

Section 2 - Congressional Findings					PRIOR NAIHC MEMBER RECOMMENDATIONS FROM 2012				
HR 3864 Language	Effect	Other Proposals/Legislative Language		Effect	Region	Section	Issue/Proposed Language	Comment	NAIHC notes from 4/15/13
					GLIHA	Sec 2 (7)	SEC. 2. CONGRESSIONAL FINDINGS. (7) Federal assistance to meet these responsibilities shall be provided in a manner that recognizes the right of Indian self-determination and tribal self-governance by making such assistance available directly to the Indian tribes or tribally designated entities under authorities similar to those accorded Indian tribes in Public Law 93-638 (25 U.S.C. 450 et seq.).	Add language that 638 tribes should be under a compact like self-governance program. No specific language offered.	
Section 4 - Definitions									
HR 3864 Language	Effect				Region	Section	Issue/Proposed Language	Comment	
					UNAHA	Sec. 4 (1)	(1) ADJUSTED INCOME The term 'adjusted income' means the annual income that remains after excluding the following amounts:	A suggestion was made that Section 4 (1) Adjusted income would not be needed if the 30% rule were eliminated. This would allow the option of establishing income requirements and setting flat rents without using the adjusted income calculation.	
					Nevada/Cal	Sec. 4(1)(A)	Sec. 4 Definitions (1) Adjusted Income (A) ADJUSTED INCOME - The term 'adjusted income' means the annual income that remains after excluding the following amounts: the current deduction for youths, students, and persons with disabilities is \$480. And, the current deduction for elderly and disabled families is \$400.	Due to inflation and in accordance to other IRS allowable income, this needs to be updated. Nevada/Cal offered an amount of \$1500 and several regions proposed using IRS data. Current statute says any other amounts can be included in the housing plan.	
					Nevada/Cal	Sec. 4(1)(A)	Sec. 4 Definitions (1) (A) (A) YOUTHS, STUDENTS, AND PERSONS WITH DIS-ABILITIES- DISABILITIES-	Typo in spelling 'DIS-ABILITIES' and should read 'DISABILITIES.'	
					Nevada/Cal/GLIHA/ USET	Sec. 4 (f)	(F) Excessive Travel expenses, not to exceed \$25 \$125 per family, per week, for employment- or education related travel.	Suggestion was made to increase travel expenses to take into account current prices. This amount reflects input from several regional recommendations.	
		(1) ADJUSTED INCOME-- The term 'adjusted income' means the annual income that remains after excluding the following amounts: (G) OTHER AMOUNTS-- Such other amounts as may be provided in the Indian housing plan for an Indian tribe policies or regulations of an Indian tribe or recipient, including but not limited to standard or other deductions.	This change would allow tribes/TDHEs to establish their own deductions for "Adjusted Income" without having to receive HUD approval of language in IHP.		NWIHA	Sec. 4(1)(G)	(1) ADJUSTED INCOME- The term `adjusted income' means the annual income that remains after excluding the following amounts: (G) OTHER AMOUNTS- Such other amounts as may be provided in the Indian housing plan for an Indian tribe policies or regulations of an Indian tribe or TDHE.	This change would allow tribes/TDHEs to establish their own deductions for "Adjusted Income" without having to receive HUD approval of language in IHP.	

					UNAHA	Sec. 4 (2)	AFFORDABLE HOUSING The term 'affordable housing' means housing that complies with the requirements for affordable housing under title II. The term includes permanent housing for homeless persons who are persons with disabilities, transitional housing, and single room occupancy housing.	Expand the definition of Affordable Housing to include all individuals who qualify for assistance, not only those in 1937 Act programs.	
					AAHA	Sec. 4 (6)	(6) FAMILY- The term 'family' includes , but is not limited to, a family with or without children, an elderly family, a near-elderly family, a disabled family, and a single person , as determined by the recipient. When multiple families reside in a single unit, the recipient may, in its sole discretion and in accordance with adopted policy, identify the individuals living in the unit as one family or multiple families for the purposes of determining eligibility to receive services funded by amounts authorized under this Act.	Recommended changes to this section to provide that if multiple families reside in a single unit, HUD requires the NAHASDA recipient to count them as a single family. Address overcrowding but do not require tribes/TDHE's to evict tenants due to overcrowding because of extended family members living in the unit.	
		(9) INCOME- The term 'income' means income from all sources of each member of the household, as determined in accordance with criteria prescribed by the Secretary, by the Tribe or recipient utilizing, at its discretion, any one of the following methods: (A) "Annual income" as defined for HUD's Section 8 programs in 24 CFR part 5, subpart F (except when determining the income of a homebuyer for an owner-occupied rehabilitation project, the value of the homeowner's principal residence may be excluded from the calculation of Net Family assets); (B) Annual income as reported under the Census long-form for the most recent available decennial Census; or (C) Adjusted gross income as defined for purposes of reporting under Internal Revenue Service (IRS) Form 1040 series for individual Federal annual income tax	Many Tribes have members who rely on income derived from exercise of Treaty rights or use of Treaty resources. Such income is excluded from the IRS definition of income. Most of these tribes choose the IRS definition so as to exclude that income from the determination of eligibility. However, some of those Tribes would like to be able to use some of that income (with certain appropriate deductions) to calculate the rents due, to cover the costs of maintaining and operating the unit. Thus they would like to apply the Section 8 or Census definition for calculating income for rental purposes, which does not exclude Treaty-rights derived income. Under HUD's interpretation of the current language, once a Tribe/TDHE selects a method for calculating income, it must use that same method across the board, denying	NWIHA					

HR 3864 Language	Effect				Region	Section	Issue/Proposed Language	Comment	
<p>Section 101 is amended- (1) in subsection (c), by adding after the period at the end the following: "The Secretary shall act upon a waiver request submitted under this subsection by a recipient within 60 days after receipt of such request."; and (2) in subsection (k) by striking "1" and inserting "an".</p>	<p>Adds timeline, but no automatic waiver</p>				UNAHA	Sec. 101 (c)	<p>LOCAL COOPERATION AGREEMENT - Notwithstanding any other provision of this Act, grant amounts provided under this Act on behalf of an Indian tribe may not be used for rental or lease-purchase homeownership units that are owned by the recipient for the tribe unless the governing body of the locality within which the property subject to the development activities to be assisted with the grant amounts is or will be situated has entered into an agreement with the recipient for the tribe providing for local cooperation required by the Secretary pursuant to this Act. The Secretary may waive the requirements of this subsection and subsection (d) if the recipient has made a good faith effort to fulfill the requirements of this subsection and subsection (d) and agrees to make payments in lieu of taxes to the appropriate taxing authority in an amount consistent with the requirements of subsection (d)(2) until such time as the matter of making such payments</p>	<p>Recommend striking the requirement to obtain cooperation agreements – this is an old PHA requirement. Cooperation agreements should not be mandated. Tribes can work with city or county to obtain tax exemption for units. NWIHA agrees with this and offers alternative below.</p>	<p>Committee supported</p>
		<p>NWIHA Renews submission</p>			NWIHA	Sec. 101 (c)	<p>LOCAL COOPERATION AGREEMENT - Notwithstanding any other provision of this Act, grant amounts provided under this Act on behalf of an Indian tribe may not be used for rental or lease-purchase homeownership units that are owned by the recipient for the tribe unless the governing body of the locality within which the property subject to the development activities to be assisted with the grant amounts is or will be situated has entered into an agreement with the recipient for the tribe providing for local cooperation required by the Secretary pursuant to this Act. The Secretary may waive the requirements of this subsection and subsection (d) if the recipient has made a good faith effort to fulfill the requirements of this subsection and subsection (d) and agrees to make payments in lieu of taxes to the appropriate taxing authority in an amount consistent with the requirements of subsection (d)(2) until such time as the matter of making such payments</p>	<p>This additional language in red has been offered as an alternative if this provision remains in the statute, there shall be an enforceable timeline for HUD to grant a request for a waiver of the cooperation agreement requirement.</p>	

					GLIHA	Sec. 101 (d)	(d) EXEMPTION FROM TAXATION- Notwithstanding any other provision of this Act, grant amounts provided under this Act on behalf of an Indian tribe may not be used for affordable housing activities under this Act for rental or lease-purchase dwelling units, administrative offices or related facilities developed under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) or with amounts provided under this Act that are owned by the recipient for the tribe unless— (1) such dwelling units, administrative buildings or related facilities , (which, in the case of units in a multi-unit project, shall be exclusive of any portions of the project not developed under the United States Housing Act of 1937 or with amounts provided under this Act), whether on trust, restricted fee, or fee land , are exempt from all real and personal property taxes levied or imposed by any State, tribe, city, county, or other political subdivision;	The proposed language seeks to clarify that tax-exempt requirement applies not only to dwelling units, but administrative buildings and related facilities.	
					UNAHA	Sec. 101 (i)	PUBLIC-PRIVATE PARTNERSHIPS- Each recipient shall make all reasonable efforts, consistent with the purposes of this Act, to maximize participation by the private sector, including nonprofit organizations and for-profit entities, in implementing the approved Indian housing plan.	Language regarding partnerships and leveraging should be stronger. Suggest stating that other agencies should be encouraged to partner with tribes; also add that requirements should be eased when there are conflicts between programs when funds are blended. A drafting committee can work on this area. Improve what is already there, but need to collaborate more between public and private sector. Adhoc development.	
					Nevada/Cal	Sec. 101(J)	Sec. 101 Block Grants (J) FEDERAL SUPPLY SOURCES or GSA services, specifically surplus goods. Nevada/Cal would like language to clarify the TDHE's access to GSA services.	There seems to be confusion in this area, some regions assert this section pertains to the tribe, not the TDHE. Perhaps language in the statute will resolve the issue. Comments were made that this is already in statute, TDHE's eligible. Administrative issue. SPIHA notes that vehicles or surplus goods are not included. Need clarification.	Not legislative
					UNAHA	Sec. 101 (k)	Tribal Preference in Employment and Contracting- Notwithstanding any other provision of law, with respect to any grant (or portion of a grant) made on behalf of an Indian tribe under this Act that is intended to benefit 1 Indian tribe, the tribal employment and contract preference laws (including regulations and tribal ordinances) adopted by the Indian tribe that receives the benefit shall apply with respect to the administration of the grant (or portion of a grant).	Several regions sought to add language here stating that tribes/TDHE's should be excluded from Section 3 of the HUD Act. Tribes already hire low-income tribal members and should not be required to hire low-income non-Indians. Section 3 of old HUD act requires contractors to look at low-income. This should be flagged and monitored.	
					Nevada/Cal	Sec. 101(K)	Sec. 101 Block Grants (K) line 3 reads "benefit 1 Indian Tribe" and Nevada/Cal feels it should be "an" Indian tribe.	This could be considered a technical amendment.	

