

**NORTHWEST INDIAN HOUSING ASSOCIATION (NWIHA)
2011 Resolution #2011-3**

RE: A Resolution in Support of Actions and Positions Taken by the National American Indian Housing Council and a Call for Unity in Indian Country for Housing

- WHEREAS,** The Northwest Indian Housing Association (NWIHA) represents thirty-eight Indian Housing Authorities and Tribally Designated Housing Entities in Idaho, Oregon and Washington, and Annette Island, Alaska; and,
- WHEREAS,** The Mission of NWIHA is to promote safe, sanitary, decent and affordable housing for Tribal members in the Pacific Northwest, which it accomplishes by providing training and education opportunities; providing a forum for the discussion and resolution of issues; advocating for the collective benefit of all members; effectively linking members to information and financial resources; and working collaboratively with its industry partners; and,
- WHEREAS,** Whereas, the mission of the National American Indian Housing Council (NAIHC) is to effectively and efficiently promote and support American Indian, Alaska Indians, Alaska Natives and native Hawaiians in their self-determined goal to provide culturally relevant and quality affordable housing for native people; and,
- WHEREAS,** On September 8, 2011, the House Appropriations Subcommittee on Transportation, Housing and Urban Development (THUD) released and marked up the FY 2012 THUD Appropriations Bill; and,
- WHEREAS,** That Bill contains several provisions concerning unexpended NAHASDA funds that NWIHA feels are best dealt with in the negotiated rulemaking process; and,
- WHEREAS,** On September 8, 2011, Cheryl Causley, the duly elected Chairwoman of NAIHC, wrote a letter to the Honorable Tom Latham, Chairman of the THUD Appropriations Subcommittee, and the Honorable John W. Olver, the ranking member of the THUD Appropriations Subcommittee, expressing these concerns (a copy of the letter has been attached to this resolution):

“The NAIHC Board and Membership is concerned that fiscal year (FY) 2012 appropriations language may include provisions that would:

- *Prohibit tribes from receiving fiscal year (FY) 2012 funding if their current Indian Housing Block Grant (IHBG) “unspent” funding balance is \$10 million or more;*
- *Require tribes to spend their FY 2012 appropriated funds within 3 years of receiving the FY 2012 IHBG allocation;*
- *Not address the serious training and technical assistance needs of tribes and their housing programs.”*

WHEREAS, NAIHC has set forth in that letter, recommendations on each of these concerns to protect funding levels and established processes for funding of all Tribes, Tribally Designated Housing Entities and Tribal Housing Authorities under NAHASDA and other programs that benefit housing in Indian country; and,

WHEREAS, NAIHC has established through its Bylaws, policies and actions, processes by which positions that represent all the members of NAIHC are taken; and,

WHEREAS, On September 14, 2011, NWIHA received correspondence stating that a group calling itself “A Coalition for Indian Housing (ACIH)”, opposes the positions taken by NAIHC; and,

WHEREAS, NWIHA has been a long-term supporter of NAIHC and actively participates in its leadership; and

WHEREAS, Unity is important in Indian country, and NWIHA believes the actions of “ACIH” serve to divide Indian country, and are therefore not in the best interests of NWIHA members;

NOW THEREFORE BE IT RESOLVED, the Northwest Indian Housing Association calls for unity and support for the National American Indian Housing Council; and

NOW THEREFORE BE IT FURTHER RESOLVED, NWIHA supports the positions set forth in the September 8, 2011 letter sent by Chairwoman Causley on behalf of NAIHC; and

NOW THEREFORE BE IT FINALLY RESOLVED, NWIHA requests that Tribes, Tribally-Designated Housing Entities and Tribal Housing Authorities that comprise “A Coalition for Indian Housing” work together with the National American Indian Housing Council to agree on positions that benefit all of Indian country.

In addition, the Northwest Indian Housing Association respectfully requests that the National Congress of American Indians, the Affiliated Tribes of Northwest Indians, and all other regional Native American associations and organizations join NAIHC in supporting this Resolution.

CERTIFICATION

This is to certify that the foregoing Resolution #2011-3 was duly enacted, pursuant to Article X of the Northwest Indian Housing Association Bylaws, at a regular meeting of the Northwest Indian Housing Association, held on September 14, 2011, a quorum being present, with a vote of 19 FOR; 0 AGAINST, and 6 ABSTAIN.

BY: /s/ Brook B. Kristovich
Brook B. Kristovich, Chairman

ATTEST:

BY: /s/ Laurie Ann Smith
Laurie Ann Smith, Secretary



September 8, 2011

The Honorable Tom Latham
Chairman, Subcommittee
Transportation, Housing and
Urban Development, and
Related Agencies
Committee on Appropriations
U.S. House of Representatives

The Honorable John W. Olver
Ranking Member
Transportation, Housing and
Urban Development, and
Related Agencies
Committee on Appropriations
U.S. House of Representatives

Dear Congressman Latham and Olver:

I am writing this letter on behalf of the National American Indian Housing Council (NAIHC) Board of Directors and its 270 members representing 480 Indian tribes throughout the United States. The NAIHC was established in 1974 and has supported American Indians, Alaska Natives and native Hawaiians in their efforts to provide culturally relevant and quality affordable housing for native people during the past 37 years.

