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## MEMORANDUM

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TO: TRIBAL HOUSING CLIENTS

FROM:  Ed Clay Goodman & Cari L. Baermann  
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RE: *NCAI Webinar – Addressing the Native Housing Crisis: Understanding NAHASDA and Charting a Path Forward*

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This memorandum provides a synthesis of information presented during the National Congress of American Indians (NCAI) webinar entitled “Addressing the Native Housing Crisis: Understanding NAHASDA and Charting a Path Forward.”

### I. NAIHC Legislative Committee

The meeting began with opening remarks from Larry Wright, the CEO of NCAI. He spoke generally about the need for reauthorization of the Native American Housing Assistance and Self-Determination Act (NAHASDA). He noted that while partisanship has increased in Washington, DC, support for Indian housing has always been high priority.

National American Indian Housing Council (NAIHC) Executive Director Rudy Soto spoke next, mainly to introduce the next speaker, NAIHC Federal Affairs Associate Blythe McWhirter. Mr. Soto noted that the current shutdown is having severe impacts in Indian Country, including on housing programs. Ms. McWhirter began by discussing the impacts of the shutdown in detail, and asked for participants to share information on the impacts of the shutdown on their housing programs. Because most tribal programs are discretionary and do not have advance appropriations, these programs are now deprived of federal funding. This includes funding from the United States Department of Housing and Urban Development (HUD). The shutdown also impacts the ability of tribal staff and leaders to work with HUD staff, as most of them are on furlough.

Routine drawdowns of already appropriated and obligated funds can still take place. However, if HUD approval is required for a drawdown, HUD is not available to approve such drawdowns. The exemption is for emergency situations that threaten life, safety or property, for which HUD staff can be brought back intermittently. The HUD help desk is available, and previously approved technical assistance will still take place. The shutdown is also providing the basis for the Administration to implement certain proposed Reductions in Force (RIF). One area where there are proposed RIFs is in the Community Development Financial Institute (CDFI) fund

staff. This funding is a crucial part of assistance to tribes and tribal members for homeownership development. GOP leaders wrote a letter to the Administration last week to support the CDFI fund.

The impacts of the shutdown are intertwined with the need for NAHASDA reauthorization. Over the past decade, HUD has been authorized to carry out housing activities under NAHASDA through annual appropriations bills. Those are adopted year-to-year, and in the absence of a NAHASDA statute, that authorization to continue is creating concerns.

NAIHC is also soliciting and collection information on impacts on the shutdown to share with Congress.

Matthew Vogel, NCAI Policy Lead, gave a background of Indian housing programs, starting with forced relocation, Dawes Act, and the disruption of traditional living, which lead to severe housing problems. Before 1937, housing programs in Indian Country were operated on an ad hoc basis. In 1937, Congress passed the 1937 Housing Act, which created the Public Housing Administration (now HUD) and set affordable housing as a policy goal of the United States. It did not, however, contain any provisions for supporting affordable housing in Indian Country. There were a number of legal barriers, including jurisdictional issues and trust lands. It took 21 years for tribes to be brought into the 1937 Housing Act programs. There were amendments in 1961 and 1962 that made it easier for tribes to participate in 1937 Housing Act programs. It authorized technical assistance programs for tribes and created dedicated HUD positions for working with Indian tribes.

In 1965, the Bureau of Indian Affairs (BIA) launched the Housing Improvement Program (HIP) to help elderly and low-income tribal members to build new homes. A couple of years later, the focus of the program was changed to repair and rehabilitation rather than homebuilding. In 1967 HUD was created from the Public Housing Administration, and because a department with a position in the President's cabinet.

Jacqueline Pata, CEO of Tlingit-Haida Housing Authority, provided a history of the NAHASDA. Leading up to NAHASDA, tribes noted that the HUD programs for tribes were very prescriptive, and focused only on rental housing and mutual help homeownership. There was not much flexibility. Tribes then moved forward with proposing the NAHASDA bill. There was a lot of support in Congress for NAHASDA, in line with the self-determination approach already being implemented in the Indian Health Service (IHS) and BIA.

NAHASDA consolidated the various lines of funding for different kinds of housing program into a single, annual Indian Housing Block Grant (IHBG). IHBG was to be allocated on a non-competitive basis. The bill gave tribes much more flexibility in operating housing programs, with some general parameters to provide "affordable housing activities" to low-income Indian families. The bill also included Native Hawaiians. The specifics for operating NAHASDA, including the IHBG allocation formula, were required to be developed through negotiated rulemaking between HUD and tribes. The IHBG allocation is based on "need" factors as well as on the amount of already-developed housing stock.

NAHASDA was last reauthorized in 2008, and expired in 2013.

