

Capital Reporting Company  
HIP Proposed Rule Revisions 02-26-2015

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BUREAU OF INDIAN AFFAIRS

HOUSING IMPROVEMENT PROGRAOM (HIP)  
PROPOSED RULE REVISIONS

CONSULTATION SESSION

Thursday,  
February 26, 2015

Capital Hilton  
1001 16th Street, NW  
Washington, D.C.

Reported by: Christine Allen,  
Capital Reporting Company

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A P P E A R A N C E S

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Action

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Housing Program Officer, Alaska Region

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Housing Program Officer, Great Plains Region

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

2 (1:11 p.m.)

3 MR. JENSEN: Good afternoon, everyone.

4 Welcome to the Housing Improvement Program

5 Proposed Rule Revision Consultation Session. My

6 name is Les Jensen. I'm the National Housing

7 Officer for the Bureau of Indian Affairs. My duty

8 station is in Alaska.

9 A couple things. I'd like to have this  
10 presentation -- if you have questions, please feel  
11 free to raise your hand and ask them as they  
12 arise. We do have a sign-in sheet. We have a  
13 pamphlet for you. We have the proposed rule,  
14 Federal Register, in that pamphlet. We have a  
15 revised addendum to that, and you'll see it in  
16 your pamphlet.

17 And so today's session, the objective of  
18 today's session, is to provide you the background  
19 of the HIP program and then a crosswalk of where  
20 we're going to go in the proposed rule.

21 And so in 2010, we started talking to  
22 tribes about the program, as we knew the program

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1 then was at \$22 million, and then it went to \$12  
2 million. And the down side of those grant funds -  
3 - you know, it was pretty apparent that we needed  
4 to do something.

5           So in talking with tribes, we didn't  
6 call it consultation. We called it dialogue. And  
7 in those discussions, we talked about the likes  
8 and dislikes of the program and how we can improve  
9 the program. How could we serve, better serve,  
10 tribes and their tribal needs with housing?

11           So we started off in Alaska. And then  
12 we did a little bit of consultation or dialogue  
13 sessions in the Great Plains, in the Western  
14 Region, so engaged with the tribes in where we are  
15 to today.

16           So, you know, through that whole time,  
17 the program was proposed to be eliminated, so we  
18 had to stall. We had to wait until -- to see  
19 whether or not we were going to survive. And so  
20 we are in for the '15 budget. We are also in for  
21 '16. However, we are still only going to receive  
22 about \$8 million.

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1           So today is the last session. We had  
2 four sessions. The first one was here in  
3 Washington, D.C. on February 3rd at the National  
4 American Indian Housing Council. That session went  
5 well. The second one we had in Anchorage. I  
6 think that was February 11th. And then we had a  
7 telcon on the 18th, and then today is the last  
8 session here at the Capital Hilton.

9           So the proposed rule change is that the  
10 Indian Affairs plans to propose new rules for the  
11 Housing Improvement Program in 2015 that will  
12 recommend a redesign of the program, which will  
13 align HIP with other federal program income  
14 requirements such as USDA, the 502 loan program,  
15 Section 184, HUD's program, so that we can  
16 leverage those programs with down payment  
17 assistance.

18           It will also provide flexibility for  
19 tribes to better address their large waiting lists  
20 in their servicing areas. It will also foster  
21 relationships with other federal agencies on ways  
22 to leverage housing funds. So we're building

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1 relationships with USDA 502 loan in the states of  
2 North Dakota and South Dakota.

3           Let me back up a little bit and also  
4 introduce Mr. Art Hacker. He is from the Great  
5 Plains Region. He's a housing officer there. And  
6 I also would like to thank the National Congress  
7 of American Indians for allowing us to have this  
8 session today.

9           So back to the slide here. We have also  
10 the proposed rule change will improve sustainable,  
11 affordable housing on tribal lands, meaning that  
12 with the down payment, with the leveraging, with  
13 those types of loan programs, it will improve  
14 sustainability and affordability.

15           It will also increase the number of  
16 individuals and families served because we can do  
17 more of those types of down payment as opposed to  
18 building a unit for \$100,000 or more. It will  
19 also increase the number of projects funded.

