

114TH CONGRESS
1ST SESSION

H. R. 360

To reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 2015

Mr. PEARCE (for himself, Mr. COLE, Mr. YOUNG of Alaska, Ms. MOORE, Mr. HECK of Washington, Mr. KILDEE, Mr. KILMER, Ms. GABBARD, Mr. TAKAI, Mr. MULLIN, Mr. AMODEI, Mr. ZINKE, Mr. SCHWEIKERT, and Ms. MCCOLLUM) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Native American Housing Assistance and Self-Deter-
6 mination Reauthorization Act of 2015”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

- Sec. 101. Block grants.
- Sec. 102. Recommendations regarding exceptions to annual Indian housing plan requirement.
- Sec. 103. Environmental review.
- Sec. 104. Deadline for action on request for approval regarding exceeding TDC maximum cost for project.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

- Sec. 201. National objectives and eligible families.
- Sec. 202. Program requirements.
- Sec. 203. Homeownership or lease-to-own low-income requirement and income targeting.
- Sec. 204. Lease requirements and tenant selection.
- Sec. 205. Tribal coordination of agency funding.

TITLE III—ALLOCATION OF GRANT AMOUNTS

- Sec. 301. Authorization of appropriations.
- Sec. 302. Effect of undisbursed block grant amounts on annual allocations.

TITLE IV—AUDITS AND REPORTS

- Sec. 401. Review and audit by Secretary.
- Sec. 402. Reports to Congress.

TITLE V—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

- Sec. 501. HUD–Veterans Affairs supportive housing program for Native American veterans.
- Sec. 502. Loan guarantees for Indian housing.

TITLE VI—MISCELLANEOUS

- Sec. 601. Lands Title Report Commission.
- Sec. 602. Limitation on use of funds for Cherokee Nation.
- Sec. 603. Leasehold interest in trust or restricted lands for housing purposes.
- Sec. 604. Clerical amendment.

TITLE VII—DEMONSTRATION PROGRAM FOR ALTERNATIVE
PRIVATIZATION AUTHORITY FOR NATIVE AMERICAN HOUSING

- Sec. 701. Demonstration program.
- Sec. 702. Clerical amendments.

TITLE VIII—HOUSING FOR NATIVE HAWAIIANS

- Sec. 801. Reauthorization of Native Hawaiian Homeownership Act.
- Sec. 802. Reauthorization of loan guarantees for Native Hawaiian housing.

1 SEC. 2. REFERENCES.

- 2 Except as otherwise expressly provided, wherever in
- 3 this Act an amendment or repeal is expressed in terms

1 of an amendment to, or repeal of, a section or other provi-
2 sion, the reference shall be considered to be made to a
3 section or other provision of the Native American Housing
4 Assistance and Self-Determination Act of 1996 (25 U.S.C.
5 4101 et seq.).

6 **TITLE I—BLOCK GRANTS AND** 7 **GRANT REQUIREMENTS**

8 **SEC. 101. BLOCK GRANTS.**

9 Section 101 (25 U.S.C. 4111) is amended—

10 (1) in subsection (c), by adding after the period
11 at the end the following: “The Secretary shall act
12 upon a waiver request submitted under this sub-
13 section by a recipient within 60 days after receipt of
14 such request.”; and

15 (2) in subsection (k), by striking “1” and in-
16 serting “an”.

17 **SEC. 102. RECOMMENDATIONS REGARDING EXCEPTIONS** 18 **TO ANNUAL INDIAN HOUSING PLAN RE-** 19 **QUIREMENT.**

20 Not later than the expiration of the 120-day period
21 beginning on the date of the enactment of this Act and
22 after consultation with Indian tribes, tribally designated
23 housing entities, and other interested parties, the Sec-
24 retary of Housing and Urban Development shall submit
25 to the Congress recommendations for standards and pro-

1 cedures for waiver of, or alternative requirements (which
2 may include multi-year housing plans) for, the require-
3 ment under section 102(a) of the Native American Hous-
4 ing Assistance and Self-Determination Act of 1996 (25
5 U.S.C. 4112(a)) for annual submission of one-year hous-
6 ing plans for an Indian tribe. Such recommendations shall
7 include a description of any legislative and regulatory
8 changes necessary to implement such recommendations.

9 **SEC. 103. ENVIRONMENTAL REVIEW.**

10 Section 105 (25 U.S.C. 4115) is amended—

11 (1) in subsection (d)—

12 (A) in the matter preceding paragraph (1),
13 by striking “may” and inserting “shall”; and

14 (B) by adding after and below paragraph

15 (4) the following:

16 “The Secretary shall act upon a waiver request submitted
17 under this subsection by a recipient within 60 days after
18 receipt of such request.”; and

19 (2) by adding at the end the following new sub-
20 section:

21 “(e) **CONSOLIDATION OF ENVIRONMENTAL REVIEW**
22 **REQUIREMENTS.**—If a recipient is using one or more
23 sources of Federal funds in addition to grant amounts
24 under this Act in carrying out a project that qualifies as
25 an affordable housing activity under section 202, such

1 other sources of Federal funds do not exceed 49 percent
2 of the total cost of the project, and the recipient's tribe
3 has assumed all of the responsibilities for environmental
4 review, decisionmaking, and action pursuant to this sec-
5 tion, the tribe's compliance with the review requirements
6 under this section and the National Environmental Policy
7 Act of 1969 with regard to such project shall be deemed
8 to fully comply with and discharge any applicable environ-
9 mental review requirements that might apply to Federal
10 agencies with respect to the use of such additional Federal
11 funding sources for that project.”.

