

National American Indian Housing Council

Native American Housing and Community
Development Recommendations
to the White House



White House Tribal Nations Conference

November 5, 2009



About NAIHC

The National American Indian Housing Council (NAIHC) is the only national organization representing housing interests of Native people who reside on reservations, in other Indian communities, in Alaska Native Villages, and on native Hawaiian Home Lands. Founded in 1974 as a 501(c)(3) corporation, the NAIHC is composed of 270 members representing 463 tribes and housing organizations. NAIHC is guided by a 10-member Board of Directors representing Native housing agencies in nine geographical regions throughout the United States. NAIHC promotes and supports Native housing agencies in their efforts to provide culturally relevant and quality affordable housing on behalf of Native people.

NAIHC Services

NAIHC services to its members and the general public include:

- Advocacy for housing opportunities and increased funding for Native American housing, community and economic development programs;
- Training in many areas of Indian housing management;
- On-site technical assistance to Indian housing professionals; and
- Research and information services on Indian housing issues and programs.

NAIHC is supported by member dues and fees, government, foundation, association and private grants. If you are interested in supporting the work of NAIHC, please contact us at (202) 789-1754.

NATIVE AMERICAN HOUSING AND COMMUNITY DEVELOPMENT

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The United States, through Congress and the Administration, must work with Native American housing and community development practitioners, national Native organizations and tribal nations to address critical housing and housing related community development issues in Indian Country. Representatives from the Native American housing and community development sector should continue to have access to and work with President Barack Obama's senior advisors and senior cabinet officials to assist tribes in their efforts to provide culturally relevant and quality affordable housing for their people.

While there have been improvements, Indian housing is still far more substandard than the rest of the country. An estimated 200,000 housing units are needed immediately in Indian Country and approximately 90,000 Native families are homeless or under-housed. Overcrowding on tribal lands is almost 15 percent, and 11 percent of Indian homes lack complete plumbing and kitchen facilities.

ISSUES REQUIRING ATTENTION BY THE OBAMA ADMINISTRATION

A myriad of issues – some related to funding, others related to the operation and management of Federal housing and development programs – justify the focused attention of the Administration. Policy recommendations include:

ENHANCE THE DELIVERY OF FEDERAL TRIBAL HOUSING PROGRAMS

- **Negotiated Rulemaking** – Re-institute a vigorous negotiated rulemaking procedure with tribal governments and housing authorities so that the impacts and consequences of proposed

Federal actions can be fully debated and agreed, prior to implementation.

- **Leveraging** – Build, expand, and enhance the housing development and leveraging capacity of tribes, as distinguished from simply improving housing management skills according to Federal guidelines.
- **Integrated Funding** – Statutory and regulatory barriers prevent closer coordination of efforts – both Federal and tribal – for Indian housing and related economic development programs to fully achieve their goals. While existing tools such as 638 contracting and Tribal Self Governance enable tribes to reduce or eliminate these barriers within a Federal agency, there is no such tool that would empower Indian tribes to reduce or eliminate barriers across two or more Federal agencies. For instance, the construction of a housing development involves roads, homes, electrical, water and wastewater infrastructure, and any other number of amenities.
- **Interagency Native American Housing Task Force** – Since several Federal agencies administer programs to provide and enhance Native American housing, an interagency Native American Housing Task Force of politically appointed officials should be convened to enhance the Federal programs and services to advance housing development in Native American communities. Tribal representatives should meet with the Task Force on an on-going basis to identify and present strategies to address the most pressing issues related to housing and community development.

Federal agencies should include:

- U.S. Department of Housing and Urban Development (Public and Indian Housing, Office of Native American Programs);
- U.S. Department of Health and Human Services (Indian Health Service (IHS) and Administration for Native Americans (ANA));

- U.S. Department of Agriculture (Housing and Community Facilities Programs);
- U.S. Department of the Interior (Bureau of Indian Affairs Housing Improvement Program);
- U.S. Department of Veterans Affairs (VA Direct Home Loans for Native American Veterans Living on Trust Lands); and
- White House Office of National Drug Control Policy.

Tribal Participants should include:

- Elected tribal officials;
- The National American Indian Housing Council (NAIHC) Board of Directors and designated staff;
- Representatives of Native housing from throughout the United States;
- NAIHC Regional Housing Association representatives from each of the nine regions;
- AMERIND Risk Management Board representatives and designated staff;
- Office of Hawaiian Affairs representative(s); and
- Department of Hawaiian Home Lands representative(s).

