



The Coronado Park Senior Village, part of a larger multigenerational, mixed-income community, helps support local business in Eagle River, Alaska by locating housing within walking distance of shops and services.

Ken Graham Photography

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Obstacles, Solutions, and Self-Determination in Indian Housing Policy

On the Pine Ridge Reservation in South Dakota, in one of the poorest counties in the United States, many residents live in dilapidated mobile homes, homes without adequate insulation, homes with black mold, or even in tents and old cars because their actual homes are overcrowded.¹ Although conditions in Pine Ridge are particularly dire, Native Americans nationwide are more likely to live in homes that are crowded, physically

inadequate, and unaffordable when compared with the United States as a whole.² A number of factors make improving housing conditions in Indian Country complicated, including remote locations, poor infrastructure, weak local economies, limited institutional capacities, and a complex and burdensome legal environment restricting the use of tribal land.³ Many tribal communities lack a developed housing and lending market, leaving them almost

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Message from the Assistant Secretary

The most effective housing and community development programs involve local communities as leaders. That principle of self-determination underlies the very structure of HUD's Native American housing and community development programs. Although HUD provides tribes with funding under the Native American Housing Assistance and Self-Determination Act (NAHASDA) of 1996, the tribes themselves determine how best to use those funds to meet their housing needs.

Within HUD, the Office of Native American Programs (ONAP) administers the agency's housing and community development programs for Native Americans. These programs direct hundreds of millions of dollars to communities, empowering them to implement locally driven housing strategies.

The Office of Policy Development and Research (PD&R) partners closely with ONAP for most of its programs. PD&R staff contribute expertise in a range of skills such as program development, data analysis, and program evaluation.

In particular, PD&R staff provide support related to data. HUD's implementation of NAHASDA is one key example. Under NAHASDA, HUD must engage in negotiated rulemaking with tribal leaders. One of the major issues related to NAHASDA, proposed changes to the Indian Housing Block Grant funding formula, involves significant consideration of survey data. PD&R staff, including associate deputy assistant secretary Todd Richardson and former HUD analyst Ben Winter, have played a critical consulting role in these negotiations.

PD&R staff have also helped develop the new HUD-Veterans Affairs Supportive Housing (HUD-VASH) for Native Americans program. Launched in 2008, HUD-VASH provides intensive case management and long-term housing assistance for highly vulnerable veterans who have experienced long-term homelessness. Homelessness among veterans has declined by 33 percent since January 2010, and HUD-VASH has played an important role in that decline. Until recently, however, the program's rules prevented the use of HUD-VASH vouchers on tribal lands. In 2015, HUD-VASH expanded to include tribes that directly serve Native American veterans living on or near tribal lands.

PD&R's research agenda has increasingly emphasized Indian housing issues. In partnership with ONAP, PD&R has led the Sustainable Construction in Indian Country initiative, which promotes and supports sustainable practices in Native American communities. PD&R published case studies of best practices in tribal housing, identified barriers to using sustainable construction practices in Indian Country, and provided technical assistance to tribes adopting these practices.

PD&R is also managing a forthcoming assessment of American Indian, Alaska Native, and Native Hawaiian housing needs that promises to be the most complete national housing survey of this issue since PD&R's *Assessment of American Indian Housing Needs and Programs* in 1996. The forthcoming assessment will inform policy and enable HUD to more effectively serve tribes. Because the assessment's sampling methodology does not provide detailed information about any single tribe's needs, however, studies of individual tribal communities remain critical.

This edition of *Evidence Matters* highlights the critical role of tribes in studying, developing, and implementing housing and community development strategies in their communities. PD&R is committed to partnering with tribes to address local needs and contexts in a culturally appropriate way.

— Katherine M. O'Regan, *Assistant Secretary for Policy Development and Research*

Editor's Note

This issue of *Evidence Matters* explores housing issues in Indian Country with a focus on tribal self-determination. Tribes face unique and complex challenges as they address housing needs in their communities. Underlying economic issues, difficult geography, limited credit markets, and unique legal obstacles contribute to severe housing needs for many Native American households. Federal policies, including programs implemented by HUD, empower tribes to develop and implement local solutions to these challenges themselves. Tribes have also partnered with researchers to produce new studies and data illuminating tribal populations and needs.

The lead article in this issue, “Obstacles, Solutions, and Self-Determination in Indian Housing Policy,” discusses the development and implementation of federal policies that empower tribal self-determination in housing policy. The Research Spotlight piece, “Who Counts? Identifying Native American Populations,” considers federal and tribal initiatives to improve data concerning Native American populations. Finally, the In Practice article, “Local Initiatives Promote Homeownership in Indian Country,” examines how tribal communities have addressed unique barriers to homeownership.

We hope this edition of *Evidence Matters* provides a useful overview of this critical topic. Our next issue will focus on regional planning. Please provide feedback on any of our issues at www.huduser.org/forums.

— Rachele Levitt, *Director of Research Utilization Division*

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Highlights

- Indian Country — land under the jurisdiction of tribal governments — is composed of vastly different communities requiring multifaceted and locally relevant housing solutions. The United States has a legal trust obligation to promote the welfare of Native Americans in Indian Country, which the federal government fulfills through a self-determination framework.
- The Native American Housing Assistance and Self-Determination Act (NAHASDA) of 1996 granted tribes the authority to determine the housing programs they will fund, the individuals served, and the delivery method for those programs. NAHASDA also requires the federal government to consult with tribes, including periodic negotiated rulemaking with tribal leaders.
- The Helping Expedite and Advance Responsible Tribal Home Ownership (HEARTH) Act grants native nations control over land leasing, further empowering tribes to exercise their inherent sovereignty over tribal lands.

completely dependent on federal funding to address housing need.⁴ The United States government has a legal trust obligation to promote the welfare of Native Americans in Indian Country by supplying housing along with education and health services on reservations. This obligation stems from treaties signed with tribes and has been written into federal law. Over the past 50 years, the federal government has

sought to fulfill its obligation through a policy framework of self-determination, allowing tribes the freedom to develop and implement programs based on and conducive to local conditions and preferences.⁵

Indian Country, the collective term for land under the jurisdiction of tribal governments, is composed of vastly different communities that require

multifaceted and locally relevant housing solutions. Native Americans hail from more than 560 tribes representing a plethora of cultures with diverse histories, languages, religious beliefs, and traditions.⁶ More than 5 million individuals identify themselves as American Indian or Alaska Native (AIAN) alone or in combination with some other race, and roughly 48 percent of these individuals live in a tribal area or surrounding county.⁷ Communities range in size from the 20-acre Alturas Indian Rancheria in California to the 27,000 square-mile Navajo Nation spanning portions of Utah, Arizona, and New Mexico.⁸ The housing challenges of Native American communities are similarly diverse, encompassing urban, suburban, and rural environments and climates that range from the arid desert to the frozen tundra.⁹

This article examines persistent obstacles to developing quality, affordable housing in Indian Country, the design and implementation of federal housing policies — such as the Native American Housing Assistance and



Ken Graham Photography

Greater tribal control over housing decisions has allowed tribal governments to develop culturally and geographically relevant housing and more effectively address the needs of their constituents.

Self-Determination Act (NAHASDA) of 1996 and the Helping Expedite and Advance Responsible Tribal Home Ownership (HEARTH) Act of 2012 — that adhere to and respect the principle of self-determination, and tribal solutions and successes.

Housing Conditions and Constraints

Many Native American households experience severe housing needs; in 2010 testimony to the Senate Committee on Banking, Housing, and Urban Affairs and the Senate Committee on Indian Affairs, former HUD Secretary Shaun Donovan reported that 543,000 AIAN households had a severe housing need, defined as “living in conditions that are overcrowded, substandard, or cost-burdensome.”¹⁰ According to a 2013 Housing Assistance Council report, 4.8 percent of homes in Indian Country lacked complete kitchens and 5.3 percent lacked complete plumbing, significantly higher than the national rates of 0.07 percent and 0.05 percent, respectively.¹¹ Furthermore, the National American Indian Housing Council (NAIHC) estimates that 70 percent of existing homes are in need of upgrades, some of them extensive.¹²

In 2006–10, 8.1 percent of AIAN households were crowded (having more than one person per room) compared with 3.1 percent of all households. In some Native American communities crowding rates are even higher; in some Alaskan counties, 22 percent of AIAN households are crowded.¹³ In South Dakota, the occupancy of a single Oglala Sioux Housing Authority unit often exceeds 12 to 15 persons, says Paul Iron Cloud, executive director of the Oglala Sioux Housing Authority.¹⁴ Crowding may reflect a cultural preference for living with or taking in extended family, but it is also attributed to an undercounted homeless population and a shortage of affordable housing. As many as 90,000 AIAN families may be homeless or under-housed, and estimates of the housing shortage range from 200,000 to 250,000 units.¹⁵

Underlying economic issues contribute to poor housing conditions. Russell Sossamon, executive director of the Housing Authority of the Choctaw Nation of Oklahoma, explains that “[t]he challenges to providing quality, affordable housing in Indian Country generally and within the Choctaw Nation specifically stem mostly from the broader

overriding economic realities that occur in tribal communities.”¹⁶ Despite improvements in some tribal economies during the 1990s, many reservations are still economically depressed. Poor employment opportunities and high poverty — at 26 percent, the AIAN poverty rate is almost double the non-AIAN poverty rate — make affording housing difficult for many tribal families. As a result, nearly 40 percent of AIAN households were cost burdened in 2006–10, paying more than 30 percent of their income toward housing costs.¹⁷

Many tribes face difficulties developing housing because of the “unique challenges of their geography,” says Sami Jo Difuntorum, executive director of housing for the Confederated Tribes of Siletz Indians in Oregon and chair of NAIHC.¹⁸ Two of the most commonly identified barriers to housing development are the isolation of some reservations and insufficient infrastructure (such as road, water, and sewer systems), which add expense and delays to housing development. In Alaska, for example, building materials must often be shipped in by barge within a narrow timeframe — the construction season is no longer than four months

— and any delivery delays can increase construction costs.¹⁹ The total development cost for a modest three-bedroom unit in Cook Inlet, Alaska increased 85 percent between 2003 and 2013 to \$450,000, 56 percent more expensive than a similar unit for the Navajo in Arizona and double the cost of a similar unit for the Cherokee in Oklahoma.²⁰ High development costs can be particularly challenging for small tribes; one-third of tribal grantees received less than \$250,000 annually from HUD. Some tribes may be forced to save grants over several years to complete projects, whereas others pool funds with other small tribes, rotating development projects among the tribes through the creation of a joint tribally designated housing entity (TDHE).²¹

In addition to these physical challenges, the real and perceived financial characteristics of Native American borrowers make it difficult to create a lending market on reservations to support homeownership and finance new construction. A landmark 2001 study by the Community Development Financial Institutions Fund (CDFI Fund) found few lending institutions on or near reservations and identified 16 additional barriers to credit access, including residents' poor credit histories, discrimination against and stereotyping of Native American borrowers, and a limited understanding of or experience with financial interactions among residents of Indian Country.²² In a study of the Montana Blackfeet, researchers found that homeownership among Native Americans was constrained by challenges similar to those experienced by other low-income individuals, such as a lack of mortgage financing, poor credit histories, and low incomes.²³ Although income is an important factor, a 2008 study of homeownership rates on reservations in the Federal Reserve's Ninth District found that income alone fails to fully explain lower Native American homeownership rates on the district's reservations. The study found that other factors that could affect homeownership included housing quality (mobile

homes are prevalent at some reservations with high homeownership rates), rates of crowding, and the amount of land available for development.²⁴

Further constraining credit access and housing development in tribal lands are bureaucratic and legal obstacles unique to Indian Country. These obstacles include restrictions on the use of Indian land, federal delays in approving land leases, and fractionation (the division of ownership interest among multiple — sometimes hundreds — of descendants). Out of approximately 100 million acres of land controlled by tribes or tribal members, 56 million acres are held in trust for either a tribe or an individual. Unlike fee simple land, trust land cannot be alienated (owned by non-Indians), which makes using trust land as collateral for a mortgage nearly impossible and creates hurdles for tribes or tribal members seeking credit.²⁵ With limited access to traditional forms of lending, many Native Americans are susceptible to subprime and predatory lending; according to a study analyzing Home Mortgage Disclosure Act data for 2002 to 2005, Native Americans borrowed money from the high-cost lending market more than twice as often as the white population.²⁶

Self-Determination Framework

The United States fulfills its trust obligation to tribes through the self-determination framework, a policy change announced in President Nixon's 1970 special message to Congress, "Recommendations for Indian Policy." Self-determination is rooted in tribal sovereignty, the legal right of tribes to govern certain affairs, such as passing laws, taxing residents, and operating judicial courts. Through greater self-governance, self-determination empowers tribes to address a range of issues, such as education, economic development, and housing, in a culturally relevant manner.²⁷ In 1975, Congress formally codified the change with the Indian Self-Determination and Education Assistance Act, which allowed tribes

rather than federal officials to administer certain federal programs, such as the Housing Improvement Program funded by the U.S. Department of the Interior's Bureau of Indian Affairs (BIA).²⁸ According to Stephen Cornell, faculty associate with the Native Nations Institute for Leadership, Management, and Policy at the University of Arizona, Native American leaders pursued self-determination during the Civil Rights era, but their grievances differed from those of other minority groups in that they sought control over lands and internal affairs rather than asserting rights to resources such as housing, health care, and education.²⁹

