

# NAIHC Legislative Committee

We will begin at 1:03 Eastern



Tony Walters  
Executive Director

October 2022

# NAIHC Legislative Committee

## NAIHC Legislative Conference

Thank You!



October 2022

# NAIHC Legislative Committee

## BIG UPDATES

- **Continuing Resolution:**
  - Congress Passed CR on September 29
  - Funds Government through December 16
  - Did not include ERAP Extension
- **NAHASDA Updates**
  - Two Pathways for Passage
    - Senate THUD
    - NDAA Tribal “minibus”

# NAIHC Legislative Committee

## NAHASDA Reauthorization

- NAHASDA Reauthorization, S. 2264
  - 11 bipartisan cosponsors:
    - Schatz (HI), Murkowski (AK), Tester (MT), Hoeven (ND)
    - Smith (MN), Cortez Masto (NV), Lujan (NM), Rounds (SD), Warren (MA), Cantwell (WA), Hirono (HI)
  - Key provisions:
    - authorize NAHASDA programs through 2032
    - create an Assistant Secretary for Indian Housing at HUD
    - re-establish a Drug Elimination Program for tribal communities
    - Consolidate environment review requirements
    - recognize tribal sovereignty to govern maximum rent requirements
    - allow tribal housing programs to access the IHS sanitation funding
    - make tribes eligible for HUD Housing Counseling grants
    - HUD-VASH provisions
    - Leveraging/use as matching other federal funds

# NAIHC Legislative Committee

## NAHASDA Reauthorization

- NAHASDA Reauthorization, S. 2264
  - Reported out of Committee on February 16
    - Voice Vote
  - Next Steps
    - Increase the sponsor count
    - Work with Committee to identify other bills to add NAHASDA to as they go through Senate
- Two Pathways:
  - Included in Senate FY23 THUD Appropriations
  - Amendment to NDAA as part of 14 tribal bill package
    - Was added to Senate NDAA last year but dropped out

# NAIHC Legislative Committee

## NAHASDA Reauthorization

- NAHASDA Reauthorization, S. 2264
- Next Steps for Senate FY23 THUD Appropriations
  - Work with Leadership to Adopt Senate THUD language over House language
  - Better \$ amounts, NAHASDA provisions
- Next Steps for 2022 NDAA
  - Work with SASC & Senate Leadership
    - Reed & Inhofe; Schumer & McConnell

# NAIHC Legislative Committee

## NAHASDA Reauthorization

- H.R. 5195
  - Introduced by Financial Services Chairwoman Maxine Waters
  - Reported out of Committee on September 15, 2021
  - Key provisions
    - Establish an Assistant Secretary for Indian Housing
    - TDC allowances for energy efficiency upgrades
    - HUD-VASH
    - 5% Tribal Set-aside for USDA programs
    - Tribal Eligibility for HUD Counseling grants
    - Exemption from Flood Insurance Program
    - 184 Tribal Court Jurisdiction Issue
- Issues with the bill:
  - Authorization is set too low: \$680M in FY 2022
  - Contains language targeting Five Tribes in Oklahoma that tribes don't all support
- Hearing in Senate Committee on Indian Affairs on Freedmen Issues on July 28, 2022

# NAIHC Legislative Committee

## Other NAHASDA Reauthorizations

- American Housing and Economic Mobility Act (S. 1368, H.R. 2768)
  - Re-authorizes NAHASDA for ten years
  - \$2.5 Billion for NAHASDA in first year
  - Would allow tribes access to Section 8 housing vouchers
  - Not likely to pass; partisan, national scope bill



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## Other Tribal Housing Bills

- Native American Rural Homeownership Improvement Act, S. 2092, H.R. 6331
  - Ten bipartisan cosponsors in Senate:
    - Smith (MN) and Rounds (SD)
    - Tester (MT), Thune (SD), Cramer (ND), Schatz (HI), Cortez Masto (NV), Warren (MA), Lujan (NM), **Lummis (WY)**
  - Six bipartisan cosponsors in House:
    - Rep. Dusty Johnson (SD), Rep. Leger Fernandez (NM) & Kahele (HI), Davids (KS), Case (HI), **Pocan (WI)**
  - Would provide \$50M from USDA Single Family Home Loan program to Native CDFIs to provide home loans in tribal communities
  - Introduced in June, Subcommittee Hearing Held in July 2021 & January 2022

# NAIHC Legislative Committee

## Other Tribal Housing Bills

- Native American Rural Homeownership Improvement Act, S. 2092, H.R. 6331
  - Native CDFI Network hosted Webinar
    - Smith/Rounds Staff
    - USDA Support
  - NEXT STEPS:
    - MORE COSPONSORS – Template Letter For Programs to Send to their Members of Congress
    - Movement in Committee

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## Other Tribal Housing Bills

- HUD-VASH
  - Is included in larger NAHASDA efforts
  - ***Included in Senate THUD FY23 Appropriations Bill & NDAA Amendments***
- Tribal Trust Land Homeownership Act, S. 3381
  - Four bipartisan cosponsors:
    - Thune (SD), Smith (MN), Rounds (SD), Tester (MT)
  - Would establish timeframes for Realty/Land Title processes
  - Hearing Held on February 16
  - Reported out of Senate Committee on Indian Affairs on May 18 by voice vote
  - ***Included in Senate NDAA Amendments***

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## Other Tribal Housing Bills

