

# Proceedings of the Southern Plains Regional Summit

## Catching the Dream "Expanding Options for Affordable Housing: Local Issues, Local Solutions"

Tulsa, Oklahoma  
July 21 - 22, 2004



Sponsored by:  
Southern Plains Indian Housing Authority  
and the  
Office of Native American Programs  
Office of Public and Indian Housing  
U.S. Department of Housing and Urban Development

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Southern Plains Indian Housing Authority  
Office of Native American Programs  
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U.S. Department of Housing and Urban Development

## **Disclaimer**

The contents of this document represent the recorded results of the Southern Plains Regional Summit with summaries developed by the four Breakout Teams, and photographs taken at the Summit. The document is a summary of participant issues, ideas, and discussions and does not represent the official policy or position of the U.S. Department of Housing and Urban Development.

## Southern Plains Regional Summit Overview

The Southern Plains Regional Summit was the fifth of six Regional Summits scheduled for the spring and summer of 2004. The results of the six Regional Summits will be used to guide planning for the HUD National Summit to be held in 2005.

**Organization.** The Summit meetings are organized around the principle that much of the wisdom pertaining to housing issues, problems, and solutions in Indian Country resides in the people actively doing the work. The six Regional Summits were designed to provide settings that facilitate the articulation, discussion, and recording of this wisdom.



Opening Session

**Representation.** The Southern Plains Regional Summit had 174 participants, of which 38% were from tribal housing organizations, 28% were tribal leaders and other tribal officials, 9% were from federal agencies, and 22% were from the private and not-for-profit sectors.

**Tracks and Topics.** Working with the tribes from the Southern Plains Region, four interrelated tracks were identified to be addressed at the Summit: 1) Improving Systems for Planning and Accountability—From Application to Completion of Service 2), Institutional Issues, 3) Leveraging and Investments, and 4) Dealing With Families. Summit participants selected one of four topics/tracks and, working in breakout teams in sequence, a) identified, discussed, and prioritized problems and barriers to the success of housing programs in their region, b) developed strategies to overcome the problems and barriers identified, and c) developed action plans and schedules to implement the strategies. Facilitators worked with each breakout team to promote the active involvement of each participant, and support staff recorded on flipcharts the key points made by the participants.

Participants from each of the four breakout teams reported their work at plenary sessions of the Summit, and a court reporter recorded these presentations. This document summarizes the work of each breakout team, identifies cross-track themes, and presents other pertinent information (e.g., the agenda, glossary, and names of participants). It has been disseminated to all Southern Plains Summit participants. This document will also be posted on *CodeTalk* ([www.codetalk.fed.us](http://www.codetalk.fed.us)).

**Crosscutting Themes.** The body of this document describes needs, barriers, strategies to overcome the barriers, and action plans to implement the strategies developed by the Southern Plains Summit participants. This section describes a set of four interrelated themes that cut across the four Summit tracks that were echoed in different ways in each track.

1. **The special circumstances and needs of tribes are often unrecognized and/or unmet by many housing-related programs, policies, and procedures.** While other entities (e.g., neighborhoods, cities, counties, states, regions) share some of the needs and circumstances of tribes, the magnitude and scope of the tribal circumstance is often much greater. Examples include:
  - Infrastructure required to construct and sustain safe affordable housing (roads, utilities, potable water) is unavailable or prohibitively expensive to develop.
  - Mortgage financing and home ownership are rare in much of Indian Country; thus, there are few models for tribal members to follow.
  - Housing-related tax credits are difficult for tribes to access.
  - The trustee relationship between tribes and the federal government impacts many aspects of housing including the establishment of title, land use planning, and the approval process for housing construction and rehabilitation.
  - Access to benefits enjoyed by nonprofit entities.
  - The need for culturally relevant and appropriate housing.
2. **A wide range of training is needed by different groups of stakeholders in tribal housing.** Tribal members need training in financial management, home buying, and maintenance, and accessing tribal and other housing-related programs. Members of the Tribal Council, TDHEs/IHAs and tribal officials need training in housing-related tax credits and financing instruments, NAHASDA, maximizing return on investment, and the synergy between housing and economic development, community development, and quality of life.
3. **Tribes are challenged to establish and maintain their sovereignty in a variety of housing-related domains.** Tribes often confront jurisdictional problems with other entities such as states, counties, the BIA, and, sometimes, TDHEs. Congress, federal agencies, and other entities establish legislation, rules, policies, or procedures that limit or are inconsistent with tribal sovereignty.
4. **There is a need to improve housing-related data collection, analysis, and reporting.** Information flow can be improved by ensuring that 1) information technology is used appropriately, 2) systems report information back to tribes and tribal programs as well as to federal agencies, and 3) the tribes understand the goals as well as the specifics of data collection and reporting requirements and procedures.

## Table of Contents

<b>Acknowledgments .....</b>	<b>2</b>
<b>Southern Plains Regional Summit Overview .....</b>	<b>4</b>
<b>Participant Comments and Observations.....</b>	<b>7</b>
<b>Introduction.....</b>	<b>8</b>
A. Goals of the ONAP Regional Summits .....	8
B. The Regional Summit Process .....	8
C. Summary of Breakout Tracks .....	10
<b>Improving Systems for Planning and Accountability Track .....</b>	<b>11</b>
A. Improving Systems for Planning and Accountability Needs and Issues .....	11
B. Improving Systems for Planning and Accountability Barriers/Problems .....	12
C. Improving Systems for Planning and Accountability Strategies and Actions .....	12
<b>Institutional Issues Track.....</b>	<b>14</b>
A. Institutional Issues Needs and Issues .....	14
B. Institutional Issues Barriers/Problems .....	15
C. Institutional Issues Strategies and Actions .....	15
<b>Leveraging and Investments Track.....</b>	<b>16</b>
A. Leveraging and Investments Needs and Issues .....	16
B. Leveraging and Investments Barriers/Problems .....	16
C. Leveraging and Investments Strategies and Actions .....	17
<b>Dealing with Families Track .....</b>	<b>19</b>
A. Dealing with Families Needs and Issues .....	19
B. Dealing with Families Barriers/Problems .....	19
C. Dealing with Families Strategies and Actions .....	20
<b>Attachment 1. Agenda .....</b>	<b>21</b>
<b>Attachment 2. Glossary .....</b>	<b>23</b>
<b>Attachment 3. Participant List .....</b>	<b>32</b>
<b>Attachment 4. Schedule of 2004 Regional Summits .....</b>	<b>40</b>

## Participant Comments and Observations

The interactive, hands-on nature of the Southern Plains Regional Summit encouraged participants to express their ideas, reactions, and concerns. A court reporter captured verbatim accounts of these expressions. The following comments were taken from the court reporter transcript.