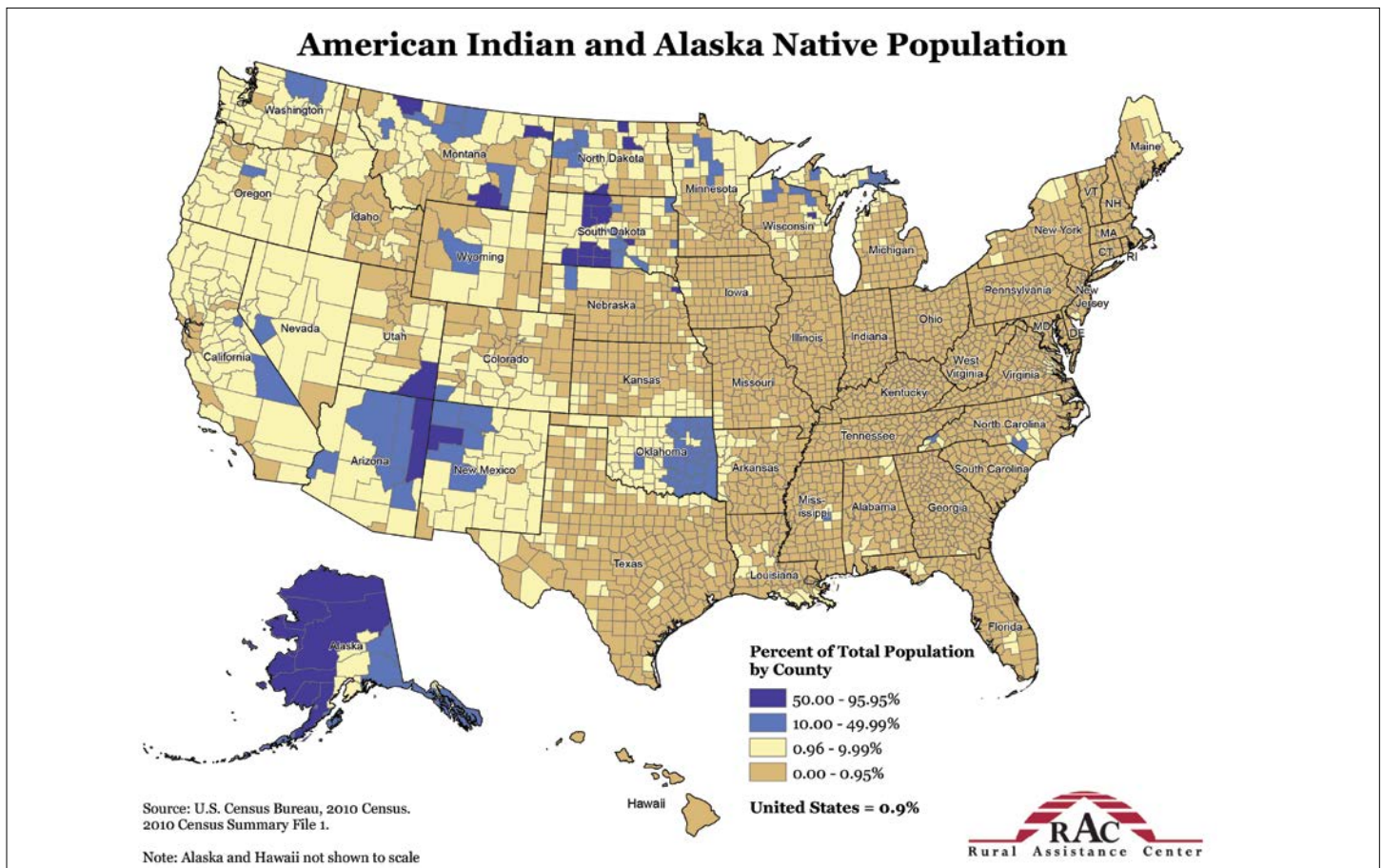
The framework grew out of the failure of previous Indian policies to encourage development on reservations. Under the Dawes Act of 1887, 90 million acres of tribal land was lost through sales to non-Indians, resulting in four types of land ownership in Indian Country (tribal trust land, individual trust land, fee simple land owned by Indians, and fee simple land owned by non-Indians) that continue to complicate development because of the different rules governing the use of each land type.³⁰ In 1934, Congress passed the Indian Reorganization Act (IRA), which halted the sale of Indian land and allowed tribes that created constitutions based on federal regulations to take on some self-governance. Although criticized for applying a single constitutional model to all of Indian Country, IRA did advance the idea of tribal sovereignty by granting some self-governance and establish the trust obligation of the federal government.³¹ Congress reversed self-governance in the 1950s and began a policy of tribal termination through the "unilateral ending of the special relationship between tribes and the federal government."³² Congress dissolved the reservations of five large tribes, terminated all tribes in four states, and extended state jurisdiction over several reservations that were not terminated.³³ The policy of tribal termination ended with the rise of self-determination.

Unlike previous federal policies, self-determination has helped some tribes flourish both culturally and economically.³⁴ For example, Native American real per capita income grew by 23.5 percent from 1990 to 2000 and by 10.5 percent from 2000 to 2010.³⁵ Research from the Harvard Project on American Indian Economic Development (HPAIED) finds that self-determination “puts the development agenda in Indian hands” and “marries decisions and their consequences, leading to better decisions.”³⁶ Under previous policies, those overseeing Indian Country were often non-Indians with little direct stake in the outcomes or consequences of the policies they enforced. Placing control in the hands of tribal members ensured that the ones making the decisions were the ones bearing the costs of failure, encouraging leaders to learn from their mistakes and develop more effective governing institutions. The practical sovereignty afforded by self-determination policies is a “*necessary* (but

not sufficient) condition for reservation economic development.” Some tribes have succeeded within this framework by taking advantage of greater self-governance to more effectively run reservations and diversify their economies.³⁷ For example, Ho-Chunk, Inc., the development arm of the Winnebago Tribe of Nebraska, operates more than 30 subsidiary corporations in sectors that include information technology, construction, government contracting, and retail in addition to gaming. The Mississippi Band of Choctaw Indians has succeeded in virtually eliminating unemployment by building a strong manufacturing economy.³⁸

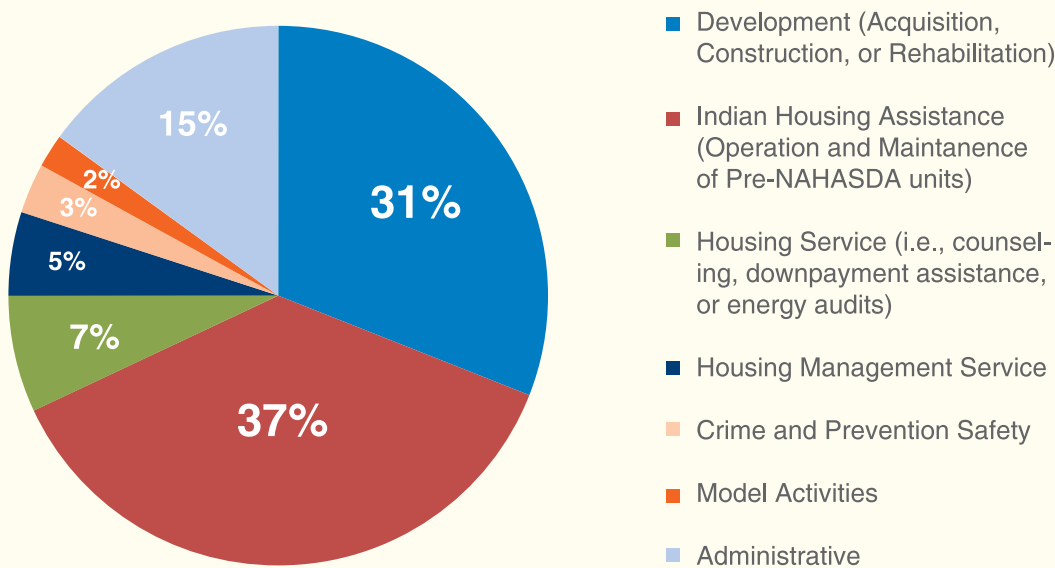
Native American Housing Assistance and Self-Determination Act of 1996. Historically, federal housing policies did not “respond adequately to the diversity of housing conditions and needs in Indian Country,” according to a 1996 Urban Institute assessment of tribal housing, leading the authors to state

that housing programs “must also accommodate the legitimate demands for self-determination made by Native American tribes as sovereign nations.”³⁹ In 1996, Native Americans on a national commission established by Congress helped draft a new law, the Native American Housing Assistance and Self-Determination Act (NAHASDA) of 1996, as part of an effort to “evaluate alternative strategies for the development, management, and modernization of housing for Native Americans.”⁴⁰ NAHASDA reorganized federal housing programs and simplified the system of funding affordable housing in Indian Country while respecting the principle of tribal self-governance. The act gave tribes the flexibility to allocate development funds to projects more relevant to tribal needs and moved away from previous “one-size-fits-all” approaches, says Rodger Boyd, deputy assistant secretary of HUD’s Office of Native American Programs (ONAP).⁴¹ In a 2010 U.S. Government Accountability Office survey



The highest concentration of Native American populations can be found on reservations, such as Pine Ridge in South Dakota, and nonreservation tribal areas such as Eastern Oklahoma and parts of Alaska.

Use of Indian Housing Block Grant Funds, 2008–2013



Source: HUD's FY2015 Congressional Budget Justifications.

of NAHASDA grantees, 90 percent of respondents reported that NAHASDA has helped tribes meet housing needs.⁴²

Before NAHASDA, federally funded housing projects were developed through Indian Housing Authorities (IHAs). Many Native American leaders criticized IHAs for developing projects unsuited to conditions on reservations, such as those designed for urban environments or that disrupted traditional living patterns through “clustered housing.” These leaders also viewed IHAs as competing centers of power, which fostered distrust.⁴³ Prior to NAHASDA, HUD administered five noncompetitive and nine competitive grant programs for tribes, which gave the federal government tremendous influence over tribal housing policy. This influence furthered a system that, according to HPAIED, encouraged tribal leaders to “focus on federal prerogatives, rules, and priorities rather than on the task of building solid economic policies and sound governments.”⁴⁴

NAHASDA granted tribes the authority to determine, independently of HUD, the housing programs they will fund, the individuals served, and the delivery method for those programs. NAHASDA

replaced nine HUD programs with a single program, the Indian Housing Block Grant (IHBG) program, which provides funds to tribes or TDHEs based on a formula.⁴⁵ According to Boyd, the noncompetitive formula levels the playing field and ensures that every eligible tribe receives funding on an annual basis.⁴⁶ NAHASDA also recognized the federal government’s trust obligation in Indian Country, the “government-to-government” relationship between the United States and tribes, and the need to consult with tribes about changes to NAHASDA.⁴⁷ The law requires HUD to periodically engage in negotiated rulemaking with tribal leaders when developing regulations that affect tribes and changing the IHBG funding formula. According to Todd Richardson, associate deputy assistant secretary of HUD’s Office of Policy Development and Research, tribes decided early on that any changes would be made by consensus, not just by the vote of a tribal majority.⁴⁸

Tribal consultation, says Boyd, “is the essence of working with tribes on a government-to-government basis.”⁴⁹ Through these negotiations, the tribes and HUD agreed to base funding on two criteria: the number of subsidized

units before NAHASDA and the current need for assisted housing and affordable housing activities. The formula to calculate housing need and affordable housing activities is based on seven factors, including the size of the low-income population, housing quality, and the number of cost-burdened households. The formula divides the low-income population into four different income categories, which together have the greatest influence on funding allocation under the formula. Two additional significant factors in the formula are households that are in overcrowded units or that lack plumbing or kitchen facilities, and households with housing costs that exceed 50 percent.⁵⁰

HUD Indian Housing Programs. IHBG is the largest program that ONAP administers in Indian Country. In 2014, most of the program’s funds (37%) were used to maintain housing built before NAHASDA. The development, acquisition, new construction, reconstruction, or rehabilitation of affordable housing is the second-largest use of funds (31%). Since its implementation in fiscal year 1998, NAHASDA has financed the construction of more than 36,000 affordable units and rehabilitated nearly 72,000 units.⁵¹ A 2009 evaluation of the IHBG

program found that it has improved housing conditions for Native Americans residing in those units; 80 to 90 percent of surveyed households reported satisfaction with their housing, 60 to 80 percent rated their housing as excellent or good, and 60 percent reported that their IHBG-funded housing was less crowded than their previous residence.⁵²

The tribes' use of IHBG development funds indicates a preference for homeownership units over rental units. In its 2016 budget justification, HUD estimates that tribes will construct, acquire, or rehabilitate 4,415 homeownership units compared with 1,380 rental units; from 2003 to 2008, tribes built, acquired, or rehabilitated 3.5 times more homeownership units than rental units.⁵³ According to Karen Diver, chairwoman for the Fond du Lac Band of Lake Superior Chippewa, many younger families “prefer owning for the same reasons everyone [else] does — to accomplish something and build equity.”⁵⁴ Difuntorum explains that in addition to the stability and equity associated

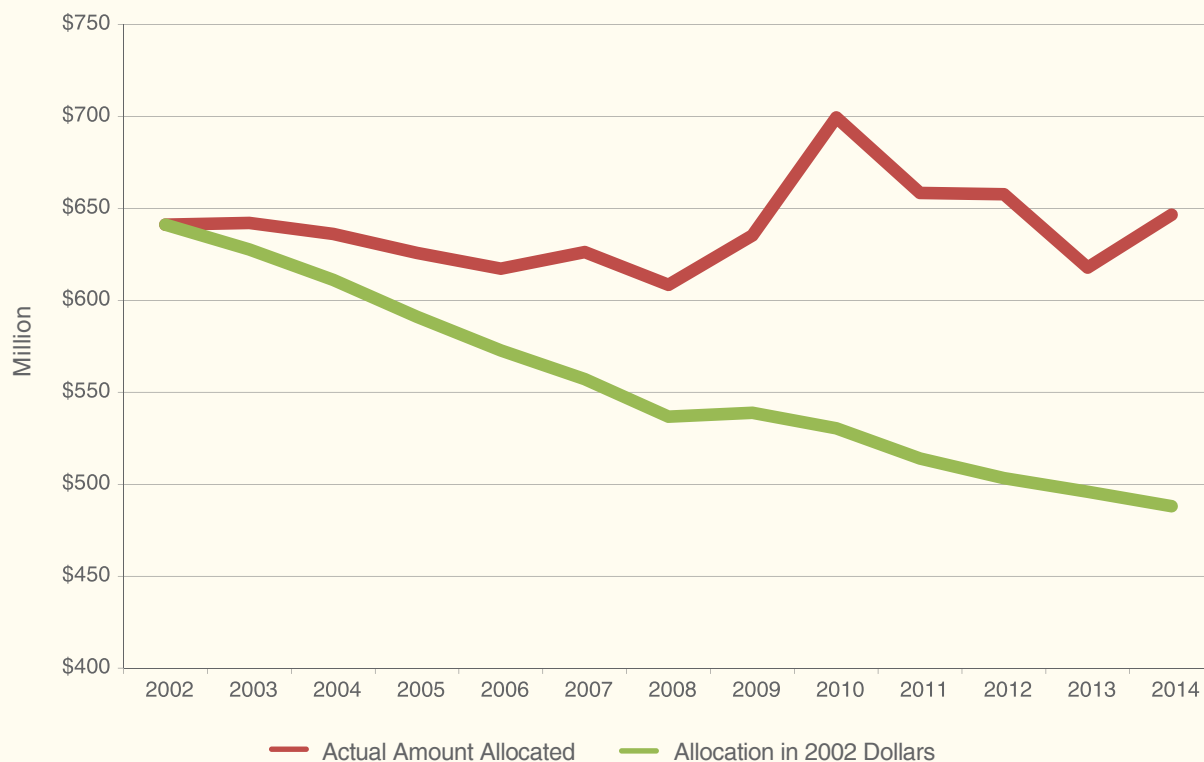
with homeownership, “there is a unique sense of ownership in the well-being of the community” because communities in Indian Country often consist of extended families.⁵⁵ This preference for homeownership may also be a practical consideration; housing directors have noted that rental units, which require continual maintenance, obligate future NAHASDA funding. Homeownership, on the other hand, entails a one-time construction cost for the tribe.⁵⁶ (For more information on tribal homeownership, see “Local Initiatives Promote Homeownership in Indian Country,” p. 22.)