- VA Native American Direct Loan Improvement Act
  - Bill Introduced July 12
    - Senate VA Hearing Held on July 13
  - Led by Senator Rounds (SD) and Senator Tester (MT)
    - *Peters (MI) Cosponsor*
  - Address Issues Found in GAO Report: GAO-22-104627
    - 180 Loans Between 2012-2021
  - Bill would
    - Allow VA NADL Loans for Refinancing
    - Grants to Tribal Orgs for Outreach
    - Relending through Native CDFIs

# NAIHC Legislative Committee

## Update on Advocacy Campaigns

- **NAHASDA Reauthorization:**
  - Urging Congress to Reauthorize NAHASDA, included in THUD Appropriations Bill
  - <https://p2a.co/K4mCANM>
  - 151 Advocates, Over 1,300 Letters to Hill



# NAIHC Legislative Committee

## FY22/23 Appropriations

- Full Year FY22 Passed on March 10<sup>th</sup>
- First Major Increases in Years
  - IHBG Formula increased to \$772 Million (+19.3%)
  - IHBG Competitive Grant increased to \$150 M (+50%)
- But Increases Still Keep Tribal Housing Funds below 1998 Adjusted NAHASDA Levels
- Percentage of HUD Budget for Tribal Housing Continues to Fall
- FY23 Continuing Resolution Means Steady Funding for now (through December 16)

# NAIHC Legislative Committee

## FY23 Budget/Appropriations

- Biden Administration released budget on March 28, 2022
  - \$1 Billion for tribal housing
    - \$772M for IHBG
    - \$150M IHBG Competitive
    - \$70M ICDBG
    - \$7M Training and Technical Assistance
    - \$1M Title VI Loan Guarantees

# NAIHC Legislative Committee

## FY23 Budget/Appropriations

- What about Congress:
- House THUD
  - \$1 Billion for tribal housing
    - \$772M for IHBG
    - \$150M IHBG Competitive
    - \$70M ICDBG
    - \$7M Training and Technical Assistance
    - \$1M Title VI Loan Guarantees
- Senate THUD
  - \$1.052 Billion for tribal housing
    - \$819M for IHBG
    - \$150M IHBG Competitive
    - \$75M ICDBG
    - \$7M Training and Technical Assistance
    - \$1M Title VI Loan Guarantees
    - Also Includes NAHASDA!



# NAIHC Legislative Committee

## FY23 Budget/Appropriations

- Next Steps
  - Work With Members of Congress to Encourage Adoption of Senate language (More \$ and NAHASDA)
  - For Future Years, More Engagement with OMB (Get Increases into Budget Request)
    - New Tribal Advisor, Liz Carr

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## Current HUD & ONAP Grants

- FY22 ICDBG (annual)
  - \$92M; NOFO Posted July 19; **DEADLINE October 24**
- FY21 IHBG Competitive
  - \$130M; NOFO Posted July 26; **DEADLINE ~~November 17~~ Extended to January 24**
  - **Webinars Set for November 8 & 9**
- HUD Continuum of Care
  - FY22 Annual Program Funding – **DEADLINE September 30**
  - Unsheltered and Rural Homelessness Additional Funding, (included \$50+ Million Rural Set-Aside) **DEADLINE October 20**

# NAIHC Legislative Committee

## Emergency Rental Assistance

- ERAP funds expired on ***September 30, 2022***
- Should not be spending funds except for close out activities
  - Except Tribes who received additional reallocations, those funds don't expire until December 29
- NAIHC working with members of Congress to extend for one year
- Reporting Data as of June 30, 2022:
  - National Program:  $\$20,493,596,345 / \$25B = 82.0\%$
  - Tribal Program:  $\$411,607,397 / \$800M = 51.5\%$  (thru March 31)

# NAIHC Legislative Committee

## Emergency Rental Assistance

- Impact
  - Up to \$250 million collectively that could go back to Treasury
  - Possibly 65% of tribes have some ERAP funds to return
- Can we still get extension?
  - It is possible
  - Congress often does retroactive changes
  - Timing/Pathways:
    - Omnibus Spending or CR (must pass by December 16)
    - Other package/Standalone
    - Congress not in session until after midterms
  - Issues – Altering COVID spending doesn't get bipartisan support; Senate Banking – Senator Toomey
  - Targeting Leadership

# NAIHC Legislative Committee

## Homeowner Assistance Fund

- Over 180 tribes have received HAF plan approval and funds
  - Nearly 100 tribes still have not submitted their HAF plan
- NAIHC Trainings
  - February 28, 2022
  - Tuesday, March 8
- We do have limited T&TA regarding ERAP & HAF
  - Online form, went out in last few NHUs
  - <https://naihc.net/tribal-housing-assistance-resource-hub/>
- NAIHC launched webpage to help Native homeowners find ERAP and HAF program

# NAIHC Legislative Committee

## Update on Advocacy Campaigns

- **ERAP Extension**
  - Urging Congress to Extend Tribal ERAP Funds for 1-year
  - Over 120 Advocates, 1,800 letters
  - <https://p2a.co/Yg8EE8L>



# NAIHC Legislative Committee

## NAIHC Legal Symposium

December 6-7

Bally's Hotel & Casino Resort

*December 5:* Legislative Committee

*December 6:* General Opening Sessions, Two Breakout Blocks, Reception

*December 7:* Three Breakout Blocks, General Closing Session

**Exhibit Hall will be Open, CLEs for Attorneys**

**Registration Open Next Week!**

**<https://naihc.net/legal-symposium/>**