



516 SE Morrison Street
Portland, OR 97214

T 503.242.1745
F 503.242.1072

HOBBSSTRAUS.COM

MEMORANDUM

December 13, 2018

To: Housing Clients

From: HOBBS, STRAUS, DEAN & WALKER, LLP

Re: *NAIHC Legislative Committee Meeting and NAIHC Legal Symposium*

This memo reports on the NAIHC Legislative Committee meeting and the NAIHC Legal Symposium held in Las Vegas, NV, on December 10-12, 2018.

1. Legislative Committee

The Legislative Committee held its monthly meeting in person in conjunction with the NAIHC Legal Symposium. The Chairman of the Legislative Committee, Gary Cooper, and the NAIHC Executive Director, Tony Walters, presided over the meeting.

A. Call to Order and Recap of Prior Meetings

Tony Walters, the NAIHC Executive Director, gave the opening remarks. NAIHC's efforts in the upcoming year is going to be, once again, NAHASDA reauthorization. Part of the agenda today is to go over the list of priorities for amending NAHASDA. We will work off the matrix developed in 2013.

B. Update on 115th Congress and Pending Legislation

Mr. Walters gave a brief update on the 115th Congress. Congress is still considering some outstanding appropriations bills. There was a continuing resolution on December 7, going through December 21. Housing funding is part of the appropriations still unresolved. The HUD-VASH bill has passed the Senate, but we are still waiting for the House to act. The bill has strong bi-partisan support. NAIHC is working to see that bill passed this session. FY 2019 appropriations so far is looking to be the same as FY 2018, including the additional \$100 million in competitive IHBG funding.

C. Announcements

Mr. Walters began with a few announcements. He urged participants to sign up for the NAIHC Native Housing Update, a bi-weekly email newsletter on Native Housing issues.

The NOFA for FY 2018 ICDBG funding has been issued, and applications must be received by January 7, 2019. HUD is still working on the NOFA for the FY 2018 IHBG competitive funding.

NAIHC Legislative Committee usually meets the first Thursday of each month by telephone, although the next one will be the second Thursday in January (January 10, 2019).

He also announced that the NAIHC Legislative Conference will be held the first week February 25-27, at the Washington Court Hotel in Washington D.C. There will be an in person Legislative Committee meeting on the Monday of that week.

D. NAIHC Legislative Proposals: General Points

The main part of the meeting concerned the matrix of proposals for amending NAHASDA (that chart is attached to this memo). Some of the items are shaded, and those are items that were raised or included in draft bills since 2013. The non-shaded items are new items, raised by regions in the most recent request for amendment concepts. On the last few pages are several items that are outside of NAHASDA, but which can be put forward as legislative concepts in the upcoming session.

We walked through the chart, and Mr. Walters noted that if there are any objections, he will not bring that concept forward. The process was informal, since this was not a formal meeting of the NAIHC membership. But if there is no consensus in this group, that would indicate that it is an issue the membership still needs to work on.

E. NAIHC Legislative Proposals: Non-NAHASDA Items.

The Committee began by taking up the “Other HUD non-NAHASDA items,” which are found near the end of the attached matrix.

1. Reauthorize Section 184. The Committee supported reauthorization of the Section 184 program, but not the appropriations cap that was part of the prior House bills. There is also support for language that would clarify that tribal courts would have jurisdiction over foreclosures under Section 184 (addressing an objection raised by the U.S. Department of Justice and HUD against authorizing foreclosures in tribal courts).
2. HUD-VASH. The Committee supported passage of the HUD-VASH legislation (the Senate bill, S. 1333) which would make this program permanent, and does not include the hard cap contained in the House bill.