HUD administers three additional programs — the Indian Community Development Block Grant program (which funds a range of community development activities), the Tribal Housing Activities Loan Guarantee Program (Title VI), and the Section 184 Indian Home Loan Guarantee Program — that support housing in Indian Country. The loan guarantee programs are designed to help overcome lenders' reluctance to extend credit. The Section 184 program

provides a 100 percent federal guarantee on loans made to tribes, TDHEs, or tribal members and is not income restricted. More than 27,000 loans totaling more than \$4.46 billion have been made under Section 184, and 2010 HUD data showed that the program has helped more than 11,000 Native American families while maintaining a foreclosure rate below 4 percent.⁵⁷ The Title VI program provides a 95 percent guarantee on loans made to tribes who set aside a portion of their IHBG funds for the loan. A key purpose of the Title VI program, explains Boyd, is to give tribes an opportunity to leverage IHBG funds with other sources of capital to finance affordable housing activities.⁵⁸ Since 2000, the first year of the program, Title VI has guaranteed 80 loans for more than \$200 million.⁵⁹

Benefits of Self-Determination. Self-determination in housing — the ability to identify unique tribal housing issues and the freedom to design and implement housing solutions that meet tribal needs — is a significant reason for tribal support of NAHASDA.⁶⁰ Carol Gore,

Annual IHBG Allocations, 2002–2014



Source: HUD Congressional Budget Justifications, 2002–2014.

executive director of the Cook Inlet Housing Authority in Alaska, says that NAHASDA is “unequivocally the reason for their success,” citing the program’s flexibility and its “vastly less bureaucratic” nature compared with previous initiatives.⁶¹ Through NAHASDA, tribes can implement a diverse range of programs — some of which would not have been eligible under the Housing Act of 1937, such as downpayment assistance (see “Local Initiatives Promote Homeownership in Indian Country,” p. 22), transitional housing, domestic abuse shelters, and revolving loan funds. For example, the Confederated Tribes of Siletz Indians in Oregon developed a rental voucher program that defrays housing costs for low-income tribal members who are attending college. According to Difuntorum, the program would not have been possible before NAHASDA.⁶²

Housing decisions under NAHASDA are also more likely to reflect local conditions. Gore points out that before NAHASDA, HUD built the same type of housing in Alaska and New Mexico despite their vastly different climates.⁶³ Reflecting local and tribal considerations in a housing program enhances its cultural relevancy. Miriam Jorgensen, research director of HPAIED and the Native Nations Institute for Leadership, Management, and Policy, explains that housing programs and infrastructure need to reflect tribal preferences, and housing institutions need to be seen as legitimate in the eyes of tribal members. Failing to include cultural relevancy in housing decisions can disrupt communities. For example, in the 1970s, HUD built suburban-style homes in the Ohkay Owingeh pueblo in New Mexico, a development pattern that “was not culturally appropriate,” says Jorgensen.⁶⁴ Suburban-style homes undermined the communal ties among the people of Ohkay Owingeh, who had lived in homes surrounding a central plaza for hundreds of years. In 2013, residents restored several pueblos, allowing 29 families to return to the more traditional housing environment, as

part of an ongoing plan to restore Ohkay Owingeh’s tribal center, Owe’neh Bupingeh. The restoration plan received the 2013 HUD Secretary’s Opportunity and Empowerment Award.⁶⁵ According to Cornell, this project demonstrates that housing, “when creatively done, can do more than provide homes. It can help restore community life.”⁶⁶

Paucity of Funding. Although NAHASDA is generally seen as an improvement over previous HUD policies, some tribes believe that its funding levels are insufficient to meet the current need for affordable housing. NAHASDA-related funding has failed to keep pace with inflation; Congress appropriated \$587 million for the program in 1998, the first year of funding, and by 2014 that figure had risen to only \$650 million.⁶⁷ Inadequate funding is a serious concern because, as the 2009 evaluation of the IHBG program stated, “[h]istorically, private investment has played little or no role in financing housing in Native communities...result[ing] in federal dollars making up a large portion of total housing resources.”⁶⁸

These funding constraints can make the distribution of money a contentious issue. “Probably the most important issue tackled through negotiated rule-making,” says Sossamon, “has been the development of the formula by which tribes are allocated funds under the IHBG.” Sossamon explains that “the formula is a result of countless discussions among tribal leaders and federal officials which reached a careful balance of tribal interests.”⁶⁹ Some tribal leaders, however, have argued that the formula is based on inaccurate data — on some reservations, for example, the homeless population is notoriously difficult to count — and fails to consider important factors such as the amount of land under tribal control that is suitable for development.⁷⁰ Population counts are also complicated by changes in the way the U.S. Census Bureau collects information on race and ethnicity. The census now allows respondents to identify as multiple races, which has

led some tribes to see large increases in their Native American populations, explains Richardson.⁷¹

HUD and leaders from 23 TDHEs are currently engaged in negotiated rule-making to discuss updates to NAHASDA and have held 6 sessions since August 2013. Committee members were split into two workgroups to cover topics such as the minimum amount of funding available to tribes, funding for maintenance of existing housing, data sources used when calculating funding, and technical definitions. Tribes have tentatively agreed to adopt American Community Survey (ACS) data, which are updated more frequently, but Richardson says that tribal representatives want to explore all possible datasets as well as the challenges involved in using ACS data before they make a final decision.⁷²

Leveraging and Administrative Capacity. Many tribes use their IHBG funds to leverage other state or federal resources, an opportunity that has been identified as a significant improvement over the Housing Act of 1937. Gore states that leveraging has allowed Cook Inlet to nearly triple the amount of housing built annually, from 34 homes per year between 1974 and 1997 to 110 homes per year between 1998 and 2014.⁷³ To encourage leveraging, the reauthorization of NAHASDA in 2008 specifically included it as an acceptable use of IHBG funds and created a leveraging program. The most common sources of funds for leveraging are other HUD programs (such as the Indian Community Development Block Grant program or the Resident Opportunities and Self-Sufficiency program), the Low-Income Housing Tax Credit (LIHTC) program, and U.S. Department of Agriculture rural housing programs.⁷⁴

Some tribes have formed nonprofit organizations to more effectively manage partnerships; such nonprofits offer tribes organizational autonomy, the ability to create and sustain relationships with other nonprofits, a limitation of tribal liability, the ability to serve as a housing developer, and the ability to

receive tax-free gifts.⁷⁵ The historic distrust between tribes and federally sponsored IHAs, however, can leave some tribes reluctant to create independent housing entities, according to attorney Brian Pierson, a specialist in Indian law.⁷⁶ Some tribes have created sophisticated leveraging operations within a TDHE or the housing department of a tribal government.⁷⁷ Leveraging NAHASDA funds with other funding sources, however, does have drawbacks — other sources may require tribes to duplicate work, adding delays and additional costs, and different programs may have complex rules and requirements. When accessing funds from several different programs, tribal housing authorities often need to complete several environmental reviews, which can take years and use up much of the tribe’s housing funds.⁷⁸ Tribes compete for tax credits from their state. Use of LIHTC funding requires the creation of a limited liability partnership and the ability to navigate U.S. Internal Revenue Service regulations and compete for tax credits.⁷⁹

Size is an important factor when it comes to leveraging, administering IHBG funds, and running housing programs. Limited administrative capacity is one of the most commonly identified internal problems, according to a recent U.S. Government Accountability Office report. Smaller tribes, which confront many of the same challenges as larger tribes but draw on significantly smaller populations, may be unable to create dedicated staff positions because their officials must serve in multiple roles.⁸⁰ Pierson, however, argues that the ability to confront these obstacles should not be seen exclusively in terms of capacity, pointing out that consultants knowledgeable about housing development can supplement the smaller staffs of small tribes. Pierson says that support from the tribal leadership and a strong executive director can be more important influences on whether a tribe pursues leveraging. “Often it needs boldness, because something could go wrong,” he says.⁸¹

Institutional Capacity. As tribes assume greater self-governance roles under self-determination policies, the capacities of institutions such as courts, bureaucracies, and legal systems have become important factors in the success of housing programs and the availability of credit for development and homeownership. A CDFI Fund study found that lenders were often unwilling to extend credit because of “[u]ncertain tribal commercial laws and regulations and the absence of an independent judiciary.”⁸² Dimitrova-Grajzl et al. found evidence that the institutional capacity of tribal courts may affect consumer credit, and Parker found evidence that lenders are more likely to extend credit to Native American communities under state jurisdiction because lenders “are less certain about the enforcement of debt contracts under tribal law.”⁸³ In her research on pre-NAHASDA IHAs, Jorgensen found that the existence of independent courts and other dispute resolution mechanisms corresponded to a housing program’s stability. She explains that the existence and enforceability of rules that encouraged people to pay their rent on time allowed IHAs to operate in a more predictable funding environment.⁸⁴

Research by Cornell and Kalt identifies four features of institutions that

are critical to success: stability, the separation of politics from day-to-day program management, the removal of politics from court decisions, and a reliable and efficient bureaucracy. Tribes that have worked to strengthen institutions have seen corresponding improvements in economic development. For example, after engaging in two decades of constitutional reform, the Citizen Potawatomi Nation in Oklahoma succeeded in attracting millions of dollars in investment capital to its business enterprises. Cornell says that although some tribes have not engaged in a systematic update of courts and other government structures, the legal sophistication of tribes overall has improved over the past decade.⁸⁵

Trust Land and the HEARTH Act

In 2012, Congress passed the Helping Expedite and Advance Responsible Tribal Home Ownership (HEARTH) Act, further empowering tribes to exercise their inherent sovereignty over tribal lands.⁸⁶ As stated earlier, tribes have had difficulty developing housing markets and encouraging private investment in Indian Country because of the unique legal environment.⁸⁷ Housing development in Indian Country is often based on long-term leases, an arrangement that protects against the



The Tillamook subdivision was built by the Siletz Tribal Housing Department using the Title VI Loan Guarantee Program.

Robert Smith, Construction Manager



Fond du Lac Band of Lake Superior Chippewa

Members of the Fond du Lac Band of Lake Superior Chippewa Indians and Rep. Rick Nolan cut the ribbon of a supportive housing development for Native American veterans.

continued loss of land to non-Indians but also discourages lending because the underlying land cannot be used as collateral for a mortgage. Federal loan guarantee programs designed to overcome this obstacle are stymied by a lack of local control of the leasing process and restrictions on trust land.⁸⁸ The HEARTH Act grants native nations control over the land leasing process, devolving authority from the federal government to local tribes.

Difficulty Developing Trust Land. Under the Indian Long-Term Leasing Act of 1955, the Secretary of the Interior, acting through BIA, must approve all leases on land held in trust by the federal government or with deed restrictions.⁸⁹ Delays in the leasing process can add costs and uncertainty, hindering lenders and housing developers.⁹⁰ A study by Laderman and Reid showed that loan guarantee programs had a positive, statistically significant impact on credit access, but the impact was small and possibly caused by underlying characteristics of the tribes that implemented the program. For example, the state of a tribe's relationship with BIA may affect the timeliness of lease approvals and the willingness of lenders to

approve loans.⁹¹ Trust land may be more difficult to develop. A HUD evaluation of the Section 184 program found that even with the guarantee that protects mortgages on trust land, 85 percent of individual borrowers and 76 percent of all borrowers (tribes and individuals) were on fee simple land.⁹² Fee simple land can be freely used or transferred by the owner, whereas trust and deed-restricted land need federal approval to be used or sold. Similarly, documents for land titles are typically maintained by BIA through its Land Titles and Records Office (LTRO) rather than by local tribes. Before extending credit, lenders require a title status report from BIA's LTRO detailing any deed restrictions or other encumbrances, which can be time consuming.⁹³ A U.S. Government Accountability Office report on BIA found that the agency's processing time for a report in 2005 was a median of 1.2 years and ranged from as little as 58 days to as long as 19 years. Lenders, however, typically allow borrowers to lock in mortgage rates for only 30 to 60 days while their loan is being processed. Lock-in periods are designed to be long enough to allow the buyer to go to settlement.⁹⁴

The HEARTH Act. Leasing and land titling delays at the federal level have led tribes to assume more control over the process.⁹⁵ With the HEARTH Act, Congress granted tribes the ability to develop and implement their own regulations governing nonmineral leasing on Indian lands without BIA approval as long as the Secretary of the Interior approves the regulations. The act is designed to facilitate improvements to tribal economies and communities by reducing the approval time for leases for homes and small businesses in Indian Country. The HEARTH Act also calls for a review of land titling delays to determine whether expediting the process is possible.⁹⁶

The HEARTH Act grew out of a leasing exception granted to the Navajo Nation through the Navajo Surface Leasing Reform Act of 2000, which the Navajo Nation sought as a means to foster economic development.⁹⁷ In 2006, the Navajo Nation's business site leasing regulations were approved after years of discussions with stakeholders, public hearings, and negotiations with the Department of Interior. In developing its leasing regulations, the Navajo Nation incorporated flexibility by building in waivers and exemptions. According to Karis Begaye, an attorney with the Navajo Nation Department of Justice, the Navajo Nation believed that the rigidity of the old regulations hindered development; therefore, the Navajo sought regulations that could accommodate everyone from manufacturing plants to nonprofits. The tribe managed to reduce the application review time to between 20 and 30 days, resulting in cost savings for local businesses. Between 2007 and 2013, the Navajo Nation has approved more than 100 leases and facilitated the transfer of 200 leases from BIA to the Navajo. Begaye notes that although the leasing terms changed from 99 years to a total of 75 years spread over three terms, many businesses are willing to make the switch because of the reduced regulatory burden under the Navajo system.⁹⁸



Ken Graham Photography

This Mountain View Village duplex was built using Indian Housing Block Grant funding and low-income housing tax credits.

As of June 2014, 21 of 300 eligible tribes (many tribes in Alaska and Oklahoma are not affected by the HEARTH Act) have submitted applications to implement their own leasing regulations, and 12 have been approved.⁹⁹ One possible explanation for the low adoption rates may be the complexity of creating leasing regulations and the inability of tribes with limited resources to dedicate the staff necessary to develop compliant leasing regulations. Some tribes have developed leasing regulations that adhere closely to BIA's model regulations, which Pierson says may expedite the approval process but has the drawback of basing regulations on federal, not tribal, realities.¹⁰⁰ According to Boyd, HUD is providing more technical assistance for tribes that want to develop their own regulations.¹⁰¹

Other tribes may not feel a strong need to adopt leasing regulations under the HEARTH Act if they have already developed workarounds for the leasing and land titling problems. For example,

the Saginaw Chippewa Indian tribe saw an increase in private mortgages on trust land and a housing boom after the tribe established its own LTRO in 2000.¹⁰² The Fond du Lac Band of Lake Superior Chippewa has developed sophisticated and efficient leasing and recording operations on the reservation that serve a similar purpose, explains Diver. The tribe's LTRO has been "up and running for a number of years" and was one of the first to be granted access to BIA's Trust Asset and Accounting Management System, which allows the tribe to electronically maintain and track title documents, contracts, and leases.¹⁰³ All of these innovations help the Fond du Lac Band reduce delays and facilitate housing development.

