**NAIHC PRIORITIES FOR BIDEN ADMINISTRATION**

**Background**

Nearly every tribe in the country operates a tribal housing program or participates in a tribal housing program that serves multiple tribes together. Originally, there were only a few tribal housing programs that mirrored public housing authorities under the 1937 Public Housing Act. Over time, more tribes developed housing programs and pieced those programs together from various sources of HUD and other federal funds. Recognizing that was insufficient to meet the needs of all tribal communities, tribal leaders and Congress worked together to pass the National American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), which provided all tribes a dedicated, annual funding stream through the Indian Housing Block Grant.

NAHASDA recognizes the Federal government’s trust obligation to promote the well-being of Native peoples and empowers tribes to exercise self-determination in the development and implementation of strategies to address their particular housing needs. NAHASDA authorizes tribes to address their unique housing needs through various activities such as construction, rehabilitation, modernization, rental assistance, lending programs, crime prevention, and a host of other strategies that go further than most other traditional public housing programs.

However, with NAHASDA’s passage, tribes have often been excluded from other federal housing programs and have seen NAHASDA funding remain stagnant, forcing tribes to once again piece together their programs from multiple sources to meet the needs of their communities. NAIHC and its members work with HUD and other federal agencies to improve federal programs’ effectiveness in tribal communities by expanding tribal eligibility for programs, reducing duplicative environmental review work, and developing strategies for leveraging various sources of federal funds.

Indian housing is not merely a federal entitlement or “discretionary program,” but, like many other Indian programs, has its roots in a solemn trust responsibility to Indian nations and peoples that necessitates discrete consideration apart from actions taken relative to other federally funded housing programs. Housing conditions in Indian country are well documented as being some of the worst of the worst in America, with a recent 2017 HUD study highlighting the unmet needs and rates of substandard housing in tribal communities versus nationwide.

**Funding**

Funding for Native American Housing Assistance and Self-Determination Act (NAHASDA) programs at HUD has remained nearly stagnant since NAHASDA was passed in 1996. Factoring inflation since NAHASDA’s passage ($600 million in FY 1998), tribes have seen their purchasing power ***decrease*** by nearly 25% over the past 20 years. ($745 million in FY 2020 funding versus $966 million FY98 inflation-adjusted dollars). This decrease in funding has occurred despite substantial population growth in tribal communities and overall need. NAIHC urges the Biden Administration to include no less than $966 million for the Indian Housing Block Grant in its first budget request to Congress.

Additionally, the Administration should support any tribal and tribal housing funding in a future COVID relief package. Tribes and Tribal housing programs were included in the recent COVID relief package by receiving a set-aside from the Emergency Rental Assistance funding that was provided to Treasury. HUD officials should work with Treasury to ensure that the funds are accessible by tribal housing programs.

**Tribal Intergovernmental Advisory Committee**

HUD originally published a notice of intent to establish a HUD Tribal Intergovernmental Advisory Committee in 2016 and solicited nominees. Despite receiving qualified nominations for the Committee, it was never formally established by HUD. NAIHC strongly supports the establishment of a Tribal Intergovernmental Advisory Committee and believes such a Committee can inform HUD’s senior leadership on all issues pertaining to tribal housing.

Specific issues that the TIAC could work with HUD to improve include, but are not limited to:

* Identifying HUD programs that are excluding tribes as eligible applicants due to internal rulemaking or policies.
* Leveraging of federal funding through HUD with other federal programs, specifically the Low Income Housing Tax Credit.
* Identifying other federal resources to assist tribes with ancillary issues that impact housing, such as drug and environmental issues that require extensive home remediation costs

**Tribal Consultation**

In recent years, HUD has relied on notice and comment periods and Dear Tribal Leader Letters to conduct formal tribal consultations. NAIHC believes these efforts are not adequate forms of tribal consultations as required by EO 13175. NAIHC encourages the Biden Administration to carry out more substantive consultation efforts with tribal leaders, and NAIHC believes a Tribal Intergovernmental Advisory Committee could better identify when those consultation efforts need to take place.

**NAHASDA Training and Technical Assistance Activities**

HUD’s implementation of training and technical assistance activities pursuant to NAHASDA changed in the late 2000s without adequate tribal consultation. Prior to the changes, NAIHC and other TTA providers were able to design and carry out TTA activities that addressed needs as identified by tribes. Currently, all TTA activities must be first requested to and approved by HUD in a manner that narrowly defines the types of TTA services that tribes can ask for and receive, contrary to the intent of NAHASDA. NAIHC urges the Biden Administration to conduct tribal consultation on how the delivery of TTA services can improved through direct funding to Native TTA providers.

**Indian Preference at HUD Office of Native American Programs (ONAP).**

The Biden Administration should recognize the success of Indian preference hiring in both the Bureau of Indian Affairs and the Indian Health Service and expand its use. Given the spirit of NAHASDA and its intent to “recognize the right of Indian self-determination and tribal self-governance,” Indian preference in hiring within ONAP would seem a valid step towards meeting that goal by allowing Indians the opportunity to administer programs that serve Indians.

**Establish an Assistant Secretary for Indian Housing**

The Biden Administration should elevate the position of Deputy Assistant Secretary for Native American Programs to the political appointment as the Assistant Secretary for Indian Housing and Community Development. The Deputy Assistant Secretary for Native American Programs at HUD administers the bulk of federal housing programs for American Indians and Alaska Natives. Though there has been progress in the housing front in recent years, Indian housing conditions still lag behind the rest of the country. An Assistant Secretary responsible for improving these conditions will have the ear of the Secretary and can more effectively advocate within and without the department on these important matters.

**Support NAHASDA Reauthorization Bills in Congress**

Both chambers of the 116th Congress saw bipartisan NAHASDA Reauthorization bills introduced. NAHASDA was last reauthorized in 2008, and it expired in 2013. NAIHC has been working with members of Congress to provide critical updates to NAHASDA and improve the effectiveness of other federal housing programs in Indian Country. The Biden Administration can encourage Congress to pass these reauthorization efforts.

**Community Reinvestment Act Updates**

The incoming Administration should continue efforts to update the CRA and strengthen its ability to attract private investment in tribal communities. Tribes and tribal housing programs continue to see a lack of investment by the private sector and a continued need for more access to capital by tribal programs to spur housing development.

**About NAIHC**

The National American Indian Housing Council (NAIHC) is a national non-profit created by tribal housing programs in 1974. It remains the only national organization whose membership is solely comprised of tribal housing programs across the country, and in 2020 represented nearly 85% of the tribal communities that receive Indian Housing Block Grant (IHBG) funding from HUD. NAIHC’s priorities are determined by its members through resolutions at annual meetings.