

# Housing in Indian Country<sup>1</sup>

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**Abstract:** Housing shortages are a critical issue that impact Indian people. Traditional housing loans are difficult, if not impossible, to obtain because Indian reservations because financial institutions, as a rule, cannot secure their loans through deeds to property on federal trust lands. Because of this, most reservations must rely solely upon federal funding for public housing. As a result of this and considerable migration back to tribal communities, most reservations experience an extreme shortage of homes that meet federal housing quality standards. Through this case, students can explore ways that tribes can advocate to revise policies and enhance existing structures that result in developing vibrant, healthy communities for Indian people.

## Awareness – Housing in Indian Country

When Ali was little, she would ride around with her family on the Nisqually Indian Tribe Reservation. She wondered why there were so few houses and why none of the houses had electricity. Her mom told her that with so few people living on the reservation, the electrical companies just couldn't afford to put in electrical lines to provide power. But the little girl could not understand how this could be true, when the huge power lines from the Bonneville Power Administration cut right through the reservation. Also, homes in the communities that surrounded the reservation, like Lacey, Olympia, Tumwater and Yelm, all had electricity. It just didn't make any sense.

Ali and her family had gone to other Indian reservations to visit families and friends, and although there weren't many houses there either, at least there were a few where her aunts and cousins lived. They all had electricity.

Then, in the 1970s, a few homes started being built at Nisqually, and over the next 30 years, a small community began to emerge in the tall stands of fir trees, where once only seven houses marked the spot where the *Nisqualli-Absh*, the People of the Grass, held on to their land.

As Ali became older, she started working at a local nonprofit and continued to think about the housing issues in Indian communities because she kept seeing Indian people who needed housing. She started out by asking one of the young men from the tribe, who came to the food bank at Thanksgiving and Christmas to pick up food for some of the elders, about his family's housing.

He said, "During World War I, my great-grandparents and their family lived in a house on the hill behind where the casino is now. When the war broke out, my Grandfather joined up to protect his country. While he was over in Europe fighting to protect his country, the federal government came in and condemned two-thirds of the Nisqually Tribal Treaty lands in order to

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provide the land needed to build Fort Lewis, a military reservation for protecting the Pacific Northwest. Bulldozers came in and tore down my family's home and after that, my grandparents built a house near where The Evergreen State College is located, and that's where they lived after their place was torn down."

She asked him about other Indian people, too, and he asked Ali if she remembered seeing all the fruit trees that bloom where Fort Lewis now coordinates all of their tank maneuvers, and she said yes. He said that the fruit trees were all that was left of the houses that stood there before. They were bulldozed so that people could not move back into their homes after they were ordered out.

Ali also knew that lots of land right around and even on the reservation was owned by non-Indians, and she wondered quite a bit about that, too. One day, her friend at the reservation told her about the Dawes Act, also known as the General Allotment Act of 1887.

### **Signs of Trouble to Come for Indian Country**

The General Allotment Act of 1887 grew out of sentiments that, in particular, were shared by U.S. President Chester Arthur, during his First Annual Message to Congress in December, 1881, where he said that

We have to deal with the appalling fact that though thousands of lives have been sacrificed and hundreds of millions of dollars expended in the attempt to solve the Indian problem, it has until within the past few years seemed scarcely nearer a solution than it was half a century ago. But the Government has of late been cautiously but steadily feeling its way to the adoption of a policy which has already produced gratifying results, and which, in my judgment, is likely, if Congress and the Executive accord in its support, to relieve us ere long from the difficulties which have hitherto beset us.

For the success of the efforts now making to introduce among the Indians the customs and pursuits of civilized life and gradually to absorb them into the mass of our citizens, sharing their rights and beholden to their responsibilities, there is imperative need for legislative action" (Public Broadcast System, 2001).

This then, is the actual historical record, straight from the lips of the United States President, about why the development of the General Allotment Act, more commonly known as the Dawes Act, came to be.