<p>SEC. 102. RECOMMENDATIONS REGARDING EXCEPTIONS TO ANNUAL INDIAN HOUSING PLAN REQUIREMENT.</p> <p>Not later than the expiration of the 120-day period beginning on the date of the enactment of this Act and after consultation with Indian tribes, tribally designated housing entities, and other interested parties, the Secretary of Housing and Urban Development shall submit to the Congress recommendations for standards and procedures for waiver of, or alternative requirements (which may include multi-year housing plans) for, the requirement under section 102(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112(a)) for annual submission of one-year housing plans for an Indian tribe. Such recommendations shall include a description of any legislative and regulatory changes necessary to implement such recommendations.</p>	<p>Orders HUD to submit recommendations to Congress</p>				<p>SWITHA</p>	<p>Sec. 102</p>	<p>INDIAN HOUSING PLANS</p>	<p>HUD should send IHBG estimated grant amounts to tribes earlier to allow adequate time to plan, giving more than 75 day notice. With HUD administrative change to require earlier submission of IHP – It has become a challenge to meet deadlines, because IHP is due prior to release of estimated budgets. The 75 day notice was added in 2008. HUD always estimates on previous year funding or if a spending bill is passed by August, an estimate can be provided. Congressional delays are causing this.</p>	
		<p>NWIHA renews submission</p>			<p>NWIHA</p>	<p>Sec. 102 (a)</p>	<p>(a) PLAN SUBMISSION- The Secretary shall provide— (1) (A) for an Indian tribe to submit to the Secretary, by not later than 75 days before the beginning of each tribal program year, a 1-year housing plan for the Indian tribe; or (B) for the tribally designated housing entity for the tribe to submit the plan as provided in subsection (c) for the tribe, <i>provided that the Secretary may grant a waiver of the submission requirements upon meeting certain factors to be set out by regulation, and provided further that a request for such waiver shall be deemed approved if the Secretary does not act on such request within 45 days of receipt ; and</i> (2)for the review of such plans.</p>	<p>The soon to be enacted regulations provide for the Secretary to grant a waiver of the submission requirements, and requires the Secretary to act within 45 days; this language would make that deadline enforceable. Several regions were supportive of this recommendation. HUD has opportunity to grant waiver, but no enforceable deadline.</p>	<p>Committee supported</p>

					<p>UNAHA</p>	<p>Sec 102 (b) 2 (B)</p>	<p><i>(B) STATEMENT OF NEEDS- A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe, and the means by which those needs will be addressed during the applicable period, including--</i> <i>(i) a description of the estimated housing needs and the need for assistance for the low-income Indian families in the jurisdiction, including a description of the manner in which the geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and</i> <i>(ii) a description of the estimated housing needs for all Indian families in the jurisdiction.</i></p>	<p><i>Legislatively change the general allocation formula to expressly base it on tribal member populations and be based more on need. Tribes/TDHE's should identify accurate need in their IHP, which would be used to determine following year's allocation. Considering families vs. households is problematic. Using families to determine need is more accurate especially in overcrowding. Want to define need, including several activities to specify what should be included. Recommended using GPS to identify location of units and their condition. Tribes would need funding for this. This was discussed at LC during Annual Meeting and needs to be further vetted. AAHA and SPIHA state that these issues and discussion should be considered during formula negotiations.</i></p>	
		<p>NWIHA renews submission</p>			<p>NWIHA</p>	<p>Sec. 102 (b) (2)</p>	<p><i>(b) 1-YEAR PLAN REQUIREMENT- * * *</i> <i>(2) REQUIRED INFORMATION- A housing plan shall include the following information with respect to the tribal program year for which assistance under this Act is made available: * * *</i> <i>(B) STATEMENT OF NEEDS- A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe, and the means by which those needs will be addressed during the applicable period, including--</i> <i>(i) a description of the estimated housing needs and the need for assistance for the low-income Indian families in the jurisdiction, including a description of the manner in which the geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and</i> <i>(ii) a description of the estimated housing</i></p>	<p><i>The requirement to provide a "statement of needs" in the IHP is no longer necessary because it is not measured in APR, and should be removed.</i></p>	

<p>(a) Approval.—Section 103 (25 U.S.C. 4113) is amended by adding at the end the following new subsection: “(f) Deadline For Action On Request To Exceed TDC Maximum.—A request for approval by the Secretary of Housing and Urban Development to exceed by more than 10 percent the total development cost maximum cost for a project shall be approved or denied during the 60-day period that begins on the date that the Secretary receives the request.”.</p> <p>(b) Definition.—Section 4 (25 U.S.C. 4103) is amended— (1) by redesignating paragraph (22) as paragraph (23); and (2) by inserting after paragraph (21) the following new paragraph: “(22) TOTAL DEVELOPMENT COST.—The term ‘total development cost’ means, with respect to a housing project, the sum of all costs for the project, including all undertakings necessary for administration, planning, site acquisition,</p>	<p>TDC Waivers must be acted on within 60 days. Adding definition of TDC.</p>								
					<p>UNAHA</p>	<p>Sec. 104 (a)</p>	<p>PROGRAM INCOME- (1) AUTHORITY TO RETAIN- Notwithstanding any other provision of this Act, a recipient may retain any program income that is realized from any grant amounts under this Act if-- (A) such income was realized after the initial disbursement of the grant amounts received by the recipient; and (B) the recipient has agreed that it will utilize such income for housing related activities in accordance with this Act.</p>	<p>Program Income (PI) language should more closely match requirements for ICDBG (once money is turned over, it is not considered PI). Need to develop language. Should continue to evolve to most favorable current federal standards.</p>	<p>Committee supported</p>
					<p>Nevada/C al</p>	<p>Sec. 104</p>	<p>Sec. 104 -- TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS</p>	<p>During outreach, it was noted HUD has excluded some work items (such as roofing) from being considered as maintenance based on an outdated internal memo from HUD that refers to numerous HUD guidance memos. Tribe/TDHE's should define what maintenance consist of.</p>	
					<p>AAHA</p>	<p>Sec. 104(a)(5)</p>	<p>Sec. 104(a)(5) REHABILITATION, REMODELING, MODIFICATIONS, AND REINVESTMENT- Notwithstanding any other provision of this act, the use of funding to renovate, remodel, modify, or otherwise reinvest in an existing development shall not affect the ability of the recipient to account for income generated by the development as non-program income.</p>	<p>During outreach, it was noted HUD has excluded some work items (such as roofing) from being considered as maintenance based on an outdated internal memo from HUD that refers to numerous HUD guidance memos. Tribe should define what maintenance consist of.</p>	<p>Committee supported</p>

		NWIHA renews submission			AAHA and NWIHA	Sec. 104 (b) (3)	<i>Notwithstanding any other provision of law, tribally-determined wages adopted in accordance with Section 104(b)(3) of this Act shall apply to the administration of all federal funding for projects funded in part by funds authorized under this Act.</i>	Several regions recommend adding this new language at 104 (b)(3), or a new section on leveraging. Mixing funding sources is complicated and difficult when using Tribally Determined Wage rates. If mixing funding, HOME funds will trigger Davis Bacon when can you look to tribal wages. NWIHA working on language to address cross-agency different requirements. This is what happens when blending agencies that have different requirements.	Committee supported
Section 105 (25 U.S.C. 4115) is amended— (1) in subsection (d)— (A) in the matter preceding paragraph (1), by striking “may” and inserting “shall”; and (B) by adding after and below paragraph (4) the following: “The Secretary shall act upon a waiver request submitted under this subsection by a recipient within 60 days after receipt of such request.”; and (2) by adding at the end the following new subsection: “(e) Consolidation Of Environmental Review Requirements.—If a recipient is using one or more sources of Federal funds in addition to grant amounts under this Act in carrying out a project that qualifies as an affordable housing activity under section 202, such other sources of Federal funds do not exceed 49 percent of the total cost of the project, and the recipient’s tribe has assumed all of the responsibilities for environmental review, decisionmaking, and action pursuant to this section, the tribe’s compliance	Allows Tribe to only conduct HUD environment review, if majority of project funds are from NAHASDA	NWIHA renews submission			ALL	Sec 105	ENVIRONMENTAL REVIEW.	Exclude tribal housing activities from environmental requirements or coordinate requirements among agencies. HUD develops their own regulations to implement NEPA. Need uniform environmental review requirements across all federal agencies and within the different HUD departments. Most regions agree there is a need to simplify and streamline this process. Coordination, consolidation are a must. USET seeks a definition for “mold remediation”. NWIHA proposed language to try to make application of env requirements uniform. If NAHASDA dollars are a part of a project, then HUD environmental review is necessary. This area was a topic of discussion during recent White House forum on Tribal housing.	
		NWIHA renews submission			NWIHA	Sec 105 (d)	(d) ENVIRONMENTAL COMPLIANCE- The Secretary may shall waive the requirements under this section if the Secretary determines that a failure on the part of a recipient to comply with provisions of this section— (1) will not frustrate the goals of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) or any other provision of law that furthers the goals of that Act; (2) does not threaten the health or safety of the community involved by posing an immediate or long-term hazard to residents of that community; (3) is a result of inadvertent error, including an incorrect or incomplete certification provided under subsection (c)(1); and (4) may be corrected through the sole action of the recipient. <u>If the Secretary fails to act on a waiver request submitted by a recipient under this section within 45 days of receipt of said request, the waiver shall be deemed approved.</u>	Recommendation that if the recipient is determined to meet the waiver criteria set out in the statute, HUD would be required to grant the waiver, rather than still having discretion, for undefined reasons, to withhold the waiver. Several regions are in agreement with this proposal. Similar to previous language to enforce timeline on waiver request. Beefed up to “shall” instead of “may” grant waiver. This was proposed by tribes/TDHE’s and rejected by HUD during last Neg. Reg.	Committee supported