20           The crosswalk from what we have  
21 currently today, the Category A, the limit is  
22 \$2500. We are proposing to raise that to \$7500.

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1 And those are emergency repairs. They're still  
2 what you -- if you receive that type of  
3 assistance, you can still be eligible for HIP in  
4 the future for other types of services.

5           It will also increase the Category B  
6 limits, increasing that current of \$35,000 to  
7 \$60,000. Oftentimes we see one that owns a home,  
8 they would rather live in their home than have it  
9 torn down and rebuilt. And so, you know, with  
10 \$35,000, it's not realistic. So \$60,000 is a more  
11 realistic number.

12           It'll also increase the payback  
13 agreement because we've raised that threshold from  
14 35 to 60. That period will now be 10 years.  
15 Currently it's 5. It will add down payment  
16 assistance, Category D. As I mentioned earlier,  
17 we can leverage the USDA Direct 504, 502 loan. We  
18 can also leverage the Section 184 loan. Keep in  
19 mind, though, this is going to be on the tribal  
20 reservation, not off the reservation.

21           We'll also add new ranking factors,  
22 which are homelessness, overcrowded, and

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1 dilapidated housing. But it'll be either. It  
2 won't be either/or, it'll be either. You know,  
3 you can't have homelessness and, or overcrowded  
4 and homelessness. It's either one or the other.  
5 And that's a maximum of 10 points.

6           It will also update the current  
7 selection criteria, the income, which deems one  
8 eligible for HIP. So if you're over income,  
9 you're not eligible for this program. All the  
10 other criteria just adds to your ranking points.

11           So we're proposing to raise that  
12 guideline from 125 to 150. The 125 is what would  
13 be extremely low, and the 150 would be the very  
14 low. So we're not approaching what would be low  
15 income, perhaps what the NAHASDA program would do.  
16 We don't want to duplicate. Is that enough? I  
17 don't know. You know, it would be up to your  
18 comment to say should we do something higher.

19           Age: We propose to increase the age  
20 requirement from 55 to 62. And we're looking to  
21 align that with Social Security early retirement.  
22 You can start drawing Social Security at 62. But

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1 with that, we're going to propose to reduce the  
2 maximum amount of points to 15.

3           So if you were 55 today or over 55 and  
4 you're 80 years old, you would over the 15 point  
5 maximum. So what we're seeing is that we're  
6 building homes for an elder who may pass on before  
7 he or she gets into the home, and so we're trying  
8 to help the tribes have a little bit more  
9 flexibility in serving those families in the  
10 middle range age and disability.

11           Disabilities: Oftentimes an aged person  
12 has a disability. Currently, one, two, or three  
13 people could have disabilities; therefore, you  
14 could max out 20 points. We're proposing to have  
15 one disability -- we'll just recognize that  
16 there's a disability in the family -- and were  
17 proposing that you're only required to have one  
18 document.

19           Currently you're required to have two  
20 documents from a doctor, and that's a little bit  
21 hard on one to get those documents. So one should  
22 be sufficient. And it would also change what is

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1 current from 20 points down to 10 points. And one  
2 person, if you have a disability, it's 10 points.

3 Family size: It's another updated  
4 criteria, and that would increase points for five  
5 or more dependents. So, for instance, if you had  
6 one dependent, you would get 3 points. Two  
7 dependents you'd get 6. Three dependents you'd  
8 get 9. And a maximum would be 15. So we're  
9 trying to address the overcrowded conditions and  
10 recognize that.

11 Any questions? If you do have a  
12 question, I'd like you to state your name and your  
13 organization.

14 MS. GREGORY: Orvena Gregory, Sac and  
15 Fox Nation. I was just wondering, are these  
16 proposed changes? So when will they become  
17 effective if they're passed?

18 MR. JENSEN: Thank you. The proposed  
19 rule was published February -- or January 2nd in  
20 the Federal Register, and it closes March 6th,  
21 which is coming soon. The process is that we'll  
22 collect those comments and respond to them, post

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1 them in the Federal Register, and have a final  
2 rule soon thereafter.

