



MEMORANDUM

May 3, 2018

To: Housing Clients

From: Hobbs, Straus, Dean & Walker, LLP

Re: *NAIHC Legislative Committee Meeting*

This memo reports on the monthly NAIHC Legislative Committee meeting, which was held on May 3, 2018 (by teleconference). NAIHC Board Member and Legislative Committee Chair Gary Cooper and NAIHC Executive Director Tony Walters presided over the brief call.

I. Tribal Housing Legislation Update

a. Tribal HUD-VASH Legislation

There are two bi-partisan efforts to authorize the Tribal HUD-VASH program moving forward with support in the House and Senate. Mr. Walters only provided an update on the Senate version, S.1333, introduced by Senator Tester (D-MT). S.1333 has been reported out of the SCIA. The bill is still working its way through the Senate. NAIHC understands that the goal is to pass the bill through unanimous consent, which means it will pass without requiring a floor vote so long as no Senator objects. NAIHC has been working with staff from offices of both Democratic and Republican senators who are unfamiliar with the program, and who have questions or concerns. Several Senators have heard from veterans in their communities participating in the non-tribal HUD-VASH program with concerns that the Tribal HUD-VASH program will take funding from the larger program. NAIHC has explained to these offices that the funding is not from the same pot. Overall, NAIHC is optimistic about passage of S.1333.

b. Tribal HUD-VASH Funding Update

As we have previously reported, the funding for the Tribal HUD-VASH program was cut in the FY 2018 Omnibus Appropriations bill from \$7 to \$5 million. Following last month's Legislative Committee call, NAIHC sent out a request to the 26 tribes participating in the Tribal HUD-VASH program for feedback about how the cuts may affect them. NAIHC has heard back from 11 tribes so far. Mr. Walters asked any participating tribe that has not received the request to contact Valerie Butterbredt for assistance.

The feedback the NAIHC has received so far indicates that the cuts will most impact those tribes that have been successful in utilizing their vouchers. For those tribes that were not as successful at using their vouchers, the reasons were often related to a housing shortage, a lack of supportive services on the Veterans Affairs side, or ineligible veterans. One participant emphasized that the participating tribes were not selected for Tribal HUD-VASH through a competitive application, and that there clearly remains an unmet need in Indian Country that could be utilized by non-participating tribes able to use the funding.

Mr. Walters is reaching out to the SCIA and to appropriators next week about the cuts, and for ideas on what NAIHC can do to show that funds will be spent down if the program is expanded to other tribes. He will also will share all feedback received with Congress for next year's appropriations (in the event that Congress is unable to pass S.1333 this session).

c. IHBG Appropriations - \$100 million competitive grant for FY 2018

As previously reported, the FY 2018 appropriation contains a new, separate \$100 million competitive grant program for which IHBG recipients are eligible to apply. Since last month's call, NAIHC does not have much additional information about how the money will be allocated under the competitive grant process, but expects that HUD will be ready to present that information at this month's Annual Convention in San Diego.

HUD is currently working on a Notice of Funding Availability ("NOFA") for the grant program, which is required under any competitive process. HUD hopes to publish the NOFA before the end of this month. HUD is currently behind schedule due to several unconfirmed leadership positions. HUD is hoping that confirmations move quickly, because there are only three weeks before Congress takes a Memorial Day holiday. NAIHC is concerned that any competing timelines for competitive housing grant programs may cause confusion for applicants.

Participants mentioned that they would like to see the new grant money have fewer restrictions than ICDBG funds, and that this additional funding should be reoccurring. A participant from Alaska said that he would to avoid going through the process of redefining "need" for use of these funds. In Alaska, need is about how much an item costs, rather than poverty, and looks very different than in other parts of the country.

d. NAHASDA Reauthorization

Mr. Walters stated that there is nothing new to report on NAHASDA reauthorization. As previously reported, there are three reauthorization bills currently before Congress. Unfortunately, the SCIA has not been meeting much recently. When it has convened, the SCIA has focused on Tribal HUD-VASH issues. Mr. Walters has been in contact with Representative Pearce's office, since the House bill (H.R. 3864), has been

moved out of Committee and is the furthest along. H.R. 3864 includes a \$650 million appropriations cap and does not include Native Hawaiian provisions. Mr. Walters noted that in light of the new additional funding available to IHBG recipients, passage of any bill with a funding cap may be problematic because it would show funding in Indian Country moving in the wrong direction.

e. Section 184 Loan Program

HUD is currently wrapping up its regional consultation meetings on revisions to the Section 184 program regulations. HUD has indicated that it will not have an initial draft proposed rule with revised regulations until August, later than previously estimated. However, while HUD has not officially confirmed when it will complete a draft proposed rule, ONAP Deputy Assistant Secretary Heidi Frechette stated publicly last week that the draft would not be out until August.

f. USDA Rural Development Section 502 Single Family Direct Loan

The USDA will have an update on Section 502 opportunities at the Annual Convention. This program funding was increased to \$1.1 billion from \$1 billion in FY 2017. This is not a tribal-specific grant program, although tribal families are eligible. The program assists low and very-low-income applicants obtain decent, safe and sanitary housing in eligible rural areas by providing a no money down home loan, on or off trust lands.

II. NAIHC/Amerind Annual Convention

The NAIHC/Amerind Annual Convention will be held in San Diego from May 30 through June 1, 2018. So far, over 500 participants have registered, which is a much better turn out than last year's Annual Convention. The hotel block has sold out, but there are many other hotels within walking distance. The annual golf fundraiser will be held on May 29, before the Annual Convention begins.

The format is different this year because of the Memorial Day holiday. The member's meetings and the in-person Legislative Committee meeting will both be held on Thursday, May 31. **The last day to submit resolutions for consideration at the Legislative Committee meeting is May 11.** If members cannot attend, they should fill in proxy voting forms (available on NAIHC's website) so that they can vote on any resolutions and for a chairperson.

III. Conclusion

The next Legislative Committee meeting will be held in person at the Annual Convention, on May 31. There will not be a Legislative Committee meeting held by teleconference in June, because the Legislative Committee will have just convened in San Diego.

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.