



October 17, 2018

The Honorable Ben Carson, M.D.  
Secretary  
U.S. Department of Housing  
and Urban Development  
451 7<sup>th</sup> St SW  
Washington, DC 20410

The Honorable Pam Patenaude  
Deputy Secretary  
U.S. Department of Housing  
and Urban Development  
451 7<sup>th</sup> St SW  
Washington, DC 20410

Dear Secretary Carson and Deputy Secretary Patenaude:

As Chairman of the National American Indian Housing Council (NAIHC), I think it is important to reach out to you on behalf of our members, who are sovereign Tribal governments, their tribal housing organizations, and their tribally designated housing entities. NAIHC's 267 members represent 463 tribes and tribal housing organizations from across Indian Country. Since time immemorial, these tribal governments have represented their citizens, who were here long before the United States.

We strongly support the increased appropriations of an additional \$100 million through a competitive grant that was made available in the Consolidated Appropriations Act of 2018. We also encourage your Department to work to expedite this funding to Indian Country as soon as possible. There have been past competitive programs that were inclusive and effective in Indian Country that may provide your Department with a basis in implementation.

With respect to the determination or definition of "need", tribes have already accomplished that through the Negotiated Rulemaking process. Should any attempts be made to redefine "need" as it relates to Indian Housing programs, that would require a formal Negotiated Rulemaking convened between representatives of Tribal governments and representatives of the U.S. government, namely your Department. We sincerely believe that you understand and are respectful of this government-to-government relationship.

We feel it is imperative to also remind you that to date a Tribal Advisory Committee (TAC) has not been seated within HUD. The establishment of a TAC had been requested and supported by our organization through Resolution 2013-18 and the National Congress of American Indians (NCAI) Resolution REN-13-067. One of the purposes of a TAC is to increase consultation and collaboration with tribal governments on a regular basis when policies, programs, or actions have tribal implications. A TAC would have been able to provide the Secretary and the Department with valuable knowledge, insight, and most importantly collaboration during the implementation of this competitive grant program.

This TAC could also have been effective in other areas that are also pending departmental action. These would include the NOFA for the ICDBG program and the current review of the Section 184 Loan Guarantee regulations. HUD should work to finalize the creation of a TAC. There have been nominations received, and to our knowledge HUD wasn't satisfied with the number received to completely form the TAC. However, a new request for nominations or other such call for nominees has not been issued. HUD could use the existing pool of nominees to form and seat a Tribal Advisory Committee immediately, and at the same time call for additional nominees to be added to the TAC at the end of the submission period. In the alternative, HUD should immediately seek additional nominees, to include with the existing pool of nominees, and form the TAC in short order. Regardless of which process HUD determines to use, a TAC should be formed and seated in the immediate future.

It is our understanding that the National Low Income Housing Coalition (NLIHC) has submitted a letter and also visited with the Deputy Secretary concerning the competitive grant process. As a response to that letter, NAIHC and several other tribal organizations have notified NLIHC of their flawed attempted representation of Indian Housing issues. NAIHC's letter to NLIHC is included as a copy to this letter. It is important to understand that the position NLIHC as stated, is in no way inclusive of the National American Indian Housing Council, its members as a whole, or the entirety or majority of Indian Country.

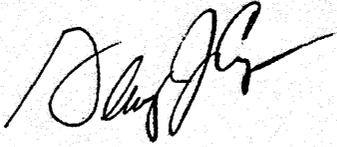
We greatly appreciate the Secretary's commitment that he has shown to Indian Housing so early in his tenure. The visit to Polson, Montana, and appearance at our Legislative Conference this past March, shows the Secretary's and Department's continued commitment to Indian Country as a whole. Our organization has also advocated the imperative need for an Assistant Secretary of Public and Indian Housing to be confirmed by the Senate as quickly as possible. We also greatly appreciate and respect the leadership of Deputy Assistant Secretary Heidi Frechette within the Office of Native American Programs.

NAIHC respectfully asks that you and your Department continue to show your commitment to Indian Country by:

1. Determining and publishing the proposed implementation of the competitive grant;
2. Respect the Negotiated Rulemaking process and determinations made through those processes;
3. Seat a Tribal Advisory Committee as the Department has started the process but has not followed through with the effort. The TAC has been called for since 2013 by both the National American Indian Housing Council and the Nation Congress of American Indians through formal resolutions;
4. Disregard the letter by the National Low Income Housing Coalition dated October 1<sup>st</sup> and any other attempts by them to advocate on behalf of Indian Country or Indian Housing issues, without a formal process to do so that is respectful of tribal sovereignty and formed through consultation with tribes nationwide.
5. Continue to visit Indian Country and specifically Indian Housing programs throughout our great country and in any of our nine regions.

If we can be of any further assistance to you or your Department, please feel free to let us know. Our Executive Director Tony Walters or myself will always make ourselves available to you and your Department.

Respectfully,

A handwritten signature in black ink, appearing to read 'Gary J. Cooper', with a stylized flourish at the end.

Gary J. Cooper, Chairman  
National American Indian Housing Council