



NORTHERN PUEBLOS HOUSING AUTHORITY

FR-5650-11-08

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Regulations Division, Office of General Counsel
Department of Housing and Urban Development
451th Street SW, Room 10276
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RE: NAHASDA Rulemaking Committee Request for Information

To the Negotiated Rulemaking Committee:

Thank you for evaluating the data sources used and considering revisions to the IHBG funding formula. Your discussion of the issues suggests that there are problems in both of these areas that need to be fixed and I agree that changes need to be made. Here are my organization's comments in this regard.

My name is Scott Beckman. I'm Executive Director of the Northern Pueblos Housing Authority (NPHA). NPHA is a Tribally Designated Housing Entity (TDHE) providing IHBG-funded services to three small Pueblo communities—the Pueblos of Picuris, San Ildefonso, and Tesuque—located in northern New Mexico. I've been doing IHBG-funded work for these communities for most of the past ten years.

In recently submitting NPHA's 2015 Indian Housing Plan for approval by Governors of the communities we serve, I reported that the combined amount of IHBG funds which the three communities are eligible to receive in 2015 is \$599,969. This is down from \$630,690 last year (2014) and \$678,757 five years ago (2010).

It's my understanding that during this five-year period that our IHBG funding has declined that HUD's IHBG line item in the federal budget has remained relatively stable at around \$650 million. I present our budget numbers as the basis for my impression that the combination of population and CAS units counts currently used to determine annual IHBG awards to Native American is resulting in larger and larger IHBG awards to larger communities, which often have more resources available to them to address community-wide housing issues, at the expense of the remote, small, and very poor Native American communities like those I serve. Since population and CAS unit counts are primary drivers of a widening funding gap between the large and the small, and since larger communities will continue to get larger more quickly, I believe the funding gap between the larger tribes and the smaller ones will only continue to grow if changes are not made. That is not in the best interest of the communities I serve.

On the one hand, I'm entirely in sympathy with larger tribes who make the reasonable case that they need more resources to serve a more rapidly growing underserved population. On the other hand, I must honestly testify on behalf of the smaller ones I serve, that our IHBG funding is getting to the point where the small and declining amount of annual funding made available to us is truly putting our particular agency's ability to provide any reasonable degree of housing-related services at risk. The situation would be even worse if tribes had to replicate these services on their own, not achieving the administrative benefits of working together that NPHA offers our members, which is probably the case for many, many small tribes who I suspect are not even aware of the Negotiated Rulemaking Committee and will not comment but wish to deliver high-quality housing services but cannot because of wholly inadequate levels of basic financial support.

This is a very difficult situation that I believe pits the larger tribes, who are right about what they say, against the smaller, who are also right about what they say, which I perceive makes your conversation very difficult. The results I've seen to date suggest that the resolutions to such matters usually fall out in favor of the larger tribes because the larger tribes control the balance of political power in organizations like the Negotiated Rulemaking Committee and lean the rules in the direction of the larger tribes. I raise this issue because the political nature of decisions like that is perceived by people like me to be part of a problem I can't fix that leads to steadily declining funds for my organization which serves smaller Pueblos.

Your decisions are made even more difficult when the information sources used to make these important decisions are flawed. In this regard, NPHA's point of view is that the US Census and American Community Surveys are complete wastes of taxpayer funds insofar as our small communities are concerned. The 2010 US Census completely miscounted and misrepresented the population and incomes of our three communities. The serious problems in the 2010 count led to an "apparent and HUD-enforced" loss of eligibility to compete for ICDBG funds in 2011 due to profoundly inaccurate data. Subsequently, NPHA, at our own expense, using limited IHBG funds, had to conduct 100% house-by-house population counts with income surveys on two of the three Pueblos we serve to completely redo the astoundingly poor US Census Bureau counts and rigorously document that the results in both population and income results for two communities was off by around 50% per variable. We would have done the third which is still at risk because of the miscount but it's too big and expensive to afford the re-survey. My personal experience is that ACS "guesses" based on poor, small samples are often more wildly off the mark than the US Census. I don't support using either one.

Honestly, I'd rate the Census Bureau work in 2010 as "0 out of 10." I believe if they can't fix the demonstrable problems in their agency functioning and count us accurately in 2020, they should quite simply be unauthorized, defunded and disbanded with regard to counting us and I would respectfully request to be given the opportunity to demonstrate to Congress how the money given to the Census Bureau to miscount population and miscalculate the incomes of people in our communities would be put to much better use if it was given directly to NPHA.

There is no easy answer to the formula and data issues you're wrestling with but here is the thinking I've given them. I contributed a very well-received suggestion to HUD's overall agency five-year strategic planning input process last year suggesting that a specific five-year GOAL of

the agency be "Honor the federal government obligation to provide housing services to Native American communities." This suggestion was directed at the formula issues you're discussing in that, ideally, it simply means that if growing populations in Native American communities is a factor in determining housing needs, which it is, then that growing population should receive a growing appropriation to serve the growing housing needs in those communities. Unfortunately, my suggestion was rejected by HUD and, realistically, federal budget realities are such that just keeping IHBG appropriations stable seems to be about the best we can do and I commend everyone involved in consistently gaining this acceptable and much-appreciated achievement. Nevertheless, I believe a more unified and even stronger Native American housing voice is needed to maintain even this stable funding stream and I mention this as there are so many communities represented and esteemed colleagues sitting on the Negotiated Rulemaking Committee. Maintaining and expanding the IHBG pie should be something we agree about and work hard to achieve and celebrate together.

More directly, on your request for specific consultation, I respectfully recommend a two-year (2016 and 2017) freeze on the amounts and/or percentages of IHBG allocations granted to tribes until these complicated issues are thoroughly studied and worked out. It's my view that the current formula has served us well in getting all tribes to a reasonable, if not completely fair, level of funding parity. I recommend all tribes together advise HUD that we will be satisfied with the current proportionate IHBG allocations in 2016 and 2017 and wish that during this time that HUD direct sufficient research resources into developing a range of options for consideration by tribes intended to inform widespread discussion about a new formula that fairly balances out the acute needs of both large and small tribes and is based on trusted reliable data sources in time to put a new formula in place for 2018.

On the data question, assuming that population count, income, or other demographic profile information continues to be variables we wish to use in calculating IHBG awards, then the issue of which data sources will be used as the input to those factors is a very problematic and will not be easily or quickly solved. To the best of my knowledge, I can't name a data source that I would trust. A new Native-run operation outside of US Census may need to be created for Native American communities. I hope you'll consider that. Certainly, plugging in some agency or data source name that I wouldn't trust for the sake of the convenience of saying we discussed and solved the issue, when we didn't, or meeting an artificial deadline, which there isn't, is not a constructive solution that solves the long-term issues of accuracy, fairness and, in my mind, getting a better agreement and coming closer to unity around a plan that works for all of us, large and small.

Thank you very much for asking for input. I hope this is helpful

Respectfully yours,


Scott Beckman
Executive Director