*“...we’ve got people from different entities here that need to communicate. That’s what this whole summit’s for.”* Tom Elkins, Cherokee Nation

*“And I think that’s what we’re looking at is, there has to be more done to somehow communicate this to the smaller tribes that are out there, that are looking for solutions.”* John Kaul, Peoria Housing Authority

*“I’ve been to one or two that were national summits, and I believe there was a lot of productivity, but I truly believe that a regional summit may actually see even more fruit, because to be able to concentrate on some of the local issues and the issues that affect us right here in this Southern Plains Region.”* Governor Anoatubby, Chickasaw Nation

*“This is a fine opportunity for every one of our tribes and our housing authorities to get together and talk about issues and problems, right here at this summit, to share with each other the things that we know that will work, and to caution each other about the things that don’t work and to learn from each other.”* Governor Anoatubby, Chickasaw Nation

*“So we thought we needed to kind of dissolve that division and create this “we” attitude, because we’re all working for the same goals and for the same objectives.”* Dawn Briner, Otoe-Missouria Tribe

*“Bringing the cultural identity into community development, connecting with our traditional people as we look at community programs, and transforming a set of Indian houses into a true Indian community, you must bring forth that spirit, the spirit of the people and the spirit of a community that can rise up.”* Curtis Zunigha, Delaware



## Introduction

This document summarizes the proceedings of the Southern Plains Regional Summit conducted in Tulsa, Oklahoma, on July 21-22, 2004. It describes the goals of the ONAP Regional Summits, the Regional Summit process, the results achieved, and a list of the Summit participants.

### A. Goals of the ONAP Regional Summits

In 2004, HUD/ONAP conducted interactive Regional Summits in each of its six regions (Alaska, Eastern/Woodlands, Northern Plains, Northwest, Southern Plains, and Southwest) to facilitate:

- **Assessment**—Identify and prioritize problems associated with and barriers to the development of safe, affordable housing, promotion of home ownership, and the use of housing to leverage economic development in the region.
- **Strategy/Vision**—Identify and develop strategies to overcome the prioritized barriers and problems and implement best practices and model approaches.
- **Action**—Develop action plans that include specific steps and timetables required to implement the strategies specified, best practices, and model approaches identified.

After each of the Regional Summits, a summary of the activities and achievements was distributed to each of the participants with the goal of continuing the participatory spirit of the Summit and maintaining the momentum to implement the action plans developed during the breakout sessions. This document will serve as a reference to the participants, individuals, tribes, groups in other ONAP regions, and other stakeholders in Indian housing and development. In addition, the activities and achievements of each Regional Summit will form the basis for the plans and preparations for ONAP's National Housing Summit to be convened in 2005. Attachment 4 contains a schedule of the six Regional Summits.

### B. The Regional Summit Process

A critical part of each Regional Summit is the division of labor and responsibility for the Summit content and activities. HUD is responsible for much of the logistics, structure, and support of the Summits. However, the primary breakout tracks reflect input from the tribes, tribal housing programs, and Tribally Designated Housing Entities (TDHEs) in each ONAP region. Working as a team, representatives from the tribes and TDHEs, and HUD/ONAP:

- Suggested the conference site.
- Identified facilitators for the Breakout Teams.
- Prioritized the problems they confront and the barriers they encounter in developing safe, affordable housing, encouraging homeownership, and leveraging housing funds to promote economic development.



- Developed strategies to minimize or overcome the barriers and problems they identified.
- Developed action plans with specific steps and timetables to implement the strategies they developed.
- Evaluated the Summit, suggesting ways the process could be improved.

This collaboration promoted strategies and actions that drew on the experience, expertise, and wisdom of tribal leaders, program staff, and tribal members in expanding options for safe, affordable housing in Indian Country. Working with the tribes in the Southern Plains Region, ONAP identified four interrelated themes to be addressed at the Summit (see Figure 1).



**Figure 1. Four Summit Tracks**

During the initial plenary session, the Summit goals, objectives, procedures, and agenda were discussed, and participants then proceeded to one of the four Breakout Teams in separate rooms to begin the first task—identifying and prioritizing the barriers and problems (see the Summit Agenda in Attachment 1). After working on this task and following a lunch break, volunteers from each Breakout Team presented the Team’s achievements/results at the Summit’s second plenary session. These presentations were designed to allow all Summit participants to share and learn about the progress and achievements of each of the four Breakout Teams. The Breakout

Teams reconvened and spent the remainder of the first day developing strategies to minimize or overcome the problems and barriers identified in the first session.

On the second day of the Summit, at the plenary session, volunteers from each Breakout Team presented the strategies developed by their team on the previous day, again allowing all Summit participants to learn about the progress made by each Team. After these presentations, the Breakout Team reconvened to develop action plans and schedules designed to implement the strategies developed on the previous day. In the afternoon, the participants came together for a plenary session with different Team members presenting the action plans and schedules.

These presentations were followed by another open forum, during which participants were encouraged to present questions, comments, and recommendations that they deemed to be important but that were not adequately addressed during the Summit. Finally, the crosscutting themes and next steps were discussed. These next steps include:

- Preparation and distribution of this document to all Summit participants for use as a reference for the ideas, strategies, and action plans developed.
- Placement of this document on the *CodeTalk* website for use by the Summit participants and other stakeholders in Indian housing. In particular, it is hoped that each ONAP region will benefit from examination and consideration of the summaries of other Regional Summits.
- Implementation of “Action Items” at the local and regional level.
- Planning and convening of other ONAP Regional Summits as well as a National Summit to take place in 2005.

## C. Summary of Breakout Tracks

Each Breakout Team began by identifying and prioritizing critical needs and issues pertaining to its track. After identifying the needs and issues, each team identified barriers to meeting the needs and problems associated with the issues identified. In subsequent sessions, each Breakout Team developed strategies and action plans to meet the needs and overcome the barriers identified.



