

# TRIBAL HOUSING STABILITY REPORT

## SUPPORTING TRIBAL HOUSING STABILITY WITH PANDEMIC RESPONSE FUNDS

DECEMBER 2023



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**Note:** The Tribal Housing Stability Report presents Treasury’s federal financial assistance programs aimed at meeting a range of Tribal housing needs. Eligible use projects and services (e.g., home preservation, housing stability services and needs, and essential home repairs to maintain habitability of a home) are not distinctly categorized among the HAF, SLFRF, LATCF, and ERA1 programs. For information about specific eligible uses categories and other program requirements, Tribal governments, as well as other readers of the report, should refer to the SLFRF final rule and program guidance and the LATCF, HAF, and ERA1 programs’ guidance available at <https://home.treasury.gov/policy-issues/coronavirus>. Please contact Treasury’s Office of Tribal and Native Affairs at [tribal.consult@treasury.gov](mailto:tribal.consult@treasury.gov) if you have questions about the data provided in this report.

*Photo Credit of Secretary Yellen by Kevin Abourezk*



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# Introduction

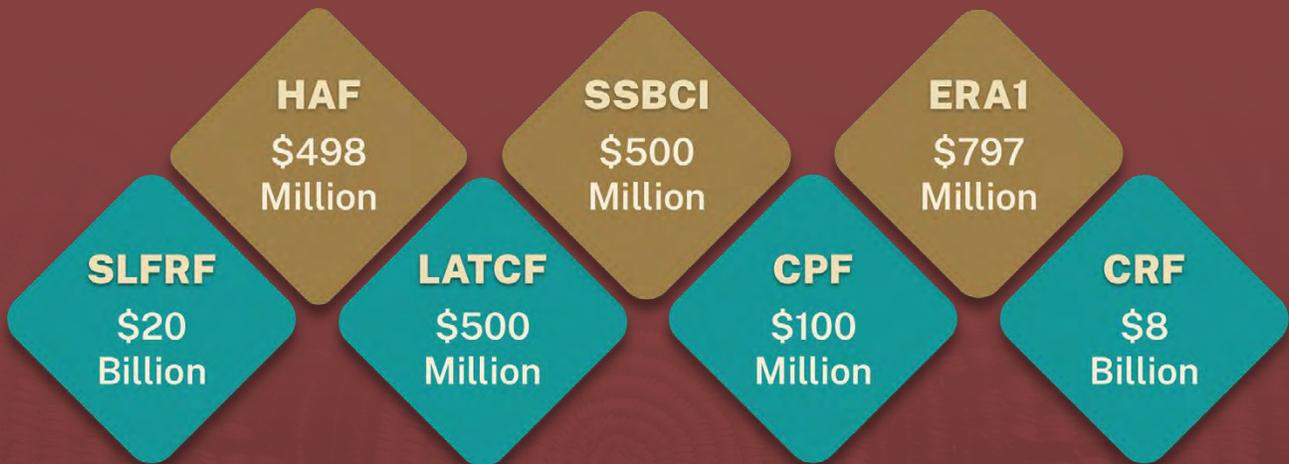
On President Biden’s first day in office, he signed Executive Order 13985 – *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. This executive order calls for a comprehensive approach for the Federal government to prioritize fairness and equity for all, including for people of color and others who have been historically underserved, and to embed these principles into the implementation of Federal programs and services.

Included in these efforts, the Biden-Harris Administration championed equity through the landmark American Rescue Plan Act (ARPA). The ARPA contained economic and recovery programs managed by the U.S. Department of the Treasury (Treasury), including a set aside of approximately \$21.5 billion for Tribal governments. This historic pandemic relief

funding is administered by the Office of Recovery Programs (ORP) within Treasury. ARPA authorized five critical Tribal recovery programs: Coronavirus State and Local Fiscal Recovery Funds (SLFRF), Homeowner Assistance Fund (HAF), Local Assistance and Tribal Consistency Fund (LATCF), State Small Business Credit Initiative (SSBCI), and Capital Projects Fund (CPF). ORP oversees two additional recovery programs for Tribes – Emergency Rental Assistance (ERA1)<sup>1</sup> and the Coronavirus Relief Fund (CRF)<sup>2</sup> that were authorized by legislation enacted before ARPA and implemented by the Biden-Harris Administration. These programs are intended to assist Tribal governments, their communities, Tribal citizen-owned businesses, and households with accessing relief.

**TABLE 1**

*Summary of Tribal Grantee Recovery Funding Data*



1 Two separate ERA programs have been established: the ERA1 program was authorized by the Consolidated Appropriations Act of 2021. The ERA2 program was authorized by the American Rescue Plan Act of 2021. ERA1 awards were provided directly to Tribal governments or their Tribally Designated Housing Entities, states, the District of Columbia, U.S. territories, and certain local governments with 200,000 or more residents, and in the case of ERA2, the awards were provided directly to states, the District of Columbia, U.S. territories, and certain local governments.

2 The Coronavirus Relief Fund was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).



*Secretary Yellen and Treasurer Chief Lynn Malerba meeting with a Tribe in the Great Plains. Photo Credit Kevin Abourezk*

To support the implementation of these programs for Tribal governments and other Tribal entities, the Secretary of the Treasury, Janet L. Yellen, created the Office of Tribal and Native Affairs, which is overseen by the Treasurer of the United States, Chief Marilynn Malerba, the first Native American to hold this position. The Office's purpose is to serve as a permanent hub for Tribal policy within Treasury. This Tribal Housing Stability Report (Report), authored by the Office of Tribal and Native Affairs, focuses on the SLFRF, HAF, and ERA1 programs, which are a critical part of the Biden-Harris Administration's [broad strategy](#) to help homeowners and renters

avoid foreclosure and eviction, stabilize the country's housing market, and improve the nation's economy as it recovers from the effects of the COVID-19 pandemic. The Report features housing construction, preservation, and stability projects and services planned or underway by Tribal governments and Tribally Designated Housing Entities (TDHEs) to reduce barriers to affordable housing and keep people in their homes. The highlighted housing projects and housing stability services are among many that Tribal recipients have invested in with their SLFRF, HAF, and ERA1 awards.



