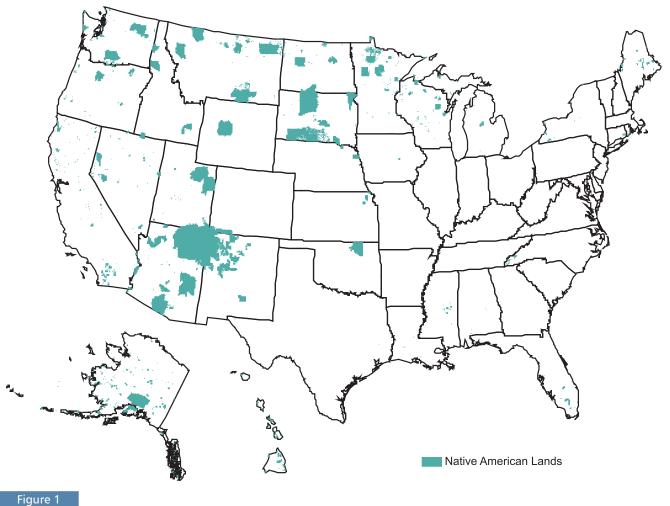


NATIVE AMERICAN LANDS*

The history of Native Americans** in North America can be traced back 30,000 years. At the height of their presence in North America, more than 1,000 Native American tribes occupied a land base of over 2 billion acres. The arrival of Europeans brought disease, displacement, and oppression that resulted in the loss of lands that had previously been integral to Native culture. By 1871, the land base held by Native Americans in the United States had decreased to 155 million acres, and by 1997 only 54 million acres remained in their care.1 Numerous treaties were signed between Native American tribes and European settlers; however, these were often broken and led to further removal of Native populations from traditional lands.

NATIVE AMERICAN LANDS



'Unless otherwise noted, these data are derived from HAC tabulations of the 2010 U.S. Census of Population or the American Community Survey 2005-2009 Five Year Estimates.

[&]quot;In this report, Native American refers to U.S. Census-designated American Indians/Alaska Natives and Native Hawaiian/Other Polynesian racial groups. American Indians/Alaska Natives are people with origins in any of the original peoples of North and South America (including Central America) and who maintain tribal affiliation or community attachment. Native Hawaiian and Other Polynesians are persons with origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Table 1. NATIVE AMERICAN QUICK FACTS				
	NATIVE AMERICAN LANDS	UNITED STATES		
Population	1,191,561	301,461,533		
Native American Population	52.7%	1.8%		
Poverty Rate	24.0%	13.5%		
Homeownership	70.1%	66.9%		
Source: HAC Tabulations of the American Community Survey 2005-2009 Five Year Estimates				

Today, over 500 federally recognized Native American tribes live in disparate locations across the United States. Each of these tribes has a unique structure of governance, culture, history, and identity. Native American lands can be found in all geographic regions of the United States. Although their spatial locations are diverse, these tracts are also the product of a common set of historical and political actions. As a result, similarities exist among Native American communities, including persistent poverty and inadequate housing conditions that are often endemic to the largely rural Native American Indian, Alaska Native, and Hawaii Homeland (Native American) lands.* These areas are often among the poorest places in the United States. Common obstacles to housing provision exist, including the legal complexities of tribal and trust lands, barriers to financial lending, undercounted federal population data, limited employment and economic opportunities, and a scarcity of safe, secure housing. Social concerns such as substance abuse, a lack of access to quality education, and youth suicides are also prevalent.

DEFINING NATIVE AMERICAN LANDS

The federal government recognizes over 560 Native American tribes and Alaska Native Villages across the United States,² predominately in the Plains region and the American Southwest. Tribal size, scope, operation, and jurisdictional authority vary among the tribes and

villages. Approximately 326 Native American reservations exist in the United States; not all of the country's recognized tribes have clearly defined land. Some tribes have more than one reservation, some share reservations, others have none.³

Although Census data are aggregated for geographic areas associated with Native populations, not all Native Americans live in federally recognized American Indian reservation and trust land, Alaska Native villages, or Hawaiian Homeland areas. Additionally, Native Americans do not always make up majorities within these regions.

