

## S 710

### Native American Housing Assistance and Self-Determination Reauthorization Act of 2015

**Congress:** 114 (2015–2017, Ended)

**Chamber:** Senate

**Policy Area:** Native Americans

**Introduced:** Mar 11, 2015

**Current Status:** By Senator Barrasso from Committee on Indian Affairs filed written report. Report No. 114-117.

**Latest Action:** By Senator Barrasso from Committee on Indian Affairs filed written report. Report No. 114-117. (Aug 5, 2015)

**Official Text:** <https://www.congress.gov/bill/114th-congress/senate-bill/710>

### Sponsor

**Name:** Sen. Barrasso, John [R-WY]

**Party:** Republican • **State:** WY • **Chamber:** Senate

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Banking, Housing, and Urban Affairs Committee	Senate	Discharged From	Aug 5, 2015
Indian Affairs Committee	Senate	Reported By	Jun 4, 2015

### Subjects & Policy Tags

#### Policy Area:

Native Americans

### Related Bills

Bill	Relationship	Last Action
114 HR 360	Related bill	Mar 24, 2015: Received in the Senate and Read twice and referred to the Committee on Indian Affairs.

## **Native American Housing Assistance and Self-Determination Reauthorization Act of 2015**

(Sec. 2) Requires an Assistant Secretary of Housing and Urban Development (HUD) to be the head of the HUD Office of Native American Programs.

### **TITLE I--BLOCK GRANTS AND GRANT REQUIREMENTS**

(Sec. 101) Amends the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) to require any income realized by a recipient from an affordable and self-determined housing assistance grant to: (1) be considered nonprogram income, and (2) have no restrictions on use.

Requires the payment of not less than prevailing wages in the administration of all federal funding for projects funded in part by funds authorized under NAHASDA.

(Sec. 102) Declares that compliance by an Indian Tribe with NAHASDA environmental review requirements shall satisfy any other environmental review requirements under any other federal law (including regulations) for a particular project of a tribe.

(Sec. 103) Reauthorizes appropriations for the Native American housing assistance block grant program through FY2020.

### **TITLE II--AFFORDABLE HOUSING ACTIVITIES**

(Sec. 201) Makes maximum rent and homebuyer payment requirements inapplicable to housing assisted under NAHASDA if: (1) the grant recipient has a written policy governing rents and homebuyer payments charged for dwelling units; and (2) that policy addresses maximum rents or homebuyer payments, including tenant protections.

(Sec. 202) Treats as affordable housing any rental housing made available to a current rental family for purchase as a homebuyer or lease-purchase unit only if it is made available for purchase only by the current rental family, and only if that family was low-income at the time of their initial occupancy of the unit.

Makes the requirement that housing assisted under NAHASDA remain affordable throughout the remaining life of the property inapplicable to improvements of a privately owned home if the cost of those improvements does not exceed 10% of the maximum total development cost for such home.

(Sec. 203) Applies to projects and programs funded in part by amounts authorized under NAHASDA the requirement that an owner or manager of rental housing assisted under NAHASDA give adequate written notice of termination of a lease for a period of time required under state, tribal, or local law.

(Sec. 204) Repeals the program for self-determined housing activities for tribal communities.

(Sec. 205) Declares that affordable housing developed, acquired, or assisted under the Native American housing assistance block grant program shall not exceed by more than 20%, without prior HUD approval, the total development cost maximum cost for all housing under an affordable housing activity, including development and model activities.

### **TITLE III--ALLOCATION OF GRANT AMOUNTS**

(Sec. 301) Sets forth notice and reallocation requirements in the event that the total amount of undisbursed Native American housing assistance block grants for a recipient for an Indian tribe in the line of the HUD credit control system exceeds the sum of the initial allocations for the previous three fiscal years. Applies these requirements only to a recipient whose allocation exceeds \$5 million.

Requires such a block grant recipient to justify in writing why full disbursement has not been requested and demonstrate to HUD's satisfaction that the recipient has the capacity to spend federal funds effectively.

Requires the reallocation of those unused grants under the needs component of the allocation formula.

#### TITLE IV--COMPLIANCE, AUDITS, AND REPORTS

(Sec. 401) Requires HUD to make its annual report available to specified congressional committees (currently to Congress) and to make it publicly available as well, including to recipients.

