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## MEMORANDUM

December 20, 2024

To: TRIBAL HOUSING CLIENTS

From:   
Ed Clay Goodman  
HOBBS, STRAUS, DEAN & WALKER, LLP

RE: ***2024 Native Homeownership & Asset Building Summit***

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On November 20-21, 2024, the U.S. Department of Housing and Urban Development (HUD), Office of Native American Programs (ONAP), hosted the 2024 Native Homeownership & Asset Building Summit in Oklahoma City, Oklahoma. This report provides a summary of important issues relevant to Indian housing matters that were discussed during the conference, including native homeownership programs, HUD's Section 184 loan guarantee program, and federal agency coordination

### **Plenary Session: Welcome and Opening Remarks**

**Presenters:** David Southerland, Administrator, HUD Southern Plains Office of Native American Programs (SPONAP); Chuck Hoskin, Jr., Principal Chief, Cherokee Nation; Iris Friday, Native American Program Specialist, HUD ONAP

Mr. Southerland opened the session by introducing attendees to Oklahoma and ONAP's Southern Plains Region. Mr. Southerland explained that SPONAP is comprised of 21 team members that serve 48 Indian tribes over a four-state area. Mr. Southerland stated that Oklahoma tribes "lead the charge" in supporting native and non-native children and families statewide, pointing to the robust tribal housing programs throughout Oklahoma as emblematic of this point. Specifically, Mr. Sutherland mentioned the Cherokee Nation's housing program and, in doing so, introduced the next speaker, Principal Chief Hoskin, Jr.

Principal Chief Hoskin, Jr. reiterated the great work Oklahoma tribes do in Indian country and across Oklahoma, emphasizing the essentiality of tribal housing programs. Principal Chief Hoskin, Jr. described a recent Cherokee Nation study uncovering tribal member housing need, specifically noting that an injection of \$1.75 billion in additional funds would be needed to addresses unhoused and under-housed tribal member needs. Principal Chief Hoskin, Jr. stated that this "gap" between housing resources and housing need exists on our reservations but, notably, emphasized that the problem is not "pre-

ordained." Principal Chief Hoskin, Jr. explained that Indian tribes were housing their members long before the advent of the United States or Oklahoma governments, and that centuries of federal and state oppression, and bad federal policy, has led to the Indian housing crisis.

Principal Chief Hoskin, Jr. next pivoted to the importance of reauthorizing Native American Housing Assistance and Self Determination Act of 1996 (NAHASDA), explaining that while annual Congressional appropriations are good, funding has generally not kept up with inflation over the life of the program. Following this, Principal Chief Hoskin, Jr. explained what "homeownership" meant to him: an ability to build wealth and create stability. Principal Chief Hoskin, Jr. held that creating housing stability is key to other positive social outcomes on reservations.

Additionally, Principal Chief Hoskin, Jr. provided some details about the Cherokee Nation's housing program, which has recently created a pilot program to inject business enterprise revenue dollars into NAHASDA programs (\$40 million annually over the next three years). Principal Chief Hoskin, Jr. expressed his desire that the Cherokee Nation's legislative branch approve the Housing Jobs and Community Development Act, to make the pilot program permanent.

Following Principal Chief Hoskin, Jr.'s remarks, Ms. Friday closed the session by briefly discussing what "asset-building" means: homeownership, housing education and counseling, and financing. Ms. Friday noted that asset-building looks different in many tribal communities because of the different views which exist on family, land, and community. Ms. Friday expressed her hope that the summit would be an opportunity for all attendees to capacity-build and learn from one another, pointing to the various Section 184 loan guarantee program consultation sessions as an example of federal-tribal collaboration to be on display.

**Plenary Panel: A Home of Our Own – Making the Dream of Homeownership a Reality**

**Presenters:** Tonya Plummer, Director of the Office of Loan Guarantee, HUD ONAP; Sharon Vogel, Executive Director, Cheyenne River Housing Authority; Jeremiah Powless, Program Officer, Enterprise Community Partners; Tyler Baker, Native Homeownership Program Manager, NeighborWorks Montana

Ms. Plummer opened the panel by introducing attendees to both the panelists and her view of homeownership. Specifically, Ms. Plummer emphasized that home is the basis of community, and can have positive effects on financial literacy and education. Ms. Plummer noted that tribal housing programs "cannot finance homes that do not exist," describing the homeownership hunt that happens across Indian country today as new home construction generally lags behind housing need.