**Presentation at Plenary Session**

## Improving Systems for Planning and Accountability Track

### A. Improving Systems for Planning and Accountability Needs and Issues

The Improving Systems for Planning and Accountability Team identified four critical housing needs and issues presented below, starting with the highest priority:

**1. Reliable, valid, and timely data is needed to guide housing planning, to successfully operate tribal housing programs, and to support the accountability of tribes, tribal housing programs, and TDHEs.** Good data is critical for successful planning, program operation, and assessment of program success, program accountability, and self-determination. Tribal housing programs need data to determine if an applicant for services is 1) a tribal member, 2) eligible for services, 3) credit-worthy, 4) if credit counseling is needed, and 5) ready for home ownership.



**Planning and Accountability Session**

**2. Stakeholders may have been unable to access and use all performance measures data.** Team members said 1) they questioned if HUD shares with tribal housing programs and TDHEs all performance measures data, 2) HUD requires that tribes submit data that has not been announced in the Federal Register (e.g., the overcrowding initiative), 3) important performance data is not being collected and/or used by HUD, and 4) the information HUD needs from tribal programs, as well as the rationale for needing the information, needs clarification.

**3. The data required in the Annual Performance Report (APR) is incomplete and can be misleading.** The APR focuses on occupation of housing units. This focus fails to recognize other services provided to client families including counseling, referrals to other agencies for problems such as wastewater disposal, and actual expenditures. Consequently, many families served by tribal housing programs and many services provided to them are not captured or reported in the APR. Team members were especially concerned that when reviewing APR data, Congress, HUD, or other stakeholders in Indian housing would be unable to understand the actual services provided and their true costs.

**4. The Indian Housing Plan (IHP) and the APR are not integrated or coordinated, making planning and reporting inefficient.** By reengineering the paper forms and associated software, the quality and value of the data can be greatly enhanced. The existing forms and associated procedures are a real “headache” for tribal housing programs and other stakeholders.

Recognizing that some of the information in the IHP and APR are required by statute, team members said that the approach to solving this problem is to focus on changes that can be made without requiring changes in legislation.

## **B. Improving Systems for Planning and Accountability Barriers/Problems**

The Breakout Team identified four critical barriers and problems pertaining to systems for planning and accountability.

1. Data collection is generally expensive and consumes scarce human and other resources. This problem is exacerbated when the rationale for the data collection is unclear and the data collection methods are inefficient and problematic.
2. Some tribal members are distrustful of data collected under the auspices of federal programs and do not wish to disclose certain types of personal information.
3. Frequency and timing are critical aspects of data collection, processing, and reporting. Expenditures rise with more frequent data collection, processing, and reporting. On the other hand, as frequency decreases (and the interval between episodes of data collection, processing, and/or reporting increases), the data tends to become stale and lose value.
4. Accountability and other housing data currently reported are not easily understandable to a wide range of stakeholders including tribal members, staff at the housing and other tribal programs, and to the Tribal Council.

## **C. Improving Systems for Planning and Accountability Strategies and Actions**

The Planning and Accountability Team developed 1) a set of six strategies to address three interrelated issues/problems; 2) a set of three actions designed to simultaneously address the six strategies, 3) timeframes for each strategy; and 4) a set of four results to be produced by successful application of the strategies. The following table summarizes these achievements.

Improving Systems Track					
Issue	Vision/ Strategy	Action	Responsibility Partners	Timeframe	Results
1. Tribes-TDHEs need reliable, valid, & timely information for planning (IHP), program management, & accountability (APR).	A. Conduct data collection needs assessment. B. Access & use census data. C. Revise IHP & APR forms. D. HUD should update software to link IHP & APR forms.	1. Develop Task Force to plan data needs assessment.  2. Provide or obtain Census Bureau training.  3 Submit recommended changes to SWONAP with copy to Mr. Liu and Mr. Boyd.	SPIHA, HUD, TDHEs, Tribal housing programs ONAP, NAIHC	Spring 2005	Standard data collection forms and procedures.  Better utilization of census data.
2. Tribes-TDHEs need to improve access to and use of performance measure data.	E. Combine all open IHPs & submit them on a one-year plan. F. HUD to post feedback on APR reports on <i>CodeTalk</i> to create a 2-way flow of information.		SPIHA, ONAP, NAIHC	Spring 2005	Simplify forms to report <u>all</u> NAHASDA funded activities.
3. Better coordination between the IHP and APR processes			ONAP, NAIHC, APR/IHP Committee	Spring 2005	One-Stop Center for data needs.

## Institutional Issues Track

### A. Institutional Issues Needs and Issues

The Institutional Issues Team identified 19 needs and issues that have been consolidated into five major categories presented below.

**1. Education of stakeholders in tribal housing.** An education program is needed for new Executive Directors (EDs), members of the Tribal Council, the Board of Commissioners, housing authorities, decision-makers, and tribal members. These and other housing stakeholders need to know what tribal housing programs do, how the programs operate, and what resources are required.



**Institutional Issues Session**

**2. Jurisdictional issues.** Tribes need to know the parameters of their sovereignty and jurisdictions in relation to other political entities such as states and counties. Conflicts over authority and jurisdiction among tribal housing authorities, states, and counties can delay housing financing, construction, and rehabilitation. Areas requiring clarification and policy development include policing/law enforcement, data collection and reporting, and services. Some state, county, and other officials need education and training on tribal sovereignty and the limits on their jurisdiction in Indian Country.

**3. Financial education and training.** “How-to” manuals for financial managers and directors are needed to help clarify responsibilities and roles pertaining to the financial aspects of housing. These manuals should address questions such as 1) “How does tribal sovereignty come into play with financial responsibilities?” 2) “Do the various stakeholders (tribe, housing authority) have compatible accounting systems?” and 3) “Do they need to be compatible?”

**4. Tribal policies versus NAHASDA regulations.** NAHASDA requirements are not clear to many tribes. This confusion can be exacerbated by conflicts between tribal sovereignty and NAHASDA guidelines or TDHE policies.

