

Capital Reporting Company
Tribal Consultation Meeting - Housing Improvement Program 02-03-2015

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NAIHC Legislative Conference
Tribal Consultation Meeting
Housing Improvement Program
Conducted by Les Jensen
Tuesday, February 3, 2015
1:05 p.m.

Mayflower Renaissance Hotel
1127 Connecticut Ave NW, Colonial Room
Washington, DC
(202) 347-3000

Reported by: Michael Farkas,
Capital Reporting Company

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1 A P P E A R A N C E S

- 2 Les Jensen
- 3 Hankie Ortiz
- 4 Angie Campbell
- 5 Art Hacker
- 6 Patrick Goggles
- 7 Elizabeth Apple
- 8 Sami Jo DiFuntorum
- 9 Erin Hillman
- 10 Jason Adams
- 11 James Gutierrez
- 12 Tim Humphrey
- 13 Robert Nick
- 14 Jesse Goddard
- 15 Joe Diehl
- 16 Llevando Fisher
- 17 Joni Talentino
- 18 Sam Okakok
- 19 Rich Arthur
- 20 Tim Horan
- 21 Shawn Pensoneau
- 22 (Appearance list continued on Page 3.)

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1 APPEARANCES (Contd.)

2 Lindsay Earls

3 Don Secena

4 Jennette Steward

5 Jennifer Hughes

6 Moriah O'Brien

7 Linda Alvarez

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1 P R O C E E D I N G S

2 LES JENSEN: Good afternoon everyone.

3 Thank you for coming to the HIP, Housing
4 Improvement Program, Bureau of Indian Affairs
5 consultation on a proposed rule change for the HIP
6 program.

7 My name is Les Jensen, I'm the National
8 Housing Program Officer for the Bureau of Indian
9 Affairs Office of Indian Services. Here today I
10 have Hankie Ortiz, she's the Deputy Director of
11 Indian Services. And out front there there's
12 Angie Campbell. She's the Division Chief for Human
13 Services.

14 And we have a sign in sheet for those
15 that haven't signed in. We have pamphlets up in
16 the front so it's a little green pamphlet.
17 There's 25-30 of them. Hopefully we have enough.

18 I want to thank National American Indian
19 Housing Counsel for inviting us here to have this
20 consultation session. I am pleased and very
21 excited to do this.

22 Today we're only going to have from 1:00

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1 to 3:30. Initially it was going to be until 5:00,
2 but there's another consultation session right
3 after this so we're going to cut it short. So
4 from 1:00 to 3:30.

5 And so for the format for today, I'd
6 like to do the presentation and then have your
7 questions after I do the crossover -- the
8 crosswalk. If that works, I'd appreciate that.

9 We have beverages, water, coffee, over
10 here to your left. The restrooms are over here in
11 the far corner over here on your right.

12 We also have microphones set up so if
13 you have a comment or a question we'd like for you
14 to state your name, your organization for the
15 record because we'll be taking -- recording this
16 consultation session. And I'm going to turn my
17 cell phone off.

18 (Brief pause.)

19 LES JENSEN: Okay. Here today to assist
20 me is Art Hacker. He's from the Great Plains
21 region. He's a housing officer that has been
22 engaged with this whole process from 2010 to

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1 today.

2 Our consultation sessions -- this is the
3 first of four. The second one will be in
4 Anchorage at the BIA Regional Office at the
5 Frontier Building, Room 896. 3601 C Street,
6 Anchorage, 99503. And that is from 1:00 to 5:00.

7 The third one will be a teleconference
8 on February 18th where it will be call-in number
9 888-455-0045. The passcode is 1185469. That's
10 from 1:00 to 4:00.

11 And then the last session will be
12 February 26th here in D.C. in conjunction with the
13 National Congress of American Indians. The
14 session in that will be the 26th at the Capital
15 Hilton from 1:00 to
16 5:00.

17 So the overview that I'm doing today, my
18 objective here is to provide you with the
19 crosswalk from the current regulation to the
20 proposed rule. The proposed changes to the HIP
21 regulation is that the Indian Affairs plans to
22 propose new rules for housing improvement program

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1 in 2015 that will recommend a redesign of the
2 program.

3 HIP will align all other federal program
4 income requirements where we'll align with USDA,
5 HUD so that we can leverage those programs. It
6 will provide flexibility for tribes to better
7 address their large waiting lists in their service
8 areas. It will foster relationships with other
9 federal agencies on ways to leverage housing
10 funds. It will improve sustainable affordable
11 housing on tribal lands. It will increase the
12 number of individuals and families served and it
13 will increase the number of projects funded.

14 The crosswalk from the current regs to
15 the proposed rule -- yes?

16 PATRICK GOGGLES: Are you going to take
17 --

18 LES JENSEN: Could you --

19 PATRICK GOGGLES: -- questions --

20 LES JENSEN: Would you state your name
21 and --

22 PATRICK GOGGLES: Patrick Goggles.

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1 Northern Arapaho Tribal Housing from Wyoming.

2 Northern Arapaho.

3 Are you going to take questions as we go
4 through this or are you going to take them at the
5 end?

6 LES JENSEN: I would like to have them
7 at the end if you would.

8 PATRICK GOGGLES: Thank you.

9 LES JENSEN: In your pamphlet, by the
10 way, there is a slide so that you can take notes
11 in this presentation. There's also the current
12 regulation. There's also the proposed rule and you
13 can take your notes as I present.

14 So the proposed rule will increase
15 Category A which is a repair emergency which the
16 limits are 2,500. It will increase it to 7,500.
17 It will increase the Category B which is a
18 renovation or repair. Those limits will go from
19 35,000 to 60,000. But it will also increase the
20 payback agreement period from five to ten years.
21 It will add down payment assistance which is a
22 Category D to leverage USDA direct loans and the

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1 Section 184 loan program.

2 It will update the current selection
3 criteria. That criteria, one, is the income.
4 Proposing to increase the guideline from 125
5 percent to 150 percent of the federal poverty
6 income guideline. So it will be going to low or
7 extremely low to very low. It will increase the
8 age requirement from 55 to 62 at one point every
9 year up to a maximum of 15 points. Currently
10 there is no maximum for that age criteria.

