



# Spirit Lake Housing Corporation

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November 12, 2014

Secretary Julián Castro  
U.S. Department of Housing & Urban Development  
451 7<sup>th</sup> Street, N.W., Room 10000  
Washington, D.C. 20410

RE: Your Visit to North Dakota

Dear Secretary Castro:

The Spirit Lake Housing Corporation would like to thank you again for the time you and Senator Heitkamp spent getting to know North Dakota Indian housing issues in October. Our TDHE and Tribe very much appreciate your commitment to learn what things are important for understanding Indian housing. We would welcome you back anytime to see the Spirit Lake Reservation and to get a firsthand look at our housing challenges and successes.

I wanted to follow-up on a question that you and Senator Heitkamp asked me during our meeting, "If HUD and Congress could find additional Indian housing resources, where should they be deployed to get the biggest effect?" As I mentioned, Spirit Lake Housing Corporation has had particular success with two HUD programs: Indian Community Development Block Grant (ICDBG) and the American Recovery and Reinvestment Act (ARRA) in 2009. Both of these programs allowed SLHC to plan a specific and significant project and then apply for the funds in one primary grant. With most of our NAHASDA funds stagnated under an annual appropriation that hasn't changed since 1996, ICDBG and ARRA provided funds for development and rehabilitation that would have not otherwise been possible. ICDBG and ARRA also allowed us to do much needed infrastructure development and upgrades, without which no actual housing could've been built. ARRA had the added feature of providing special funding for "shovel ready" projects only, assuring that those of us who received the funds were able to put them to work immediately for the intended purpose. Although SLHC has successfully developed projects under USDA and low-income tax credit programs, those methods require borrowing and long term obligations that often tie up portions of our future NAHASDA grants, making them unavailable for other projects.

As I mentioned and Senator Heitkamp also discussed during our visit, the NAHASDA IHBG allocation really only functions correctly if there is good and reliable data with which to measure each Tribe's housing needs. Senator Heitkamp mentioned

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CORRESPONDENT: Yankton


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that many Tribes in our region have taken matters of data collection and management into their own hands with results that have impressed her and others in Congress. These local tribally-produced and coordinated studies are necessary to supplement and add numbers that the Census and American Community Survey do not or cannot collect, such as the actual number of members of federally recognized tribes residing in an Indian area. We fear that HUD's announced intention to implement the use of American Community Survey and Census data in the IHBG formula will drain millions of irreplaceable housing dollars from our Tribe and region according to HUD's own projected figures.

We here at Spirit Lake have been active participants in the current Formula Negotiated Rulemaking Committee that was charged with addressing this issue. I personally sat as an alternate representative to the Committee for our Northern Plains region and our former Tribal Chairman, Russ McDonald, addressed the Committee on more than one occasion concerning his personal experiences with ACS methods and survey and his other experiences as a paid data specialist and survey designer in Indian country. We are continuing to participate as the smaller Data Study Group formed by the Committee conducts an in-depth examination of all possible data sources that might be used in the IHBG formula. This has included Spirit Lake's submission of detailed comments and suggestions in response to the Federal Register Notice published by the Work Group seeking recommendations for new data sources. We have attached a complete copy of the comments submitted on October 27 which highlight the idea of creating a federally-conducted national tribal survey, somewhat similar to HUD's current American Housing Survey, which could be designed by HUD and Tribes and administered by the Census Bureau to garner fair and accurate data for the IHBG allocation. Such a survey could also potentially fill the same need that already exists in many other federal Indian programs who currently suffer from a lack of accurate and reliable tribal-specific data. We truly hope that this idea, along with others, can be genuinely and openly evaluated by the Study Group without preconceived bias or arbitrary rejection by others who have already announced their preference for ACS.

Again, we thank you for your interest in Indian housing programs and look forward to working with you and HUD.

