

## Minority Views

### **H.R. 4329, the “Native American Housing Assistance and Self-Determination Act (NAHASDA)”**

The Native American Housing Assistance and Self-Determination Act (NAHASDA) provides critical funding for tribal residents that are in need of safe and affordable housing. However, this reauthorization bill includes several changes to NAHASDA that are harmful to program recipients. In particular, H.R. 4329 would do away with the 30 percent maximum rent requirement, would fail to ensure that Cherokee Freedmen and Native Hawaiians remain beneficiaries of the Act, and would create a questionable new demonstration program.

The 30 percent maximum rent requirement, or the “Brooke rule”, is a longstanding federal housing policy that limits a tenant’s rent to 30 percent of their gross adjusted income, which is widely considered the benchmark for housing affordability. The Brooke rule was enacted in 1969, and has been a requirement of NAHASDA since its inception. H.R. 4329 would waive the Brooke rule for recipients of NAHASDA without any limitations or hardship exemptions, which could have devastating impacts on children, families, and seniors.

H.R. 4329 would further fail to ensure that the Cherokee Freedmen remain beneficiaries of NAHASDA. The Cherokee Freedmen are the descendants of former African-American slaves of the Cherokees. In 1866, the Cherokee Nation signed a treaty with the U.S. granting the Freedmen “all the rights of Native Cherokees.” However, for over a decade, the Cherokee Nation has been attempting to expel the Freedmen from its citizenry, which would leave the Freedmen without fundamental rights such as the right to vote, and without access to critical services including health care and housing. This issue is currently being litigated in federal court. If the case is decided against the Freedmen, H.R. 4329 would do nothing to protect them. The Freedmen would be stripped of their Cherokee citizenship and any benefits of NAHASDA. NAHASDA funding to the Cherokee Nation should be contingent upon the tribe’s full compliance with the 1866 treaty, and full recognition of the Freedmen as Cherokee citizens.

This reauthorization bill would also exclude Native Hawaiians, who have been beneficiaries of NAHASDA since 2000. H.R. 4329 fails to reauthorize the Native Hawaiian programs despite the dire housing needs among the Native Hawaiian population.

Finally, H.R.4329 would create a new demonstration program that moves towards the privatization and deregulation of NAHASDA. The demonstration would allow participating tribes to use their block grant funds to guarantee a return on private investment into affordable housing activities. Tribes that choose to participate in this demonstration would be exempted from a long list of NAHASDA requirements, including critical tenant protection provisions. The demonstration lacks any sort of hardship exemptions for affected tenants and rigorous third party evaluation. NAHASDA funding should be prioritized to house families most in need, not to guarantee profit to private investors.

During consideration of H.R. 4329, Democrats offered several amendments to address the issues outlined above, but they were each rejected by the Republicans. Ranking Member Waters offered two amendments, one to strike the provision in the bill regarding the Brooke rule, and one to make funding to the Cherokee Nation contingent upon their full compliance with the Treaty of 1866, and full recognition of the Freedmen as Cherokee citizens. Representative Moore offered an amendment that would reauthorize the Native Hawaiian programs. Lastly, Representative Kildee offered an amendment to strike the demonstration program from the bill. Each of these amendments was rejected on a party-line vote.

While Democrats fully support reauthorization of NAHASDA, we remain disappointed that H.R. 4329, in its current form, fails to address these critical concerns. Moving forward, we urge the House to allow for an amendment process that will allow for meaningful consideration of these issues.

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