11 Disability. We reduced the number of
12 applicants of one per household and one document.
13 When I say one document, currently there's --
14 you're required to have two documents. One
15 document would be good enough from a doctor or
16 from a physician stating your disability. And it
17 will change the maximum of points to ten points.
18 Currently it's 20.

19 And the last one, family size. It will
20 increase points for five or more dependents --
21 we're currently at six or more -- to a maximum of
22 15 points.

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1 It will increase the application period
2 from one year to four year. So you won't have to
3 apply every year. You can apply and that will
4 stay in the pool for four years.

5 On the land requirements, currently it
6 requires proof of land of -- landownership or
7 homesite lease. The proposed rule will say or you
8 can obtain land to be eligible. It will require
9 that we provide a certificate of title once you
10 become owner of the home.

11 It will increase the square footage
12 limits. Those limits on the dwelling for the
13 square footage which will allow the program to be
14 in line with the Disabilities Act where
15 applicable.

16 So for instance, for a two bedroom, it
17 will increase it 100 square feet. For a three
18 bedroom, it will increase it about 50 square feet.
19 And a four bedroom about 900 square feet. So
20 again, that will allow us to be able to comply
21 with the American Disabilities Act.

22 So the conclusion is that the HIP

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1 redesign will allow tribes some flexibility to
2 address the very low income family households. So
3 we're going from extremely low to the very low at
4 150 percent of the federal poverty income
5 guideline.

6 And we'll better address the large
7 waiting list that many tribes are experiencing and
8 it will provide down payment assistance for
9 families who can obtain a mortgage loan from USDA
10 or other programs. And it may require several
11 fiscal years before we can establish a baseline
12 for our measures -- for our new measures.

13 The Federal Register Notice is out
14 there. It was published January 2nd and there's
15 the URL for that. There also is an update to
16 that. We had a proposed rule on the 2nd. Another
17 one came out with -- showing the different dates
18 and locations in the proposed rule. You may also
19 view the proposed HIP rule at www.regulations.gov.

20 Where to submit comments. You may
21 submit the comments by any of the following
22 methods. At www.regulations.gov. And you'll see

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1 the docket there. The docket number. Or you can
2 mail or hand deliver to Elizabeth Apple at the
3 Office of Regulatory Affairs and Collaborative
4 Action. The address is 1849 C Street, NW,
5 Washington, D.C. 20240.

6 Okay. Open for comments. Again, if you
7 have a question or a comment, please state your
8 name and your organization so we can record that.
9 Questions, please.

10 PATRICK GOGGLES: First of all, good
11 afternoon. For the record, Patrick Goggles,
12 Northern Arapaho Tribal Housing. We're an Indian
13 reservation in Wyoming. I do have a couple of
14 questions.

15 You used the word aligned at the very
16 beginning. Is that a defined term in the
17 regulations? The word aligned?

18 LES JENSEN: No, it's not a definition.

19 PATRICK GOGGLES: Okay.

20 LES JENSEN: But yeah, thank you for
21 your comment. We'll consider that.

22 PATRICK GOGGLES: Okay. I guess the

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1 reason I'm asking that question is if you're
2 aligning -- I guess it's -- well, from my
3 understanding it's income requirements with HUD
4 and with USDA. And I'm kind of confused because
5 you're realigning income requirements as I
6 understand it with other federal programs and
7 you're expanding -- increasing, you know, the
8 square footage, you're increasing the eligibility
9 or the flexibility.

10 Is there new appropriations or
11 additional increases in appropriation to go along
12 with the increases that the new rules are
13 proposing?

14 LES JENSEN: Okay. Your first question
15 is the definition of alignment and so we'll take
16 that into considerations in the proposed rule.

17 Your second question was the square
18 footage and working with other federal programs.
19 When we say alignment, we're looking to -- for the
20 down payment assistance portion so that we can
21 collaborate and leverage with USDA and HUD.

22 So as far as appropriations, we're still

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1 at 8 million. The '15 budget will be 8 million.
2 '16, that's just published so I can't comment on
3 that.

4 PATRICK GOGGLES: Okay. Can I follow
5 up?

6 As it currently stands in my region or
7 in the Billings area where I reside, the region,
8 you know, receives application from the tribe in
9 our case. And we collect all the data and we send
10 it to the area office they make a decision based
11 on the points that you pointed out earlier. And
12 with these new increases that you're proposing,
13 but a flat line and increase in appropriations,
14 it's going to cost more to do the increases.

15 I guess my comment is, if it's going to
16 cost more and you've not received new additional
17 appropriations for the program, it means less
18 applications will be -- from my -- from my own
19 opinion, it means less applications will be funded
20 in our area.

21 So without new federal dollars to
22 support these increases, it just, to me, means

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1 less folks will receive the benefits of the
2 housing improvement program. That's my comment.

3 LES JENSEN: Okay. Thank you.

4 I know Sami. Come on.

5 SAMI JO DIFUNTORUM: Hi, Les.

6 LES JENSEN: Hi.

7 SAMI JO DIFUNTORUM: Thank you for
8 coming here and conducting a consultation during
9 our conference.

10 Now, my understanding is every year this
11 program is zeroed out in the budget and part of
12 the reason for the changes to the program is to
13 try and salvage it so it's not viewed as duplicate
14 to what NAHASDA already allows us to do.

15 Would you say that's a correct
16 statement?

17 LES JENSEN: Partially.

18 SAMI JO DIFUNTORUM: Okay. Which part
19 is not correct?

20 LES JENSEN: We aren't proposed to be
21 eliminated in the '15 budget. We are --

22 SAMI JO DIFUNTORUM: Yay.

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1 LES JENSEN: -- in the budget. Yes. I
2 can say that with truth.

3 SAMI JO DIFUNTORUM: Okay.

4 LES JENSEN: The other part, you know,
5 to align the program, we're at a low standstill of
6 8 million. So we're trying to leverage other
7 programs so we can work to complement our programs
8 so that we can use other funds and do more with
9 what we have.