# Tribal Consultation Engagement to Promote Equitable Outcomes

Treasury is committed to strengthening its relationships with Tribal governments and Indian Country.<sup>3</sup> Executive Order 13175 and President Biden’s Memorandum for Tribal Consultation and Strengthening Nation-to-Nation Relationships charge Treasury with engaging in regular, meaningful, and robust consultation with Tribal officials. Consultation recognizes Tribal sovereignty and the political Nation-to-Nation relationship between the United States and Tribal Nations. It acknowledges that the United States maintains certain treaty and trust responsibilities to Tribal Nations.

Honoring these commitments, Treasury prioritized Tribal engagement and feedback to better understand and respond to Tribes regarding requirements set forth in applicable regulations, legislative comments, proposed legislation, and policy statements that have Tribal implications, as well as those having a direct and identifiable economic impact on Tribes or that preempt Tribal law. The Office of Tribal and Native Affairs, in partnership with ORP, conducted nine Tribal consultations on ORP programs, held over 300 one-on-one sessions, and partnered with the White House Council on Native American Affairs and numerous Tribal-led national and regional organizations to provide direct engagement.

A key consideration throughout the development of ORP’s program regulations, published guidance, and other actions has been ensuring fairness and promoting equitable outcomes. Tribal leaders expressed in each consultation that business closures caused significant deterioration to the Tribal economy, adding to preexisting unmet needs. At the start of the pandemic, Native Americans faced overcrowding in homes and an inequity in healthcare services and health status as compared to other Americans. Beyond healthcare, other determinants such as education, access to nutritious foods, criminal and social justice issues, and unemployment contributed to inequities.

The U.S. Commission on Civil Rights (USCCR) 2018 report,<sup>4</sup> *Broken Promises*, reported:

*“Indian Country faces many economic development challenges. Over 25 percent of Native Americans live in poverty, which is higher than the poverty rate of any other racial group in the U.S. Approximately 12 percent of Native Americans are unemployed, more than double the national average. For Native Americans living on reservations, the unemployment rate is around 50 percent, and for certain reservations, the average unemployment rate is much higher, hovering around 80 percent and up...”*

To that end, Treasury recognized that pandemic responses funded by ORP programs would need to be adapted to varying needs across Indian Country. To promote more equitable outcomes and a stronger recovery, Treasury sought ways to support self-governance and self-determination by increasing flexibility in Tribes using their award funds under ORP programs and decreasing administrative burdens where possible.

Tribes form for-profit businesses to fund the provision of government services to their citizens, to support public safety, road and infrastructure maintenance, housing, education, social services, healthcare, and other programs and projects that benefit the community. Unlike state and local governments, Tribes have the additional responsibility of restoring language, preserving culture and traditions, and safeguarding sacred sites. Tribes generally have no property tax base to fund these government services because the United States owns trust lands. Further, over 40 percent of Tribal governments are located

3 In this Report, the term “Indian Country” is used to mean Tribal areas, including Alaska Native Villages.

4 U.S. Commission on Civil Rights. (2018). *Broken Promises: Continuing Federal Funding Shortfalls for Native Americans*.





Unlike state and local governments, Tribes have the additional responsibility of restoring language, preserving culture and traditions, and safeguarding sacred sites.

in states<sup>5</sup> that do not have a sales tax, which makes instituting Tribal sales tax an unreliable revenue strategy. As a result, Tribes rely on for-profit business revenue in place of a solid tax base. Over 30 percent of Tribal businesses reported laying off or furloughing 80 to 100 percent of their workforce at the beginning of the pandemic.<sup>6</sup> The financial viability of some of these businesses was threatened, especially for those businesses that were already operating on small profits because of their intent<sup>7</sup> to provide governmental services and create jobs for the community.

Tribal leaders shared that including Tribal government-owned businesses in the definition of “general revenue” in the SLFRF 2022 Final Rule was of utmost importance to creating economic recovery and growth. The SLFRF 2022 Final Rule also provided recipients the option to either elect a standard allowance of up to \$10 million or complete a full revenue loss calculation. The standard allowance option dramatically simplified the program administration and ease of use, with 54 percent of Tribal governments having a total SLFRF award of under \$10 million.

Early on, Treasury heard from Tribal leaders that low-income families living in overcrowded households were declined for ERA1 assistance. These families would have qualified for assistance if their overall

household income was at or below 80 percent of Area Medium Income (AMI). In response, Treasury permitted Tribal entities under the ERA1 program to rely on the methodology authorized by the U.S. Department of Housing and Urban Development (HUD) for its Indian Housing Block Grant<sup>8</sup> (IHBG) program to determine the AMI for Tribal members applying for ERA1 assistance. By aligning with IHBG, Tribes could serve more families facing homelessness. Following this practice, the HAF program also used IHBG as one of the methodologies to determine eligibility. Alongside work to strengthen its guidance, Treasury moved to improve program capacity. In consultations, Tribal leaders in areas with limited broadband access explained that despite significant progress in them making contractual obligations to pay rental assistance to eligible households and employing every effort possible to fast-track applications submitted for assistance, it was challenging to kick off the ERA1 program during the height of the pandemic, which impacted the pace at which the ERA assistance was disbursed to eligible households. Subsequently, Treasury did not involuntarily recapture unused ERA1 award funds from Tribes as part of the statutory reallocation process while Tribes’ programs were still in progress but instead provided a reasonable approach to a voluntary return of unused ERA1 award funds.

5 There are 248 Tribes in states with no general statewide sales tax: Alaska, Montana, and Oregon.

6 Lozar, C., Colombe, J., Feir, D. (2020). Federal Reserve of Minneapolis, Center for Indian Country Development. *COVID-19: A deep economic crisis in Indian Country*.

7 GASB Codification 2600.116.

8 See HUD Office of Native American Programs, Program Guidance No. 2021-01, June 22, 2021.

Some Tribes quickly exhausted their ERA1 award funds but still had a high need for the ERA1 assistance in their communities. Treasury listened to concerns and recommendations from Tribal leaders and incorporated comments into the ERA1 reallocation process. Treasury established an internal process to reallocate the unused ERA1 award funds to Tribal areas

with a large population of citizens at risk of eviction and demonstrated success in implementing their ERA1 awards. Over \$85 million in ERA1 award funds from states and Tribes that were voluntarily returned to Treasury were reallocated to other Tribes that may have otherwise gone unused, ensuring rapid deployment of resources across Indian Country. For example:



Treasury officials and CFPB Director Rohit Chopra toured the ancient Pueblo of Acoma, where the traditional Puebloan housing and cultural structures served as a model for modern Tribal apartments.