### **The General Allotment Act of 1887**

Within a few short years, legislative action, in the form of the General Allotment Act of 1887, made sweeping changes throughout Indian Country. Congressman Henry Dawes, who was the author of the act, shared his feeling "in the faith of the civilizing

power of private property with the claim that to be civilized was to “wear civilized clothes...cultivate the ground, live in houses, ride in Studebaker wagons, send children to school, drink whiskey [and] own property.”

The General Allotment Act, or Dawes Act of 1887 stated, in part, the following: “An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.” Traditionally, land on Indian reservations was owned jointly by the tribe. The purpose of the Dawes Act was, as noted, to ‘civilize’ the Indians by making them individual land owners and farmers. The Act allocated tribal land to families (160 acres) and individuals (80 acres). The land ‘left over’ after this allocation process was then opened to homesteading by non-Indians. As a result of the Dawes Act Indian reservations decreased from 138 million acres in 1887 to 48 million acres in 1934, a loss of 90 million acres although implementation of the allotment policy varied in different parts of the country. In addition, much of the land allotted to individuals was lost through fraud and deceit and passed into white ownership. This has resulted in the ‘checkerboard’ pattern of land ownership on many reservations that causes serious management and jurisdiction problems. (Wilkinson, pp. 9-10)

### **Helping the Indians?**

Ali thought about the implications of this act for all Indians living on all reservations at the time of allotment. Henry Dawes purportedly looked upon the act as a way to help Indian people, so that they could be free, like other people, to own their own land. But as an instructor of Ali had told her that non-Indians always had “the best of intentions” in all their efforts towards Indian people, but usually with disastrous results for the people they hoped to help. Allotment meant that land that was previously held in trust for Indians could be sold, piecemeal, and that eventually, all lands originally set aside through treaties could be owned by non-Indians. As Ali looked around, she realized that in the space of years between 1965 and 2007, the wide open river bottom that was originally part of the Nisqually Reservation had turned into a number of mobile home parks and other scattered housing, and none of it was owned by Indian people. Ali found that most of the land had been part of the original tribal treaty land, had eventually been sold to non-Indians. Even the land specifically set aside for the post-Fort Lewis lands had been filled in with non-Indians. The Dawes Act did not seem to benefit the people; it seemed like a plan to take lands away from Indian people over the long term.<sup>3</sup>

She also looked into her own family background on the Colville Reservation, when her uncle provided her with a document about the Reservation. Although it is possible that Congressman Henry Dawes was well-meaning in his plan to provide Indians with their own piece of land, other land-hungry people in the United States were obviously intent upon seizing and selling the lands deemed “surplus Indian land” after

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<sup>3</sup> Eventually the Dawes Act was recognized as a disaster. The 1928 Merriam Report stated that one of the major causes for the problems of poverty and social disorganization on Indian reservations was the Dawes Act and recommended that the allotment policy be ended. The Indian Reorganization Act of 1934 officially marked the end of the allotment period.

each Indian person received their allotment. Ali's uncle provided her with the land advertisement sent out by Northern Pacific Railway entitled "Colville Indian Reservation Open to Settlement, July 5 to 22, 1916" which shared all of the natural beauty of the tribal treaty lands of the Colville People, which were subject to sale following the Allotment Act. This document said that "The Indians are intelligent, generally industrious, and not at all disagreeable neighbors . . . and a great deal of the most desirable land has been allotted to them. They have vastly more land than they can use. The excess can be leased or sold under government regulations" (Northern Pacific Railway, 1916).

Ali was very disturbed to hear that not only had all of the land been taken from the Indian people, but even the land awarded to Indian tribes from the tribal treaties like the Medicine Creek Treaty in 1854 and the Treaty at Point No Point in 1855 (Bagley, 1916, Bagley, 1929, & Meany, 1909) had been lost.

