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## MEMORANDUM

December 2, 2014

TO: Housing Clients

FROM: HOBBS, STRAUS, DEAN, & WALKER, LLP

RE: ***House Passes NAHASDA Reauthorization Bill***

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Earlier today, the House of Representatives passed HR 4329 (copy attached), the NAHASDA Reauthorization bill drafted by Congressman Steven Pearce (R-NM), and co-sponsored by Congressman Tom Cole (R-OK) and Congressman Mark Amodei (R-NV). HR 4329 had been amended several times as it worked its way from the Financial Services Committee to the floor of the House, but it still contains a substantial number of the provisions that NAIHC included in its draft. Those provisions include the following:

- establishing timelines for HUD to act on waiver requests (although the “deemed approved” language has been dropped)
- consolidating environmental reporting requirements where there is funding from other agencies in a NAHASDA-funded project
- removing the 30% maximum rent rule if the tribe or TDHE has its own policy in place regarding maximum rents
- allowing families in low-rent units to convert to a homebuyers without having to re-qualify as low-income at the time of conversion (as long as they qualified when they first entered the unit)
- limiting binding commitment requirement where the NAHASDA funding put into a unit is less than 10% of the Total Development Cost
- authorizing use of IHS sanitation funding for use in infrastructure development for NAHASDA-funded housing
- imposing sanctions for accruing large amounts of unexpended NAHASDA funds (through limitations on access to current-year NAHASDA funding)
- establishing a housing voucher program for Native American Veterans
- extending leasehold authorization to 99 years
- authorizing funding for Native Hawaiian housing program

Now that it has passed the House, HR 4329 will be forwarded to the Senate for action. The Senate currently has a NAHASDA reauthorization bill that has been passed out of committee, but was subject to an anonymous hold or holds. It is not clear at this time how the Senate plans to proceed. There are three options: (1) move forward with

adopting the Senate Bill, thus sending the two bills to conference to resolve any differences; (2) acting on the House Bill; (3) no action. The time frame to act during the current lame duck session is short, and the Senate has a number of items on its agenda.

Because the swiftest route to passage through the Senate would be for the Senate to pass HR 4329, and because HR 4329 contains more of the NAIHC draft bill provisions than the bill currently in the Senate, NAIHC is urging its members to contact their Senators and advocate for swift action on HR 4329.

If you have any questions, and if you would like assistance in drafting and submitting comments, please do not hesitate to contact me at [egoodman@hobbsstrauss.com](mailto:egoodman@hobbsstrauss.com) or by phone at (503) 242-1745.