		NWIHA renews submission			NWIHA	Sec. 105 (e)	Insert the following new language: <u>(e) Notwithstanding any other provision of law, compliance with the environmental review requirements of this section shall be deemed to fully comply with and discharge any other applicable environmental review requirements under any other federal statute or regulation.</u>	Many projects involve mixed funding or overlapping jurisdiction by federal agencies, which require duplicative environmental review requirements. The new language under 205 would provide that a single environmental review carried out under NAHASDA would meet and discharge all other applicable requirements. Similar to previous suggestions, mixed funding form multiple agencies. UNAHA mentioned HUD office required an environmental review for storm door changes. Blanket environmental review for project, but this was an additional requirement.	Committee supported
					Nevada/C al	Sec. 106(D)	106 (D) -- REVIEW- Not less frequently than once every 7 years, the Secretary, in consultation with Indian tribes, shall review the regulations promulgated pursuant to this section in effect on the date on which the review is conducted.	Information forthcoming. NAIHC will research how this review affects formula neg. reg.	
					GLIHA	Sec. 106 (2)	NEGOTIATED RULEMAKING PROCEDURE	The region would like the NAIHC and tribes/TDHE's to provide input into the makeup of the Neg. Reg. committee. Note - Insertion of specific requirement to negotiated rulemaking committee could be problematic. HUD may create argument that other items that are not so identified may not need negotiated rulemaking.	
		109. Notwithstanding any other provision of law, if a tribe or recipient has adopted laws or regulations protecting the rights for persons with disabilities, those laws and regulations shall be applied by the tribe or recipient and Section 504 of the Rehabilitation Act of 1973 shall not apply to the activities of that tribe or recipient funded with grant amounts under this Act.	Adding this language would remove the requirement tribes/TDHEs comply with the mandates under Section 504 of the Rehabilitation Act where a Tribe/TDHE has adopted its own laws or regulations protecting Persons with disabilities. Structured in a similar manner to the tribal prevailing wage section, this amendment would recognize tribal self-determination in this critical area.	NWIHA	NWIHA	Sec. 109	Add a new section 109 that would read as follows: <u>109. Notwithstanding any other provision of law, activities funded with grant amounts under this Act are exempt from the application of Section 504 of the Rehabilitation Act of 1973.</u>	Adding this language would remove the requirement that tribes/TDHEs comply with the mandates under Section 504 of the Rehabilitation Act, concerning accessibility for persons with disabilities. Some concern arose about this, but we were reminded that changing language would not prevent tribes from following their policies. Proposed same language last reauthorization. Any expenditure of federal funds requires ADA. Northwest HUD has become much more aggressive in their findings.	

TITLE II--AFFORDABLE HOUSING ACTIVITIES

HR 3864 Language	Effect				Section	Issue/Proposed Language	Comment
The second paragraph (6) of section 201(b) (25 U.S.C. 4131(b)(6); relating to exemption) is amended— (1) by striking “1964 and” and inserting “1964,”; and (2) by inserting after “1968” the following: “, and section 3 of the Housing and Urban Development Act of 1968”.					UNAHA Sec. 201 (b)(1)	IN GENERAL- Except as provided under paragraphs (2) and (4), and except with respect to loan guarantees under the demonstration program under title VI, assistance under eligible housing activities under this Act shall be limited to low-income Indian families -individuals on Indian reservations and other Indian areas.	A proposal to change low income families to low income individuals. Eligible affordable housing activities definition needs to be expanded by providing additional definitions. Provide opportunity to fund community economic development & other activities.

					UNAHA	Sec. 201	EXCEPTION TO LOW-INCOME REQUIREMENT (B) LIMITS- The <i>Secretary Negotiated Rulemaking Committee</i> shall establish limits on the amount of assistance that may be provided under this Act for activities for families who are not low-income families.	Currently, the Act says the secretary shall determine limits for assisting families that are not low-income. UNAHA recommends this change to say that it will be determined through negotiated rulemaking. A recommendation that paragraphs A and B be deleted, leaving the only exceptions for 3) Essential Families and 4) Law Enforcement Officers. And finally, insert language here to exempt tribes from Section 3 of the HUD Act located at 201 (6) <i>move down to proper section</i> . Neg Reg better suited for this information.	
					SPIHA	Sec. 201	SEC. 201. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES. (6) EXEMPTION- Title VI of the Civil Rights Act of 1964, title VIII of the Civil Rights Act of 1968 and <i>Section 3</i> of the housing and Urban Development Act of 1968 shall not apply to actions by federally recognized tribes and the tribally designated housing entities of those tribes under this subsection of this Act.	Recommendation language to exclude tribes/TDHE's from Section 3 of the HUD Act of 1968. Several regions support this proposal. UNAHA -- insert language here to exempt tribes from Section 3 of the HUD Act located at 201 (6). Additional research necessary.	Committee Supported
					UNAHA	Sec. 202	Affordable housing activities under this title are activities, in accordance with the requirements of this title, to develop, operate, maintain, or support affordable housing for rental or homeownership, or to provide housing services with respect to affordable housing <i>as determined by the tribe.</i> <i>(b) Reserve accounts (1) Maximum amount</i>	UNAHA recommended adding "as determined by tribes" and striking numbers 1-8 and move 9 (reserve accounts). Link activities back to affordable activities. Provide flexibility and greater self-determination. Requirement shall be affordable housing activities, but if you specify, could further restrain tribes. Could this add further HUD scrutiny. Change to statute could provide further framework during regulations. Bright line categories.	
					Nevada/C al	Sec. 202	Sec. 202 – Eligible Affordable Housing Activities. Paragraph 7 needs to be removed	This paragraph should come out, or be adjusted because the law had a specific timeline.	
					AAHA	Sec. 202; Definitions; Title VI	Sec. 202 – Eligible Affordable Housing Activities.	Housing Related Activities, as they will be defined in the new regulations on Program Income, eligible affordable housing activities under § 202. There was also discussion about the definition of "Housing Related Community Development." Does this definition just pertain to Title VI. Need to broaden what is currently available to add new categories.	

		NWIHA renews submission			NWIHA	Sec. 201 (b) (2) (b)	(b) ELIGIBLE FAMILIES- (2) EXCEPTION TO LOW-INCOME REQUIREMENT (B) LIMITS- The Secretary shall establish limits on the amount of assistance that may be provided under this Act for activities for families who are not low-income families -	Removing HUD's authority to cap the amount of assistance that can be provided to non-low-income families, and allow each tribe to make their own determination. Out of order.	
		NWIHA renews submission			NWIHA	Sec. 202	Add the following as "affordable housing activities": Housing related community development. Housing related economic development [Would need to add definitions]	Developing housing is a critical component of community and economic development. Tribes/TDHEs should have the flexibility to use NAHASDA funds to engage in related forms of economic and community development. Add this to section to 202 (a) - add housing related community development as criteria.	
					AAHA	Sec. 202(6)	(6) MODEL ACTIVITIES- Housing activities under model programs that are designed to carry out the purposes of this Act and are specifically approved by the Secretary as appropriate for such purpose.	Should the definition of model activities be left broad? Do we need to clarify this section? What is covered under model activities. Allow housing related activities as eligible housing related activity. Could be either or with the UNAHA recommendation of 202, removing 1-8.	
		NWIHA renews submission			NWIHA	Sec. 202 (7), (8)	(7) COMMUNITY DEVELOPMENT- DEMONSTRATION PROJECT— (A) IN GENERAL. — Consistent with principles of Indian self-determination and the findings of this Act, the Secretary shall conduct and submit to Congress a study of the feasibility of establishing a demonstration project in which Indian tribes, tribal organizations, or tribal consortia are authorized to expend amounts received pursuant to the Native American Housing Assistance and Self-Determination Reauthorization Act of 2002 in order to design, implement, and operate community development demonstration projects. (B) STUDY.— Not later than 1 year after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2002, the Secretary shall submit the study conducted under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs and the Committee on Indian Affairs of the Senate,	The time for the projects or studies set out in these two paragraphs has passed, and it makes sense to delete them rather than continue to carry them in the statute going forward.	

		NWIHA renews submission			NWIHA	Sec. 202 (9)	(9) RESERVE ACCOUNTS- (A) IN GENERAL- Subject to subparagraph (B), the deposit of amounts, including grant amounts under section 101, in a reserve account established for an Indian tribe only for the purpose of accumulating amounts for administration and planning relating to affordable housing activities under this section, in accordance with the Indian housing plan of the Indian tribe.	NWIHA comments that the Act should not limit reserve accounts for administration and planning, but should expand it to cover all affordable housing activities. Delete reference to administration and planning. Reserve accounts can be used for any affordable housing activity under NAHASDA.	Committee Supported
					SWTHA	Sec. 202	ELIGIBLE AFFORDABLE HOUSING ACTIVITIES - Affordable housing activities under this title are activities, in accordance with the requirements of this title, to develop, operate, <u>maintain</u> , or support affordable housing for rental or homeownership, or to provide housing services with respect to affordable housing, through the following activities:	SWTHA highlighted the difference between move-out repairs vs. rehabilitation. Is this a move to clarify, or are there different interpretations throughout various regions. Need to come up with a definition of "maintenance" during neg reg.	
		NWIHA renews submission			ALL	Sec. 203 (a) (2)	Sec. 203 - Program Requirements (a) (2) MAXIMUM RENT- In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this Act, the monthly rent or homebuyer payment (as applicable) for such dwelling unit may not exceed 30% of the monthly adjusted income of such family.	Several regions recommend deleting 30% maximum rent requirement in its entirety. This would allow the option of establishing income requirements and setting flat rents without using the adjusted income calculation.	Committee Supported
		NWIHA renews submission			NWIHA	Sec. 203 (a) (2)	Sec. 203 - Program Requirements (a) (2) MAXIMUM RENT- In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this Act, the monthly rent or homebuyer payment (as applicable) <u>paid to the recipient</u> for such dwelling unit may not exceed 30% of the monthly adjusted income of such family, <u>provided that a recipient may establish a reasonable minimum rental amount or administrative fee to cover the recipient's basic administrative costs for managing the unit, to be paid even if it exceeds the 30% limit.</u>	In the alternative, if 30% rule cannot be deleted, revise it so that it only applies to rents or homebuyer payments in units owned/managed by recipient, or to provide for a minimum rent or administrative fee. Only offer alternative if we have signals that the deletion of the 30% rule will not fly on Capitol Hill.	Committee approved as an alternative