### **Local Impact**

Ali started wondering how Indian people had been impacted by federal laws when they did own land. Eventually, she found all tribal reservations are federal trust lands, and that no one who wanted to live on them could obtain a loan to buy a home because banks could not repossess a house that was built on tribal lands. In fact, the only way to get a house on an Indian reservation was if the house was built with funds from the U.S. Department of Housing and Urban Development (HUD), which provided funding for low-income people.

As a result, under public housing laws, only low to moderate-income people can receive housing. This means that Indian people are faced with two choices of housing if they want to live on a reservation: 1) they save up enough money to build a house without any loan, or 2) if they are low-income, they can apply for public housing. Ali began to understand why Indian people with higher incomes rarely lived on tribal lands. She started understanding why only low-income housing is built on tribal lands and thinking about the broader implications in terms of the socioeconomic makeup of the community.

In addition, Ali found that because there were so few houses available each year, tribes were forced to make hard decisions about who received a home. As a consequence, most tribes passed resolutions that only allowed houses for enrolled tribal members living at their own reservations. Ali started asking around about how this policy impacted Indians who married Indians from other reservations, or if non-Indians married Indian people, and here is a sample of the stories of some of the people she interviewed (names of people and tribes changed):

Jamie emigrated from a European country when she married her husband from the "Susquamishin" Tribe. After being married to him and living at his tribe for 45 years, he had recently passed on. Because of his death, and at the age of 77, she had to move out of the only home they'd had because she was not an enrolled member of the Tribe. She could have stayed if

she agreed to give the home to one of their children when she passed on, but their only child had died in a traffic accident five years earlier. Five years later, at age 82, she was forced to live in low-income housing in a community located an hour away from the only people she had ever known. With her advancing age, she could no longer drive. She probably was going to have to give up her part-time job at the reservation, too, and how was she going to make ends meet? She didn't think she would ever get to see anyone she knew anymore.

Shari had lived a pretty hard life while growing up in poverty at a reservation in northeastern Washington. She was forced to move to western Washington during the Indian Relocation Era and eventually, her daughter married a local guy. She moved closer to her son-in-law's reservation to be near her daughter and grandchildren. But she had to pay fair market rent for a crummy single-wide mobile just outside the reservation. Although she was an enrolled Indian, she was not an enrolled member of her son-in-law's tribe. Her daughter was also upset. If she and her husband ever separated, she would be homeless, because as an enrolled member at his own reservation, her husband would get to keep the house; so she had no place to go with her children if troubles came their way.

Young people were frustrated, too. Sancho and Louise signed up for housing as early as they could when one turned 18, but most families had to wait an average of seven years before they could get housing. Jamie and Alisha had been together for six years and had three children, and they had moved from one relative's house to another, just waiting to get their own home. They thought that elders who lived alone should be forced into one-room apartment complexes and leave the two and three-bedroom homes for families.

Elders were disturbed, too. Ali interviewed Betty. Betty said she had waited so long and lived through so much. When public funds became available for tribal reservations, they were thrilled that finally tribal people could return to reservations. They did not anticipate having to live right next door to people who were making and selling meth, which created a public threat and brought harmful drug addiction behaviors to fragile, at-risk youth. She wanted to do something about it right away.

Melissa felt lucky. A few years ago, she and her husband split up, and he had signed the house over to her. But when she got the house, it was with the stipulation that as an enrolled member of another tribe, she had to eventually sign the house back over to one of her children. So she had a home to raise her children, but now as her children grew up, she was faced with the difficult decision of deciding which of her five children would eventually get the home. This issue was creating a great deal of tension in her family.

Based on all the information Ali could gather, the social problem concerning the lack of adequate, affordable housing impacted Indian people pretty much from cradle to grave. Young families had no place to live or move into. Several large families ended up packed into housing meant for just one smaller-sized family. And Elders did not have enough housing to provide badly needed services that allowed them to age in place in their own communities.

