

TESTIMONY OF GOVERNOR EVERETT CHAVEZ, PUEBLO OF SANTO DOMINGO
BEFORE THE COMMITTEE ON NATURAL RESOURCES OF THE U.S. HOUSE OF REPRESENTATIVES
ON H.R. 2523, THE HELPING EXPEDITE AND ADVANCE RESPONSIBLE TRIBAL HOMEOWNERSHIP
(HEARTH) ACT OCTOBER 21, 2009
1324 LONGWORTH HOUSE OFFICE BUILDING

Chairman Rahall, Ranking Member Hastings, distinguished members of the committee, thank you for inviting me here this morning to testify in support of H.R. 2523. I would also like to thank Representative Martin Heinrich of my home state of New Mexico for introducing this important legislation. My name is Everett Chavez, and I am honored to serve as Governor of the Pueblo of Santo Domingo. Santo Domingo Pueblo is a community of more than 5,000, located just 35 miles north of Albuquerque, New Mexico.

Owning a home is a fundamental part of the American Dream. Santo Domingo Pueblo has long struggled to provide adequate housing to our tribal members. Presently, we are thirty-five years behind in our housing; however, we've made progress in recent years thanks to federal policies like NAHASDA (the Native American Housing Assistance and Self Determination Act) and the HUD 184 Program. The Pueblo we still faces barriers in attracting private investment--banks are still hesitant to grant mortgages for houses on our reservation. One reason for that is the long process of receiving approval for long-term leases and leasehold mortgages from the Bureau of Indian Affairs. Once a tribe approves a lease and it is submitted to BIA for federal approval, the wait time is typically between six months and two years. Once a lease is approved, the leasehold mortgage goes through the same federal approval process, taking another two to six months. Banks are simply unwilling to wait this long to close a loan or finalize a sale. As a result, many of Santo Domingo's families choose to move to neighboring cities like Albuquerque because it is the only way they can realistically buy a home.

At Isleta Pueblo, the typical wait time for approval of a lease is six months and another two months for approval of the leasehold mortgage. At Laguna Pueblo, even though the BIA office is on the Pueblo, BIA delays in approving residential leases is over one year. It is not uncommon for the housing entity to have to submit a lease more than once to BIA as a result of misplacement of paperwork within BIA. In Ohkay Owingeh and Nambe Pueblo, the housing entities have waited longer than six months, and in Nambe's case, three years to obtain an approved residential lease.

At Acoma Pueblo, no home mortgaging occurs due to the traditional leaders' belief that the federal government should not set the rules for residential leasing by tribal members on tribal lands because those decisions are an internal matter. This decision has resulted in the middle class moving away from Acoma to buy homes in Albuquerque. In fact, even many Acoma tribal leaders who desperately want to live at the pueblo, where their families have lived for generations, choose to move to Albuquerque because they want the benefits of homeownership.

Most tribes, after realizing that they have to go through the BIA approval process twice to close one loan, are dissuaded from encouraging home mortgaging.

The federal government has important trust responsibilities to ensure that tribal land is protected and used for the benefit of tribes. Unfortunately, the current BIA leasing process is failing in that responsibility. The HEARTH Act would allow tribes like mine to make our own decisions about how our land is used. Within regulations crafted by our tribal government and approved by the Secretary of the Interior, the pueblo could complete the leasing process much more quickly than BIA can, allowing

greater investment in our community and allowing more Santo Domingo families to become homeowners.

The current leasing system is broken. This bill will allow my pueblo, and others like us, to build leasing systems that work for our people. On behalf of Santo Domingo Pueblo, I ask your support of H.R. 2523.

Thank you again for holding this hearing today, and I would be happy to answer any questions.