12 **SEC. 104. DEADLINE FOR ACTION ON REQUEST FOR AP-**
13 **PROVAL REGARDING EXCEEDING TDC MAX-**
14 **IMUM COST FOR PROJECT.**

15 (a) APPROVAL.—Section 103 (25 U.S.C. 4113) is
16 amended by adding at the end the following new sub-
17 section:

18 “(f) DEADLINE FOR ACTION ON REQUEST TO EX-
19 CEED TDC MAXIMUM.—A request for approval by the
20 Secretary of Housing and Urban Development to exceed
21 by more than 10 percent the total development cost max-
22 imum cost for a project shall be approved or denied during
23 the 60-day period that begins on the date that the Sec-
24 retary receives the request.”.

1 (b) DEFINITION.—Section 4 (25 U.S.C. 4103) is
2 amended—

3 (1) by redesignating paragraph (22) as para-
4 graph (23); and

5 (2) by inserting after paragraph (21) the fol-
6 lowing new paragraph:

7 “(22) TOTAL DEVELOPMENT COST.—The term
8 ‘total development cost’ means, with respect to a
9 housing project, the sum of all costs for the project,
10 including all undertakings necessary for administra-
11 tion, planning, site acquisition, demolition, construc-
12 tion or equipment and financing (including payment
13 of carrying charges), and for otherwise carrying out
14 the development of the project, excluding off-site
15 water and sewer. The total development cost
16 amounts shall be based on a moderately designed
17 house and determined by averaging the current con-
18 struction costs as listed in not less than two nation-
19 ally recognized residential construction cost indi-
20 ces.”.

21 **TITLE II—AFFORDABLE**
22 **HOUSING ACTIVITIES**

23 **SEC. 201. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.**

24 The second paragraph (6) of section 201(b) (25
25 U.S.C. 4131(b)(6); relating to exemption) is amended—

1 (1) by striking “1964 and” and inserting
2 “1964,”; and

3 (2) by inserting after “1968” the following: “,
4 and section 3 of the Housing and Urban Develop-
5 ment Act of 1968”.

6 **SEC. 202. PROGRAM REQUIREMENTS.**

7 Section 203(a) (25 U.S.C. 4133(a)) is amended—

8 (1) in paragraph (1), by striking “paragraph
9 (2)” and inserting “paragraphs (2) and (3)”; and

10 (2) by adding at the end the following new
11 paragraph:

12 “(3) APPLICATION OF TRIBAL POLICIES.—
13 Paragraph (2) shall not apply if the recipient has a
14 written policy governing rents and homebuyer pay-
15 ments charged for dwelling units and such policy in-
16 cludes a provision governing maximum rents or
17 homebuyer payments.”.

18 **SEC. 203. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-IN-**
19 **COME REQUIREMENT AND INCOME TAR-**
20 **GETING.**

21 Section 205 (25 U.S.C. 4135) is amended—

22 (1) in subsection (a)(1)—

23 (A) in subparagraph (C), by striking
24 “and” at the end; and

1 (B) by adding at the end the following new
2 subparagraph:

3 “(E) notwithstanding any other provision
4 of this paragraph, in the case of rental housing
5 that is made available to a current rental family
6 for conversion to a homebuyer or a lease-pur-
7 chase unit, that the current rental family can
8 purchase through a contract of sale, lease-pur-
9 chase agreement, or any other sales agreement,
10 is made available for purchase only by the cur-
11 rent rental family, if the rental family was a
12 low-income family at the time of their initial oc-
13 cupancy of such unit; and”;

14 (2) in subsection (c), by adding after the period
15 at the end the following: “The provisions of such
16 paragraph regarding binding commitments for the
17 remaining useful life of the property shall not apply
18 to improvements of privately owned homes if the
19 cost of such improvements do not exceed 10 percent
20 of the maximum total development cost for such
21 home.”.

22 **SEC. 204. LEASE REQUIREMENTS AND TENANT SELECTION.**

23 Section 207 (25 U.S.C. 4137) is amended by adding
24 at the end the following new subsection:

1 “(c) NOTICE OF TERMINATION.—Notwithstanding
2 any other provision of law, the owner or manager of rental
3 housing that is assisted in part with amounts provided
4 under this Act and in part with one or more other sources
5 of Federal funds shall only utilize leases that require a
6 notice period for the termination of the lease pursuant to
7 subsection (a)(3).”.

8 **SEC. 205. TRIBAL COORDINATION OF AGENCY FUNDING.**

9 (a) IN GENERAL.—Subtitle A of title II (25 U.S.C.
10 4131 et seq.) is amended by adding at the end the fol-
11 lowing new section:

12 **“SEC. 211. TRIBAL COORDINATION OF AGENCY FUNDING.**

13 “Notwithstanding any other provision of law, a re-
14 cipient authorized to receive funding under this Act may,
15 in its discretion, use funding from the Indian Health Serv-
16 ice of the Department of Health and Human Services for
17 construction of sanitation facilities for housing construc-
18 tion and renovation projects that are funded in part by
19 funds provided under this Act.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 in section 1(b) is amended by inserting after the item re-
22 lating to section 210 the following new item:

“Sec. 211. Tribal coordination of agency funding.”.

1 **TITLE III—ALLOCATION OF**
2 **GRANT AMOUNTS**

3 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

4 The first sentence of section 108 (25 U.S.C. 4117)
5 is amended by striking “such sums as may be necessary
6 for each of fiscal years 2009 through 2013” and inserting
7 “\$650,000,000 for each of fiscal years 2015 through
8 2019”.