3. Lands Title Report Commission. The Committee supported the proposal that the Commission be established within one year. NAHASDA required that such a Commission be established to review land title issues in Indian Country and the difficulties those issues create for developing housing and homeownership in Indian Country, but it has never been established.
4. HUD Homebuyer Counseling. The Committee supported amending the 1937 Act appropriations bill to authorize tribes and TDHEs to access funding under the HUD Homebuyer counseling program.
5. Senator Heitkamp's USDA Program Bill. The Committee supported Senator Heitkamp's bill, which would change definitions involved in USDA programs to make clear tribes and TDHEs are eligible for these programs. The bill would expand access for tribes and tribal members, given the low usage of these programs in Indian Country. One participant asked what happens if this bill does not pass this session, since Senator Heitkamp was not re-elected. NAIHC would look for a new sponsor in the next session. Mr. Walters felt there would be support for this legislation. Another approach would be to try and include this language in NAHASDA reauthorization bill, because it might bring other sponsors to the bill who might assist in "breaking the NAHASDA reauthorization logjam."
6. Additional USDA Rural Housing Concepts. The South Dakota Native Homeownership Coalition is advocating for several legislative proposals to expand USDA and VA programs in Indian Country. One would reinstate the USDA 525 technical and supervisory assistance grant program. A second would allocate a \$50 million appropriation for the USDA Section 502 program for Native CDFIs. The third would include provisions intended to bolster use of the Department of Veterans Affairs Native American Direct Loan Program for Indian veterans. This program is significantly underutilized, in part because the office is understaffed. The Committee supported these legislative concepts.
7. National Flood Insurance Program. Congressman Pearce sponsored legislation to amend the National Flood Insurance Program to allow for tribes to have the same status as states. The Committee supported this legislative concept.
8. BIA Housing Improvement Program (HIP). NAIHC will continue to advocate for increased BIA HIP program.
9. Urban Indian Housing. This legislative proposal would recognize Urban Indian organizations and authorize funding for such organizations to assist urban Indian housing. The Committee would support a separate or additional line of funding for urban Indian housing, but not if it would take money from the existing Indian Housing Block Grant funding.

10. Tribal Set-aside for New Market Tax Credits. There were no real specifics about this idea. But there was a concern about set-asides might impact different areas of the country differently. This will be dropped off the list until there is a more specific proposal that can be vetted more thoroughly.
11. State Housing and Funding. One NAIHC member proposed state-level funding (in California) that would authorize or enhance tribal access to various state housing fund sources. Mr. Walters noted that because this was a state law issue, it was beyond the scope of what NAIHC can do. This item was dropped as well.

F. NAHASDA Reauthorization Concepts

The Committee reviewed the concepts previously incorporated in NAIHC's NAHASDA-reauthorization advocacy. The process will be for this group to vet the list, and see if the issue is still a live issue. There will still be further work with the specific regions through the board members, and Mr. Walters will work with the Executive Directors of the various regional associations. Among the live issues briefly discussed during the meeting were the following (for a complete list see the attached matrix)

1. Revise definitions of Income and Adjusted Income to give tribes/TDHEs more flexibility.
2. Establish timelines for HUD to take action or make decisions in a variety of areas: environmental review waivers; extension of IHP deadline; local cooperation agreement waivers; TDC limit increases.
3. Remove or modify the Local Cooperation Agreement requirement
4. Tax exemption issues: exempt administrative buildings and property from taxes as well as dwelling units.
5. Remove or modify applicability of HUD Section 3 Requirements: exempt tribes, or expressly state that the requirements have been met by tribal preference
6. IHP: require HUD to make recommendations to Congress on how to improve
7. Modify program income to allow for funds to cycle through once before becoming non-program income.
8. Allow for Tribal Determined Wage rate to apply to all federal funding in a project that includes NAHASDA funding.
9. Consolidate environmental review requirements into a single process where a project involves funding from other federal agencies in addition to NAHASDA funding.

10. Negotiated rulemaking: require it to take place during a specified time period (5 years, 7 years, etc.)
11. Remove or modify the Section 504 requirements (use language like the Tribal Determined Wage rates – if Tribe has adopted its own provisions for protecting persons with disabilities, those provisions will apply in lieu of Section 504).
12. Clarify and revise eligible affordable housing activities, exceptions, etc.
13. Expand use of reserve accounts to use beyond just administration and planning.
14. Remove or modify the 30% maximum rent rule.
15. Limit insurance coverage requirements to units owned or operated by tribe or TDHE.

2. NAIHC Legal Symposium Plenary Session

Chairman Gary Cooper opened the plenary session by giving a short history of the NAIHC Legal Symposium. The Legal Symposium is one of the best-attended events that NAIHC organizes. The registration numbers for this year have continued to grow. He also announced that next year's Legal Symposium will be at the Bally's Hotel and Casino.