10 SAMI JO DIFUNTORUM: I'm sorry. I
11 should have said. Sami Jo DiFuntorum.

12 LES JENSEN: Yeah.

13 SAMI JO DIFUNTORUM: For the record.

14 So my follow up question that to would
15 be -- I just drew a blank.

16 LES JENSEN: We've got until 3:30.

17 SAMI JO DIFUNTORUM: Okay. Well, I can
18 stand here for a while while I remember.

19 LES JENSEN: That's fine.

20 SAMI JO DIFUNTORUM: Yeah. Well, I
21 think there's not been a lot of clarity on the
22 reason for the proposed regulations. I know in

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1 the northwest we've had quite a few discussions.
2 The draft came out with the redline changes and
3 there really wasn't a common understanding of what
4 the intent was. And so people have the
5 misconception that perhaps if you have, like, a
6 lot of people apply it's going to bring this
7 influx of money to the program and that's not my
8 understanding of the proposed changes at all.

9 So could you clarify that and then I'll
10 step away from the microphone?

11 LES JENSEN: Okay. We have -- currently
12 we have 7 to 8,000 applicants annually. Even
13 through the proposed elimination of the program we
14 still had 7 to 8,000 and that's been maintained
15 for many years. And so the proposed rule, will it
16 increase the number of eligible applicants? I
17 would assume so because we're raising that income
18 guideline up to 150.

19 But as tribes and tribal members learn
20 of that it's going to take a while and so the
21 implementation of the new rule probably won't
22 happen until '16. So you do have some time to

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1 adjust.

2 Yes?

3 ERIN HILLMAN: I'm making sure there was
4 nobody there.

5 My name is Erin Hillman from the Karuk
6 Tribe Housing Authority and I appreciate the
7 opportunity to make these comments and also the
8 work that's been done to try to improve the HIP
9 program. However, I think that it doesn't go far
10 enough to improve the program so I'd like to make
11 some comments on that.

12 I am a little concerned, like Sami said,
13 about the clarity about why these things are being
14 changed now and also would like to say that
15 increasing the age requirement and only giving a
16 maximum of 15 points for the elderly I think that
17 the elderly and the disabled are the ones that we
18 want to target the most with this program and so I
19 think that those need to be discussed a little
20 further.

21 Also, I'll say this again. I've always
22 thought that the square footage ought to be

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1 increased and I appreciate the fact that there's
2 been proposed increases to these bedroom sizes,
3 but I don't think it also goes far enough.

4 And I don't see anything about Category
5 C, and that's the home replacement, in this
6 crosswalk and I'm not sure if there were any
7 changes proposed to that, but I would say to you
8 that Category C fund -- funding for projects needs
9 to be increased. Overall, federal appropriations
10 needs to be increased.

11 LES JENSEN: Okay. Your first question
12 was? So that I'm clear on that? Was?

13 I'm sorry. I'm trying to recall your
14 first question.

15 ERIN HILLMAN: So am I.

16 LES JENSEN: Your second one on the
17 square footage. You know, that -- and the cost to
18 do the -- the cost to do the -- you know, to deal
19 with the disabilities. Those costs are going to
20 go up. There is no cap or limit on those costs.
21 Square footage costs for a renovation, we
22 understand that that 35,000 won't bring that home

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1 to standard and it won't deal with the
2 disabilities act. So 60 is a better number.

3 The square footage costs, those are HUD
4 minimum standards so the cost of doing business --
5 if we go to a larger square footage home then that
6 cost goes up a lot more. And so we have to have
7 some limit on the square footage even though it's
8 modest.

9 ERIN HILLMAN: My first question was
10 regarding age and disability and the points that
11 are being assigned to --

12 LES JENSEN: Yes.

13 ERIN HILLMAN: That they're being
14 reduced or they're being capped.

15 LES JENSEN: Yes.

16 ERIN HILLMAN: And I believe this
17 program is targeting -- should be targeted for the
18 elderly and the disabled and so they should be
19 given the highest priority.

20 LES JENSEN: Yes.

21 ERIN HILLMAN: And that was what my
22 question was. I think it was more of a comment.

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1 But if you could give me some background on that,
2 I would appreciate that.

3 LES JENSEN: Yes. Thank you. And that
4 was your first question -- comment. You know, it
5 is true that the elderly often times have
6 disabilities and so those two add up to focus on
7 the neediest of the needy. And it slightly will.
8 The proposed rule will help you address those that
9 are wanting to do the down payment or other types
10 of program assistance that may exist in your large
11 waiting list. So it's still going to be focused
12 to the elderly.

13 HANKIE ORTIZ: Can I add something to
14 that?

15 LES JENSEN: Yes.

16 MR. GOGGLES: Hi everyone. My name is
17 Hankie Ortiz and I'm the Deputy Bureau Director
18 for Indian Services and I just wanted to expand on
19 what Les is saying about that proposed change a
20 little bit.

21 One of the initiatives that we are -- we
22 have begun at the Bureau of Indian Affairs is that

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1 Tiwahe Initiative. And I don't know if any of you
2 have heard of that or not, but it's really
3 focusing on families and so what we found in
4 looking at housing is that we have a large need
5 for housing for families with young children and
6 they have no, under the current point system,
7 ability to get into any kind of HIP housing.

8 And so that was another option is not
9 only those that can enter into those other
10 programs, but maybe getting young children into a
11 safe home where they can grow and they can spend a
12 lot of time.

13 One thing we found is when the homes are
14 built for the elderly, we have had many instances
15 where they unfortunately pass away before it's
16 built or soon right after it's built and so part
17 of it is giving the opportunity to people with
18 young children that can grow and giving them some
19 points so they have a chance to get into a home
20 and they have a chance to grow up in a safe living
21 environment. So that was another reason.

22 LES JENSEN: Did that answer your

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1 question? Comment?

2 ERIN HILLMAN: It -- yes. But I still
3 stand by my comment.

4 LES JENSEN: Oh, yes.

5 JASON ADAMS: Good afternoon. My name
6 is Jason Adams. I'm with the Salish and Kootenai
7 Housing Authority, confederated Salish and
8 Kootenai tribes in Montana. And I just wanted to
9 make a comment.

