SERVING NATIVE AMERICAN HOUSEHOLDS USING ERA

LEARNING FROM HIGH-SPENDING PROGRAMS

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INTRODUCTION

As part of the $25 billion included by the U.S. Congress in the "Consolidated Appropriations Act of 2021" for the U.S. Department of the Treasury (Treasury) Emergency Rental Assistance (ERA1) program, 301 Native American Tribes and Tribally Designated Housing Entities (TDHEs) received $800 million to provide assistance to low-income tribal members and residents of native lands. Previous research revealed unique challenges and barriers faced by Tribes and TDHEs in implementing their programs, including limited rental housing, low administrative capacity, a short spending timeline, and in many cases small ERA allocations (NLIHC, 2022a). Despite these challenges, Tribes and TDHEs have experienced varying levels of success in administering their ERA programs. More than half of the initial ERA1 allocation to Tribes and TDHEs had been spent by March 2022, and nearly two of every five tribal grantees received additional funds between September 2021 and April 2022 through reallocation, indicating that they had spent a large portion of their initial funds.

This brief investigates the unique characteristics of high-spending tribal ERA programs. It finds that administrators used flexibilities allowed under ERA to temporarily address overcrowding – a long-standing issue on native lands – by covering a combination of relocation expenses, security deposits, and three months of future rent. Administrators also worked with local hotels and motels in their areas to temporarily house people experiencing homelessness or overcrowding, sometimes for as long as six months, until more stable housing could be secured. Additionally, unlike most other federally funded Tribe and TDHE housing programs, ERA programs in several instances served tribal member households living outside of native lands, allowing programs to extend assistance to previously underserved households and spend funds more quickly. TDHEs also leveraged existing relationships and created new partnerships to conduct outreach to Native American households around the country. Finally, administrators utilized many of the Treasury ERA program's documentation flexibilities to promote application accessibility. While ERA was successful in mitigating some of the financial shock experienced by Native American households as a result of the pandemic, the program made evident the need for long-term financial support for those living both on and off tribal lands.

METHODS

To learn more about the unique characteristics of high-spending tribal programs, the National Low Income Housing Coalition (NLIHC) partnered with the United Native American Housing Association (UNAHA), a regional association of 34 TDHEs managing and disbursing ERA1 funds in North Dakota, South Dakota, Colorado, Utah, Wyoming, Montana, and Nebraska. Since Tribes and TDHEs are only required to submit quarterly reports to Treasury on a subset of data points as compared to other grantees and Treasury does not publish disaggregated spending data for tribal programs, information about grantee-level performance is not publicly available. UNAHA provided insight into member tribes that had successfully spent down their initial ERA1 allocations and received additional rounds of reallocated ERA1 funds. Based on information from an internal UNAHA survey of TDHE grantees concerning quarterly spending, we selected seven TDHEs in UNAHA's network to participate in this research: Fort Belknap Housing Authority and Apsaalooke Nation (Crow) Tribal Housing Authority in Montana; Turtle Mountain Housing Authority in North Dakota; Northern Ponca Housing Authority in Nebraska; and Sicangu Wicoti Awayankapi (SWA) Corporation, Oglala Lakota Housing Authority, and Cheyenne River Housing Authority in South Dakota. The research presented in this brief draws on data collected through UNAHA's survey and from interviews conducted by NLIHC staff with program administrators at these seven sites.

BACKGROUND

Housing Instability and ERA in the Native American Context

Nearly one-third of American Indian and Alaskan Native (AIAN) households on tribal lands live in poverty, compared to 18% of households nationwide (NLIHC, 2022b). Yet housing cost burdens are not as prevalent on tribal lands as compared to the rest of the U.S. Thirty-six percent of low-income AIAN households on native lands are cost-burdened compared to 60% of all low-income households nationally (Pindus et al., 2017). Instead, the shortage of physically adequate affordable rental housing in Native American communities is manifested in other forms of housing instability.

AIAN households in tribal areas are more likely than non-tribal households to face severe physical housing problems, such as inadequate heating and plumbing and high rates of overcrowding. A 2017 survey of AIAN households found that 34% of AIAN households in tribal areas live in units with one or more physical problems, compared to only five percent of households outside of native lands (Pindus et al., 2017).

"The lack of affordable and physically adequate housing in Native American communities results in doubling-up and overcrowding, since families are more likely to move in with friends or relatives if they do not have other options.

The lack of affordable and physically adequate housing in Native American communities results in doubling-up and overcrowding, since families are more likely to move in with friends or relatives if they do not have other options. Sixteen percent of AIAN tribal area households experience overcrowding, compared with two percent of all U.S. households (Pindus et al., 2017). Seventeen percent of households surveyed reported having one or more people staying in their home because they had nowhere else to go. Nearly two-thirds (63%) of TDHEs surveyed by the U.S. Department of Housing and Urban Development (HUD) indicated that overcrowding was a major problem in their service area (Pindus et al., 2017). Among the tribal grantees included in this research brief, the rate of overcrowding ranges from 9% to 18% (Census, 2021).

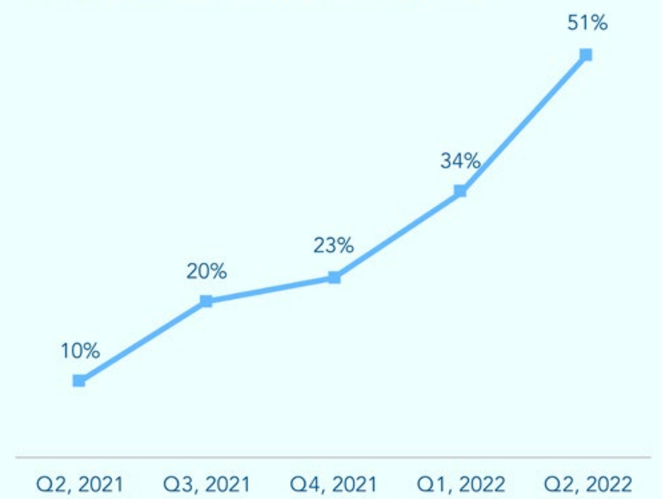
To address the unique housing needs and challenges of Native American tribes, Congress provides funding through the "Native American Housing Assistance and Self-Determination Act" (NAHASDA). The Indian Housing Block Grant (IHBG) accounts for the majority of funds available under NAHASDA for housing services and was funded at approximately $655 million in fiscal year (FY) 2020 and $740 million in FY 2022 (HUD, 2022).[1] IHBG allocations are determined by Tribes' current assisted housing stock, population-based need, median incomes, and housing conditions. However, funding for the program has not kept up with inflation, growing populations, and rising construction costs.

Treasury ERA1 tribal allocations were based on FY 2020 IHBG allocations. In total, 301 Tribes or TDHEs qualified and applied for ERA1 funds and received approximately 121% of their FY 2020 IHBG allocations, with grant amounts ranging from $64,000 to $93 million. Tribes and TDHEs received a larger allocation for ERA than their annual IHBG funding, making it possible for some of them to serve tribally affiliated households living outside of their typical service areas.

1 For more information on IHBG funds, see NLIHC's 2021 *Advocates' Guide*, "Native American, Alaska Native, and Native Hawaiian Housing Programs," pp. 5-29.

In all seven sites chosen for this research, TDHEs are the primary housing providers for rental housing in their respective areas, owning and managing between 110 and 1,300 rental units. Therefore, these TDHEs had a unique combination of authorities to administer ERA1, collect rent owed, and file evictions. A strong culture of eviction diversion and mediation on native lands ensures that evictions for nonpayment of rent are rare. Additionally, Tribal Courts in all seven sites issued eviction moratoriums during the pandemic, following guidance issued by the Centers for Disease Control and Prevention (CDC). In several sites, these pandemic-era moratoriums were only recently lifted. ERA1 provided TDHEs with critical funds to continue operating and maintaining units in their areas during the pandemic when households were unable to pay rent.

Figure 1:
Percent of ERA1 Allocation Spent by TDHEs by Quarter



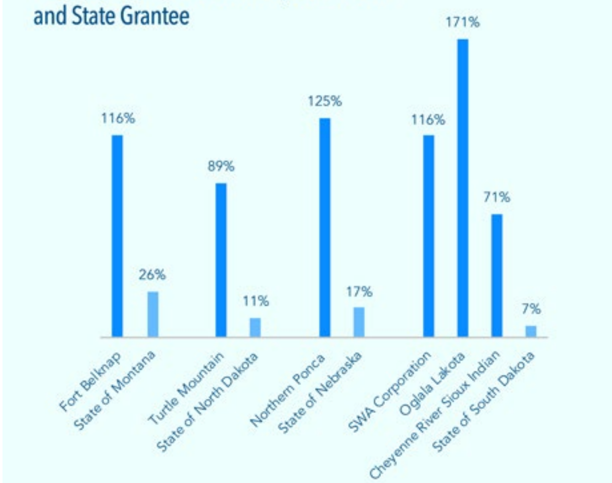
Source: NLIHC tabulation of U.S. Department of the Treasury Monthly Compliance Reports January 2021- June 2022

ERA1 Spending Summary

Tribal grantees were initially allocated $800 million of ERA1 funds. As seen in Figure 1, by the second quarter of 2021, tribal grantees had expended approximately 10% of initially allocated funds – more than $76 million – on assistance to households, administrative expenses, and housing stability services (Treasury, 2021a). TDHE spending increased rapidly between the second and third quarters of 2021, slowed in the last quarter of 2021, and then increased again in the first two quarters of 2022. By March 2022, TDHEs had spent about 51% of their initial allocation, or about $411.6 million (Treasury, 2022a). Grantees were statutorily required to expend their initial ERA1 allocation by the end of the third quarter of 2022.

The seven sites chosen for this study represent high-spending TDHEs. They also stand in contrast to their respective state-based ERA programs, many of which tended to be slower-spending grantees (Figure 2). Every TDHE with available data spent a larger portion of its initial allocation compared to its respective state grantee. In all but two cases – Turtle Mountain Housing Authority and Cheyenne River Sioux Indian Reservation – the TDHE spent more than 100% of its initial allocation due to the availability of reallocated funds. Each state grantee eventually reallocated more than 60% of its initial ERA1 allocation back to Treasury and other ERA grantees.[2]

Figure 2:
Percent of Initial Allocation Spent, TDHEs and State Grantee



Source: UNAHA survey data, January, 2021-October, 2022, and NLIHC Emergency Rental Assistance Spending Tracker
Note: Data unavailable for Apsaalooke Nation (Crow) Tribal Housing Authority

Treasury was statutorily required to reallocate ERA1 funds from slower spending grantees to faster spending grantees with remaining

2 Considering this reallocation, these seven TDHEs spent a similar percent of their final ERA1 allocation compared to their respective state grantees.

need starting in September 2021. Tribal grantees were exempt from losing funds through reallocation until April 2022 (Treasury, 2021b). As of October 2022, Treasury had reallocated nearly $38 million from 21 tribal grantees. Other tribal grantees have been the recipients of reallocated funds. More than 115 TDHEs have received reallocated funds totaling $85.4 million, with individual TDHEs receiving additional funds ranging from $2,280 to $29.3 million (Treasury, 2022b; Treasury, 2022c; Treasury, 2022d; Treasury, 2022e; Treasury, 2022f). Of the seven TDHEs interviewed, five received reallocated funds. In some cases, reallocated funds significantly increased a grantee's initial allocation (Table 1). For example, the Oglala Lakota Housing Authority received $29.3 million in reallocated funds, increasing its initial allocation by 200%. The large amount of funds received by Oglala Lakota Housing Authority, coupled with the nearly $183 million lost by the state grantee to reallocation, resulted in Oglala Lakota Housing Authority having a larger final ERA1 allocation than the state grantee. Grantees are statutorily required to expend any reallocated funds by December 30, 2022.

Table 1: ERA1 Allocations, Reallocated Funds Received, and Amount Spent, by TDHE

	Fort Belknap	Apsaalooke Nation (Crow)	Turtle Mountain	Northern Ponca	SWA Corporation	Oglala Lakota	Cheyenne River Sioux
Total ERA1 grant	$3,566,793	$6,675,100	$9,547,851	$4,069,504	$11,888,269	$43,881,736	$6,999,402
Initial ERA1 grant	$2,566,793	$3,514,541	$9,547,851	$3,245,697	$9,653,267	$14,627,245	$6,999,402
ERA1 reallocation amount	$1,000,000	$3,160,559	$0	$823,807	$2,235,000	$29,254,491	$0
Percent Increase of Initial Allocation	39%	90%	***	25%	23%	200%	***
Amount Spent	$2,979,584	Unavailable	$8,456,080	$4,069,503	$11,149,999	$25,021,499	$4,938,700

Source: U.S. Department of the Treasury ERA1 Round 1 Reallocation, Round 2 Reallocation, Round 3 Reallocation, Tribal Reallocation, Final Round Reallocation; UNAHA survey data, January, 2021-October, 2022

INNOVATIONS AND STRATEGIES USED TO SUCCESSFULLY SPEND DOWN ERA FUNDS AND SERVE NATIVE AMERICAN HOUSEHOLDS

TDHEs took advantage of ERA resources and guidance to serve all households on native lands and tribal members outside of native lands

ERA guidance allowed, but did not require, TDHEs to serve non-tribal members living on tribal lands and tribal members living outside tribal lands as long as applicants were not already receiving assistance from another ERA grantee. All seven grantees interviewed took advantage of the available ERA resources to serve non-tribal members on native lands and tribal members living outside their standard service areas for at least a portion of the ERA program (Table 2). While many of the grantees initially only served households within their native lands, the need among tribal households, the lack of rental units on native lands, and the tight spending timeline pushed administrators to monitor their service area frequently and expand it as needed. The provision of rental assistance to tribal households outside of tribal lands is a unique feature of ERA compared to other Native American housing assistance programs – like IHBG – which have tended to focus on tribal areas.

Table 2: Households Served On and Off Native Lands, by TDHE

	Fort Belknap	Turtle Mountain	Northern Ponca[3]	SWA Corporation	Oglala Lakota	Cheyenne River Sioux
Total households served	1,174	1,777	818	2,385	6,825	950
Households on native land	585	***	***	1,587	3,785	843
Households off native land	589	***	818	798	3,040	107

Source: UNAHA survey data January 2021-November 2022

Note: Data for Apsaalooke Nation (Crow) Tribal Housing Authority were unavailable.

3. Northern Ponca serves a 15-county area throughout Nebraska, Iowa, and South Dakota.

For example, Apsaalooke Nation (Crow) Tribal Housing Authority, located in Montana, initially served all households – regardless of tribal membership – within its tribal area and outlying communities (an area with an approximately 120-mile radius). The organization's decision to serve households regardless of tribal membership was partially motivated by the spending timeline and by the fear of losing funds through reallocation. As the program continued, assistance was extended to all eligible tribal members in Montana, including college students. Administrators felt that expanding the service area was important due to the large number of tribal members not living on tribal lands due to the scarcity of rental units. Eventually, the need for assistance among tribal members outside of Montana led the program administrator to open the program to members nationwide.

Similarly, the Fort Belknap Housing Authority initially served tribal members within Montana but opened its program to Fort Belknap members throughout the country a few months after the program began. The program served more than 585 households living off reservation – just over 50% of all householdsserved.

Northern Ponca Housing Authority is unique among the seven sites interviewed as it typically serves a 15-county area throughout Nebraska, Iowa, and South Dakota, including large urban areas like Omaha, Nebraska, and Sioux City, Iowa. In addition to this large service area, the TDHE decided to provide emergency rental assistance to Northern Ponca tribal members nationally. Administrators estimate that assistance reached households in 21 different states. They were shocked by the cost of rent outside of native lands and felt that the program was very beneficial for those households. As funds dwindled, Northern Ponca eventually limited assistance to only households within its initial service area.

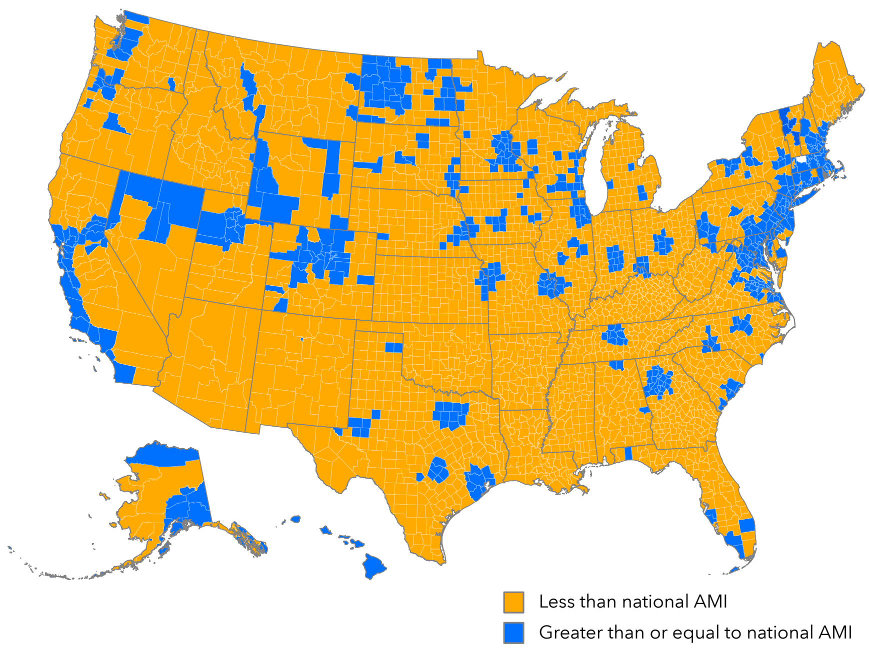
TDHEs serving households outside of tribal lands needed to ensure that applicants had not received funds from another ERA program for the same time period. To decrease the risk of duplication, TDHEs utilized different documentation requirements. For example, Cheyenne River initially required applicants living outside of tribal lands to provide proof that they were denied assistance by the ERA grantee in their area. When it became evident that other state and local ERA grantees were delayed in processing applications, Cheyenne River changed its policy. Instead of requiring households first to apply and be denied by their local program, applicant households could self-attest that they had not received assistance from another ERA program. Administrators felt that this change in policy ensured tribal members would receive assistance in a timely manner while still in accordance with Treasury guidelines.

Administrators of other programs developed relationships with their state ERA administrators to coordinate ERA payments. For example, Turtle Mountain Housing Authority would verify with the state ERA administrator that applicants from outside its typical service area had not already received assistance from the state. Northern Ponca worked directly with the state's ERA program to ensure that all applications submitted by Northern Ponca tribal members to the state program were referred to the Northern Ponca program.

Another challenge for tribal grantees was determining appropriate income-eligibility thresholds for applicants. Administrators initially had to determine whether applicants met the income-eligibility requirements for ERA based on where they resided, which proved challenging for grantees receiving applications from applicants in other areas of the country. In August 2021, Treasury issued guidance that allowed tribal ERA programs to utilize the income-eligibility thresholds outlined in the IHBG program for "households residing in an Indian area comprising multiple counties" (Treasury, 2022g). The IHBG allows administrators to set their income limits based on either the highest county median income among the covered counties or the national median income, whichever is higher. Some grantees utilized the IHBG income limits for households living on tribal lands, but Treasury's ERA guidance indicated that tribal grantees were to use local county or state income limits for households not residing on tribal lands.

Administrators noted the challenges involved in processing applications using various income limits based on where applicants resided. In many cases, TDHEs chose to determine income eligibility for households on native lands using the national median income because this limit was higher than the local area median income (AMI). However, as shown in Figure 3, many areas of the U.S. have local AMIs that are lower than the national median income (these jurisdictions are indicated in orange). Discrepancies between the national median income and local AMIs created the potential for applicants who were tribal members but lived outside of native lands to be eligible under the national median income limit but not under their local median income limit. In such cases, administrators often found it difficult to explain to an applicant why their income disqualified them from participating in the program based on the local AMI, despite having need.

Figure 3: Local Area Median Income Compared to National Median Income



Note: New England states are displayed with HUD Fair Market Rent Areas. All other states are displayed at the county level. The national AMI and local AMIs are calculated for a four-person household.

Despite the challenges, administrators expressed interest in continuing to serve tribal member households living outside of native lands if resources allowed. HUD's 2017 survey of housing needs among AIAN populations found that the number of AIAN households living in metropolitan areas is growing due to unmet housing needs, lack of employment opportunities, and limited access to more robust public services like health, education, and housing on tribal lands (Pindus et al., 2017). Despite this growth, a survey of housing-related services in urban areas indicated a lack of housing resources targeted towards the AIAN population and its unique needs (Pindus et al., 2017). The flexibility of the ERA program presented TDHEs with a way to support AIAN households living outside of native lands.

TDHEs used ERA to temporarily address overcrowding

The pandemic exacerbated the housing challenges faced by Native American communities. A lack of affordable units, rising rents, and a general increase in the cost of living deeply impacted households living in and around native lands. Multiple administrators agreed that the financial instability experienced by households prior to the pandemic was made particularly acute by rising costs during the pandemic for necessities like food and medical services, particularly among households on fixed incomes or assistance, resulting in some households doubling or tripling up with friends or relatives to cut costs. Overcrowding was of particular concern given its negative impact on household members' ability to follow social distancing protocols and, in turn, its impact on greater health risks, especially for households with elderly members. TDHE administrators found creative ways to use ERA funds to address overcrowding in the short term by paying for relocation expenses, security deposits, and the allowable three months of future rent, as well as by working with local hotels and motels.

Many administrators used ERA funds to move families into more stable and less crowded housing. Administrators in Fort Belknap utilized ERA funds to temporarily place households in low COVID-19-exposure situations and even relocated some individuals to new units off native lands. Similarly, administrators with the Apsaalooke Nation (Crow) Tribal Housing Authority and the Oglala Lakota Housing Authority leveraged ERA funds to help households secure their own leases for housing off native lands by paying for security deposits and a few months of forward rent. Often, the biggest barrier for families hoping to move into their own homes was the ability to pay initial move-in expenses, such as security deposits and application fees. Administrators commented that moving families into new units would have been difficult without the financial support provided by ERA. Oglala Lakota Housing Authority paired such financial support with case management to help households develop their own housing goals, a practice cited by administrators as particularly important for households trying to find housing off tribal lands.

Several of the sites included in this report relied on alternate housing to provide temporary housing during the pandemic. Administrators in Northern Ponca set up temporary campers and mobile homes for households experiencing homelessness and paid lot-rents to keep those households housed and out of congregate shelters during the pandemic. To contain the spread of COVID-19, administrators from SWA Corporation, the TDHE of the Rosebud Sioux Tribe, temporarily moved individuals who had tested positive out of overcrowded homes and into nearby hotels. SWA Corporation administrators observed that members who tested positive would often be forced to leave their households to minimize the risk for others in their family and that ERA allowed administrators to prevent homelessness and keep those individuals protected.

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Several programs used ERA to help households transition to more stable housing in the long term. Cheyenne River worked with a local hotel to set aside a block of rooms for those who were homeless or facing housing instability. These recipients could be safely housed for six months and in the meantime work with the TDHE to apply for public housing, promoting longer-term stability. Similar efforts were made by Apsaalooke Nation (Crow) Tribal Housing Authority, which used hotels and motels to temporarily house families experiencing homelessness while the authority acquired units in other cities in Montana (e.g., Hardin and Billings).

Some administrators, however, shared concerns about not having time to work out better arrangements with local hotels and motels. SWA Corporation explained that some hotels began raising their rates during the pandemic, often doubling or even tripling their initial prices. Some programs also encountered challenges verifying whether households remained at hotels after payments were made, with some administrators noting that households had in some cases been evicted from hotels. To address such problems, the authority hired a grant specialist to oversee applications from hotel managements. The specialist ensured that hotels sent billing invoices only for households currently being housed and conducted targeted outreach to these households to guarantee that they remained housed by the hotel for the full period of assistance.

TDHEs fostered external partnerships

To effectively serve households both in their local communities and nationally, administrators leveraged existing networks. They also formed new partnerships for program implementation and technical assistance, coordination of assistance, and outreach to renters. To raise the public's awareness about the availability of assistance, some program administrators relied on word-of-mouth or community communication channels. Oglala Lakota Housing Authority, for example, used a popular radio show to inform households on and off tribal lands about the program and noted that extended family networks were a powerful way to reach households living outside tribal lands.

Other TDHEs formed new partnerships specifically for outreach. Several TDHEs set up ERA clinics in nearby towns and cities to reach households living outside TDHE service areas. For example, staff at SWA Corporation, located in South Dakota, knew that tribal members were familiar with American Indian Centers as places to receive educational and social services. Administrators partnered with American Indian Centers in Colorado, Texas, Nevada, Minnesota, Iowa, and New Mexico to inform tribal members about the program and distribute flyers. Staff members from SWA Corporation corresponded with staff at American Indian Centers to let them know about program updates and answer any questions from potential applicants.

> **"[For] the ERA program, we did exactly what Congress wanted us to, but we were also able to do more," explained one interviewee. "[We were able to] address homelessness, work with other agencies…, and really develop a housing stability program."**

Several TDHEs successfully collaborated with state ERA grantees to share information about program implementation and coordinate benefits. TDHEs in South Dakota, in collaboration with UNAHA, held regular Zoom meetings to co-design program policies, troubleshoot issues with the Treasury guidance, and share unique cases and information about how they were addressed. The State of South Dakota's ERA grantee was invited to join these calls. Additionally, TDHEs coordinated with their respective state programs to refer tribal members to the TDHE programs while they still had funds. This ensured duplication of benefits did not occur. Administrators highlighted that such working relationships with state grantees resulted from the ERA program but also helped with the administration of other housing programs. Administrators in Northern Ponca felt that the relationship they built with the state grantee improved the coordination of the homeowner's assistance program, for example.

Administrators also formed partnerships to address widespread homelessness in their areas. For instance, Oglala Lakota administrators partnered with a homelessness coalition in the Rapid City-Black Hills area to fill gaps in housing service delivery. They were able to braid ERA funds with

Emergency Solution Grants (ESGs) and Community Service Block Grants (CSBGs) to help people experiencing homelessness acquire and move into their own units. "[For] the ERA program, we did exactly what Congress wanted us to, but we were also able to do more," explained one interviewee. "[We were able to] address homelessness, work with other agencies…, and really develop a housing stability program." Even so, administrators noted that without additional funding, such partnerships would be difficult to maintain.

TDHEs used Treasury ERA flexibilities and best practices to improve accessibility, reduce administrative burden, and promote spending

Previous research on ERA shows that the adoption of key flexibilities offered through Treasury's guidance – such as self-attestation for certain eligibility criteria and other income-eligibility tools like categorical eligibility and fact-specific proxies – influence a program's ability to spend funds quickly (Aiken et al., 2021). All seven programs included in this brief relied on self-attestation to document financial hardships due to COVID-19, and several also allowed applicants to self-attest to some form of housing instability.

Several programs revised their applications over time to reduce barriers and make applying for assistance easier. For instance, the Apsaalooke Nation (Crow) Tribal Housing Authority revised its entire application to include only multiple-choice questions to document whether and how applicants experienced financial hardships due to COVID-19, rather than asking for short descriptions, allowing tenants to quickly check relevant information. Similarly, SWA Corporation embedded self-attestations directly into its application so that tenants could provide the necessary information without downloading a separate form for each attestation. Administrators unanimously agreed that lowering barriers to the application process by reducing documentation requirements and implementing flexible alternatives to determine eligibility such as self-attestation allowed them to process applications and pay out assistance more quickly.

In addition to using low- or no-barrier applications, all seven programs increased accessibility by providing intake support to tenants. Programs set up by Fort Belknap, Turtle Mountain, Oglala Lakota, and Northern Ponca provided walk-in clinics in and around their service areas where staff were available to help applicants fill out applications. Other forms of support included providing applications that were available both digitally and on paper and establishing multiple locations where applications could be dropped off or returned via fax or email. Additionally, six of the seven programs made payments directly to tenants when landlords refused to participate, ensuring that no renter was left behind because of their landlord.

Previous research on ERA implementation has shown that expanding internal capacity is another critical factor in successfully distributing funds (Aiken et al., 2022). Treasury's ERA1 guidance allowed grantees to utilize 10% of their total allocation for administrative expenses. Despite small initial allocations, four of the seven programs interviewed utilized their full 10% allowance to increase staffing and procure administrative necessities, including office space to set up their ERA programs. Several administrators observed that increasing their internal capacity allowed them to conduct effective outreach, keep up with the large number of applications, and issue payments efficiently. Cheyenne River administrators, for example, explained that dedicated ERA staff were critical to distributing applications, providing in-take support, and conducting outreach with utility vendors and landlords, allowing them to quickly process applications and provide assistance. Similarly, SWA Corporation used funds to employ six ERA1 staff members – including one employee located in a satellite office in Rapid City – to serve tribal members outside of native lands. However, staff noted the need for additional administrative funds in the longer term since the ERA program also relied on existing authority staff to deal with the workflow for ERA1 applications.

CHALLENGES AND BARRIERS TO IMPLEMENTATION

Across the board, administrators appreciated the dedicated stream of funding for emergency rental assistance and acknowledged that funds helped keep renters stably housed. However, administrators from all seven programs spoke of the challenges they faced in spending unprecedented levels of funds with limited support and technical assistance.

Many administrators highlighted the importance of adequate federal guidance early in the implementation process. Several Tribes and TDHEs were setting up targeted rental assistance programs for the first time, and most did not have prior experience in administering a program of this scale. The lack of timely communication with Treasury as grantees were setting up their programs delayed the disbursal of funds. One program administrator stated that they had to spend a significant amount of their administrative allowance on extra legal services to ensure they were interpreting and following the guidance correctly after not receiving clear communication from Treasury staff.

In addition to timely guidance, administrators noted the need for a higher administrative cap to build up infrastructure and capacity. Despite investing their full 10% administrative allowance to build up capacity, administrators from Apsaalooke Nation (Crow) Tribal Housing Authority mentioned being overwhelmed by the number of applications they received. They had to bring in staff from the Tribe's Finance Department to help process applications.

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Another challenge identified by administrators was the expedited spending deadline for ERA. Several administrators explained that, absent guidance from Treasury, they worried their funds would be subject to reallocation starting in September 2021. For the most part, this encouraged TDHEs to extend assistance to renters living outside of native lands, thereby benefiting households that were previously unserved by tribal programs. However, some administrators noted that the pressure to spend quickly prevented them from pursuing efforts focused on longer-term impacts. Some administrators would have liked to develop a more comprehensive strategy to engage with hotels and motels to ensure tenants could stay housed and protected during the assistance period. Others indicated that they would have provided housing stability services to ensure families were aware of other available assistance or to help them enroll in other tribal programs. Additionally, administrators were hesitant to accept reallocated funds, despite persistent need in their communities, due to delays in receiving those funds from Treasury and the short period available for spending them, given that reallocated funds have an expenditure deadline of December 2022.

To address the expedited spending timeline, UNAHA advocated to extend the original September 30 expenditure deadline, but as yet no extension has been enacted. The National American Indian Housing Council has advocated for a retroactive one-year extension of the ERA1 expenditure deadline to be included in the omnibus spending bill currently being discussed in Congress.

Administrators also noted that streamlined reporting requirements would reduce administrative burden. Tribes and TDHEs were exempt from Treasury's monthly reporting requirements and were only required to submit quarterly reports on a subset of data points. However, all seven administrators cited the high-barrier reporting platform and changing reporting timelines as significant challenges associated with the ERA program. For example, several sites initially used only paper-based applications. Most allowed applicants to download an application and either mail or fax back a completed form. Manually compiling and entering application data for the Treasury portal for reporting proved to be a highly intensive task for administrators who were already overwhelmed by the short spending timeline and further challenged by the unclear reporting requirements.

Finally, program administrators felt the design of ERA1 limited the potential impact of ERA. Specifically, tribal grantees were ineligible to receive emergency rental assistance funds made available through the "American Rescue Plan Act" (ERA2). ERA2 funds not only would have extended the period of assistance to 18 months and moved the spending deadline into the future (to December 2025) but also would have provided grantees with the flexibility to use a portion of funds for other affordable rental housing purposes, such as the construction, rehabilitation, or preservation of affordable housing projects. Having access to these flexibilities could have provided opportunities for TDHEs to address overcrowding in even more substantial ways than they could with ERA1.

FUTURE PROGRAMS

TDHE program administrators reaffirmed the widespread need among tribal households for continued emergency rental assistance. One administrator from Cheyenne River highlighted the need for assistance that can serve a broader range of those impacted. Unlike ERA2, ERA1 funds required applicants to demonstrate a financial hardship due to the pandemic. They suggested that a future stream of funding with a broader definition of eligibility would allow TDHEs to serve a greater share of households.

Sustained funding for emergency rental assistance would also ensure that the infrastructure and knowledge developed by tribes and TDHEs during the pandemic would not be lost. Throughout the administration of ERA1, TDHEs created a network to share resources and collaborate on how to administer funds. In so doing, they succeeded in strengthening existing partnerships and fostering new ones. The administration of ERA1 also allowed TDHEs to build out internal expertise in administering an emergency rental assistance program – a new experience for many. Without funding for a continued program, these achievements and their benefits are at risk of being lost.

Future programs should also build on the data that were collected through ERA. For example, staff from Cheyenne River noted that the database of households assisted by ERA would help determine whom to target with future assistance. They also highlighted their effort to coordinate with other South Dakota programs to create a shared database of those served and the organizations serving them. This data could then be used in the future to better target assistance to AIAN households in need.

Each of the administrators interviewed expressed an interest in continuing to provide emergency rental assistance in the longer term. Administrators at Apsaalooke Nation (Crow) Tribal Housing Authority, for example, noted that access to sustained emergency rental assistance funds would enable them to leverage additional funds to build more affordable rental housing on native lands and retain households. Similarly, Oglala Lakota administrators hoped to pair financial assistance with housing navigation and case management services for households living both on and off native lands.

CONCLUSION

Limited rental markets on native lands, the lack of timely guidance, limited technical assistance and infrastructure support, and a short spending timeline challenged Tribes and TDHEs attempting to disburse ERA1 funding quickly. However, some programs found ways to use ERA funds in a timely manner to address the negative impacts of the pandemic on renters. Most notably, ERA allowed TDHEs to temporarily address issues of overcrowding, and in some cases, move families into more stable housing. Above all, ERA made evident the need for long-term financial support for Native American households living both on and off reservations.

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