- The **Pueblo of Acoma Housing Authority's** mission is to create housing opportunities while embracing the traditions and culture of the people. As such, it focused on **community engagement and outreach** to target populations needing ERA1 assistance and to structure the program to maximize the delivery of rent and utility support in a culturally appropriate way. With the addition of two rounds of ERA1 reallocation funding, the Housing Authority was also able to partner with local governments to target Tribal members who were unhoused or living in hotels to get them into apartments and provide stable rental homes for citizens in recovery rehabilitation programs.

- The **Chippewa Cree Housing Authority** was awarded ERA1 reallocation funding to continue supporting families after it had expended its original award. Each of the 725 households assisted had the opportunity to receive **financial education**. Intending to improve housing stability, applicants received financial education materials and had check-ins with housing staff members.
- The **White Mountain Apache Housing Authority** is located in rural Arizona, where the area median income for a household is \$16,313<sup>9</sup>. After successfully administering its ERA1 award, the Housing Authority received ERA1 reallocation funding. The Housing Authority took a multi-pronged outreach approach to ensure all citizens needing **emergency rental and utility services** knew about its ERA program. Staff hand-delivered applications to elders, people with disabilities, and those who do not have transportation to help explain the program and assist citizens with applying for the ERA assistance. As a result, the Housing Authority provided nearly \$9 million in services to those in danger of facing evictions and disconnection of utility services.

9 The University of Arizona-Native American Advancement, Initiatives and Research. (2018). *White Mountain Apache Tribe Community Profile*: <https://naair.arizona.edu/white-mountain-apache-tribe>



Tribal leaders and their representatives also emphasized the need to reduce the administrative burden of implementing their ERA1 and HAF awards received from Treasury. Treasury’s goal has been to accelerate support and maximize available resources for homeowners and renters. Consistent with that goal, Treasury permitted Tribal recipients to serve qualifying Tribal citizens wherever they lived and allowed self-attestation of COVID-19-

related financial hardships and household income. Additionally, Treasury created Tribal-specific reporting requirements<sup>10</sup> for ERA1 and HAF awards and hosted weekly open office hours to support the implementation of the Tribal recipients’ housing programs. These and other modifications provided flexibility so that each government has discretion on the best use of funds and has greater autonomy and responsibility in implementing their recovery plans.

## State of Housing in Indian Country

Stable housing is one of the primary factors driving economic well-being in Tribal communities. It is often cited as an important social determinant of health,<sup>11</sup> recognizing a range of ways that overcrowding, poor housing conditions, and a lack of housing can negatively affect health and well-being. Complex legal and other constraints, such as fractionated land, are critical to understanding the housing problems and needs on Tribal lands.

Federal policies, including the General Allotment Act of 1887 (also called the Dawes Act), resulted in 90 million acres of Indian land taken out of Indian ownership and control, with 60 million being sold or transferred to non-Indians. Later, the Burke Act of 1906, gave the Secretary of the Interior the power to issue fee-simple titles to any Indian deemed “competent and capable” regardless of Tribal citizenship, thus making even more Indian land available for sale or lease. As a result, some of the reservation land remaining was divided up and allotted to individual Tribal members, causing a “checkerboard” pattern of land status. Checkerboarding impairs the ability of Tribes and individual Tribal citizens to use the land for housing, ranching, and other economic development that requires contiguous sections of Indian trust land.

The “Termination Era” radically changed the lives of many Native Americans. From 1953-1968, Congress “terminated” or withdrew federal recognition of over 100 Tribal governments, which ended the federal aid and services that came with recognition. Over 3 million acres of land<sup>12</sup> were relinquished during this period. After the termination policy ended under President Richard Nixon, many Tribes fought a long, complex, and costly legal battle to regain federal recognition. Few have had their lands restored, while most have not.

Recently, there has been a “land back” movement across Indian Country where Tribes are acquiring their ancestral lands through private capital and federal programs. Because Tribes have been deprived of the vast majority of their traditional land base, purchasing back lands near or adjacent to their reservations is a shared priority. Tribes have commented that landowners will often take advantage of this fact and charge a premium to the prospective Tribal purchaser.<sup>13</sup> Today, the 56 million acres of reservation land currently under Indian ownership is held in trust for Indian people by the federal government. Consequently, the Secretary of the Interior must approve nearly all land-use transactions, including leasing to potential homeowners, consolidating and selling trust land, and business development.

10 Tribes allocated less than \$5 million in HAF award funds must only submit the third quarter report (Quarterly) and the Annual Report once a year. Tribes that are allocated more than \$5 million in HAF award funds must submit the Quarterly report four times a year and the Annual Report once a year. For ERA1, demographic data collection was reduced for Tribal recipients.

11 World Health Organization. (2008). *Closing the gap in a generation: Health equity through action on the social determinants of health*.

12 National Archives. *Bureau of Indian Affairs Records: Termination*. (July 2023). <https://www.archives.gov/research/native-americans/bia/termination>.

13 Treasury Tribal Consultation on the Tax Status of Tribally Chartered Corporations. (June 2023). <https://home.treasury.gov/system/files/136/Tax-Status-of-Tribally-Chartered-Corporations-Consultation-Summary.pdf>

According to HUD, Indian Country had a deficit of 68,000 housing units as of 2015, which is likely undercounted.<sup>14</sup> In the USCCR’s *Broken Promises report*,<sup>15</sup> it was noted that flat funding of HUD programs combined with inflation in construction costs over time has resulted in a sharp decrease in the number of affordable housing units developed in Indian Country in recent years. According to HUD, unless additional funding is allocated for its programs, affordable housing development and assistance services in Indian Country “will continue to erode.”<sup>16</sup>