Ali realized that this was a national problem on Indian reservations. She found statistics from the Senate Indian Affairs Committee that roughly 90,000 Indian families are homeless or

under-housed, more than 30% of reservation households are crowded, 18 % are severely crowded, and one in five Indian houses lack complete plumbing facilities. She found that approximately 40% of reservation housing is considered inadequate, while the figure for the country as a whole is 6% (U.S. Commission on Civil Rights, 2003, p. 50). Another report that Ali found stated that there is an immediate need for 200,000 housing units on reservations and that an estimated 38,250 American Indian families are ready and able to afford mortgage loans (Youmans, 2002, p. 2).

### **The Federal Government, Housing, and Indian Reservations**

In order to address a problem of this magnitude, Ali decided she needed to know more about the background of housing on Indian reservations. She found that the Snyder Act of 1921 gave the initial authority to the Bureau of Indian Affairs (BIA) to provide housing assistance on reservations, though the federal government did not seriously address the housing needs. The Housing Act of 1937 stated the federal governments' intention to eliminate unsafe and unsanitary housing for poor Americans, but largely ignored American Indians. Ali found that it wasn't until 1961 that the Housing Act was re-directed to include Indian reservations. In the 1960's the BIA recognized the compelling need for housing on reservations. The Public Housing Administration made it possible for tribes to establish Indian Housing Authorities to apply for and received federal housing funds. In 1965 the Department of Housing and Urban Development (HUD) was created to consolidate various housing programs scattered throughout several agencies in the federal government, including the BIA. In 1988 the Indian Housing Act created the Office of Native American Programs in HUD. (U.S. Commission on Civil Rights, 2003, pp. 51-52).

The Native American Housing Assistance and Self Determination Act (NAHASDA) was passed by Congress in 1996; legislation drafted by native communities and the National American Indian Housing Council. Its purpose was to recognize tribal authority to provide housing and related programs to tribal members. In addition to replacing grant programs by category with block grants that give tribes more flexibility to design housing to meet each community's unique needs, the legislation encourages tribes to develop long-term comprehensive housing plans, and to utilize different sources of financing to meet the housing needs in their communities. The legislation was re-authorized in 2001, and is pending re-authorization in the 2007-2008 Congress.<sup>4</sup> Though the legislation was intended to enable tribal governments to plan, conduct and administer Indian housing programs and services, HUD's "extensive and often heavy-handed oversight of Indian housing programs undermines the ability of tribal government to make their own decisions about how to house and protect their people and manage their affairs" (Shuravloff, 2006, p. 7).

Since the NAHASDA was authorized in 1966 funding has been at around \$650 million annually.<sup>5</sup> HUD estimates that current NAHASDA funding levels will meet only five percent of the housing needs in Indian country. The report of the Millennial Housing Commission on

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<sup>4</sup> The 2001 NAHASDA expired in September, 2007. Funding has been temporarily continued under an omnibus funding bill, but as of February 7, 2008, the legislation needs to be re-authorized in the second session of the 110<sup>th</sup> Congress.

<sup>5</sup> President Bush's budget request for fiscal year 2009 is \$627 million. (NAIHC, Feb 5, 2008)

*Native American Housing Needs* recommended that NAHASDA be funded at the level of \$1 billion annually for the next several years to meet the needs of tribal communities. (Youmans, 2002, p. 5).

### **Public Policy and Local Impact**

One day, at a training conference for Indian housing, Ali interviewed the housing providers from eight different tribes, and they told Ali more stories from their own reservations. They said some good things had happened since the 1970s, when public housing really started happening on tribal reservations, but they also faced many challenges too.