The NAIHC Board and Membership is concerned that fiscal year (FY) 2012 appropriations language may include provisions that would:

- prohibit tribes from receiving fiscal year (FY) 2012 funding if their current Indian Housing Block Grant (IHBG) “unspent” funding balance is \$10 million or more;
- require tribes to spend their FY 2012 appropriated funds within 3 years of receiving the FY 2012 IHBG allocation;
- not address the serious training and technical assistance needs of tribes and their housing programs.

NAIHC respectfully wishes to express our disagreement with such language. The Native American Housing Assistance and Self-Determination Act (NAHASDA) authorizes funding for the IHBG, and requires that funding be based on (1) the costs of operating and modernizing 1937 Housing Act units owned by the tribe when NAHASDA became law and (2) the need to provide affordable housing activities, referred to as the need portion. As you know, Indian tribes have

varied profiles in terms of population, needs within their population, and the number of units that, by statute, must be operated and maintained.

The Department of Housing and Urban Development's (HUD) most recent formula estimation analysis shows tribal populations for housing funding assistance purposes range from 12 to 200,000. Funding for the needs component ranges from the statutory minimum of approximately \$50,000 to more than \$65 million. Existing housing stock ranges from zero for many tribal housing programs that received no 1937 Housing Act funding to more than \$30 million for tribes with significant housing stock when NAHASDA was enacted. Given these facts, we believe a threshold for unexpended funds is inappropriate given the far-reaching differences among tribal communities.

It is important to note that both IHBG provisions cited above do not take into account the long-held tradition of self-determination under NAHASDA, nor the negotiated rulemaking process. NAHASDA declares in part that Federal housing assistance "...shall be provided in a manner that recognizes the right of Indian self-determination and tribal self-governance...." The statute further notes that "...all regulations required under this Act [NAHASDA], including any regulations that may be required pursuant to amendments made to this Act after the date of enactment of this Act, shall be issued according to a negotiated rulemaking procedure under subchapter III of chapter 5 of title 5, United States Code." Notably, NAHASDA requires that the negotiated rulemaking process include consultation with Indian tribes "Not less frequently than once every 7 years."

HUD issued a final rule on April 20, 2007, announcing that the IHBG formula "...shall be reviewed not later than May 21, 2012, to determine if a subsidy is needed to operate and maintain NAHASDA units or if any other changes are needed in respect to funding under the Formula Current Assisted Stock component of the formula." It is the NAIHC position that the distribution of funding under the IHBG should continue to be, as HUD has clearly recognized, a matter of negotiation among the tribes and the Federal Government.

Similarly, using a 3-year spend out requirement undermines long-range housing development for many tribes that have large population bases and disproportionately high housing needs. It is not unusual for a housing development project, which can include land purchases and infrastructure development, to take more than 3 years to complete regardless of the tribe's population base. The problem is simply exacerbated with larger tribes and larger housing projects. The NAIHC is concerned that the 3-year spend out requirement fails to take into account these realities.

As to training and technical assistance, the NAIHC membership has voted unanimously during each of their annual conventions since 2006, in support of a set-aside of funding from their IHBG appropriations in order to fund NAIHC's Training and Technical Assistance (T/TA) program. In addition, NAIHC members have expressed concerns about the quality of training provided by HUD contractors. To ensure high-quality T/TA, NAIHC requests that appropriations include funding for the NAIHC training and technical assistance program at no less than the \$3.5 million that Congress has approved for the past 3 years.

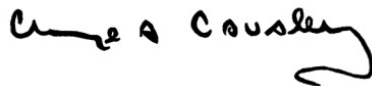
[The NAIHC membership also supports funding level of \$700 million for the IHBG in FY 2012. This is the same amount of funding that Congress appropriated in FY 2011. While nowhere near the amount needed to address the actual housing need in Indian Country, the NAIHC Board and Membership understands that spending constraints are an important component of getting the Nation's economic house in order.]

Finally, NAIHC respectfully requests that Congress commission the Government Accountability Office (GAO) to undertake a study of unexpended housing funds. We request that GAO prepare and submit to the Committees on Appropriations in the House of Representatives and the Senate a report that details the distribution of funds by the HUD to public housing authorities (PHAs) and Indian tribally-designated housing entities (TDHEs), and the disbursement of funds by the PHAs and TDHEs for housing construction and housing repair projects.

Attached to this letter is language that, if enacted, would direct the GAO to prepare and submit such a report. We believe such a report could review the history of fund disbursement for the previous five fiscal years and review both HUD's internal processes making funds available to these housing authorities as well as the internal processes of PHAs and TDHEs. It should also examine temporal, regulatory, or structural impediments that result in delays in the disbursement of funds, and whether those impediments are attributable to the department, PHAs, or TDHEs. Finally, the report could include recommendations on ways to improve the disbursement of funds to ensure the funds are used in an effective and timely manner as well as identify any capacity building needs that are identified during the study.

On behalf of the NAIHC Board and Membership, I want to thank you for considering our request and for sharing our aspirations for improved housing for Native Americans.

Sincerely,

A handwritten signature in black ink that reads "Cheryl Causley". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Cheryl Causley
Chairwoman