Complicating the identification of Native lands is the "checkerboarding" of real property ownership. Checkerboarding generally refers to the patchwork pattern created when land is held in a variety of ownership types, including trust, tribally-owned, and allotted lands as well as conversions, commingled with nontribal lands. A good example of checkerboarding can be found in the Oklahoma Tribal Statistical Areas (OTSAs). Many tribes in Oklahoma do not have clearly defined tribal lands or reservations, adding another layer of complexity to the definition of their territory. More than 2.4 million individuals live in Oklahoma Tribal Statistical Areas, but Native Americans make up only 8.3 percent of the total population there.

Data in this report reflect individuals residing only on federally recognized American Indian reservation and trust lands, Alaska Native Village Statistical Areas, and Hawaiian Home Lands. Although U.S. Census data from the OTSAs and state designated tribal areas are not incorporated into this analysis, tribes within these regions often face similar issues and barriers to housing and economic development as those on federally recognized tribal lands.

Tribal leaders, state officials, and academics often worry that U.S. Census data greatly undercount populations on federally recognized reservations and tribal lands.4 Individuals living on reservations or tribal lands may avoid the Census due to mistrust of the federal government. One clear example of undercounted Native American populations can be seen in Charles Mix County, home of the Yankton Sioux Reservation, in South Dakota, U.S. Census data estimate that 2,893 of the 9,129 county residents are Native American. According to tribal enrollment on the reservation. 3.500 is a more accurate count.⁵ In addition. according to the Yankton Sioux Tribal Chairman, a large segment of the Native American population is in transition. He stated that individuals will "stay with relatives for a limited time... and will move around quite a bit."6

SOCIAL CHARACTERISTICS

Approximately 2.4 million people in the United States reported their sole race as American Indian or Alaska Native in the 2010 Census. Of that population, only 23.0 percent live within Native American lands. More than one-half (55.2 percent) of all residents on federally recognized reservations or trust lands are Native American, and 33.6 percent of residents in the Alaska Native Village Statistical Areas are Native Alaskan. In the Hawaii Home Lands, 85.5 percent reported their sole race as Native Hawaiian or Other Polynesian.

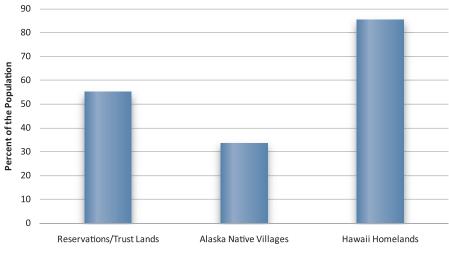
Age distribution differs between those on Native American lands and in the nation overall. Native American lands have a significantly higher proportion of children; 30.0 percent of the population on Native American lands is under 17 years of age, compared to 24.6 percent nationwide. As an example, the Rosebud Reservation in South Dakota has seen incredibly rapid growth in the youth population in the last ten years; in 2010 50 percent of reservation residents on the Rosebud Reservation were under 20 years old.⁷

Tribes are struggling to deal adequately with the needs that stem from a younger population, including a

significant rise in the number of youth suicides.⁸ The lack of job opportunities on Native American lands combined with a high birthrate are likely causes of this extreme age imbalance; many parents move elsewhere to find work, leaving their children with grandparents. The prevalence of elderly populations is similar on Native American lands and the nation overall at 10.6 and 12.6 percent, respectively.

NATIVE AMERICAN LANDS ARE NOT EXCLUSIVELY POPULATED BY NATIVE AMERICANS

Native American Population, Native American Lands, 2005-2009



■ Percent of Population that is Native American, Alaska Native, or Hawaiian Homelander

Source: HAC Tabulations of 2005-2009 American Community Survey Data

Figure 2

FAMILIAR TIES

Strong kinship ties within Native American communities are universally acknowledged. On Native American lands, approximately 71 percent of individuals live with family members, compared to 67 percent nationwide.