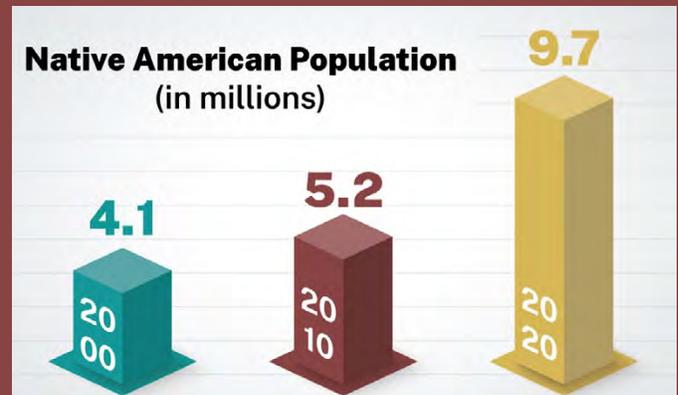
Compounding the housing problems due to land constraints and insufficient federal funding is the fact that the Native American population is rapidly growing. To assess overcrowding and the housing shortage, it is important to note that the Native American population is growing at twice the rate of the national average. In 2020, the number of people who identified as Native American and Alaska Native alone and in combination with another race was 9.7 million.<sup>17</sup> Approximately 60 percent of Native people live on or near reservations, with 30 percent nationally being younger than 18 compared to 24 percent for the non-Native population.

Nationally non-native households have just 2.2 percent overcrowding, whereas 16 percent of households on a reservation are overcrowded. Living with extended family is common in Tribal communities to prevent homelessness. The role of multigenerational households and overcrowded homes was a risk factor for developing more severe forms of COVID-19,<sup>18</sup> since reduced personal space

made it challenging to socially distance. Many Tribal citizens living on reservations could not work from home due to a lack of broadband access and having a larger proportion of service-oriented roles. These factors created additional exposure to the virus, with people crowded together in the evening and on the frontlines during the day.

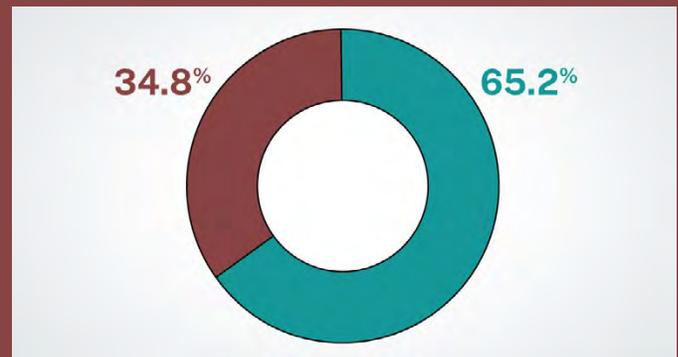
**TABLE 2**

*Native American Population Growth<sup>19</sup>*



**TABLE 3**

65.2% of those who live in overcrowded housing also live with an essential worker<sup>20</sup>



14 U.S. Department of Housing and Urban Development. (2017). *Housing Needs of American Indians and Alaska Natives in Tribal Areas: A Report from the Assessment of American Indian, Alaska Native, and Native Hawaiian Housing Needs*.

15 U.S. Commission on Civil Rights. (2004). *Broken Promises: Evaluating the Native American Health Care System*.

16 HUD, *FY. 2017 Congressional Justifications*, *supra* note 795, at 11-5.

17 U.S. Census Bureau. (2020). *2020 Census Results*.

18 U.N. Emeruwa, S. Ona, J.L. Shaman, et.al. (2020). *Associations between built environment, neighborhood socioeconomic status, and SARS-CoV-2 infection*.

19 U.S. Census Bureau reported that it undercounted approximately 4.9% of the Native American population in prior counts at U.S. Census Bureau. (2012). *Census Bureau Releases Estimates of Undercount and Overcount in the 2010 Census*. [CB12-95]. [https://www.census.gov/newsroom/releases/archives/2010\\_census/cb12-95.html](https://www.census.gov/newsroom/releases/archives/2010_census/cb12-95.html)

20 IPUMS-USA; University of Minnesota.

Additionally, families in Tribal communities are five times more likely to live in poor housing conditions than the general population.<sup>21</sup> For instance, Tribal area households lack basic plumbing, face mold issues, and are 1,200 times more likely to have heating problems. Many homes have other condition problems, defined as having at least five of the following maintenance problems: leaks from outdoors, holes in the floor, holes or open cracks in the walls or ceiling, more than one square foot of peeling paint or plaster, rats in the past 90 days, or leaks from the inside (such as broken pipes or water heaters, backed up plumbing, or water from another unit<sup>22</sup>). More than 56 percent of Tribal area households also have one or more identified housing problems of any kind, compared with 40 percent of the United States overall.<sup>23</sup> Other specific inadequacies include broken heating equipment and having no electricity or other electrical problems. The hardest hit Tribal communities are those with harsh weather conditions – Alaska, the Great Plains, and the Southwest. These staggering statistics represent longstanding challenges facing Tribes and a lack of sufficient investment to address these challenges.

Alaska Native Villages in particular face uncommon circumstances in obtaining home building supplies and challenges with maintaining their homes. Over 70 percent of Alaska communities are not connected by roads,<sup>25</sup> with most dependent on costly barge shipments and air service for materials and services. The unique conditions of Alaska’s hard-to-reach villages, some accessible only by plane throughout the year or boat in summer months, contribute to lengthy delays in fire services. In some cases, homeowner insurance companies will not offer policies or will do so at a premium because fire protection and emergency services are limited. The lack of homeowner insurance options can be a barrier to obtaining home loans.

Citizens living in Tribal communities also face development barriers with remodeling and constructing new housing because of insufficient infrastructure for water, sewer, electricity, gas, and roads. Home ownership or construction on existing homes can be obstacles because both depend on access to private capital. In 2016, a report<sup>26</sup> commissioned by Treasury’s Community Development

## TABLE 4

*Housing Problems in Tribal Areas<sup>24</sup>*

	Native American Housing in Tribal Areas	Total US
<b>Facilities Problems</b>		
Heating	12.00%	0.10%
Kitchen	6.60%	1.70%
Plumbing	5.60%	1.30%
Electrical	1.10%	1.40%
<b>Conditions Problems</b>	8.10%	0.08%

21 U.S. Department of Housing and Urban Development. (2017). *Housing Needs of American Indians and Alaska Natives in Tribal Areas: A Report from the Assessment of American Indian, Alaska Native, and Native Hawaiian Housing Needs.*

22 *Id.* at 66.

23 *Id.* at 68.