Remaining Challenges and the Future

Indian Country, Difuntorum points out, is full of both successes and struggles.¹⁰⁴ The policy of self-determination — and legislation that has furthered that policy — has led to notable improvements in

housing and economic development for many native communities.¹⁰⁵ The logic of self-determination policies such as NAHASDA and the HEARTH Act, explains Cornell, is quite simple: "[T]he people who make decisions should feel the consequences of those decisions." This process does not guarantee success, Cornell says, but creates better incentives for success.¹⁰⁶ Previous "one-size-fits-all" approaches failed because federal officials often did not account for the ways Native American communities and environments differ from those in other areas of the country.¹⁰⁷

NAHASDA expired in September 2013; its reauthorization is pending as of March 2015. The next iteration of NAHASDA promises to expand on the self-determination principle in some ways, although not in others. The reauthorization bill removes some duplicate requirements and introduces more spending flexibility. A key stumbling block identified by NAIHC and other housing stakeholders was the cumbersome

environmental review process.¹⁰⁸ An amendment would allow “the environmental review requirements of the Indian housing block grant projects to satisfy any other federal environmental review requirements imposed on agencies involved in the projects.”¹⁰⁹ However, the reauthorization bill retains some requirements that Difuntorum believes intrude on Native American self-governance, such as the Brooke Amendment, which restricts rents to 30 percent of a tenant’s income. Although many housing advocates support the 30 percent rule because it helps to ensure that low-income households have money for additional expenses such as food and healthcare, the rule has a more limiting effect in Indian Country. Households with incomes at or near zero pay little to nothing in rent, limiting the amount of money a housing entity can collect. Under the Housing Act of 1937, other public housing agencies

them achieve their educational and employment aspirations and build “a proud nation of Choctaws.”¹¹¹ Linking housing programs to residential self-sufficiency and economic development is one of the next major challenges for housing development in Indian Country, says Boyd.¹¹² Tribal businesses can also benefit. Within Indian Country, many of the barriers that affect housing development — poor infrastructure, a complex legal environment, and difficulties leasing land and accessing capital — also hinder economic development.¹¹³ Housing programs that improve credit markets by building the creditworthiness of individuals and promoting lending institutions on or near reservations can spur improvements in tribal economies by making it easier for businesses to start or expand.¹¹⁴

As tribal economies grow, many tribes hope to increase the number of

you also take on responsibility,” says Cornell. Part of that responsibility is developing effective governing institutions that are able to adapt solutions to fit local conditions. Cornell points out that, although the process has not always been “smooth,” there has been “growth in institutional knowledge and expertise and creativity in Indian Country that is paying off in capable governments that can pursue tribal objectives and aspirations.”¹¹⁶ Having achieved the right to self-governance in many respects, tribes are now undergoing the long-term process of improving their tribal constitutions, developing the rule of law, and enhancing the capacities of legal professionals such as judges and lawyers. In improving these institutions, tribes are retaining the same element of self-determination — Native Americans deciding for themselves what does and does not work — that can fuel innovative and culturally relevant solutions in housing development.¹¹⁷ **EM**

Flexibility in program design is a key aspect of self-determination policy, enabling tribes to tailor housing assistance to local need and promote residential self-sufficiency goals.

receive support for maintenance and operations that offsets this loss of money, but under NAHASDA, tribal housing authorities do not receive additional financial support. Difuntorum argues that eliminating the rule would grant tribes more flexibility to decide how to distribute assistance among tribal members.¹¹⁰

Flexibility in program design is a key aspect of self-determination policy, enabling tribes to tailor housing assistance to local need and promote residential self-sufficiency goals. Sossamon believes “we can just treat the symptoms or we can find the cure. And the cure is empowering our own members to be successful.” He says that Choctaw housing programs work with residents to help

housing options for different income groups. Pierson says that middle-income housing, a low priority for years, has become a concern for some tribes as more Native Americans return to reservations to take advantage of new job opportunities and want to live in their communities. To expand the range of housing opportunities, tribes may need to incorporate solutions from other tribes and from beyond Indian Country. Gore explains that an important factor in the Cook Inlet Housing Authority’s success was exposure to different housing ideas: “Go out and find different ideas and put them through your own filter, but use inputs from all over.”¹¹⁵

Many tribal leaders are beginning to realize that “when you take on power,

¹ Dana Tell and Axton E. Betz. 2012. “Housing Issues and Solutions for the Residents on the Pine Ridge Reservation, South Dakota,” *Journal of Consumer Education* 29, 71.

² Kathryn L.S. Pettit, G. Thomas Kingsley, Jennifer Biess, Kassie Bertumen, Nancy Pindus, Chris Narducci, and Amos Buddle. 2014. *Continuity and Change: Demographic, Socioeconomic, and Housing Conditions of American Indians and Alaska Natives*, prepared for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research, Washington, DC: Government Printing Office, 61; 64.

³ Brian Pierson. 2010. “Developing Affordable Housing In Indian Country,” *Journal of Affordable Housing* 19:3&4, 367; Stephen Cornell and Joseph P. Kalt. 2010. “American Indian Self-Determination: The Political Economy of a Successful Policy,” Native Nations Institute for Leadership, Management, and Policy and The Harvard Project on American Indian Economic Development.

⁴ Cheryl Causley. 2013. “Identifying Barriers to Indian Housing Development and Finding Solutions,” U.S. Senate Committee on Indian Affairs, 113th Congress, 10 April testimony; Harvard Project on American Indian Economic Development (Harvard Project). 2008. *The State of the Native Nations: Conditions under U.S. Policies of Self-Determination*, New York: Oxford University Press, 253.

⁵ U.S. Bureau of Indian Affairs. “Frequently Asked Questions” (www.bia.gov/FAQs/index.htm). Accessed 20 January 2015; Janeen Comenote. 2009. “No Home in Indian Country,” *Poverty & Race* November/December Issue; Samuel Cook. 1994. “What is Indian Self-Determination?” *Red Ink* 3:1, 23–6.

⁶ Cornell and Kalt, 5; U.S. Department of the Interior. 2010. “Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs,” *Federal Register* 75:190 (October 1), 60810.

⁷ U.S. Census Bureau. “ACS Demographic and Housing Estimates,” 2013 American Community Survey 1-Year Estimates; Pettit et al., 13–8.



Ken Graham Photography

The Park Place Village in the Mountain View area of Anchorage, Alaska was developed by the Cook Inlet Housing Authority and includes first-floor retail.

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¹¹ Housing Assistance Council. 2013. "Housing on Native American Lands," 7.

¹² Causley, 18.

¹³ Pettit et al., 61.

¹⁴ Paul Iron Cloud. 2010. "Innovative Solutions to Addressing Housing Needs in Our Indian Communities," U.S. Senate Committee on Banking, Housing, and Urban Affairs and the Senate Committee on Indian Affairs, 111th Congress, 25 April testimony, 11.

¹⁵ Ibid; U.S. Senate Committee on Indian Affairs. 2014. "Reauthorizing the Native American Housing Assistance and Self-determination Act of 1996, and for other purposes," 113th Congress, Senate Report: 113-152, 2–3; Donovan; Cheryl Causley. 2010. "Innovative Solutions to Addressing Housing Needs in Our Indian Communities," U.S. Senate Committee on Banking, Housing, and Urban Affairs and the Senate Committee on Indian Affairs, 111th Congress, 25 April testimony, 16–18; U.S. Commission on Civil Rights. 2003. "A Quiet Crisis: Federal Funding and Unmet Needs In Indian Country," 62.

¹⁶ Russell Sossamon. 2013. "Identifying Barriers to Indian Housing Development and Finding Solutions," U.S. Senate Committee on Indian Affairs, 113th Congress, 10 April testimony, 36.

¹⁷ Cornell and Kalt; Pettit et al., 30–1; xv.

¹⁸ Interview with Sami Jo Difuntorum, 30 December 2014.

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²⁴ Federico Burlon and Richard M. Todd. 2009. "Homeownership gaps among Indian reservations prove puzzling," *CommunityDividend*, 2.

²⁵ Harvard Project, 103; CDFI, 7; 15; 30–1; Indian Land Tenure Foundation. "Fractionated Interest" (www.iltf.org/land-issues/fractionated-ownership). Accessed 10 February 2015; U.S. Bureau of Indian Affairs, "Frequently Asked Questions"; Cornell and Kalt, 3.

²⁶ Elizabeth Laderman and Carolina Reid. 2010. "Mortgage Lending on Native American reservations: Does a guarantee matter?" *Journal of Housing Economics* 19:3, 233–242; Russell Sossamon. 2010. "Innovative Solutions to Addressing Housing Needs in Our Indian Communities," U.S. Senate Committee on Banking, Housing, and Urban Affairs and the Senate Committee on Indian Affairs, 111th Congress, 25 April testimony, 35; First Nations Development Institute. 2008. "Borrowing Trouble: Predatory Lending in Native American Communities," 14–6.

²⁷ U.S. Bureau of Indian Affairs, "Frequently Asked Questions"; Joseph P. Kalt and Joseph William Singer. 2014. "Myths and Realities of Tribal Sovereignty: The Law and Economics of Indian Self-Rule," Harvard Project, 7–10; Manley A. Begay, Jr., Stephen Cornell,

Miriam Jorgensen, and Joseph P. Kalt. 2007. "Development, Governance, Culture: What Are They and What Do They Have to Do with Rebuilding Native Nations?" in *Rebuilding Native Nations: Strategies for Governance and Development*, Miriam Jorgensen, ed. Tucson: University of Arizona Press, 36–7; U.S. Commission on Civil Rights, 62; Cook, 23–6.

²⁸ U.S. Bureau of Indian Affairs. "Indian Self-Determination and Education Assistance Act, as Amended," 2. (www.bia.gov/cs/groups/mywscsp/documents/collec-tion/idc017334.pdf). Accessed 5 February 2015.

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³⁰ Harvard Project, 105; Pierson 2010, 374–5; Housing Assistance Council, 7.

³¹ Charles Wilkinson. 2005. *Blood Struggle: The Rise of Modern Indian Nations*, New York: W. W. Norton & Company, 57; Robert McCarthy. 2004. "The Bureau of Indian Affairs and the Federal Trust Obligation to American Indians," *BYU Journal of Public Law* 19:1, 145.

³² G. Alan Tarr. 2006. "Symmetry and Asymmetry in American Federalism," Center for State Constitutional Studies, 7; McCarthy, 5.

³³ Wilkinson, 57.

³⁴ Kalt and Singer, 1–2.

³⁵ Randall Akee and Jonathon Taylor. 2014. "Social and Economic Change on American Indian Reservations: A Databook of the US Censuses and the American Community Survey 1990–2010."

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³⁷ Cornell and Kalt 2005, 12–4.

³⁸ Kalt and Singer, 2; Ho-Chunk, Inc. "Ho-Chunk Today" (hochunkinc.com/today.html). Accessed 29 January 2015; Ho-Chunk, Inc. "History" (hochunkinc.com/history.html). Accessed 29 January 2015; Mississippi Band of Choctaw Indians. "Economic Development History" (www.choctaw.org/government/development/economicDevHistory.html). Accessed 20 January 2015.

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⁴⁴ U.S. Commission on Civil Rights, 53; U.S. Government Accountability Office 2010, 10; Harvard Project, 113.

⁴⁵ U.S. Government Accountability Office 2010, 6; U.S. Department of Housing and Urban Development. "NAHASDA" (portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/ih/codetalk/

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- ¹¹⁷ Interview with Miriam Jorgensen; Cornell and Kalt 2010.

Who Counts? Identifying Native American Populations

Statisticians have long struggled to obtain accurate data on American Indian and Alaska Native (AIAN) populations.¹ There are significant logistical barriers to measurement in Indian Country. In general, counting populations in sparsely populated rural areas is difficult and time intensive. Researchers also must consider the tribes' unique cultural contexts, such as the complex and evolving nature of American Indian identity. These challenges hinder the development of evidence-based policy for these populations and also can have direct financial consequences for tribes. For example, HUD distributes about \$650 million annually to more than 580 tribes through the Indian Housing Block Grant, largely based on proportional need as demonstrated from census data.

New developments in data collection activities, however, may provide better national and local data on AIAN populations. At a national level, the U.S. Census Bureau has implemented new practices to improve the accuracy of counts provided through the ongoing American Community Survey (ACS). At the local level, tribes have demonstrated that performing their own studies, often in partnership with research institutions, can enable key insights. For example, this article highlights an initiative in Minnesota, where tribes have partnered with researchers to perform high-quality studies of homelessness and near-homelessness. These studies led agencies to reconsider their approach to tribal housing and helped the tribes develop and evaluate their own homelessness plans. The studies also drove major investments in tribal housing; for

- Logistical and cultural barriers can impede data collection in Indian Country.
- Improvements in federal census methodology could improve the accuracy of federal data on American Indian and Alaska Native communities.
- Participatory research, in which external investigators partner with tribal communities, is essential to produce data relevant to tribes' unique needs.

every dollar spent on the studies, \$28 of housing development occurred.

Prospective Improvement in Federal Data on American Indians

Data Challenges. For at least the past century, advocates and policymakers have recognized problems with AIAN population statistics. The 1928 *Meriam Report* — the first major survey of Indian Country in nearly a hundred years — illustrated the consequences of federal policy failures and sparked reforms. The *Report's* author commented that “[t]he lack of adequate accurate statistics and records regarding the Indians and the work done in their behalf [had] constituted a real handicap” to the preparation of the report.²

Comparing AIAN counts across time is difficult. The meaning of “American Indian and Alaska Native” to census respondents has evolved, and the Census Bureau has changed its methodology. In each census since 1960, hundreds of thousands of people have joined the AIAN population count by changing how they identify themselves, not through birth or immigration (fig.1).³

In 1960, the census first relied on racial self-identification in some areas. In 1980, the Census Bureau began to allow self-identification in *all* areas surveyed, which may explain the large jump in the AIAN population count from 1970 to 1980. Today, the census uses a broad description for the “American Indian or Alaska Native” category, defining it

to include any person “having origins in any of the original peoples of North and South American (including Central America) and who maintains tribal affiliation or community attachment.”⁴

The 2000 census is illustrative. Before 2000, census respondents could select only one race. From 2000 onward, respondents could select multiple races. In 2000, more than 4 million people checked the “American Indian or Alaska Native” box compared to about 2 million in 1990. At the same time, the count of respondents who selected *only* “American Indian or Alaska Native” in 2000 increased to about 2.5 million. According to Lieber and Ortyl, a million Americans reported a race other than American Indian in 1990 and subsequently added American Indian as an additional race or switched to *only* American Indian in 2000.⁵

These trends imply changing views of American Indian identity alongside other demographic trends. For example, young female Latino American Indians and American Indians with some college education were disproportionately likely to join the AIAN population in 2000.⁶ As ACS data on ethnicity reveal, the proportion of the AIAN population identifying as Hispanic has increased dramatically over the past 30 years. In 1990, 8.4 percent of people who selected only AIAN also identified as Hispanic. By 2010, that figure had risen to 23 percent.⁷ People who identify as both Hispanic and AIAN also tend to live in different areas than do those

identifying as non-Hispanic AIAN; Hispanic AIANs are less likely to live in tribal areas or surrounding counties and are more likely to live in metropolitan areas.⁸

New research considering the 2000 and 2010 census also demonstrates that people who changed their race responses to add or drop AIAN identification differ demographically from those who consistently identified as AIAN. Those who consistently identified as AIAN were more likely to report that they were members of a tribe, lived in an American Indian area, were of American Indian ancestry, and lived in the West.⁹ Those who joined the AIAN population in 2010 and those who left were demographically similar; in fact, among Hispanic and multiple-race American Indians, “joiners” and “leavers” far outnumbered those who consistently identified themselves as AIAN.¹⁰ As a result, even comparisons of census counts that consider cross-sectional characteristics of respondents do not fully capture the turnover within the AIAN population from census to census.