The housing providers discussed innovative programs they had heard about from all over Indian Country, including the following:

**Sauk-Suiattle Tribe: Jimmy Price Sub-Division, Darrington, Washington.** In 2007, the people of the Sauk-Suiattle Tribe, originally known as the *Sah-Ku-Me-Hu* people, have dwindled in numbers from around 4,000 in 1855, to just 18 members by 1924. With 200 current members, tribal officials successfully negotiated the purchase of eight residential building and five vacant lots from the Mt. Baker-Snoqualmie National Forest for 1.5 million dollars.<sup>6</sup>

**Red Feather Development Corporation.** This company developed in response to the loss of elders in Northern Plains tribes who literally froze to death each winter in substandard housing. This video documents the coming together of people from all over to help build straw-built homes for use in the Plains area.<sup>7</sup>

**Quileute Tribe – Solar Energy and Energy Security.** The Quileute Tribe, which is located at the world's only temperate rainforest, on the Olympic Peninsula in Washington, frequently endures long periods of power outages from storms. This makes cooking and heating difficult, especially for elderly people and for people with special needs. Through a unique partnership, the Quileute Tribe purchased and installed solar panels through their Clean and Reliable Energy Security (CARES) Program.<sup>8</sup>

**Apache Dawn.** Apache Dawn White Mountain Apache Tribe in Arizona faced an enormous shortage of housing, but eventually came up with a plan to build over 300 new homes for their reservation. To fund the project, the Housing Authority assembled a unique partnership that includes the federal government, tribal government, and private lenders. Funding for the project has come from a blend of tribally issued tax-exempt bonds (the first by a Native American housing authority), HUD Section 184 guaranteed loans, and Indian Housing Block Grant funds.<sup>9</sup>

At the conference, Ali learned about new ways to increase housing. Marian, a housing specialist from one of the Pacific Northwest tribes, wanted to float bonds. Other housing

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<sup>6</sup>Sauk-Suiattle Tribe: Jimmy Price Sub-Division, Darrington, Washington  
<http://www.nwiha.org/winter2007.pdf>

<sup>7</sup> Red Feather Development Corporation, [http://www.channelg.tv/video.php?project\\_id=10..](http://www.channelg.tv/video.php?project_id=10..)

<sup>8</sup> Quileute Tribe – Solar Energy and Energy Security, <http://www.nwiha.org/winter2007.pdf>.

<sup>9</sup> Apache Dawn, at <http://www.huduser.org/periodicals/fieldworks/0603/fworks2.html>

advocates wanted to seek state housing money. Some had even spoken of buying land next to the reservation and maintaining it as non-reservation (or fee simple, meaning privately owned, taxable) land so that it could be used as collateral for other loans.

Still, some Elders, like Curly, were resistant, saying that the state had always meddled too much in tribal affairs. Even though Washington State had passed and signed the Centennial Accord in 1989, which formally recognized the government-to-government relationships the tribes held with the state, many were leery about accepting state money.

Ali was especially pleased to share an example of one local tribe's innovative efforts that had increased housing. She set up a display board that showed where the tribe had purchased several houses at near rock-bottom prices when the Department of Transportation condemned housing nearby to get ready for a new highway in rural Thurston County. This resulted in the addition of about 15 homes that were only five years old. Ali discussed the importance of working with people like Colleen Jollie, the Tribal Liaison Officer for the State of Washington, Department of Transportation, who could assist tribes with innovative efforts like this to increase the housing stock on tribal reservations.<sup>10</sup>

Ali also displayed pictures from their current efforts to purchase a resort located on tribal treaty lands, which, once an environmentally friendly sewer system was installed, would provide around 200 buildable lots for the tribe.

Ali returned from the housing conference loaded with fresh new information. The housing conferences were of special significance, because whenever dedicated people come together, there is an automatic sharing of successes and challenges that serve to inspire and teach everyone present. She knew housing in her community was a social problem with resolutions.

Ali brought back booklets on how to help young families build their financial and social capital.<sup>11</sup> She decided to help her tribe become voting members of the National American Indian Housing Council (NAIHC) and began searching their website each week<sup>12</sup> to find up to the minute news on emerging issues. She wrote articles in her tribal newsletter. She held community coalition meetings to talk about the individual responsibility everyone had to help promote safe and affordable housing in the community. She started a campaign to help young and old alike write to their state and federal legislators, so that everyone could learn more about housing issues in Indian communities.

