

108TH CONGRESS
1ST SESSION

S. 1802

To amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians.

IN THE SENATE OF THE UNITED STATES

OCTOBER 30, 2003

Mr. JOHNSON introduced the following bill; which was read twice and referred to the Committee on Indian Affairs with instructions that when the committee reports, the bill be referred pursuant to the order of May 27, 1988, to the Committee on Banking, Housing, and Urban Affairs for a period not to exceed 60 days

A BILL

To amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians.

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.**

4 This Act may be cited as the “Native American
5 Housing Enhancement Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) there exist—

1 (A) a unique relationship between the Gov-
2 ernment of the United States and the govern-
3 ments of Indian tribes; and

4 (B) a unique Federal trust responsibility
5 to Indian people;

6 (2) Native Americans experience some of the
7 worst housing conditions in the country, with—

8 (A) 32.6 percent of Native homes being
9 overcrowded;

10 (B) 33 percent lacking adequate solid
11 waste management systems;

12 (C) 8 percent lacking a safe indoor water
13 supply; and

14 (D) approximately 90,000 Native families
15 who are homeless or underhoused;

16 (3) the poverty rate for Native Americans is
17 twice that of the rest of the population of the United
18 States;

19 (4) the population growth of Native Americans
20 that began in the latter part of the 20th century in-
21 creased the need for Federal housing services;

22 (5) the Native American Housing Assistance
23 and Self-Determination Act of 1996 (25 U.S.C.
24 4101 et seq.) provides Indian tribes the ability to de-

1 terminate the amount of rental and homebuyer pay-
2 ments;

3 (6) to fully recognize tribal self-determination,
4 that Act should be amended to eliminate the manda-
5 tory rental and payment ceiling of 30 percent of ad-
6 justed income for the low-income participants and
7 replace the ceiling with a fair market rent ceiling as
8 a workable and simple method to ensure that par-
9 ticipants in the assisted program under the Act do
10 not pay more for housing than the fair market rate;

11 (7) elimination of the 30-percent ceiling re-
12 quirement will—

13 (A) discontinue the complex and unneces-
14 sary income disclosure, income verification, and
15 deduction calculation procedures currently en-
16 gaged in by Indian tribes and tribally des-
17 ignated housing authorities; and

18 (B) release tribal resources that may be
19 used more productively for addressing the ur-
20 gent housing need in Indian country;

21 (8)(A) the Act allows little or no opportunity
22 for Indian tribes and tribally designated housing au-
23 thorities to establish a reasonable amount of re-
24 serves for efficient operation of housing programs or

1 projects and proper maintenance of housing units;
2 and

3 (B) the Act should be amended to allow Indian
4 tribes and tribally designated housing authorities the
5 opportunity to establish, manage, and administer a
6 reasonable reserve account to ensure the professional
7 operation of the necessary housing programs;

8 (9)(A) under the requirements of the Act, mem-
9 bers of Indian tribes are given preference for hous-
10 ing programs;

11 (B) a primary purpose of the Act is to allow In-
12 dian tribes to leverage funds with other Federal and
13 private funds;

14 (C) the Department of Agriculture has been a
15 significant funding source for funding housing for
16 Indian tribes; and

17 (D) to allow assistance provided under the Act
18 and assistance provided by the Secretary of Agri-
19 culture under other law to be combined to meet the
20 severe housing needs of Indian tribes, the Housing
21 Act of 1949 (42 U.S.C. 1471 et seq.) should be
22 amended to clearly state that the preference referred
23 to in subparagraph (A) does not violate the Civil
24 Rights Act of 1964 (42 U.S.C. 2000d); and

1 (10) the Cranston-Gonzales National Affordable
2 Housing Act (42 U.S.C. 12899f(2)) should be
3 amended to include Indian tribes, tribally designated
4 housing entities, or other agencies that primarily
5 serve Indians as eligible applicants for Youthbuild
6 grants.

7 **SEC. 3. FAIR MARKET RENT.**

8 (a) DEFINITION OF FAIR MARKET RENT.—Section
9 4 of the Native American Housing Assistance and Self-
10 Determination Act of 1996 (25 U.S.C. 4103) is amend-
11 ed—

12 (1) by redesignating paragraphs (6) through
13 (22) as paragraphs (7) through (23), respectively;
14 and

15 (2) by inserting after paragraph (5) the fol-
16 lowing:

17 “(6) FAIR MARKET RENT.—The term ‘fair mar-
18 ket rent’, with respect to a dwelling unit, means a
19 fair market rent, determined by the Secretary not
20 less than annually, for existing or newly constructed
21 dwelling units of a size and type similar to, and lo-
22 cated in the same market area as, the dwelling
23 unit.”.