3 Now, you know, how will that process be?  
4 We haven't made that determination yet. So if you  
5 have some feelings or ideas about that, please  
6 comment. That would help us finalize the rule.

7 Okay. Getting back to the slide here,  
8 we have the increase of the application period  
9 from one year to four years. Tribal members who  
10 are applying for the Housing Improvement Program  
11 are required to apply every year or update their  
12 application and not get serviced.

13 So the thought here is that once they  
14 apply, they can stay in the pool for four years.  
15 It would be recommended that they would update  
16 their application every year thereafter because we  
17 know they're going to be one year older. Their  
18 status may change. But that would be on behalf of  
19 the tribe to engage with that, and it's not a  
20 requirement. It's totally up to the tribal member  
21 to update.

22 The land requirements: Currently we

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1 require that one that applies for housing, for  
2 HIP, that they have proof of land, that they own  
3 the land site. We're saying that to be eligible  
4 for HIP, if you can provide proof that you can  
5 obtain land or have a home site lease, then we'll  
6 consider you eligible because once you apply, you  
7 can then go to the tribal council, go to your land  
8 title, and say that, hey, I'm eligible for HIP.  
9 I'm going to get a house. And I'd like to get a  
10 home site.

11           And we will also require that we provide  
12 a certificate of title. Currently we don't have a  
13 process that gives you that title. Once you have  
14 satisfied the payback agreement for 20 years when  
15 you receive a new home, you don't have a title  
16 showing that you actually own the home attached to  
17 the land.

18           So we're saying we will provide you a  
19 title. Therefore, then, you would be able to go  
20 to a bank and perhaps get a loan to improve your  
21 home or what have you. At least you'll have  
22 something showing that you own the home.

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1           We propose to increase the square  
2 footage limits. This is to meet the Americans  
3 with Disabilities Act requirements, when  
4 applicable, if there are disabilities, and we need  
5 to make sure that we meet those requirements.

6           For instance, a two-bedroom, we would  
7 previously increase it from 900 square feet to  
8 1,000 square feet, which is an increase of 100.  
9 For a three-bedroom, we propose to increase that  
10 from 1,050 square feet to 1,200, which is an  
11 increase of 150 square feet. For a four-bedroom,  
12 we're proposing from 1305 to 1400 square feet,  
13 which is an increase of 95.

14           So the conclusion here is that the  
15 proposed HIP redesign will allow tribes some  
16 flexibility to address the very low income  
17 families and their housing needs and still do what  
18 we do, but also start looking at other ways to  
19 help the tribe address their housing needs by  
20 better addressing the large waiting list that many  
21 tribes are experiencing.

22           And it will provide down payment

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1 assistance for families who can obtain a mortgage  
2 loan from USDA or other loan programs. However,  
3 it may take several fiscal year cycles to  
4 establish a baseline measure to where we can start  
5 looking at increasing -- hopefully getting more  
6 funding. And as tribes learn about these new  
7 rules and learn about the down payment leveraging  
8 program, we may see an increase in participation  
9 as tribes and their members start applying for the  
10 HIP program.

11           So the Federal Register notice is out.  
12 It was published January 2nd. You can find it  
13 there at that URL site. There's also an update to  
14 it. You may also view at the [www.regulations.gov](http://www.regulations.gov).  
15 It's in your pamphlet. And again, that closes  
16 March 6th.

17           Where do you submit your comments? You  
18 may submit your comments by any of the following  
19 methods used at [www.regulations.gov](http://www.regulations.gov). There's the  
20 docket number that references it. Or you can mail  
21 or hand-deliver to Elizabeth K. Appel at the  
22 Office of Regulatory Affairs & Collaborative

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1 Action at U.S. Department of the Interior, 1849 C  
2 Street, N.W., Washington, D.C. 20240.

3 And that's it. Questions? Comments?

4 MS. MCLAUGHLIN: How much time do we  
5 have?

6 MR. JENSEN: We have a couple hours.

7 MS. MCLAUGHLIN: I'm Jennifer  
8 McLaughlin. I work for the Jamestown S'Klallam  
9 Tribe. I just had a question.

10 Most of the rules seem favorable because  
11 they allow that flexibility. The only question I  
12 have is with the changing of the age from 55 to  
13 62. Does that have any -- are there any tribes  
14 that are concerned about that change? Would it  
15 impact a certain group? It may not be favorable  
16 to some tribes or -- yes?