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<sup>10</sup> Washington State Department of Transportation, Tribal Liaison Office, <http://www.wsdot.wa.gov/tribal/default.htm>.

<sup>11</sup> *Building Native Communities: Financial Skills for Families* curriculum, at [http://www.fanniemaefoundation.org/publications/native\\_american.html](http://www.fanniemaefoundation.org/publications/native_american.html)

<sup>12</sup> National American Indian Housing Council website, <http://www.naihc.net/>.

Ali helped to recruit others and they developed a campaign to increase the membership in the Northwest Indian Housing Association (NWIHA) so that all enrolled tribes fully participated in the advocacy efforts of this important organization. She also looked for innovative ways of reaching students in her community, and enlisted their support and participation in such things as reading NWIHA's newsletter<sup>13</sup> Through internships, students began receiving credit for attending and reporting at NWIHA's training conferences<sup>14</sup> as part of their coursework. The local efforts also helped to promote national advocacy efforts, and Ali began studying the National HUD website to see how policies, programs, training opportunities, and funding impacted tribes at the local level.<sup>15</sup> She also read about HUD's views on current issues<sup>16</sup> as discussed at their website on Office of Native American Programs (ONAP). While exploring the HUD website, she found a grant that students could apply for to complete research in certain areas of unmet need that focused on housing. Eager to work enthusiastically for her community, she applied for a grant that addressed the unmet housing needs in Pacific Northwest Tribes.

Pretty soon, Ali's interest, abilities, and commitment became obvious to everyone, and she landed a job at a regional tribal housing association. Her first job was to develop a list of 'best practices' that she found as she studied what had worked at other tribes. In addition to the 'best practices,' such as the Apache Dawn, Red Feather Corporation, and others previously discussed, she heard about others including:

**Northern Circle Indian Housing Authority.** The Northern Circle Indian Housing Authority (NCIHA) is a tribally designated housing entity for several tribes in California, who came together to advocate for housing for several tribes.<sup>17</sup>

**Puyallup Tribal "Elder Healthy" Demonstration Homes.** In September, 2007, the Puyallup Tribe broke ground for a new prototype home for elders through a partnership with Martin Luther King Housing Development Association, which features recycled and non-toxic building materials, a universal design, energy efficient lighting and heating and the salvage use of native landscaping materials.<sup>18</sup>

**Earned Income Tax Credits.** Ali met with interested community tribal members to launch a program aimed at helping community members learn about and apply for Earned Income Tax Credits (EITC), which makes funding available for up to several thousand dollars per year, by simply applying for it when a person files their individual tax return. She helped to recruit people to receive training to provide volunteer help with completing annual tax returns. The money returned to people would help them to get into their homes and to buy things they needed for their homes.

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<sup>13</sup> <http://www.nwiha.org/summer2007.pdf>.

<sup>14</sup> Northwest Indian Tribal Housing Association, <http://www.nwiha.org/sepage07.doc>.

<sup>15</sup> <http://www.hud.gov/offices/pih/ih/codetalk/onap/ihbgformula.cfm#2>.

<sup>16</sup> <http://www.hud.gov/offices/pih/ih/codetalk/issues.cfm>.

<sup>17</sup> Northern Circle Indian Housing Authority, <http://www.nciha.org/aboutus.htm>.

<sup>18</sup> Puyallup Tribal Elder Healthy Demonstration Homes, <http://www.elderhealthyhome.com>.

Ali also presented information to tribal councils on how the costs of housing continue to spiral in the face of the long waits from the Bureau of Indian Affairs (BIA), who provide the title status reports (TSRs) for local tribal communities. Sometimes, the tribes have to wait for years to get the TSRs, while construction costs increased to the point where only a few homes could be built with money that could have built 20 homes a few years prior. Ali and the housing staff secured approval to work harder with other members of the Northwest Indian Housing Association to work with the BIA to get the TSRs available sooner. In addition, Ali began working with the Tribes to address the challenges that fractionated lands create. Fractionated lands refer to the passing of lands originally awarded through the Allotment Act to the heirs of the original allottees. Over time and successive generations, the lands awarded to the subsequent heirs became increasingly smaller and often unusable. With the support and encouragement of the Tribe, Ali began contacting the heirs to see if they would agree to free up the land so that buildable reservation lands could be used.