Improvements to the American Community Survey. A decade ago, the Census Bureau began collecting data continuously through the American Community Survey, which supplements the long-standing decennial census. The Census Bureau developed the ACS to provide more current data, more efficient collection, and better census coverage.¹¹ The ACS also enables the Census Bureau to add new data products — such as new or changed questions — every year rather than every 10 years.

The ACS primarily differs from the decennial census in that the ACS surveys only a sample of Americans, provides estimates every year, and captures a much broader range of data. In comparison, the decennial Census attempts to survey the entire population every 10 years and asks just a few questions: name, sex, age, date of birth, race, ethnicity, relationship, and housing tenure.¹²

Before implementing the ACS, the Census Bureau supplemented the decennial census by sending longer questionnaires to one-sixth of U.S. households. These long-form questionnaires asked for more detailed socioeconomic information than did the usual short-form questionnaire. The Census Bureau discontinued these long-form questionnaires with the introduction of the ACS, which now collects this supplementary information.

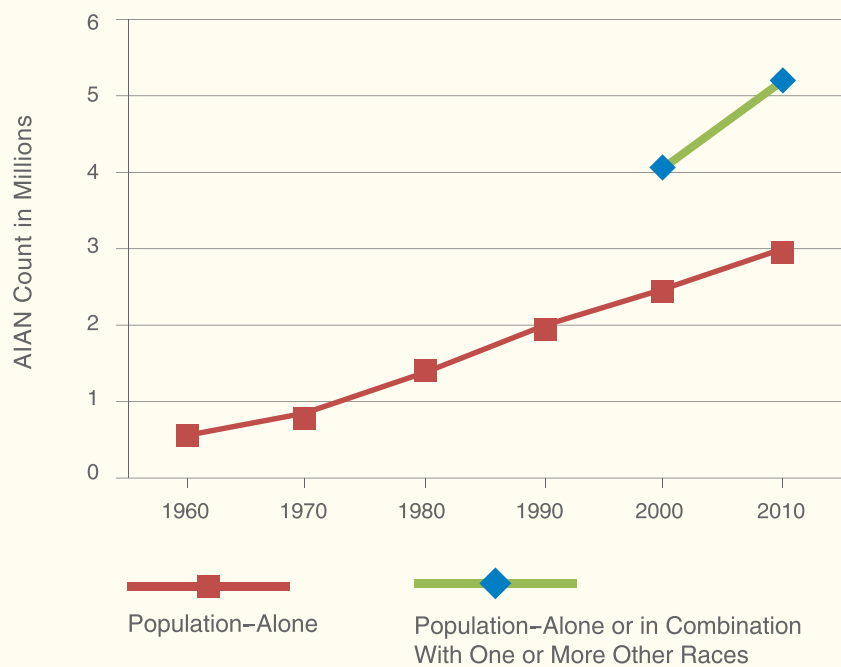
With the ACS, detailed demographic data are now available annually for some areas. As a result, the ACS can help researchers, policymakers, and advocates to better understand social trends and challenges in these communities.

For smaller communities, however, ACS data are available only in three- or five-year estimates. Many tribal

communities’ data are provided as five-year estimates. The Census Bureau does not provide single-year data on these areas because the sample sizes are too small to provide accurate estimates with only a year’s data.¹³ Because surveying is expensive, reducing the ACS sample size is a necessary tradeoff for obtaining more detailed data more regularly. The sample sizes used in the ACS, however, have generated concerns about how accurately the ACS measures AIAN counts.

Concerns With ACS AIAN Counts. After the ACS was implemented, critics asserted that the data undercounted the AIAN population. Norm DeWeaver of the National Congress of American Indians wrote, for example, that the new data appeared to be “missing substantial numbers of people who identify as only

Figure 1. Decennial Census Count of American Indian and Alaska Native Population



Sources: Tina Norris, Paula L. Vines, and Elizabeth M. Hoeffel. 2012. “The American Indian and Alaska Native Population: 2010,” U.S. Census Bureau (www.census.gov/prod/cen2010/briefs/c2010br-10.pdf). Accessed 16 April 2015; Campbell Gibson and Kay Jung. 2002. “Historical Census Statistics on Population Totals By Race, 1790 to 1990, and By Hispanic Origin, 1970 to 1990, for the United States, Regions, Divisions, and States,” Working Paper Series #56, U.S. Census Bureau (www.archive.org/web/20141224151538/http://www.census.gov/population/www/documentation/twps0056/twps0056.html). Accessed 16 April 2015.



The Johnson family is ready to move into their new home built by the Cook Inlet Housing Authority.

American Indian or Alaska Native, particularly youth,” at both the national level and in local areas. DeWeaver also noted that the ACS’ sample size was much smaller than that of the old long-form census questionnaire. Initially, the ACS sampled three million households each year compared to a sample size of one-sixth of American households in the long-form census supplement.¹⁴ Using a smaller sample size could render the ACS less accurate. Patrick C. Cantwell of the Census Bureau asserts, however, that within the ACS’s sample size, the response rates in AIAN areas from 2005 to 2012 were “very good.”¹⁵ Higher response rates improve a survey’s accuracy.

Carol Chiago Lujan, a professor of American Indian Studies at Arizona State University, describes three common explanations for undercounts of AIAN populations.¹⁶ First, members of Indian populations often hold a relatively fluid view of residence and move frequently between on- and off-reservation housing.¹⁷ For example, as Jojola comments, Indians who live in urban areas often move between their urban neighborhoods and their

reservations.¹⁸ Second, Lujan notes that American Indians may resist responding to the census because they distrust the government and fear losing government assistance. Third, there may be methodological issues with the data collection. The biggest problem, according to Lujan, is defining what it means to be “Indian.”¹⁹ As Snipp writes, “for some groups such as American Indians, racial and ethnic identity is an extremely complex phenomenon which has the potential to be highly variable.”²⁰ Different views of identity lead to both large increases in population, as appeared in the 2000 census, and undercounts.

Beginning in 2011, the Census Bureau improved the ACS’ methodology by expanding the size of the sample and increasing followup in AIAN communities. The initial ACS sample increased from 3 million to 3.54 million addresses annually and increased the sampling rates for the smallest areas. The census also began to follow up every nonresponding, nonmailable address with a personal visit in areas with an estimated American Indian population greater than 10 percent, all Alaska Native Village areas, and all Hawaiian

Home Lands. These improvements first appeared in the 2007–2011 data. But because many areas with significant AIAN populations are sparsely populated and receive only five-year ACS estimates, the full-impact of these changes will be apparent only after five full years of data collection, in the 2012–2016 estimates.²¹

Moving forward, a Census Bureau working group has recommended additional steps to improve ACS counts of small populations. Critically, the group advised that the Census Bureau should regularly consult with American Indian tribes and Alaska Natives about the ACS.²²

Tribal Surveys: Surveying Homeless Populations in Indian Country

Surveys performed by tribal communities can provide vital data as a complement or an alternative to federal census data. These surveys also show the value of participatory research. When investigators work with communities as active partners, they are able to obtain data that are relevant to the communities’ needs and conscious of unique local contexts.²³

In 2009, the Navajo Housing Authority conducted a comprehensive custom survey of housing needs in the Navajo Nation. The Housing Authority surveyed more than 31,000 individuals and partnered with a group of consulting firms to analyze the data.²⁴ The subsequent needs assessment illuminated the Navajo Nation's demographics, residents' housing preferences, and factors that affect citizens' housing needs. For example, the analysis included a customized affordability index to take into account unique local economic, fiscal, and cultural conditions. The assessment also made recommendations to respond to these findings, which included the identified need for 34,100 new housing units.

Beginning in 2012, five North and South Dakota tribes partnered with Big Water Consulting to perform the Dakota Housing Needs Assessment Pilot Project.²⁵ The Project included a household survey to collect housing needs data, which the tribes could use

to make independent census challenges under NAHASDA, as well as a homelessness count on four of the reservations. On the Wind River Reservation in Wyoming, the Eastern Shoshone and Northern Arapaho Tribes collaborated with the University of Wyoming on a 2010 study, WINDS III (Wind River Indian Needs Determination Study). WINDS III considers a number of topics, including labor force status and poverty. On the Nez Perce reservation in Idaho, tribal agencies have partnered to survey resident American Indians on employment conditions.²⁶

In Minnesota, an ongoing partnership between tribal nations and researchers has achieved key findings regarding tribal homelessness and near-homelessness. The process by which the tribes and researchers have worked together and the results of their work demonstrate how participatory research can enable new insights and better policy.

Challenges in Homeless Data Collection in Indian Country. Measuring the extent of homelessness is an essential step toward combating it.²⁷ In Indian Country, performing accurate surveys of homeless populations poses unique challenges, which has likely resulted in the systemic undercounting of tribal homelessness.²⁸ For example, as in many rural areas, near-homelessness is common in Indian Country; many individuals double-up in overcrowded residences but may not consider themselves homeless.²⁹ We know the need is substantial — national data indicate that American Indian, Alaska Native, and Native Hawaiian people are both at high risk for homelessness and account for a disproportionate share of the homeless population.³⁰

Collecting data on rural homelessness is difficult. Surveying costs increase when population density is low. The very nature of rural homelessness also poses challenges. In rural areas, homelessness often is so deeply intertwined

GIS Data Mapping

Tribes have increasingly used geographic information systems (GIS) mapping to obtain place-based information and inform planning and policy. Successful methods bridge cultural differences between Native American ways of knowing and European-inspired viewpoints.¹

Examples include:

- The Bois Forte Reservation tribal council planning department has implemented GIS to track and manage land ownership, including the reacquisition of trust lands. Community members helped determine how to categorize sites. For example, maple sugaring areas, berry-picking and medicinal-plant-gathering areas, and osprey nests were included as cultural and historic sites.²
- In New Mexico, tribal youth in the Ohkay Owingeh tribe were trained in GPS and GIS methods, which they used to perform field documentation of the historic core of the pueblo. This work helped evaluate more than 60 homes for rehabilitation.³
- The Mojave Indian Tribe has a Tribal GIS Department supported by funding from the U.S. Department of Health and Human Services and the Bureau of Indian Affairs. The tribe has used GIS for a tax-credit housing project, easements, roads, and long-term planning in the areas of land use and transportation.⁴

¹ See Ray A. Williamson and Jhon Goes In Center. 2001. "Using Geospatial Technologies to Enhance and Sustain Resource Planning on Native Lands," *Photogrammetric Engineering and Remote Sensing* 67:2, 167–9.

² Laura Smith. 2008. "Indigenous Geography, GIS, and Land-Use Planning on the Bois Forte Reservation," *American Indian Culture and Research Journal* 32:3, 139–51.

³ Tribal GIS. "2012 National Tribal GIS Conference: Presenters and Abstracts" (www.tribalgis.com/PDF/2012%20National%20Tribal%20GIS%20Conference%20Presenters%20and%20Abstracts.pdf). Accessed 13 April 2015.

⁴ Fort Mojave Indian Tribe. "GIS" (mojaveindiantribe.com/gis/). Accessed 22 October 2014.

with poverty that the two issues are indistinguishable. The national Point-in-Time counts, which estimate national homelessness, do not include people who live in doubled-up households.³¹

Homeless surveys in Indian Country face additional barriers. As the Housing Assistance Council comments, residents are often reluctant to participate in census surveys because they distrust the government or because they have been studied so frequently in the past.³² Moreover, conducting accurate homelessness surveys on Native American lands requires cultural competency, such as an understanding of sovereignty and the many historical and contemporary

among American Indians on tribal lands.³³ Tribal leaders and researchers formed the partnership after the state of Minnesota found that its Point-in-Time counts did not include tribal communities.³⁴ Two more surveys followed, with the most recent survey conducted in 2012 and published in 2014.³⁵

These studies have demonstrated best practices in survey methods for research on tribal homelessness as well as for participatory research more broadly. The Housing Assistance Council and the Corporation for Supportive Housing have developed an evidence-based toolkit, *Conducting Homeless Counts on Native American Lands*, which draws from the studies' process.³⁶

The Minnesota studies demonstrate the importance of strong relationships between tribes and researchers. In their work, researchers must respect and understand tribal sovereignty and the tribal context. *Conducting Homeless Counts* recommends that researchers conduct outreach to appropriate tribal leaders and staff, act as a liaison between tribal departments, and keep the tribal government and larger tribal community informed and engaged.³⁷ According to Nicole MartinRogers and Ellen Shelton of Wilder Research, researchers should recognize that these processes take time and should account for that time and costs as they plan.³⁸ As MartinRogers and Shelton also point out, these relationships are what allow the surveys to happen in the first place.³⁹

Tribes and researchers should design the surveys collaboratively. Chairwoman Karen Diver of the Fond du Lac Band of Lake Superior Chippewa, one of the six participating communities, emphasizes that tribal participation ensures that the surveys are culturally competent.⁴⁰ Diver notes that the tribal leaders, including staff with direct service responsibilities, partnered directly with Wilder Research.⁴¹ Together, they built a study that addressed unique aspects of the tribal context, from the survey's design to its implementation.⁴²

The studies should respond to the tribes' unique needs.⁴³ In particular, MartinRogers and Shelton recommend that researchers adapt their definition of homelessness to capture the information that tribes need.⁴⁴ The Minnesota studies include a count of doubled-up households, which typically would not be included under HUD's definition of homelessness. Surveyors can collect the data in a way that also provides counts under the more restrictive definition of homelessness, such as for HUD's Point-in-Time survey.⁴⁵ The Minnesota studies captured data that were comparable to Wilder Research's triennial statewide survey of homeless people and Point-in-Time counts.⁴⁶

Tribes can overcome barriers to data collection by directly overseeing the implementation of the surveys. As MartinRogers and Shelton point out, tribes can leverage key insights and experience to effectively perform the surveys on the ground.⁴⁷ The Fond du Lac Band, for example, implemented the survey through local health workers and volunteers from local universities.⁴⁸ The Band intentionally did not use social workers, so that residents would not fear that their survey responses would be used for other purposes.⁴⁹

The Impact of Data. In Minnesota, access to detailed and accurate homelessness data enabled the public and policymakers to better understand housing insecurity and homelessness on reservations. For example, the 2012 survey revealed that overcrowding in the surveyed communities had worsened since the 2006 survey. The surveys have positively influenced how public agencies interact with the tribes and have demonstrated that tribes themselves must lead solutions. After the initial survey was published, the Minnesota Housing Finance Agency realized the need to proactively involve tribes in decisionmaking and to include them in competitive funding opportunities.⁵⁰ Diver comments that the surveys spurred the Agency to invest in its long-term institutional competency in tribal communities.⁵¹



Ken Graham Photography

Expanded and more accurate data on AIAN communities can better inform policy and outcomes.

violations of sovereignty that form the current tribal context.

