



806 SW Broadway, Suite 900
Portland, OR 97205

T 503.242.1745
F 503.242.1072

HOBBSSTRAUS.COM

MEMORANDUM

September 7, 2017

To: Housing Clients

From: HOBBS, STRAUS, DEAN & WALKER, LLP

Re: *NAIHC Legislative Committee Meeting*

This memo reports on the monthly NAIHC Legislative Committee conference call meeting held on September 7, 2017. The meeting was chaired by Gary Cooper (Cherokee Nation Housing Authority), and Tony Walters, NAIHC Executive Director, presented the information set out below.

A. Legislative Update

Tony Walters first noted that Congress is now back in session, but they have a lot of issues before them: appropriations, debt ceiling, funding for hurricane relief, DACA, etc. There has been news that there has been an agreement reached to extend the debt ceiling and appropriations issues (via Continuing Resolution) to mid-December. The agreement is supposed to include funding for the damage from Tropical Storm Harvey.

Mr. Walters then addressed NAHASDA reauthorization. At this point, there has not been much visible progress since the BUIILD Act was introduced, but Mr. Walters said that he hopes to see movement in both chambers in the next month.

In the Senate, the current bill for reauthorization is the BUIILD Act, which has been introduced and subject to a markup hearing. There has been some internal discussion among the sponsors to include Native Hawaiian housing funding in that bill, but nothing definitive yet. We have also heard that the House wants to move quickly on a NAHASDA bill. No bill has yet been introduced, but once it is introduced it could move quickly. Congressman Pearce is still engaged on this issue and intends to take the lead, but he is gearing up his campaign for Governor of New Mexico. We are likely to see a bill similar to that passed by the House in the last two sessions.

One participant had a question about whether the language about the 30% rule (which would allow tribes to substitute their own policy provisions for that rule) would be included in NAHASDA reauthorization. Mr. Walters noted that the BUIILD Act does not include that language, because the purpose of that bill was to get a stripped-down version of NAHASDA reauthorization through the Senate. However, it is possible that language will be part of the House bill. The same participant asked a question about

potential changes to LIHTC legislation that would permit tribes to opt out of the long-term Land Use Restriction Agreements, but no one on the phone had heard of any such legislation.

The HUD-VASH bill will likely be moved together with NAHASDA reauthorization. There is a significant support for this bill in both chambers.

On appropriations, there is still a lot of uncertainty, but the news of the deal reached by the administration and Congressional leadership means that the debate and discussions over FY 2018 funding will continue into December. It is likely that we will be looking at an omnibus funding bill, but right now all we know is that there will likely be a Continuing Resolution that continues funding at FY 2017 levels until mid-December.

B. White Papers

There have been some volunteers to put together white papers on issues critical to Indian housing. The folks who have volunteered have a September 22 for their drafts. For the areas that NAIHC does not have volunteers, NAIHC is looking into how they will develop white papers on those issues. Mr. Walters asked for volunteers for the white papers, since the folks who are dealing with these issues on a day-to-day basis are the best experts for addressing these issues.

C. Funding Task Force

The NAIHC task force meets monthly by phone. It is set up similar to the NAIHC legislative committee. They take place the third week of every month. The task force considers various issues related to funding for Indian housing, not limited to IHBG funding but looking at various sources of funding and how to increase availability. The next call is set for September 20.

D. Legal Symposium

The announcement for the Legal Symposium is now up on the NAIHC website. The location will be the Venetian Hotel in Las Vegas, from December 3 through December 5. There is also a call for presentations, if you are interested in presenting on an issue. The Legislative Committee will meet in person in the early afternoon on December 3, 2017.

E. Requests for Input

NAIHC is also looking for input for locations for its annual convention. The next two years are already scheduled out (San Diego and Denver, respectively), but beyond that they are looking for suggestions. NAIHC is also looking for input on ideas for future trainings.

F. Next Meeting

The Legislative Committee will hold its next monthly call on Thursday, October 5, at 1:30 Eastern. The call-in information is: 267.930.4000 code: 814-641-180#.

If you have any questions about the items in this memorandum, please do not hesitate to contact Edmund Clay Goodman at EGoodman@hobbsstrauss.com or by phone at (503) 242-1745.