

## **Summary of NDAA Amendment #1078 - Native American Housing Assistance and Self-Determination Reauthorization Act of 2023**

Congress passed the *Native American Housing Assistance and Self-Determination Act of 1996* (NAHASDA) to streamline and consolidate the administration of HUD's housing programs for Tribes. In 2000, Congress amended NAHASDA to include Title VIII, the *Native Hawaiian Homelands Homeownership Act* to serve the Native Hawaiian community's housing needs. The authorization for NAHASDA expired in 2013.

Schatz/Murkowski NAHASDA amendment #1078 would reauthorize NAHASDA for 7 years with reforms to foster greater local control over NAHASDA programming, streamline environmental reviews for tribal housing projects, and incentivize private partnerships. SCIA favorably reported S. 2285 (Schatz/Murkowski) on July 20, 2023 by voice vote. A similar version of this bill passed the Senate as part of the 2021 NDAA.

Changes from the reported version of S. 2285 reflected in amendment #1078 include:

- 1) Section 11003 – Authorization changed to 7 years (2024-2030) instead of 10 years
- 2) Section 11006 – exemption changed to \$7,000 from \$10,000
- 3) Section 11017 – Housing counseling, stricken
- 4) Section 11018 & 11019 – added language broadening type of lending entities including CDFIs
- 5) Section 11019 – Drug elimination, added language authorizing the Secretary to consult with the Bureau of Indian Affairs and Tribal law enforcement agencies to establish the program.

NDAA Amendment #1078 (NAHASDA) will accomplish the following:

### **Regulatory Reform**

- Consolidates the number of environmental reviews for tribal housing projects.
- Allows tribes to use block grant dollars to assist tribal members with education related housing expenses.
- Raises the “de minimis” exemption for spending on procurement contracts without enforcing applicable procurement policies in order to be in line with other federal programs.
- Removes the prohibition on the Indian Health Service using available grant dollars to fund the construction of wastewater facilities for tribal housing projects located on or near Indian Health Service facilities.
- Increases the 50-year limitation on leasing tribal lands to 99 years in order to ensure long-term certainty and incentivize financing for the construction of housing
- Streamlines the process for mortgages to receive approval of federal guarantees under the Section 184 Indian Home Loan Guarantee Program and Section 184A Native Hawaiian Housing Loan Guarantee Program.
- Allows tribal housing authorities to use IHBG formula dollars to leverage other federal housing programs.

## **Increase Oversight**

- Authorizes the Secretary to expedite the procedure to cancel mortgages issued under the 184 and 184A programs if it is determined that the mortgage was obtained through illegal or fraudulent activity.
- Allows the Department to expedite the suspension of NAHASDA funds if it is determined that the tribe violated program rules. It also provides a notice and hearing procedure for the tribe to appeal the determination.

## **Expand Access to Housing Resources**

- Allows funds to be used towards the prevention of drug related violent crimes at NAHASDA housing projects and the use of culturally appropriate community development activities to address housing and drug abuse.
- Includes Native CDFIs as eligible financial institutions under the 184 and 184A programs to increase home ownership.
- Expands the service area of the 184 and 184A programs.
- Incentivizes tribes to move members from renting to homeownership by reforming current HUD rental program requirements and providing more authority for tribal housing authorities to enter into contracts for “rent to own” of tribally constructed housing projects.
- Authorizes the Tribal HUD-VASH program. This program was developed to assist at-risk veterans by providing housing vouchers that are coupled with healthcare services.

For questions on this, contact Jennifer Romero ([Jennifer\\_Romero@indian.senate.gov](mailto:Jennifer_Romero@indian.senate.gov)), Majority Staff Director or Amber Ebarb ([amber\\_ebarb@indian.senate.gov](mailto:amber_ebarb@indian.senate.gov)), Republican Staff Director on Indian Affairs.