Households on Native American lands are less likely to include married couples. Contributing to these household dynamics is the fact that Native American children are more likely to be raised by grandparents. Over 56 percent of grandparents on Native American lands who live with their grandchildren are solely responsible for them, compared to 41 percent of grandparents raising grandchildren in the United States as a whole.⁹

Educational attainment levels have historically been much lower on Native American lands than in the overall United States. Although adults have typically earned high school diplomas, the number of individuals with advanced degrees is small compared to those in the greater U.S. population. Of individuals 25 years or older, 80 percent of Native Americans and 85 percent of all U.S. residents have high school diplomas. The number of individuals living on Native American lands with bachelor's or graduate degrees is almost one-half the national level. Low education attainment is further exacerbated by the scarcity of job opportunities in these areas; residents have little incentive to pursue a higher degree.

Despite these disparities, the situation for Native Americans has improved in the past ten years. In some regions, tribal colleges have significantly helped increase the

number of individuals on Native American lands who receive college training. Currently, 14 states have tribal colleges, which typically provide educational opportunities in remote, rural regions that would not otherwise provide access to higher education. Courses are designed from a Native American perspective, helping to keep retention levels high. Tribal colleges have been designated land grant institutions by Congress in recognition of the ties between the colleges, tribal lands, and local economic development. Although tribal colleges provide an exceptional resource for Native Americans, private sector employment opportunities on the reservations are rare. Therefore, many young, educated individuals move elsewhere to find better work opportunities.

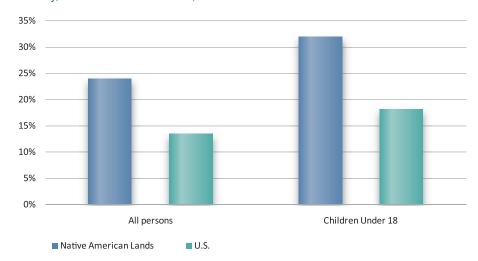
ECONOMIC CHARACTERISTICS

Unemployment rates are typically high on Native American lands. These areas often lack the resources necessary for business development, making job creation difficult. Numerous tribes across the country are seeking innovative solutions to unemployment through tribally owned businesses and chambers of commerce, but the economic downturn of the late 2000s complicated these efforts. Although some tribes have benefited from monies authorized by the federal American Recovery and Reinvestment Act of 2009 and other assistance such as HUD Rural Housing and Economic Development grants, and HUD Rural Innovation Fund grants, unemployment and job creation remain a significant challenge.

Nationwide, 70 percent of all individuals between the ages of 15 and 64 years are employed; however, that number is much smaller (58 percent) on Native American lands. Additionally, residents of Native American lands are disproportionately dependent on the government for both income assistance and employment. Of employed persons on Native American lands, over 31 percent work for federal, state, and local governments; this is a much larger proportion

POVERTY RATES ON NATIVE AMERICAN LANDS ARE NEARLY DOUBLE THE NATIONAL LEVEL

Poverty, Native American Lands, 2005-2009



Source: HAC Tabulations of 2005-2009 American Community Survey Data

Figure 3

than found in the general population (14.6 percent). Government employers include the Bureau of Indian Affairs, public schools, tribal governments, and the Indian Health Service.

Casinos are often thought of as economic powerhouses for Native American lands. The success of this form of economic development, however, varies substantially from tribe to tribe. The seven casinos owned by the Choctaw Nation in Oklahoma provide a significant source of employment and economic gain. Conversely, the Rosebud Reservation in South Dakota, where the Sicangu Oyate tribe has managed a casino for 20 years, has seen little economic success or job creation. Success from gaming is heavily influenced by the location of the tribe itself. The Choctaw Nation is located about two hours from both the Dallas-Fort Worth metropolitan region and Oklahoma City, making it an easy trip for residents of both areas. In more remote rural regions, like the Rosebud Reservation, casinos attract few visitors.

