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NATIONAL AMERICAN INDIAN HOUSING COUNCIL

BEFORE THE U.S. SENATE COMMITTEE ON INDIAN AFFAIRS

OVERSIGHT HEARING

TO EXAMINE THE INCREASE OF GANG ACTIVITY IN INDIAN COUNTRY

August 10, 2009

INTRODUCTION

On behalf of the National American Indian Housing Council (“NAIHC”), I am pleased to submit the following statement to the Committee on Indian Affairs (“Committee”) for the hearing record regarding its July 30, 2009, Oversight Hearing on Increased Gang Activity in Indian Country.

As the Committee knows, I serve as the Executive Director of the Kodiak Island Housing Authority in Kodiak, Alaska. I am an enrolled member of the Lesnoi Village, Kodiak Island, Alaska. I am also the Chairman of the National American Indian Housing Council (“NAIHC”).

The National American Indian Housing Council was founded in 1974 to support and advocate for tribes and tribally designated housing entities (“TDHEs”), and for 35 years, the NAIHC has worked to assist Indian tribes achieve their objectives of providing housing, housing-related infrastructure, and community development for their members.

The NAIHC is the only national Indian organization whose sole mission is to represent Native American housing interests throughout the Nation. The NAIHC consists of 267 members representing 460 Indian tribes in the lower 48 states and the State of Alaska. I am pleased to report to the Committee that in 2008, the Department of Hawaiian Homelands (“DHHL”) became an active and voting member of the NAIHC and we continue to work with the DHHL on issues of concern to their members.

At the outset, I would like to thank the Chairman, Vice Chairman and the Committee for holding this Oversight Hearing to Examine the Increase of Gang Activity in Indian Country. It is a sad but well-known fact that even before the collapse of the American housing and financial sectors in the fall of 2008, most American Indian and Alaska Native communities were plagued by extraordinarily high unemployment and poverty rates. These conditions, combined with geographical remoteness and scarce law enforcement resources, have made Native American communities ripe for crime and drug-related activity. A parallel development in our communities is the proliferation of gang activity and other criminal behavior.

I would also like to thank Chairman Dorgan for his leadership on tribal housing issues, which he has consistently recognized as the key to improved health and broad economic development in Native America. The year 2008 was a landmark year for Indian Country and Indian Housing, in particular, as the Native American Housing Assistance and Self-Determination Act (“NAHASDA”) was reauthorized and updated to provide tribes and Native American communities with new and creative tools necessary to develop culturally relevant, safe, decent and affordable housing for Native people.

While we celebrate the hope that NAHASDA presents us for improving the quality of life and living conditions for Native Americans, we must not lose sight of the stark conditions that still exist on most Indian reservations, in most Alaska Native communities, and on Hawaiian Home Lands. Housing conditions in Native communities compare very unfavorably with those of other Americans. An estimated 200,000 housing units are needed immediately just to meet current demand, and we estimate that there are approximately 90,000 Native families that are either homeless or under-housed and living in overcrowded situations. A large percentage of existing homes are in great need of rehabilitation, repair and weatherization. Economic conditions are even worse: unemployment rates on Indian reservations, even before the current recessionary period, were typically well over 50 percent and in some places as high as 80 percent.

Against this backdrop, NAIHC presents the following perspectives and recommendations to improve housing and living conditions for Native Americans by taking proactive and creative approaches to crime and drug activity in Native communities.

THE INDIAN HOUSING BLOCK GRANT

The Indian Housing Block Grant (“IHBG”) is the central feature of the NAHASDA and is the single largest Federal source of capital for housing development, housing-related infrastructure, and home repair and maintenance in Indian Country. Current funding levels do not meet all tribal housing needs and have not kept pace with increasing costs of construction materials, energy costs, and other inflationary factors since 1997. In fact, Federal funding for the IHBG has been relatively flat since Fiscal Year 2002 and with increasing housing demands and the erosion in purchasing power caused by inflation, Native communities have been hard hit by this failure of Congress to appropriate sufficient funding.

The NAHASDA statute contains a definition of the term “eligible affordable housing activities” and lists those activities that may be undertaken with NAHASDA assistance including new construction, rehabilitation, acquisition, infrastructure, and various support services. Housing assisted with these funds may be either for rental units or for homeownership. NAHASDA funds can also be used for certain types of community facilities if the facilities serve eligible, low-income residents.