24 Urban Institute Household Survey 2013-2015. American Housing Survey, 2013.

25 Alaska Rural Health Plan. (2001). *Alaska’s Plan for Participating in the Medicare Rural Hospital Flexibility Program.*

26 The University of Arizona, Native Nations Institute. (2016). *Access to Capital and Credit in Native Communities.*



Financial Institutions Fund (CDFI Fund) identified that financial institutions were hesitant to provide lending services in Indian Country due to a poor understanding of Tribal sovereignty, the absence of a politically independent judicial and dispute resolution system, and the lack of certainty in Tribal commercial law. Trust land and jurisdictional issues also contribute to the higher cost of home financing and the reliance on manufactured homes. As a result, Tribal citizens attempting to obtain a home loan on a reservation are 55 percent more likely to have a higher priced loan than borrowers outside of a reservation, and these higher priced loans have average interest rates nearly two percentage points higher than other nearby loans.<sup>27</sup>

Federal programs such as the Section 184 Indian Home Loan Guarantee Program and USDA Rural Development provide homeownership opportunities;

however, trust land bureaucratic processes can seriously delay closing. Certified Title Status Reports (TSRs) from the Bureau of Indian Affairs (BIA) are required for underwriting trust land home mortgages and for selling those mortgages into the secondary market.<sup>28</sup> These transactions require that holders of trust land receive a leasehold interest from the Tribe to use collateral and then go through various environmental reviews, appraisals, and approval from the BIA – processes that non-Tribal citizens are not subject to.

Although efficient land management and the need to improve housing inventory will require longer-term reforms, Tribal governments are pooling their award funding from ORP programs with a focus on housing stability and using it in conjunction with other funding sources to respond to housing needs and supply.



*Rincon Band of Luiseño Tribal leader and the fire chief discussing land management practices, including wildland fire safety and risk mitigation, water management, and sustainable energy projects that the Tribe has done to keep citizens on the reservation safe. A previous fire had left some Tribal citizens without homes, which created many challenges.*

27 Feir, D. (2019). Federal Reserve of Minneapolis, Center for Indian Country Development. *The Higher Price of Mortgage Financing for Native Americans*.

28 Colombe, J. (2020). Federal Reserve of Minneapolis, Center for Indian Country Development. *Shortening the TSR Timeline: A proposal to end delays that hinder Native Homeownership*.

# Investing Recovery Funding to Address Tribal Housing Needs

Through funding supported by the SLFRF, HAF, ERA1, and LATCF programs, Tribal governments and their TDHEs are addressing some of the barriers to housing – including the difficulty of mortgage lending on trust land. Within the categories of eligible uses established by the American Rescue Plan Act for the SLFRF, LATCF, and HAF programs, and the Consolidated Appropriations Act, 2021 for the ERA1 program, Tribal governments have broad flexibility to meet the housing needs of their people.<sup>29</sup> These programs can provide support for a household at multiple points of the housing continuum and relieve pressure on services by keeping people in their homes through direct financial assistance.

## THE TRIBAL HOUSING CONTINUUM<sup>30</sup>



### Housing-Related Eligible Uses:

**SLFRF:** Address immediate and long-term housing challenges, helping renters, homeowners, and unhoused individuals weather the pandemic’s harms while tackling the long-standing challenge of insufficient supply of affordable homes.

**HAF:** Assistance with mortgage payments, homeowner’s insurance, utility payments, support to make homes habitable, and other qualified expenses related to mortgages and housing.

**ERA1:** Support for rent and rental arrears, utility and home energy costs, utility home energy costs arrears, other expenses related to housing including, payment of rental security deposits, and costs for housing stability services.

**LATCF:** Funding for any governmental purpose except for a lobbying activity.

Meeting the need for stable, quality, affordable homes and utility support are among the most prominent uses of SLFRF funds for Tribal governments. Tribes are implementing home improvement programs, weatherization and energy efficiency projects, assistance with rental payments and utility bills, new construction, and housing counseling programs. These critical investments with housing-related ORP funding support Tribal families with the preexisting housing needs and help them recover from the financial impacts of the COVID-19 pandemic. These projects are being accomplished under the mantle of Tribal self-determination and self-governance with each Tribe determining how best to meet the housing needs of their people.

<sup>29</sup> Guidance, the final rule, FAQs, and resources for each program can be found at <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-government>.

<sup>30</sup> Many communities have built prior housing infrastructure on the model of the housing continuum, which support a variety of housing stability needs and presents a path towards housing stability.

**TABLE 5**

*Summary of ORP Funds Committed to Tribal Housing Services*

<b><i>Tribal SLFRF Housing-related Projects and Services</i></b>
<b>\$5.3 Billion</b>
<b><i>Tribal HAF Planned Household Assistance</i></b>
<b>\$450 Million</b>
<b><i>Tribal ERA1 Households Receiving Assistance</i></b>
<b>\$611 Million</b>

To date,<sup>31</sup> Tribal governments have committed funds for 1,151 housing and infrastructure-related projects with their SLFRF awards. This represents 25 percent of SLFRF award-funded projects implemented by Tribal governments thus far. The pandemic dramatically underscored the intersections between housing, infrastructure needs, and healthcare. Addressing overcrowding in homes and the need for reliable water, sewer, broadband, and safe roads proved to be the backbone for an equitable recovery. Tribes are investing their SLFRF award funds to find long-term solutions to address inadequate infrastructure for Tribal households. SLFRF awards also provide an opportunity to become more intentional in land use decisions and find solutions for stable, quality, and affordable housing.

**TABLE 6**

*SLFRF Investments in Housing-Related Projects<sup>32</sup>*

<b><i>SLFRF Tribal Housing and Infrastructure Projects</i></b>	
Housing Stabilization Programs <sup>33</sup>	583
New Construction and Home Preservation Projects	269
Drinking Water Projects	102
Clean Water Projects	100
Broadband Projects <sup>34</sup>	54
Water and Sewer Projects	43
<b><i>Total SLFRF Tribal Housing and Infrastructure Projects</i></b>	<b>1,151</b>

The ERA1 program concluded in 2022, and Tribes are now in the award closeout phase. Many Tribes leveraged the program flexibilities, reallocation funding, and adopted Treasury’s shared best practices to rapidly disburse assistance to renters in need. Participating Tribes and TDHEs leveraged ERA1 funding to make over \$611 million in assistance payments to help renters facing eviction with rent, utilities, and housing stability services.