10 I was late coming in. I apologize for
11 that, but I caught some of your presentation and I
12 read through what I missed. And one of the issues
13 that I wanted to address today in this opportunity
14 to speak is our housing authority.

15 We administer the HIP program on behalf
16 of the tribe and so our tribe is a compacted tribe
17 and so every year our tribe negotiates with the
18 Bureau through the Portland area to get our
19 allocation of dollars. And it's always been
20 interesting to me that, you know, this program and
21 my understanding of the HIP program is it goes
22 back quite a few years and it's probably the

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1 closest program that comes out of the federal
2 government to tribes that has the trust program or
3 an entitlement program for housing. A lot more
4 tied to that opportunity than housing through
5 HUD.

6 And so with that being in mind, you
7 know, I would hope that through this consultation
8 process, what you're calling consultation here
9 today, is that we would have the opportunity as
10 tribes and self-governance tribes which our tribe
11 is, to really have an impact through consultation
12 to create a program that we see best meets our
13 needs on your reservation.

14 You know, it's -- I'm got, again,
15 speaking necessarily against the program as it
16 currently exists. I think it helps. Anything we
17 can get helps. But the idea that the BIA has a
18 program that they say here's what we have or
19 here's what we're going to change to better need
20 your need, that just strikes a chord with me and
21 with our tribe and a self-governance tribe when we
22 want to have the freedom and the ability to

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1 structure a program as we see fit and as we see
2 meets our needs.

3 There's -- again, probably a good
4 program. These changes are probably needed, but in
5 true consultation we would hope that we would have
6 the opportunity to be at the table with the Bureau
7 of Indian Affairs to structure a program that
8 could meet -- might have -- might end up over here
9 instead of where we're at today.

10 And so with that I just hope that my
11 comments will be received. I don't really have a
12 question necessarily, just to make that comment,
13 that if we're doing true consultation by the
14 president's executive order that we have the
15 opportunity to be at the table to negotiate a
16 program that meets our best needs on the ground.
17 Thank you.

18 LES JENSEN: Thank you, Jason. You
19 know, this is a program -- it's is secondary
20 program. HUD has the primary focus in funding for
21 Native American housing and truly they don't have
22 the funds to meet the nodes and the HIP program

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1 does provide some ease of your large waiting list.
2 And so we're hoping that we can work with tribes
3 in getting this program a little bit better
4 focused towards your needs. So thank you for your
5 comment.

6 JAMES GUTIERREZ: Good afternoon. James
7 Gutierrez with the Chehalis Tribal Housing
8 Authority. I just have a comment and a question
9 about 256.24. Will I need flood insurance? When
10 FEMA went through to do the flood mapping, they
11 skipped the reservation the last time. They're
12 working on it now.

13 The Chehalis reservation has a small
14 land base and I'm wondering as you work to align
15 your programs with other federal agencies, are you
16 also working with FEMA to get these flood mappings
17 completed so that we can move forward with these
18 programs?

19 It says here you can work with your
20 housing office and they will advise you, but if
21 those flood maps aren't done, I'd imagine you'd
22 have to do a survey or some other thing which can

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1 be very expensive and add tremendously to the
2 program.

3 Is there a plan or how would you guys
4 address this or help us get through that?

5 LES JENSEN: Floodplain insurance is a
6 requirement in any federally funded program. And
7 you know, it's something that we comply with. Not
8 all tribes participate, but we have talked and
9 engaged with FEMA about the floodplain that --
10 that Act, that law. And so tribes are coming
11 online and participating with that and so we have
12 done some dialogue with FEMA.

13 TIM HUMPHRY: My name is Tim Humphry.
14 I'm with Stetson Law Offices. I'm here
15 representing the Laguna Pueblo.

16 I've got three points. One behind the
17 young lady from Karuk. I too, believe very
18 strongly that this program should be focused to
19 the elderly and the disabled. We do have elders
20 who have been on waiting lists through the NAHASDA
21 program and through the old 37 Net programs who
22 died on that waiting list as well. They need

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1 houses just as bad as anybody else. And partly
2 because of the size I think it's more appropriate
3 for the elderly and the disabled.

4 Secondly, as far as floodplains, one of
5 the things we've been able to do with HUD is,
6 first of all, of course, try to figure out a way,
7 our lands where it's not an issue and where we
8 don't have FEMA maps, we've been using elders to
9 certify that there's been no flood in the area and
10 they're accepting it. So my first question would
11 be would the Bureau accept that as well?

12 And then my third point is that I'm
13 really sort of in a sense tired of the federal
14 agencies looking towards down payment assistance
15 and mortgaging as a panacea to the problem. Here
16 we're talking about very low income people. Right
17 now one of the most active programs we have with
18 mortgaging -- loaning -- lending is on the San
19 Felipe Pueblo. Right now they're able to bring
20 the cost of mortgages down for a home that costs
21 \$125,000 to \$550 a month. Most of our very low
22 income people can't pay that.

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1 In some places the average coast of a
2 184 loan is around 13 to \$1500 a month. I do not
3 think most of these folks -- and I mentioned to
4 somebody from the northwest or I mean the northern
5 plains and he felt the same way. We have probably
6 zero people in the area of very low income that
7 can benefit from the mortgage program at this
8 time.

9 LES JENSEN: Thank you for your comment.

10 We do see some very low income families
11 that are participating in the down payment
12 assistance and HIP is able to do that. We have a
13 pilot project that we're working currently in
14 anticipating for the down payment assistance.

15 It doesn't work for everybody. It
16 doesn't mean that you have to participate in that,
17 but it's available. It's another tool for your
18 tool chest to help your tribal members help
19 themselves to get a home.

20 Yes, sir?

21 ROBERT NICK: Thank you. My name is
22 Robert Nick. I'm a Commissioner for Tribally

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1 Designated Housing Entity in Alaska which has 50
2 tribes that designated us as their Indian Housing
3 Authority. And I have a comment in support of the
4 proposed amendments and then I'll name the three
5 that I noted either mentally or in my notes.