17 MR. JENSEN: Yes. Thank you, Jennifer.  
18 Yes, the answer is yes. Most tribes are in favor  
19 of it. However, we've received some comments  
20 saying 55, they're comfortable with that. And,  
21 you know, for me, I really don't have an opinion.  
22 So, you know, please make your comment known what

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1 your preference is.

2           Sixty-two, some races, some tribes, have  
3 a higher life expectancy than others. We know  
4 that. So if your choice is to leave it at 55, let  
5 us know.

6           MS. MCLAUGHLIN: I'm just trying to kind  
7 of weigh the benefits of a change, not necessarily  
8 that we'd want to keep it at the 55. But I just  
9 want to see because tribes put a lot of focus on  
10 caring for their elders. So I just want to make  
11 sure that if this rule were to come into effect,  
12 it wouldn't damage that relationship in any way.  
13 Thanks.

14           MR. JENSEN: Good.

15           MS. GREGORY: Orvena Gregory, Sac and  
16 Fox Nation. I was just wondering about the -- you  
17 said the allocation is \$8 million annually. So is  
18 that for '15? Or nationally, sorry.

19           MR. JENSEN: The annual appropriation is  
20 at \$8 million for FY '15. And I believe that is  
21 going to be for '16. We're in the process of  
22 looking for '17, and we don't know what that

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1 number will be. Hopefully it'll be an increase.

2 MS. MCLAUGHLIN: I just have another  
3 question about how the loan programs tie into  
4 leveraging funds. You had said on reservation  
5 land. So it's just -- would it include trust land  
6 that's not -- it would? Okay.

7 MR. JENSEN: The Section 184 under HUD,  
8 you know, regardless of where you live, you can be  
9 serviced as long as you're a member of a federally  
10 recognized tribe. USDA 502 is you have to live in  
11 a service -- rural servicing area. But for the  
12 HIP program, you must be a federally recognized  
13 tribal member and live in an approved service  
14 area.

15 May I be off the record?

16 (A brief recess was taken.)

17 MS. MCLAUGHLIN: So I think if you  
18 wouldn't mind coming and sharing, I think what  
19 you've shared today during the consultation would  
20 be great to share with the Self- Governance Tribes  
21 at their annual meeting. We're having a panel on  
22 economic development and financial strategies, and

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1 I think it would help get the word out and you'd  
2 have a lot of Self-Governance Tribal leaders  
3 there, you know.

4 And I think it's very worthwhile to show  
5 them how you can leverage the dollars and house  
6 more people and share the success stories.

7 MR. JENSEN: Thank you. When is that  
8 conference?

9 MS. MCLAUGHLIN: The end of April. It's  
10 coming up.

11 MR. JENSEN: I think we can get  
12 approval. Certainly we'd want to participate.

13 MS. MCLAUGHLIN: I just think it's a  
14 great program that -- from what you've said here  
15 today, I think it's a really great program. And I  
16 just want to be sure that the information is  
17 getting out there so people are, you know, jumping  
18 on board and more people are mentioning this when  
19 we go out for to request funding from our  
20 appropriators.

21 MR. JENSEN: Thank you. If there are no  
22 more questions, I will ask -- are there questions?

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1 Otherwise, I will close officially. Any  
2 questions?

3 (No response.)

4 MR. JENSEN: Well, thank you very much  
5 for your participation. I really appreciate it.  
6 And hopefully we can get the transcripts out to  
7 you within a couple weeks; as we receive them, we  
8 will certainly post those. Thank you again. Safe  
9 travels.

10 (Whereupon, at 2:05 p.m., the  
11 consultation session was concluded.)

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CERTIFICATE OF NOTARY PUBLIC

I, CHRISTINE ALLEN, the officer before whom the foregoing proceeding was taken, do hereby certify that the proceedings were recorded by me and thereafter reduced to typewriting under my direction; that said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

*Christine E. Allen*



CHRISTINE ALLEN  
Notary Public in and for the  
District of Columbia

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