*“Tribal governments have committed funds for 1,151 housing and infrastructure-related projects with their SLFRF awards.”*

31 Data based on the ERA1 Final Report, SLFRF Project and Expenditure Reports, and the HAF Quarterly and Annual Reports submitted to Treasury for the June 30, 2023, reporting period. The examples included in this Report are based on recipient reports, and their inclusion in this document does not constitute an explicit approval of these projects by Treasury.

32 Data has been aggregated into one or more categories.

33 Housing stabilization projects include payments for mortgage, rent, utilities, and other housing assistance.

34 Broadband projects include expansion of affordable access to broadband internet across the Tribal community.

**TABLE 7***ERA1 Stabilization Supports to Tribal Households<sup>35</sup>*

<b><i>ERA1 Households Receiving Assistance by Category<sup>36</sup></i></b>	
Rent	188,631
Utility and Home Energy Costs	133,761
Other Expenses Related to Housing	22,124
Housing Stability Services	16,315

For the HAF program, Tribal governments have budgeted<sup>37</sup> over \$450 million in mortgage payment assistance, reductions, or reinstatements and displacement prevention.

**TABLE 8***HAF Planned Assistance to Tribal Households for Stabilization and Preservation*

<b><i>HAF Planned Assistance</i></b>	
Mortgage Assistance and Reinstatement	\$186 Million
Displacement Prevention, Including Home Preservation	\$97 Million
Utility, Internet, Insurance and HOA Costs	\$82 Million
Principal and Interest Rate Reduction and Loan Assistance	\$15 Million
Property Tax Assistance	\$15 Million
Counseling or Education	\$2 Million
Program Support	\$53 Million
<b><i>Total HAF Planned Assistance</i></b>	<b><i>\$450 Million</i></b>

While the LATCF program is in its early stages,<sup>38</sup> Tribes have shared that they plan on using funding for land purchases and housing-related programs.

*Photo Credit: Quapaw Tribe*

<sup>35</sup> The categories of rent and utilities and home energy costs include arrears.

<sup>36</sup> ERA1 households may have received more than one category of ERA1 support.

<sup>37</sup> The majority of HAF Tribal participants will report their first full year of program data in November of 2023.

<sup>38</sup> The majority of Tribal governments received LATCF payments in 2023.

# Housing Stabilization

As the pandemic began, the unemployment rate in the United States hit an unprecedented level at 14.8 percent.<sup>39</sup> In comparison, the Native American unemployment rate climbed to 28.6 percent<sup>40</sup> - with the closure of Tribal businesses in gaming and hospitality being a leading factor. These closures pushed many Native households across Indian Country to fall behind on their rent and mortgages, many of whom already struggled with the cost of housing. The negative economic impact of the pandemic not only impacted renters but also affected the Tribal governments' bottom line. With so many families unable to pay rent and utilities, units owned and operated by the Tribe or TDHE also saw revenue fall.

Under Treasury's ORP programs, Tribes pursued housing stabilization and related services to protect vulnerable renters and homeowners. For example, ERA1, HAF, and SLFRF awards have provided stabilization assistance to households to keep families in their homes, and Tribes have strengthened wrap-around services for housing stabilization. These innovations underscore the ability of Tribes to implement ORP programs in adaptable and creative ways.

- The **Blackfeet Nation** is utilizing SLFRF to renovate a **youth homeless shelter** for the over 300 children who face housing instability yearly on the 1-million-acre reservation, located along the eastern slopes of the Rocky Mountains. The Tribe sees the shelter as crucial to protecting vulnerable youth seeking safe harbor from dangerous living situations. The Tribe is also investing in transitional housing for juveniles.
- The **Chignik Bay Tribal Council** is located in an area known for extreme cold in Alaska. The community depends on a once-a-year shipment of supplies, including fuel oil that generates power and heats homes. Under the SLFRF revenue loss eligible use category, the Tribe **funded a generator** for the town of Chignik, which **supplies central power and heating to individual households**.

- The **Housing Authority of the Sac and Fox Nation**, located in rural Oklahoma, assisted nearly **1,100 native and non-native households with rent and utility support** with its ERA1 award. With pandemic-related moratoriums and utility shut-offs for water and electricity expiring, the TDHE prioritized getting qualified citizens caught up with overdue heat, electricity, and water bills.



*Nome Senior Apartments, an 18-unit elder housing facility, owned and managed by BSRHA.*

*Photo Credit: Bering Straits Housing Authority*

The **Bering Straits Housing Authority (BSRHA)** is headquartered in Alaska and is the Nome community's primary service provider of affordable homes. Through the ERA1 program, the BSRHA **partnered with local social services departments, behavioral health services, and reentry specialists to focus on citizens most in need** to get them in to stable rental housing. On average, over 230 ERA1 applications were received each quarter. Seventeen previously homeless citizens were placed in rental housing in the Nome area, where average winter temperatures are -2°. The Housing Authority reported that since BSRHA started the ERA1 program and targeted unhoused citizens and those leaving the Anvil Mountain Correctional Center, the number of ambulance calls in the area was cut in half.

- The **Native Village of Kluti-Kaah**, with lands near Anchorage, Alaska, has an average temperature for the year of 29.2°F. To support the need for stable heating, the Tribe is carrying out a **firewood program**

<sup>39</sup> Congressional Research Service. (2021, March 12). *Unemployment Rates During the COVID-19 Pandemic: In Brief*.

<sup>40</sup> U.S. Bureau of Labor and Statistics. (2022). *Labor Force Statistics from the Current Population Survey*. (LNU04035243) [Data set]. <https://data.bls.gov/timeseries/LNU04035243>

through its sawmill using SLFRF funds under the revenue loss eligible use category. Firewood is an inexpensive and culturally relevant source for both heating and cooking. The program ensures homes are heated and creates jobs for Tribal citizens.

- The **Otoe-Missouria Tribe of Indians** is providing **mortgage, utility, and property tax assistance** with its HAF award to all qualified Tribal citizens who live nationwide. Homeowners are eligible to receive up to \$20,000 in assistance. The Tribe has a goal of preventing at least 50 homes from foreclosures.
- The **Penobscot Nation** reservation is in a high-cost-of-living area within Maine where many citizens rely on hotels and room rentals for housing. Due to seasonal tourism, those needing emergency housing and rentals often face

homelessness in the summer months when hotels and rental homes significantly increase prices. The Tribe collaborated with local agencies to create a **rapid response to housing** to ensure eligible households under their ERA1 program were not at risk of losing their homes.