**5. Conflict between tribal officials/departments and the IHA/TDHE.** Many tribes experience conflict between tribal officials or agencies and the corresponding IHA or TDHE. Some tribal officials report that the IHA/TDHE does not respond to tribal initiatives/direction in a timely fashion. Conversely, IHA/TDHE staff complain that some tribal officials are uninformed or not sufficiently interested in housing and related issues.

## B. Institutional Issues Barriers/Problems

The Breakout Team identified four critical barriers and problems pertaining to systems for Institutional Issues.

1. Many tribal members do not have a clear understanding and knowledge of NAHASDA guidelines.
2. Conflict between the IHA/TDHE and the tribe interferes with housing program operations. Efforts are needed to create a “we” attitude since both sides are working for the same goals and objectives.
3. Communication appears to be one-way concerning the APR reports—tribes need to obtain feedback from HUD and get better guidance on what HUD wants.
4. Tribes, states, counties, TDHEs/IHAs have overlapping or conflicting jurisdictional problems in areas such as policing, data collection, and services.

## C. Institutional Issues Strategies and Actions

The following table shows the set of five critical issues/problems and associated strategies developed by the Institutional Issues Team. The Team developed a set of four actions, each involving training and education, designed to carry out the five strategies as well as associated timeframes and anticipated results.

Institutional Issues Track					
Need/ Issue	Vision/ Strategy	Action	Responsibility/ Partners	Timeframe	Results
1. Understand housing program operations, needs, and resources.	A. HUD to develop list of experts & materials to post on <i>CodeTalk</i> for tribal use.	1. Develop criteria & selection process for Task Force to address the issues.	HUD, SPIHA, ONAP, NAIHC Task Force to include: 3 housing, 3 tribal, 1 resident (floating), 1 at-large, 1 HUD member.	October 2004 SPIHA meeting	Communication between tribes & HUD is improved. Task Force works with communities to resolve problems. Tribal officials, housing program, IHA, & TDHE staff better informed & more productive. Tribes, TDHEs, IHAs work together
2. Clarify & resolve jurisdictional issues.	B. Develop mediation program.	2. Send letter to all tribes/TDHEs/IHAs requesting nominations.		January 2005	
3. Knowledge & experience about financial aspects of housing needed.	C. Develop mentoring program.	3. Implement Task Force recommendations.		May 2005	
4. Need to resolve apparent Tribal program-NAHASDA inconsistencies.	D. Develop mediation program.	4. Develop “how-to” manuals.	Tribes, ONAP, consultants	May 2005 SPIHA meeting	
5. Need to resolve conflicts between tribes and IHA/TDHE.	E. Create “we” attitude.		Tribes, ONAP, NAIHC	June 2005	



## Leveraging and Investments Track

## A. Leveraging and Investments

### Needs and Issues

The Leveraging and Investments Team identified four critical housing needs and issues; these issues are presented below.

**1. Tax credit portion of financing.**

Because tribes are not considered to be “nonprofits” by the IRS, they are at a disadvantage, particularly in the state of Oklahoma, in applying for tax credits. Tribes need training and education or mentoring to help them understand the tax credit program.



## Leveraging and Investments Presentation

**2. Amend the regulations for 184 loans.** The number of Section 184 loans guaranteed could be increased if the program regulations were amended. For example, the regulations should permit subordinated second mortgages to help with down payments and closing costs. Automated underwriting should be made easily available to facilitate the 184-loan process.

**3. Lack of capacity for small tribes.** Many small tribes have special problems in acquiring the resources, training, and capacity to develop and expand their housing programs—small tribes lack the necessary “critical mass” and cannot achieve economies of scale.

**4. Maximize yield on investments.** Tribes receive annual IHP funding in a single “lump sum” payment, and most invest these funds drawing on them as needed. Because of low interest rates, in recent years, these investments have not performed well. Tribes need to develop ways to get better returns on capital that has been invested pending completion of projects.

## B. Leveraging and Investments Barriers/Problems

The Breakout Team identified four critical barriers and problems pertaining to leveraging and investments.

1. Because tribes are not classified as not-for-profit organizations by the IRS, they cannot participate in the low-income housing tax credit program and cannot participate in procurement set aside for “nonprofits” by states.

2. The way Section 8 regulations are set up, if tribes want to provide rental assistance to their tax credit projects, they cannot use NAHASDA funds.



3. The tax credit program is too complicated—tribes have great difficulty in using the tax credit program.

## C. Leveraging and Investments Strategies and Actions

The following table presents the many strategies and action plans developed by the Leveraging and Investments Team to address the four needs/barriers they identified as being most critical.

Leveraging and Investments Track					
Need/ Issue	Vision/ Strategy	Action	Responsibility /Partners	Timeframe	Results
1. Simplify & expand the Tax Credit programs available to tribes.	A. Get IRS to view tribes as equivalent to 501(c)3 or (c)4.	1. Get HUD Secretary to advocate tax code changes to the IRS and Congress.	Secretary of HUD	Fall, 2004	Tribes-TDHEs recognized as having status equivalent to non-profits.
	B. Get states to permit set-asides for Indian Country projects.	2. Work with the Oklahoma Housing Finance Agency (OHFA) to create tribal set-asides.	ONAP, NCAI, elected state officials Sharon Weiss to draft letter; SPIHA to take it forward to tribes.	Summer 2005	Tribes participate in state housing development projects.
	C. Develop mentoring program for tribes.	3. Develop resource directory & state-specific educational programs.	Individual tribes, ONAP, SPIHA, NAIHC, consultants	Fall 2004, on-going	More efficient & effective leveraging of tribal funds.
	D. Make NAHASDA rental assistance equivalent to Section 8 for tax credit purposes.	4. Create regs that recognize NAHASDA rental assistance. Draft letter to include regs changes in negotiating the rulemaking.	HUD, ONAP, SPIHA, NAIHC	Fall 2005	Tribal rental assistance equal to Section 8.
2. Amend regulations for 184 Loans to enable tribes to get more loans.	A. Develop mentoring program with other housing authorities.	1. Develop contract & research outreach to all tribes & IHAs.	SPIHA, HUD, individual tribes	Annually	Increased use of Section 184 loans.
	B. Modify 184 regs to permit subordinated second mortgage.	2. Monitor changes to the 184 program on an on-going basis. HUD issues program guidance regarding use of NAHASDA with other Fair Housing funds.	HUD, other relevant agencies and departments	Spring 2005	Combined loan value of 105 percent allowed. Strategies for amending 184 regs implemented.