A. Lance Morgan, President and CEO of Ho-Chunk Inc.

Ho-Chunk Inc. is wholly-owned by the Winnebago Tribe of Nebraska. It has grown from 10 employees to a large corporation, with business interests across the country and internationally. It is an example of a tribal business succeeding with the support of the Tribe. Mr. Morgan gave a presentation on Ho-Chunk Inc.'s story.

Ho-Chunk was launched in 1994. The goal was to have revenue and programs directed to the Tribe's five priorities: youth, education, jobs, housing and elderly. They grew from \$0 in revenue in 1994 to almost \$250 million in 2017. He noted that "housing is a slow motion disaster," because their town is growing so fast they cannot keep up with the population growth. The young population is the fastest growing, and current funding streams will not be enough. The system is not designed for rapid construction and development. There is a need to get creative, find multiple funding streams and leverage other resources.

He showed a short video on how Ho-Chunk Village was developed to address the desperate need for housing. They built 260 units in 20 years, but the waiting list kept growing, and there was not enough capital to develop sufficient scattered site housing. The solution was to develop an entire community all at once. He referred to this as the "new urbanism." There is commercial and manufacturing property along with residential, surrounding a recreational space. There is also a senior housing. There is a broad array of services available to tribal members, including homebuyer assistance and counseling.

Mr. Morgan described the goal of Ho-Chunk Village as removing barriers to homeownership for Tribal members. Ho-Chunk Inc. bought interest in a local bank to be able to facilitate credit to Tribal members. They provide free lots and make no profit on sales of home to Tribal members. They also provide first-time homebuyer seminars. The key, they learned, was providing down payment assistance. They steadily increased the amount of assistance, and included not just low-income, but middle-class Tribal members as well to develop a mixed-income community.

They are in the midst of a five year plan aimed at constructing 100 homes. They are using profits from Ho-Chunk Inc. that the Tribe has authorized to be dedicated to this work, but they have to leverage those funds. The goal is to create homes that will cost Tribal members about \$500/month. They are also using New Market Tax Credit funds to develop multi-use properties, so that there are commercial and retail enterprises in the community as well.

B. Heidi Frechette, Deputy Assistant Secretary, HUD ONAP

DAS Frechette began her remarks by sharing some examples of successful housing programs and projects (which were projected on the screen behind her): Native Village of Savoonga (Title VI development with focus on energy efficient development); Lummi Tribe Housing (a forward-thinking transitional housing project with wrap-around services, leveraging Title VI); Oklahoma Northeastern Tribal Health System Clinic (consortium of 5 tribes with 5 separate ICDBG grants); Sault Tribe Housing Authority (utilized NAHASD funds to develop a 10 unit elder complex). HUD ONAP has a series of “best practices” webinars highlighting these various projects to learn how to get these kinds of projects going, as they work through the projects step-by-step, the obstacles they faced, and how they developed tribal government and community support. The upcoming webinars are listed on the ONAP “Code Talk” website.

DAS Frechette then spoke about funding for FY 2019. Congress has adopted a continuing resolution going through December 21, which includes the IHBG appropriation. We do not know if Congress is going to reach a compromise with the White House on budget negotiations. In the meantime, HUD ONAP has interim funding available (for more information see our Housing Client memo dated December 10, 2018, attached for your reference). HUD is also working on the FY 2020 budget and expects the President’s budget request for 2020 to come out in February.

DAS Frechette briefly addressed NAHASDA reauthorization. She noted that HUD ONAP and HUD Secretary Ben Carson are advocates for NAHASDA reauthorization. HUD is anticipating that a new reauthorization bill will be released earlier in the session, most likely in the House.

She then spoke briefly about the IHBG competitive grant of \$100 million. In the language accompanying the appropriation, Congress directed HUD to consider need and administrative capacity, as well as to focus on rehabilitation and new construction. HUD ONAP has been working on the NOFA for this funding for some time now, and she expects it to be released in the near future (it is in final clearance).

The NOFA for the ICDBG FY 2019 funding was released previously (the deadline for submitting applications is January 7, 2019). For more information see our Housing Client memo dated November 5, 2018 (attached for your reference).