### **Housing and Community Development Act of 1992, Sect 184: Indian Housing Loan Guarantee Program**

Section 184, the Indian Housing Loan Guarantee Program, was created by the Housing and Community Development Act of 1992 to address the lack of mortgage lending in Indian Country. The 184 program offers a loan guarantee to private sector lenders who make mortgage loans to eligible borrowers for homes located in Indian Country.

One of the most important efforts of the local housing coalition was to strengthen the existing Section 184 Indian Housing Loan Guarantee Program. They began by developing some information to present to the Tribal Council, which described the Section 184 program. Their brochure shared information about the history of the program, why it is so difficult to obtain a mortgage in Indian Country, how the Section 184 program helps to address this challenge, and what tribes must do to participate in the program. Following is some of the information they provided to the tribal council:

For a home loan on tribal trust land, the eligible individual borrower leases the land property from the tribe on a lease approved by the Bureau of Indian Affairs (BIA) and by HUD to create a leasehold estate. It is the home and the leasehold interest in the homesite that are mortgaged so that in the event of a foreclosure the home and leasehold interest are what are foreclosed. The ownership of the land itself remains in trust for the tribe.

For a home loan on individual or 'allotted' trust land, both HUD and the BIA must approve the loan applicant. In the event of a default by a borrower on a 184 guaranteed loan on either tribal or individual trust land, the lender or HUD can only pursue liquidation of the loan after offering to transfer the loan to an eligible tribal member, the tribe or the Indian Housing Authority serving the tribe. In the event of a foreclosure, the lender or HUD can not sell the property to anyone but an eligible tribal

member, the tribe or the housing authority serving the tribe. Thus the unique status of the trust land is protected.

Land located in an Indian area is eligible for a 184 guaranteed home loan. Fee simple lands within an approved Indian area are also allowed under Section 184.

A tribe with tribal court jurisdiction over the property needs to meet certain criteria, for example, they must have foreclosure and eviction procedures, in place, giving the HUD Guaranteed Loan first lien priority or otherwise ensuring that the guaranteed loan will be satisfied before all other property debts (except tribal taxes).

Everywhere Ali went, she made sure that people understood the importance of becoming familiar with elected leaders and the importance of voting. She brought information with her, such as fact sheets and other information available from the National American Indian Housing Council (See Appendixes A and B). She spoke about how the combination of inflation and reduced spending (See Appendix D) over the course of several years at the federal level had impacted the need for new housing in Indian communities.

### **Changing Winds of Federal Housing Policy**

It is not surprising that Ali's work eventually led her to become involved at the national level and she became more aware of the shifting winds around federal housing policy. Everyone at her office was shocked when they heard that the federal government had based their funding in 2007 on the number of individuals of multi-race rather than single-race Census data, and that funding specifically for housing on Indian reservations had been eroded.

Some asked, 'Was this change good or bad?' After all, the history of Indian housing was littered with unintended consequences. The justification at the federal level was that since there was such an increase in the numbers of people reporting that they were part Native people. Because there were so many tribal and mixed-race people living on non-Native lands, then available public housing dollars had to be 'spread across' the continuum of public housing programs. The justification was that by providing funding for all programs, those mixed race Native Americans living on non-Native lands would also benefit. This meant that funds previously designated solely for housing on Indian reservations was not available for housing projects across America. This unilateral decision at the federal level created immediate controversy. The membership of the National American Indian Housing Council was split on whether to support or oppose the single race or multi-race data in the Census. Ultimately, the Council supported increasing funding for all public housing programs so that more public housing could be made available for all qualifying low-income people in the United States.