Leveraging and Investments Track					
Need/ Issue	Vision/ Strategy	Action	Responsibility /Partners	Timeframe	Results
	C. Develop automated underwriting.	3. Develop Task Force.	HUD, SPIHA, NAIHC, consultants	October 2005	Underwriting for subordinate second liens and automated underwriting implemented.
3. Lack of capacity for small tribes.	A. Develop mentoring program with other housing authorities.	1. NAIHC training to include local experts.	SPIHA, HUD, NAIHC	Spring 2005	Acting together, small tribes empowered & able to access & leverage capital for housing construction & rehab.
	B. Develop tribal partnerships.	2. SPIHA and HUD actively promote tribal partnerships.	HUD, SPIHA	Fall 2004	
	C. Develop resource directory.	3. SPIHA & HUD develop resource directory & facilitate resource pooling.	Tribes, SPIHA, HUD, NAIHC, consultants	Spring 2005	
	D. Take better advantage of existing programs.				
	E. Pool resources.				
4. Tribes need to get better returns on investments	A. Tribes pool investment capital.	1. Obtain guidance from HUD.	HUD, tribes	Spring 2005	Tribes will have sufficient capital to leverage large amounts for housing construction.
	B. Change investment restrictions.	2. Place on agenda for National ONAP Summit.	HUD, ONAP	Fall 2004	
	C. Guidance on leveraging NAHASDA funds.	3. HUD coordinates with other agencies.	HUD, NAIHC, Tribes	Spring 2005	

## Dealing with Families Track

### A. Dealing with Families Needs and Issues

The Dealing with Families Team identified four critical housing needs and issues. These issues are presented below in order of importance:

**1. Housing-related counseling and education.** Tribal members need counseling and education on a wide range of issues related to housing, such as pre-and post-purchase counseling, including home maintenance and financial management.



Families Presentation

**2. Helping tribal members avoid predatory lending.** Tribal members who lack a substantial credit history or who have poor credit ratings may attract and be tempted to obtain mortgages with unfavorable terms offered by predatory lenders. Such lenders also prey on tribal members who have paid off their mortgages, seeking to persuade them to refinance their home or to take out a home equity line of credit with usurious terms.

**3. Helping tribal members take advantage of the wide range of housing programs available from multiple sources.** Such programs include the Section 184 loan guarantee program, lease-purchase financing programs, and programs that provide assistance for down payments and closing costs. Tribal members need information and referrals to programs that are offered by agencies and organizations other than the tribe or TDHE.

**4. Special circumstances.** Tribal housing programs need to address special circumstances confronting tribal members such as 1) tribal elders who are responsible for housing and caring for grandchildren and/or great-grandchildren, 2) tribal housing distant from schools and/or jobs, and 3) tribal members with criminal records, especially when the offenses were committed many years in the past and the person has become rehabilitated.

### B. Dealing with Families Barriers/Problems

The Breakout Team identified two critical barriers and problems pertaining to dealing with families:

1. Tribal members may be unaware of the support and assistance available from the TDHE/tribal housing program and other sources and, consequently, fail to realize that they may be able to obtain a mortgage and purchase a home. Unaware of such opportunities, tribal members may not seek information and assistance from the program.

2. Because of relatively low rates of homeownership in Indian Country and other factors, many families lack models to guide and inform them about obtaining a mortgage and buying and maintaining a home.

### C. Dealing with Families Strategies and Actions

The Dealing with Families Team developed three strategies and action plans to address the two critical needs and barriers they identified. Generally, these strategies and action plans focus on training, education, and/or counseling.

Dealing with Families Track					
Need/ Issue	Vision/ Strategy	Action	Responsibility/ Partners	Timeframe	Results
1. Housing-related counseling & education.	A. Provide counseling & education tailored to different age groups such as youths, single parents, & elders.	1. Develop training program that includes interest, credit, loans, savings, & general financial literacy.	Housing counselors, Tribal educators, participants & prior participants, private lenders, credit/debt counselors, teachers, youth.	Establish committee Winter 2004 Plan developed by Summer 2005 Implementation by Fall 2005.	Students to have comprehensive understanding of general financial literacy—loans, credit, budget, savings, interest, etc.
	B. Provide counseling & education to meet the needs of homebuyers.	2. Form a committee to develop a resource manual providing homebuyer education & counseling training services or referrals.	Counselors in the region, NAIHC, lenders, maintenance department staff, HUD, housing inspectors, tribal social services department.	Committee by-Winter 2004 Data-information collected, reviewed & prioritized by Summer 2005 Start providing mentoring, booklets, referrals, and training, etc. by Winter 2005.	Better trained/educated counselors for improved homebuyer education services.
2. Helping tribal members avoid predatory lenders.	A. Provide education & counseling that enables tribal members to avoid predatory lending.	Develop materials (Homebuyer Counseling Committee) & tools to be used to educate tribal members regarding predatory lending.	Housing Advisory Committee, ONAP, NAIHC	Committee in place-Winter 2004 Data collected, reviewed, & prioritized Summer 2005 Information/booklet available Winter 2005.	Fewer tribal members will be victims of predatory lending through better education.

# Attachment 1. Agenda

Southern Plains Region Summit  
Catching the Dream: Expanding Options for  
Affordable Housing - Local Issues, Local Solutions  
July 21-22, 2004, Tulsa, Oklahoma