Ms. McWhirter then spoke again. She mentioned the funding crisis in Indian housing over the past 20 years. She showed a chart demonstrating that IHBG funding has been relatively stagnant, which – without an adjustment for inflation – is an actual decrease year-to-year, thus reducing tribes' purchasing power with those funds. In the early 2020s, there were some substantial increases to Indian housing appropriations, that brought it almost back to the 1996 appropriation levels in real dollars. Tribes have had some significant allies in Congress, especially for ensuring that tribal housing funding does not fall behind. But ongoing advocacy is required to ensure adequate funding increases each year to keep up with inflation.

Ms. McWhirter then focused on the HUD studies showing the affordable housing crisis in Indian country. 23% of AIAN households have structural or other deficiencies in their homes, much higher than the national rate. Overcrowding and homelessness in Indian Country is much higher than the population at large. Homelessness in Indian Country is over eight times the rate of homelessness of non-Indian families nationwide.

NAHASDA reauthorization can help address some of these issues. The streamlining of environmental reviews proposed in NAIHC's reauthorization bill would, for example, help move construction forward.

Mr. Vogel returned to discuss poverty levels in Indian Country, which are also much higher than non-Indians. Homeownership is a significant key for developing family wealth. NAHASDA reauthorization can help remove some of the barriers to Native homeownership, and thus contribute to developing intergenerational wealth. Housing costs, which are high and rising, also place an undue burden on low-income Native families.

Mr. Vogel also spoke to the complications for mortgage lending and housing development due to the underlying land being in trust. There are multiple approvals requirement for development on trust land. There are also barriers to providing the kind of loan security for private loans on trust land, since the land itself cannot be mortgaged. There are also delays in the process from BIA approvals that are required for leases, development, and leasehold mortgaging. These multiple layers make homeownership more difficult in Indian Country. There are proposed changes in the NAHASDA reauthorization bill to address some of these concerns. There are also stand-alone legislative approaches to address these problems, including streamlining BIA review and approvals (the Tribal Trust Land Homeownership Act). There is also the Tribal Trust Land Reaffirmation Act, which would clear up any confusion about the trust status of Tribal lands.

Ms. Pata then returned to discuss the Build America Buy America (BABA) requirements, and in particular how the BABA requirements are adding costs and delays to housing development in Indian Country. While NCAI and NAIHC support American businesses, they are also continuing to request that HUD and OMB enact waivers for tribes to avoid some of the worst impacts of BABA-compliance in Indian Country. HUD put some waivers in place early in 2025, but those don't address all the concerns and NCAI and NAIHC will continue to advocate for broader waivers.

Other barriers also come from the lack or insufficiency of infrastructure. Thus, one element of NAHASDA reauthorization would allow for co-mingling of IHS infrastructure funding with NAHASDA-funded project (currently there is a bar on such co-mingling). 70% of tribes identify lack of infrastructure as one of the major barriers to developing more housing.

Ms. McWhirter also gave a brief overview of the various funding sources that support Indian housing development, including: IHBG, which is foundational to but not sufficient for increasing such development; Indian Community Development Block Grant (ICDBG), both competitive and non-competitive for imminent threat funding, for which the need outstrips the funding each year; BIA HIP funding; Title VI and Section 184 loan guaranty programs; Tribal HUD-Veterans Affairs Supportive Housing (Tribal HUD-VASH), which NAIHC and NCAI are arguing should be made permanent and nationwide; and the Native CDFI lending program at the United States Department of Agriculture as well as the United States Department of Treasury CDFI Fund and Native CDFI Fund, which programs provide key lending for homeownership (as well as technical assistance) in Indian country through Native-owned CDFIs; the Low Income Housing Tax Credit (LIHTC) program which provides tax credits that can be used for partnerships with private investors to develop housing in critical areas, including on-reservation; Treasury's Homeowner Assistance Fund (HAF), which grew out of the financial crisis resulting from the COVID-19 pandemic; the State Small Business Credit Initiative (SSBCI), allocated funds to tribal governments but which have a compressed deadline for expending funds (NCAI and NAIHC are advocating for an extension); Native American Direct Loan Program under the United States Department of Veterans' Affairs), which provides direct loans to Native American veterans on tribal lands.

NCAI and NAIHC are providing a follow-up webinar, targeting January 2026, which is when they expect the text of a new NAHASDA reauthorization bill to be introduced. That webinar will focus on the details of that bill.

Some upcoming events: NCAI's Annual Conference in Seattle, WA on November 16-20, 2025; NAIHC's Legal Symposium in Durant, OK, November 16-20, 2025; NAIHC's Legislative Conference in Washington DC, February 3-5, 2026.

### ***Conclusion***

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