9 **SEC. 302. EFFECT OF UNDISBURSED BLOCK GRANT**
10 **AMOUNTS ON ANNUAL ALLOCATIONS.**

11 (a) IN GENERAL.—Title III (25 U.S.C. 4151 et seq.)
12 is amended by adding at the end the following new section:

13 **“SEC. 303. EFFECT OF UNDISBURSED GRANT AMOUNTS ON**
14 **ANNUAL ALLOCATIONS.**

15 “(a) NOTIFICATION OF OBLIGATED, UNDISBURSED
16 GRANT AMOUNTS.—Subject to subsection (d) of this sec-
17 tion, if as of January 1 of 2015 or any year thereafter
18 a recipient’s total amount of undisbursed block grants in
19 the Department’s line of credit control system is greater
20 than three times the formula allocation such recipient
21 would otherwise receive under this Act for the fiscal year
22 during which such January 1 occurs, the Secretary shall—

23 “(1) before January 31 of such year, notify the
24 Indian tribe allocated the grant amounts and any

1 tribally designated housing entity for the tribe of the
2 undisbursed funds; and

3 “(2) require the recipient for the tribe to, not
4 later than 30 days after the Secretary provides noti-
5 fication pursuant to paragraph (1)—

6 “(A) notify the Secretary in writing of the
7 reasons why the recipient has not requested the
8 disbursement of such amounts; and

9 “(B) demonstrate to the satisfaction of the
10 Secretary that the recipient has the capacity to
11 spend Federal funds in an effective manner,
12 which demonstration may include evidence of
13 the timely expenditure of amounts previously
14 distributed under this Act to the recipient.

15 “(b) ALLOCATION AMOUNT.—Notwithstanding sec-
16 tions 301 and 302, the allocation for such fiscal year for
17 a recipient described in subsection (a) shall be the amount
18 initially calculated according to the formula minus the dif-
19 ference between the recipient’s total amount of
20 undisbursed block grants in the Department’s line of cred-
21 it control system on such January 1 and three times the
22 initial formula amount for such fiscal year.

23 “(c) REALLOCATION.—Notwithstanding any other
24 provision of law, any grant amounts not allocated to a re-
25 cipient pursuant to subsection (b) shall be allocated under

1 the need component of the formula proportionately
2 amount all other Indian tribes not subject to such an ad-
3 justment.

4 “(d) INAPPLICABILITY.—Subsections (a) and (b)
5 shall not apply to an Indian tribe with respect to any fiscal
6 year for which the amount allocated for the tribe for block
7 grants under this Act is less than \$5,000,000.

8 “(e) EFFECTIVENESS.—This section shall not require
9 the issuance of any regulation to take effect and shall not
10 be construed to confer hearing rights under this or any
11 other section of this Act.”

12 (b) CLERICAL AMENDMENT.—The table of contents
13 in section 1(b) is amended by inserting after the item re-
14 lating to section 302 the following new item:

“Sec. 303. Effect of undisbursed grant amounts on annual allocations.”

15 **TITLE IV—AUDITS AND REPORTS**

16 **SEC. 401. REVIEW AND AUDIT BY SECRETARY.**

17 Section 405(c) (25 U.S.C. 4165(c)) is amended, by
18 adding at the end the following new paragraph:

19 “(3) ISSUANCE OF FINAL REPORT.—The Sec-
20 retary shall issue a final report within 60 days after
21 receiving comments under paragraph (1) from a re-
22 cipient.”

23 **SEC. 402. REPORTS TO CONGRESS.**

24 Section 407 (25 U.S.C. 4167) is amended—

1 (1) in subsection (a), by striking “Congress”
 2 and inserting “Committee on Financial Services and
 3 the Committee on Natural Resources of the House
 4 of Representatives, to the Committee on Indian Af-
 5 fairs and the Committee on Banking, Housing, and
 6 Urban Affairs of the Senate, and to any subcommit-
 7 tees of such committees having jurisdiction with re-
 8 spect to Native American and Alaska Native af-
 9 fairs,”; and

10 (2) by adding at the end the following new sub-
 11 section:

12 “(c) PUBLIC AVAILABILITY TO RECIPIENTS.—Each
 13 report submitted pursuant to subsection (a) shall be made
 14 publicly available to recipients.”.

15 **TITLE V—OTHER HOUSING AS-**
 16 **SISTANCE FOR NATIVE AMER-**
 17 **ICANS**

18 **SEC. 501. HUD-VETERANS AFFAIRS SUPPORTIVE HOUSING**
 19 **PROGRAM FOR NATIVE AMERICAN VET-**
 20 **ERANS.**

21 Paragraph (19) of section 8(o) of the United States
 22 Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amend-
 23 ed by adding at the end the following new subparagraph:

24 “(D) NATIVE AMERICAN VETERANS.—

1 “(i) **AUTHORITY.**—Of the funds made
2 available for rental assistance under this
3 subsection for fiscal year 2015 and each
4 fiscal year thereafter, the Secretary shall
5 set aside 5 percent for a supported housing
6 and rental assistance program modeled on
7 the HUD–Veterans Affairs Supportive
8 Housing (HUD–VASH) program, to be
9 administered in conjunction with the De-
10 partment of Veterans Affairs, for the ben-
11 efit of homeless Native American veterans
12 and veterans at risk of homelessness.

