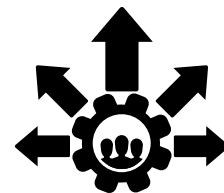


# Native American, Alaska Native, and Native Hawaiian Housing Programs



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**T**he Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) is the main piece of federal legislation designed to address Native American housing issues. NAHASDA has three major components: (1) The Indian Housing Block Grant (IHBG) program; (2) Title VIII Housing Assistance for Native Hawaiians, which includes the Native Hawaiian Housing Block Grant (NHHBG) program and the Section 184A Native Hawaiian Housing Loan Guarantee program; and, (3) Title VI Tribal Housing Activities Loan Guarantee program.

Enacted in 1996, NAHASDA provides assistance to Indian tribes to allow affordable housing-related activities for low income families residing on reservations and other tribal areas. The act, which became effective in October 1997, resulted in the largest change in the history of federal housing programs available to tribal housing entities, and it recognized tribal sovereignty and self-determination. NAHASDA recipients act as beneficiaries of this federal housing program, and are free to exercise their authority throughout the NAHASDA process; before NAHASDA, a tribal housing program was often separate from the tribe.

NAHASDA's reauthorization was due in 2013. A unified position from Indian tribes on NAHASDA reauthorization was developed in 2012 and presented to Members of Congress for consideration at the outset of the 113th Congress. In preparation, the National American Indian Housing Council (NAIHC) conducted a series of regional outreach sessions throughout the U.S. to gather policy recommendations and input from individuals and tribes responsible for administering NAHASDA programs. On March 1, 2013, NAIHC published a NAHASDA discussion draft bill and shared it with Members of Congress, essentially providing a starting point for legislative drafting. This resulted in the development of several legislative proposals, S.1352 and its counterparts in the House of Representatives, H.R. 4277 and H.R. 4329. Indian country remains unified in backing reauthorization efforts on Capitol Hill, however, a

year-end push to send the House-approved H.R. 4329 through the Senate ultimately failed, and NAHASDA Reauthorization will again be sought in 2015.

Other housing programs that address Native American housing issues include the Indian Community Development Block Grant program and the Indian Home Loan Guarantee program (Section 184), both of which are part of the Housing and Community Development Act of 1992.

## HISTORY AND PURPOSE

Stemming from treaties with Indian tribes, federal statutes, court decisions, executive agreements, and the course of dealings and other federal policy from the early 1800s, the United States has a trust responsibility to Native American tribes and people. This unique legal and political relationship with Indian tribes is fiduciary in nature, with the federal government serving as trustee with a duty of protection toward tribes as beneficiaries. The trust responsibility extends to areas of health care, education, natural resources, and housing. Under the U.S. Housing Act of 1937, Congress addressed the housing needs of low income Americans, and in 1961 Indian tribes became eligible for assistance under programs operated by HUD.

HUD regional offices administered programs to tribes in their areas. By the mid-1970s, HUD had created Offices of Indian Programs in Denver and in San Francisco to exclusively administer Indian housing programs. Finally, in 1992, Section 902 of the Housing and Community Development Act created the current entity, the Office of Native American Programs.

NAHASDA was enacted in 1996 and consolidated multiple federal housing assistance programs into a single block grant for Indian tribes or tribally designated housing entities to provide affordable housing for low income families residing on reservations and tribal areas. On October 14, 2008, NAHASDA was amended and reauthorized through FY13 and we are looking forward to reauthorization in the coming months.

The face of housing in Native American communities is as diverse as the communities it serves. Overcrowding, poverty, unemployment, low household incomes, rapidly increasing population, and lack of infrastructure are just some of the challenges that vex American Indians, Alaska Natives, and native Hawaiians. The chronic problems associated with needs exceeding resources inspire creativity and unique leveraging of funding to address severe housing shortages.

According to the U.S. Census Bureau's 2006-2010 American Community Survey, of the approximately 142,000 housing units in tribal communities, 8.6% lack plumbing facilities, 7.5% lack kitchen facilities, and 18.9% lack telephone service (compared to national rates of less than one percent).

## PROGRAM SUMMARY

NAHASDA fundamentally reformed how the federal government meets its trust responsibility and Native American housing: It addresses the need for affordable homes in safe and healthy environments on Indian reservations, Alaska Native villages, and on native Hawaiian home lands.

NAHASDA enhances tribal capacity to address the substandard housing and infrastructure conditions in tribal communities by encouraging greater self-management of housing programs and by encouraging private sector financing to complement limited IHBG dollars. The amounts of annual IHBGs are based on a formula that considers need and the amount of existing housing stock. The grants are awarded to eligible Indian tribes or their tribally designated housing entities for a range of affordable housing activities that primarily benefit low income Indian families living on Indian reservations or in other Indian areas.

Activities eligible to be funded with NAHASDA assistance include new construction, rehabilitation, acquisition, infrastructure, and various support services. Housing assisted with these funds may be either rental or homeowner units. NAHASDA funds can also be used for certain types of community facilities if the facilities serve eligible low income Indian families who reside in affordable housing. Generally, only families with incomes that do not exceed 80% of the area median income are eligible for assistance.