Ali came to see that staying on top of this fast changing situation was necessary. To really help the tribe she needed to stay connected to what was happening at multiple levels. Why, she wondered, were so few tribes taking advantage of the new opportunities

out there? Was it because they were over-committed or resistant to change? What could she do to help?

When substantial cuts to funding to the National American Indian Housing Council (NAIHC) for technical assistance and training happened in 2006 and 2007, the changes nearly eroded the option for tribes to receive training in everything from construction to handling hazardous materials during demolition of housing. All of the technical assistance funds were transferred to the Office of Native American Programs (ONAP), the training division for HUD Indian programs. Also, Ali came to understand that only a few local Indian Housing Associations were as progressive as the Northwest Indian Housing Association.

HUD has also been changing the way in which the grant applications are developed. Beginning in 2006, tribes had the option of using a logic model approach to writing their grants (See Appendix F). Over time, tribes could begin collecting more points during the grant application rating and review process, if they used the logic model. After three years, tribes will be required to use it, whether they want to or not. All of the changes in grant-writing approaches meant more time away from the office while the housing staff attend training workshops.

Ali also studied all of the tribes that received funding from the Indian Community Development Block Grant funding, which was a separate set-aside, competitive pot of funding that was in addition to the formula allocation automatically given to tribes. She noted that the same tribes seemed to get this money year after year, while many of the smaller, less wealthy tribes rarely, if ever, sought or received these funds. She wanted to know more about the underlying reasons: after all, the shortage of housing impacted all tribes everywhere.

In the end, Ali and her coalition decided to hold a local meeting to bring all of these issues before the people, so that a long-range plan for addressing each issue could be developed by the entire community. Ali's main question for the group was where they should concentrate their efforts. On the one hand, they needed to determine what actions an individual tribe can take to meet their housing needs without planning on any increase in federal funds. On the other hand, is it worth the time and effort to try to work at the national level for the reauthorization of the NAHASDA and an increase in federal funding? In addition to the provision of housing, Ali wanted the group to consider the problems of upkeep of existing housing and property. How can tribal governments provide incentives or enforce codes to achieve this? Ali realized that the group had a great deal to discuss and decide.

## **Housing in Indian Country**

### **Discussion Questions – Housing Case Study**

1. What choices do tribes have in terms of housing? Which options are the best options, and why?
2. What can tribes do to increase housing without federal funds?
3. How can tribes use tribal incentives or housing codes to increase the quality of their housing stock? What should be covered in such codes? Should they have appeal processes to adapt to individual needs?
4. What are the arguments for and against Indian-owned land that is not held as a federal trust?
5. What needs to be done at the local, regional, and national level about increasing the amount of housing in Indian Country?
6. What are the advantages and disadvantages of applying for state funding to increase the housing stock on tribal reservations?
7. What might be the pros and cons of acquisition of housing that needs to be moved to a tribal reservation?
8. In what ways are individual relationships impacted by the shortage of housing in Indian Country?
9. In what ways would the increase in housing impact other community service providers, such as social service providers, schools, the local library, youth centers, and road and water departments? How should these impacts be mitigated?
10. What is the potential impact of the Section 184 Loan Guarantee Program? What are the advantages and disadvantages of this program?
11. What are the potential benefits and drawbacks of working inter-governmentally to address housing needs in Indian communities?
12. How can change agents like Ali work to keep their motivation and spirits up in the face of such tough issues?
17. What are some of the issues surrounding housing in Indian communities that are not mentioned here? What might be done about each of these issues?
18. What is the role of the BIA in housing? How has the role of the BIA impacted tribal housing?
19. Why are some tribes much more active than others in working on the housing issues and new approaches discussed in this case?
20. In what ways do Indian housing issues reflect the changes in federal policy towards Native Americans over the years? Is there an irresolvable contradiction between the needs of individuals and the notion of private property and the welfare of the tribe?