THE POOREST OF THE POOR

The three counties with the highest poverty rates in the United States are all located in South Dakota and all are made up either wholly or predominantly by Native American reservations. Roughly half of each county's population lives in poverty. That the three poorest counties contain predominately federally recognized reservations shows the clear economic disparity that exists on these lands. This pattern of extremely high poverty is found on various Native American lands across the country.

COUNTY	POVERTY RATE (%)	RESERVATION
1) Ziebach County, SD	50.1	Cheyenne River Indian Reservation/ Standing Rock Indian Reservation
2) Todd County, SD	49.1	Rosebud Indian Reservation
3) Shannon County, SD	47.3	Pine Ridge Indian Reservation

Low incomes are commonplace on reservation and trust lands. Over 25 percent of all households have incomes less than \$20,000 a year compared to 18.4 percent of households nationwide. The difference is even more pronounced at the opposite end of the financial spectrum, however: only 13 percent of households on reservations or tribal lands earn \$100,000 a year or more, but 20 percent of non-Native households throughout the United States earn this much. Furthermore, the percentages of families and individuals in poverty are almost twice as high on Native American lands as elsewhere in the United States.

People on Native American lands also depend on income from Social Security payments, Supplemental Security Income, and public assistance more than others in the United States. For example, residents of Native American lands utilize food stamps at about twice the national rate.

HOUSING CHARACTERISTICS

Like most rural Americans, residents of Native American lands typically own their homes. Approximately 70 percent of homes on Native American lands are owner-occupied, comparable to the 66.9 percent homeownership rate across the nation. Homeownership on Native American lands is substantively different than homeownership elsewhere, however, due to the legal complexities of Native land titles. The tribe itself, rather than individual tribal members, often owns the property. This practice ensures that land is not sold to nontribal members.

Renting is less common on Native American lands than in the nation as a whole; however, that does not necessarily indicate lower demand for rental units. As is the case in much of rural America, there is a shortage of decent, affordable rental properties on Native American lands. Private rental development is limited in these communities because landlords do not get much return on their investment, so they have little incentive to develop rental housing in the region.

As a consequence, rental supply issues are common on many Native American lands across the country. For example, there were 816 occupied rental properties on the Rosebud Reservation in South Dakota in 2010 with a waiting list of over 400 individuals. ¹⁰ Lack of rental

properties is a concern facing many Native American lands across the country. Given the shortage of rental options, those who are unable to, or choose not to, become homeowners often move in with extended family, creating overcrowded conditions.

The majority of housing units in Native American lands are either single-family units (71.1 percent) or manufactured homes (15.8 percent). These homes are often found close together in clusters across reservations. Cluster housing was introduced in the 1960s by the U.S. Department of Housing and Urban Development (HUD) as a means to provide "modern housing and utilities" in a cost-effective manner to reservations across the country. 11 These arrangements differed from the traditional housing arrangement most familiar to Native Americans, but many individuals and families moved into the clusters to access better housing and modern utilities. The impact of cluster homes on tribal communities has been equated to the impact of 1960s housing projects built in inner city neighborhoods: social networks were completely disrupted, and drug and crime problems significantly increased. 12 Today, many refer to cluster homes as "reservation ghettos" that have stolen away the "Indian-ness" that once existed in many Native American communities.¹³

In addition to site-built detached homes, manufactured homes are prevalent in Native American lands. They are often found in the yards of other homes, where they help ease crowded living conditions. In general, home construction costs are significantly higher in these locations due to increased transportation costs to rural, isolated places, but manufactured homes are significantly less expensive than site-constructed new homes.

Overcrowded homes, or homes with more than one occupant per room, are common on Native American lands. Of the homes on Native American lands, 8.8 percent are crowded compared to 3.0 percent nationwide. Although crowding is partially linked to stronger kinship ties that exist within Native American communities, it also highlights a serious shortage of safe, affordable housing.

A 2006 study on homelessness on tribal lands in Minnesota found that 98 percent of doubled-up responders, or individuals staying in another individual's house, would "prefer to be in their own housing if they could find or afford it." Doubling up is often a last resort.