The NAHASDA Reauthorization Act of 2008 had broad bipartisan support in both chambers of Congress. Amendments to the program

included: removing competitive procurement rules for purchases under \$5,000; recognizing tribal preference laws for NAHASDA hiring and contracting; permitting tribes to carry over funds to a subsequent grant year; and, establishing a reserve account for up to 20% of a tribe's annual NAHASDA grant amounts. Before these changes could go into effect, tribes and HUD had to complete a Negotiated Rulemaking Process. In 2010, a Negotiated Rulemaking Committee was formed and six sessions were held to discuss and negotiate a proposed rule. In 2011, the proposed rule was sent to tribes for comment and review before the regulations became effective in early 2013.

## NATIVE HAWAIIANS

In 2000, NAHASDA was amended to create a separate title addressing the housing and related community development needs of native Hawaiians. Title VIII Housing Assistance for Native Hawaiians includes the NHHBG program and the Section 184A Native Hawaiian Housing Loan Guarantee program. The NHHBG program provides eligible affordable housing assistance to low income native Hawaiians eligible to reside on Hawaiian home lands. Since 2005, Title VIII has not been reauthorized. NHHBG has, however, been funded each year.

The Department of Hawaiian Home Lands (DHHL), the sole recipient of NHHBG funding, uses the funds for new construction, rehabilitation, acquisition, infrastructure, and various support services. Housing can be either rental or homeownership. The NHHBG can also be used for certain types of community facilities if the facilities serve eligible residents of affordable housing. DHHL also uses the funds to provide housing services, including homeownership counseling and technical assistance, to prepare families for home purchase and ownership.

The Hawaiian Homelands Homeownership Act of 2000 added a new Section 184A to the Housing and Community Development Act of 1992, authorizing the Native Hawaiian Housing Loan Guarantee program. The purpose of the Section 184A loan guarantee is to provide access to sources of private financing on native Hawaiian home lands. The program is designed to offer homeownership, property rehabilitation, and new construction opportunities for eligible native Hawaiian individuals and families wanting to own a home on Hawaiian home lands.

## FUNDING

The IHBG program was funded at \$700 million in FY10, \$648 million in FY11, \$650 million in FY12, \$650 million in FY13, and \$650 million in FY14. The administration proposed \$650 for FY15. The NHHBG program was funded at \$13 million in FY10, FY11, and FY12 and FY13 and \$10 million in FY14. The administration proposed \$13 for FY15. Federal programs may experience funding cuts over the coming years which will add to the existing difficult environment on Capitol Hill.

## WHAT TO SAY TO LEGISLATORS

**NAHASDA reauthorization.** NAHASDA has been up for reauthorization since the end of FY13. NAHASDA programs are currently being administered without reauthorization and we strongly urge Congress to pass legislation to reauthorize these vital housing program dollars. Advocates should be aware of tribal positions identified throughout 2012 and 2013 in the reauthorization process and support enactment in the 114th Congress, please visit [www.naihc.net](http://www.naihc.net) for additional information, including copies of NAIHC draft legislation and S. 1352, H.R. 4277 and H.R. 4329.

Protecting and increasing funding for NAHASDA is an ongoing issue for advocates to be aware of, but of nearly equal importance is the Act's implementation, which has been plagued by delay and lack of consultation with tribes.

Tribes across the country are striving for sustainability without federal subsidies to complement the values of sovereignty and self-determination. The federal government must fulfill its trust responsibility in supporting tribal development. NAHASDA and the Low income Housing Tax Credit Program have created new and exciting opportunities for tribes to improve their communities. It is vital that the federal government work in partnership with tribal governments to improve housing and economic development conditions in tribal communities.

**Native Hawaiian reauthorization.** The Title VIII program was included in the House version of NAHASDA reauthorization in 2008, but not in the final bill. The Hawaiian Homeownership Opportunity Act of 2011 (H.R. 2648 and S. 65) was introduced in the 112th Congress and would

have reauthorized Title VIII. Housing advocates should push for reauthorization of native Hawaiian programs in their efforts to ensure native Hawaiians have access to critical resources for housing and community development. Currently, a provision to reauthorize Title VIII is included in legislation being considered by Congress.

**Resources for tribal housing** programs. Funding for tribal housing is the lifeblood of community development in Indian Country. For many years, funding has leveled off, failing even to keep pace with inflation and ever-increasing costs of energy, materials, and construction. Advocates should ask Congress to fully fund tribal housing and tribal housing-related programs, including the Indian Housing Block Grant program, the Indian Community Development Block Grant program, the Native Hawaiian Housing Block Grant program, and the Section 184, 184A, and Title VI Loan Guarantee programs.

**Veterans Affairs Supportive Housing.** The nation's largest supported permanent housing initiative combines HUD Housing Choice Vouchers with the Veteran Affairs case management services that promote and maintain recovery and housing stability. With NAHASDA Reauthorization, a permanent pilot program for tribal participation would be made possible. The FY15 HUD appropriations bill directed the HUD Secretary to set aside a portion of Veterans Affairs Supportive Housing funds for a rental assistance and supportive housing demonstration for Native American veterans who are at risk of homelessness living on or near reservations or other Indian areas. Native Americans have historically had above average participation in the Armed Forces, resulting in high numbers of veterans in tribal communities. Substandard and overcrowded housing, as well as homelessness, remain a problem and can start to be addressed with the inclusion of tribal eligibility into the VASH program. ■

## FOR MORE INFORMATION

National American Indian Housing Council, 202-789-1754, [www.naihc.net](http://www.naihc.net)

HUD Office of Native American Programs, [www.hud.gov/offices/pih/ih](http://www.hud.gov/offices/pih/ih)

Department of Hawaiian Home Lands, <http://hawaii.gov/dhhl>