					UNAHA	Sec. 203	Housing related community development. 203(a)(2). (a)(2) MAXIMUM RENT- In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this Act, the monthly rent or homebuyer payment (as applicable) for such dwelling unit may not exceed 30 percent of the monthly adjusted income of such family. (f) USE OF GRANT AMOUNTS OVER EXTENDED PERIODS- (2) CARRYOVER- Any amount of a grant provided to an Indian tribe under section 101 for a fiscal year that is not used by the Indian tribe during that fiscal year may be used by the Indian tribe during any subsequent fiscal year and must be designated in the recipient's IHP. (3) Notwithstanding the requirements in paragraph (2), all funds must be expended within four years after funds are received by the recipient. Add new paragraph (h) for reserve accounts (moved from 202).	UNAHA recommends 203(a)(2) recommend deleting entire paragraph. (f)(2) Use of any carryover funds must be designated in the recipient's IHP. (f) add (3) Notwithstanding the requirements in paragraph (2), all funds must be expended within four years after funds are received by the recipient. Add new paragraph (h) for reserve accounts (moved from 202). We need to look at Moving to work waiver. Add language regarding the use of carryover funds. Small tribes could be incorporated into this section. If you move all of 202, you could move reserve accounts to this section. Proposing additional limits could create lengthy conversations.	
					Nevada/Cal	Sec. 203	(2) MAXIMUM RENT- In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this Act, the monthly rent or homebuyer payment (as applicable) for such dwelling unit may not exceed 30 percent of the monthly adjusted income of such family.	Nevada/Cal would like a carve out exception for tenant based rental assistance – 30% should only apply to units under management – (b) to provide for the continued maintenance <as determined by the tribe> and efficient operation. Memo from the 1960s or 70s?	
					AAHA	Sec 203(a)(2)	(2) MAXIMUM RENT- In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this Act, the monthly rent or homebuyer payment (as applicable) for such dwelling unit may not exceed 30 percent of the monthly adjusted income of such family.	An observation was made that in the Public Housing arena, vouchers, the Operating Fund, and other federal assistance fill the gap and NAHASDA does not provide for the operating funds. The 30% Rule does not incentivize individuals and families to increase their income. Options include eliminating the 30% rule, creating a waiver process, or identifying exceptions.	
		NWIHA renews submission			NWIHA	Sec. 203 (c)	(c) INSURANCE COVERAGE- Each recipient shall maintain adequate insurance coverage for housing units that are owned or operated or assisted with by a recipient with grant amounts provided under this Act.	Recommendation that this amendment to require that a recipient obtain insurance only for those units under its management or ownership.	Committee Supported
					SWTHA	Sec. 203 (c)	SEC. 203. PROGRAM REQUIREMENTS. (c) INSURANCE COVERAGE- Each recipient shall maintain adequate insurance coverage for housing units that are owned or operated or assisted with grant amounts provided under this Act.	Need language to clarify that the tribe is no longer required to provide insurance for paid-off units, especially when obtaining a title from BIA is causing the delay in transfer of ownership.	

		NWIHA renews submission			NWIHA	Sec. 203 (e)	(e) MANAGEMENT AND MAINTENANCE- Each recipient shall develop policies governing the management and maintenance of housing units that are owned or operated by a recipient using assisted-with grant amounts under this Act.	Amend to require that a recipient develop management and maintenance policies only for those units under its management or ownership.	Committee Supported
Section 205 (25 U.S.C. 4135) is amended— (1) in subsection (a)(1)— (A) in subparagraph (C), by striking “and” at the end; and (B) by adding at the end the following new subparagraph: “(E) notwithstanding any other provision of this paragraph, in the case of rental housing that is made available to a current rental family for conversion to a homebuyer or a lease-purchase unit, that the current rental family can purchase through a contract of sale, lease-purchase agreement, or any other sales agreement, is made available for purchase only by the current rental family, if the rental family was a low-income family at the time of their initial occupancy of such unit; and”; and (2) in subsection (c), by adding after the period at the end the following: “The provisions of such paragraph regarding binding commitments for the remaining useful life of the property shall not apply to improvements of privately owned homes					Nevada/C al	Sec. 205	SEC. 205. LOW-INCOME REQUIREMENT AND INCOME TARGETING.	HUD has distributed a guidance memo on this issue - outlining HUD's position.	
		(F) Notwithstanding any of the foregoing, in the case of a family that must be moved to another unit to accommodate a change in family size.	Additional language proposed to address moving low-income families from one unit to another to accommodate change in family size without requirement recertification as income-eligible	NWIHA	NWIHA	Sec. 205 (a) (1)	<u>(E) Notwithstanding any of the foregoing, in the case of rental housing that is made available to a current rental tenant for conversion to a homebuyer or lease-purchase unit, that the current rental tenant can purchase via a contract of sale, lease-purchase agreement, or any other sales agreement, is made available for occupancy only by a family that is a low-income family at the time of their initial occupancy of such unit ;</u>	The region contends that current language prevents recipient from converting a rental unit for sale to the current tenant, if the tenant's income has changed from initial occupancy and their income is above low-income threshold. Proposed additional language (E) would allow conversion in such circumstances, so that the tenant is not punished for being successful. Is this something that that region has experienced? Does this have anything to do with tax credit developments?	Committee Supported
					AAHA	Secs. 205(a)(2); 205(c); 209	Should the provisions pertaining to useful life and binding commitments be eliminated or amended in some manner to be less restrictive?	Need to work on definitions. Should this section be eliminated? No solutions, AAHA wanted to put to the larger group. Some confusion on how useful life and binding commitments work. Should we develop a workgroup to simplify language.	

		NWIHA renews submission			NWIHA	Sec. 205 (a) (2)	(2) except for housing assisted under section 202 of the United States Housing Act of 1937 (as in effect before the date of the effectiveness of this Act), each dwelling unit in the housing will remain affordable, according to binding commitments satisfactory to the Secretary. (the form of which shall be developed by regulation) , for the remaining useful life of the property (as determined by the Secretary Recipient) without regard to the term of the mortgage or to transfer of ownership, or for such other period that the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this Act, except upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if such action--	Require that "binding commitment" be determined via negotiated rulemaking rather than at sole discretion of Secretary. Tribes/TDHE's sitting down and negotiating with HUD could be a positive step in addressing this issue.	Committee Supported
					SPIHA	Sec. 205 (c)	Sec. 205 (c) APPLICABILITY- The provisions of paragraph (2) of subsection (a) regarding binding commitments for the remaining useful life of property shall not apply to a family or household member who subsequently takes ownership of a homeownership unit. Binding commitments for the remaining useful life of the property shall not apply to improvements of privately owned homes if the improvements in the homes are less than \$7,500.00.	The region offered language that would withhold binding the entire amount in certain situations. Binding commitments shall not apply to minor improvements on homes. Binding up an entire unit for minor repairs is counterproductive. This should be considered a technical amendment.	Supported by committee at \$7500, though several regions supported higher amounts
		Citizen Potawatomi	I would propose a change to the Useful Life and Binding Commitments language to address the purchase of a NAHASDA funded acquisition home that is purchased from the Housing entity with a conventional loan. It has been interpreted that there is a binding commitment needed to address the initial purchase of the home with NAHASDA in an effort to keep the home purchase available for low-income Native Americans. Our interpretation is the requirement is met when low-income participant purchased the home with a conventional mortgage. The home is no longer part of our housing stock and belongs to the participant. We offer a buy-down assistance grant and a down-payment and closing cost grant and attach a ULBC to that home in the form of a second mortgage. This interpretation can be addressed by	Similar to other proposals from 2012 on binding commitments					

					Nevada/Cal	Sec. 206	SEC. 206. CERTIFICATION OF COMPLIANCE WITH SUBSIDY LAYERING REQUIREMENTS. With respect to housing assisted with grant amounts provided under this Act, the requirements of section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 shall be considered to be satisfied upon certification by the Secretary certification by a recipient to the Secretary that the combination of Federal assistance provided to any housing project the housing project involved is not any more than is necessary to provide affordable housing.	Sec. 206 - should be stricken from the index because the section was removed.	
Section 207 (25 U.S.C. 4137) is amended by adding at the end the following new subsection: “(c) Notice Of Termination.—Notwithstanding any other provision of law, the owner or manager of rental housing that is assisted in part with amounts provided under this Act and in part with one or more other sources of Federal funds shall only utilize leases that require a notice period for the termination of the lease pursuant to subsection (a)(3).”.					Nevada/Cal	Sec. 207	Sec. 207 - LEASE REQUIREMENTS AND TENANT SELECTION - (a) LEASES (5) require that the owner or manager may not terminate the tenancy, during the term of the lease, except for serious or repeated violation of the terms or conditions of the lease, violation of applicable Federal, State, tribal, or local law, or for other good cause.	Nevada/Cal feels this language needs to be amended to strike "except for serious or repeated violation of the terms or conditions of the lease". This section of the act violates self-determination, should be determined by the tribe.	
					AAHA	Sec. 207(b)	Sec. 207(b) NOTICE OF TERMINATION- Notwithstanding any other provision of law, the notice period required by Section (a)(3) above shall apply to all federal funds for projects and programs funded in part by amounts authorized under this Act.	There are conflicts between NAHASDA and the Home Program. In the HOME program, the housing provider gives someone operating a meth lab 30 days notice to move. The requirement is not the same in NAHASDA. Can we use NAHASDA to align tenant requirements involved. Some might want to follow applicable laws and not state laws. Ordinance should be answer to this issue.	"Ordinance should be answer to this issue. Committee supports
					UNAHA	Sec. 210	CONTINUED USE OF AMOUNTS FOR AFFORDABLE HOUSING. Any funds for programs for low income housing under the United States Housing Act of 1937 that, on the date of the applicability of this Act to an Indian tribe, are owned by, or in the possession or under the control of, the Indian housing authority for the tribe, including all reserves not otherwise obligated, shall be considered assistance under this Act and subject to the provisions of this Act relating to use of such assistance.	UNAHA recommended deleting section 210. Questions and confusion arose about why this provision needs to be removed - has it outlived its necessity. UNAHA felt there shouldn't be any '37 Act monies in circulation. If its not the case, then the section should stay. SPIHA says there is a tribe who still has funds under their housing plans in their region.	
					UNAHA	Subtitle B Sec 231-235	Subtitle B—Self Determined Housing Activities for Tribal Communities	R ecommend striking all of Subtitle B. This appears to do everything NAHASDA already does. AAHA did analysis and there are a few minor differences. We should look at it, perhaps tweak or rewrite.	Committee supported and referred to drafting committee