13 “(ii) **RECIPIENTS.**—Such rental as-
14 sistance shall be made available to recipi-
15 ents eligible to receive block grants under
16 the Native American Housing Assistance
17 and Self-Determination Act of 1996 (25
18 U.S.C. 4101 et seq.).

19 “(iii) **FUNDING CRITERIA.**—Funds
20 shall be awarded based on need, adminis-
21 trative capacity, and any other funding cri-
22 teria established by the Secretary in a no-
23 tice published in the Federal Register,
24 after consultation with the Secretary of
25 Veterans Affairs, by a date sufficient to

1 provide for implementation of the program
2 under this subparagraph in accordance
3 with clause (i).

4 “(iv) PROGRAM REQUIREMENTS.—
5 Such funds shall be administered by block
6 grant recipients in accordance with pro-
7 gram requirements under Native American
8 Housing Assistance and Self-Determina-
9 tion Act of 1996 in lieu of program re-
10 quirements under this Act.

11 “(v) WAIVER.—The Secretary may
12 waive, or specify alternative requirements
13 for any provision of any statute or regula-
14 tion that the Secretary administers in con-
15 nection with the use of funds made avail-
16 able under this subparagraph, but only
17 upon a finding by the Secretary that such
18 waiver or alternative requirement is nec-
19 essary to promote administrative efficiency,
20 eliminate delay, consolidate or eliminate
21 duplicative or ineffective requirements or
22 criteria, or otherwise provide for the effec-
23 tive delivery and administration of such
24 supportive housing assistance to Native
25 American veterans.

1 “(vi) CONSULTATION.—The Secretary
2 and the Secretary of Veterans Affairs shall
3 jointly consult with block grant recipients
4 and any other appropriate tribal organiza-
5 tions to—

6 “(I) ensure that block grant re-
7 cipients administering funds made
8 available under the program under
9 this subparagraph are able to effec-
10 tively coordinate with providers of
11 supportive services provided in con-
12 nection with such program; and

13 “(II) ensure the effective delivery
14 of supportive services to Native Amer-
15 ican veterans that are homeless or at
16 risk of homelessness eligible to receive
17 assistance under this subparagraph.

18 Consultation pursuant to this clause shall
19 be completed by a date sufficient to pro-
20 vide for implementation of the program
21 under this subparagraph in accordance
22 with clause (i).

23 “(vii) NOTICE.—The Secretary shall
24 establish the requirements and criteria for
25 the supported housing and rental assist-

1 ance program under this subparagraph by
2 notice published in the Federal Register,
3 but shall provide Indian tribes and tribally
4 designated housing agencies an oppor-
5 tunity for comment and consultation before
6 publication of a final notice pursuant to
7 this clause.”.

8 **SEC. 502. LOAN GUARANTEES FOR INDIAN HOUSING.**

9 Section 184(i)(5) of the Housing and Community De-
10 velopment Act of 1992 (12 U.S.C. 1715z–13a(i)(5)) is
11 amended—

12 (1) in subparagraph (B), by inserting after the
13 period at the end of the first sentence the following:
14 “There are authorized to be appropriated for such
15 costs \$12,200,000 for each of fiscal years 2015
16 through 2019.”; and

17 (2) in subparagraph (C)—

18 (A) by striking “2008 through 2012” and
19 inserting “2015 through 2019”; and

20 (B) by striking “such amount as may be
21 provided in appropriation Acts for” and insert-
22 ing “\$976,000,000 for each”.

1 **TITLE VI—MISCELLANEOUS**

2 **SEC. 601. LANDS TITLE REPORT COMMISSION.**

3 Section 501 of the American Homeownership and
4 Economic Opportunity Act of 2000 (25 U.S.C. 4043 note)
5 is amended—

6 (1) in subsection (a), by striking “Subject to
7 sums being provided in advance in appropriations
8 Acts, there” and inserting “There”; and

9 (2) in subsection (b)(1) by striking “this Act”
10 and inserting “the Native American Housing Assist-
11 ance and Self-Determination Reauthorization Act of
12 2015”.

13 **SEC. 602. LIMITATION ON USE OF FUNDS FOR CHEROKEE**
14 **NATION.**

15 Section 801 of the Native American Housing Assist-
16 ance and Self-Determination Reauthorization Act of 2008
17 (Public Law 110–411) is amended by striking “Tem-
18 porary Order and Temporary Injunction issued on May
19 14, 2007, by the District Court of the Cherokee Nation”
20 and inserting “Order issued September 21, 2011, by the
21 Federal District Court for the District of Columbia”.

22 **SEC. 603. LEASEHOLD INTEREST IN TRUST OR RESTRICTED**
23 **LANDS FOR HOUSING PURPOSES.**

24 Section 702 (25 U.S.C. 4211) is amended—

1 (1) in subsection (c)(1), by inserting “, whether
2 enacted before, on, or after the date of the enact-
3 ment of this section” after “law”; and

4 (2) by striking “50 years” each place such term
5 appears and inserting “99 years”.

6 **SEC. 604. CLERICAL AMENDMENT.**

7 The table of contents in section 1(b) is amended by
8 striking the item relating to section 206 (treatment of
9 funds).

