

Native American Housing Assistance and Self-Determination Act (NAHASDA)

What is the Native American Housing Assistance and Self-Determination Act (NAHASDA)?

NAHASDA is a federal law passed in 1996 that was designed to give tribes more freedom to write their own rules for tribal housing. NAHASDA grants money to tribes to provide housing to tribal members. NAHASDA allows tribes to determine whether they wish to provide units for rent or for sale to low income individuals, or they can provide housing for a part of the community such as senior citizens or people working through drug or alcohol problems.

How does a tribe receive NAHASDA funding?

A tribe must create a one year and a five year plan for their tribal housing project. The tribe's plan must fit within one of six categories listed in the law. These categories include development, maintenance and management, crime prevention and safety, and the creation of model housing programs. The tribe must also follow federal guidelines for income requirements of tenants.

Does my tribe receive NAHASDA funds?

Currently, all federally recognized tribes in Washington State receive funding through NAHASDA. Check with your tribe to learn about the housing programs in your area.

What are the income requirements for tribal housing under NAHASDA?

Most NAHASDA funding is designated for low-income families. Low-income families are families that make less than 80 percent of the median income for the area. For example, in 2004 the national low-income level (80 percent of the median income nationally) is approximately \$32,000 per year for an individual or \$46,000 per year for a family of four. However, the median income may be higher in some areas such as Seattle and Vancouver. Check with your tribe to find out the income requirements for your area.

The guidelines in NAHASDA also require that no more than 30 percent of a family's income should be spent on housing. Therefore, the tribal housing authority cannot charge more than 30 percent of a family's income for units subsidized by NAHASDA.

How does NAHASDA work for me?

Any projects receiving federal funding must comply with federal guidelines. These guidelines include but are not limited to:

1. Tenants of tribal housing must meet certain income requirements as explained above. If you have been denied tribal housing while members of the tribe who don't meet the income requirements have been given federally subsidized housing by your tribe, you may have a right to a legal remedy.

2. The housing authority lease agreement cannot contain unreasonable terms and conditions. For example, the tribe cannot ask a resident to sign an agreement that relieves the tribe of liability for problems with the building.
3. You cannot be evicted before the end of the lease without “good cause”. This means you cannot be evicted from tribal housing in the middle of the lease unless there are serious or repeated violations of the terms or conditions of the lease, such as continued failure to pay your rent.
4. You can be evicted if the housing authority determines that you:
 - a. threaten the health, safety or peaceful enjoyment of other members of the community, (continual loud noises, even if part of religious worship, may be considered a threat to peaceful enjoyment) or
 - b. are involved in criminal activity, particularly drug related criminal activity regardless of where the activity takes place (if a member of your household is found guilty of a drug offense, even if the offense takes place somewhere else, you may be evicted from federally subsidized housing even if you had no knowledge of the illegal activity).
5. If you are being evicted from tribal housing, you have a right to look at any relevant documents, records, or regulations related to your eviction before going to a hearing or trial regarding your eviction.
6. The housing authority must give adequate written notice if they intend to evict you. If you are being evicted from tribal housing, the housing authority must give you time to move out.
7. If your application for housing is rejected, the housing authority must tell you in writing why your application was rejected.

What if my tribe does not follow the guidelines?

1. Most tribal housing authorities have complaint processes allowing you to tell the housing authority how you think your rights have been violated. Ask for a copy of the tribe’s Housing Authority grievance procedure. If they do not have one, look to the tribal code to see whether it contains information about the process for filing a complaint with the housing authority. You may only have a few days in which to file a complaint, so it is best to act as quickly as possible.
2. If you have explained the violations to the housing authority and they are still denying you your rights, you may wish to file a claim in tribal court. It will be important to look up the housing regulations in the tribal code to determine whether your rights under the tribal code have been violated before you file a legal claim. Also, tribes generally have “sovereign immunity,” this means they cannot be sued. However there may be exceptions for claims such as wrongful eviction.
3. Because NAHASDA was designed to promote tribal self-determination, it is important to try to work through any problems with the tribal housing authority first. However, if you think the housing authority is not following federal guidelines, such as not providing an explanation for rejecting your application, you can call the local office for the Department of Housing and Urban Development (HUD) and ask for assistance from the

Office of Native American Programs. The phone number for the HUD office in Seattle is: (206) 220-5101 and the phone number for the HUD office in Spokane is: 509-353-0674.

Where can I get more information about tribal housing?

Your tribe is the best resource for information about tribal housing in your area. If you need additional information, the Office of Native American Programs at HUD has a website that may provide more information: <http://www.hud.gov/offices/pih/ih/onap/>.

If you need help with a specific legal issue, it is best to consult with a lawyer or call the CLEAR (Coordinated Legal Education Advice and Referral Service) line at 1-888-201-1014.

9203EN

**This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.
This information is current as of the date of its printing, July 2004.**

© 2004 Northwest Justice Project — 1-888-201-1014, TTY 1-888-201-9737
(Permission for copying and distribution granted to the Equal Justice Network
and to individuals for non-commercial use only.)