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MEMORANDUM

October 3, 2025

TO: TRIBAL HOUSING CLIENTS

FROM:  Ed Clay Goodman & Cari L. Baermann
HOBBS, STRAUS, DEAN & WALKER, LLP

RE: ***NAIHC October 2, 2025 Legislative Committee Meeting and Other Housing Updates***

This memorandum provides a synthesis of information presented during the National American Indian Housing Council (NAIHC) Legislative Committee Meeting held on October 2, 2025, and updates on other housing matters.

I. NAIHC Legislative Committee

NAIHC Executive Director Rudy Soto and NAIHC Federal Affairs Associate Blythe McWhirter facilitated the Legislative Committee Meeting.

a. Appropriations and Federal Shutdown

Mr. Soto and Ms. McWhirter provided an update on appropriations. They remarked that as of October 1, 2025, the federal government has entered a shutdown, meaning many federal agencies are closed or operating with limited staff. A full or partial shutdown occurs when Congress fails to pass either all twelve appropriations bills or a Continuing Resolution (CR) to fund government operations by the start of a new fiscal year (FY). Without an authority to spend money, programs not deemed essential must halt. Furthermore, a large portion of federal employees are furloughed or must work without pay until funding is restored. The shutdown will end only when Congress enacts legislation providing funding for the government.

In addition to traditional shutdown procedures, the Office of Management and Budget has released new guidance advising agencies to consider Reductions in Force (RIFs) notices for employees in programs, projects, or activities (PPA) that satisfy all three of the following conditions: (1) discretionary funding lapses on October 1, 2025; (2) another source of funding, such as H.R. 1 (Public Law 119-21) is not currently available; and (3) the PPA is not consistent with the President's priorities.

This is a novel move; agencies typically do not pursue RIFs during shutdowns and only furlough workers who are not deemed essential by their agency. Workers who are not furloughed

are expected to carry out their responsibilities unpaid, although Congress has previously approved retroactive payment for essential workers. Each agency makes its own determinations regarding essential and non-essential workers in its shutdown contingency plan. That being said, the shutdown contingency plans released so far by government agencies have not included widespread RIF plans. Instead, they generally highlight which employees will be furloughed, consistent with previous shutdown procedures. This situation could still change at any time.

The Department of Housing and Urban Development (HUD) will retain 1,746 (29%) of employees during the government shutdown. As a result, many of HUD's programs, including the Office of Native American Programs (ONAP), will be affected. For example, the Office of Loan Guarantee will close, halting all activities related to the Indian Housing Loan Guarantee Program (Section 184), Native Hawaiian Housing Loan Guarantee Program (Section 184A), and the Indian Housing Block Grant (IHBG) Loan Guarantee (Title VI). There will be no new case numbers, firm commitments, loan guarantee certificates, or claims processed until funding resumes. HUD will only take limited actions necessary to protect life, safety, or property.

Some services will continue in a limited capacity. Technical assistance and training will proceed only for requests already approved and obligated prior to the shutdown, as long as they do not require HUD staff involvement. Previously obligated IHBG and Indian Community Development Block Grant (ICDBG) funds already available will remain accessible for drawdown, but new awards will not be processed if grant agreements were not completed before the shutdown. The IHBG Formula Customer Service Center will remain open to accept requests by email, fax, or voicemail, but responses requiring HUD action may be delayed. Additionally, there will not be a notification of IHBG formula allocations until appropriations are restored. Read HUD's shutdown contingency plan [here](#).

Chris Kolerok, NAIHC Legislative Committee Co-Chair, remarked that this shutdown could last as long as 30 days, if not longer. One participant asked whether Congressional offices are still taking meetings. Ms. McWhirter responded that some offices are taking meetings while others are not.

Mr. Soto remarked that NAIHC signed onto a [letter](#) created by the Coalition for Tribal Sovereignty that advocates for the protection of tribal sovereignty. The letter requests that federal employees serving tribal nations be exempt from furloughs and RIFs due to the federal shutdown, in order to fulfill the federal government's treaty obligations to tribes. Ms. McWhirter also stated that NAIHC has a survey on its website through which tribes and tribally designated housing entities (TDHEs) can communicate the impact of the shutdown on tribal program.

b. NAHASDA Reauthorization

Ms. McWhirter remarked that there are no new updates on the reauthorization of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA). As we reported previously, On July 30, 2025, the Senate Committee on Indian Affairs (SCAI) Chair, Brian Schatz (D-HI), and Vice Chair Lisa Murkowski (R-AK) introduced an amendment (S.Amdt.3120 to S.2296) to the National Defense Authorization Act (NDAA) to reauthorize

NAHASDA. Ms. McWhirter stated that the NAHASDA reauthorization bill in the NDAA amendment is very similar to the version of NAHASDA that the Senate passed in 2024. Here are some of the key provisions:

- **Authorization of Appropriations:** The NDAA amendment reauthorizes NAHASDA for fiscal years 2026 through 2032.
- **De Minimis Exemption for Procurement:** The NDAA amendment increases this exemption for the procurement of goods and services from \$5,000 to \$7,000.
- **Continuum of Care:** The NDAA amendment makes several amendments to the McKinney-Vento Homeless Assistance Act, including adding a definition for TDHEs and specifying how civil rights laws apply to projects on or off reservation lands.
- **HUD-Veterans Affairs Supportive Housing (VASH):** The NDAA amendment says the Secretary “may use up to 5 percent” for HUD-VASH. This language would give more power to HUD over program funding.

