

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 08-cv-00451-RPM

TLINGIT-HAIDA REGIONAL HOUSING AUTHORITY,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT;
SHAUN DONOVAN, Secretary of Housing and Urban Development;
DEBORAH A. HERNANDEZ, General Deputy Assistant Secretary for Public and Indian
Housing; and
GLENDA GREEN, Director, Office of Grants Management, Office of Native
American Programs,

Defendants.

FINAL JUDGMENT

Pursuant to the Findings, Conclusions and Order for Judgment entered by Senior District Judge Richard P. Matsch on June 19, 2014, it is

ORDERED that the Defendants shall restore to Plaintiff Tlingit-Haida Regional Housing Authority the amount of \$1,139,658, for Indian Housing Block Grant (“IHBG”) funds that were illegally recaptured from the Plaintiff for fiscal years 1998 through 2002. Any such restoration shall be in addition to the full IHBG allocation that would otherwise be due to the Plaintiff under the Native American Housing Assistance and Self-Determination Act (“NAHASDA”) in a given fiscal year as calculated without application of the amount of the Judgment; it is

FURTHER ORDERED that Defendants shall make restoration of the IHBG funds from all available sources, including, but not limited to the funds set aside for Plaintiff's benefit by stipulation of the parties on March 6, 2008 and ordered by this court in an Order entered on March 18, 2008 in the amount of \$1,499,887; it is

FURTHER ORDERED that the restoration of grant funds to the Plaintiff from the amount set aside pursuant to the parties' stipulation dated March 6, 2008 shall occur within 30 (thirty) days of Judgment; it is

FURTHER ORDERED that with respect to grant funding for those fiscal years from FY 1997 through and including 2008, the Defendants shall refrain from threatening or implementing any recapture of IHBG funds from the Plaintiff and shall not act upon any threatened recapture without first complying with the requirements of Section 401(a) of the NAHASDA [25 U.S.C. § 4161(a)] as that subsection existed prior to the effective date of Public Law 110-411, and it is

FURTHER ORDERED that the Plaintiff is awarded its costs to be taxed upon the filing of a Bill of Costs pursuant to D.C.COLO.LCivR 54.1.

Date: June 19, 2014

FOR THE COURT:

JEFFREY P. COLWELL, CLERK OF THE COURT

By: s/M. V. Wentz
Deputy Clerk

APPROVED:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge