

Native American, Alaska Native, and Native Hawaiian Housing Programs

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The 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 (which is not the same as the Indian Community Development Block Grant, or ICDBG); (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, provides tribes with a consistent, dedicated annual funding stream without requiring them to navigate the myriad general housing programs administered by HUD. The Act recognizes tribal sovereignty and self-determination by providing block grants funds directly to tribes, which would be operated pursuant to tribally-created Indian Housing Plans. NAHASDA's most recent reauthorization expired in 2013, though Congress has continued to fund its programs every year.

HISTORY AND PURPOSE

The United States has a unique legal and political relationship with Indian tribes that stems from treaties, federal statutes, court decisions, and executive agreements dating back to the ratification of the U.S. Constitution. With respect to tribal lands, the federal government often serves as a trustee with tribes acting as beneficiaries. Today, federal Indian law and policy largely extends the trust responsibility to include the provision of health care, education, natural resources protection and development, and housing.

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, legislation created the current administering 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. Although the enactment of NAHASDA provided permanent dedicated funding to tribal housing programs, it also restricted tribes from accessing many other HUD programs. However, one program that has remained separate and accessible to tribes is the Native American Housing Loan Guarantee Program, better known as the Section 184 program. A relatively new non-NAHASDA resource, launched in October 2015, is the demonstration Tribal HUD-VA Supportive Housing Program (HUD-VASH), which provides rental vouchers and supportive services to Native American veterans in a limited number of tribes.

The face of housing in Native American communities is as diverse as the communities served, and located in more than 30 states. Overcrowding, poverty, unemployment, low household incomes, a rapidly increasing population, and lack of infrastructure are just some of the challenges that vex American Indians, Alaska Natives, and native Hawaiian communities. According to an extensive study of American Indian and Alaska Native (AIAN) housing conditions released by HUD in early 2017, some 6% of AIAN homes located in tribal areas had inadequate plumbing, 12% had heating deficiencies, and 16% were overcrowded, while nationwide only 1–2% of homes suffered each of these conditions. At the same time, 38% of AIAN households were cost burdened (paying more than 30% of income for housing), compared to 36% nationally. The study also confirmed that homelessness in Indian Country

generally manifests as overcrowding: researchers estimated that 42,000–85,000 people in tribal areas were staying with friends or relatives because they had no place of their own. To address the issues of overcrowded and substandard homes, the HUD study estimated that 68,000 new units were needed across Indian Country.

HUD's study found that NAHASDA's block grant program works well, with tribes able to use the funds effectively. It noted, however, that funding levels have not been adjusted for inflation over time, so, while funding has remained steady from year to year, the purchasing power of the IHBG has been reduced by about a 1/3 since the enactment of NAHASDA.

PROGRAM SUMMARY

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 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 whose income does not exceed 80% of the area median income are eligible for assistance.

NAHASDA's Title VI loan guarantees can provide tribes and Tribally Designated Housing Entities (TDHEs) better access to capital to develop larger housing projects. For individual home construction, Section 184 loan guarantees can help secure mortgages for individual Indian homebuyers or tribes, TDHEs, and Indian Housing Authorities.

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, but the NHHBG has nevertheless 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 created a new Section 184A Native Hawaiian Housing Loan Guarantee program, equivalent to the Section 184 program for American Indians and Alaska Natives.

FUNDING

The IHBG program was funded at approximately \$650 million each year from FY12 through FY17. The Trump Administration proposed only \$600 million for FY18. However, Congress has largely maintained IHBG funding with the House providing \$654 million and the Senate bill setting the level at \$655 million for FY18.

The tribal HUD-VASH demonstration program for Native American veterans received funding in the FY15 appropriations bill and the program began operations in FY16. The tribes participating in the demonstration program have had varied levels of success, with some struggling to find available housing stock in their communities, while other tribes were unable to receive consistent supportive services from the VA. The House's FY18 bill would provide \$7 million to continue implementing tribal HUD-VASH with the Senate's bill funding the program at only \$5 million.

FORECAST FOR 2018 & WHAT TO SAY TO LEGISLATORS

NAHASDA Reauthorization. NAHASDA programs are currently being administered without reauthorization. Although past reauthorizations struggled to move in the Senate, a significantly pared down bill was introduced that included only IHBG and Section 184 Loan Guarantee reauthorizations and a small number of other changes. More comprehensive reauthorizations were also re-introduced in both the House and Senate in 2017 that would authorize the IHBG, the NHHBG, and related loan guarantee programs for several years and make several other substantial changes. These include establishing timelines for departmental decisions and approvals, use of NAHASDA funds to leverage other funds or to fulfill matching requirements, new authority to use Indian Health Service sanitation facilities funding when building HUD-assisted homes, a demonstration project to encourage private investment in tribal communities, permanent authorization for the tribal HUD-VASH program, and favorable alterations to the Brooke Amendment. The Senate bills have not yet been reported out of Committee, although the House bill was reported out by the Financial Services Committee in mid-December. Advocates should strongly urge Congress to consider passing some version of the introduced bills to reauthorize these vital housing program dollars.

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 the ever-increasing costs of energy, materials, and construction. Advocates should ask Congress to fully fund tribal housing

and tribal housing-related programs, including the IHBG program, the ICDBG program, the NHHBG program, and the Section 184, 184A, and Title VI Loan Guarantee programs. If the IHBG program included growth with inflation since NAHASDA's enactment, the IHBG would be funded at nearly \$1 billion. Mindful that such an increase is not likely, tribes have largely advocated for an increase in funding to at least \$700 million, which would match the program's highest level of funding seen in 2010.

HUD-Veterans Affairs Supportive Housing.

The nation's largest supported permanent housing initiative combines HUD Housing Choice Vouchers with U.S. Department of Veterans Affairs case management services that promote and maintain recovery and housing stability. The FY15 HUD appropriations bill directed the HUD secretary to set aside a portion of HUD-VASH 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. In late 2015 and 2016, the pilot program provided \$5.9 million to 26 tribes. Advocates should tell Congress to fund it for FY18 at the \$7 million level set in the House's bill. Additionally, advocates should encourage Congress to pass the Tribal HUD-VASH bill that was introduced with bipartisan support in the Senate.

FOR MORE INFORMATION

Housing Assistance Council, www.ruralhome.org

National American Indian Housing Council,
www.naihc.net

HUD Office of Native American Programs,
www.hud.gov/offices/pih/ih

DHHL, <http://hawaii.gov/dhhl>