Tuesday, July 20	Wednesday, July 21	Thursday, July 22
11:00 a.m. SPIHA Registration	<p>7:30 a.m. Continental Breakfast (sponsored by SPIHA)</p> <p>8:30 a.m. Workshop Convenes</p> <ul style="list-style-type: none"> <li>• Opening Ceremonies</li> <li>• Greeting by SPIHA Chair, ONAP Regional Administrator</li> <li>• Welcoming Remarks by Tribal Leaders</li> <li>• Michael M. Liu, Assistant Secretary for Public and Indian Housing</li> </ul> <p>9:30 a.m. Workshop Structure and Protocol – Lead Facilitator</p> <p>10:00 a.m. Breakout Session I - Participants select 1 of 4 tracks (see below)</p> <ul style="list-style-type: none"> <li>• Scoping the Situation</li> <li>• Model Approaches</li> <li>• Barriers</li> </ul>	<p>7:30 a.m. Continental Breakfast (sponsored by SPIHA)</p> <p>8:30 a.m. Workshop Convenes – Highlights of Day One</p> <p>9:30 a.m. Breakout Session III – Action Planning (participants stay in their selected tracks)</p> <ul style="list-style-type: none"> <li>• Converting Strategies to Action</li> <li>• Mobilizing Public and Private Partners</li> <li>• Transferring Best Practices and Model Approaches</li> </ul>
<p>1:30 - 3:00 p.m. SPIHA Business Meeting</p> <p>3:45 – 5:00 p.m. General Session</p> <p>6:00 – 7:30 p.m. Reception (sponsored by SPIHA) Networking Session With Representatives of Lending, Financing, and Technical Assistance Sources.</p> <p>Rodger J. Boyd, Deputy Assistant Secretary for ONAP</p>	<p>Noon Lunch (sponsored by ONAP) Speaker TBA</p> <p>1:15 p.m. Plenary Session I – Team Presentations of Breakout Session I (all tracks)</p> <p>2:00 p.m. Breakout Session II (participants stay in their selected tracks)</p> <ul style="list-style-type: none"> <li>• Creating an Affordable Housing Vision, Strategies to Address Barriers and Promote Best Practices</li> </ul> <p>Break (sponsored by ONAP)</p> <p>4:00 p.m. Plenary Session II - Team Presentations of Breakout Session II (all tracks)</p> <p>5:00 p.m. Adjourn</p> <p>7:00 p.m. Dance – Live Band (sponsored by SPIHA)</p>	<p>Noon Lunch (sponsored by SPIHA)</p> <p>1:15 p.m. Breakout Session III continued</p> <p>2:15 p.m. Plenary Session III – Team Presentations of Breakout Session III (all tracks)</p> <p>Break Sponsored by ONAP</p> <p>3:00 p.m. Open Forum – Opportunity for Participants to Present Additional Concerns and/or Ideas</p> <p>3:45 p.m. Next Steps – Focusing on Results</p> <ul style="list-style-type: none"> <li>• Summit Documentation and Distribution</li> <li>• Setting the Stage for the 2005 National Summit</li> </ul> <p>4:00 p.m. Closing Comments by Tribal Leaders and Adjourn</p>

## Summit Details

Once you arrive, you will be asked to choose a track to follow from the first to last breakouts. The tracks are as follows:

- **Improving Systems for Planning and Accountability - From Application to Completion of Service:** Data collection and reporting (revising IHP-APR), accountability at various levels.
- **Institutional Issues:** Tribal/housing relationships, financial operations, procurement, GAAP compliance, jurisdictional issues, role of tribal courts and law enforcement.
- **Leveraging and Investments:** How to leverage funding, how to invest funds to build assets, Section 184 and Title VI loan guarantees, low income tax credits, down payment assistance programs.
- **Dealing with Families:** Home loan program and counseling, predatory lending, assisting families to secure homeownership, financial literacy and credit worthiness.

## Attachment 2. Glossary

**Acceleration clause.** A provision in a mortgage that gives the lender the right to demand payment of the entire outstanding balance if a monthly payment is missed.

**Adjustable-rate mortgage (ARM).** A mortgage that permits the lender to adjust its interest rate periodically on the basis of changes in a specified index.

**Amortization.** The gradual repayment of a mortgage by installments, calculated to pay off the obligation at the end of a fixed period of time.

**Amortization schedule.** A timetable for payment of a mortgage showing the amount of each payment applied to interest, principal, and the balance remaining.

**Annual percentage rate (APR).** The total cost of a mortgage stated as a yearly rate; includes such items as the base interest rate, loan origination fee (points), commitment fees, prepaid interest, and other credit costs that may be paid by the borrower.

**Annual Performance Report (APR).** Recipients of Indian Housing Block Grant (IHBG) program funds are required to submit an APR to HUD within 60 days of the end of their program year. The APRs are mandated by the Native American Housing Assistance and Self-Determination Act (NAHASDA) of 1996, as amended (see Sec. 404 Performance Reports) and by HUD regulations (24 CFR Part 1000, sections 512 through 521).

**Appraisal.** A professional opinion or estimate of the market value of a property.

**Appreciation.** An increase in the value of a property due to changes in market conditions or other causes.

**Assessed value.** The valuation placed upon property by a public tax assessor that is used to compute property taxes.

**Assumable mortgage.** A mortgage that can be taken over (assumed) by the buyer when a home is sold.

**Binder.** A preliminary agreement between a buyer and seller that includes the price and terms of the contract.

**Balloon mortgage.** A mortgage loan with periodic payments that are insufficient to fully amortize the face amount of the note prior to maturity, so that the principal sum, known as the *balloon*, is due at maturity.

**Buydown.** A payment to the lender from the seller, buyer, or third party, resulting in a reduction to the interest rate or the principal of the loan. Gap financing is considered a *buydown* or reduction of the principal.

**Cap.** A provision of an ARM limiting how much the interest rate or mortgage payments may increase or decrease.

**Cash reserve.** A requirement of some lenders that buyers have sufficient cash remaining after closing equivalent to two months' mortgage payments.

**Clear title.** A title that is free of liens or legal questions as to ownership of property.

**Closing costs.** Expenses (over and above the price of the property) incurred by buyers and sellers in transferring ownership of a property. Also called settlement costs. This generally involves an origination fee, discount points, appraisal, credit report, title insurance, attorney's fees, survey, and prepaid items such as tax and insurance escrow payments.

**Closing.** A meeting at which the sale of a property is finalized by delivery of a deed from the seller to the buyer and by the buyer's signing of the mortgage documents and paying closing costs. Also called *settlement*.

**Commitment letter.** A formal offer by a lender stating the terms under which it agrees to lend money to a homebuyer.

**Contingency.** A condition that must be met before a contract is legally binding.

**Conventional mortgage.** Any mortgage that is not insured or guaranteed by the federal government.

**Convertible ARM.** An ARM that can be converted to a fixed-rate mortgage under specified conditions.

**Covenant.** A clause in a mortgage that obligates or restricts the borrower and that, if violated, can result in foreclosure.

