

## **NCAI Testimony for the**

### **U.S. Senate Committee on Indian Affairs**

#### **Legislative Hearing: S. 1275, and HUD/VA Veterans Affairs Supporting Housing**

**June 13, 2017**

Good Afternoon. On behalf of the National Congress of American Indians (NCAI), I would like to thank the Chairman Hoeven, Vice-Chairman Udall and other distinguished members of the Committee for the opportunity to provide testimony about our views on S.1275, and HUD-VASH. NCAI is the oldest and largest national organization representing American Indian and Alaska Native tribal governments in the United States. We are steadfastly dedicated to protecting the rights of tribal governments and the achievement of self-determination and self-sufficiency. NCAI looks forward to working with this Committee to ensure that the recommendations from the Committee's hearing process today take into account the unique needs of Indian Country.

NCAI has been working diligently with tribal governments and other national tribal organizations to find solutions to protect and improve the infrastructure, health and welfare of Indian Country. Reauthorization of housing programs for tribal governments and citizens is a key component of meeting the infrastructure needs of tribal communities.

The accessibility and condition of housing and other related physical infrastructure needed in American Indian, Alaska Native and Native Hawaiian communities continues to lag far behind that in all other segments of the U.S. population. Providing quality and safe housing within tribal communities for members and essential employees is crucial for the health and welfare of those communities. Without a vibrant housing sector, tribal governments cannot recruit or retain essential employees such as doctors and nurses, law enforcement personnel and teachers who are vital to ensuring the health, safety and education of their members and a thriving community. Moreover, given the shortage of supply and problem of undersized homes for Indian households, many families are forced to live in overcrowded conditions that negatively impact the lives of Native families, children and elders virtually all areas of their lives.

## **S. 1275: Bringing Useful Initiatives for Indian Land Development Act of 2017:**

NCAI agrees with and is willing to work with the Committee on the reauthorization of NAHASDA. NCAI's comments regarding S.1275, *Bringing Useful Initiatives for Indian Land Development Act of 2017 (Build Act of 2017)* are outlined below by Section.

### **Section 2: Environmental Review**

Tribes have requested a streamlined approach to NEPA requirements that are already authorized in statute, and request identification of a lead agency when there are multiple federal agencies in one project. It has been difficult to get the federal agencies to remove the barriers that keep their work in silos and to agree to accept the review and determination of another agency. HUD issued a notice entitled PIH-201622 Environmental Review Requirements for Public Housing Agencies that aims to implement a lead agency for environmental review to address the inter-agency coordination.

NCAI is encouraged that this section affirms the lead agency provision and allows the governmental review requirements to be satisfied by the tribe or its tribal housing authority. NCAI will review this provision as drafted with tribes at our mid-year conference this week and we will be glad to share the comments we receive with the Committee.

### **Section 4: 99-Year Leasehold Interest in Trust or Restricted land for Housing Proposes**

The legislation authorizes all tribal trust or restricted lands to be leased for up to 99 years for residential purposes and NCAI urges further consultation with tribal leaders on this issue. Before 1955, except in rare and localized circumstances (for example, Salamanca and the congressional villages on the Seneca Nation's Allegany Reservation), surface leasing of Indian lands had been limited to 5- or 10-year periods, which are appropriate for agricultural leases, but not for commercial, residential, industrial and other uses promising major economic returns. In 1955, Congress passed a statute (now codified as 25 U.S.C. 415) allowing all tribes and individual Indians to lease trust and restricted lands for up to 25 years, with the possibility of an additional renewal term of 25 years while retaining shorter limits for agricultural leases. Amendments to the 1955 Act have allowed longer lease terms for business purposes, usually up to 99 years, for over two dozen specified tribes.

We urge further consultation with tribal leaders on the concept of 99 year leasing for residential purposes, particularly where large tracts of land could be leased for non-Indian residential leasing. Even if a 99 year lease may be authorized, the Tribe should retain the right to a term of less than 99 years.

## **Section 6: Loan Guarantees for Indian Housing**

NCAI supports the reauthorization of Section 184, and it is vital for Congress to continue this program which increases tribal homeownership. However, the Committee needs to be aware of the small percentages of acquiring home loans on Indian reservation land.

Native Community Development Financial Institutions, or CDFIs, are critical to closing the homeownership gap in tribal communities. A recently released study [\*Access to Capital and Credit in Native Communities\*](#) concluded that Native people residing in tribal communities “who wish to buy a home...have much better options now than they did [in 2001]; they have access to a [Native CDFI] that can help them realize their ambitions.”