24 (b) PROGRAM REQUIREMENTS.—Section 203 of the
25 Native American Housing Assistance and Self-Determina-

1 tion Act of 1996 (25 U.S.C. 4133) is amended by striking
2 subsection (a) and inserting the following:

3 “(a) RENTS AND HOUSING PAYMENTS.—

4 “(1) POLICIES.—Each recipient shall develop
5 written policies governing rents and homebuyer pay-
6 ments charged for dwelling units assisted under this
7 Act, including the method by which the rents and
8 homebuyer payments are determined.

9 “(2) MAXIMUM RENTAL UNIT RENT.—In the
10 case of a low-income family residing in a rental
11 dwelling unit assisted with grant amounts under this
12 Act, the monthly rent for the dwelling unit shall not
13 exceed the fair market rent.

14 “(3) MAXIMUM LEASE PURCHASE HOMEBUYER
15 PAYMENT.—In the case of a low-income family resid-
16 ing in a lease purchase dwelling unit assisted with
17 grant amounts under this Act, the monthly home-
18 buyer payment for the dwelling unit shall not exceed,
19 at the election of the recipient—

20 “(A) 30 percent of the monthly adjusted
21 income of the low-income family; or

22 “(B) the fair market rent.

23 “(4) NO REQUIRED RECERTIFICATION.—The
24 Secretary shall not require mandatory re-certifi-
25 cation of the incomes of families residing in rental

1 or lease purchase dwelling units assisted with grant
2 amounts under this Act.”.

3 **SEC. 4. RESERVE ACCOUNTS.**

4 Section 203(b) of the Native American Housing As-
5 sistance and Self-Determination Act of 1996 (25 U.S.C.
6 4133(b)) is amended—

7 (1) in the first sentence—

8 (A) by striking “Each recipient” and in-
9 serting the following:

10 “(1) IN GENERAL.—Each recipient”; and

11 (B) by striking “reserve” and all that fol-
12 lows and inserting the following: “maintain
13 such amounts of reserves as are necessary to
14 ensure the payment of—

15 “(A) principal and interest as it becomes
16 due on any bonds or other obligations relating
17 to the housing; and

18 “(B) the costs of maintaining and oper-
19 ating the housing (including the costs of insur-
20 ance and administrative expenses).”; and

21 (2) in the second sentence, by striking “This
22 subsection” and inserting the following:

23 “(2) EFFECT OF SUBSECTION.—This sub-
24 section”.

1 **SEC. 5. TREATMENT OF PROGRAM INCOME.**

2 Section 104(a)(2) of the Native American Housing
3 Assistance and Self-Determination Act of 1996 (25 U.S.C.
4 4114(a)(2)) is amended by inserting “restrict access to
5 or” after “not”.

6 **SEC. 6. CIVIL RIGHTS COMPLIANCE.**

7 Title V of the Housing Act of 1949 (42 U.S.C. 1471
8 et seq.) is amended by adding at the end the following:

9 **“SEC. 543. INDIAN TRIBES.**

10 “The giving of a preference to members of an Indian
11 tribe for the use of any dwelling or other building con-
12 structed, improved, altered, repaired, replaced, or other-
13 wise aided with assistance provided under this title to the
14 Indian tribe shall not constitute a violation of section 601
15 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).”.

16 **SEC. 7. ELIGIBILITY OF INDIAN TRIBES FOR YOUTHBUILD**
17 **GRANTS.**

18 Section 457(2) of the Cranston-Gonzales National
19 Affordable Housing Act (42 U.S.C. 12899f(2)) is amend-
20 ed—

21 (1) in subparagraph (F), by striking “and” at
22 the end;

23 (2) by redesignating subparagraph (G) as sub-
24 paragraph (H); and

25 (3) by inserting after subparagraph (F) the fol-
26 lowing:

1 “(G) an Indian tribe, tribally designated
2 housing entity (as defined in section 4 of the
3 Native American Housing Assistance and Self-
4 Determination Act (25 U.S.C. 4103)), or other
5 agency primarily serving Indians; and”.

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