10 **TITLE VII—DEMONSTRATION**
11 **PROGRAM FOR ALTERNATIVE**
12 **PRIVATIZATION AUTHORITY**
13 **FOR NATIVE AMERICAN**
14 **HOUSING**

15 **SEC. 701. DEMONSTRATION PROGRAM.**

16 Add at the end of the Act the following new title:

17 **“TITLE IX—DEMONSTRATION**
18 **PROGRAM FOR ALTERNATIVE**
19 **PRIVATIZATION AUTHORITY**
20 **FOR NATIVE AMERICAN**
21 **HOUSING**

22 **“SEC. 901. AUTHORITY.**

23 “(a) IN GENERAL.—In addition to any other author-
24 ity provided in this Act for the construction, development,
25 maintenance, and operation of housing for Indian families,

1 the Secretary shall provide the participating tribes having
2 final plans approved pursuant to section 905 with the au-
3 thority to exercise the activities provided under this title
4 and such plan for the acquisition and development of
5 housing to meet the needs of tribal members.

6 “(b) INAPPLICABILITY OF NAHASDA PROVI-
7 SIONS.—Except as specifically provided otherwise in this
8 title, titles I through IV, VI, and VII shall not apply to
9 a participating tribe’s use of funds during any period that
10 the tribe is participating in the demonstration program
11 under this title.

12 “(c) CONTINUED APPLICABILITY OF CERTAIN
13 NAHASDA PROVISIONS.—The following provisions of ti-
14 tles I through VIII shall apply to the demonstration pro-
15 gram under this title and amounts made available under
16 the demonstration program under this title:

17 “(1) Subsections (d) and (e) of section 101 (re-
18 lating to tax exemption).

19 “(2) Section 101(j) (relating to Federal supply
20 sources).

21 “(3) Section 101(k) (relating to tribal pref-
22 erence in employment and contracting).

23 “(4) Section 104 (relating to treatment of pro-
24 gram income and labor standards).

1 “(5) Section 105 (relating to environmental re-
2 view).

3 “(6) Section 201(b) (relating to eligible fami-
4 lies), except as otherwise provided in this title.

5 “(7) Section 203(g) (relating to a de minimis
6 exemption for procurement of goods and services).

7 “(8) Section 702 (relating to 99-year leasehold
8 interests in trust or restricted lands for housing pur-
9 poses).

10 **“SEC. 902. PARTICIPATING TRIBES.**

11 “(a) REQUEST TO PARTICIPATE.—To be eligible to
12 participate in the demonstration program under this title,
13 an Indian tribe shall submit to the Secretary a notice of
14 intention to participate during the 60-day period begin-
15 ning on the date of the enactment of this title, in such
16 form and such manner as the Secretary shall provide.

17 “(b) COOPERATIVE AGREEMENT.—Upon approval
18 under section 905 of the final plan of an Indian tribe for
19 participation in the demonstration program under this
20 title, the Secretary shall enter into a cooperative agree-
21 ment with the participating tribe that provides such tribe
22 with the authority to carry out activities under the dem-
23 onstration program.

1 “(c) LIMITATION.—The Secretary may not approve
2 more than 20 Indian tribes for participation in the dem-
3 onstration program under this title.

4 **“SEC. 903. REQUEST FOR QUOTES AND SELECTION OF IN-**
5 **VESTOR PARTNER.**

6 “(a) REQUEST FOR QUOTES.—Not later than the ex-
7 piration of the 180-day period beginning upon notification
8 to the Secretary by an Indian tribe of intention to partici-
9 pate in the demonstration program under this title, the
10 Indian tribe shall—

11 “(1) obtain assistance from a qualified entity in
12 assessing the housing needs, including the affordable
13 housing needs, of the tribe; and

14 “(2) release a request for quotations from enti-
15 ties interested in partnering with the tribe in design-
16 ing and carrying out housing activities sufficient to
17 meet the tribe’s housing needs as identified pursuant
18 to paragraph (1).

19 “(b) SELECTION OF INVESTOR PARTNER.—

20 “(1) IN GENERAL.—Except as provided in para-
21 graph (2), not later than the expiration of the 18-
22 month period beginning on the date of the enact-
23 ment of this title, an Indian tribe requesting to par-
24 ticipate in the demonstration program under this
25 title shall—

1 “(A) select an investor partner from
2 among the entities that have responded to the
3 tribe’s request for quotations; and

4 “(B) together with such investor partner,
5 establish and submit to the Secretary a final
6 plan that meets the requirements under section
7 904.

8 “(2) EXCEPTIONS.—The Secretary may extend
9 the period under paragraph (1) for any tribe that—

10 “(A) has not received any satisfactory
11 quotation in response to its request released
12 pursuant to subsection (a)(2); or

13 “(B) has any other satisfactory reason, as
14 determined by the Secretary, for failure to se-
15 lect an investor partner.

16 **“SEC. 904. FINAL PLAN.**

17 “A final plan under this section shall—

18 “(1) be developed by the participating tribe and
19 the investor partner for the tribe selected pursuant
20 to section 903(b)(1)(A);

21 “(2) identify the qualified entity that assisted
22 the tribe in assessing the housing needs of the tribe;

23 “(3) set forth a detailed description of such
24 projected housing needs, including affordable hous-
25 ing needs, of the tribe, which shall include—

1 “(A) a description of such need over the
2 ensuing 24 months and thereafter until the ex-
3 piration of the ensuing 5-year period or until
4 the affordable housing need is met, whichever
5 occurs sooner; and

6 “(B) the same information that would be
7 required under section 102 to be included in an
8 Indian housing plan for the tribe, as such re-
9 quirements may be modified by the Secretary to
10 take consideration of the requirements of the
11 demonstration program under this title;

12 “(4) provide for specific housing activities suffi-
13 cient to meet the tribe’s housing needs, including af-
14 fordable housing needs, as identified pursuant to
15 paragraph (3) within the periods referred to such
16 paragraph, which shall include—

