

GOVERNOR
George Rivera

LIEUTENANT GOVERNOR
Linda S. Diaz



SECRETARY
Stephanie Crosby

TREASURER
Mary Ann K. Fierro

PUEBLO OF POJOAQUE

GOVERNOR'S OFFICE
78 CITIES OF GOLD ROAD
SANTA FE, NEW MEXICO 87506
(505) 455-3334 FAX (505) 455-0174

**GEORGE RIVERA
GOVERNOR
PUEBLO OF POJOAQUE**

**ALYN MARTINEZ
HOUSING CORPORATION DIRECTOR
PUEBLO OF POJOAQUE**

**TESTIMONY
BEFORE THE COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE**

**MARCH 22, 2007, THURSDAY, 9:45 A.M.
RUSSELL SENATE OFFICE BUILDING, ROOM 485**

Good morning Chairman Dorgan and honorable members of the Senate Committee on Indian affairs. My name is George Rivera. I am the elected Governor of the Pueblo of Pojoaque. I have been the Governor of the Pueblo since 2004. From 1992 to 2004, I was Lieutenant Governor. With me is Alyn Martinez, Director of the Pueblo of Pojoaque Housing Corporation.

We are here today to thank Congress for providing funds for low and moderate income housing. We ask that you re-authorize the Native American Housing and Self-Determination Act (NAHASDA) and make changes so that the funds can be used to help more low and moderate income tribal members from smaller tribes, such as ours. Primarily, we are also here to share our housing success story. We will answer any questions you have about the nuts and bolts of funding tribal housing developments by using federal, state and tribal funds.

HISTORY OF THE PUEBLO OF POJOAQUE

The Pueblo of Pojoaque is located in a rural, high desert area, approximately 12 miles north of Santa Fe, New Mexico. According to the best scientific evidence, the Pueblo has been occupied since 1150 A.D. From 1540 to 1848, the Pueblo fell under Spanish, then Mexican domination. In 1848, the Pueblo became part of the United States. The Pueblo's Spanish land grant was confirmed by Congress in 1858 and patented by the United States on November 1, 1864. The confirmation was in the form of a quitclaim deed. The Pueblo of Pojoaque has always owned its land in communal title – the Pueblo has never been a federal reservation.

The original land grant was 13,438.15 acres. Between 1848 and 1913, the federal government did not protect the Pueblo from encroachment by outside settlers. In 1913, the United States Supreme Court held that the Pueblos of New Mexico were to be considered "Indians" for the purpose of protection by the federal government.

In a high desert, water is vital to survival. The Pueblo lost 1,845.64 acres of its best lands, located near the waterways, to encroachment by settlers. By 1913, due to the encroachment and loss of its irrigable lands, most of the Pueblo of Pojoaque members had left

the Pueblo to live and work in neighboring Pueblos and surrounding communities.

In 1924, the federal government, through the Pueblo Lands Act, authorized payments to the Pueblo for lands lost due to federal negligence. In 1932, five Pueblo of Pojoaque families returned to their traditional homelands and organized the community according to its traditional government. The traditional government has declined to adopt a Constitution. The traditional government consists of a Tribal Council, open to all enrolled members over the age of 18. The Tribal Council elects the tribal officials for a two-year period.

MODERN HISTORY

Until the 1980's, the Pueblo's unemployment rate was estimated at 80%. Due to the lack of economic opportunity, many tribal members lived and worked in neighboring Pueblos, communities, and throughout the United States.

To address the economic, zoning, infrastructure and housing problems, the Pueblo of Pojoaque Tribal Council adopted the W.C. Kruger and Associates Community Development Plan in May 1988. The Community Development Plan was a blueprint for activity within the 11,600 acres still owned by the Pueblo of Pojoaque. Substantial and successful economic growth followed the adoption of the plan. Today, we own and operate a golf course, two gas stations with convenience stores, two hotels, a convention center, a sandwich store franchise, a tourist information center, two restaurants, a supermarket, a hardware store, a laundromat, a mobile home park and an apartment complex. We lease space and buildings to outside businesses, a medical center and credit union. We also own and operate a casino with a buffet. There is 100% tribal member employment – a job is available for any member who wants it.

THE POPULATION SERVED

The Pueblo of Pojoaque enrolled members are young. According to the 1990 Census, there were 177 Pueblo members; currently there are 373 enrolled members. According to the New Mexico Voices for Children-Kids Count Special Report of 2005, the 2000 Census reported

that of the 311 Native Americans living on the Pueblo, 123, or 40 percent of the population, were under 18 years old. The Pueblo has a long list of young families who qualify for low- to moderate- level income housing. According to the current federal guidelines for the Santa Fe area, in order to qualify for low-level income housing, a family of four must not have a gross income exceeding \$26,400. According to current federal guidelines for the Santa Fe area, in order to qualify for moderate-level income housing, a family of four must not have a gross income exceeding \$39,600. Currently, rent for a three-bedroom subsidized home in the Santa Fe area may range from \$150 to \$891. The Pueblo only provides subsidized homes for enrolled members.