<p>“SEC. 211. TRIBAL COORDINATION OF AGENCY FUNDING. “Notwithstanding any other provision of law, a recipient authorized to receive funding under this Act may, in its discretion, use funding from the Indian Health Service of the Department of Health and Human Services for construction of sanitation facilities for housing construction and renovation projects that are funded in part by funds provided under this Act.”.</p>	<p>IHS Sanitation funding</p>								
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TITLE III--ALLOCATION OF GRANT AMOUNTS									
HR 3864 Language	Effect					Section	Proposed Language	Comment	
		NWIHA renews submission				NWIHA Sec. 301	<p>Sec. 301 - ANNUAL ALLOCATION - Delete existing Section 301 and replace with the following:</p> <p><u>(a) For each fiscal year, Congress shall make available funds to be allocated by the Secretary in accordance with the formula established pursuant to Section 302 among Indian tribes that comply with the requirements under this Act for a grant under this Act.</u></p> <p><u>(b) For each fiscal year, in addition to the appropriation established in section 301(a), Congress shall make available additional funds for operation and maintenance of NAHASDA-assisted units owned and operated by recipients, which shall be allocated by the Secretary on a per unit basis to each eligible recipient.</u></p>	Tribes and TDHEs are encouraged to build new housing with NAHASDA funds, but there is no provision in NAHASDA that identifies funds for maintaining and operating such units once they are constructed. An amendment is proposed to this section that would identify a separate appropriation specifically for operation and maintenance of NAHASDA-assisted units (which term would need to be defined). As an alternative to this approach, NWIHA would suggest adding NAHASDA-assisted units to the FCAS, but with a cap on the amount of funds that can be provided for such units. Congress make additional funds for operation and maintenance of NAHASDA assisted units.	
						Nevada/C al Sec. 302	<p>SEC. 302 - ALLOCATION FORMULA -(B) If the unit is a homeownership unit not conveyed within 25 years from the date of full availability, the recipient shall not be considered to have lost the legal right to own, operate, or maintain the unit if the unit has not been conveyed to the homebuyer for reasons <u>beyond the control of the recipient.</u> (D) In this paragraph, the term <u>'reasons beyond the control of the recipient'</u> means, after making reasonable efforts, there remain—</p>	FCAS funding is a problem when it comes to conveyance. BIA is clearly not performing it's responsibility.	
						Sec. 302 (a) (2) (B)	<p>(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available under until expended.</p>	Technical amendment - word "under" should be "until".	
						GLIHA 302(b)(1)(C)	<p>(b) FACTORS FOR DETERMINATION OF NEED—The formula shall be based on factors that reflect the need of the Indian tribes and the Indian areas of the tribes for assistance for affordable housing activities, including the following factors: (C) If the unit is demolished <u>or disposed</u> and the recipient rebuilds the unit within 1 year of demolition of the unit, <u>or replaces it within 1 year of disposal</u>, the unit may continue to be considered a low-income housing dwelling unit for the purposes of this paragraph.</p>	Recommend to add the words "or disposed".	

					SPIHA	Sec. 302	SEC. 302. ALLOCATION FORMULA. (2) The extent of poverty and economic distress and the number of Indian families within Indian areas of the tribe. <i>Notwithstanding any other provision of law or regulation, if HUD uses Bureau of Indian Affairs data to proportion funds between Indian tribes, HUD will not reduce funding to a tribe because a tribe or tribes in the overlapping formula area submits Bureau of Indian Affairs data which exceeds twice their enrolled population. In some cases the Bureau of Indian Affairs population data is greater than tribal enrollment. To maintain fairness for all Indian tribes in the overlapping Formula Area, a tribe's Bureau of Indian Affairs population data which exceeds twice its enrollment will not be a factor in IHBG funds being reallocated or transferred from the overlapping formula area.</i>	A region recommends additional language to recognize reporting issues within the BIA Labor Force Report.	
					GLIHA	302 (c)	(c) OTHER FACTORS FOR CONSIDERATION In establishing the formula, the Secretary shall consider-- (1) the relative administrative capacities and other challenges faced by the recipient, including, but not limited to geographic distribution within the Indian area and technical capacity; and (2) the extent to which terminations of assistance under title V will affect funding available to State recognized tribes.	This section does not include capacity and size of service area when determining amounts. Some TDHE's/Tribes experience unique situations with up to 14 counties included in one service area. No language offered.	
					UNAHA	Sec. 302(b)(2)	(2) The extent of poverty and economic distress and the number of Indian families American Indians or Alaska Natives within Indian areas of the tribe.	The use of any Census data to measure these conditions is prohibited. A region proposed to move (c)(1) but did not specify where. Question, how does the first sentence correlate.	
					Nevada/C al	Sec. 302(c)(3)	Sec. 302 (c)(3) (or could be added as 302(a)(2) (C) <i>No recipient shall receive more than 10% of the total IHBG allocation in a single year.</i>	The region suggested capping the amount a single recipient may receive in a funding year by adding the paragraph (C).	
					Nevada/C al	Sec. 302(c)(4)	302 (c)(4) (or could be added as 302(a)(2)(D)	Add new paragraph stating that state recognized tribes may receive funding for CAS, but not under the need component of the formula.	

<p>“SEC. 303. EFFECT OF UNDISBURSED GRANT AMOUNTS ON ANNUAL ALLOCATIONS. (a) Notification Of Obligated, Undisbursed Grant Amounts.—Subject to subsection (d) of this section, if as of January 1, 2018, or any year thereafter a recipient’s total amount of undisbursed block grants in the Department’s line of credit control system is greater than three times the formula allocation such recipient would otherwise receive under this Act for the fiscal year during which such January 1 occurs, the Secretary shall— (1) before January 31 of such year, notify the Indian tribe allocated the grant amounts and any tribally designated housing entity for the tribe of the undisbursed funds; and (2) require the recipient for the tribe to, not later than 30 days after the Secretary provides notification pursuant to paragraph (1)— (A) notify the Secretary in writing of the reasons why the recipient has not requested the disbursement of such amounts; and</p>	<p>Three times language, limiting new IHBG awards</p>								
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TITLE IV--COMPLIANCE, AUDITS, AND REPORTS

HR 3864 Language	Effect				Region	Section	Issue/Proposed Language	Comment	
					SWTHA	Sec. 401	<p>SEC. 401. REMEDIES FOR NONCOMPLIANCE. (2) Substantial Noncompliance.—The failure of a recipient to comply with the requirements of section 302(b)(1) regarding the reporting of low-income dwelling units shall not, in itself, be considered to be substantial noncompliance for the purposes of this title.</p>	<p>The region called for a definition for substantial non-compliance.</p>	
					SPIHA	Sec. 401	<p>Sec. 401 (a) (C) limit the availability of payments under this Act to programs, projects, or activities not affected by such failure to comply; for purposes of this Act the procedure developed by the Office of Native American Programs known as Line of Credit Control System Edits, meet the definition of a limitation on the availability of payments under this Act; therefore HUD must give reasonable notice and opportunity for a hearing before limiting the availability of payments through the Line of Credit Control System Edits; or</p>	<p>This issue was a non-consensus issue during the recent negotiated rulemaking. The issue was proposed as part of the new regulations at 1000.532 but was opposed by the HUD staff. The issue is now being proposed as an amendment to the Statute. NWIHA proposed the same thing below.</p>	

		NWIHA renews submission			NWIHA	Sec. 401	(a) ACTIONS BY SECRETARY AFFECTING GRANT AMOUNTS- (1) IN GENERAL- Except as provided in subsection (b), if the Secretary finds after reasonable notice and opportunity for hearing that a recipient of assistance under this Act has failed to comply substantially with any provision of this Act, the Secretary shall impose one of the following remedies, which may only be imposed under the circumstances described in this paragraph -- (A) terminate payments under this Act to the recipient; (B) reduce payments under this Act to the recipient by an amount equal to the amount of such payments that were not expended in accordance with this Act; (C) limit the availability of payments under this Act to programs, projects, or activities not affected by such failure to comply, <u>which shall include any action to limit, restrict, or condition release of payments under this Act.</u>	The new language is aimed at preventing HUD from imposing a Line of Credit Control System or "LOCCS" unless it first gives notice and opportunity for a hearing. It would also impose a three year "statute of limitations" on HUD taking such enforcement actions. Language at the end for statute of limitations add to what SPIHA commented.	
		NWIHA renews submission			UNAHA	401(a)(1)	(E) – any funds recaptured will be distributed through the NAHASDA formula allocation.	UNAHA proposed because as of now, funds recaptured go back to treasury. Should go back to formula allocation. Seek clarification from HUD.	Committee approved
					UNAHA	401 (a)(2)	SUBSTANTIAL NONCOMPLIANCE.—The failure of a recipient to comply with the requirements of section 302(b)(1) regarding the reporting of low-income dwelling units shall not, in itself, be considered to be substantial noncompliance for the purposes of this title.	Recipients will still be provided due process including process to provide additional information and request a hearing. If funds have been expended on eligible affordable housing activities, they cannot be recaptured.	Referred to drafting Committee
					UNAHA	Sec. 401(a)(5)	Sec. 401(a)(5) REALLOCATION OF FUNDING- In the event that the Secretary terminates or reduces payments to a recipient under Sections (a)(1)(A) or (B) above, such amounts shall be reallocated to other recipients in the same Office of Native American Programs region in accordance with the allocation formula established under Section 302 of this Act.	The region suggests that if HUD recaptures funding from one tribe in a region, that funding should be reallocated among the other tribes in that region.	
					UNAHA	401(b)(4)	(A) has made a good faith effort to meet the compliance objectives specified in the agreement, the Secretary may enter into an additional performance agreement for the period specified in paragraph (2); and or	The word at the end of paragraph A is "and" when it should be "or". Technical amendment.	
					GLIHA	Sec 401	REMEDIES FOR NONCOMPLIANCE.	A region recommended deleting this entire section.	