- The **Saginaw Chippewa Indian Tribe of Michigan** is coordinating with a local non-profit for outreach and with mortgage servicers to assist Tribal homeowners facing financial instability. Their HAF program is helping **prevent avoidable foreclosures and delinquencies**. The Tribe's program includes payment assistance for first mortgages, reverse mortgages, home equity conversion mortgages, contracts for deeds or land, and loans secured by manufactured housing.



Construction is underway in Oklahoma for the Quapaw Tribe's Tiny Homes Village.  
Photo Credit: Quapaw Tribe

The **Quapaw Tribe** is building **tiny homes for victims of domestic violence** with its SLFRF award funds. Domestic violence, a leading cause of homelessness among women and children, increased during the pandemic. These temporary housing options aim to reduce the incidence of domestic violence by supporting victims with a safe space to live and address housing instability. The Tribe will partner with social services to provide culturally relevant healing and recovery services.

## Home Preservation

While many Native American families have a cultural preference for living in multi-generational households and believe that it enhances family life, overcrowding was a major challenge during the pandemic because of stay-at-home restrictions. Additionally, homeowners who experienced financial hardship due to the pandemic may have delayed essential home repairs to pay other bills and obligations.

With these issues in mind, Tribes have looked to use their SLFRF and HAF awards to reduce overcrowding, without giving up a traditional lifestyle, by extending rooms, renovating spaces to make the home habitable, and other structural improvements. The HAF program supports home preservation, which is an essential intervention to prevent displacement. Under the SLFRF program's housing-related enumerated eligible use categories and the revenue loss eligible use category, Tribes have broad authority to choose how to implement affordable housing projects – including serving citizens who live away from their Tribal homelands. Typically, Native Americans who do not live in Tribal areas do not qualify for other federal home improvement programs that the Tribe receives. For the first time, Tribal governments have the potential to assist all eligible Tribal citizens, regardless of their location.



Treasury Deputy Secretary Wally Adeyemo talking with members of the Torres Martinez Desert Cahuilla Indians about flooring and bathroom renovations received through the HAF program.  
Photo Credit: Taya Gray/The Desert Sun

The **All Mission Indian Housing Authority (AMIHA)** serves 14 reservations in three counties in California. Through the HAF program, AMIHA is providing mortgage assistance and safe housing for Native Americans residing on reservations, incorporating traditional concepts and values in service delivery. The HAF program has funded repairs to structural damage and rehabilitation of homes for low-income households impacted by the Salton Sea flood and earthquake damage.

- The **Fort Belknap Indian Community** is using SLFRF funds for an **elderly housing repair assistance program** to incorporate accessibility floorplans, handicap ramps, appliances, and important age-in-place features that will support independence.
- The **Native Village of Saint Michael** will **rehabilitate 29 homes** that have severe structural issues and facilities conditions. Funded by a combination of its SLFRF and HAF awards, these homes will also receive electrical upgrades to ensure the safety of homeowners.
- The **Nez Perce Tribe** experienced a devastating flood in 2019, which caused flood waters to rise around homes and shut down roads. As a result, insurance costs have risen. The Tribe is utilizing the HAF program to support Tribal citizens with home repairs, **homeowner’s insurance, including flood insurance**, and other allowable home stabilization costs.
- The **Navajo Nation** is **installing 582 waterlines and 478 cistern systems** for collecting and storing water. The SLFRF project will ensure families can access clean drinking water in their homes.
- The **Pascua Yaqui Tribe** is funding a **Homeowner Repair Program for Elders** with its SLFRF funds. The program provides funding to improve plumbing, heating, roof repairs, wheelchair ramps and railings, and other essential repairs for those age 55 and older.
- The **Winnebago Tribe** is committed to providing affordable, dependable housing on the Winnebago reservation. Within the reservation and town boundaries are vacant lots with houses needing repairs and abandoned structures that pose safety hazards. SLFRF funds will **support renovating structures and demolishing abandoned property**. The project aims to increase housing stability and housing stock within Winnebago.



Treasurer Chief Lynn Malerba and Deputy Secretary Wally Adeyemo met with recipients of the HAF program and Tribal leadership at the Chickahominy Indian Tribe in Virginia.

The **Chickahominy Indian Tribe** spent many years working on federal recognition. Shortly before the pandemic, the Tribe gained recognition from the federal government as a sovereign nation. Despite being displaced and not having a reservation, the majority of Tribal citizens still live within five miles of the Tribal center, which is located near the site of a pre-contact village. Today, the Tribe is utilizing its HAF award to **prevent homeowner displacement by targeting homes with “conditions”** to make them safe and suitable to live in.

# New Housing Construction

The opportunity for new construction for Tribal citizens living on reservations remains limited and expensive. In July 2022, Treasury expanded the flexibility for recipients to use their SLFRF awards to invest in long-term affordable housing projects. This flexibility was introduced, in part, after discussions with Tribal leaders and housing associations who reinforced that additional flexibility was needed to fully leverage their SLFRF awards for affordable housing construction.

Consistent with the SLFRF program's flexibility, Tribes are using these fiscal recovery dollars for a wide variety of housing activities to address the unique access to capital and land challenges in ways that best serve their communities.



*Firefighters from the Carson Hotshots in the Klamath national forest.  
Photo Credit: Bryan Denton/The New York Times*

The **Karuk Tribe** faced a fire that raged through the ancestral heart of the Tribe in the Klamath Mountains in September 2020. The wildfire burned over 200 homes in a community of 1,000, causing a rapid increase in homelessness. The Tribe is investing its SLFRF award in **permanent housing** and purchased temporary travel trailers, including handicap-accessible options, to meet the needs of families.

