesite lease or grazing permit issued to its citizens shall be deposited in the Fund.
2. Any money accruing or otherwise received by the Fund, regardless of source, including interest or investment earnings thereon, shall be deposited in the Fund and shall be used only as provided in this Manual and Applicable Laws.
3. The Fund shall be a continuing account and shall not lapse on an annual basis pursuant to 12 N.N.C. § 820(N) or any other provision of Navajo Law.

B. INVESTMENTS. All monies deposited in the Fund shall be invested as soon as practical in accordance with:

1. The degree of care exercised by reasonable and prudent managers of investments intended to produce maximum growth thereof with a high degree of safety; and
2. Any additional specific investment objectives and policies as proposed by the NHLCO and approved by the NHLC.

C. FUND USE.

1. **Budget.** Before each fiscal year, the NHLCO shall prepare a budget for the Fund for the following fiscal year, which shall be reviewed by the Division of Finance to ensure the availability of monies for proposed expenditures, and then shall be approved by the NHLC.
2. **Availability and Expenditures.** The Fund may be expended, and financial assistance therefrom may be provided only subject to the availability of funds and as provided in and in compliance with this Manual and Applicable Laws.
3. **Expenses.** All expenses directly associated with the administration of the Fund shall be paid from the Fund as approved by the NHLC. Such expenses shall include

investment advisory and management fees, audit costs, and other related expenses, all pursuant to duly approved contracts entered into pursuant to Navajo Law.

- D. RECORDS.** All personal information concerning fund assistance applicants in records concerning the Fund, financial assistance therefrom, and applications therefore shall be kept confidential and shall not be made public without court order or written consent of the relevant applicant.
- E. AUDITS.** The annual audit of the Fund shall be completed and distributed to the NHLC and ONHIR promptly after each fiscal year. The annual audit for the prior fiscal year shall include financial statements, information on administration of the Fund, a description of Fund investment activity, and statements of Fund performance, interest, investments, and expenditures, including the amount of money received by the Fund from each investment and the market value of any investments and any improper or questioned transactions discovered by the audit.

III. FINANCIAL ASSISTANCE ELIGIBILITY

- A. ELIGIBLE APPLICANTS.** Only enrolled citizens of the Nation who are living members of families that resided on HPL as of December 22, 1974, including later-born members of those immediate families, but not their descendants, are eligible for benefits from the Fund. Eligibility is not affected by location of current residence or certification by ONHIR of eligibility for relocation benefits under the Relocation Act.
- B. ELIGIBLE ACTIVITIES.** Only the following activities in the following three categories (“Assistance Categories”) are eligible for financial assistance from the Fund:
1. **Housing:**
 - a. rehabilitation, renovation, or minor repairs.
 - b. roofing or weatherization.
 - c. temporary shelter or lodging due to natural disaster; or
 - d. replacement housing after destruction by fire or flood.
 2. **Infrastructure:** install, repair, or upgrade of
 - a. stand-alone solar power or residential electricity service line connection; or
 - b. stand-alone water or wastewater systems or residential service line connection.
 - c. cost sharing with Federal, Tribal, and other funding sources for such purposes in accordance with applicable laws, contracts, or agreements.
 3. **Scholarships:** for learning or educational materials or full or part-time attendance at—
 - a. a college or university.
 - b. a vocational trade school; or
 - c. an organized, sanctioned educational immersion program.

IV. APPLICATION REQUIREMENTS

Applications for financial assistance from the Fund shall be submitted in writing to the NHLCO, signed and dated by the applicant with a verification of the truth of the contents thereof, and include the following information and documents:

A. GENERAL REQUIREMENTS.

1. **Personal information**, including full current name and physical and mailing address(es), birth date, and any prior name(s) or address(es) under which relevant information may reasonably be obtained; disability status; and, as applicable, names, ages, Navajo census numbers, and family relationships for all immediate household members, including without limitation any non-Navajo spouse or children.
2. **Navajo Nation Citizenship Verification**, based on an original Certificate of Degree of Indian Blood ("CDIB") issued by the U.S. Bureau of Indian Affairs or Navajo Nation Identification Card or Certificate of Degree of Navajo Indian Blood, which will be copied by the NHLCO and immediately returned to the applicant.
3. **Relocation Beneficiary Status Verification**, based on the applicant's birth certificate, which will be copied by the NHLCO and immediately returned to the applicant, and direct written evidence that the applicant, their immediate family, or their guardian at the time either (a) received or were certified as eligible for relocation benefits under the Relocation Act; (b) signed an accommodation agreement lease with the Hopi Tribe to maintain residence on HPL; or (c) otherwise resided on HPL on December 22, 1974 (including but not limited to those commonly known as "Resisters");
4. **Financial Information Verification**, based on the applicant's social security number, a signed and dated financial information release authorization for third-party verification, and copies of documentation of annual income for the applicant for the two most recent available years, including as applicable the following:
 - a. federal income tax return and Social Security statement of earnings;
 - b. award letter or documentation of annual payments for any received Retirement or Veteran's Pension; Worker's Compensation Benefit; Aid to Family with Dependent Children ("AFDC"); Retirement, Survivors, and Disability Insurance ("RDSI"); Supplemental Nutrition Assistance Program ("SNAP"); Supplemental Security Income ("SSI"), Temporary Assistance for Needy Families ("TANF"); Emergency Food Assistance Program ("TEFAP"); or other cash receipts, general welfare, or monetary food stamps;
 - c. evidence of any prior or other financial assistance received such as cash assistance, including without limitation from the Fund at any time or within the two most recent years from Navajo Nation General Assistance, Navajo Nation Commodity Food Distribution, or other Program;