HUD ONAP is still working on the new Section 184 loan guaranty regulations. DAS Frechette and her team have held a series of consultations around the country, including the most recent one at the NCAI meeting in Denver (for more information see our attached Housing Client memo dated November 5). HUD ONAP began these consultation sessions early on, before initiating the drafting process, and they tried to hold as many sessions as possible. They have received a significant number of comments so far, and expect to receive more. The consultations will continue, and HUD ONAP intends to be responsive to those comments. HUD ONAP is still finishing up drafting the full regulation, and they will make it available in a comprehensive form once it is completed. There will be a tribal draft for comments before it is published in the Federal Register for public comment.

DAS Frechette went on to discuss the Title VI Loan Guaranty Program. Title VI has been a successful program, but it is underutilized and the funding needs to be enhanced. To that end, DAS Frechette has spent the last year working with the Department of the Treasury to develop a better credit model. Because of this new model, HUD ONAP was able to create about double the amount of dollars for loan guarantees without increasing appropriations. She encourages reaching out to your area office to see what is available.

DAS Frechette concluded her remarks by discussing the HUD VASH program. HUD ONAP has faced challenges in implementing the program, in large part because it involves taking an urban program and trying to make it work in rural areas. But they are working with the Department of Veterans Affairs at headquarters level. Secretary Carson is a strong supporter of the program as well as of the Senate bill making the program permanent.

C. Tony Walters, NAIHC Executive Director

Mr. Walters has now been at NAIHC for almost two years. His main focus will remain legislative advocacy, with NAHASDA reauthorization the primary goal. Mr. Walters introduced the NAIHC staff. He noted that he will provide more of a detailed update at Wednesday's closing session. He also reminded participants of the NAIHC Legislative Conference in Washington DC in February 2019, and the NAIHC Annual Convention in Denver in May 2019.

D. Ed Clay Goodman, Hobbs Straus Dean & Walker, LLP

I provided the litigation and regulatory update to the plenary session. That update covered major litigation impacting Indian Country as well as regulatory initiatives. Attached to this memo is a detailed update that is also available on the NAIHC website, covering this information in detail.

E. Presentation of George Nolan Award: John Williamson

John Williamson passed away last year. NAIHC wanted to wait to make this award for a lifetime of service to Indian Housing so that his family would be able to attend. Mr. Williamson's wife Linda was present, and Brook Kristovich, who worked with him for many years, made the presentation. Mr. Kristovich presented the highlights of Mr. Williamson's life, including his long career as a U.S. intelligence officer in Korea and Vietnam, for which he was awarded numerous military honors. His service also took him to Europe and two years in Honduras (for the Army Corps of Engineers), where he was involved in developing infrastructure. He began his work in Indian housing after he retired from the military in the early 1990's. He served on the Executive Committee of NWIHA and the Board of NAIHC for many years. He also mentored and advised many other Indian housing professionals, including new Executive Directors. NWIHA awarded him the Executive Director of the Year. The State of Washington also granted him an award for affordable housing excellence for his work in Indian housing. Mr. Williamson's widow, Linda Williamson, accepted the award on his behalf. She noted that Mr. Williamson did not work for awards or praise, but because he believed in what he was doing, and felt passionately about that work.

F. Jason Ballard, Co-founder and CEO of ICON

ICON is working on 3-D printing of an entire home. They are a construction technologies company. Homebuilding technology has not changed much over the past 1000 years. Mr. Ballard thinks that these are incremental changes, and he thinks it is time for a paradigm shift. Building a home with a 3-D printer can be done in a little over a day. There are six advantages to 3-D printed homes: speed, customizable, performance (better materials, more resilient), lower cost (about 30% cheaper), industrial scale, and zero waste involved. ICON received the first permit for a 3-D printed home in Austin Texas. The home was constructed in 47 hours, and it is currently occupied. ICON now has over one million homes requested. They only have one ICON printer. They are now developing a new printer that can build single-story homes in about 24 hours (single story homes for now, about 2000 square feet in size). You can find more information at www.iconworld.com.

G. Cora Ganne, Wells Fargo

Ms. Ganne is the National Tribal Advocate and Senior Relationship Manager at Wells Fargo. She spoke about Tribal advocacy and philanthropy at Wells Fargo Bank. For many years Wells Fargo has engaged in dialogue with tribal leaders and housing professionals to get a better understanding of the need for investment in Indian Country. She presented a summary of the needs that Wells Fargo has identified, including the need to get more private investment in Indian Country. Wells Fargo has provided \$16.6 million in grants to Indian Country since 2013, including grants for students to complete their education. This also includes free college preparation workshop funding. Wells Fargo hosts those workshops, and Native students can attend for free.