Ms. Plummer then asked the panelists to talk about homeownership as an asset. Ms. Vogel explained that some tribal members' set of values may not align with the personal savings plan necessary to purchase one's first home. Specifically, Ms. Vogel

explained the importance of providing extra resources to those in the community with a greater need rather than placing it into a savings account. Ms. Vogel challenged tribal housing leaders to view a home purchase as something of value to pass along to the following generations, such that some tribal members may become more comfortable with pre-homeownership savings. Mr. Powless recommended that tribal housing leaders look locally at connecting tribal members to underutilized programs, namely, financial literacy and housing counseling programs. Mr. Baker briefly touched on his experience providing the same housing support services, such as housing counseling, as a nonprofit organization, and recommend that tribal housing programs take advantage of the expertise and institutional knowledge that may exist in the similarly-situated public housing space near the particular Indian tribe.

Finally, Ms. Plummer asked panelists to discuss the involvement and impact of coalitions in policymaking. Ms. Vogel briefly touched on agricultural relending organizations as underutilized partners in rural tribal areas, and discussed the importance of native Community Development Financial Institutions (CDFIs). Mr. Powless closed the session by describing the domino effect he has viewed on collective policymaking, explaining that a consortium or other group focused on many separate, but interconnected, policy goals (i.e., matching homeownership with financial literacy) can have a profound positive impact community-wide through coordination.

**Breakout Panel: Community Investments: Moving the Needle on Homeownership**

**Presenters:** David Valdez, Senior Housing Program Specialist, Office of Housing Counseling, HUD; Sayre Savage, Senior Programs Officer, Oweesta Corporation

Mr. Valdez introduced attendees to HUD's Office of Housing Counseling (OHC), which helps families obtain, sustain, and retain homes through housing counseling activities. Mr. Valdez stated that OHC currently oversees 1,481 housing counseling agencies (HCA) and 4,320 HUD-certified housing counselors. Mr. Valdez explained that he was going to discuss HUD's new final rule on counseling standards, noting that while it took far too long for HUD to issue a final rule, he expects OHC to be available to assist tribal housing programs with the transition. Specifically, the new final rule will create an optional tribal housing counseling exam, which may be taken in place of the general HUD housing counseling exam. While the exam has not been created yet, Mr. Valdez expects that it will be over 90% identical to the current certification exam, with a unique tribal housing component. Mr. Valdez explained that HUD is not rushing implementation: due to the lack of availability of the exam, the final rule's implementation date will be the later of (1) July 12, 2028 or (2) 30 days following the publication of the new exam. Mr. Valdez explained that OHC is still gathering input, and urged Indian tribes and tribal housing programs to engage in the counseling exam process over the next few years.

Following this, Ms. Savage introduced attendees to the Oweesta Corporation, a native CDFI intermediary which provides training, technical assistance, lending capital, and advocacy. Ms. Savage explained that Oweesta Corporation is part of the Native

Housing Counseling Network, a group of 13 native CDFIs and non-profits which work together to provide counseling technical assistance and workshops.

**Breakout Panel: An Overview of the HUD Section 184 Proposed Handbook (Part 1) & HUD 184 Roundtable on the Chapter 2 Draft (Part 2)**

**Presenters:** Andrew Lee, Senior Policy Advisor, HUD ONAP; Tonya Plummer, Director of the Office of Loan Guarantee, HUD ONAP

Mr. Lee opened the panel by introducing attendees to the Section 184 loan guarantee program and the proposed program handbook. In short, the Section 184 program was historically run by non-promulgated policies and procedures, and only 11 federal regulations. In order to provide clarity and continuity, HUD recently revamped the regulatory framework underpinning the Section 184 program, promulgating 144 new regulations (located at 24 C.F.R. Part 1005) and a proposed handbook. At this time, the effective date of the new regulations is December 31, 2024, and the compliance date is March 1, 2025. While HUD is reluctant to move the compliance date back, Mr. Lee noted that HUD is not currently contemplating quality control activities under the new regulations until 2026.