					SPIHA	Sec. 402	Sec. 402 (a) (2) SUBSTANTIAL NONCOMPLIANCE.—The failure of a recipient to comply with the requirements of section 302(b)(1) regarding the reporting of low-income dwelling units shall not, in itself, be considered to be substantial noncompliance for the purposes of this title.	A region notes wording of substantial noncompliance in (a) (2) is being changed, making the failure of a recipient to comply with the requirements of section 302(b)(1) a substantial noncompliance issue. Section 302(b) (1) is dealing with an over count of formula current assisted stock. By making the failure of a recipient to comply with the requirements of section 302(b) (1) a substantial noncompliance issue, HUD would be required to allow a hearing before reducing a recipient's funding.	
					GLIHA	Sec. 403 (b)	(b) PERIODIC MONITORING- Not less frequently than annually, each recipient shall review the activities conducted and housing assisted under this Act to assess compliance with the requirements of this Act. Such review shall include an appropriate level of onsite inspection of housing to determine compliance with applicable requirements. The results of each review shall be included in the performance report of the recipient submitted to the Secretary under section 404 and made available to the public.	Comment - why are TDHE's required to spend time/resources on this activity? Required to recertify each year and penalties often result .	Committee supported and referred to drafting committee
		NWIHA renews submission			NWIHA	Sec. 403 (b)	(b) PERIODIC MONITORING- Note less frequently than annually. Periodically, each recipient shall review the activities conducted and housing assisted under this Act to assess compliance with the requirements of this Act....	This language would remove requirement for tribes/TDHEs to conduct annual self-monitoring, which is burdensome and often redundant with audits and HUD monitoring, and instead require self-monitoring to be done "periodically."	
					SPIHA	Sec. 403 (b)	(b) PERIODIC MONITORING- Not less frequently than annually, each recipient shall, as part of self-monitoring, review the activities conducted and housing assisted under this Act to assess compliance with the requirements of this Act. Such review shall may include an appropriate level of onsite inspection of housing assisted during the year to determine compliance with applicable requirements. The results of each review shall be included in the performance report of the recipient submitted to the Secretary under section 404 and made available to the public.	It was noted that HUD has interpreted this section as requiring annual inspections of all housing under management. This is more about HUD's interpretation of inspection.	
					UNAHA	Sec. 403(c)	(c) PERFORMANCE MEASURES— The Secretary shall establish such performance measures as may be necessary to assess compliance with the requirements of this Act.	Strike 403 (c) Performance Measures. Performance measures are no longer included in the IHP or the regulations.	
					Nevada/C al	Sec. 403(c)	Sec. 403 MONITORING OF COMPLIANCE (c) REFERRAL FOR CIVIL ACTION,	This will be removed in pending regulations.	

		NWIHA renews submission			NWIHA	Sec. 403 (c)	(e) PERFORMANCE MEASURES—The Secretary shall establish such performance measures as may be necessary to assess compliance with the requirements of this Act.	A region recommended deleting this section, which requires HUD to establish performance measures, in its entirety.	
					Nevada/C al	Sec. 405	Sec. 405 REVIEW AND AUDIT BY SECRETARY (d) EFFECT OF REVIEWS -	The region stated a need to allow the recipient to respond, to request a hearing, and the opportunity to provide information on specific issues.	
					UNAHA	Sec. 405(b)(1)(A)(i)(II)	(b) ADDITIONAL REVIEWS AND AUDITS- (1) IN GENERAL- In addition to any audit or review under subsection (a), to the extent the Secretary determines such action to be appropriate, the Secretary may conduct an audit or review of a recipient in order to-- (A) determine whether the recipient— (i) has carried out-- (I) eligible activities in a timely manner; and (II) For small tribes, funds must be expended within 5 years of award after \$2m has been accumulated; and (III) eligible activities and certification in accordance with this Act and other applicable law;	A region recommends amending this section to read: 405(b)(1)(A)(i)(II) For small tribes, funds must be expended within 5 years of award after \$2m has been accumulated. Re-label current II as III. This correlates with UNAHA's earlier comment. The language here would build in a small tribes carve-out.	
Section 405(c) (25 U.S.C. 4165(c)) is amended, by adding at the end the following new paragraph: “(3) ISSUANCE OF FINAL REPORT.—The Secretary shall issue a final report within 60 days after receiving comments under paragraph (1) from a recipient.”.	Adds deadline for HUD, but no specific recourse if HUD fails to meet the deadline.	NWIHA renews submission			NWIHA	Sec. 405 (c)	(c) REVIEW OF REPORTS- (1) IN GENERAL- The Secretary shall provide each recipient that is the subject of a report made by the Secretary under this section notice that the recipient may review and comment on the report during a period of not less than 30 days after the date on which notice is issued under this paragraph. (2) PUBLIC AVAILABILITY- After taking into consideration any comments of the recipient under paragraph (1), the Secretary— (A) may revise the report; and (B) not later than 30 days after the date on which those comments are received, shall make the comments and the report (with any revisions made under subparagraph (A)) readily available to the public. <u>(3) If the Secretary fails to issue a final report within 60 days of receiving comments from the recipient, the draft findings will all be deemed to have been closed.</u>	This revision imposes consequences on HUD for failing to act within the statutory timelines. This will reduce the uncertainty that tribes/TDHEs face when HUD fails to meet its deadlines. This is simply addressing an issue considered during negotiated rulemaking.	Committee supports

		NWIHA renews submission			UNAHA	Sec. 405 (d)	(d) EFFECT OF REVIEWS- Subject to section 401(a) , After reviewing the reports and audits relating to a recipient that are submitted to the Secretary under this section, the Secretary may adjust the amount of a grant made to a recipient under this Act in accordance with the findings of the Secretary with respect to those reports and audits. All recaptures and adjustments made under this section must be processed in accordance with provisions at 401(a).	Need to clarify what Congress intends and HUD's interpretation. Move to section 401 (a) because HUD has taken a position in litigation.	suggests combining with below
					SPIHA	Sec. 405 (d)	Sec. 405 (d) EFFECT OF REVIEWS - Subject to section 401(a), after reviewing the reports and audits relating to a recipient that are submitted to the Secretary under this section, the Secretary may adjust the amount of a grant made to a recipient under this Act in accordance with the findings of the Secretary with respect to those reports and audits, except that grant amounts already expended on affordable housing activities may not be recaptured or deducted from future assistance provided on behalf of an Indian tribe.	The region suggested adding this new language to specify funds already spent on eligible activities can't be recaptured. Reinstating what was taken out of the statute a few years ago.	Committee supports
Section 407 (25 U.S.C. 4167) is amended— (1) in subsection (a), by striking “Congress” and inserting “Committee on Financial Services and the Committee on Natural Resources of the House of Representatives, to the Committee on Indian Affairs and the Committee on Banking, Housing, and Urban Affairs of the Senate, and to any subcommittees of such committees having jurisdiction with respect to Native American and Alaska Native affairs,”; and (2) by adding at the end the following new subsection: “(c) Public Availability To Recipients.—Each report submitted pursuant to subsection (a) shall be made publicly available to recipients.					ALL	Sec. 407	(a) IN GENERAL- Not later than 90 days after the conclusion of each fiscal year in which assistance under this Act is made available, the Secretary shall submit to the Congress, and to each Indian tribe and recipient authorized to receive funding under this Act , a report that contains--	Several regions noted that HUD has a long list of requirements for recipients to provide information, of which some is then reported to Congress. Why can't HUD provide tribes the information being forwarded to Congress? It would be helpful to know what HUD is telling Congress.	Committee supports
					GLIHA	Sec. 408	PUBLIC AVAILABILITY OF INFORMATION. Each recipient shall make any housing plan, policy, or annual report prepared by the recipient available to the general public.	The region recommends this information be made available to citizens of the jurisdiction.	Committee supports

TITLE V--TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS					Region	Section	Issue/Proposed Language	Comment	
HR 3864 Language	Effect								
		NWIHA renews submission			UNAHA	Sec. 503	TERMINATION OF NEW COMMITMENTS FOR RENTAL ASSISTANCE. After September 30, 1997, financial assistance for rental housing assistance under the United States Housing Act of 1937 may not be provided to any Indian housing authority or tribally designated housing entity, unless such assistance is provided pursuant to a contract for such assistance entered into by the Secretary and the Indian housing authority before such date. Any such assistance provided pursuant to such a contract shall be governed by the provisions of the United States Housing Act of 1937 (as in effect before the date of the effectiveness of this Act) and the provisions of such contract.	Several regions recommend an amendment making tribes eligible for Section 8 program funds.	Committee supports
		NWIHA renews submission			AAHA	Sec. 504	(a) IN GENERAL- Subtitle D of title IV of the Cranston Gonzalez National Affordable Housing Act (42 U.S.C. 12899 et seq.) is amended- (1) by redesignating section 460 as section 461; and (2) by inserting after section 459 the following new section:	Several regions recommend striking this section and would like to restore Tribal eligibility for Youth build program funds.	Committee supports
		NWIHA renews submission			ALL	Section V	PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION ACT OF 1990. No specific language proposed.	All regions agree that Tribes/TDHEs should be eligible for methamphetamine clean-up funds, drug elimination program funds, and Youth build funds.	Committee supports

TITLE VII--OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS					Region	Section	Proposed Language	Comment	
HR 3864 Language	Effect								
					SWTHA	Sec. 702	Sec. 702 (a) AUTHORITY TO LEASE- Notwithstanding any other provision of law, any trust or restricted Indian lands, whether tribally or individually owned, may be leased by the <i>Indian owners</i> , subject to the approval of the affected Indian tribe and the Secretary of the Interior, for housing development and residential purposes.	The region recommends Indian owners be defined or re-worded.	
Section 702 (25 U.S.C. 4211) is amended— (1) in subsection (c)(1), by inserting “, whether enacted before, on, or after the date of the enactment of this section” after “law”; and (2) by striking “50 years” each place such term appears and inserting “99 years”.		NWIHA renews submission			NWIHA	Sec. 702	SEC. 702. 50-YEAR LEASEHOLD INTEREST IN TRUST OR RESTRICTED LANDS FOR HOUSING PURPOSES.	The region recommends definition/language be more responsive by the BIA leasing process.	Committee supports
		NWIHA renews submission			GLIHA and NWIHA	Sec. 703	TRAINING AND TECHNICAL ASSISTANCE. [25 USC 4212] There are authorized to be appropriated for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities such sums as may be necessary for each of fiscal years.	Several regions state that rather than having to revise this each reauthorization, have it as an ongoing requirement.	Committee supports
					UNAHA	Sec. 703	TRAINING AND TECHNICAL ASSISTANCE.	The region stated that considering the new language to T/TA, if no regional associations apply for the funds, any remaining funds go to NAIHC.	Committee supports
TITLE VIII--HOUSING ASSISTANCE FOR NATIVE HAWAIIANS					Region	Section	Issue/Proposed Language	Comment	
HR 3864 Language	Effect								
		NWIHA renews submission			NWIHA	Title VIII		Will Title VIII issues be resolved in reauthorization? Recently passed resolution on this -- during NAIHC Convention.	

