



MEMORANDUM

October 3, 2019

To: Housing Clients

From: HOBBS, STRAUS, DEAN & WALKER, LLP

Re: *NAIHC Legislative Committee Meeting*

This memo reports on the monthly NAIHC Legislative Committee meeting, which was held on October 3, 2019 (by teleconference) and presided over by NAIHC Executive Director Tony Walters.

A. FY 2020 Appropriations

During the last week of September, just before the end of FY 2019, Congress passed and the President signed a Continuing Resolution that would fund the federal government at FY 2019 levels until November 21. Meanwhile, the House and Senate are moving the appropriations process through their respective committees of jurisdiction, and are negotiating differences now and will be doing so over the next few months.

The House and Senate T-HUD appropriations bills are somewhat different on appropriations for Indian housing. The Senate bill would maintain funding at FY 2019 levels, except for the HUD-VASH program, which it would cut from \$4 million to \$1 million (on the rationale that the program has a large carryover that should be spent down first). The House bill, by contrast, would increase the Indian Housing Block Grant appropriation by \$25 million (to \$671 million), and the ICDBG appropriation by \$10 million (to \$75 million). Both bills contain the \$100 million in competitive IHBG funding. NAIHC will be sending out a "Call to Action" to its members shortly, asking them to write to their Senators and Representatives and urging support of the House appropriations bill.

B. NAHASDA Reauthorization and Other Housing Bills

NAHASDA. Mr. Walters reported that Representative Heck (D-WA) is working on a discussion draft NAHASDA reauthorization bill, and he is getting close to a final draft. Mr. Walters has seen the draft, and he thinks tribes will be pleased. The current draft, in addition to many of the items that were included in past versions of the reauthorization bill, will also include provisions to address the FEMA flood mapping issue, tribal court jurisdiction for Section 184 foreclosures, and provisions relating to housing counseling and to programs at the U.S. Department of Agriculture (USDA). The goal is to get the language to be "as good as it can be" for tribes while also able to get through the Financial Services Committee and get support from many members. There is no timeline for introducing the bill, but Mr. Walters is hopeful it will be released by the end of this month (but he also emphasized that

“nothing is set in stone”). Further, there are still roadblocks to reauthorization, including the same roadblocks that have previously stalled reauthorization in the Senate.

Tribal HUD-VASH. NAIHC is still working with the House on this bill. There have been some concerns expressed by House leadership and the Democrats on the House Financial Services Committee that the current version of the bill gives the Administration too much discretion. NAIHC is trying to alleviate those concerns, explaining that HUD and the VA have worked with tribes in these areas and the tribes are comfortable with the Administration’s approach. Mr. Walters is optimistic that this bill will pass this session.

Continuum of Care. One of the reasons for Mr. Walters’ optimism on Tribal HUD-VASH, he explained, was the fact that the Continuum of Care bill – which would expand tribal eligibility for funding to assist the homeless under the McKinney-Vento Act – had moved out of Committee very quickly, had bi-partisan support, and was gathering momentum. Mr. Walters felt that NAIHC could capitalize on this momentum to get movement on the Tribal HUD-VASH bill, which involves a similar effort to have tribes directly access programs that they have not been able to access before.

Senate Committee on Indian Affairs. Mr. Walters indicated that the Senate Committee on Indian Affairs was planning to hold a hearing in the near future to address Indian housing issues. There are no dates or other details yet, although one of the areas that the hearing will potentially address is the Section 184 loan guarantee program, and ways that it might be improved.

C. NAIHC Working on its New Advocacy Software (Phone 2 Action)

Mr. Walters reminded the participants in the meeting, and asked them to spread the word, that under NAIHC’s new Phone2Action program, they will be able to sign up by text and email and then prompted to type in their zip code and prompted to enter information to customize advocacy letters. The letter will then automatically be sent to the correct House and Senate offices just by following these steps--which can be taken on a smartphone. He said that NAIHC will create alerts and campaigns around NAHASDA, Appropriations, and Tribal HUD-VASH, among other topics.

D. NAIHC Announcements

FY 2019 Grants. HUD still has not announced the awards under the FY 2019 (and 2018) IHBG Competitive Funding NOFA. Mr. Walters said that if HUD’s prior experience on ICDBG grants is any guide, it will probably be another month before the awards are announced. Mr. Walters also noted that HUD is working on the FY 2019 ICDBG NOFA, but that they have no timeline for that either (but hopefully before the end of the year).

Legal Symposium. Mr. Walters said that the dates of the NAIHC Legal Symposium have changed slightly. **The Symposium will now be held on December 9 and 10, 2019,** at Bally’s in Las Vegas. A notice from NAIHC went out with the updated dates. Previously, the Symposium was set for December 10-11, with the Legislative Committee meeting being held

the day before, but that has changed. The Legislative Committee will still be held on Monday, but it will be folded into the NAIHC Legal Symposium schedule.

Legislative Committee Calls. Mr. Walters reported that the next call is scheduled for November 7. There will be no call in December; the Legislative Committee will meet in person at the Legal Symposium.

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