- d. if the applicant cannot document income sources (such as if applicant meets living expenses by odd jobs or selling personal items or handcrafts), a written record of the amounts of income, sources, frequencies, or dates paid, and type(s) of goods or services for which income was received, signed and dated by the applicant; or
 - e. if the applicant does not have any source of income for verification, any available written record of denial from other sources verifying that the applicant was not able to receive governmental assistance and a signed and dated statement by the applicant affirming that the applicant does not receive any type of income.
5. **Veteran Status Verification**, if applicable, based on a copy of the U.S. Department of Defense Form 214 ("DD-214"), Report of Separation, for the applicant.
 6. **Matching Contribution Verification**, as applicable, including a statement of commitment for and any supporting documentation evidencing proof of ability to provide a matching contribution of cash, other matching contribution of resources, or sweat equity contribution in the form of labor as opposed to paying to perform work.

B. HOUSING OR INFRASTRUCTURE REQUIREMENTS:

1. **Residential Entitlement Verification**, based on map indicating location and to provide directions to applicant's residence; proof of primary relocation residence; and proof of ownership or authorization for applicant or their immediate family via probate, living will, divorce decree, approved homesite or accommodation agreement lease, or other means of legal transfer or recognition of ownership; and
2. **Residential Status and Need Verification**, based on statements from a relevant government office, licensed contractor, certified building or construction inspector, or the applicant of the current structural or infrastructure circumstances and needs of the applicant's residence, including without limitation that the residence's floors, foundations, roof, and walls are structurally sound and repairable if applicable, and any estimates, invoices, or receipts for needed repairs.

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- C. **SCHOLARSHIP REQUIREMENTS:** (1) statement of education goals; (2) letter of admission or verification of current enrollment; (3) certified transcript, progress report, or other official proof of current overall grade point average ("GPA") of 2.5 or higher; (4) current or upcoming class registration or schedule; and (5) two letters of recommendation from non-family member adults, such as a teacher, coach, employer, or supervisor, who know the applicant and have been responsible for evaluating their academic or other work.

V. APPLICATION SCHEDULE, DEFINITIONS, AND DOCUMENTS

- A. **SCHEDULE.** Applications for financial assistance from the Fund shall be submitted to the NHLCO by January 31 for consideration in the spring, by April 30 for consideration in the summer, and by July 31 for consideration in the autumn (each a "Seasonal Action").

B. INCOME DEFINITION. For purposes of a financial assistance application, “income” means cash receipts earned or received by the applicant before taxes during the applicable tax year but not excluded income, as listed below:

1. Cash Receipts include the following:

- a. money, wages, and salaries for work or work-product, including without limitation from sales of crafts, or the value of property provided in lieu of wages or salaries, before any deductions;
- b. net receipts from non-farm or farm self-employment from a person’s own business on or from an owned or rented farm, including without limitation sales of livestock, after deduction for business or farm expenses;
- c. regular payments from social security, railroad retirement, unemployment compensation, strike benefits from union funds, worker’s compensation, veteran’s payments, training stipends, alimony, and military family allotments;
- d. private pensions, government employee pensions, including military retirement pay, and regular insurance or annuity payments;
- e. dividends or interest;
- f. net rental income and net royalties;
- g. periodic receipts from estates or trusts;
- h. per capita distributions; and
- i. net gambling or lottery winnings.