- The **Delaware Tribe of Indians** is devoting its SLFRF award funds toward capital resource assistance. The Tribe's **down payment assistance program** is designed to help Tribal citizens become home buyers and ease the financial burden of a home purchase.
- The **Hoh Indian Tribe** is located on the Pacific coast of the Olympic Peninsula, where rising sea levels have caused erosion and a shortage of land for stable housing. The Tribe believes that climate change has profound implications for how it affects the future way of life and health of Tribal citizens. Over 90 percent of the Hoh reservation is located within a 100-year flood plain, and 100 percent is within a tsunami zone. The Tribe is using its SLFRF award to **invest in infrastructure for new affordable homes that will be built at higher elevations.**
- The **Lac Courte Oreilles Band of Lake Superior Ojibwe** estimates that there is a housing shortage of nearly 500 homes in the community. In addition to addressing overcrowding, the housing shortage makes attracting workers such as teachers, healthcare workers, and other professionals a challenge. The Tribe invested SLFRF funds to build **a 40-unit apartment building with one- and two-bedroom units.**
- The **Manchester-Point Arena Band of Pomo Indians** is **braiding federal funds to alleviate severe overcrowding.** Using SLFRF funds under the revenue loss eligible use category, the Tribe purchased five parcels of land to provide housing and is partnering with Indian Health Service to build the water infrastructure needed to accommodate the new housing.
- The **Omaha Tribe of Nebraska** is located on a reservation where much of the land is no longer tribally owned due to allotment policies. Allotment policies, along with an unemployment rate of 69%<sup>41</sup> has made home ownership

41. Chairman Vernon Miller. (2017). *Omaha Tribe of Nebraska Testimony to the House Committee on Natural Resources*. <https://docs.house.gov/meetings/AP/AP06/20160318/104633/HHRG-114-AP06-Wstate-MillerV-20160318.pdf>

challenging for Tribal citizens. With its SLFRF award, the Tribe is **purchasing surplus homes within the reservation boundaries that are tax-defaulted properties**. The opportunity presents itself not only for permanent affordable housing for Tribal citizens but also for reclaiming the “land back.”

- The **Southern Ute Indian Tribe** has a territory that expands across three counties in Colorado. The Tribe’s “Broadband Band Modernization Project” braids its SLFRF award funds with other sources of broadband funding to provide 95 percent of the reservation’s **new construction and existing homes with fiber optic internet**.
- The **Spokane Tribe of Indians** is taking proactive measures to address water deficiencies for existing homes and new home construction. The Tribe is investing SLFRF funds in several water and sewer projects and will make improvements to **expand the water system for future home construction**.

- The **Suquamish Tribe** is leveraging its SLFRF award to **address a lack of housing caused by the Tribe’s “checkerboard” reservation**, where the Tribe owns some of the land and some of it is owned by non-natives. Historically, this has made building sustainable housing incredibly difficult. With SLFRF funds, the Tribe is constructing four multi-family townhome structures with multiple stories. Approximately 25 percent of the parking (10 stalls) will include electric vehicle charging stations.
- The **Yakutat Tlingit Tribe** is located on the northern coast of the Gulf of Alaska where lands span over 9,400 square miles. The Tribe recognized that attracting qualified health professionals was an ongoing challenge due to a lack of housing options for medical care providers. The Tribe is investing its SLFRF award funds to **build affordable housing to recruit and retain highly trained medical professionals**.



Home built with SLFRF at the Louden Tribal Council (Galena Village).  
Photo Credit: Louden Tribal Council (Galena Village)

The **Louden Tribal Council (Galena Village)** endured a devastating ice jam on the Yukon River in 2013, which caused waters to surge more than 15 feet overnight. An ice jam happens when chunks of ice clump together to block the flow of a river. The disaster destroyed many homes and structures, leaving some community members homeless. The Tribe is nearly 300 miles from the closest road, and the remoteness makes purchasing building supplies unfeasible. Funding from its SLFRF award will **build new homes**, and its HAF award will be used to **rehabilitate homes in need of repairs**. The construction is creating jobs and training opportunities for citizens.



Home built in the Rosebud Sioux Tribe's high-tech manufacturing plant.



Secretary Janet Yellen at the Rosebud Sioux Tribe's high-tech home manufacturing plant.

The **Rosebud Sioux Tribe** is investing SLFRF funds in several substantial housing projects on its reservation, which spans 922,759 acres in South Dakota. The Tribe is tackling housing shortages and overcrowding by becoming its own builder. The Tribe is utilizing a Tribal business to manufacture homes, which is also **creating jobs for the community**. The 33,600-square-foot facility has the capacity to build as many as 48 homes for low-income families each year.

## Continuing to Support Tribal Housing Stability

The resilience of Tribal communities is evident in their strong responses to the COVID-19 pandemic – as the importance of federal funding to support the continued economic development of Indian Country. The ARPA funds and other federal resources administered by the Treasury Department under the Biden-Harris Administration have often been referred to as an unprecedented “once in a lifetime” opportunity. Guided by regional priorities and objectives, the ARPA funding has served as a crucial resource for housing stability and establishing new affordable housing options for disadvantaged families. Constructing new homes and preserving older ones has created employment for Tribal citizens. These activities have ripple effects on the Tribal economy – including Native-owned small businesses – as well as surrounding local and regional economies. The ARPA and other federal funding outlined in this report has been a valuable addition to the yearly IHBG formula funding, the New Markets Tax Credit Program, the Low-Income Housing Tax Credit Program, and National Telecommunications and Information Administration broadband grants.

Treasury will continue to engage with Tribal leaders and staff on compliance, assisting recipients on reporting, and discussing careful stewardship in carrying out the requirements of their awards.



# About the Office of Tribal and Native Affairs

The Office of Tribal and Native Affairs within the U.S. Department of the Treasury is committed to working with Tribal governments and Indigenous communities to promote economic prosperity. The Office is overseen by the Treasurer of the United States, Chief Lynn Malerba, the first Native American to hold this position. The Office was established in September of 2022 by Secretary of the Treasury Janet L. Yellen to serve as a hub for Tribal policy and is part of the efforts to develop Treasury's growing relationship with Tribal nations. The Office works across departmental offices to assist in implementing economic relief and recovery programs, the development and implementation of tax policies and tax credit programs, and reviewing regulations and rulings that impact Tribal communities. The staff has hosted numerous consultations on Tribal tax matters, the Inflation Reduction Act, the CDFI Fund, and recovery funds, ranging from the distribution of funds to guidance to the applicability of certain compliance standards to support an equitable and swift recovery from the challenges brought on by the COVID-19 pandemic.



