



U.S. Department of Housing and Urban Development
Northwest Office of Native American Programs

April 4, 2017

Honorable Robert Kelly, Jr.
Chairman
Nooksack Indian Tribe
P. O. Box 157
Deming, WA 98244

Sent via certified mail, regular mail, and email

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Dear Chairman Kelly:

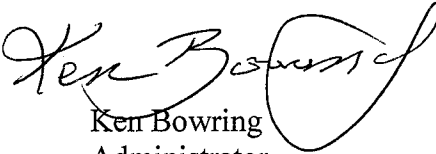
It has recently come to our attention that on March 22, 2017, the Nooksack Indian Housing Authority sent Notices of Termination to each of the following individuals: Olive Oshiro, Alex Nicol-Mills, Michelle Roberts, Norma Aldredge, and Francisco Rabang. These Notices of Termination are to be effective on April 23, 2017. According to the Notices, the sole basis for the termination is the purported disenrollment of these individuals from the Nooksack Indian Tribe. As explained below, these Notices of Termination are invalid. Therefore, all actions related to these terminations should cease, and the Notices of Termination to these individuals should be rescinded.

In an October 17, 2016, letter from the U.S. Department of Interior (DOI), DOI notified you that it will not recognize any actions taken by the Tribe's Tribal Council after March 24, 2016. DOI concluded that because the Tribe failed to hold an election and does not currently have a Tribal Council quorum, actions taken by the Tribal Council after March 24, 2016, are invalid and will not be recognized by DOI. In a subsequent letter dated December 23, 2016, DOI also notified you that it had become aware of orders of evictions that had been issued by the Tribe against members because they were subject to disenrollment proceedings. DOI stated that those orders were invalid and will not be recognized as lawful pursuant to its government-to-government relationship with the Tribe.

HUD defers to DOI regarding federal recognition of a tribal government. More specifically, HUD defers to DOI on whether to recognize the validity of actions taken by putative governmental representatives of a tribe for purposes of federal programs. Since it appears that these individuals were disenrolled after March 24, 2016, DOI does not consider the disenrollments to be valid actions of the Nooksack Indian Tribe. These pending evictions are, therefore, without cause and violate Section 207, Leasing Requirements and Tenant Selection, of the Native American Housing Assistance and Self-Determination Act (NAHASDA). If you proceed with these evictions or attempt to evict other similarly situated tribal members for the same reasons, HUD may determine that your actions constitute substantial noncompliance under 24 CFR § 1000.534.

If you have any questions, please feel free to contact me at (206) 220-5391.

Sincerely,


Ken Bowring
Administrator

cc: Ms. Katrice Romero
Housing Director, NIHA