With respect to the proposed handbook, however, Mr. Lee noted that only the first (of nine) chapters had been finalized, and that a draft of chapter two had only been recently released with extremely limited feedback (specifically, only seven entities provided comment, all of which were lenders). Through the listening sessions, HUD received feedback from lenders regarding: proposed loan limits, specifically in Alaska and Hawaii where the cost to construct is disproportionately high; the length of time that a lender credit may be relied upon; debt-to-income ratios; and the requirement of wet signatures. While it appears that HUD and the Section 184 program lenders appear disconnected at this time, HUD remains committed to fully workshoping each handbook chapter prior to finalization. To this end, HUD expects to re-open proposed comments to the chapter two of the handbook until 2025, and is hopeful that Indian tribes and tribal housing programs will engage with the process as they see fit.

**Breakout Panel: Innovations in Development: Leveraging Section 184**

**Presenters:** Nancy Bainbridge, Executive Vice President, Chickasaw Community Bank

Ms. Bainbridge provided attendees a brief overview of the Section 184 loan guarantee program and detailed some examples of the program in-action from her experience. Ms. Bainbridge explained that the Section 184 program permits Indian tribes, tribal housing authorities, and tribally designated housing entities (THDEs) to borrow funds for various housing development projects at competitive rates through the issuance of the federal loan guarantee from HUD. Specifically, the Section 184 program may be used to construct, rehabilitate, or purchase house, modular homes, or manufactured homes – from single family houses to quad-plex units.

Ms. Bainbridge noted that unless the Indian tribe is commingling loan payments with other HUD funds (i.e., NAHASDA block grant funds are being used to finance the underlying project), there are no income restrictions placed on the units to-be-financed. Additionally, Ms. Bainbridge explained that a Section 184 loan and loan guarantee, once closed, is assumable. This permits tribes to enter into lease-to-own agreements with tribal members where the remaining balance on the Section 184 loan is transferred.

Noting the lack of income restrictions, Ms. Bainbridge discussed the "skilled workers" program, which permits a tribe to build units for bringing and housing doctors, dentists, or other skilled workers, as defined by the tribe, on the reservation. Ms. Bainbridge explained that this program may be used to capture both "white collar" and "blue collar" skilled workers.

**Breakout Panel: Federal Agency Coordination: BIA, USDA, HUD, Treasury**

**Presenters:** Hilary Atkin, Director of Grants Management, HUD ONAP; Tedd Buelow, Tribal Relations Team Lead, U.S. Department of Agriculture (USDA), Rural Development (RD); Brian Hudson, Finance and Loan Analyst, USDA RD; David Black, Community Development Expert, U.S. Department of the Treasury (Treasury), Office of the Comptroller of the Currency (OCC)

To begin the panel, Mr. Buelow with USDA explained the agency's Rural Development division, which is composed of four regions nationally and 47 state offices, 400 area offices, and one national office in Washington, D.C. Mr. Buelow explained that the Rural Housing Service manages various loan programs. Mr. Hudson, also with USDA, followed-up by describing the agency's Section 502 Direct Home Loan and Single Family Relending Demonstration programs.

Next, Ms. Atkin with HUD ONAP briefly described ONAP's grant programs, including the Indian Housing Block Grant (IHBG) program, the Indian Community Development Block Grant (ICDBG) program, the Title VI loan guarantee program (permitting borrowing against future years' IHBG funding), the Section 184 loan guarantee program, and the Tribal-HUD Veterans Affairs Supportive Housing (VASH) program (combining rental assistance from HUD with case management and support services from the U.S. Department of Veterans Affairs (VA)).

Finally, Mr. Black with the OCC described that his agency is the regulator of national banks, which are generally those with the word "National" or "N.A." in the bank title. Mr. Black described a particular program regarding tribal ownership of a national bank. Mr. Black shared a tribal bank ownership guidebook, available [here](#).

## Conclusion

Please do not hesitate to contact Ed Clay Goodman at [egoodman@hobbsstrauss.com](mailto:egoodman@hobbsstrauss.com) or (503) 242-1745, if you have any questions or would like more information on any of the issues discussed above.