We note also that Ms. McWhirter reported that if the NAHASDA reauthorization is not passed as an NDAA amendment, Senator Murkowski was considering that making a push for NAHASDA reauthorization might be better in early 2026, due to her being busy working on the Native Children’s Commission Implementation Act.

c. ROAD to Housing Act

As we reported previously, the Senate Banking Committee unanimously voted to approve the Renewing Opportunity in the American Dream (ROAD) to Housing Act of 2025 (S. 2651). The ROAD to Housing Act is a bi-partisan bill, co-sponsored by Senator Tim Scott (R-SC) and Senator Elizabeth Warren (D-MA). It is a sweeping bill that contains a variety of incentives to increase the country’s housing supply (including affordable housing), to reduce homelessness, to expand access to homeownership, and to increase oversight and efficiency of federal regulations and housing programs.

S. 2651 includes provisions that would: streamline environmental reviews for HUD-related projects; aim to increase housing in enterprise zones; simplify the construction of manufactured homes; permanently authorize the Community Development Block Grant Disaster Recovery program; authorize financial relief options for low-income and rural homeowners who have USDA direct loan mortgages; offering grants for communities that increase housing; expand financing options for affordable housing and small-dollar mortgages; and addressing appraisal delays. Further, two provisions supported by NAIHC resolutions are included in the S. 2651: (1) the Rural Housing Service Reform Act, which would authorize appropriations for increased staffing needs and information technology upgrades to support all Rural Housing Service programs, as well as for improvements to the technology of the Rural Housing Service of the Department of Agriculture used to process and manage housing loans; (2) the Whole-Homes Repairs Act, which would establish a pilot program to provide grants to implementing organizations (including Tribes and TDHEs) to administer a whole-home repairs program for eligible homeowners and eligible

landlords. However, it does not include the amendments related to Native Community Development Financial Institutions (CDFIs) that tribes have been advocating for.

The ROAD to Housing Act has bi-partisan support as well as the support of the Administration, so it is likely to move quickly.

d. Draft Bill: Native Children's Commission Implementation Act

Another bill that is beneficial to tribal communities is the Native Children's Commission Implementation Act. This bill is grounded in the recommendations from the report entitled *The Way Forward*, of the Alyce Spotted Bear & Walter Soboleff Commission on Native Children, published February 20, 2024. Title 7 of the draft bill is of particular interest because it discusses tribal housing and related provisions. Section 703 would codify and make permanent the Tribal Intergovernmental Advisory Committee (TIAC) at HUD. Title 7 also includes provisions for a pilot housing program similar to the Tribal HUD-VASH program. The bill would help ensure that there is flexibility for tribes to work with local HUD-VASH providers and case workers. However, Joanna Donohoe remarked that the ROAD to Housing Act did not include language reauthorizing the USDA 502 Native CDFI Relending program.

e. HUD Tribal Housing Summit

NAIHC is coordinating HUD's National Tribal Housing Summit that will take place Tuesday, November 4 through Thursday, November 6, 2025, at the DoubleTree by Hilton Washington, D.C.–Crystal City. HUD's National Tribal Housing Summit will provide a forum for training, exchanging ideas, consulting on upcoming issues, and developing best practices for models that implement and sustain effective affordable NAHASDA housing programs. The theme of the National Summit is "Rooted in Tradition: Rising in Resilience". More information will be released in the coming weeks.

Maria Danz, NAIHC Training and Technical Assistance Director, remarked that NAIHC has received direction from HUD on how to handle the HUD Tribal Housing Summit in case the shutdown continues. Ms. Danz remarked that NAIHC is not able to share that information at this time, but will do so in the future according to the direction that HUD has given.

f. NAIHC Legislative Committee Meetings and Future Conferences

The NAIHC Legislative Committee meetings will continue to be held on the first Thursday of each month via Zoom. Anyone who would like to submit questions prior to the meetings may do so through the link provided in the NAIHC email that is sent out before each call.

NAIHC will hold its Legal Symposium on November 17–20, 2025 at the Choctaw Casino & Resort in Durant, Oklahoma. Registration is now open through the [NAIHC website](#).

The NAIHC Legislative Conference is scheduled to be held February 3–5, 2026. More information will be released in the coming months.

Conclusion

If you have any questions about this memorandum or any of the topics discussed within, please contact Ed Clay Goodman (egoodman@hobbsstrauss.com) or Cari Baermann (cbaermann@hobbsstrauss.com). Both may also be reached at 503-242-1745.