		<p>Legislative Proposal for Labor Standards in NHHBG Section 805(b)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4225(b)(1)) is amended— (1) in subparagraph (A)— (A) by inserting “and” following “draftsmen,”; (B) by inserting a comma following “development”; and (C) by striking “, and” following “all maintenance”; and (2) in subparagraph (B)— (A) by striking “the Act commonly known as the ‘Davis-Bacon Act’ (46 Stat. 1494; chapter 411; 40 U.S.C. 276a et seq.)” and inserting “sections 3141-3144, 3146, and 3147 of title 40,”; and (B) inserting “; Provided, that such provision shall apply to the construction or rehabilitation of residential property only if such property contains not less than 8 units” following “housing involved”.</p>	<p>relaxing labor standards, particularly for projects of less than 8 units. (Section 105 allows for tribal laws to apply, nothing similar in Title VIII)</p>	<p>DHHL</p>					
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OTHER ISSUES									
HR 3864 Language	Effect				Region	Section	Issue/Proposed Language	Comment	
					SPIHA	801	LIMITATION ON USE FOR CHEROKEE NATION	SPIHA recommended deleting this section.	Committee supports
					AAHA	New Section on Leveraging?	AAHA believes a new section should be added to NAHASDA to address the myriad issues related to leveraging NAHASDA funding, including access to other federal funding sources and how to resolve conflicting administrative requirements between various federal programs.	AAHA is researching opportunities for new NAHASDA language that would make recipients eligible applicants for other sources of federal funding - the IHBG program is an example. Also, a section on leveraging could address questions about conflicting federal requirements in leveraged projects. For example, should the requirements of the federal funder with the most significant investment in a project apply when there is conflict with the requirements of other federal funders? Alternatively, should a standing agency committee be established to resolve conflicts between various federal funding sources?	
					AAHA	Multiple sections	What are the consequences of HUD missing one of the several deadlines prescribed for it in NAHASDA? That should be made clear.	HUD does not always observe the deadlines laid out in NAHASDA. NWIHA agrees. Answers is there isn't any consequences. The region has proposed approaches in several areas above.	
		1. Increase annual appropriations to \$900 m		Spokane IHA					
		2. Allow TDHE's/IHAs to serve a larger proportion of the 80% to 100% segment of the population - there is a significant amount of unmet need		Spokane IHA					
		3. As per 2 NAIHC resolutions - actively/aggressively pursue the access to Section 8 vouchers to support non 37 Act housing units especially LIHTC. It will move the dial on the development of new housing on tribal lands.		Spokane IHA					
		Income limits for NAHASDA to be set by the recipient tribes, or have the income limits removed. Other programs within the federal government do have variances allowed. Magnet Housing Fund allow for participants to be 120% of the median income. Low Income Energy Assistance allows for participants to be 200% of median income. USDA uses numbers for children and elder programs at 130% - 185 % of the federal poverty rate. As this is an arbitrary number, I would advocate that tribes determine who is eligible for NAHASDA.		Ho-Chunk Housing and CDA					

		creation of an Indian Housing program for Urban Indians. The program could be established for tribal only (federally or state recognized enrolled members) for Indian Section 8 set asides, the creation of homeownership opportunities and community outreach programs for established native American housing non profit organizations.		Ho-Chunk Housing and CDA						
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Program	HR.3864	Effect	Source
Section 184 Loan Guarantees	<p>Section 184(i)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a(i)(5)) is amended—</p> <p>(1) in subparagraph (B), by inserting after the period at the end of the first sentence the following: “There are authorized to be appropriated for such costs \$12,200,000 for each of fiscal years 2018 through 2022.”; and</p> <p>(2) in subparagraph (C)—</p> <p>(A) by striking “2008 through 2012” and inserting “2018 through 2022”; and</p> <p>(B) by striking “such amount as may be provided in appropriation Acts for” and inserting “\$976,000,000 for each”</p>		HR 3864
	<p>Sec. __. LOAN GUARANTEES FOR INDIAN HOUSING.</p> <p>Paragraph (1) of section 184(h) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a(h)(1) is amended-</p> <p>(1) in subparagraph (A)(i), by inserting “in the tribal court having jurisdiction, or in another court of competent jurisdiction where a tribal court does not have jurisdiction or if the tribal court does not hold proceedings on a foreclosure complaint within the period provided under applicable law or within 90 days of service of the foreclosure complaint (whichever is longer), provided the holder must first voluntarily dismiss the tribal court action before proceeding to file in another court,” after “Secretary”); and</p> <p>(2) in subparagraph (B), by inserting before the period at the end the following: “which may include initiating foreclosure proceedings in the tribal court having jurisdiction, provided that if the tribal court does not hold proceedings on a foreclosure complaint within the period provided under applicable law or within 90 days of service of the foreclosure complaint (whichever is longer), the Secretary can voluntarily dismiss the tribal court action and proceed to file in another court of competent jurisdiction.”</p> <p>(3) In subparagraph _____, by inserting the following: “The United States attorneys may in prosecuting and defending any litigation under this section, at the discretion of the Secretary, contract with any other attorney with whom the Secretary enters into a contract after a determination by the Secretary that –</p> <p>a. The attorney will provide competent and cost-effective representation for the Housing and Urban Development; and</p> <p>b. Representation by the attorney will either: i) accelerate the process by which a family or person eligible for assistance under section 184 of this title will be able to purchase and occupy the housing involved; or ii) preserve the quality of the housing involved.</p>	Provides for tribal court jurisdiction	Pearce draft

Program	HR 3864	Effect	Source
HUD-VASH	<p>SEC. 501. HUD–VETERANS AFFAIRS SUPPORTIVE HOUSING PROGRAM FOR NATIVE AMERICAN VETERANS.</p> <p>Paragraph (19) of section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amended by adding at the end the following new subparagraph:</p> <p>“(D) NATIVE AMERICAN VETERANS.—</p> <p>“(i) AUTHORITY.—Of the funds made available for rental assistance under this paragraph for fiscal year 2018 and each fiscal year thereafter, the Secretary shall set aside 5 percent for a supported housing and rental assistance program modeled on the HUD–Veterans Affairs Supportive Housing (HUD–VASH) program, to be administered in conjunction with the Department of Veterans Affairs, for the benefit of homeless Native American veterans and veterans at risk of homelessness.</p> <p>“(ii) RECIPIENTS.—Such rental assistance shall be made available to recipients eligible to receive block grants under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).</p> <p>“(iii) FUNDING CRITERIA.—Funds shall be awarded based on need, administrative capacity, and any other funding criteria established by the Secretary in a notice published in the Federal Register, after consultation with the Secretary of Veterans Affairs, by a date sufficient to provide for implementation of the program under this subparagraph in accordance with clause (i).</p> <p>“(iv) PROGRAM REQUIREMENTS.—</p> <p>“(I) ADMINISTRATION.—Such funds shall be administered by block grant recipients in accordance with program requirements under the Native American Housing Assistance and Self-Determination Act of 1996 in lieu of program requirements under this Act.</p> <p>“(II) AVAILABLE HOUSING.—Rental assistance made available under this subparagraph may be used for dwelling units owned, operated, or assisted with by a recipient of a block grant under this Act or a tribally designated housing entity.</p> <p>“(v) WAIVER.—The Secretary may waive, or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the use of funds made available under this subparagraph, but only upon a finding by the Secretary that such waiver or alternative requirement is necessary to promote administrative efficiency, eliminate delay, consolidate or eliminate duplicative or ineffective requirements or criteria, or otherwise provide for the effective delivery and administration of such supportive housing assistance to Native American veterans.</p> <p>“(vi) CONSULTATION.—The Secretary and the Secretary of Veterans Affairs shall jointly consult with block grant recipients and any other appropriate tribal organizations to—</p>	<p>Would make the tribal HUD-VASH program permanent.</p> <p>Would also cap funding at 5% of the larger HUD-VASH annual funding for new vouchers.</p>	HR 3864
HUD-VASH	S. 1333	<p>Would make the tribal HUD-VASH program permanent.</p> <p>Would also set funding at no less than 5% of the larger HUD-VASH annual funding for new vouchers.</p>	S. 1333

Program	Language/Idea	Effect	Source
Lands Title Report Commission	<p>Section 501 of the American Homeownership and Economic Opportunity Act of 2000 (25 U.S.C. 4043 note) is amended—</p> <p>(1) in subsection (a), by striking “Subject to sums being provided in advance in appropriations Acts, there” and inserting “There”; and</p> <p>(2) in subsection (b)(1) by striking “this Act” and inserting “the Native American Housing Assistance and Self-Determination Reauthorization Act of 2017”.</p>	<p>Would require the Commission (provided for in 2000) be established within 1 year.</p>	HR 3864

Program	Language/Idea	Effect	Source
HUD Homebuyer Counseling	<p>Section 106(a)(4)(A) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)(A)) is amended—</p> <p>(1) by striking “and” and inserting a comma; and</p> <p>(2) by inserting the following before the period at the end: “, State and local governments, Indian tribes, and tribally designated housing entities. The terms “Indian tribes” and “tribally designated housing entities” have the meanings given to them by section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)”.</p>	<p>This provision adds Indian tribes and tribally-designated housing entities to the list of eligible grantees under Housing Counseling.</p>	HUD FY 2019 Proposed Budget - General Provisions

Program	Language/Idea	Effect	Source
USDA Rural Housing	<p>(a) Definitions.—Section 501 of the Housing Act of 1949 (42 U.S.C. 1471) is amended—</p> <p>(1) in subsection (a), by redesignating paragraph (5) as paragraph (9) and moving that paragraph to the position after subsection (b)(8); and</p> <p>(2) in subsection (b)—</p> <p>(A) in paragraph (9), as redesignated and moved by paragraph (1) of this Act, by striking “DEFINITIONS” and inserting “REHABILITATE; REHABILITATION; REPAIR; REPAIRS”; and</p> <p>(B) by adding at the end the following:</p> <p>“(10) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—In this title, the term ‘community development financial institution’ has the meaning given the term in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702).</p> <p>“(11) INDIAN LAND.—In this title, the term ‘Indian land’ has the meaning given the term in section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302).</p> <p>“(12) NATIVE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—In this title, the term ‘Native community development financial institution’ means a community development financial institution that directs not less than 50 percent of the activities of that community development financial institution toward an Indian land.</p> <p>“(13) TRIBALLY DESIGNATED HOUSING ENTITY.—In this title, the term ‘tribally designated housing entity’ has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).”.</p>	<p>New definitions related to tribal provisions</p>	<p>Heitkamp S. 2489 (115th Congress)</p>