Best Practices in Survey Methods. Tribes and researchers in Minnesota have partnered successfully over the past decade to study tribal homelessness. In 2006, six Tribal Nations partnered with the Corporation for Supportive Housing, Wilder Research, and public agencies to perform the first survey investigating the scope and scale of homelessness and near-homelessness

The tribes have used the survey data, along with other information, to develop and evaluate their own plans to end homelessness.⁵² These plans are aligned with the Minnesota state and regional homelessness plans.⁵³ Although the tribes signed memorandums of understanding that Wilder Research would only publish aggregated data for all six communities, each tribe also received its individualized data.⁵⁴ For the tribes themselves, who had long worked together on housing issues, the survey presented the first opportunity to cross-collaborate to address the common needs of homeless people on Minnesota reservations.⁵⁵

The surveys have helped the tribes to secure funding to address their demonstrated housing needs. After the initial survey was published, the Minnesota Housing Finance Agency prioritized tribal housing projects in its next three cycles.⁵⁶ In the first three years after the 2006 study, the six participating tribes subsequently leveraged a total of \$30 million for supportive housing. Each dollar spent on the study generated more than \$28 in housing development.⁵⁷

Conclusion

Expanded and more accurate data can inform better policy and better outcomes. Given the historical context, it is particularly critical to improve data concerning AIAN communities. Looking forward, improvements in the ACS could lead to a better understanding of tribal communities and their needs, driving more effective policy decisions and directing funding where it is needed most. The data can also help us understand changes in how people identify themselves. In Minnesota, the tribal homelessness and near-homelessness surveys have had a tremendous impact. The studies have fostered better local planning, new housing developments, and a greater commitment by policymakers to understand and respond to tribal needs. Investments in data, as well as in relationships with the communities

concerned, can bring tremendous returns. [EM](#)

— Chase Sackett, *HUD Staff*

¹ Carolyn A. Lieber and Timothy Ortyl. 2013. "More Than a Million New American Indians in 2000: Who Are They?" U.S. Census Bureau.

² Lewis Meriam. 1928. "The Problem of Indian Administration," Institute of Government Research.

³ Lieber and Ortyl.

⁴ U.S. Census Bureau. 2009. "A Compass for Understanding and Using American Community Survey Data: What Users of Data for American Indians and Alaska Natives Need to Know," U.S. Department of Commerce.

⁵ Lieber and Ortyl.

⁶ Ibid.

⁷ Kathryn L.S. Pettit, G. Thomas Kingsley, Jennifer Biess, Kassie Bertumen, Nancy Pindus, Chris Narducci, and Amos Buddle. 2014. "Continuity and Change: Demographic, Socioeconomic, and Housing Conditions of American Indians and Alaska Natives," U.S. Department of Housing and Urban Development.

⁸ Ibid.

⁹ Carolyn A. Lieber, Renuka Bhaskar, and Sonya Rastogi. 2014. "Dynamics of Race: Joining, Leaving, and Staying in the American Indian/Alaska Native Race Category between 2000 and 2010," Center for Administrative Records Research and Applications Working Paper #2014-10, U.S. Census Bureau.

¹⁰ Ibid.

¹¹ U.S. Census Bureau. 2006. "Design and Methodology: American Community Survey," Technical Paper 67.

¹² U.S. Census Bureau. "American Community Survey" (www.census.gov/history/www/programs/demographic/american_community_survey.html). Accessed 16 January 2015.

¹³ U.S. Census Bureau 2009.

¹⁴ Norman DeWeaver. 2010. "The American Community Survey: Serious Implications for Indian Country," National Congress of American Indians Policy Research Center.

¹⁵ Michael D. Starsinic. 2014. "American Community Survey Response and Nonresponse Rates for American Indian and Alaska Native Geographic Areas," U.S. Census Bureau.

¹⁶ Carol Chiago Lujan. 2014. "American Indians and Alaska Natives Count," *American Indian Quarterly* 38:3, 319–41; 408–9.

¹⁷ Ibid.

¹⁸ Theodore S. Jojola. 2001. "Profiling the Native American Community in Albuquerque: Assessing the Impacts of Census Undercounts and Adjustments," U.S. Census Monitoring Board.

¹⁹ Lujan.

²⁰ Matthew Snipp. 1989. "Who Are American Indians? Some Observations about the Perils and Pitfalls of Data for Race and Ethnicity," *Population Research and Policy Review* 5, 237–52.

²¹ U.S. Census Bureau. "2011 American Community Survey Improvements" (www.census.gov/acs/www/about_the_survey/2011_acs_improvements/). Accessed 13 November 2014.

²² National Advisory Committee on Racial, Ethnic, and Other Populations. 2014. "Small Populations in the American Community Survey Working Group Report," U.S. Census Bureau.

²³ Sally M. Davis and Raymond Reid. 1999. "Practicing Participatory Research in American Indian Communities," *American Journal of Clinical Nutrition* 69(suppl.), 755S–9S.

²⁴ RPI Consulting, Jones Payne Group, Native Home Capital, and Alternative Marketing Solutions. 2011. "Phase II Housing Needs Assessment and Demographic Analysis" (www.hooghan.org/component/k2/item/357-2011housing-needs-assessment). Accessed 13 April 2015.

²⁵ Big Water Consulting. "Dakota Housing Needs Assessment" (bigwaterconsulting.net/project/dakota-housing-needs-assessment-pilot-project/). Accessed 13 April 2015.

²⁶ DeWeaver.

²⁷ See U.S. Department of Housing and Urban Development, Office of Policy Development and Research. 2012. "Using Data to Understand and End Homelessness," *Evidence Matters* (Summer), 11–6.

²⁸ Housing Assistance Council. 2013. "Conducting Homeless Counts on Native American Lands: A Toolkit" (www.ruralhome.org/storage/documents/rpts_pubs/na_homeless_count_toolkit.pdf). Accessed 13 April 2015.

²⁹ Sarah Gehrig, Nicole MartinRogers, and Ellen Shelton. 2014. "2012 Study: Homelessness and Near-Homelessness on Minnesota Indian Reservations"; See also Paula W. Dail, Mack C. Shelley, II, and Scott T. Fitzgerald. 2000. "Methodologies for Examining Homelessness and Their Application to a Mandated Statewide Study," *Policy Studies Journal* 28:2, 421–44.

³⁰ United States Interagency Council on Homelessness. 2012. "Expert Panel on Homelessness among American Indians, Alaska Natives, and Native Hawaiians."

³¹ Eric Oberdorfer and Leslie Strauss. 2013. "Counting Better: A Step Toward Addressing Native American Homelessness," *Rooflines* (21 January).

³² Housing Assistance Council.

³³ Corporation for Supportive Housing. "Minnesota American Indian Homelessness Survey" (www.csh.org/csh-solutions/serving-vulnerable-populations/native-americans/local-work-with-native-americans/minnesota-american-indian-homelessness-survey/). Accessed 7 November 2014.

³⁴ Interview with Karen Diver, chairwoman of the Fond du Lac Band of Lake Superior Chippewa, 26 February 2015.

³⁵ Gehrig et al.

³⁶ Housing Assistance Council 2013.

³⁷ Ibid.

³⁸ Interview with Nicole MartinRogers and Ellen Shelton, Wilder Research, 20 November 2014.

³⁹ Ibid.

⁴⁰ Interview with Karen Diver.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Interview with Nicole MartinRogers and Ellen Shelton.

⁴⁷ Ibid.

⁴⁸ Interview with Karen Diver.

⁴⁹ Ibid.

⁵⁰ Interview with Karen Diver.

⁵¹ Ibid.

⁵² Interview with Nicole MartinRogers and Ellen Shelton.

⁵³ Ibid.

⁵⁴ Interview with Karen Diver.

⁵⁵ Ibid.

⁵⁶ Interview with Karen Diver.

⁵⁷ Interview with Nicole MartinRogers and Ellen Shelton.

Local Initiatives Promote Homeownership in Indian Country

Residents of Indian Country face a diverse set of housing challenges, including overcrowding, high cost burdens, and a lack of affordable, high-quality housing options for both renters and homeowners (see “Obstacles, Solutions, and Self-Determination in Indian Housing Policy, p. 1). Tribal governments, tribally designated housing entities, community development financial institutions (CDFIs), and other stakeholders are addressing these challenges by rehabilitating and constructing rental and owner-occupied housing, fostering credit availability, and providing financial education. Along with the development of affordable rental housing, the promotion of homeownership in Indian Country, a goal valued by many Native Americans, promises to alleviate the pressing need for suitable homes. A number of barriers, however, make homeownership unattainable for many residents of Indian Country. The unique legal framework governing land ownership and mortgage transactions in Indian Country restricts credit access and limits the viability of local housing markets.¹ Additional challenges associated with the remoteness of many tribal reservations and trust lands, such as higher construction costs and insufficient infrastructure, further impede development. Finally, high rates of poverty and unemployment, low incomes and savings, and weak credit histories make securing loans difficult for many potential homebuyers.²

Despite these considerable barriers, the American Indian or Alaska Native homeownership rate in tribal areas in 2010 was 67 percent, slightly higher than the national rate of 65 percent.³ This rate, however, is lower than the

Highlights

- Local initiatives, with the support of federal policies and national nonprofits, address unique barriers to homeownership in Indian Country.
- Infrastructure development and home construction and rehabilitation increase the supply of affordable, quality housing in areas where housing conditions are generally poor.
- Downpayment assistance programs, in tandem with financial literacy or homebuyer education courses, help families achieve and sustain homeownership with low levels of default.

overall 72 percent homeownership rate in rural areas where land costs are typically low and relatively few rental properties exist.⁴ Rates of homeownership, although instructive, do not tell the full story of homeownership in Indian Country. Homeownership rates vary widely among reservations, and in some tribal lands, homeownership rates are very high but housing quality is poor.⁵ For example, in the Navajo Nation Reservation and Off-Reservation Trust Land in Arizona, New Mexico, and Utah, 75 percent of occupied housing units are owner occupied. Yet more than half of all residences lack complete bathroom facilities and complete kitchen facilities.⁶

A number of local initiatives, with the support of federal policies and national nonprofits, seek to overcome these obstacles to homeownership by supporting infrastructure development and home construction and rehabilitation, increasing access to mortgage credit, cultivating financial literacy, and providing direct financial assistance to homebuyers. A major resource for constructing and rehabilitating housing is the Indian Housing Block Grant (IHBG) program under the Native American Housing Assistance and Self-Determination Act (NAHASDA). Tribes have directed most of their IHBG development funding toward homeownership units, primarily for rehabilitation. Between 2003 and 2008, NAHASDA grantees built, acquired, and rehabilitated 11,100 rental units compared with 39,363 homeownership units, 27,422 of which were rehabilitated. National American

Indian Housing Council board members suggest that grantees prefer to develop homeownership units because their ongoing maintenance costs are lower.⁷ In addition to increasing the supply of homeownership units, tribes use NAHASDA funds and other resources for homebuyer counseling and downpayment assistance. The Navajo Partnership for Housing (NPH), the Ho-Chunk Community Development Corporation, the Lumbee Tribe, and the Federal Home Loan Bank (FHLB) of Des Moines are among the many local and regional entities that are successfully promoting homeownership in Indian Country despite ongoing challenges.

Each of these four organizations endeavors to fill information gaps both for financial institutions unfamiliar with the legal landscape and federal programs unique to Indian Country and for homebuyers unfamiliar with mortgage finance. These organizations also offer financial assistance to meet needs common to low- and moderate-income borrowers inside and outside of Indian Country, helping homebuyers surmount the otherwise prohibitive hurdle of obtaining a downpayment. Although they face largely similar challenges through comparable programs, these initiatives are tailored to local realities such as housing availability and quality. The efforts of these organizations demonstrate the viability of their respective markets and highlight the potential of increased investment in homeownership in Indian Country.

Navajo Partnership for Housing

Each of the barriers to homeownership discussed above is present in some way in the Navajo Nation, by far the largest and most populous Indian reservation in the United States.⁸ Since its founding in 1996, the Navajo Partnership for Housing (NPH) has worked to overcome these barriers by increasing access to mortgage credit and affordable homeownership options. The scarcity of credit in the Navajo Nation was particularly severe. No conventional mortgages were made there before 1994, largely because of legal issues surrounding mortgage transactions and ownership of federal trust land.⁹ In addition to longstanding problems with credit access in the Navajo Nation, much of the existing housing stock is of substandard quality. Not only are kitchen and plumbing facilities incomplete in half of occupied units, but approximately one-third of households depend on water transported from offsite.¹⁰ A needs assessment conducted for the Navajo Housing Authority (NHA) in 2011 estimated that more than 34,000 new units and an additional 34,000 repairs to existing homes were necessary to adequately house the population of the Navajo Nation.¹¹ New construction and substantial rehabilitation are needed to ensure that homeowners in the Navajo Nation will have high-quality housing. Yet, despite its expansive area, the 27,000-square-mile reservation lacks available land for needed development; NHA reports that as much as 89 percent of the Navajo Nation's land is bound by grazing rights issued decades ago. U.S. Government Accountability Office (GAO) research finds that grazing permit holders have been reluctant to relinquish their legal rights in part because of their perception that new housing development would negatively affect their communities.¹²

Some prospective homebuyers have been able to obtain individual homesite leases on plots that are free of grazing or other encumbrances, but this can be a very time-consuming and cumbersome

process. In addition, these sites are often remote, which incurs additional construction costs. According to NHA officials, many Navajo communities also lack basic infrastructure to support new construction, including roads and utilities.¹³ These challenges have prevented the housing market from fully developing, leaving residents largely unfamiliar with the workings of homebuying and mortgage financing.¹⁴ Even if financing were more readily available, many residents are unable to borrow because of their low incomes or weak credit histories. According to the 2009–2013 American Community Survey (ACS) 5-year estimates, the Navajo Nation and Off-Reservation Trust Land has an unemployment rate of 21.6 percent, a median income of \$26,447, and a poverty rate of 41.3 percent.¹⁵



In partnership with the University of Colorado Boulder's Native American Sustainable Housing Initiative, the Thunder Valley Community Development Corporation is constructing energy-efficient, sustainable housing like the straw-bale design pictured above.

Thunder Valley CDC

NPH addresses these challenges with both supply- and demand-side approaches. NPH's primary initiatives are housing construction and development, homebuyer and financial literacy education, and lending and downpayment assistance. NPH functions as both an intermediary and a facilitator, preparing potential homeowners to navigate the buying and borrowing processes, helping lenders understand the unique legal challenges of lending in Indian Country as well as available programs and products such as the Section 184 Indian Home Loan Guarantee Program, and

connecting those borrowers and financial institutions with one another.