Loan guarantees enable Native CDFIs to leverage the financing necessary to provide low-interest mortgage loans to Native people who otherwise would not have any other affordable options. Native CDFIs also provide mortgage loan recipients with credit counseling, home ownership preparedness training, and the ongoing support they need to stay in the homes that they purchase.

## **Section 7: Leveraging**

NCAI supports the clarification that all NAHASDA funds meet the full faith and credit for leveraging funding from other federal programs and is essential to the leveraging needs in Indian Country.

### **Native Hawaiian Housing Programs:**

As much as the need for housing is a priority for Indian Country, NCAI is concerned with the S. 1275, the Build Act, because this proposed legislation leaves out the Native Hawaiian Housing Block Grant and Native Hawaiian Guarantee Home Loan Programs within the NAHASDA reauthorization title. The exclusion of the Native Hawaiian housing programs sets a harmful precedent for federal programs serving American Indians, Alaska Natives, and Native Hawaiians. NCAI stands with our

Native Hawaiian brothers and sisters and requests the committee to include Native Hawaiians in the NAHASDA Reauthorization. Please refer to NCAI's resolution #REN-13-017, Support Reauthorization of Title VIII Part of the Overall Reauthorization of NAHASDA Programs.

### **Housing Needs Assessment**

Earlier this year, the U.S. Department of Housing and Urban Development (HUD) released a study entitled, "*Housing Needs of American Indians and Alaska Natives in Tribal Areas: A Report From the Assessment of American Indian, Alaska Native, and Native Hawaiian Housing Needs.*" This report provided the results of a multi-year study based on interviews of individual households, tribes and Tribally Designated Housing Entities (TDHE), and Native Hawaiians. The report focused on three factors related to housing needs: (1) demographic, social and economic conditions; (2) housing conditions and needs; and (3) housing policies and programs.

The study confirmed what we already know about the needs and barriers to adequate housing in Indian Country. The main housing needs are tied to: structural deficiencies (i.e. plumbing, kitchen, heating and electrical); inadequate housing conditions; overcrowding; and the need for Congress to provide funding that will enable, and not hinder, tribes from meeting the needs for their communities. According to the study, 33,000 new housing units are needed to alleviate housing overcrowding and an additional 35,000 housing units are needed to replace existing housing units in severe condition. The estimate to construct new and replace existing housing totals over \$33 billion (based on a HUD calculation of the average construction costs of a three-bedroom house).

NCAI encourages Congress to work with tribal governments to find solutions to ensure adequate funding and oversight that enables tribes and federal agencies to have the data and other resources needed to truly determine the need for housing throughout Indian Country. We are confident that once there is consistent housing needs data, it will provide much needed information that shows the relative housing needs and tribal government accountability. This report is the only current study that identifies the data, information and needs of housing in Indian Country. However, the study was limited in scope, and the comprehensive needs in Indian Country have yet to be determined. this needs data will enable this Committee and Indian Country to

advocate for the appropriations and policy considerations necessary to bring adequate housing to Indian Country.

### **S. HUD/VA Veterans Affairs Supporting Housing, and for other purposes**

NCAI and its members strongly support the Tribal HUD-Veterans Affairs Supportive Housing Program (HUD-VASH) program and expansion of HUD-VASH on tribal lands. American Indians serve in their country's armed forces in greater numbers per capita than any other racial and ethnic group, and they have served with distinction in every major conflict for over 200 years. Homelessness among Native Veterans is a serious issue throughout Indian Country. However, the current HUD-VASH program does not include its impact on tribal lands. In 2015, the HUD-VASH demonstration program was created to address at-risk and homeless Veterans on tribal lands. For the first time, tribes and tribal Veterans organization were eligible to apply for HUD-VASH funding. Funding for the HUD-VASH program increased from \$5.9 million to its current funding level of \$7 million for enacted FY 2017.

The HUD-VASH program is a successful program nationwide. However, without providing funding for tribes, it is virtually impossible for tribes to utilize this program. Tribes request the same opportunity given to all of America's local municipal governments. According to a 2016 HUD Annual Report on Homelessness that estimated the number of homeless Veterans, "the remaining five percent were of Native Americans, Pacific Islander, or Asian descent." Please refer to NCAI resolution # ECWS-14-001, Support for Indian Veterans Housing Rental Assistance Demonstration Program in the Native American Housing and Self-Determination on Act Reauthorization.

### **Conclusion**

NCAI thanks the Committee for its commitment to the important goals of tribal self-determination through flexible and effective housing policy for American Indians, Alaska Natives, Native Hawaiians and Native Veterans. We look forward to working with the Committee to take the necessary steps to support tribes as they improve the housing conditions in their communities and to effectively respond to the changing economic environment.