FIFTEEN YEARS OF NATIVE SELF-DETERMINATION IN HOUSING: NAHASDA

Passed in 1996, the Native American Housing Assistance and Self-Determination Act (NAHASDA) simplified federal housing assistance to Native American, Alaska Native, and Hawaii Homeland communities by reducing regulatory structures and allowing tribes to determine without federal interference how best to use grants. These funds are known as Indian Housing Block Grants. They are awarded by HUD based upon tribal population, housing need, and current amount of federally funded housing stock. Grants can be used for Indian housing assistance, development, housing services, housing management services, crime prevention and safety activities, and model activities activities that enhance the professional abilities of tribes and tribal housing organizations. To receive funds, tribes must complete five-year Indian Housing Plans, which are reviewed by the Office of Native American Programs at HUD. The program allows tribes to pursue culturally appropriate strategies to address the concerns of their communities. The program has short-term output goals and largely achieves them (such as creating 570 jobs in 2004-2005), but it lacks long-term outcome measures of program impact on community quality of life.14

According to a report by the Government Accountability Office, most grantees view NAHASDA as effective due to its emphasis on tribal self-determination. The report notes that most tribes that received grants of \$250,000 or more used the funds for developing new housing. Grantees that received less than \$250,000 typically used funds for rental assistance programs. While recipients are happy with the NAHASDA program overall, it has been difficult to use funding for developing new housing finance mechanisms as well as increasing economic development. Beyond this, due to the large scope and cost, infrastructure creation has been difficult through NAHASDA, leaving many Native American lands still without proper water and sewer systems.

Overcrowding puts greater physical stress on the house and greater emotional stress on individuals.¹⁷ Furthermore, the Minnesota study found doubling up and homelessness to be interchangeable, as nearly 62 percent of individuals surveyed had been living "temporarily" with others for over a year, and 31 percent had been without their own housing for three years or longer.¹⁸

Crowded conditions typically lead to substandard living conditions. Studies by the National American Indian Housing Council (NAIHC) have linked **Ziebach County**

Table 3. OVERCROWDING IN SELECTED COUNTIES WHOLLY COMPRISED OF NATIVE AMERICAN RESERVATIONS				
COUNTY	STATE	RESERVATIONS	OVERCROWDED	
United States			3%	
Shannon County	South Dakota	Pine Ridge Reservation	22%	
Apache County	Arizona	Navajo Nation; Fort Apache Reservation	15%	
Sioux County	North Dakota	Standing Rock Reservation	14%	
Todd County	South Dakota	Rosebud Reservation	13%	
Navajo County	Arizona	Navajo Nation; Fort Apache	12%	

Reservation; Hopi Indian Reservation

Cheyenne River Reservation

South Dakota Source: HAC Tabulations of the American Community Survey 2005-2009 Five Year Estimates

crowded conditions to an increased spread of diseases that are transmitted in crowded spaces. These include increased incidences of tuberculosis, pneumonia, gastrointestinal disorders, head lice, conjunctivitis, and hepatitis, among others. 19 Beyond health issues, crowded housing can also lead to increased social problems including lower educational attainment among children, alcoholism, domestic violence, and child abuse and neglect.20

Generally, homes on Native American lands are newer than those in other places in the United States. Only 17.3 percent of homes on Native American lands were built before 1960 compared to 31.6 percent of homes nationwide. Age may not be an indication of quality, however, as 5.3 percent of homes on Native American lands lack complete plumbing and 4.8 percent lack complete kitchens. The comparable nationwide figures are 0.5 and 0.7 percent respectively.

Affordability varies from reservation to reservation, but as a whole those living on Native American lands experience affordability problems less often than other rural U.S. residents. Twenty-five percent of households on Native American lands are cost-burdened compared to 28 percent in rural areas nationwide. Of renters on Native American lands, 30.8 percent are cost burdened, a far lower proportion than the 46.3 percent of all rural renters who are cost burdened. Native American lands typically have tribal housing entities that

play an important role in helping all tribal members acquire homes affordably. Although tribal housing entities are responsible for supplying housing, they struggle to keep up with the high demand.21