Sincerely,



Doug Yankton  
Executive Director

Enclosure

Cc: Senator Heidi Heitkamp  
Myra Pearson, Chairperson, Spirit Lake Nation

**Comments of the Spirit Lake Housing Corporation in Response to  
HUD Notice Requesting Potential New Data Sources  
in the NAHASDA IHBG Program**

Submitted October 27, 2014  
Docket No. FR-5650-N-08

We are not satisfied that the current IHBG formula is based on the grant recipients' true need or that it distributes funds to the poorest areas or addresses the worst housing conditions in Indian Country. Spirit Lake Housing Corporation encourages HUD to reconsider its position on using Census and ACS as the IHBG Needs data source and to earnestly participate in the Needs Data Study Group to help identify and implement a fair and accurate alternative data source.

*In order for the current Needs Data Study Group/Negotiated Rulemaking Committee to successfully carry out its duties, it must address the question of whether or not current and future IHBG allocations comply with the mandate of the NAHASDA statute to serve the housing needs of low-income members of federally recognized Indian tribes and Alaska Natives.*

Our Tribe supports the development and implementation of a federally conducted **National Tribal Survey** jointly designed by HUD and tribes (with possible future input by other federal agencies working in Indian programs) to collect demographic data directly related to the IHBG formula. The federally conducted National Tribal Survey could be administered by the Census Bureau under contract from HUD, much the same way the American Housing Survey is now done for special data related to public housing information.

FEDERALLY CONDUCTED NATIONAL TRIBAL SURVEY

Important advantages of a federally conducted National Tribal Survey would include:

- Enabling survey designers to focus the survey on information that is essential for allocating the funds in compliance with the statute, including counting enrolled members of federally recognized tribes, enrolled Alaskan Natives, and Indian families as defined in the NAHASDA statute
- Removing the question of one's political status as an enrolled member of a tribe from the "race" section of the questionnaire and correctly reflecting the distinction between a person's race (subject to "affirmative action" challenges) and the sovereign authority of tribes to determine their membership
- Redefining terms and rephrasing Census questions that conflict with or fail to properly represent the conditions or cultural values of tribal members and communities
- Providing flexibility in overall survey design to accommodate any future changes to the IHBG formula (without need to weigh positive impacts of changes on sovereign tribes and tribal members against negative impacts on other racial groups)

- Allowing a federal agency to conduct the survey in a fair and unbiased manner and to target Indian and Alaska Native communities and their unique geographies.
- Allowing the federal government, and not TDHEs or tribes, to bear the cost of designing, implementing and maintaining the survey and survey results.
- Remove the difficulty of “piggy-backing” on Census or ACS surveys that are designed and administered for many different purposes and geographies other than Indian housing.
- The possibility of using the survey results to inform a more accurate allocation of funds in other Indian programs such as transportation, education, health care, etc.

We believe that the Work Group should spend equal time and attention on examining both a federally conducted National Tribal Survey as it does or has in examining the Census and American Community Survey.

#### EXISTING FORMULA AND OPPOSITION TO CENSUS AND ACS

Our Tribe and many others oppose the use of the flawed Decennial Census and American Community Survey as data sources for the IHBG formula, neither of which counts enrolled members of federally recognized tribes. We and other tribes believe that the American Community Survey data is of highly questionable accuracy and relevance due to a host of issues, including sampling, response and inclusion rates, and its failure to capture tribal enrollment information. The projections utilizing HUD’s proposed data sources, the 2010 Census and the American Community Survey, indicate a disproportionately negative impact on poorer tribes with the worst housing.

The Needs component of the current NAHASDA Indian Housing Block Grant (IHBG) formula utilizes demographic data from several sources:

1. U.S. Decennial Census data (24 CFR 1000.330(a)), including both short and long form data
2. National Center for Health Statistics Birth and Death Rate Data (1000.330(b)), which are used to adjust need data annually beginning the year after the need data is collected
3. Tribal enrollment numbers (24 CFR 1000.302), which are incorporated as a cap on new formula area expansion by limiting the expansion in population to twice the tribe’s current enrollment figure
4. Total Resident Service Area Indian Population (TRSAIP) data, which were collected by the BIA and are utilized in the formula to allocate data among tribes that share formula areas

All of the current IHBG formula Need variables and the terms incorporated into them were defined based on the subject characteristics and terms utilized and data collected by the short and long forms of the 1990 Decennial Census. These regulatory terms and definitions have not changed significantly in seventeen years, despite the fact that the Decennial Census itself has changed several times. What was previously Census long form data is now gathered by the American Community Survey, which

utilizes an entirely different set of sampling rates, contact and collection protocols and data collection schedule.