#### TITLE V--OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

(Sec. 501) Amends the United States Housing Act of 1937 to require HUD to set aside certain funds to implement a supportive housing and rental assistance voucher program, in conjunction with the Department of Veterans Affairs (VA), for the benefit of Native American veterans who are homeless or at risk of homelessness.

Allows the Secretary to waive or specify alternative requirements for any law or regulation under such program as needed.

(Sec. 502) Amends NAHASDA to allow a lease of trust or restricted Indian lands for housing purposes to exceed 99 years (currently, to exceed 50 years).

(Sec. 503) Directs HUD to make necessary sums available each fiscal year for assistance, to be awarded on a competitive basis, to national or regional organizations representing Native American housing interests in order to provide training and technical assistance to Indian housing authorities and tribally designated housing entities. Currently appropriations are authorized only through FY2013.

(Sec. 504) Amends the Housing and Community Development Act of 1992 to authorize the Secretary to guarantee Indian housing loans through FY2020. Authorizes appropriations for such guarantees.

#### TITLE VI--DEMONSTRATION PROGRAM FOR ALTERNATIVE PRIVATIZATION AUTHORITY FOR NATIVE AMERICAN HOUSING

(Sec. 601) Amends NAHASDA to establish a demonstration program that requires a participating Indian tribe to select a private investor partner and, with that partner, to develop and implement a HUD-approved plan to address the tribe's housing needs. Requires each participating tribe to obtain assistance from a qualified entity in assessing its housing needs.

Bars the Secretary from approving more than 20 tribes for participation in the demonstration program.

Makes the block grant amounts that would otherwise have been allocated to a participating tribe under NAHASDA available under the demonstration program to: (1) provide investor partners or other investors with a full return on their investment in the tribe's housing needs, (2) cover a tribe's administrative costs, and (3) cover housing infrastructure costs associated with providing affordable housing for the tribe.

Permits a participating tribe, in accordance with the tribe's final plan, to resell any affordable housing developed with assistance under NAHASDA for use other than as affordable housing, but only if the tribe makes certain assurances with respect to meeting the needs for affordable housing.

## TITLE VII--MISCELLANEOUS

(Sec. 701) Declares that a tribally designated housing entity shall qualify as a community-based development organization for purposes of the Indian Community Development Block Grant program authorized under the Housing and Community Development Act of 1974.

(Sec. 702) Amends the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 to repeal the limitation on the use of funds under that Act for the benefit of the Cherokee Nation.

(Sec. 703) Amends NAHASDA to reauthorize the block grant program for affordable housing for Native Hawaiians through FY2020.

(Sec. 704) Amends the Housing and Community Development Act of 1992 to authorize HUD to guarantee Native Hawaiian housing loans through FY2020. Authorizes appropriations to the Hawaiian Housing Loan Guarantee Fund for the costs of such guarantees. Sets the maximum aggregate outstanding principal amount of such loans for each fiscal year at \$41.504 million.

(Sec. 705) States that all funds provided under a grant made pursuant to this Act may be used for purposes of meeting matching or cost participation requirements under any other federal or non-federal program.

(Sec. 706) Amends the Public and Assisted Housing Drug Elimination Act of 1990 to permit grants to be used for the implementation of methamphetamine clean-up projects.

### **Actions Timeline**

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- **Aug 5, 2015:** Senate Committee on Banking, Housing, and Urban Affairs discharged pursuant to the order of May 27, 1988.
- **Aug 5, 2015:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 197.
- **Aug 5, 2015:** By Senator Barrasso from Committee on Indian Affairs filed written report. Report No. 114-117.
- **Jun 4, 2015:** Committee on Indian Affairs. Reported by Senator Barrasso with amendments. Without written report.
- **Jun 4, 2015:** Referred to the Committee on Banking, Housing, and Urban Affairs pursuant to the order of May 27, 1988 for a period not to exceed 60 days.
- **Apr 22, 2015:** Committee on Indian Affairs. Ordered to be reported with an amendment favorably.
- **Mar 18, 2015:** Committee on Indian Affairs. Hearings held. Hearings printed: S.Hrg. 114-60.
- **Mar 11, 2015:** Introduced in Senate
- **Mar 11, 2015:** Read twice and referred to the Committee on Indian Affairs.

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