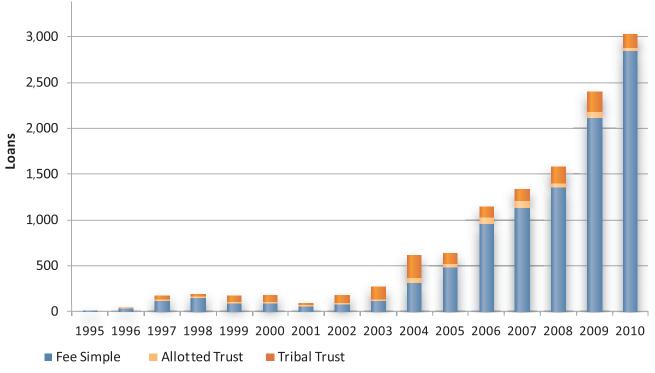
11%

The legal complexities of land ownership on Native American lands present a major barrier to securing a home mortgage. Numerous types of tribal lands exist, including trust, tribally owned, and allotted lands as well as conversions that allow lands within reservations to be held in a variety of ownership types (checkerboarding). Trust and tribally owned lands are often the most complex arrangements. Trust land is owned by either an individual Native American or a tribe, and the title is held in trust by the federal government. Most trust land is within reservation boundaries, but it can also be off-reservation. The title to tribally owned land is held by the tribe, and not by the federal government. Because tribal land sales to non-Native Americans lead to severe fragmentation of tribal lands, most tribes do not allow such transactions. Thus mortgages are difficult to obtain for homes constructed on tribal land because lenders (which are not tribal members) cannot foreclose on such land and resell it.

Because of the dearth of private lending activity on Native American lands, federally funded and sponsored loan products play a substantial role in home mortgage finance in tribal areas and reservations. One of the largest homeownership programs dedicated

GOVERNMENT BACKED HOMEOWNERSHIP LENDING FOR NATIVE AMERICANS INCREASED DRAMATICALLY IN THE 2000s





Source: HAC Tabulations of HUD ONAP Data

Figure 4

solely for Native Americans is the HUD Section 184 loan guarantee program. Under this program, HUD guarantees loans made by private lenders to Native American families, tribes, or Indian housing authorities for construction, acquisition, or rehabilitation of single-family homes. Since the program's inception in 1994, HUD has issued over 12,000 loan guarantees totaling more than \$1.8 billion to private lenders.²²

Another federal financing source for Native Americans on trust lands is the U.S. Department of Agriculture (USDA) Rural Development (RD). The majority of RD housing finance efforts for Native Americans fall under the Section 502 program, which makes direct homeownership loans or guarantees loans made by private lenders for low-income families in rural areas. Because most Native American lands are largely rural, RD programs like Section 502 may be more advantageous to Native American borrowers than other mortgage programs. However, RD origination rates among

Native Americans are relatively low. Of the more than 150,000 Section 502 loans (guaranteed and direct) made in fiscal year 2010, only 560 were made to Native American households and only 15 were made on tribal trust lands. While federally subsidized loan sources are somewhat more available than private-market conventional loans, their contributions to affordable homeownership efforts on Native American lands are still small compared to the need.

Some tribal housing authorities, like that in the Choctaw Nation, have their own mortgage company that operates a revolving loan fund. The Choctaw Tribal Housing Authority's mortgage company is much more willing to work with clients to refinance than other banks so that individuals are less likely to lose their homes in the event of a foreclosure. ²⁴ Tribally owned mortgage companies also offer housing counseling and assistance to clients. This increased assistance has significantly improved financial literacy. ²⁵



ADDRESSING THE NEEDS

Although conditions remained relatively consistent from 2000 to 2010, the ability of tribes to determine how to spend federal funds through NAHASDA is an important step. Tribal housing authorities have been able to find creative solutions to their housing needs including access to Federal Emergency Management Agency (FEMA) dollars, acquisition of FEMA trailers, sales of manufactured homes at cost to tribal members, and increased collaboration with nonprofits and faith-based organizations.