Last year Ms. Ganne announced that for the next five years (2018-22), Wells Fargo will be committing \$50 million in grants to Indian Country for environmental sustainability, economic development, housing, leadership developments, financial capacity training, leverage for existing programs and funding, marketing support, and wholesale and middle market banking support. This program will be implemented in partnership with the tribes. She provided an update on the program one year in.

One of the grants Wells Fargo has established is a \$5 million grant for “energy grid development.” The Spokane Tribe was one of the first tribes to receive funds from the grant. The Tribe had experienced a large fire that destroyed much of their energy infrastructure, and were “shovel ready” (one of the requirements). Wells Fargo has also awarded over \$220,000 to NAIHC for online learning initiatives and \$400,000 for homebuyer counseling.

The grant program has three separate components: Environmental, Economic Empowerment, and Leadership and Career Development.

3. HUD ONAP Update

Heidi Frechette and Jad Atallah of HUD ONAP led a panel discussion providing an update on their activities. Mr. Atallah used to be in the HUD Office of General Counsel, but recently moved over to take the top policy position in HUD ONAP.

The first issue they discussed was FY 2019 appropriations and the existing Continuing Resolution. The hope is that Congress and the White House will work out the remaining details. But HUD is one of the few programs that is allowed to operate on interim funding. One of the things that happened earlier this year was a “budget cap seal”: Congress and the White House agreed on a cap on the funds that can be appropriated. Because there was an increase in the cap, there was extra funding for HUD, which led to the extra \$100 million in competitive IHBG funding. For that same reason, the House and Senate FY 2019 bills both have the same additional \$100 million. While it is not a sure thing, it looks likely that that funding will be in the FY 2019 appropriations.

The next issue was NAHASDA reauthorization. The HUD Secretary is very supportive of reauthorization. Mr. Atallah was intrigued by many of the ideas that were discussed at the Legislative Committee meeting yesterday. Some of the next concepts are useful to make the bill more attractive to other potential supporters in Congress.

The discussion then moved to HUD VASH. HUD supports the bill to make the program permanent. A question was raised about using the HUD VASH vouchers in FCAS units. Right now, HUD’s position is that these vouchers *can* be used in an FCAS unit, but the unit cannot receive the FCAS subsidy (because you cannot receive two federal subsidies at the same time for the same unit). But once the voucher is removed, the unit can go back to receiving the FCAS subsidy. Some of the other challenges in implementing the program is finding appropriate case managers in rural areas, and sufficient housing stock. HUD is currently working with 26 tribes and have issued over 300 vouchers.

Mr. Atallah presented a couple of other things that HUD is working on. The 477 program (which allows tribes to consolidate funding from different federal sources that involve job training and development) has been expanded to HUD, and requires the 12 agencies who are now covered must enter into an interagency MOA by December 18, 2018. Work is underway on the MOA. The opioid bill that was passed earlier this fall, has a section (Section 8071) which is a CDBG program for a pilot program to provide funds to develop housing for recovering from addiction. No funds have been appropriated yet, but there will likely be funding in the next round of appropriations. The funds will be allocated to the states, who will award the funds to applicants. Tribes should get ready to submit applications and work with the state agencies who will allocate those funds. The program is subject to typical CDBG requirements, but HUD has waiver authority so that the program can be tweaked to meet local exigencies.

Hillary Atkin is the Acting Director of Grants Management. She mentioned that on the ONAP Code Talk website there is a tab for updated information on notices and guidances, as well as FAQs.

Ms. Atkin spoke more about the IHBG competitive grant NOFA. It is in the HUD internal clearance process. HUD ONAP is following Congress' directions to address need and capacity, and provide preference for rehabilitation and new construction. It will not be published before January 1, 2019. That is all the information that she is at liberty to release at this time; she noted that she was under strict instructions not to "overshare."

There a question as to whether HUD will make an effort to get the ICDBG NOFA for next year out earlier than this year's. DAS Frechette stated that HUD ONAP was going to do its best to get back on track, but some aspects of the issue of delayed ICDBG funding is beyond HUD's control (particularly when appropriations come through). There is additional information on the Code Talk website. There is also imminent threat funding available that there is information available, including revised guidance. Because it has just been published, the imminent threat guidance should be on the updated front page list. To be able to submit the application, an applicant must have already completed the environmental review.