17 “(A) development of affordable housing (as
18 such term is defined in section 4 of this Act (25
19 U.S.C. 4103));

20 “(B) development of conventional homes
21 for rental, lease-to-own, or sale, which may be
22 combined with affordable housing developed
23 pursuant to subparagraph (A);

24 “(C) development of housing infrastruc-
25 ture, including housing infrastructure sufficient

1 to serve affordable housing developed under the
2 plan; and

3 “(D) investments by the investor partner
4 for the tribe, the participating tribe, members
5 of the participating tribe, and financial institu-
6 tions and other outside investors necessary to
7 provide financing for the development of hous-
8 ing under the plan and for mortgages for tribal
9 members purchasing such housing;

10 “(5) provide that the participating tribe will
11 agree to provide long-term leases to tribal members
12 sufficient for lease-to-own arrangements for, and
13 sale of, the housing developed pursuant to paragraph
14 (4);

15 “(6) provide that the participating tribe—

16 “(A) will be liable for delinquencies under
17 mortgage agreements for housing developed
18 under the plan that are financed under the plan
19 and entered into by tribal members; and

20 “(B) shall, upon foreclosure under such
21 mortgages, take possession of such housing and
22 have the responsibility for making such housing
23 available to other tribal members;

24 “(7) provide for sufficient protections, in the
25 determination of the Secretary, to ensure that the

1 tribe and the Federal Government are not liable for
2 the acts of the investor partner or of any contrac-
3 tors;

4 “(8) provide that the participating tribe shall
5 have sole final approval of design and location of
6 housing developed under the plan;

7 “(9) set forth specific deadlines and schedules
8 for activities to be undertaken under the plan and
9 set forth the responsibilities of the participating
10 tribe and the investor partner;

11 “(10) set forth specific terms and conditions of
12 return on investment by the investor partner and
13 other investors under the plan, and provide that the
14 participating tribe shall pledge grant amounts allo-
15 cated for the tribe pursuant to title III for such re-
16 turn on investment;

17 “(11) set forth the terms of a cooperative
18 agreement on the operation and management of the
19 current assistance housing stock and current hous-
20 ing stock for the tribe assisted under the preceding
21 titles of this Act;

22 “(12) set forth any plans for sale of affordable
23 housing of the participating tribe under section 907
24 and, if included, plans sufficient to meet the require-

1 ments of section 907 regarding meeting future af-
2 fordable housing needs of the tribe;

3 “(13) set forth terms for enforcement of the
4 plan, including an agreement regarding jurisdiction
5 of any actions under or to enforce the plan, includ-
6 ing a waiver of immunity; and

7 “(14) include such other information as the
8 participating tribe and investor partner consider ap-
9 propriate.

10 **“SEC. 905. HUD REVIEW AND APPROVAL OF PLAN.**

11 “(a) IN GENERAL.—Not later than the expiration of
12 the 90-day period beginning upon a submission by an In-
13 dian tribe of a final plan under section 904 to the Sec-
14 retary, the Secretary shall—

15 “(1) review the plan and the process by which
16 the tribe solicited requests for quotations from inves-
17 tors and selected the investor partner; and

18 “(2)(A) approve the plan, unless the Secretary
19 determines that—

20 “(i) the assessment of the tribe’s housing
21 needs by the qualified entity, or as set forth in
22 the plan pursuant to section 904(3), is inac-
23 curate or insufficient;

1 “(ii) the process established by the tribe to
2 solicit requests for quotations and select an in-
3 vestor partner was insufficient or negligent; or

4 “(iii) the plan is insufficient to meet the
5 housing needs of the tribe, as identified in the
6 plan pursuant to section 904(3);

7 “(B) approve the plan, on the condition that
8 the participating tribe and the investor make such
9 revisions to the plan as the Secretary may specify as
10 appropriate to meet the needs of the tribe for afford-
11 able housing; or

12 “(C) disapprove the plan, only if the Secretary
13 determines that the plan fails to meet the minimal
14 housing standards and requirements set forth in this
15 Act and the Secretary notifies the tribe of the ele-
16 ments requiring the disapproval.

17 “(b) ACTION UPON DISAPPROVAL.—

18 “(1) RE-SUBMISSION OF PLAN.—Subject to
19 paragraph (2), in the case of any disapproval of a
20 final plan of an Indian tribe pursuant to subsection
21 (a)(3), the Secretary shall allow the tribe a period
22 of 180 days from notification to the tribe of such
23 disapproval to re-submit a revised plan for approval.

24 “(2) LIMITATION.—If the final plan for an In-
25 dian tribe is disapproved twice and resubmitted

1 twice pursuant to the authority under paragraph (1)
2 and, upon such second re-submission of the plan the
3 Secretary disapproves the plan, the tribe may not re-
4 submit the plan again and shall be ineligible to par-
5 ticipate in the demonstration program under this
6 title.

7 “(c) **TRIBE AUTHORITY OF HOUSING DESIGN AND**
8 **LOCATION.**—The Secretary may not disapprove a final
9 plan under section 904, or condition approval of such a
10 plan, based on the design or location of any housing to
11 be developed or assisted under the plan.

12 “(d) **FAILURE TO NOTIFY.**—If the Secretary does
13 not notify a participating tribe submitting a final plan of
14 approval, conditional approval, or disapproval of the plan
15 before the expiration of the period referred to in para-
16 graph (1), the plan shall be considered as approved for
17 all purposes of this title.