2. The following are excluded from and not considered sources of income for purposes of determining applicant eligibility:

- a. unrealized capital gains;
- b. any assets drawn down as withdrawals from a bank;
- c. money received from the sale of a property, house, or car;
- d. one-time payments from a welfare agency to a family or person who is in temporary financial difficulty;
- e. tax refunds;
- f. gifts, loans, or lump-sum inheritances;
- g. academic scholarships;
- h. one-time insurance payments, or compensation for injury;
- i. non-cash benefits, such as employer-paid or union-paid portion of health insurance;
- j. employee fringe benefits, food, or housing received in lieu of wages;
- k. the value of food and fuel produced and consumed on farms;
- l. the imputed value of rent from owner-occupied non-farm or farm housing;
- m. non-monetary benefits such as Medicare, Medicaid, school lunches, and housing assistance;
- n. combat zone pay from the military; and
- o. child support.

C. INCOME AND BENEFITS DOCUMENTATION. The following matters may be established by copies of the following documents absent other available documents:

1. For wages or salaries:
 - a. if paid weekly, one latest pay stub;
 - b. if paid bi-weekly or twice monthly, one latest pay stub;
 - c. if paid monthly, the latest pay stub; or
 - d. a signed income verification from the employer.
2. For Retirement or Veteran's Pension, Worker's Compensation Benefit, AFDC, RDSI, SNAP, SSI, TANF, TEFAP, or other general public assistance:
 - a. computerized annual benefit statement;
 - b. grant award letter or recent check if there is no reduction in benefit;
 - c. income grant verification signed by the relevant governmental agency; or
 - d. current bank statement for direct deposit.
3. For unemployment insurance compensation, a signed Request for Verification of Unemployment Benefits from the local employment office stating the number of benefits received in the 90 days before the application date.
4. For self-employment, for the prior two years:
 - a. business and personal income tax returns; or
 - b. business records showing gross income and expenses.

VI. APPLICATION PROCESSING

A. ENTRY AND FILES. Promptly upon receiving an application, the NHLCO shall record the date when the application was received and create and maintain a file in accordance with the NHLCO's central standardized file system.

B. GENERAL VERIFICATION. For each application, the NHLCO shall verify whether —

1. the applicant is eligible under Section III(A) of this Manual;
2. the application is signed, dated, complete, and fully supported as required in Section IV of this Manual; and
3. when and how applicant previously has received financial assistance from the Fund.

After the foregoing review of the application, the NHLCO shall personally interview the applicant to verify any relevant information, to confirm eligibility, if necessary, to explain the next steps in the Fund financial assistance process, and to confirm the applicant's understanding of the information provided.

C. HOUSING OR INFRASTRUCTURE VERIFICATION. For any application for financial assistance for housing or infrastructure, the NHLCO also shall:

1. conduct an onsite inspection by a certified construction inspector to evaluate and assess the relevant residence with photographs and in writing to confirm, status, needs, and eligibility, which the applicant shall sign and date; and
2. verbally inform the applicant of the onsite inspection findings and submit a written recommendation within two weeks after the inspection.

D. THIRD-PARTY VERIFICATION. The NHLCO may verify any statements or information in an application or supporting documents to determine eligibility, including without limitation via contact with any governmental or private entity, office, organization, or person.

E. INCOMPLETE APPLICATIONS.

1. If an application is not signed or lacks required information or documents, the NHLCO shall promptly send a letter to the applicant and give them one month thereafter to submit the required signature, information, or documents.
2. If the application is not completed within that period, the NHLCO shall send a second letter to the applicant with an additional two weeks to complete the application.
3. If the application is not completed within that period, the NHLCO shall deny the application as incomplete and send a letter to the applicant informing them of that and the opportunity to appeal.

F. TRACKING, ELIGIBILITY DETERMINATION, AND NOTICE.

1. The NHLCO shall establish and maintain a record of statistical data on the submission, processing, completion, eligibility, and financial assistance awards for applications.
2. Promptly upon completion of verification of an application and supporting documents, the NHLCO shall determine if the applicant is eligible for financial assistance and notify the applicant in writing via an eligibility letter mailed to the applicant's current mailing address indicated on the application.
3. If an applicant is determined to be ineligible, the eligibility letter shall state the reason(s) for the ineligibility and explain the right to request an administrative appeal within one month after the date of the letter.
4. If the applicant is eligible, the NHLCO shall place them on the waiting list in accordance with the preference ranking and include in the eligibility letter a statement explaining the placement and ranking.

G. REASONABLE ACCOMMODATIONS. If an applicant needs an interpreter, an interpreter may be selected by the applicant to interpret or speak on their behalf. If an applicant is disabled and needs reasonable accommodation, the NHLCO shall work and coordinate with the applicant and their family to assist the applicant for reasonable accommodation during the application process and, if eligible and awarded financial assistance, in provision of financial assistance.

H. TERMINATION OF ELIGIBLE APPLICATIONS. An application that was previously determined to be eligible for financial assistance shall be denied if:

1. the residence is destroyed, is rendered uninhabitable, or otherwise becomes unoccupied before approved housing or infrastructure financial assistance is provided; or
2. the applicant furnished false information, does not respond within one month after being contacted by the NHLCO, requests cancellation, or voluntarily declines financial assistance.