HUD ONAP Grants Evaluation is working on streamlining the monitoring process to make it "less clunky."

Krisa Johnson, Director of Office of Loan Guaranty, made the next set of remarks. Her office oversees Section 184 and Title VI. She has been working hard on the new Section 184 regulations. She is "confident" that everyone is going to benefit from the new regulations, because they will provide clarity and guidelines for all participants, including tribes, borrowers, and lenders. The goal is to increase loans into Indian Country and enhance homeownership in Indian Country. HUD ONAP just provided a training on best practices for lenders. They are also using a new contractor for reviewing and analyzing the loans, and that is allowing for more expedited review and approval.

The Title VI program is in transition since Bob Lamp retired earlier this year. Yvonne Johnson and Michael Thorpe have taken on responsibilities for carrying out the Title VI program. HUD ONAP is also providing a best practices training on Title VI, and is developing a

new credit subsidy model in consultation with Department of Treasury. The latter will help enhance the funds available for Title VI.

4. NAIHC Legal Symposium Closing Session

A. Tony Walters

Mr. Walters provided an overview of the activities that NAIHC is planning to undertake in 2019. They are working on continuing to develop NAIHC's training and technical assistance programs. In 2018 they provided over 20 trainings serving 73 tribes. They are also doing homebuyer pathways trainings. In the next year, they have 35 regional trainings scheduled through HUD training and technical assistance. They will also be hosting the HUD affordable housing subsidy training. This past year they have reengaged with training and TA partners (USDA, Wells Fargo, Fannie Mae, San Manuel Tribe).

Mr. Walters also discussed the NAIHC Leadership Institute, which is celebrating its 20th anniversary, having served over 2000 tribal housing professionals. The Institute will continue in 2019, and NAIHC is going to aim at getting more information out about the trainings and housing professionals who have been served. In 2019, NAIHC will be focusing on providing more training content online. The grant from Wells Fargo will be of substantial assistance in putting this online training infrastructure in place.

B. Video Comments by Congressman Steve Pearce (R-NM)

Congressman Pearce resigned his seat this year to run for New Mexico governor. He has been a strong advocate for Indian housing, including sponsoring the main NAHASDA reauthorization bills over the last two sessions. In his comments, he spoke about the importance of housing, both for financial stability as well as the place where a family can be safe and "at home." He said he is disappointed that NAHASDA reauthorization could not pass through the Senate. He said that he will continue to work on the issue, even though he is not in Congress any more. He appreciates the effort and attention that NAIHC has put into the fight to get NAHASDA reauthorized, and with that backing, he is hopeful that it will eventually move forward and get "across the finish line."

C. Closing Remarks by Chairman Gary Cooper

The Legal Symposium this year was well-attended, and the participants were satisfied with the variety and content of the breakout sessions.

Chairman Cooper noted that control of the U.S. House of Representatives changed from Republican to Democratic, and that there a number of new members. NAIHC will be reaching out to and working with the new leadership and the new members.

The NAIHC Legislative Conference will be held on February 25-27 in Washington DC, and there will be a day set-aside (as usual) to visit their Congressional delegations.

Chairman Gary Cooper presented the Lawyer of the Year Award to Dave Heisterkamp of Wagenlander and Heisterkamp.

D. Diane Cullo, Acting Director, USDA Office of Tribal Relations

In her remarks she indicated that she has always wanted to serve Indian Country. She worked as Director of the White House Office of Tribal Technical Colleges. She has since been appointed as Acting Director of the USDA Office of Tribal Relations. She touted the USDA Secretary's goal to transform how USDA serves rural America, and that he has put his plan into place. One of the key pieces of that plan was moved forward today with the passage by the House of the Farm Bill.

USDA has also been working at developing a pilot program to develop Native CDFIs to provide direct loans. There are two CDFIs involved, and the timing of the program is for three years or until the funding runs out. At that time, USDA will look to expand the program nationwide. The purpose is to help empower communities in self-determination and development. There have been many applications for funding submitted, and so far no complaints.