NPH emerged out of discussions in 1995 among representatives of the Navajo Division of Economic Development (DED), FHLB Chicago, and others about how to increase the availability of mortgage credit and private investment in the Navajo Nation. FHLB Chicago introduced the Navajo DED to NeighborWorks America (then the Neighborhood Reinvestment Corporation), which facilitated workshops that brought together representatives of various tribal departments, state and federal agencies, private financial institutions, and Navajo residents. Acting on feedback from the workshops, the Navajo Division of Community Development and Navajo DED decided

to establish the partnership, supplying funding to start the nonprofit organization with additional financial support from NeighborWorks America.¹⁶ Incorporated in April 1996, NPH remains a NeighborWorks America affiliate and has been supported by five CDFI Fund awards (in 2002, 2004, 2009, 2012, and 2014) totaling \$1,328,479 to fund loans, technical assistance, and operating expenses.¹⁷

Home Construction. NPH has worked to address the insufficient supply of affordable, high-quality housing in

the Navajo Nation through new home construction. Typically, this has meant scattered-site development on individual home-lease plots rather than clustered, multiunit construction. In such a rural area, however, scattered-site development can be very expensive. Although the added costs of transporting materials and workers to remote sites may make scattered-site development less cost effective than alternative methods, it has enabled NPH to “meet the population where they were” and build where they wanted to live, according to Steve Barbier of NeighborWorks America. Scattered-site construction includes both wood-framed homes built onsite and manufactured homes. Buyers primarily use Section 184 loans to finance their homes, sometimes in combination with the NPH downpayment assistance program. The remoteness of home-lease plots, however, complicates extending basic infrastructure to new homes. The purchase price range for newly constructed scattered-site homes has been approximately \$150,000. More recently, NPH has been involved with new construction in multihome subdivisions that allow for more efficient investment in infrastructure. NPH built and sold 16 homes in the past year and has already presold 7 of the next 9 homes that are expected to be built in 2015. Development has been funded by a combination of federal programs such as IHBG and private investment, and demand for the new homes, which range in price from \$236,000 to \$271,000, has been steady. Estimated costs for new construction of nonmanufactured single-family homes in the Navajo Nation are regionally specific, ranging from \$150 to \$250 per square foot in 2011.¹⁸ By comparison, the National Association of Home Builders estimated the average construction cost of a single-family home at \$80 per square foot that year for the nation as a whole.¹⁹

Homebuyer and Financial Literacy Training. Homebuyer education in the Navajo Nation was and continues to be critical because of the absence of traditional mortgage lending before NPH’s

founding. Residents of the Navajo Nation had little to no experience with the basics of mortgage finance. Experience with homebuyer education showed that a more fundamental financial literacy program — on the basics of banking, for example — was also needed; it has since been added. To date, more than 3,000 families have graduated NPH courses. Barbier reports that the ratio of people who graduate homebuyer education courses to those who purchase homes in the Navajo Nation, at about 1 in 10, is far lower than it is for NeighborWorks America programs nationally, which ranges from 1 in 3 to 1 in 7. He believes that this difference reflects the challenges of lending in Indian Country as well as the supply problems specific to the area.

Lending and Downpayment Assistance. NPH counsels would-be homebuyers to connect them with appropriate lenders, sometimes in conjunction with NPH’s construction or downpayment assistance efforts. Since its founding, NPH has helped more than 440 households secure financing. As a Native CDFI, NPH has a small amount of capital to provide direct financing to borrowers who are unable to secure a loan from another lender or secondary financing

to support borrowers who have first mortgages with partner lenders. NPH currently has approximately 60 amortizing loans in its portfolio, most of them secondary financing, with a low delinquency rate.

NPH also assists homebuyers through a downpayment and closing cost assistance program. NPH provides participants with \$12,500 toward downpayment and closing costs through a loan that is forgivable over 5 years. Most of the mortgages associated with this program have been Section 184 loans, with smaller numbers of conventional, U.S. Department of Agriculture (USDA), or USDA-guaranteed loans. Because it is funded primarily by IHBG, the program is subject to HUD income guidelines dictating that recipients must be at or below 80 percent of the area median income (AMI), and homes must be bought on the reservation by either an enrolled member of a federally recognized tribe or the spouse of an enrolled member. A portion of downpayment assistance funding comes from NeighborWorks America grants or from private financial institutions; assistance from these sources can be used to purchase homes outside of the Navajo Nation.



New construction addresses the acute need for quality, affordable housing in the Navajo Nation.

Lessons Learned and Looking Forward.

According to Barbier, the NPH model, with residents and tribal members working with financial institutions on a partnership board, has contributed to the organization's success. As a trusted intermediary, NPH has created a space for potential Navajo homebuyers to learn about mortgage finance and the programs and products available to them as well as for financial institutions to learn how to lend in Indian Country. Both buyers and lenders have had positive experiences. Barbier notes that 20 years ago, much remained uncertain on both sides, but experience has shown that "folks on the Navajo Nation are good borrowers; they end up being a good credit risk." He says that a strong market exists for buyers that exceed the income requirements of many of the housing programs operating in Indian Country. However, as financial institutions grow familiar with tribal laws and programs such as Section 184, they may begin to play a larger role in the market for borrowers with incomes over programmatic limits.

Housing problems in the Navajo Nation, including the low stock of high-quality homes for owners, remain daunting. Barbier says NPH could have a bigger impact if it could expand the scale of its activities. To do so, NPH would need more investment from screened private financial institutions — meaning that NPH has identified them as being good-faith partners — who consider the Navajo Nation a sound investment. Although the Navajo Nation has enjoyed expanded autonomy over the leasing of trust land under the Navajo Surface Leasing Reform and HEARTH Acts (see "Obstacles, Solutions, and Self-Determination in Indian Housing Policy," p. 1), land titles must still be recorded through the Bureau of Indian Affairs in Albuquerque. The tribe is working to take control of this process to expedite mortgage transactions and development.²⁰ By building capacity through partnerships with both native and nonnative financial institutions



The Lumbee Tribe's downpayment assistance program puts homeownership in reach of first-time buyers like Miranda Lockey, pictured here with tribal councilman Walter Lowery.

and by continuing to confront housing barriers on multiple fronts — through construction, homebuyer and financial literacy education, and lending and downpayment assistance — NPH can build on its previous accomplishments to further promote homeownership in the Navajo Nation.

Downpayment Assistance Programs

As NPH's experience indicates, downpayment requirements can be a prohibitive obstacle for prospective Native American homebuyers who are otherwise prepared for homeownership and able to afford monthly mortgage payments. A number of local programs throughout the country assist potential homebuyers by providing financial assistance for downpayment and closing costs. Research suggests that such initiatives have the potential to increase homeownership in Indian Country; Herbert and Tsen conclude "that downpayment assistance programs that provide even modest amounts of assistance can have significant impact on the number of low-income and minority households that buy homes."²¹

Evidence on the long-term performance of loans associated with

downpayment assistance programs, however, is mixed. A 2005 GAO study found that loans with downpayment assistance that are insured by the Federal Housing Administration (FHA) "have higher delinquency and claim rates than do similar loans without such assistance."²² Other research indicates that such programs pose no threat to loan quality; Freeman and Harden find no difference in mortgage performance for low- and moderate-income borrowers using downpayment assistance programs compared with those who did not.²³

Krystal Langholz, director of programs for the First Nations Oweesta Corporation, says that downpayment assistance programs are most effective when "matched with individual development account programs that encourage strong financial skill development before homeownership," and that "they definitely need to be coupled with financial education and self-sufficiency training." She notes that more research is needed to assess whether foreclosure rates are in fact lower for downpayment assistance programs that require intensive financial capabilities training compared with those that do not require such training. In addition to whether or not an assistance program requires

Native Communities Build Sustainable, Culturally Relevant Housing

As Native American communities construct new single- and multifamily units to meet their housing needs, they have the opportunity to achieve a high standard of sustainability — defined by the U.S. Green Building Council as homes that are “healthier, more comfortable, more durable, and more energy efficient and [with] a much smaller environmental footprint than conventional homes.”¹ Sustainable Construction in Indian Country (SCinIC), a joint effort of HUD’s Offices of Policy Development and Research (PD&R) and Native American Programs (ONAP), promotes and supports sustainable construction in Native American communities through demonstration, technical assistance and training, and dissemination of best practices and program results.



Ernesto Fonseca

HUD’s Sustainable Construction in Indian Country initiative aims to disseminate best practices. Above, the Guadalupe House design exemplifies the incorporation of culturally relevant features.

A recent SCinIC report finds that sustainable building faces the same barriers as conventional building in Indian Country, along with some others: higher upfront construction costs (although the energy savings often reduces costs in the long run), lack of familiarity with new technologies, and limited resources and capacity. Yet the report also notes that the groups implementing the new technologies are enthusiastic about sustainability and that in many cases sustainability has been linked successfully to culturally relevant building features such as large kitchen spaces that can accommodate family gatherings or traditional home shapes and orientations.²

The following are just two of the many sustainable building efforts that have been completed or are currently underway. As of July 2011, at least 37 green tribal residential projects were either in progress or completed.³ The following examples underscore how sustainability can be aligned with the pursuit of other goals such as supporting Native American businesses or providing senior housing.

homebuyer training, program aspects such as income qualifications and assistance amounts vary widely and could be subject to further research. Perhaps the more important research objective, says Langholz, would be “longitudinal, multi-year follow-up quality of life data for those who participate in downpayment assistance, individual development account, and other programs to ascertain the success of these programs in creating long-term change in the lives of participating families.”²⁴

One benefit of homeownership for Native Americans is the opportunity to build wealth through home equity. The potential for equity building depends

on the quality of the home and the viability of a resale market, among other factors, and therefore varies considerably throughout Indian Country. In the Navajo Nation, where many homes are of substandard quality, the median home value according to ACS was \$65,100 in 2013.²⁵ As a result, homebuyers participating in NPH new construction programs have the potential to build much greater equity than most Navajo homeowners. Median home values in other tribal areas are much higher, in part because housing in these areas is of comparatively better quality. For example, the median home value in 2013 was \$100,600 in the Chickasaw Oklahoma Tribal Statistical Area and

\$218,600 in the Knik Alaska Native Village Statistical Area.²⁶ Participants in the downpayment assistance programs described below get a jump start on building equity in their homes and may be able to purchase homes of above median value in their markets.

Ho-Chunk CDC

The Ho-Chunk Community Development Corporation (CDC), a Native CDFI like NPH, promotes homeownership in Indian Country through downpayment assistance. Formed by the Winnebago Tribe of Nebraska in 2000, the Ho-Chunk CDC serves Native Americans in Thurston County with a focus on housing, commercial, and

- In northern New York, the Akwesasne Housing Authority of the Saint Regis Mohawk Tribe incorporated sustainable technologies, including insulating concrete form walls and a geothermal heating system, into the construction of the second phase of the Sunrise Acres Elderly Complex, an affordable housing development for seniors. Completed in 2011 with HUD funding through NAHASDA and the American Recovery and Reinvestment Act, the second phase has shown a reduction in utility costs of approximately 50 percent compared with the first phase of construction, largely by replacing kerosene with geothermal heating.⁴
- The Guadalupe House, designed by architects at the Arizona State University Stardust Center for Affordable Homes and the Family, exemplifies sustainable building combined with culturally relevant features. Built for members of the Pascua Yaqui Tribe in Guadalupe, Arizona, the design prototype incorporates affordable, energy-efficient materials appropriate for the climate, including a tribally produced material called Navajo FlexCrete, along with elements that reflect local Mexican and Yaqui traditional culture.⁵

Sustainable construction offers numerous benefits. In the short term, sustainable construction provides quality housing and typically reduces residents' energy costs — a particular need in Indian Country, where tribes often have high fuel costs because of their remote locations.⁶ In the long term, sustainable construction mitigates negative environmental impacts in a way that is generally consistent with traditional and contemporary values concerning cultural and environmental stewardship.⁷ In addition to new sustainable construction, some homes can be retrofitted with technology such as solar panels, as have more than 200 homes across 21 tribal areas through the GRID Alternatives Tribal Program.⁸ Continuing technical assistance and training, along with the dissemination of best practices and lessons learned, promise to facilitate broader adoption of sustainable construction and retrofitting practices in Indian Country.

Visit www.huduser.org/portal/SCinIC/home.html for more information on the HUD initiative and additional examples of sustainable building in Native American communities.

¹ Lynda Lantz, Laura Appelbaum, and FirstPic, Inc. 2014. "Final Report: Sustainable Construction in Indian Country Initiative," U.S. Department of Housing and Urban Development, Office of Policy Development and Research, vi.

² Ibid., ix; 37; Appendix C–7.

³ Ibid., 26.

⁴ Ibid., Appendix C–7.

⁵ Jamie Blosser, Nathaniel Corum, Daniel Glenn, Joseph Kunkel, and Ed Rosenthal. 2014. "Best Practices in Tribal Housing: Case Studies 2013: A Report by the Sustainable Native Communities Collaborative, an Initiative of Enterprise Community Partners," U.S. Department of Housing and Urban Development, Office of Policy Development and Research.

⁶ Katherine M. O'Regan. 2014. "Foreword," in Lantz et al., iv.

⁷ Lantz et al., 3.

⁸ "Tribal Program," GRID Alternatives website (www.gridalternatives.org/learn/programs/tribal-program). Accessed 6 April 2015.

community (especially youth) development.²⁷ The northern half of Thurston County is home to the Winnebago Indian Reservation, which, coupled with off-reservation trust land, has a growing population of around 2,700.²⁸ Only 61 percent of occupied housing units are owner occupied, and the tribal lands have relatively little new housing stock.²⁹

A 25 percent poverty rate and 10 percent unemployment rate indicate persistent economic challenges for residents of the Winnebago reservation. Yet Frank Schersing, executive director of the Ho-Chunk CDC, says that there are many people on the reservation with decent-paying jobs who can afford

a monthly mortgage payment — the median household income of the reservation and off-reservation trust lands is \$44,615 — but who lack the necessary savings for a downpayment.³⁰ This problem is compounded by the absence of depository institutions on the reservation; many residents lack not only a sufficient *amount* of savings but also a savings account itself. To help households with sufficient income but insufficient savings achieve homeownership, the CDC began providing homebuyers with downpayment assistance in 2002.

Ho-Chunk CDC has adjusted its administration of downpayment assistance programs in response to experience

and to the varying requirements of funding sources. When downpayment assistance funds come from HUD grants, the CDC applies the appropriate income requirements, but when funds come from other sources, typically through the tribal government, income limits do not apply. The CDC's first downpayment assistance grants, between \$3,000 and \$15,000 per homebuyer, were funded through a set-aside from the tribal gas tax. Later iterations of assistance programs offered borrowers larger amounts — closer to \$80,000 — by combining various funding sources. In 2010 and again in 2014, the Winnebago Tribe designated dividends from the tribal enterprise

Ho-Chunk, Inc., to fund a Housing Stimulus Program (HSP). This program has made \$2.5 million available to provide homebuyers with \$50,000 in downpayment assistance, requiring only that recipients be enrolled members of the tribe and that the home purchased be new construction located on the reservation. New construction in the rural area, however, is likely to have high downpayment requirements and therefore can be cost-prohibitive for potential buyers. Ho-Chunk CDC helps borrowers meet these requirements by leveraging HUD grants, building assistance packages that also include funds from the Winnebago Tribe's gas tax and HSP as well as, occasionally, the Nebraska Affordable Housing Trust Fund.³¹ Currently, the amount of assistance typically offered is approximately \$65,000, with an average home purchase price for program participants of approximately \$180,000, which is higher than both the median value of a home on the reservation (\$66,900) and the statewide median home value (\$128,000).³²

Most of the loans associated with the program have been Section 184 guaranteed loans offered through an off-reservation depository institution. Because Section 184 loans require relatively low downpayments, Ho-Chunk CDC's assistance may also cover closing costs and a portion of the principal. Since 2002, the CDC has provided more than \$2 million in downpayment assistance to 40 families, and Schersing reports that during that time only one recipient has defaulted on a mortgage. The CDC's assistance programs have also fostered the development of a more viable housing market on the reservation. When the CDC first began offering assistance, real estate professionals had trouble appraising new construction in rural areas where most of the other housing dated to the 1930s and 1940s. Over time, the homes purchased through the program have helped provide a market basis of comparison for appraisals and raised home values.

