

Prepared Statement of Mellor C. Willie
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To the Subcommittee on Housing and Community Opportunity
United States House of Representatives
Hearing to Address the Housing Needs of Native American Veterans with Disabilities

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Good afternoon Chairwoman Waters, Representative Kirkpatrick, and distinguished members of the House Subcommittee on Housing and Community Opportunity. My name is Mellor C. Willie and I am the Executive Director of the National American Indian Housing Council (“NAIHC”), the premier national tribal non-profit organization dedicated to advancing housing, physical infrastructure, and economic development in tribal communities in the United States. In addition to being the Executive Director of the NAIHC, I am an enrolled member of the Navajo Nation, and appearing before you today is a special honor.

First, I want to thank Representative Kirkpatrick and Chairwoman Waters for holding this critical hearing on the Navajo Reservation in order to listen, first-hand, to the unique concerns that American Indian veterans face regarding housing in their homelands after being discharged by the United States Armed Forces or, sadly, killed in action serving our great nation. These men and women, some of whom have made the ultimate sacrifice to protect this country, deserve our support when they return home after active duty.

Second, I would like to thank Representative Kirkpatrick for introducing the Indian Veterans Housing Opportunity Act of 2009 in recognition of and to address such unique concerns.

As the members of the Subcommittee know, Native Americans represent a small percentage of the United States population. Throughout history, however, a high percentage of tribal members have volunteered to serve in all branches of the United States military. Many

tribal nations are traditional, warrior societies, and this tradition has translated into an extraordinarily high level of patriotism in Native America; of dedication to and willingness to serve in the armed forces.

In fact, some Native Americans were serving in the American armed forces before they were even granted citizenship. In times of national need, Native Americans have been the first to answer the call to step up to protect this great country that we all call home. Yet, sadly, they often return to their homelands to face extraordinary challenges that other veterans do not face in obtaining safe, quality, affordable housing.

The Native American Housing Assistance and Self-Determination Act (“NAHASDA”) is the cornerstone for providing housing assistance to low-income Native American families on Indian reservations, in Alaska Native villages, and on Native Hawaiian Homelands. The Indian Housing Block Grant (“IHBG”) is the funding component of NAHASDA and is the single largest source of Federal capital for housing development, housing-related infrastructure, and home repair and maintenance in Native communities.

NAHASDA, which is administered by the United States Department of Housing and Urban Development (“HUD”), specifies which activities are eligible for funding including, but not limited to, down-payment assistance, property acquisition, new construction, and housing rehabilitation. The provision of NAHASDA for the purpose of this hearing is that NAHASDA assistance is limited to “low-income” Native American families, defined as those with incomes at 80 percent or less of the median income for any given area. There are a limited number of exceptions to the low-income requirement. For example, law enforcement officers and other persons essential to the well-being of the respective tribal community are eligible to receive assistance under the Act. However, the NAHASDA statute does not contain an income exception for service-disabled veterans or families of soldiers killed in action.

Indian tribes and their tribally-designated housing entities are afforded some flexibility in establishing appropriate rental amounts for qualified families, but they have no flexibility in determining economic eligibility.

In part due to this lack of flexibility, the issues that present a challenge for housing in tribal communities are compounded when it comes to Indian veterans, often resulting in overcrowding or a complete lack of housing.

Under the current statutory language of NAHASDA, it is problematic that some veterans and their families face the possibility of being ineligible for housing assistance because of “income” earned as a result of service-related disabilities or death. The Internal Revenue Service already excludes such amounts from the definition of income, but HUD does consider the payments as “income,” as they are bound to under the current statutory language of NAHASDA.

The Indian Veterans Housing Opportunity Act of 2009 proposed by Representative Kirkpatrick will remedy this situation and level the playing field for all Indian veterans by revising the definition of income for NAHASDA purposes to exclude payments for service-related disability, dependence, or indemnity. The legislation will ensure that both the statutory language of NAHASDA and HUD’s implementing regulations are in line with the Internal Revenue Code and existing regulations. Most importantly, it will ensure that Indian veterans do not face extraordinary obstacles when trying to procure or finance appropriate and affordable housing after serving their country.

Allow me to provide you a real life example. The median household income for a family determines whether or not the family is eligible for assistance under NAHASDA. The family’s income may not exceed 80 percent of the median household as determined by HUD.

In 2009, the national median income for a family of four was \$51,200.00, meaning that a family could have income up to this amount and still be eligible for NAHASDA services.

If a family of 4 living on an Indian reservation has a family income of \$50,000.00, this is less than the income limit and the family is eligible for NAHASDA services. However, if a brother, sister, son, or daughter returns home to the family from serving in the armed services with a permanent disability and receives a monthly disability payment from the Department of Veterans’ Affairs, that amount is added to the family income for housing block grant eligibility purposes. If the veteran has a disability payment of \$1,000.00 per month, that amount is added to the family income.

Now, there is a family of 5 in the household and the income under the national median income guidelines is increased to \$55,300.00. If the current rules applied, this family would not qualify for assistance because the total family income is \$62,000.00, which exceeds the maximum limit of \$55,300.00. This is a real-world situation that commonly occurs in many tribal communities.

There is already a consensus among HUD, tribal leaders, and tribal organizations that there is a severe housing shortage in tribal communities and that many homes are, as a result, overcrowded; that many of the existing homes are in need of repairs, some of them substantial; that many homes lack basic amenities that many of us take for granted, such as full kitchens and plumbing; and that at least 200,000 new housing units are needed. Many of the existing homes house veterans whose families are in dire need of Indian Housing Block Grant services.

A survey conducted of 11,500 households on the Navajo Nation Reservation in Arizona showed that those homes housed 31,213 families. Of those, 2,726 were households that included at least one veteran. Of those, eighty-six received disability compensation. Severe overcrowding, coupled with veterans returning home to family caretakers, has resulted in these Indian families becoming ineligible for housing assistance --- again, against the backdrop of a population that already has significant unmet housing needs.

In Montana, one of our most sparsely populated states yet one with a significant number of Indian tribes and tribal members, the Montana Veterans' Foundation (MVF) serves 41 veterans in addition to more than 30 monthly veteran contacts relating to housing and service referrals.

According to MVF data, in 2009, Montana had 475 homeless veterans, 54 of whom were Native American. The Helena Indian hospital is currently treating more than 30 veterans for service-related disabilities. Also in 2009, Montana was home to 43 homeless females, 25 of whom were veterans. Nine of the 25 were Native American women.

NAHASDA was enacted to provide Indian tribes and Native American communities with new and creative tools necessary to develop culturally relevant, safe, decent, affordable housing. Native American soldiers who have put themselves in harm's way protecting our nation should not be penalized for their service to this great country.

The amendment contemplated by Representative Kirkpatrick's Bill, H.R.3553, will enable tribes to more fully serve some of the neediest of families --- those caring for disabled veterans returning home or their survivors who are left behind.

I want to thank Representative Kirkpatrick, Chairwoman Waters, and the Subcommittee for your time and consideration regarding this issue of critical importance to Indian communities throughout the United States, and would be happy to answer any questions you might have.