6 And one is the movement from very low
7 income to extremely low income. I think that
8 change and that proposal is overdue in coming.
9 And the other one that I'd like to comment on is
10 the size of the two bedroom and the three bedroom
11 and the four bedroom. And I have a comment in
12 support of Mr. Humphrey's comment on the elderly
13 and disabled.

14 But also in my area of Alaska, western
15 Alaska, we have a very large emerging sector of
16 young families, single families that are raising
17 children so they need housing. And they're living
18 with their parents and I think by adding the size
19 of the two or three or four bedroom, you know,
20 that over quality situation which is in my region
21 especially would be mitigated or alleviated.

22 It will never be solved until young

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1 families are living on their own raising their
2 children. And so I'm speaking on behalf -- in
3 support of the proposed amendments. As a tribal
4 leader in my area of the state of Alaska, most of
5 our regions are -- except for one -- is in Indian
6 area where our business corporations own the land.

7 So we use -- probably wouldn't have too
8 much of a problem with coming up with a title, but
9 some corporations have not conveyed their 14C
10 conveniences to the local entities. You know,
11 tribal -- and so I think -- but all in all I'm in
12 support of the proposed amendments. Thank you. I
13 think they're overdue.

14 LES JENSEN: Yes. Thank you. You know,
15 the land title thing you mentioned about obtaining
16 land. Currently you have to have -- show proof
17 that you own the land before you can obtain HIP
18 assistance. What we're saying, well, if you can
19 obtain a lease than apply for HIP and then, you
20 know, we'll consider your application whereas
21 before you had to have the land prior to being
22 eligible.

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1 Yes?

2 JESSE GODDARD: My name is Jesse
3 Goddard. I'm with the Confederated Tribes of the
4 Chehalis Reservation in Washington State.

5 My first question is in regards to the
6 consultation being that this is being called a
7 consultation how many of our tribes have been
8 notified that we're actually visiting some of
9 these concerns that we have just been shared with
10 by your presentation?

11 LES JENSEN: First we published it in a
12 Federal Register. That was on the 2nd. On the
13 2nd we asked the regions to share our proposed
14 rule change with the tribes in their regional
15 area. I hope that that was done.

16 JESSE GODDARD: Okay. We brought our
17 tribal chairman with just our treasurer and from
18 his understanding he was not notified, but that
19 could be something that might have been an
20 oversight. However, I think that the consultation
21 is something that is very important and that
22 effects some of the tribes when it comes to these

1 changes.

2 I'm not quite sure -- the question that
3 the one lady brought up in regards -- relating to
4 elders and then the clarification from this lady
5 here on the children in a home. That's something
6 really difficult to weigh out when you're looking
7 at comparisons of youth to elders.

8 You know, back when a lot of the houses
9 were first built, back in the 1970's, there was
10 not a whole lot of money that was distributed to
11 the tribes to build their houses so some of those
12 projects that are currently standing are in dire
13 need of repairs from the early 70's.

14 And when -- some of our agencies
15 overlook the fact that some of those with were
16 kind of like, built quickly and as cheap as
17 possible so that when you weigh out if we had 25
18 original houses built on our reservation and one
19 burned so it was rebuilt. We still have 24 houses
20 that have more than likely elders in them.

21 And the one lady is right. Yes, they
22 pass away, however, they have family that continue

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1 to live in those homes because that was originally
2 built in that family. I don't know about any of
3 the other reservations, but that's a concern that
4 I have is continually helping all of those that
5 are of need. And those houses back in the 1970's,
6 you know, they're -- they might be a hazard right
7 now.

8 My next concern is in regard to flood
9 insurance. When we were at an AmRen conference,
10 the question came up, I asked James to talk to
11 them about flood insurance and they said, well,
12 you'd need to go to FEMA. I said, and if FEMA
13 runs out of money, FEMA decides that they don't
14 want to do anything for us, then what?

15 Are you telling us that we don't have an
16 opportunity to get insurance through you guys, our
17 insurance company? AmRen is supposed to be for
18 our housing. I said, we're affected by it. Our
19 reservation is just on a small hill that holds
20 those original 25 homes and some of our other
21 housing projects. So when it floods, a major
22 flood like in 2007, we were just basically on an

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1 island.

2 Our families that were there get
3 affected by what could happen and that came very
4 close to the top of where our enterprises are, you
5 know? And in my opinion, I felt like nobody
6 really cares from our state. They could wipe out
7 another reservation. What do they care? So I'm
8 hoping that the agencies take it serious when our
9 tribes want better insurance for our reservations.

10 LES JENSEN: Thank you.

11 Your first comment was about the elderly
12 and about the incomes. And the program is not
13 going away from our methodology. We're still
14 going to do what we do. We're going to focus on
15 the elderly. We're going to focus on the disabled
16 families.

17 However, though, the income guideline
18 will help those very low income families get into
19 a home and leverage. It doesn't mean it's going
20 to happen or it's mandatory. It's just another
21 tool in a tool chest. So if you want to
22 participate and the family is there, that's a good

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1 tool. And we can do more of those projects and
2 build a new home.

3 And your second one about the flood
4 insurance. It is federal law. We have to comply.
5 However, how many families participate in it after
6 we build the home? You know, that's a tribal
7 thing. So do you have to pay that every year? We
8 don't monitor that.

9 Yes, sir?

10 JOE DIEHL: Hi, Les. I'm Joe Diehl.
11 I'm on temporary loan here to NAIHC, but my real
12 job is to work in the northwest. So we're region
13 six of NAIHC and so we're Northwest Indian Housing
14 Association.

15 We work with Gina Eastman out of your
16 Portland office. And one of the comments that I
17 had with Gina was that why is it that there are
18 only 200 applications from our region and there
19 are 8,000 nationwide?

20 That kind of is symbolic perhaps of our
21 friends at the Confederated Tribes of Chehalis not
22 getting the proper amount of information or

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1 training. And so one of the things that I offered
2 to Gina as a person that has a lot of contacts, 38
3 tribes in the northwest, that perhaps we could do
4 some webinars or some trainings at our meetings to
5 help educate some of our members about the
6 program.

