

Tribal housing protections

Author

Northwest Justice Project

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Learn about the Native American Housing Assistance and Self-Determination Act (NAHASDA). It protects you if you're applying for, living in, or being evicted from tribal housing.

What is the NAHASDA?

The Native American Housing Assistance and Self-Determination Act (<https://nlihc.org/sites/default/files/2023-10/NAHASDA-reauthorization.pdf>) (NAHASDA) is a federal law that:

- Gives tribes more freedom to write their own rules for tribal housing.
- Grants tribes money to provide housing to tribal members.
- Lets tribes decide if they want to rent or sell to low-income tribal members.
- Lets tribes provide housing for part of the community, such as elders or people working through drug or alcohol problems.

How does a tribe get NAHASDA funding?

It must create one-year and 5-year plans for its tribal housing project. The plans must fit in one of these categories:

- Development
- Maintenance and management
- Crime prevention and safety
- The creation of model housing programs

The tribe must follow federal guidelines for tenants' income requirements.

Does my tribe get NAHASDA funds?

Historically, all federally recognized tribes in Washington have received NAHASDA funding. Check with your tribe about housing programs in your area. You can also see if your tribe is listed on the [list of recently funded tribes](https://www.hud.gov/sites/dfiles/PIH/documents/NWONAP_Granttee_Contact_List.pdf) (https://www.hud.gov/sites/dfiles/PIH/documents/NWONAP_Granttee_Contact_List.pdf) from the [Northwest Office of Native American Programs](https://www.hud.gov/nwonap) (<https://www.hud.gov/nwonap>).

What are NAHASDA's income requirements for tribal housing?

Most NAHASDA funding is for families with low incomes. These families make less than 80% of the area median income. The median income may be higher in areas such as Seattle and Vancouver. Ask your tribe about its income requirements for tribal housing.

NAHASDA's guidelines require that you spend no more than 30% of your income on housing. The tribal housing authority can't charge more than 30% of your income for NAHASDA-subsidized units.

How does NAHASDA help me personally?

A NAHASDA-funded project must follow federal guidelines that give all tenants certain rights. These include:

- A housing authority that rejects your application for housing must tell you why in writing.
- All tenants must meet income requirements. If you've been denied tribal housing but other tribal members who don't meet the income requirements have gotten federally subsidized housing from your tribe, you should talk to a lawyer.
- The housing authority's lease agreement can't have unreasonable terms. For example, the tribe can't ask you to sign an agreement that says you agree to live in the building when it's unsafe or uninhabitable.
- You can't be evicted before the end of the lease without "good cause." Good cause means that you had serious or repeated lease violations, such as repeatedly not paying the rent.

When can the housing authority evict me?

The housing authority can evict you if it determines that one of these is true:

- You threaten other community members' health, safety, or peaceful enjoyment. This can include continual loud noises, even if part of religious worship, and other interruptions that could be a threat to peaceful enjoyment.
- You're involved in criminal activity, especially drug-related activity. It doesn't matter where it takes place. If a court finds a household member guilty of a drug offense, **no matter where it took place**, you **can** be evicted. It doesn't matter if you had no knowledge of the illegal activity.

What are my rights if I'm being evicted from tribal housing?

If you're being evicted from tribal housing, you have certain rights.

- You have a right to look at any documents, records, or regulations related to the eviction **before** going to a hearing or trial.
- The housing authority **must** give you proper written notice if they want to evict you.
- If they're evicting you, they **must** give you time to move.
- You might have more rights under the local tribal code.

Eviction from tribal housing or from a rental in a tribal area can be complicated. Get legal help if you got an eviction notice and your housing is in an Indian area or reservation area. The Native American Unit of the Northwest Justice Project aims to address the unique legal needs of Native American communities statewide. The NAU might be able to help you depending on where you live. If you got an eviction notice, **deal with it right away**- the eviction process can move quickly.

What if my tribe doesn't follow the guidelines?

Most tribal housing authorities have complaint procedures. You can tell the housing authority how you think it's violated your rights.

Ask for a copy of the tribe's Housing Authority grievance procedure. If there isn't one, check the tribal code. It might explain how to file a complaint with the housing authority. **You may only have a few days to do so – act fast!**

If you've explained the violations to the housing authority and they're still denying you your rights, you may be able to file a claim in tribal court. Check the tribal code's housing laws to see if they've violated your rights under the

tribal code.

Tribes generally have **sovereign immunity**. This means you usually can't sue them. But there are sometimes exceptions to sovereign immunity.

NAHASDA prioritizes tribal self-determination. Try to work through any problems with the tribal housing authority first.

If you think the housing authority isn't following federal guidelines, like not explaining why it rejected your application, call the local office for the Department of Housing and Urban Development (HUD). Ask for help from the Northwest Office of Native American Programs (<https://www.hud.gov/helping-americans/public-indian-housing-offices#nwonap>). The office that serves all of Washington is in Seattle. Their phone number is (206) 220-5270.

Where can I get more info about tribal housing?

Your tribe is the best resource. You can also find more information at HUD's Office of Native American Programs (https://www.hud.gov/program_offices/public_indian_housing/ih).

WashingtonLawHelp.org gives general information. It is not legal advice. Find organizations that provide free legal help on our Get legal help page.