After more than 13 years of litigation, the 2009 settlement from the Cobell vs. Salazar lawsuit, which alleged the federal government had violated its duties and mismanaged funds related to trust lands, has awarded \$3.4 billion to Native Americans. More than \$1.9 billion of the settlement will go to purchasing fractionalized land that has multiple owners with undivided

interest. They will be able to sell their fractionalized properties to the U.S. government, which will then hand the property over to the tribe. The settlement from the lawsuit has the potential to affect 500,000 Native Americans by providing increased opportunities to access housing. These funds will provide Native American communities an opportunity to effectively address issues that have arisen from years of federal land mismanagement.²⁷

Despite the economic downturn, employment levels have remained consistent in the last ten years on Native American lands. This means that the extremely high unemployment rates that existed before the economic and housing crises persist. Foreclosure rates have remained relatively low due to historically limited lending on Native American lands. Although lending is still complex on Native American lands, banks have an increased understanding of the legalities of lending on tribal lands and are more willing to begin investing there. Moreover, through NAHASDA, some tribes have been able to create their own mortgage companies that better suit the needs of their populations.

The challenges faced on Native American lands are substantial. Substandard housing conditions, a lack of job opportunities, and the legal complexities of land tenure continue as pertinent issues and concerns. Regardless, Native American communities now have more ability than ever to define and tackle problems in culturally appropriate ways for each community. The commitment of local and federal leaders to address these concerns creatively will be a critical component for decreasing poverty and substandard living conditions throughout the next decade.

SHANNON COUNTY, SOUTH DAKOTA

Bordered to the north by the Badlands and to the west by the Black Hills, Shannon County is set amidst the rolling grassland hills of southwestern South Dakota. Contained entirely within the Pine Ridge Reservation and run entirely by the Pine Ridge tribal government, Shannon County is often ranked as one of the poorest counties in the nation.

The Oglala Lakota Sioux, who occupy the Pine Ridge Reservation, make up over 95 percent of the Pine Ridge population of 13,586. Tribal chairmen and other officials in South Dakota question U.S. Census 2010 data on Native Americans within the state²⁸ because many residents are reluctant to participate in census surveys.²⁹ Tribal officials state that growth has continued to be a significant issue in Shannon County³⁰ and that the population of the Pine Ridge Reservation has, in fact, quadrupled in size.³¹

Pine Ridge remains one of the least developed Native reservations in the United States.

Although government positions make up the largest percentage of the workforce, the decline in unemployment seen in the last ten years stems mainly from an increase of private business on the reservation, along with informal and artisanal economy, tourism, and nonprofit activity. While unemployment in the county has decreased over the past decade, it is still remarkably high. Data from the American Community Survey reveal that only 40 percent of the population between the ages of 16 and 65 years are employed.

Low incomes, high unemployment, and the geographic isolation of the Pine Ridge Reservation all impact housing conditions in Shannon County. Individuals and families do not have the means to perform necessary regular home maintenance, and harsh winters that batter homes and shorten the construction season further complicate the issue. Household crowding is a substantial problem in Shannon County and is ten times more prevalent than it is across South Dakota. According to local housing officials, up to 11 individuals may reside in a three-bedroom unit on the reservation. Numerous homes are considered substandard and unsafe. American Community Survey data indicate that households in Shannon County lack complete plumbing facilities at more than seven times the rate of South Dakota overall and lack complete kitchens at five times the rate for the state. New housing on the reservation is typically provided by a variety of government programs as well as nonprofit developers and the local college.

The challenges faced by Shannon County and the Pine Ridge Reservation have remained consistent over the course of four decades of research. Pine Ridge remains one of the least developed Native reservations in the United States, characterized by a lack of economic and physical infrastructure, a shortage of services, and prevalent substandard housing. Social problems exist as well, including violence, youth suicide, drug and alcohol abuse, and a high infant mortality rate.³³ Since 2002, the general economic condition of the reservation has slightly improved, with slight decreases in unemployment. Although the county's origin lies in a history of oppression and forced migration, a renewed sense of cultural pride and identity has emerged and brought increased efforts to pursue locally driven development.