7 It's highly, you know, competitive and I
8 think that may be one of the reasons that there's
9 fewer applications from the northwest as well.

10 Anyway, that's my comment. Again, I
11 think there's nothing in here to talk about
12 spreading the word on the program and that's
13 something that I want to put down for the record
14 in terms of a comment.

15 And Les, by the way, I understand that
16 you work east coast hours even though you're based
17 in Alaska.

18 LES JENSEN: Correct.

19 JOE DIEHL: So your friend Elena Bassett
20 from Yakama Nation told me to say hello to you.

21 LES JENSEN: All right. Thank you.

22 Yeah, I was out there in Portland -- in Spokane

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1 and did a training.

2 Historically, you know, your comment
3 about low numbers coming out of Portland, it's
4 true, but it's been there for about ten years and
5 I'd like to see those numbers come up. And so in
6 an effort of doing that I'm offering that we train
7 -- we provide training in the northwest region.
8 Sometime this summer. Yeah.

9 LLEVANDO FISHER: Good afternoon.

10 LES JENSEN: Good afternoon.

11 LLEVANDO FISHER: My name is Llevando
12 Fisher. I'm from Montana representing Northern
13 Cheyenne Tribe. And we -- and I just have a
14 concern and I just want to express my opinion.

15 You know, we have a very short -- we
16 have a very short -- a shortage of housing. We
17 have about 500 people waiting on a waiting list
18 for -- to get into NAHASDA program. And we have -
19 - we -- they conveyed about 400 units to the
20 individuals and we probably have another thousand
21 houses that are privately owned and we need more
22 moneys to try to help our people.

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1 We've got homeless veterans and we try
2 to build more houses. We want to build houses for
3 our homeless veterans and our elders and we just
4 don't have adequate funds to maintain these units.
5 And they give us moneys to redo two units at
6 \$35,000 in a year and that's all the money we get.
7 But we have many people who are homeless and that
8 need assistance.

9 And I just wanted to express my concern
10 because the Northern Cheyenne Tribe needs more
11 moneys for our young people and our homeless
12 veterans and our elders. Thank you.

13 LES JENSEN: Thank you.

14 JONI TALENTINO: Good afternoon. Joni
15 Talentino. I'm the Housing Division Director for
16 the Sault Tribe of Chippewa Indians in Sault Ste.
17 Marie, Michigan. In the upper peninsula of
18 Michigan.

19 And looking through the Federal Register
20 and the Power Point presentation today, I'm hoping
21 that you could provide a little bit more insight
22 on the proposed rule that will add new -- the new

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1 ranking factors to include homelessness,
2 overcrowding and dilapidated housing each with a
3 maximum of ten points.

4 LES JENSEN: Yes.

5 JONI TALENTINO: This is new in regard
6 to income and household size and things like that.
7 So if you could please provide --

8 LES JENSEN: Thank you.

9 JONI TALENTINO: -- some insight on that
10 as well.

11 LES JENSEN: Yes, it's true. The
12 homeless, we're adding back into the regulation --
13 what was in previous regulation to help address
14 those conditions. Overcrowding. That's a big
15 problem across the nation. So we'll be adding
16 points for that. And the disability. So
17 homeless, overcrowding and your third one was?

18 JONI TALENTINO: Dilapidated --

19 LES JENSEN: Dilapidated -- yes. Those
20 are the old regulations that was previous 2000 so
21 we're adding those back in.

22 JONI TALENTINO: Okay. Thank you.

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1 LES JENSEN: Uh-huh.

2 UNIDENTIFIED SPEAKER: One question,
3 Les. (Inaudible).

4 LES JENSEN: Yes. We'll have to change
5 our HIP application, you know, as this goes into
6 the final rule. We'll redo our HIP application to
7 consider those conditions. Overcrowded,
8 homelessness and dilapidated.

9 UNIDENTIFIED SPEAKER: (Inaudible).

10 LES JENSEN: Yes.

11 I'm sure that you all know that
12 overcrowding is a big issue. Everybody has
13 overcrowded conditions and it is a problem and so
14 we're hoping that this will focus towards those
15 conditions and add to the points so that they can
16 compete to get a project.

17 Keep in mind, you know, USDA and HUD
18 have programs that we can leverage this -- the 504
19 Program and the Repair Program. We can leverage
20 that program. They have a limit of \$6500. That's
21 not much, but we can use our money in conjunction
22 with them to do more with a Category B repair as

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1 well HUD.

2 But for our down payment, Mr. Art Hacker
3 here is doing a pilot project out in the Great
4 Plains region where he's able to do 20 down
5 payment program categories where families would
6 not have been able to get into before.

7 And so we're working with USDA, we're
8 working with the Section 184. We're working with
9 non-profits. We're working with CDFI's. And so
10 it's a great tool to get families into homes where
11 they would have never had the opportunity before.
12 They're very low income families and often they're
13 single mothers and so we're being able to bring
14 that monthly mortgage down to an affordable
15 payment of several hundred dollars a month or
16 more. And so it works. And we're hoping that
17 tribes will see that as an opportunity.

18 Also, on my website, at the BIA website,
19 we have some best practices and some resources
20 that you can view and I'll be posting on there
21 some other types of -- ways you can do the down
22 payment as we learn more about that program.

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1 Yes, Sam?

2 SAM OKAKOK: Sam Okakok. Native Village
3 of Barrow.

4 I just want to talk in support of all of
5 these changes here. A couple years ago we did
6 meet at the BIA Providers Conference in Anchorage
7 and started to talk about many of the proposed
8 rules that are being considered for changes right
9 now and those are very much needed. A lot of the
10 talking points that we had, they're up there.

11 Many of our villages and even the
12 housing authorities in Barrow are very hard to get
13 to. The only way you can get anything in is
14 through air cargo and things like that. And
15 during the summer, if you're along the coast and
16 you can get the barge, but many of the costs that
17 we have up there are very, very high.

18 And, you know, looking at Category A and
19 B especially -- especially B, when you're doing a
20 renovation it's very high cost to do renovations
21 up there. Especially when a home -- my of our
22 homes, they're 40 or 50 years old and older and

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1 insulated only by cardboard or old newspapers that
2 we've pulled out of the walls, you know? And
3 getting them up to standard condition is very
4 costly. So I'd like the changes that are increased
5 and they will properly get our houses, our older
6 houses, up to code.