EXPANDING OPPORTUNITIES FOR NATIVE AMERICAN HOUSING

- **Physical Infrastructure** – Assist Indian tribes in the construction and maintenance of physical infrastructure including methods of financing similar to those available to state and local governments.

- **Housing Foundation** – Establish a Native American Housing Foundation, a Federally-chartered foundation, authorized to accept gifts and donations of real property or money from private entities. Proceeds would be used by the HUD's Office of Native American Programs to supplement its appropriated funds and these additional resources would be channeled into Indian housing and related economic development activities.

OVERVIEW OF INDIAN HOUSING

FEDERAL PUBLIC HOUSING PROGRAMS AND TRIBES

In the early 1960s, the Public Housing Administration determined that American Indians on reservations and in other areas were eligible to participate in certain programs under the *U.S. Housing Act of 1937* (1937 Housing Act). Subsequently, the regional offices of the U.S. Department of Housing and Urban Development (HUD) administered programs to tribes in their areas. By the mid-1970s, HUD created Offices of Indian Programs in Denver and San Francisco to exclusively administer Indian housing programs. Finally, in 1992, Section 902 of the *Housing and Community Development Act of 1974* created the current entity, the Office of Native American Programs (ONAP) to administer Indian housing programs.

FEDERAL TRIBAL HOUSING PROGRAMS

The *Native American Housing Assistance and Self-Determination Act of 1996*, as amended (NAHASDA), established the Indian Housing Block Grant (IHBG) program and the Title VI loan guarantee program.

NAHASDA consolidated prior low-income housing programs into a single, block grant program based on need. The annual IHBGs are awarded to eligible Indian tribes or their tribally designated housing entities (TDHEs) for a range of affordable housing activities that primarily benefit low-income Indian families living on Indian reservations or in other Indian areas. The amount of each grant is based on a formula that considers need and the amount of existing housing stock.

The Title VI program offers these same recipients (tribes and TDHEs) a loan guarantee program that encourages long-term projects and the leveraging of a variety of funding sources. Under Title VI, HUD can guarantee 95 percent of a loan for affordable housing activities. Borrowers pledge a portion of their current and future IHBG funds as security. This program has provided incentive for lenders to get involved in the development of tribal housing.

NAHASDA OBJECTIVES

The primary objectives of NAHASDA are to:

- Assist and promote affordable housing activities to develop, maintain and operate affordable housing in safe and healthy environments on Indian reservations and in other Indian areas for occupancy by low-income Indian families;
- Ensure better access to private mortgage markets for Indian tribes and their members and to promote self-sufficiency of Indian tribes and their members;
- Coordinate activities to provide housing for Indian tribes and their members and to promote self-sufficiency of Indian tribes and their members;
- Plan for and integrate infrastructure resources for Indian tribes; and
- Promote the development of private capital markets in Indian country and to allow such markets to operate and grow, thereby benefiting Indian communities.

NAHASDA recognizes the right of tribal self-governance and the unique relationship between the Federal government and the governments of Indian tribes, established by long-standing treaties, court decisions, statutes, Executive Orders and the U.S. Constitution. NAHASDA encourages tribes to develop and operate innovative housing programs based on local needs. Some of these local programs would not have been eligible activities under the *1937 Housing Act*, including down-payment and other mortgage assistance programs, transitional housing, building domestic abuse shelters and creating revolving loan funds.

It is clear that the United States Congress took an important step toward fulfilling its obligation to tribes with the passage of NAHASDA. NAHASDA recognizes the Federal government's trust obligation by

providing housing assistance through a block grant that allows tribal governments the opportunity to design successful programs in a way that comports with tribal self-determination.

Programs that are currently administered by HUD's ONAP include the:

- Indian Housing Block Grant
- Native Hawaiian Housing Block Grant
- Indian Community Development Block Grant (competitive)
- Title VI, Federal Guarantees for Financing for Tribal Housing Activities
- Section 184, Loan Guarantees for Indian Housing
- Section 184A, Loan Guarantees for Native Hawaiian Housing

ON THE ROAD TO SELF-DETERMINATION

NAHASDA attempted to remedy the acute housing problems that Native Americans face by recognizing that tribes are sovereign nations with separate and unique needs. Although NAHASDA changed how housing programs for Native Americans are administered, Native Americans must still find "creative ways" to meet their needs because funding remains inadequate.