18 **“SEC. 906. TREATMENT OF NAHASDA ALLOCATION.**

19 “Amounts otherwise allocated for a participating
20 tribe under title III of this Act (25 U.S.C. 4151 et seq.)
21 shall not be made available to the tribe under titles I
22 through VIII, but shall only be available for the tribe,
23 upon request by the tribe and approval by the Secretary,
24 for the following purposes:

1 “(1) RETURN ON INVESTMENT.—Such amounts
2 as are pledged by a participating tribe pursuant to
3 section 904(10) for return on the investment made
4 by the investor partner or other investors may be
5 used by the Secretary to ensure such full return on
6 investment.

7 “(2) ADMINISTRATIVE EXPENSES.—The Sec-
8 retary may provide to a participating tribe, upon the
9 request of a tribe, not more than 10 percent of any
10 annual allocation made under title III for the tribe
11 during such period for administrative costs of the
12 tribe in completing the processes to carry out sec-
13 tions 903 and 904.

14 “(3) HOUSING INFRASTRUCTURE COSTS.—A
15 participating tribe may use such amounts for hous-
16 ing infrastructure costs associated with providing af-
17 fordable housing for the tribe under the final plan.

18 “(4) MAINTENANCE; TENANT SERVICES.—A
19 participating tribe may use such amounts for main-
20 tenance of affordable housing for the tribe and for
21 housing services, housing management services, and
22 crime prevention and safety activities described in
23 paragraphs (3), (4), and (5), respectively, of section
24 202.

1 **“SEC. 907. RESALE OF AFFORDABLE HOUSING.**

2 “Notwithstanding any other provision of this Act, a
3 participating tribe may, in accordance with the provisions
4 of the final plan of the tribe approved pursuant to section
5 905, resell any affordable housing developed with assist-
6 ance made available under this Act for use other than as
7 affordable housing, but only if the tribe provides such as-
8 surances as the Secretary determines are appropriate to
9 ensure that—

10 “(1) the tribe is meeting its need for affordable
11 housing;

12 “(2) will provide affordable housing in the fu-
13 ture sufficient to meet future affordable housing
14 needs; and

15 “(3) will use any proceeds only to meet such fu-
16 ture affordable housing needs or as provided in sec-
17 tion 906.

18 **“SEC. 908. REPORTS, AUDITS, AND COMPLIANCE.**

19 “(a) ANNUAL REPORTS BY TRIBE.—Each partici-
20 pating tribe shall submit a report to the Secretary annu-
21 ally regarding the progress of the tribe in complying with,
22 and meeting the deadlines and schedules set forth under
23 the approved final plan for the tribe. Such reports shall
24 contain such information as the Secretary shall require.

25 “(b) REPORTS TO CONGRESS.—The Secretary shall
26 submit a report to the Congress annually describing the

1 activities and progress of the demonstration program
2 under this title, which shall—

3 “(1) summarize the information in the reports
4 submitted by participating tribes pursuant to sub-
5 section (a);

6 “(2) identify the number of tribes that have se-
7 lected an investor partner pursuant to a request for
8 quotations;

9 “(3) include, for each tribe applying for partici-
10 pating in the demonstration program whose final
11 plan was disapproved under section 905(a)(2)(C), a
12 detailed description and explanation of the reasons
13 for disapproval and all actions taken by the tribe to
14 eliminate the reasons for disapproval, and identify
15 whether the tribe has re-submitted a final plan;

16 “(4) identify, by participating tribe, any
17 amounts requested and approved for use under sec-
18 tion 906; and

19 “(5) identify any participating tribes that have
20 terminated participation in the demonstration pro-
21 gram and the circumstances of such terminations.

22 “(c) AUDITS.—The Secretary shall provide for audits
23 among participating tribes to ensure that the final plans
24 for such tribes are being implemented and complied with.
25 Such audits shall include on-site visits with participating

1 tribes and requests for documentation appropriate to en-
2 sure such compliance.

3 **“SEC. 909. TERMINATION OF TRIBAL PARTICIPATION.**

4 “(a) TERMINATION OF PARTICIPATION.—A partici-
5 pating tribe may terminate participation in the demonstra-
6 tion program under this title at any time, subject to this
7 section.

8 “(b) EFFECT ON EXISTING OBLIGATIONS.—

9 “(1) NO AUTOMATIC TERMINATION.—Termi-
10 nation by a participating tribe in the demonstration
11 program under this section shall not terminate any
12 obligations of the tribe under agreements entered
13 into under the demonstration program with the in-
14 vestor partner for the tribe or any other investors or
15 contractors.

16 “(2) AUTHORITY TO MUTUALLY TERMINATE
17 AGREEMENTS.—Nothing in this title may be con-
18 strued to prevent a tribe that terminates participa-
19 tion in the demonstration program under this sec-
20 tion and any party with which the tribe has entered
21 into an agreement from mutually agreeing to termi-
22 nate such agreement.

23 “(c) RECEIPT OF REMAINING GRANT AMOUNTS.—

24 The Secretary shall provide for grants to be made in ac-
25 cordance with, and subject to the requirements of, this Act

1 for any amounts remaining after use pursuant to section
2 906 from the allocation under title III for a participating
3 tribe that terminates participation in the demonstration
4 program.

5 “(d) COSTS AND OBLIGATIONS.—The Secretary shall
6 not be liable for any obligations or costs incurred by an
7 Indian tribe during its participation in the demonstration
8 program under this title.