7 And many of the things that had been
8 brought up at the conferences were those such as
9 the homeless, the VA. We've got youth that are
10 homeless. Many of them are couch surfing. In
11 Alaska we don't hear about them and even the
12 leaders, the senators, congress, we have to
13 continuously remind them of the homeless situation
14 there because they're not readily seen and they're
15 going house to house to relatives and friends.

16 And so seeing that on there I think is
17 really going to help out and I'm glad that these
18 are being up there. And many of the things that
19 NAHASDA enjoys such as NAIHC and having the
20 support there, BIA HIP doesn't have that. And
21 hopefully this will get us down the road to
22 somewhere where we can get proper support for BIA

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1 HIP.

2 So I -- I am speaking in support of this
3 and I like what I see, but also note that I think
4 it's just a first step and hopefully we'll be able
5 to go down the road and really improve what's
6 already here. So thank you.

7 LES JENSEN: Thank you for those nice
8 words.

9 Sam is from Barrow and the sun is just
10 now coming up over the horizon. He's seen the sun
11 for the first time in quite a while.

12 ROBERT NICK: Thank you for allowing me
13 to come up again to the podium. I forgot one
14 thing that (Inaudible). It's in your (Inaudible)
15 and that is leveraging the USDA and Title 6 in the
16 NAHASDA program in Alaska, AVCP housing where a
17 couple of board members are here and we're the
18 largest as far as number of tribes that are
19 designated as such at TDHC. A number of them
20 leveraged there were started out on their own when
21 NAHASDA started in '96.

22 They elected to do their own program as

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1 a tribe which started out of our TDHC with 34
2 tribes and as of now we have 50 tribes and totally
3 in our service area there's 56 tribes and two more
4 tribes are in the process of coming back to the
5 umbrella tribe.

6 One of the things which I -- our
7 commissioners in which we see in the leverage
8 homes, in the NAHASDA block grants will leverage
9 by Title 6, USDA, they no longer become low income
10 homes. You know, the home buyers that apply
11 through the regular process through NAHASDA,
12 they're paying, you know, like, in our (Inaudible)
13 they're paying \$100 a month for insurance and then
14 once they're leveraged, especially with USDA, you
15 know, they are 33 year loans and then there are
16 people that are moving to those homes are paying
17 somewhere between 700 to \$1,000 a month.

18 I see them no longer as a low income
19 home so as -- on the crosswalk, the third one is
20 the one that probably I would reluctantly speak
21 against. Of leveraging HIP, Housing Improvement
22 Program funds, because you have a long wait list

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1 from what I heard. 8,000 across the country.

2 Let's build homes for the elderly and
3 the young parents that are raising their kids and
4 those (Inaudible) homes. Thank you.

5 LES JENSEN: Thank you.

6 USDA is very excited to work with the
7 HIP program in leveraging their 502 direct loan.
8 Keep in mind, this is not any additional money
9 going out of the HIP program. It's coming right
10 out of each region's pot of money and so as they
11 participate in that they're able to just do more
12 projects. And so we'd like to see more regions
13 and more tribes learn about this down payment and
14 utilize it because it will help your overcrowded
15 conditions, it will have sustainability, it will -
16 - they're become a homeowner and their lives will
17 improve socially.

18 So -- you've got something to say. I
19 can see it right there.

20 UNIDENTIFIED SPEAKER: Me or him?

21 LES JENSEN: You.

22 UNIDENTIFIED SPEAKER: At least in our

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1 region, I don't know if anyone wants to admit
2 this, but a lot of our housing -- housing
3 directors are multitasking, overworked. And the
4 misconception out there is that it's very
5 difficult to put through an application.

6 I understand that there's a website --
7 I'm not trying to help you or anything -- but
8 there's a website that is actually easy to follow
9 and an application can be made in probably less
10 than a half hour. Could you tell us more about
11 that?

12 LES JENSEN: Yeah. The Bureau of Indian
13 Affairs has a website. Just goggle BIA.gov
14 Housing Improvement Program and you'll go right to
15 our website. And we have the application, we have
16 the regulation, we have a tool that is designed --
17 that I designed. It's an Excel tool and it will
18 help you in scoring your applications.

19 And so that -- in the days of old, you
20 know, if you've ever been around HIP for a long
21 time you had to redundantly write in there for,
22 you know, three or four pages. This tool will

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1 allow you to score -- without error -- score your
2 application and then move it electronically into
3 the workbook. And so it saves paper, it saves
4 error, it saves time. And then you submit that to
5 your regional office. And it's been in
6 implementation for two years.

7 And so the deal is though that you have
8 to have -- enable it. It has macros in it. And
9 so it functions much like software Microsoft uses
10 and so it's a real good tool. You can still do it
11 the old way. There's nothing wrong with doing it
12 the old way. It's just we'd like to see tribes use
13 it because of the efficiency.

14 You don't have to type out all of those
15 names and for a tribe such as Art's where he's got
16 a thousand, he has to -- had to type all of those
17 names in there manually and it's just
18 unacceptable.

19 UNIDENTIFIED SPEAKER: Can you say the
20 website again?

21 LES JENSEN: BIA.gov. www.BIA.gov. I
22 think I have something here that I can share with

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1 you on the website. If you just Google BIA.gov
2 HIP, it will take you right there.

3 (Brief pause.)

4 LES JENSEN: Here it is right here. I
5 don't know if those of you in the back can read
6 it, but let me see if I can zoom this up.

7 (Brief pause.)

8 LES JENSEN: Too far.

9 (Brief pause.)

10 LES JENSEN:
11 www.BIA.gov/whoweare BIA OIS human services -- and
12 I say if you just -- BIA HIP it will -- if you
13 Google that it will take you right there. It's a
14 lot easier than jumping through this URL here.

15 (Brief pause.)

16 LES JENSEN: I apologize here. It's
17 wanting to --

18 (Brief pause.)