Although financial literacy and homeowner education are not a formal eligibility requirement, the Ho-Chunk CDC connects program participants with these courses to promote a greater understanding of terms and products that financial institutions offer. The courses emphasize credit scores and histories and help participants understand how to challenge items on their credit reports. Schersing says that many people in the area have low credit scores due to past-due medical bills that were actually the responsibility of a third party. Schersing says that the need for financial literacy training has been one of the main lessons learned over the course of the program, and that the Tribal Council may require reci-



Efforts to enhance energy efficiency, as in the Quinhagak prototype designed by the Cold Climate Housing Research Center in partnership with the Native Village of Kwinhagak, reduce a household's utility costs, which in turn can make homeownership more sustainable.

ents of downpayment assistance to take these courses in the future. Demand for the downpayment assistance program has been steady; all of the CDC's assistance funds are currently committed.³³

Lumbee Tribe

Taking a somewhat different approach from the Ho-Chunk CDC, the Lumbee Tribe of North Carolina has administered a successful downpayment assistance program since 2002, shortly after the formation of the tribe's

current governing structure. Compared with the Ho-Chunk CDC, the Lumbee program serves more families with smaller amounts of assistance, but its goals and rationales are the same. According to the Lumbee Tribe's housing manager, Kathy Locklear, housing is available in the tribal area, but many residents lack the income and credit history needed to attain homeownership. Recognizing, however, that some households do have a high enough income to afford a monthly house payment but have difficulty amassing sufficient savings for a downpayment, the Lumbee Tribe created the program to bring homeownership within reach for these families.

The program provides income-based assistance ranging from \$4,000 to \$10,000 that can be applied to a downpayment, closing costs, or principal reduction. The lead applicant must be an enrolled member of the Lumbee Tribe. Recipients must be first-time buyers purchasing a home within the tribal service area (Robeson, Cumberland, Hoke, and Scotland counties of North Carolina), and household income must be at or below 80 percent of the national median income to qualify for assistance. Households earning 70 to 80 percent of the national median income receive \$4,000 in assistance, with the amount increasing incrementally as income decreases to a maximum of \$10,000 for households earning 49 percent or less of the national median. The assistance takes the form of a five-year loan that is forgivable as long as the recipient lives in the home as a primary residence for five years. Locklear reports that very few families sell before the five-year mark. Most loans associated with the downpayment assistance program are guaranteed either by FHA or USDA, as few local lenders participate in the Section 184 loan guarantee program.³⁴ Program participants must attend a homebuyer education workshop.

The homeownership and downpayment assistance programs, along with the tribe's rehabilitation and new

construction programs, are funded by NAHASDA Indian Housing Block Grants. Since it began in 2002, the downpayment assistance program has provided \$3 million to approximately 440 families. Program-assisted loans have performed well; Locklear estimates that only five or six loans, or less than 2 percent, have entered default over the life of the program. For reference, the average national foreclosure rate from 2004 to 2010 according to the U.S. Census Bureau was 2.51 percent, and the average rate of U.S. properties with at least one foreclosure filing from 2007 to 2014 was 1.5 percent as reported by RealtyTrac.³⁵ The Lumbee Tribe's assistance program has evolved based on experience. The program initially paid all of the participants' closing costs and the required downpayment, but it shifted to the current income-scaled model to provide assistance to more families and to do so through a preset, income-based allocation. Administrators also found that instead of relying only on designated real estate attorneys, the program could work more smoothly by allowing lenders to select attorneys with whom they were accustomed to working, especially as local attorneys have become acquainted with the program.³⁶

Federal Home Loan Bank of Des Moines

The Federal Home Loan Bank of Des Moines' Native American Homeownership Initiative (NAHI) promotes Native American homeownership in the states of Iowa, Minnesota, Missouri, North Dakota, and South Dakota — home to approximately 330,000 Native Americans, including large numbers of Chippewa in Minnesota and North Dakota and Sioux in North and South Dakota.³⁷ The NAHI was established in 2002 following discussions with Native American members of FHLB's advisory council about the unique difficulties of achieving homeownership in Indian Country. The NAHI is part of the bank's Strong Communities Fund, which it created in 1989 to meet its statutory requirement to contribute at

least 10 percent of the previous year's net earnings to an Affordable Housing Program (AHP). FHLB Des Moines' AHP has two parts, a mandatory competitive application grant program and an optional homeownership set-aside program.³⁸ Authorized uses of the set-aside program include assistance with downpayments and closing costs. FHLB Des Moines allocated \$400,000 to its AHP in 2014.³⁹

These programs have successfully opened up opportunities for homeownership, but great need remains.

The NAHI downpayment assistance program operates through FHLB member institutions (local banks, thrifts, and savings and loans), which offer first-time homebuyers with incomes at or below 80 percent of AMI grants for up to \$10,000 in assistance for downpayments and closing costs, forgivable after 5 years. Although regulations set the maximum amount of assistance at \$15,000, the \$10,000 amount available through the NAHI program is twice that of FHLB Des Moines' general downpayment program in recognition of the special challenges facing Native American homebuyers.⁴⁰ Gary Dodge, vice president and director of community investment for FHLB Des Moines, indicates that \$10,000 is more than enough to cover not only the downpayment and closing costs in most of the district's housing markets but also a portion of the loan principal, thereby lowering monthly payments. Recipients use various loan types based on their financial qualifications. In 2014, for example, of 24 homebuyers assisted, 11 used conventional loans, 10 used Section 184 loans, and 3 used USDA-guaranteed loans. Homes can be purchased anywhere within the five-state district, and price caps are determined by

each state's respective housing finance authorities. Participants must complete a Fannie Mae- or Freddie Mac-approved financial literacy program offered by the member bank, a nonprofit, or a tribal housing authority. Dodge says that online programs have been especially useful because many areas of the district are very remote.

Funds are disbursed to eligible applicants on a first-come, first-served basis. Demand for the program, which has been channeled primarily through about a dozen member banks, has remained steady and has not been oversubscribed in any single year. Initially, the program was limited to assistance for home purchases in what FHLB Des Moines called "service areas," which included tribal reservations and trust lands. More recently, the program has been available to enrolled members of federally recognized tribes for home purchases anywhere in FHLB Des Moines' five-state district. This change opened up the program to individuals pursuing jobs and other opportunities outside of reservations. As of September 2014, the program had disbursed \$4.7 million to more than 600 homeowners since it began in 2002. Dodge reports that foreclosure rates in the district's downpayment programs are generally very low and that based on anecdotal evidence, the NAHI program has a low rate of default. To date, FHLB Des Moines is the only one of the 12 FHLBs to offer a downpayment assistance program specifically for Native Americans.⁴¹

Building on Success

Promoting homeownership is just one of several approaches to address pressing housing needs in Indian Country; others include improving housing conditions and increasing the availability of quality, affordable rental housing. Langholz says that although each of these issues deserves attention, homeownership remains a worthwhile goal in its own right as "one of the major bedrocks of asset development and family stability."⁴² Local organizations in

Indian Country, including Native CDFIs, tribal governments, and financial institutions, are promoting homeownership using approaches that address the supply- and demand-side challenges of their local housing markets. NPH's construction efforts, for example, are critical for increasing the supply of affordable, quality housing in an area where housing conditions are generally poor. Similarly, differences in how the Ho-Chunk CDC, Lumbee Tribe, and FHLB Des Moines implement their downpayment assistance programs reflect local realities. For example, the comparatively low amounts of assistance that the Lumbee Tribe provides offer meaningful aid to a larger number of households in a market with an existing supply of quality housing, whereas the higher amounts that the Ho-Chunk CDC offers encourage new construction in a market lacking affordable options.

The downpayment assistance programs administered by these organizations have been successful in helping families achieve and sustain homeownership, overcoming the often prohibitive barrier posed by downpayment requirements. Although some research has pointed to potential problems with loan performance associated with downpayment assistance, these programs self-report very low levels of default, supporting other research that has not found such problems.⁴³ This low default rate holds true both for programs offering assistance in larger amounts (and a larger percentage of the total purchase price), such as those administered by the Ho-Chunk CDC, and for programs offering smaller amounts of assistance, such as the Lumbee Tribe's program. Notably, all of these programs require (or, in the case of Ho-Chunk CDC, are complemented by) financial literacy or homebuyer education courses. Further research of existing programs may shed light on which program characteristics lead to the best outcomes.

Although these programs have successfully opened up opportunities for homeownership for hundreds of households, great need remains. The organizations profiled here and others like them can expand their efforts as they build internal capacity, increase the financial literacy of potential borrowers, and encourage the development of financial institutions and housing markets. Perhaps the greatest potential for these organizations to promote homeownership in Indian Country on a larger scale lies in their ability to demonstrate the demand for and viability of homeownership and development in Indian Country. These local organizations hope to build on their success and attract greater investment from both Native and non-Native financial partners. **EM**

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¹¹Ibid., 23.

¹²U.S. Government Accountability Office 2014, 42; 45.

¹³Ibid., 42.

¹⁴Listokin, 443–6.

¹⁵U.S. Census Bureau. 2009–13 American Community Survey 5-Year Estimates.

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¹⁹Heather Taylor. 2014. "Cost of Constructing a Home," National Association of Home Builders website (www.nahb.org/generic.aspx?sectionID=734&genericContentID=221388&channelID=311). Accessed 3 April 2015.

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²⁹U.S. Census Bureau. 2009–13 American Community Survey 5-Year Estimates.

³⁰Ibid.; Interview with Frank Schersing, 13 January 2015.

³¹Ho-Chunk CDC. 2013. "Ho-Chunk CDC RHED Final progress report for March 5, 2010 through July 31, 2013."

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³³Interview with Frank Schersing.

³⁴Interview with Kathy Locklear, 13 January 2015.

³⁵U.S. Census Bureau. 2011. *Statistical Abstract of the United States: 2012*, Washington, D.C., 743; RealtyTrac®. Various years. *Year-End Foreclosure Market Report™*.

³⁶Interview with Kathy Locklear.

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³⁸12 CFR 1291.2.

³⁹Interview with Gary Dodge.

⁴⁰12 CFR 1291.6; Interview with Gary Dodge.

⁴¹Interview with Gary Dodge.

⁴²Email correspondence with Krystal Langholz.

⁴³U.S. Government Accountability Office 2005; Herbert and Tsen; Freeman and Harden.

Additional Resources

- “Nation to Nation: Treaties Between the United States and American Indian Nations” is an exhibit running through fall 2018 at the National Museum of the American Indian that explores the history of U.S. – Native American diplomacy. www.nmai.si.edu/explore/exhibitions/item/?id=934.
- The Native Nations Law & Policy Center at the University of California Los Angeles works to strengthen the governing institutions of Native Nations. www.law.ucla.edu/centers/social-policy/native-nations-law-and-policy-center/about/.
- “Fostering Low-Income Homeownership through Individual Development Accounts: A Longitudinal, Randomized Experiment” (2008), by Michal Grinstein-Weiss et al., examines the effectiveness of individual development accounts for promoting sustainable low-income homeownership. www.tandfonline.com/doi/abs/10.1080/10511482.2008.9521653#.VOuJXfnF91Y.
- “The Effect of Down Payment Assistance on Mortgage Choice” (2014), by Bree J. Lang and Ellen H. Hurst, investigates how downpayment assistance influences borrowers’ choice of mortgage products. link.springer.com/article/10.1007%2Fs11146-013-9432-1.
- “Assessment of Native American, Alaska Native, and Native Hawaiian Housing Needs” (forthcoming), by the Urban Institute, will use survey data, interviews with tribal leaders, and analysis of secondary data to provide a clear and credible picture of housing conditions in Indian Country. www.huduser.org/portal/native_american_assessment/home.html.
- “Access to Capital and Credit in Native Communities” (forthcoming), by the Community Development Financial Institutions Fund, will detail challenges to expanding credit in Indian Country, the role of the private sector, how financing mechanisms have shaped housing, and how to improve legal institutions to foster credit access. www.cdfifund.gov/what_we_do/Native_Communities_Study.asp.
- *American Indians, Time, and the Law: Native Societies in a Modern Constitutional Democracy* (1987), by Charles Wilkinson, examines the complexity and contradictions in the development of Indian law and the effect of federal court decisions on tribal sovereignty. yalepress.yale.edu/yupbooks/book.asp?isbn=9780300041361.
- “Imagined geographies: Sovereignty, indigenous space, and American Indian struggle” (2005), by Thomas Biolsi, examines contemporary American Indian political space in the United States. www.jstor.org/discover/10.2307/3805281?sid=21105377708421&uid=2&uid=3739704&uid=2129&uid=3739256&uid=4&uid=70.
- *American Indian Sovereignty and the U.S. Supreme Court: The Masking of Justice* (2010), by David Wilkins, argues that the Supreme Court has selectively applied legal precedent in cases involving Native American rights, curtailing tribal sovereignty, and legitimizing the loss of tribal land. utpress.utexas.edu/index.php/books/wilame.
- *American Indian Treaties: The History of a Political Anomaly* (1994), by Francis Paul Prucha, provides a comprehensive history of treaty-making between the United States and Native Nations, tracing the impact of treaties on today’s legal landscape. www.ucpress.edu/book.php?isbn=9780520208957.
- *Uneven Ground: American Indian Sovereignty and Federal Law* (2001), by David E. Wilkins and K. Tsianina Lomawaima, discusses the history of political rights held by Native Nations as well as federal efforts to uphold, ignore, modify, or terminate them. www.oupres.com/ECommerce/Book/Detail/1246/Uneven%20Ground.
- *Social Change and Cultural Continuity among Native Nations* (2006), by Duane Champagne, provides a framework for understanding the societal changes experienced by Native Nations as well as prospects for cultural continuity in the twenty-first century. rowman.com/isbn/075911000X.
- *American Indian Constitutional Reform and the Rebuilding of Native Nations* (2006), edited by Eric Lemont, is a collection of articles by academics, tribal leaders, and practitioners on constitutional reform efforts in Native Nations. utpress.utexas.edu/index.php/books/lemame.
- *Reservation “Capitalism”: Economic Development in Indian Country* (2012), by Robert J. Miller, provides an overview of tribal economies and discusses strategies for building economically sustainable and self-sufficient Native American communities. www.abcclio.com/ABC-CLIOCorporate/product.aspx?pc=A3778C.
- *Indian Gaming: Tribal Sovereignty and American Politics* (2000), by W. Dale Mason, analyzes conflicts between states and tribal nations over the expansion of tribal gaming operations. www.oupres.com/ECommerce/Book/Detail/557/Indian%20Gaming.

For additional resources archive, go to www.huduser.org/portal/periodicals/em/additional_resources_2015.html.

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