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## MEMORANDUM

May 30, 2017

To: HOUSING CLIENTS

From: HOBBS, STRAUS, DEAN & WALKER, LLP

Re: ***NAHASDA Reauthorization Bill Introduced by Senator Hoeven***

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On May 25, 2017, Senator John Hoeven (R-ND), Chair of the Senate Committee on Indian Affairs, introduced a bill that would reauthorize NAHASDA Indian Housing Block Grant funding through 2025. The bill is S. 1275, titled Building Useful Initiatives for Indian Land Development Act (BUIILD Act – with two I’s) (attached). There are no co-sponsors yet. This bill is the “Chevy not a Cadillac” version that SCIA chief of staff Mike Andrews discussed at the NAIHC Legislative Conference in early March. Here is the summary of Mr. Andrews’ comments from an earlier memo:

***Mike Andrews, Chief of Staff, Senate Committee on Indian Affairs.*** He followed up on Senator Hoeven’s comments about introducing the Building Useful Initiatives for Indian Land Development (BUIILD) Act as the first step toward NAHASDA reauthorization. It has been four years since NAHASDA expired, and we need to get it reauthorized. We hopefully have learned more about how to get this bill passed, but in the process over the past few years we have educated many members of Congress on the need facing Indian Country housing. At this point, the strategy should be to get the IHBG reauthorized. This is what the BUIILD Act does, along with a couple of items to streamline and provide flexibility. It is the vehicle to get the block grant reauthorized (for 2018-2025). It is a “Chevy” compared to the “Cadillac” version of reauthorization (the NAIHC bill, and the bills previously considered). Mr. Andrews said that Senator Hoeven’s idea was to call it something different than NAHASDA reauthorization, and to move this forward as a first step. But getting the block grant reauthorized is a priority, because without authorization the IHBG is at risk. BUIILD Act will remove the multiple environmental reviews involved when there is funding from more than one agency, provide more flexibility for building homes on Indian land by increasing the maximum length of leases to 99 years, authorize training and technical assistance, and reauthorize the Section 184 loan guaranty.

Consistent with Mr. Andrews’ earlier remarks, the BUIILD Act as introduced does not contain all the reauthorization provisions that tribes sought in the NAIHC draft bill, and in fact contains few items aside from the seven-year reauthorization provision.

These few substantive provisions are hopefully uncontroversial, and may enable to move forward more quickly in the Senate than previous bills.

Despite its limited scope, the BUILD Act does contain some important provisions:

- Reauthorizing the Indian Housing Block Grant and the Section 184 Loan Guaranty program through 2025.
- Eliminating duplicative environmental review requirements, by allowing a single review when there are multiple federal funding sources involved.
- Extending leasehold authority from 50 to 99 years for trust lands used for housing.
- Providing for training and technical assistance for TDHEs and tribal housing programs. However, the language in the bill would amend NAHASDA Section 703 to remove the language providing such funding for a “national organization,” and simply provides that funds will be appropriated for training and technical assistance.
- Allowing tribes to leverage IHBG funds for use with any other federal program that requires a match.

NAHASDA was originally adopted in 1996 for a five year term. It was reauthorized in 2002 and again in 2008, with the term expiring in 2013. The House has passed two reauthorization bills in the last two sessions, but the Senate was not able to act on those bills prior to adjourning.

We do not know yet whether the Indian housing advocates in the House will follow suit, or will introduce their own bill.

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