Housing development in Native American communities involves more than simply building dwelling units. Some of these affordable eligible activities can be designed to fight crime and drugs in tribal housing. The IHBG can also be steered towards crime prevention activities such as safety, security and law enforcement measures and activities that protect residents of affordable housing from crime. Certain activities, with HUD approval, can also be carried out as model activities.

THE USE OF “DRUG DOGS” IN NATIVE COMMUNITIES

One Indian tribe, the Bay Mills Indian Community in Brimley, Michigan, identified the growing prevalence of drugs as such a threat to their community that it devoted precious housing resources to partner with the tribal police. The Bay Mills Housing Authority contributed of a portion its IHBG to purchase, train and house a canine (“K-9”) unit and a squad car for the department. Maintaining a drug free community as a top priority, the Housing Authority determined that a K-9 unit is essential in their fight to keep the community safe and drug free by

patrolling their properties and searching their buildings. The community experienced a drop in criminal activities almost immediately. In 2005, the officer and his K-9 partner were recognized with an “officer of the year” award.

LAW ENFORCEMENT EXEMPTION

Recognizing the value of community policing and the very physical presence of law enforcement personnel, the NAHASDA statute authorizes waivers of the low-income requirement in cases where the law enforcement officer and his or her family would reside in the tribe’s service area. This provision, contained at 25 U.S.C. §4131(4), is meant to provide housing to such officers and incentivize living in the community to deter criminal behavior.

SIMPLE MAINTENANCE AND THE “BROKEN WINDOW PHENOMENON”

One practice that has resulted in deterrence of criminal behavior in residential communities is to provide general timely maintenance to existing housing structures and undertake such activities as fixing broken windows in those units. These maintenance activities demonstrate the will of the community to not tolerate eyesores and other failed infrastructure and go a long way in preventing vandalism which, once begun, can escalate to include more serious property damage and related crime.

Tribal housing authorities are no stranger to the phenomenon and devote resources to maintaining housing units from ordinary wear and tear which becomes exacerbated by other activities. More resources spent on broken windows means less for new home development and other tenant services.

METHAMPHETAMINE

Crime and drugs are together fueling increasing disorder and pain in Native communities. Perhaps the starkest example of this unholy synergy is the proliferation of methamphetamine “labs” on Indian reservations. Because most American Indian reservations and Alaska Native communities are in geographically remote and rural areas, methamphetamine producers have

built “meth labs” in tribal housing units. These purveyors of pain are also targeting Indian populations --- especially those tribes that regularly issue per capita payments to tribal members - --- which they view as a solid source of demand for their products. In the process, tribal housing resources get diverted into training housing personnel to identify meth labs. Scarce resources are further diverted to the abatement, clean up and remediation of tribal housing contaminated by the toxic chemical stew created by meth labs.

To help address this growing problem, the NAIHC has offered Methamphetamine Awareness and Abatement training to tribal housing staff since 2005. The overall goal of that training is to increase awareness of the impact that meth has on tribal housing employees, tenants, and community quality of life. The abatement section provides practical means to help tribal housing staff recognize use and trafficking patterns while strengthening proactive response through ordinances, inspections, codes and policy. In 2009, meth trainings accounted for about 6 percent of our total training sessions, however, in 2006, meth trainings were as high as 20 percent of our total training sessions and attendance exceeded all other training sessions combined that NAIHC offered. While targeted at tribal housing, the sessions were often attended by tribal police officers, tribal health department staff and other community organizations concerned with the meth problem and how to recognize its impacts on their community.

INDIAN DEVELOPMENT INVOLVES MULTIPLE PROGRAMS, AGENCIES

Since its enactment, NAHASDA has enhanced tribal capacity to address the substandard housing and infrastructure conditions by encouraging greater self-management of housing programs, greater leveraging of scarce IHBG dollars, and greater use of private capital through Federal loan guarantee mechanisms. A related program to the IHBG is the Indian Community Development Block Grant (ICDBG), which can be used to construct law enforcement and justice facilities under certain conditions.

