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## MEMORANDUM

August 26, 2024

TO: TRIBAL HOUSING CLIENTS

FROM:  ED CLAY GOODMAN AND CARI L. BAERMANN  
HOBBS, STRAUS, DEAN & WALKER, LLP

RE: ***HUD Tribal Intergovernmental Advisory Committee Monthly Meeting***

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On August 23, 2024, the United States Department of Housing and Urban Development (HUD) held a virtual Tribal Intergovernmental Advisory Committee (TIAC or “Committee”) monthly meeting. Below is a summary of the TIAC meeting.

Jacqueline Pata, TIAC Co-Chair and First Vice President of the Central Council of Tlingit and Haida Indian Tribes of Alaska, gave opening remarks during the virtual meeting. Kristen Arnold, Office of Native American Programs (ONAP) Specialist, attended the virtual meeting as well.

### **A. Isabelle Haddad (EDF Climate Corps Fellow with the International Code Council)**

Isabelle Haddad, Environmental Defense Fund (EDF) Climate Corps Fellow with the International Code Council, began the meeting by giving a presentation on the International Building Code (“IBC”). Ms. Haddad has been creating a white paper to help identify the benefits of tribal nations adopting the IBC, including benefits such as health impacts, safety & resiliency, and economic development. The International Code Council is a nonprofit that created the IBC to be used as a base code standard for housing construction. The International Code Council created the IBC with the intent for it to protect public health and safety while reducing unnecessary construction costs.

Ms. Haddad noted that one of the benefits of tribes using the IBC is that it can help tribes enforce building standards and hold contractors accountable to complying with building standards. One of the TIAC tribal leaders commented that one of the issues that tribes have had is developing and enforcing building standards on manufactured housing. She noted that contractors often develop manufactured housing in tribal communities that fails to meet building and health and safety codes, but that tribes often lack the capacity, knowledge, and funding to address those issues. She asked whether the International Code Council could make a recommendation for Indian country on how to apply building codes to manufactured housing. Ms. Haddad noted that she will inquire as to whether that is possible.

Another tribal leader commented that tribes that use state funding for building must comply with state building codes. Requiring contractors to comply with state building codes has assisted

some tribes in improving the quality of housing in tribal areas. However, he commented that tribes face additional challenges, such as lacking the capacity to enforce building codes. Another meeting participant commented that construction companies often come in with a bias against tribes, believing that because the houses are being built on tribal lands, there will be no oversight of the construction work. She noted that this often results in construction companies cutting corners and developing substandard housing. To combat this bias, the participant commented that it would be helpful if the International Code Council could develop materials to assist tribes in understanding the building standards and how to enforce those standards.

Another tribal leader remarked that there is no one-size-fits-all for Indian country. Some tribes build on trust land, while others build on state fee land. He stated that any general building code would need to be flexible enough to fit the needs and unique circumstances of each tribe. Ms. Haddad remarked that she will take that into account when drafting the white paper on the IBC.

## **B. Future TIAC and HUD Meetings**

The TIAC will continue to hold monthly virtual meetings in the coming months. In addition, the TIAC will be holding an in-person meeting on September 10–12, 2024 in Fort Worth, Texas. The TIAC will hold a tribal caucus on Tuesday, September 10<sup>th</sup>, 2024, followed by a full TIAC meeting with HUD representatives on Wednesday, September 11<sup>th</sup>, 2024, and a site visit on Thursday, September 12, 2024. The tribal leaders in the virtual meeting discussed the agenda for the in-person September 10–12, 2024 HUD TIAC meeting.

One of the key topics that the tribal leaders will discuss will be the impact of underfunding on tribal housing. The tribal leaders will be coming up with examples of underfunding impact and recommendations on what HUD can do to remedy the underfunding. The tribal leaders also stated that they will cover updates on the ONAP programs and how HUD can improve those programs. The specific ONAP programs and topics that the tribal leaders decided to discuss including the following:

- Build America, Buy America Act (BABA) update
- Section 184 Handbook
- Indian Housing Block Grant (IHBG) Competitive
- Update on Indian Health Service (IHS) consultation
- Indian Community Development Block Grant Program (ICDBG)
- HUD staffing and technical assistance for tribes
- Legislative recommendations letter on tribal housing legislation

The participants also decided to hold a discussion at the in-person meeting on HUD programs and how HUD can improve those programs.

- Tribal set asides for grants
- Housing counseling requirements and the tribal housing counseling examination
- Methamphetamine ("Meth") epidemic and asking whether HUD has considered providing funding and training to help tribes address Meth in tribal communities
- Rural housing issues (appraisals and valuations), Continuum of Care projects, etc.

The tribal leaders also stated that they intend the in-person TIAC meeting to address the high costs of insurance in tribal communities and the impacts that the high costs have on tribal members. The HUD Office of Housing and Public and Indian Housing (PIH) will give updates during the meeting on upcoming efforts to reduce the costs of insurance and the mechanisms through which tribes can provide feedback.

Additionally, the HUD Office of Policy Development and Research (PD&R) will provide an update during the in-person meeting on conducting a case study on the costs of construction and innovations to support cost reduction in construction and maintenance projects. The PD&R will also provide an update on other research projects, such as the U.S. Census Bureau's collection of tribal data.

### ***Conclusion***

If you have any questions about this memorandum or any of the topics discussed in this memorandum, please contact Ed Clay Goodman ([egoodman@hobbsstrauss.com](mailto:egoodman@hobbsstrauss.com)) or Cari Baermann ([cbaermann@hobbsstrauss.com](mailto:cbaermann@hobbsstrauss.com)); both may be reached by phone at 503-242-1745.