No casino funds have been used in the housing projects. The housing projects have been funded through the federal and state governments, with the Pueblo of Pojoaque providing the land, most of the labor, and administrative staff.

RECENT PUEBLO OF POJOAQUE HOUSING DEVELOPMENTS

Prior to 1988, Pueblo housing consisted of 40 Department of Housing and Urban Development (“HUD”)-financed homes located within the Pueblo’s main and north villages.

Since 2000, the Pueblo of Pojoaque has developed and completed construction on Phase I of the new housing project, known as White Sands. Phase II is now under construction. The housing projects are located within the Pueblo on 200 acres of Pueblo-owned land. The first phase of the White Sands Housing Development was begun under the auspices of Pojoaque Limited Liability Company #1, a tribally chartered corporation. Thirty low-income houses were built.

White Sands, Phase I, cost approximately \$5,500,000. The costs were for infrastructure and home construction. NAHASDA funds provided \$36,000 a year for 20 years. The Pueblo secured a \$400,000 bank “construction gap” loan using part of the NAHASDA funds as collateral. \$3,000,000 was provided through the federal and state tax credit program. \$400,000 was provided by Indian Health Services for water and sewer infrastructure. \$300,000 was

provided through the Affordable Housing Program (“AHP”) – a program provided through regional banks. \$400,000 was provided by the HUD-Rural Housing and Economic Development (“RHED”) program, for power, gas and telecom infrastructure. \$1,000,000 was provided by the Bureau of Indian Affairs (“BIA”) for roads.

The second phase of the White Sands Housing Development was begun through the auspices of Pojoaque Limited Liability Company #2. Twenty low-to-moderate income homes are being built. The project has cost \$4,150,000.

The federal and state tax credit program provided \$2,000,000. The Pueblo used a tribal Certificate of Deposit as collateral to secure a \$400,000 bank security loan. The \$400,000 bank security loan was then used to secure a \$310,000 AHP Grant. \$605,000 was provided by the HUD-Indian Community Development Block Grant (“ICDBG”) program. \$300,000 was provided by RHED. \$300,000 was provided by the New Mexico Tribal Infrastructure Fund. \$360,000 was provided by the Indian Health Service for sewer and water infrastructure. The funding for the road infrastructure is not complete.

THE PROBLEMS AND RECOMMENDED SOLUTIONS

1. NAHASDA does not allow for funds to be used for maintenance of the homes on the most recent housing projects, such as phase I of White Sands. The original federal funding for the first 40 homes on the Pueblo of Pojoaque included funding for maintenance of the homes. Maintenance over the 15-year life of the home may exceed the budget of a low- or moderate-income level owner. The burden for maintenance of the homes falls upon the Pueblo of Pojoaque or the low-or moderate-income level owners. The Pueblo believes that NAHASDA should allow, or restore, funds to be used for maintenance of the homes on housing projects that NAHASDA helps fund.
2. NAHASDA and IHS funds are mutually exclusive. In other words, if NAHASDA funds are used for the housing project for any purpose, IHS will prorate the amount of IHS infrastructure funds that can be used for the housing project.

For example, the NAHASDA funds that were used as leverage to supplement Phase I construction funds (the “construction gap loan”) were deducted from the IHS infrastructure budget. Therefore, there was an unintended consequence for the overall project – there was a tradeoff in the quality of wastewater systems in Phase I. Due to the deduction by IHS of NAHASDA funds, the Pueblo was not able to fund alternative wastewater systems.

Also, by curing the problem of securing a “construction gap loan” for Phase I with future pledges of NAHASDA funds, the Pueblo has used all of those NAHASDA funds. The needs for future housing remains. However, the NAHASDA formula for funding does not address our small tribe’s future housing needs. According to the current formula, we cannot access NAHASDA funds unless our population grows – yet we still have housing needs not addressed.

The solution is to allow NAHASDA funds to supplement the IHS infrastructure funds, without deducting the NAHASDA contribution from the IHS infrastructure funds.

NAHASDA funding should also be increased to allow all tribes to address their housing needs.

3. The Pueblo of Pojoaque has proven that by using creative financing, tribal housing needs can be addressed. NAHASDA does not currently provide goals or incentives for smaller tribes to meet all of the housing needs. The economies of scale should be incorporated in NAHASDA funding formulas. With a goal-based, incentive laden formula, the Pueblo of Pojoaque could meet all of its housing needs by using federal, state and tribal financing.