**Credit report.** A report of an individual's credit history prepared by a credit bureau or consumer reporting agency and used by a lender in determining a loan applicant's creditworthiness.

**Deed.** The legal document conveying title to a property.

**Default.** The failure to make a mortgage payment on a timely basis or to comply with other requirements of a mortgage.

**Delinquency.** A situation in which a payment on a loan is overdue but not yet in default.



**Deposit.** See **Earnest Money.**

**Depreciation.** A decline in the value of property; the opposite of *appreciation*.

**DHHS.** The U.S. Department of Health and Human Services.

**Discount points.** See **Points.**

**DOE.** The U. S. Department of Energy.

**Down payment.** The part of the purchase price that the buyer pays in cash and does not finance with a mortgage.

**Due-on-sale clause.** A provision in a mortgage allowing the lender to demand repayment in full if the borrower sells the property securing the mortgage.

**Earnest money.** A deposit made by the potential homebuyer to show that he or she is serious about buying the house.

**Easement.** A right-of-way giving persons other than the owner access to or over a property.

**EC/EZ.** Empowerment Zone and Enterprise Community

**Environmental review.** A review to ensure that the environment is not negatively impacted by construction in the area.

**Equal Credit Opportunity Act.** A federal law that prohibits lenders from discriminating on the basis of the borrower's race, color, religion, national origin, age, sex, marital status, or receipt of income from public assistance programs.

**Equity.** A term used to identify a homeowner's financial interest in a property. Equity is the difference between the fair market value of a property and the amount still owed on the mortgage.

**Equity loan.** A loan based on the borrower's equity in his or her home.

**Escrow.** The holding of documents and money by a neutral third party prior to closing; also, an account held by the lender (or servicer) into which a homeowner pays money for taxes and insurance.

**FHA mortgage.** A mortgage that is insured by the U.S. Federal Housing Administration. Also referred to as a *government* mortgage.

**Fair Credit Reporting Act.** A consumer protection law that regulates the disclosure of consumer credit reports by consumer credit reporting agencies and establishes procedures for correcting mistakes on one's credit report.

**First mortgage.** A mortgage that has first claim to the secured property in the event of default.

**Fixed-rate mortgage.** A mortgage in which the interest rate does not change during the entire term of the loan.

**Forbearance.** The lender's postponement of foreclosure to give the borrower time to catch up on overdue payments.

**Force Account.** The direct performance of work by an entity (e.g., tribe, State highway agency, a county, a railroad, or a public utility company) using labor, equipment, materials, and supplies furnished by them and used under their direct control. Used by some tribes to promote employment of tribal members in tribal construction and other projects.

**Foreclosure.** The legal process by which a mortgaged property may be sold when a mortgage is in default.

**Gap financing.** A payment to the lender, buyer, or third party, resulting in a reduction to the loan principal.

**Graduated-payment mortgage.** A mortgage that starts with low monthly payments that increases at a predetermined rate for a specified time. The initial monthly payments are set at an amount lower than that required for full amortization of the debt.

**Hazard insurance.** Hazard insurance is a standard part of most real estate transactions. Often called homeowners or fire insurance, hazard insurance is generally required by the mortgage lender, whenever mortgage financing is involved. The most basic form of homeowners insurance often covers 11 basic perils--fire, lightning, windstorm, hail, explosion, riots (and civil commotion), vehicles, smoke, vandalism, theft and broken glass. Damage that result from alien invasion, war, flooding and all other perils probably will not be covered.

**Homeowner's insurance.** An insurance policy that combines personal liability coverage and hazard insurance coverage for a dwelling and its contents.

**Homeowner's warranty.** A type of insurance that covers repairs to specified parts of a house for a specific period of time. It is provided by the builder or property seller as a condition of the sale.

**HUD.** The U. S. Department of Housing and Urban Development.

**HUD-1 Statement.** See **Settlement Statement**.

**IHS.** Indian Health Service.

**Indian Housing Plan (IHP).** Under NAHASDA (25 U.S.C. 4104 et seq.) HUD provides grants, loan guarantees, and technical assistance to Indian tribes and Alaskan Native villages for the development and operation of low-income housing in Indian areas. Grants are made to

eligible recipients under the Indian Housing Block Grant Program. To be eligible for the grants, respondents must submit a 5-year IHP that meets the minimum requirements of the Act.

**Interest rate.** A charge or fee for borrowed money, usually a percentage of the amount borrowed.

**Interest rate cap.** A provision of an ARM limiting how much interest rates may increase per adjustment period or over the life of a mortgage. See also **Lifetime cap**.

**Joint tenancy.** A form of co-ownership giving each tenant equal interest and equal rights in the property, including the right of survivorship.

**Late charge.** The penalty a borrower must pay when a payment is made after the due date.

**Lien.** A legal claim against a property that must be paid off when the property is sold.

**Lifetime cap.** A provision of an ARM that limits the total increase in interest rates over the life of the loan.

**Loan commitment.** See **Commitment letter**.

**Loan servicing.** The collection of mortgage payments from borrowers and the related responsibilities of a loan servicer.

**Loan-to-value percentage.** The relationship between the unpaid principal balance of the mortgage and the appraised value (or sales price if it is lower) of the property.

**Lock-in.** A written agreement guaranteeing the homebuyer a specified interest rate provided the loan is closed within a set period of time. The lock-in also usually specifies the number of points to be paid at closing.

**Mortgage.** A legal document that pledges a property to the lender as security for payment of a debt.

**Mortgage banker.** A company that originates mortgages exclusively for resale in the secondary market.

**Mortgage broker.** An individual or company that for a fee acts as intermediary between borrowers and lenders.

**Mortgage insurance.** See **Private mortgage insurance**.

**Mortgage insurance premium.** The fee paid by a borrower to the FHA or a private insurer for mortgage insurance.

**Mortgage margin.** The set percentage the lender adds to the index value to determine the interest rate of an ARM.

**Mortgage note.** A legal document obligating a borrower to repay a loan at a stated interest rate during a specified period of time. The mortgage note is secured by a mortgage.