E. Madeline Sovitch, Geographer, U.S. Census Bureau Geographer

The Census Bureau has an MOU with NAIHC, because of the importance of outreach into Indian Country to get accurate numbers. She made a brief presentation on "The Road to the 2020 Census." She explained how geography is important in obtaining good census data, to make sure that not only everyone is counted, but that everyone is counted in the right area. Accurate boundaries and addresses allow the Census to count tribal residents in the correct locations. She laid out the various geographic partnership programs, which are all in place right now. Key one is the boundary and annexation survey, which is the annual opportunity for invited tribes to review boundaries, names and tribal status. 2019 will be key, because it will be the last opportunity before the 2020 Census to provide accurate roads information. There are three options available to review and update boundaries: digital software (available for free); shape files, and paper maps. March 1 is the deadline each year for submitting updated information.

There are several other programs also in process leading up to the 2020 Census. The Boundary Validation Program (BVP) is the opportunity to conduct one final review of tribal boundaries for the 2020 Census. The Local Update of Census Addresses Operation (LUCA) is once a decade opportunity to review Census Bureau addresses. The New Construction Program provides an opportunity for designated representatives of tribes to update the Census Bureau's residential list with new addresses from new construction. The Census Participant Statistical Areas Program (PSAP) is also a once a decade review and update of selected statistical area boundaries used for the 2020 Census. These are areas separate from tribal jurisdictional boundaries. There will be PSAP training webinars provided January through February 2019. For general geography questions you can contact the Census at (301) 763-1128 or at geo.geography@census.gov or visit the geography section of the Census website located at www.census.gov/geography.html.

F. Kelly Marrocco, Manager of Affordable Lending and Access to Credit Division of Freddie Mac

Freddie Mac is a secondary market participant. The primary objective is to buy mortgage loans from lenders and sell them to the second market. This allows for liquidity in the mortgage market, meaning more home loans can be made. In 2017, the Duty to Serve Rule was final approved, which establishes certain obligations to serve underserved markets (affordable housing preservation, manufactured housing, and rural housing). One of the traditionally underserved rural markets is Indian Country. There is a need for homebuyer and financial education, as well as for the expansion of technical expertise. They are doing outreach into Indian Country, through establishment of partnership with local organizations.

G. Nikki Pieratos, Project Director, Affordable Lending & Access, Center for Indian Country Development

Tony Walters introduced Ms. Pieratos by explaining the efforts of the Center for Indian Country Development and the National Native Homeownership Coalition, in conjunction with NAIHC, to expand homeownership opportunities in Indian Country. Ms. Pieratos did a short presentation on those efforts. For example, they developed and circulated a handbook for tribal leaders about developing homeownership in Indian Country (you can order a hard copy from the Center for Indian Country Development website). They are also working on training for tribes and tribal employees for developing energy efficient homes. In addition, they work with Native CDFIs to provide mortgage lending. They have an email list that provide notice of resources as well as training by the Center.

H. Legislative Update

Tony Walters gave a brief legislative update. NAIHC has been working on NAHASDA reauthorization, but in the last year bills did not pass in either chamber of Congress. NAIHC will kick-start the effort in the next Congress. NAIHC has advocated for increased IHBG funding, and Congress did include the \$100 million in additional (competitive) IHBG funding in the FY 2018 appropriations bill. We expect this same amount to be included in the final FY 2019 appropriations, and NAIHC will continue to advocate for increased funding. NAIHC is working on finding new allies in Congress. There are two new Native American representatives in the House, who NAIHC has already spoken with about supporting NAIHC's efforts for NAHASDA reauthorization and increased funding.

NAIHC wants to be sure Congress is considering all the programs that impact tribal housing, not just NAHASDA. They will continue to educate and re-educate members of Congress of the dire need and various approaches being utilized by tribes to meet that need, to demonstrate that Congress needs to play a role by passing key legislation and increasing funding.

NAIHC will continue to work with the regional associations to develop priorities and language for NAHASDA reauthorization. But there may be an opportunity to move forward quickly with the new leadership in the House, and so we may be utilizing, as a starting point, the

bills that were moving through the House in previous sessions. However, this will be an iterative process.

5. Final Announcements

The next NAIHC event is the Legislative Conference, to be held in Washington, D.C., February 25-27, 2019.

The Legislative Committee will hold its monthly call the first Thursday of each month, at 1:00 PM Eastern. The call in January 2018, however, will be held on the second Thursday, January 10.

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.