<p>USDA Rural Housing</p>	<p>(b) Loans To Native Community Development Financial Institutions, Indian Tribes, And Tribally Designated Housing Entities For Housing And Buildings On Adequate Farms.—Section 501(a) of the Housing Act of 1949 (42 U.S.C. 1471(a)) is amended—</p> <p>(1) in paragraph (4)(B)(ii), by striking the period at the end and inserting “; and”; and</p> <p>(2) by adding at the end the following:</p> <p>“(5) to a Native community development financial institution—</p> <p>“(A) for use by that Native community development financial institution for any of the purposes described in paragraphs (1) through (4); or</p> <p>“(B) for the purpose of making a loan to an owner described in paragraph (1), (2), or (3) of property on Indian trust land for any of the purposes described in paragraphs (1) through (4); and</p> <p>“(6) to an Indian tribe or a tribally designated housing entity for the purpose of developing adequate housing that is modest in size, design, and cost (as determined by the Secretary) on Indian trust land.</p> <p>“(7) DEFINITION.—In this subsection, the term ‘Indian trust land’ has the meaning given the term ‘substantially underserved trust area’ in the Rural Electrification Act of 1936 (7 U.S.C. 936f).”.</p>		<p>Heitkamp S. 2489 (115th Congress)</p>
<p>USDA Rural Housing</p>	<p>(c) Set Asides For Indian Tribes, Housing Entities, And Low-Income Members Of Indian Tribes.—</p> <p>(1) HOUSING ACT OF 1949.—Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) is amended—</p> <p>(A) in section 502 (42 U.S.C. 1472), by adding at the end the following:</p> <p>“(j) Set Aside.—Of amounts made available to provide loans under this section beginning in the first fiscal year after the date of enactment of the Tribal Food and Housing Security Act and every fiscal year thereafter, the Secretary shall set aside 5 percent to provide loans to—</p> <p>“(1) Indian tribes;</p> <p>“(2) tribally designated housing entities; and</p> <p>“(3) members of Indian tribes on Indian land, with priority given to members of Indian tribes on Indian trust land, as defined in section 306F of the Rural Electrification Act of 1936 (7 U.S.C. 936f).”;</p>		<p>Heitkamp S. 2489 (115th Congress)</p>

USDA Rural Housing	<p>(B) in section 504 (42 U.S.C. 1474), by adding at the end the following: “(d) Set Aside.—Of amounts made available to provide loans or grants under this section beginning in the first fiscal year after the date of enactment of the Tribal Food and Housing Security Act and every fiscal year thereafter, the Secretary shall set aside 5 percent to provide loans or grants to— “(1) Indian tribes; “(2) tribally designated housing entities; and “(3) members of Indian tribes on Indian land, with priority given to members of Indian tribes on Indian trust land, as defined in section 306F of the Rural Electrification Act of 1936 (7 U.S.C. 936f).”;</p>		Heitkamp S. 2489 (115th Congress)
USDA Rural Housing	<p>(C) in section 515 (42 U.S.C. 1485), by adding at the end the following: “(bb) Set Aside.—Of amounts made available to provide loans under this section beginning in the first fiscal year after the date of enactment of the Tribal Food and Housing Security Act and every fiscal year thereafter, the Secretary shall set aside 5 percent to provide loans to— “(1) Indian tribes; and “(2) tribally designated housing entities.”;</p>		Heitkamp S. 2489 (115th Congress)
USDA Rural Housing	<p>(D) in section 533 (42 U.S.C. 1490m), by adding at the end the following: “(j) Set Aside.—Of amounts made available to provide grants under this section beginning in the first fiscal year after the date of enactment of the Tribal Food and Housing Security Act and every fiscal year thereafter, the Secretary shall set aside 5 percent to provide grants to— “(1) Indian tribes; “(2) tribally designated housing entities; and “(3) members of Indian tribes on Indian land, with priority given to members of Indian tribes on Indian trust land, as defined in section 306F of the Rural Electrification Act of 1936 (7 U.S.C. 936f).”; and</p>		Heitkamp S. 2489 (115th Congress)
USDA Rural Housing	<p>(E) in section 538 (42 U.S.C. 1490p–2), by adding at the end the following: “(w) Set Aside.—Of the gross obligations provided for the principal amount of guaranteed loans under this section beginning in the first fiscal year after the date of enactment of the Tribal Food and Housing Security Act and every fiscal year thereafter, the Secretary shall set aside 5 percent to guarantee loans provided to— “(1) Indian tribes; and “(2) tribally designated housing entities.”.</p>		Heitkamp S. 2489 (115th Congress)

USDA Rural Housing	<p>(2) RURAL UTILITIES SERVICES.—</p> <p>(A) DEFINITIONS.—In this paragraph, the terms “Indian tribe” and “tribally designated housing entity” have the meanings given those terms in section 501(b) of the Housing Act of 1949 (42 U.S.C. 1471(b)), as amended by this Act.</p> <p>(B) SET ASIDE.—Of amounts made available beginning in the first fiscal year after the date of enactment of this Act and every fiscal year thereafter for community facility direct and guaranteed loans and grants under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) and water or waste disposal grants or direct or guaranteed loans under paragraph (1) or (2) of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)), the Secretary of Agriculture shall set aside 5 percent to provide assistance to—</p> <p>(i) Indian tribes; and</p> <p>(ii) tribally designated housing entities.</p>		Heitkamp S. 2489 (115th Congress)
USDA Rural Housing	Reinstate the USDA Section 525 Technical and Supervisory Assistance Grant Program which provides technical assistance grants to support the implementation of USDA loan programs by local nonprofits and tribal organizations. The program still exists but it is no funds have been appropriated for it. It could be reinstated as a tribal program.	TA grants that have not been funded since 2xxx.	SD Native Homeownership Coalition
USDA Rural Housing	Either in the Farm Bill or the Ag Appropriations bills, allocate \$50 million in existing appropriations for a Section 502 home loan relending demonstration program for Native communities. <i>Congress should designate \$50 million of existing program allocation from the US Department of the Agriculture (USDA) Rural Development 502 Direct Home Loan Program to fund the proposed Section 502 home loan relending demonstration program, created by USDA pursuant to 7 CFR §3550.7.</i> This allocation would improve the delivery of 502 direct home loans to Native communities by allowing Native community development financial institutions (Native CDFIs) to become eligible borrowers who would relend to qualified families pursuant to existing 502 direct program eligibility requirements and underwriting criteria.	Provide greater funding to the pilot program underway in SD. The pilot is utilizing tribal CDFIs to deliver USDA 502 direct loans to Native Americans.	SD Native Homeownership Coalition

Program	Language/Idea	Effect	Source of Language
<p>Native American Direct Loan Program (NADLP)</p>	<p>Expand homeownership opportunities for Native American veterans on trust land. The Native American Direct Loan (NADL) program is a veteran home loan program authorized by 38 U.S.C. chapter 37, section 3761 to provide direct loans to Native American veterans living on trust lands. The loans are available to purchase, construct, or improve homes to be occupied as veteran residences, or to refinance a loan previously made under this program to lower the interest rate. However, the US Department of Veterans Affairs (VA Department) lacks adequate staff resources to conduct outreach and provide the required level of technical assistance to deploy the NADL program to qualified Native American veterans. <i>Congress should authorize the Secretary of Veterans Affairs to:</i></p> <ul style="list-style-type: none"> • <i>Collaborate with and compensate local service providers by establishing a program for local services providers to conduct outreach, homebuyer education training, housing counseling, and other technical assistance as needed to Native American veterans seeking to qualify for mortgage financing. The program should include a mechanism through which local service providers could be compensated as third-party providers.</i> • <i>Design an NADL Loan Packaging Certification Program which would all local service providers who have met certification requirements to provide loan packaging services for the Native American Direct Loan at no expense to the veteran. Loan packagers would receive a one-percent origination fee from the VA Department.</i> • <i>Pilot an NADL Relending Demonstration by designating \$5 million of existing program allocation from the VA’s Native American Direct Loan Program to pilot a demonstration relending program for Indian Country which would allow Native community development financial institutions, who are more familiar with Native communities and the mortgage lending process on trust land, to borrow through the Native American Direct Loan program and relend to qualified Native American veterans.</i> • <i>Refinance non-VA mortgages by allowing veterans to use the Native American Direct Loan Program to refinance existing non-VA mortgage loans.</i> 	<p>Increase effectiveness of NADLP Program</p>	<p>SD Native Homeownership Coalition</p>

Program	Language/Idea	Effect	Source of Language
National Flood Insurance Program	SEC. II. EXEMPTION FOR INDIAN TRIBES FROM NATIONAL FLOOD INSURANCE PROGRAM PARTICIPATION REQUIREMENT. Paragraph (3) of section 3(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4003(a)(3)) is amended by inserting before the semicolon at the end the following: "or for any Indian tribe that has in effect a plan for mitigating damage resulting from flooding that has been approved by the tribal government for the tribe".		Pearce Draft language
BIA HIP	Increase appropriations for BIA Housing Improvement Program which tribes can use for down payment and closing cost assistance if they so chose.	More funds at BIA/HIP program	SD Native Homeownership Coalition
Urban Indian Organizations/Supportive Housing	The change(s) needed: (1) To either add the change to NAHASDA to include Urban Indian Organizations providing permanent supportive housing or; (2) To create a new fund and act (outside of NAHASDA) that allocates funds to Urban Indians Organizations providing permanent supportive housing to tribal members transitioning into the urban areas.	Assist tribal members living in or transitioning to urban areas	North Dakota Native American Development Center
New Market Tax Credit	10% set-aside	ensure investments are making there way to tribal communities	
State Housing/Funding Issue	Regarding new housing dollars in California. The enabling legislation for funding 2017 ab-1 specifically mentioned Native American housing for the purpose of receiving funding. The actual process for accessing this funding is dependent on County level point in time counts (which severely under-counts reservations). Additionally there is not process for Tribes to directly apply to the state of California for these much needed funds, which can be used as match funding for development. We need help fixing this omission of Tribes. The process states governments may apply, cities and counties, but Tribes are not allowed to apply directly. Our County has 10 recognized Tribes, none of which has access to funding directly under AB-1 and the numerous other state housing funds available through recent legislation. This is critical, as wildfires in our area have driven housing availability and construction costs in California to impossible levels. Legislation allowing Tribes to directly apply for funding in California would be of great help during this state wide housing crisis.	Allow tribes to apply directly for state funding, without going through county (or other state subdivisions)	Cahto Housing (CA)