



215 SW Washington Street, Suite 200
Portland, OR 97204


T 503.242.1745
F 503.242.1072

HOBBSSTRAUS.COM

MEMORANDUM

November 8, 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***

On November 8, 2024, the United States Department of Housing and Urban Development (HUD) held a virtual Tribal Intergovernmental Advisory Committee (TIAC or “Committee”) monthly 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. Office of Native American Programs (ONAP) Director of Performance and Planning Jad Atallah, ONAP Specialist Kristen Arnold, and ONAP Specialist Nick Zolkowski attended the virtual meeting as well. Below is a summary of the TIAC meeting.

a. General TIAC Matters

On November 5, 2024, HUD published a [list of the 2025 committee members](#). There are a number of new tribal representatives who will be serving on the TIAC.

b. International Code Council Presentation

Ryan Colker and Stella Carr, representatives of the International Code Council, gave a presentation on using the International Building Code (IBC) as a model for tribal building codes. Mr. Colker commented that the International Code Council is a nonprofit that created the IBC to be used as a model code for housing construction standards. Mr. Colker commented that one of the benefits of tribes using the IBC as a model for tribal building codes is that it could help tribes enforce building standards and hold contractors accountable to complying with building standards. The IBC can also help tribes improve air quality and building resiliency by setting safety standards for the quality of the building materials used. Additionally, use of the IBC can help improve tribal property values by setting standards for the use of sustainable building materials. Tribes can contact Mr. Colker or Ms. Carr with questions about the IBC at Rcolker@iccsafe.org or scarr@iccsafe.org.

c. Recommendations for the Next Presidential Administration

The TIAC members then discussed possible approaches for working with the next presidential administration. The members generally agreed that they would continue with the approach they have been taking during the Biden Administration, including continuing to advocate for a NAHASDA reauthorization. The TIAC members also discussed focusing on strengthening

existing relationships with Congressmembers who are supportive of tribal housing (such as House Appropriations Committee Chairman Tom Cole (R-OK)).

Mr. Atallah mentioned that HUD will go through a formal transition team process once the new presidential administration takes office. This process includes the current HUD staff providing an overview of existing HUD efforts to the new transition team. Mr. Atallah remarked that TIAC members could create a briefing paper to give to the transition team. However, Mr. Atallah commented that while ONAP staff can pass the briefing paper on to the transition team, it cannot have any involvement in drafting the paper.

d. HUD and Indian Health Service (IHS) Joint Letter

The TIAC members briefly discussed the ongoing issue with using IHS funding for tribal housing projects. Currently, an annual appropriations rider prohibits tribes from using IHS sanitation facilities funding for new homes funded through HUD grant programs.¹ This includes IHBG funding. Many tribes need IHS sanitation funding to develop sanitation systems for housing construction projects. However, the appropriations rider forces tribes to choose between using HUD funding or IHS sanitation funding for the project.

On September 9, 2024, HUD and IHS issued a [Dear Tribal Leader Letter](#) (DTLL) addressing this issue. The DTLL states that HUD and IHS are seeking tribal “feedback and recommendations on how HUD and IHS programs can better address the housing-related water and sewer infrastructure needs of Tribal communities.” HUD and IHS are also seeking feedback on a number of specific questions, which can be found in the [DTLL](#). Tribes and TDHEs can email their comments and recommendations to: consultation@hud.gov and consultation@ihs.gov, using the subject line “HUD/IHS Housing-related Infrastructure for Tribal Communities.” HUD and IHS are extending the comment period until **January 2025**. In addition to written comments, HUD and the IHS will hold a virtual Consultation session **December 16, 2024**, details of which will be forthcoming. Please let us know if you would like assistance with drafting and submitting comments.

e. Future TIAC and HUD Meetings

The TIAC will continue to hold monthly virtual meetings in the coming months.

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) or Cari Baermann (cbaermann@hobbsstrauss.com); both may be reached by phone at 503-242-1745.

¹ See, e.g., Consolidated Appropriations Act of 2024, Pub. L. 118-42, 138 Stat. 275 (2024) <https://www.congress.gov/bill/118th-congress/house-bill/4366/text>.