9 **“SEC. 910. FINAL REPORT.**

10 “Not later than the expiration of the 5-year period
11 beginning on the date of the enactment of this title, the
12 Secretary shall submit a final report to the Congress re-
13 garding the effectiveness of the demonstration program,
14 which shall include—

15 “(1) an assessment of the success, under the
16 demonstration program, of participating tribes in
17 meeting their housing needs, including affordable
18 housing needs, on tribal land;

19 “(2) recommendations for any improvements in
20 the demonstration program; and

21 “(3) a determination of whether the demonstra-
22 tion should be expanded into a permanent program
23 available for Indian tribes to opt into at any time
24 and, if so, recommendations for such expansion, in-

1 including any legislative actions necessary to expand
2 the program.

3 **“SEC. 911. DEFINITIONS.**

4 “For purposes of this title, the following definitions
5 shall apply:

6 “(1) AFFORDABLE HOUSING.—The term ‘af-
7 fordable housing’ has the meaning given such term
8 in section 4 (25 U.S.C. 4103).

9 “(2) HOUSING INFRASTRUCTURE.—The term
10 ‘housing infrastructure’ means basic facilities, serv-
11 ices, systems, and installations necessary or appro-
12 priate for the functioning of a housing community,
13 including facilities, services, systems, and installa-
14 tions for water, sewage, power, communications, and
15 transportation.

16 “(3) LONG-TERM LEASE.—The term ‘long-term
17 lease’ means an agreement between a participating
18 tribe and a tribal member that authorizes the tribal
19 member to occupy a specific plot of tribal lands for
20 50 or more years and to request renewal of the
21 agreement at least once.

22 “(4) PARTICIPATING TRIBES.—The term ‘par-
23 ticipating tribe’ means an Indian tribe for which a
24 final plan under section 904 for participation in the

1 demonstration program under this title has been ap-
 2 proved by the Secretary under section 905.

3 **“SEC. 912. NOTICE.**

4 “The Secretary shall establish any requirements and
 5 criteria as may be necessary to carry out the demonstra-
 6 tion program under this title by notice published in the
 7 Federal Register.”.

8 **SEC. 702. CLERICAL AMENDMENTS.**

9 The table of contents in section 1(b) is amended by
 10 inserting after the item relating to section 705 the fol-
 11 lowing:

“TITLE VIII—HOUSING ASSISTANCE FOR NATIVE HAWAIIANS

- “Sec. 801. Definitions.
- “Sec. 802. Block grants for affordable housing activities.
- “Sec. 803. Housing plan.
- “Sec. 804. Review of plans.
- “Sec. 805. Treatment of program income and labor standards.
- “Sec. 806. Environmental review.
- “Sec. 807. Regulations.
- “Sec. 808. Effective date.
- “Sec. 809. Affordable housing activities.
- “Sec. 810. Eligible affordable housing activities.
- “Sec. 811. Program requirements.
- “Sec. 812. Types of investments.
- “Sec. 813. Low-income requirement and income targeting.
- “Sec. 814. Lease requirements and tenant selection.
- “Sec. 815. Repayment.
- “Sec. 816. Annual allocation.
- “Sec. 817. Allocation formula.
- “Sec. 818. Remedies for noncompliance.
- “Sec. 819. Monitoring of compliance.
- “Sec. 820. Performance reports.
- “Sec. 821. Review and audit by Secretary.
- “Sec. 822. General Accounting Office audits.
- “Sec. 823. Reports to Congress.
- “Sec. 824. Authorization of appropriations.

“TITLE IX —DEMONSTRATION PROGRAM FOR ALTERNATIVE
 PRIVATIZATION AUTHORITY FOR NATIVE AMERICAN HOUSING

- “Sec. 901. Authority.
- “Sec. 902. Participating tribes.

“Sec. 903. Request for quotes and selection of investor partner.

“Sec. 904. Final plan.

“Sec. 905. HUD review and approval of plan.

“Sec. 906. Treatment of NAHASDA allocation.

“Sec. 907. Resale of affordable housing.

“Sec. 908. Reports, audits, and compliance.

“Sec. 909. Termination of tribal participation.

“Sec. 910. Final report.

“Sec. 911. Definitions.

“Sec. 912. Notice.”.

1 **TITLE VIII—HOUSING FOR**
 2 **NATIVE HAWAIIANS**

3 **SEC. 801. REAUTHORIZATION OF NATIVE HAWAIIAN HOME-**
 4 **OWNERSHIP ACT.**

5 Section 824 (25 U.S.C. 4243) is amended by striking
 6 “such sums as may be necessary” and all that follows
 7 through the period at the end and inserting “\$13,000,000
 8 for each of fiscal years 2015 through 2019.”.

9 **SEC. 802. REAUTHORIZATION OF LOAN GUARANTEES FOR**
 10 **NATIVE HAWAIIAN HOUSING.**

11 Section 184A(j)(5) of the Housing and Community
 12 Development Act of 1992 (12 U.S.C. 1715z–13b(j)(5)) is
 13 amended—

14 (1) in subparagraph (B), by inserting after the
 15 period at the end of the first sentence the following:
 16 “There are authorized to be appropriated for such
 17 costs \$386,000 for each of fiscal years 2015 through
 18 2019.”; and

19 (2) in subparagraph (C), by striking “for each
 20 of fiscal years” and all that follows through the pe-

1 riod at the end and inserting “for each of fiscal
2 years 2015 through 2019 with an aggregate out-
3 standing principal amount not exceeding
4 \$41,504,000 for each such fiscal year.”.

○