19 LES JENSEN: There. That's better.

20 Because if you just Google it --

21 BIA.gov, HIP, housing improvement, you're in.

22 And there's all kinds of other resources

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1 on that website. Of course it has, you know, the
2 Office of Native American Programs, HUD, USDA,
3 Community Development, CDFI financial institutions
4 with the Department of Treasury. It's got other
5 types of non-profits that -- coalitions that are
6 assisting tribes. Just a whole plethora of
7 resources that you can view and work with.

8 The application period actually expired
9 here and all of the tribal data was due at the end
10 of January. That's not to say that -- you could
11 have the option of working with your regional
12 housing office to submit something later after
13 that date. But that's -- work with them. If you
14 have a couple that you want to add to it, I think
15 that they would be lenient in taking an addendum
16 to your original submission.

17 UNIDENTIFIED SPEAKER: So only comment
18 period was extended, not the application?

19 LES JENSEN: The comment period is going
20 to close March 6th. The application period is not
21 extended.

22 We do have our appropriations and those

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1 -- we will be looking to get those funds out in
2 May. Earlier than any year prior.

3 (Brief pause.)

4 LES JENSEN: Sami, help me. I'm here.

5 (Brief pause.)

6 LES JENSEN: You have nothing? Okay.

7 I'm just -- also on the website there is
8 a summary of tribal needs that you can view. In
9 2014. It will show you your regional need in chart
10 format in Excel. Each region has a need. Some
11 greater than others because of the applications so
12 you can view that as well.

13 SAMI JO DIFUNTORUM: One more comment.

14 Okay. Sami Jo DiFuntorum.

15 I will say that we had some discussions
16 about the proposed changes back where I work which
17 is where the Confederated Tribes of Siletz Indians
18 in Oregon and we're pretty excited about the
19 changes.

20 We like the income limit change for one.
21 A lot more people are going to qualify. It's been
22 difficult to get people eligible because it has to

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1 be very, very low income and that doesn't always
2 work so we're excited about that.

3 We also like the change in the square
4 footage. So we think it's going to make the
5 program work better where we can help more tribal
6 members. So I really appreciate you coming out
7 and meeting with us.

8 I had met Les at National Congress of
9 American Indians in Atlanta last year and he asked
10 if there was an opportunity to conduct
11 consultation and we had suggested this as one of
12 the venues so we appreciate you coming and meeting
13 with all of was and giving the opportunity to
14 provide our comments for record. Thank you.

15 LES JENSEN: Thank you.

16 RICH ARTHUR: Good afternoon. My name
17 is Rich Arthur with the Nez Perce Tribe in Idaho.
18 Thanks, Les.

19 I agree with the changes and stuff and
20 I'm glad that we're doing this because years ago
21 in our communities we did have HIP and it did
22 renovate a lot of the homes that were dilapidated

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1 and that needed the improvements. And like some
2 of the comments that were made is that it's just
3 so time consuming and whatever barriers are set in
4 place now to apply for this from the reservation
5 that I'm from.

6 So for me as a board member I want to
7 start looking at this myself and better understand
8 the HIP program so that hopefully we can start
9 utilizing this program once again to help offset
10 the needs and stuff. So thank you.

11 LES JENSEN: Thank you.

12 TIM HORAN: Hi. Tim Horan, the
13 Executive Director of the Spokane Indian Housing
14 Authority.

15 I would say from my experience in
16 working with HIP that the program has been overly
17 restrictive and limiting. I appreciate the
18 increase in the limits and the changes that make
19 it a more usable program.

20 At my tribe now, I was told that -- the
21 last time that we had used HIP the tribe --
22 actually, it took them a while to find somebody

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1 that would be qualified. And it's not that, you
2 know, we're an overly prosperous tribe, but the
3 restrictions on the usage of it, the income
4 limitations, all of that, made it very difficult
5 and I had sort of given up hope on
6 HIP.

7 I mean, it's way underfunded so the
8 amount of money available almost made it seem not
9 worth the time to invest in looking at it as a
10 source of something that would be useful and would
11 make a difference.

12 If it has a greater increase in funding
13 then I think its usefulness has also increased.
14 The changes in the regulations open it up so that
15 it -- you can use it better. So I definitely
16 applaud whose ever initiative if this is yours or
17 where this comes from. But if you can put more
18 funding behind this, this will be a program that
19 we will all use. I have no doubt about that.

20 LES JENSEN: Thank you. Let's just hope
21 we can see an increase with your support.

22 In your packet there are some other

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1 documents there. We have a brochure and that's an
2 older document, but it shows a picture of a HIP
3 home that was built in Red Lake, Minnesota.

4 In the proposed rule which is -- the
5 deadline is March 6th, again, you can comment on
6 those on regulations.gov or you can mail them to
7 Elizabeth Apple or hand deliver them.

8 (Whereupon, at 2:08 p.m., the meeting
9 concluded.)

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1 CERTIFICATE OF NOTARY PUBLIC

2 I, Michael Farkas, the officer before whom the
3 foregoing deposition was taken, do hereby certify
4 that the witness whose testimony appears in the
5 foregoing deposition was duly sworn by me; that
6 the testimony of said witness was recorded by me
7 and thereafter reduced to typewriting under my
8 direction; that said deposition is a true record
9 of the testimony given by said witness; that I am
10 neither counsel for, related to, nor employed by
11 any of the parties to the action in which this
12 deposition was taken; and, further, that I am not
13 a relative or employee of any counsel or attorney
14 employed by the parties hereto, nor financially or
15 otherwise interested in the outcome of this
16 action.



A large, bold, handwritten signature in black ink, which appears to read "Michael Farkas".

20 _____
21 Michael Farkas
22 Notary Public in and
for the District of Columbia

22 My commission expires: 5/31/2019

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CERTIFICATE OF TRANSCRIPTION

I, Alicia Greenland, hereby certify that I am not
the Court Reporter who reported the following
proceeding and that I have typed the transcript of
this proceeding using the Court Reporter's notes
and recordings. The foregoing/attached transcript
is a true, correct, and complete transcription of
said proceeding.



Alicia Greenland
Transcriptionist

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