**Mortgage interest rate.** The rate of interest in effect for the monthly payment due.

**Mortgagee.** The lender in a mortgage agreement.

**Mortgagor.** The borrower in a mortgage agreement.

**MOU.** Memorandum of Understanding.

**NCAI.** National Congress of American Indians.

**Negative amortization.** A gradual increase in the mortgage debt that occurs when the monthly payment is not large enough to cover the entire amount of principal and interest due. The amount of the shortfall is added to the unpaid principal balance, which results in *negative* amortization.

**Note.** The agreement that states the amount to be borrowed and the terms and conditions of the loan. It also includes a complete description of how the loan should be repaid and the timeframe for repayment.

**Notice of default.** A formal written notice to a borrower that a default has occurred and that legal action may be taken.

**Origination fee.** A fee paid to a lender for processing a loan application; it is stated as a percentage of the mortgage amount.

**Owner financing.** A property purchase transaction in which the property seller provides all or part of the financing.

**Payment cap.** A provision of some ARMs limiting the amount by which a borrower's payments may increase regardless of any interest rate increase; may result in negative amortization. See **Adjustable-rate mortgage**.

**PITI.** Stands for principal, interest, taxes, and insurance—the components of a monthly mortgage payment. On trust land, it will be PII since there are no county property taxes.

**Planned unit development (PUD).** A project or subdivision that consists of common property that is owned and maintained by an owners' association for the benefit and use of the individual unit owners.

**Points.** A one-time charge by the lender to increase the yield of the loan; a point is 1 percent of the amount of the mortgage.

**Prepays.** Fees collected at closing to cover items such as setting up escrow accounts for property taxes, homeowner's insurance, and mortgage insurance premiums.

**Prepayment penalty.** A fee that may be charged to a borrower who pays off a loan before it is due.

**Prequalification.** The process of determining how much money a prospective homebuyer will be eligible to borrow before a loan is applied for.

**Principal.** The amount borrowed or remaining unpaid; also, that part of the monthly payment that reduces the outstanding balance of a mortgage.

**Private mortgage insurance (PMI).** Insurance provided by non-government insurers that protects lenders against loss if a borrower defaults. Lenders generally require PMI for loans with loan-to-value percentages greater than 80 percent.

**Purchase and sale agreement.** A written contract signed by the buyer and seller stating the terms and conditions under which a property will be sold.

**Qualifying ratios.** Guidelines applied by the lenders to determine how large a loan to grant a homebuyer.

**Radon.** An invisible, odorless gas found in some homes that in sufficient concentrations may cause health problems.

**Rate lock.** See **Lock-in.**

**Real Estate Settlement Procedures Act.** A consumer protection law that requires lenders to give borrowers advance notice of closing cost.

**Refinancing.** The process of paying off one loan with the proceeds from a new loan using the same property as security.

**Second mortgage.** A mortgage that has a lien position subordinate to the first mortgage.

**Secondary mortgage market.** The buying and selling of existing mortgages.

**Section 184 loan.** A loan that is guaranteed by HUD for Tribes or their Tribally Designated Housing Entities for the purpose of financing affordable housing activities.

**Seller take-back.** An agreement in which the owner of a property provides financing, often in combination with an assumed mortgage.

**Settlement.** See **Closing**.

**Settlement Statement.** The computation of costs payable at closing that determines the seller's net proceeds and the buyer's net payment (referred to as a HUD-1).

**Site control.** Legal control over a specific parcel of land that allows the controlling entity to convey their interest in the property, whether it is a leasehold interest or title.

**Subsidized second mortgage.** A mortgage product for low-and moderate-income households under which a first mortgage is subsidized with a second mortgage (or *soft second*) behind it. The second mortgage may be issued by a state, county, or local housing agencies, foundations or nonprofit organizations. Payment on the second mortgage is often deferred and carries no or low interest rates, and part of the debt may be forgiven incrementally for each year the homeowner remains in the home.

**Survey.** A drawing or map showing the precise legal boundaries of a property and the location of improvements, easements, rights of way, encroachments, and other physical features.

**Tenancy by entirety.** A type of joint ownership of property that provides rights of survivorship and is available only to a husband and wife.

**Tenancy in common.** A type of joint ownership in a property without rights of survivorship.

**TERO.** Tribal Employment Rights Ordinance.

**Title.** A legal document evidencing a person's right to or ownership of a property.

**Title Company.** A company that specializes in examining and insuring titles to real estate.

**Title insurance.** Insurance to protect the lender (lender's policy) or the buyer (owner's policy) against loss arising from disputes over ownership of property.

**Title search.** An examination of the public records to ensure that the seller is the legal owner of the property and that there are no liens or other claims outstanding.

**Title VI Loan Guarantee Program.** A loan that is guaranteed by the U.S. Department of Housing and Urban Development, Office of Native American Programs for tribes or their tribally designated housing entities for the purpose of financing affordable housing activities.

**TSR. Title Status Report.** A function completed by the BIA that does all of the work of a title company on Indian Trust lands. See **Title, Title Company, Title insurance and Title search**.

**Truth-in-Lending Act.** A federal law that requires lenders to fully disclose, in writing, the terms and conditions of a mortgage, including the APR and other charges.

**UCC.** Uniform Commercial Code.

**Underwriting.** The process of evaluating a loan application to determine the risk involved for the lender. It involves an analysis of the borrower's creditworthiness and the quality of the property itself.

**USDA.** The United States Department of Agriculture.

**VA loan.** A loan that is guaranteed by the U.S. Department of Veterans Affairs. Also referred to as a *government* mortgage.

## Attachment 3. Participant List

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## **Attachment 4. Schedule of 2004 Regional Summits**

### **EASTERN/WOODLANDS REGION**

April 6 – 7, 2004

Seminole Hard Rock Hotel & Casino  
Tampa, Florida

### **NORTHWEST REGION**

April 21 - 22, 2004

Coeur d'Alene Casino Resort Hotel  
Worley, Idaho

### **ALASKA REGION**

May 11 – 12, 2004

Millennium Alaskan Hotel  
Anchorage, Alaska

### **NORTHERN PLAINS REGION**

May 26 - 27, 2004

Stanley Hotel  
Estes Park, Colorado

### **SOUTHERN PLAINS REGION**

July 20 – 22, 2004

Sheraton Tulsa Hotel  
Tulsa, Oklahoma

### **SOUTHWEST REGION**

August 18 – 19, 2004

Nugget Hotel & Casino  
Reno, Nevada