VII. PREFERENCE RANKING, REALLOCATION, AND WAITING LIST

A. GENERALLY.

1. Financial assistance shall be awarded based on the greatest demonstrated need for each Assistance Category.
2. Each eligible applicant shall be assigned a preference score in accordance with the preference ranking based on their need, with higher preference points for higher assistance need.
3. An assigned preference ranking does not guarantee assistance, but rather identifies priority groups for first consideration.

B. PREFERENCE RANKING. Eligible applicants shall be ranked for preference in the award of financial assistance based on the following, with greater relative needs given higher priorities:

1. **Housing:**
 - a. for applicants—income, household size, elderly, disability, medical condition, and veteran status; and
 - b. for housing need—home structure, foundation, roof, exterior shell and integrity, interior, safe heating system, or otherwise to satisfy the requirements for a decent, safe, and sanitary dwelling under ONHIR regulations, *see* 25 C.F.R. § 700.55.
2. **Infrastructure:**
 - a. for applicants—income, household size, elderly, disability, medical condition, and veteran status; and

- b. for infrastructure need—electricity, water and wastewater, solar energy, or otherwise to satisfy the requirements for a decent, safe, and sanitary dwelling under ONHIR regulations, *see* 25 C.F.R. § 700.55.

3. Scholarship:

- a. for applicants—income, household size, single parent, disability, medical condition, and veteran status; and
- b. for scholarship need—college or university, vocational training, and GPA.

C. FUND ASSISTANCE REALLOCATION. If there are insufficient qualified applicants to award the full allocated budget for any Assistance Category for a Seasonal Action, then the remaining budget for that Assistance Category for that Seasonal Action shall be awarded to qualified applicants for other Assistance Categories for that Seasonal Action.

D. WAITING LISTS.

1. For eligible applicants determined to be eligible, the NHLCO shall establish and maintain separate waiting lists for each Assistance Category, which shall remain open for new applicants.
2. Eligible applicants shall be placed on the respective waiting lists according to preference ranking, and the date and time of their complete application, such that the earlier application shall have priority over a later application of otherwise equal preference ranking.
3. Any applicant on the waiting list who wishes to be removed from the waiting list shall submit a notice in writing to the NHLCO.

E. FINAL DECISIONS.

1. **Basis.** The NHLCO shall decide each award for financial assistance based on the relevant application, available funds, preference ranking, and the wait lists.
2. **Impartiality.** The decisionmaker for the NHLCO for an application shall be fair and impartial and shall not be directly related to the applicant.
3. **Decisionmaker; Recusal.** If the NHLCO Executive Director shall make the decision on each application unless they determine that they have a conflict of interest which precludes them from providing an impartial decision on an application. In such situation, they shall recuse themselves from the matter and a designated substitute shall make the award decision, which shall note the recusal.
4. **Issuance and File.** Each decision shall be promptly given to the applicant and a copy thereof shall be included in the applicant's file.

5. **Finality.** The award decision for the NHLCO shall be final and binding for all purposes and is not subject to appeal or review.

VIII. FINANCIAL ASSISTANCE AWARDS

A. AWARD RESTRICTIONS. In addition to other applicable restrictions, including without limitation in FMP Section 1004(B)(3) prohibiting funding meeting stipends and per capita distributions, the following restrictions shall apply to the following Assistance Categories:

1. for housing or infrastructure financial assistance, awards to an applicant may be made once up to a maximum amount of \$5,000; and
2. for scholarships,
 - a. individual awards for attending a university, college, or vocational trade school may be made up to a maximum amount of \$1,000.
 - b. individual awards for attending enrichment or educational trips may be made up to a maximum amount of \$200; and
 - c. eligible applicants may apply for scholarship financial assistance on an annual basis as long as the applicant meets applicable requirements.

B. AWARD USE VERIFICATION. No later than three months after issuance of payment of financial assistance, the applicant therefor shall provide written documentation to the NHLCO verifying that the financial assistance has been fully used or otherwise completely allocated for its intended purpose, whether via receipt, contract, enrollment, or otherwise. The NHLCO may obtain information from third parties to verify any such use or completion and may conduct inspections to verify proper completion of work for housing or infrastructure assistance.

C. AWARD MISUSE PENALTY. Failure to timely use financial assistance for its intended purpose shall disqualify an applicant from eligibility for any further financial assistance from the Fund.

APPROVAL BY

Navajo-Hopi Land Commission

By

Its

Date Feb 15, 2024

CONCURRENCE BY:

Office of Navajo and Hopi Indian Relocation

By

Its

Date 4/25/24