Our Tribe encourages HUD and the Data Study Group of the Formula Negotiated Rulemaking Committee to examine the fitness of data sources to support a range of potential housing needs variables and to earnestly participate in the process to help identify an accurate and relevant alternative data source and an appropriate set of potential needs variables (for the full Committee's consideration) that will facilitate the proper allocation of funds to the tribes with the poorest populations and worst housing conditions.

#### OTHER POTENTIAL NEW DATA SOURCES

The Data Study Group should evaluate and consider integrating at least some of the following potential data sources into the IHBG formula to more effectively and efficiently distribute housing funds where they are most needed. To the extent these sources provide any verifiable and independently gathered data, they should be considered by the Work Group.

- a. Tribal needs studies or other verifiable data scientifically collected by tribes
- b. Tribal enrollment records
- b. TDHE administrative records if kept in a uniform and scientifically verifiable manner
- d. Head Start early childhood education program  
<http://eclkc.ohs.acf.hhs.gov/hslc/data/psr>
- e. U.S. Department of Agriculture 515 housing program  
[http://www.sc.egov.usda.gov/data/data\\_files.html](http://www.sc.egov.usda.gov/data/data_files.html)  
AND [http://www.nhtinc.org/section\\_515\\_data.php](http://www.nhtinc.org/section_515_data.php)
- f. Free and reduced lunch program population  
<http://datacenter.kidscount.org/data/tables/469-students-qualifying-for-free-or-reduced-price-lunch#detailed/2/any/false/36,868,867,133,38/109,110,111/11515,7665>
- g. Other allocation formulas used by other federal programs in Indian Country (e.g., WIC, Head Start, HIP, IRS, EPA)
- h. Annual data reports done by other federal agencies (for Indian Country)
- i. Longitudinal Household Employer Dynamics data  
<http://lehd.ces.census.gov/>
- j. Data matching by Census using Tribal enrollment information (which is currently a way to determine data in overlapping formula areas)

GRANT PROGRAMS AND AGENCY REPORTS/DATA SETS DEPENDENT  
PRIMARILY ON CENSUS/ACS FOR DEMOGRAPHICS

The following sources rely directly on the U.S. Census and/or American Community Survey for most or all of the demographic data that relates to the current IHBG Needs allocation. Therefore, use of any Census-reliant data from one or combination of these sources would be prone to the same collection flaws and accuracy deficiencies that plague the primary source. We find the Census and ACS-based data in these sources objectionable for the same reasons. To the extent these sources provide any independently gathered data, they should be considered by the Work Group.

HUD Indian Community Development Block Grant (ICDBG) program

BIA American Indian Population and Labor Force Report  
<http://www.bia.gov/WhatWeDo/Knowledge/Reports/index.htm>

AND

<http://www.bia.gov/cs/groups/public/documents/text/idc1-024782.pdf>

Annie E. Casey "Kids Count" <http://www.aecf.org/work/kids-count/>

AND <http://www.aecf.org/resources/the-2014-kids-count-data-book/>

AND <http://datacenter.kidscount.org/data#SD/2/0>

Department of Labor (Workforce Investment Act, WIA)

[www.doleta.gov/dinap/cfm/CensusData.cfm](http://www.doleta.gov/dinap/cfm/CensusData.cfm)

Indian Health Service population user data <http://www.ihs.gov/dps/>

AND <http://www.ihs.gov/dps/files/Trends%20Part%202-Population%20Stat.pdf>

Veterans Administration data <http://www.va.gov/vetdata/Report.asp>

AND [http://www.va.gov/vetdata/docs/SpecialReports/AIAN\\_Report\\_FINAL\\_v2\\_7.pdf](http://www.va.gov/vetdata/docs/SpecialReports/AIAN_Report_FINAL_v2_7.pdf)

Low Income Home Energy Assistance Program (LIHEAP)

We appreciate the opportunity to comment on these important topics that are so vital to Indian housing.

Sincerely,

  
Doug Yankton  
Executive Director



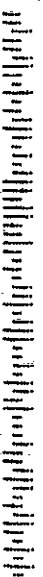
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