The ICDBG can be used for the development of community facilities such as a recreational center, shelter for the homeless or halfway house for drug offenders. It cannot be used for buildings for the “general conduct of government” which means offices where legislative, judicial or administrative activities take place. In other words, ICDBG can be used

for the development of a police station or a jail or prison, but not a police headquarters or courthouse.

Although a great program, few tribes have capacity to apply for the grant. Not only is the ICDBG highly competitive, it has a rigorous application process. If a tribe decides to apply, Native communities that experience higher rates of criminal and drug activity will have to decide whether to prioritize addressing the criminal justice needs in the community at the expense of other community needs such as a hospital, a domestic violence shelter or a convalescent home for eldercare.

DEPARTMENT OF JUSTICE PROGRAMS

As with many local and state governments, tribes have to prioritize, plan and pay for their community development through a variety of funding sources including Federal resources. As housing and community development go hand in hand, governmental services for Native Americans are often associated with tribal housing programs.

The U.S. Departments of Justice (DOJ) and Housing and Urban Development (HUD) joined together to assist in the investigation, prosecution, and prevention of violent crimes and drug offenses in public and federally assisted housing, including Indian housing. This crime prevention effort, known as the Public Housing Safety Initiative (PHSI) is executed directly through U.S. Attorneys' Offices, Weed and Seed sites and local public housing authorities.

The PHSI sites develop strategic plans for federal state and local law enforcement. Advisory committees comprised law enforcement and community-based organizations to provide guidance and leadership in developing the plans. The PHSI plans, which may target anything from homicide to drugs to guns to gang crime, combine strong enforcement with vigorous prosecution efforts. Some crime prevention strategies may include programs such as Safe Haven, after-school enrichment activities, treatment options, and offender reentry initiatives. Other activities include inviting affordable housing developers, public housing authorities, and other partners to participate in planning and enhancing long-term solutions for the community. The strategic plans also include outcome-based performance measures to guide the implementation and documentation of these efforts.

THE DRUG ELIMINATION PROGRAM AND INDIAN HOUSING

The U.S. Department of Housing and Urban Development's ("HUD") Public and Indian Housing Drug Elimination Program ("PIHDEP") was enacted to reduce crime and drug use in public housing communities. PIHDEP was created by the Anti-Drug Abuse Act of 1988, and provided funds for activities that would reduce or eliminate drug related crime in public housing communities. These activities included employing security personnel, developing programs to reduce/eliminate the use of drugs, funding resident organizations to develop security and drug-abuse prevention programs, making physical changes to improve security, and reimbursing local police for additional security services. Specifically, PIHDEP provided resources for Housing Authorities to work with law enforcement, citizens groups, Boys and Girls Clubs, and other community-based organizations to develop anti-crime initiatives.

The total available funding for PIHDEP was \$8.2 million in 1988 and had risen to \$310 million in 2001. The PIHDEP program has been without authorization since 2002, but on June 23, 2009 Senator Tim Johnson (D-SD) introduced the "Public and Indian Housing Crime and Drug Elimination Program Reauthorization Act of 2009" (S.1327). The legislation would authorize grants and direct payments to Public Housing Authorities, Tribally Designated Housing Entities, and Indian Housing Authorities for the prevention and elimination of crime and drug use in public housing.

Senator Johnson's bill would reauthorize the PIHDEP through 2014. The legislation also sets aside no less than two percent of the funding for HUD's Office of Policy Development and Research and requires HUD to conduct an effectiveness study on strategies that reduce and prevent violent and drug related crime in public and Indian low-income housing.

CONCLUSION

In very practical ways, community development in Native American communities suffers at the expense of fighting criminal and gang activity. Basic physical infrastructure and amenities such as water and wastewater infrastructure, electricity, heat and cooling systems, are extremely costly endeavors and one reason for the high cost of housing development in Native communities. While there are tools available for TDHEs to fight crime, devotion of these resources to combat drug and criminal activity decreases resources to build homes, community centers and housing related infrastructure.

Thank you for the opportunity to provide the perspectives of the NAIHC. Your continued support of Native American communities is truly appreciated and the NAIHC is eager to work with the Committee on initiatives to improve the Indian housing programs and living conditions for America's indigenous people.