



July 23, 2024  
Federal Housing Finance Agency  
400 7<sup>th</sup> Street SW  
Washington, DC 20219

Regarding a Request for Input: Duty to Serve

### **Organization Background**

The Oklahoma Native Assets Coalition (ONAC) is a national Native-led nonprofit that works with tribes and partners interested in establishing asset-building initiatives and programs in Native communities, for the purpose of creating greater opportunities for economic self-sufficiency of tribal citizens. Started in 2001, ONAC is an intermediary funder, grassroots network coordinator, and also a direct service provider that works with Native families to build their assets through ONAC's provision of Native-specific financial education and financial coaching, as well as funding of Children's Savings Accounts (CSAs), emergency savings accounts (ESAs), down payment assistance, incentivized Bank On accounts, and emergency cash assistance. ONAC will soon launch a revolving loan fund.

The mission of the Oklahoma Native Assets Coalition (ONAC) is to build and support a network of Native people who are dedicated to increasing self-sufficiency and prosperity in their communities through the establishment of integrated culturally-relevant financial education and financial coaching initiatives, as well as seed-funded account programs, down payment assistance, free tax preparation, expanded banking access, and other asset-building strategies.

ONAC, while keeping its name, works with tribal citizens across the country regardless of where they reside. For the past several years, ONAC has administered a down payment assistance program. To date, ONAC has provided down payment assistance to 93 participants. ONAC's DPA program is fair housing compliant. It happens that the majority of the participants are American Indian from various Native Nations. Of the 93 participants, to date, ONAC has been reimbursed with FHLB Topeka AHP funding for 66 of the DPA clients we provided DPA for during the past few years. ONAC used discretionary funding and funding from individual donors for the DPA for the other 27 families we have served that may not have met AHP income limits and other eligibility criteria. To our knowledge, ONAC is one of two Native entities that has accessed FHLB AHP funding in the country. It is also our understanding that we are also the only Native nonprofit that is operating nationally and providing DPA with nonprofit discretionary funding.

As a nationally-serving Native nonprofit, ONAC is tasked with serving tribal citizens across the U.S. regardless of where they reside. We have to have flexible funding and resources to help tribal citizens build assets that matter to them if they are living on tribal lands, in rural areas, in cities, etc.

ONAC is a member of the Underserved Mortgage Market Coalition (UMMC).

### **Duty to Serve and Serving Native Markets**

- The GSEs should work with other federal agencies (VA, USDA, HUD, and the White House), Native-led asset-building coalitions, tribal governments, tribally owned financial institutions, and



other partners to streamline their engagement with tribal communities, remove barriers, identify and encourage opportunities to improve processes, and expand access to lending products.

- The GSEs should set clear purchase targets and a timeline for trust land mortgages that includes major interim milestones.
- In consultation with Native-led nonprofits, such as the national ONAC Native Bank On coalition (housed within ONAC), the GSEs should help support ONAC's national banking access efforts and assist, wherever possible, as they continue to work to build relationships between tribal citizens and banks. ONAC is the only Native Bank On Coalition in the country and this consultation need not start from scratch.
- The GSEs should also increase banks' understanding of tribal law and their willingness to lend on tribal land, with specific outreach to local and regional lenders, Native CDFIs, Native-owned banks, and other relevant lenders such as national mortgage companies and Native-led nonprofits that offer revolving loan funds for mortgages. Some of the Native-owned banks and large national mortgage companies could also help provide educational information to the GSEs about how they already make lending work for tribal citizens, regardless of where they reside.
- The GSEs should establish on-staff Native lending and outreach teams to ensure that milestones are achieved.
- Freddie Mac should work with tribal housing staff, Native-led nonprofits (that are not lenders and that are not under a tribal government), tribal government programs providing down payment assistance (DPA) grants, and lenders to conduct a report at the end of Plan Year 1 to quantify the success of the Heritage One product and modify it as recommended in Plan Years 2 and 3.
- As part of Duty to Serve, ONAC's hope is that in the next year, the FHFA and the Enterprises amend their Duty to Serve plans and devote Enterprise funding to down payment assistance. Such DPA should be available to all, including all tribal citizens, regardless of where they choose to purchase a home. Data from the Office of Native American Programs, under the United States Department of Housing and Urban Development, helps show that not all Native people are living on tribal trust lands. There is little tribal trust land, for example, in Oklahoma where there is a large Native population in both urban and rural areas (an estimated 535,675 tribal citizens) and lower Native homeownership rates. There were 7 loans made on tribal trust lands and 13,063 loans made to tribal citizens on fee simple lands in Oklahoma from 1994 to 2015. There is absolutely a need to keep working on tribal trust issues as they pertain to Native homeownership needs. At the same time, if we want to keep increasing Native homeownership across the country, we need to have down payment assistance and Native mortgage products that are available to tribal citizens regardless of where they reside.



Exhibit B.2: Loans by State and Land Status, FY1994 - March 2015

|                | Fee Simple    |                        | Allotted   |                     | Tribal Trust |                      | Total         |                        |
|----------------|---------------|------------------------|------------|---------------------|--------------|----------------------|---------------|------------------------|
|                | # of loans    | Value                  | # of loans | Value               | # of loans   | Value                | # of loans    | Value                  |
| Alabama        | 61            | \$10,056,174           | -          | -                   | -            | -                    | 61            | \$10,056,174           |
| Alaska         | 3,386         | \$800,476,704          | 4          | \$524,086           | 19           | \$3,228,959          | 3,409         | \$804,229,772          |
| Arizona        | 1,036         | \$178,142,533          | 22         | \$2,733,501         | 756          | \$63,084,546         | 1,814         | \$243,961,358          |
| Arkansas       | 1             | \$286,309              | -          | -                   | -            | -                    | 1             | \$286,309              |
| California     | 1,548         | \$468,279,302          | 42         | \$12,860,732        | 150          | \$35,585,823         | 1,740         | \$516,726,049          |
| Colorado       | 362           | \$87,164,240           | -          | -                   | 36           | \$6,962,077          | 398           | \$94,126,353           |
| Connecticut    | 13            | \$3,174,325            | -          | -                   | 1            | \$400,382            | 14            | \$3,574,708            |
| Florida        | 320           | \$81,259,192           | -          | -                   | 36           | \$44,295,288         | 356           | \$125,554,516          |
| Idaho          | 109           | \$15,167,894           | 41         | \$4,938,526         | 125          | \$10,524,255         | 275           | \$30,630,841           |
| Illinois       | 18            | \$3,994,289            | -          | -                   | -            | -                    | 18            | \$3,994,289            |
| Indiana        | 28            | \$4,423,789            | -          | -                   | -            | -                    | 28            | \$4,423,789            |
| Iowa           | 21            | \$1,897,956            | -          | -                   | -            | -                    | 21            | \$1,897,956            |
| Kansas         | 177           | \$26,048,967           | 1          | \$74,992            | -            | -                    | 178           | \$26,123,960           |
| Louisiana      | 17            | \$2,484,798            | -          | -                   | 20           | \$2,124,143          | 37            | \$4,608,961            |
| Maine          | 14            | \$1,830,914            | -          | -                   | 4            | \$401,985            | 18            | \$2,232,903            |
| Massachusetts  | 40            | \$10,899,109           | -          | -                   | -            | -                    | 40            | \$10,899,109           |
| Michigan       | 510           | \$60,515,973           | 2          | \$107,162           | 99           | \$9,260,717          | 611           | \$69,883,953           |
| Minnesota      | 304           | \$45,235,829           | 2          | \$226,950           | 79           | \$10,026,951         | 385           | \$55,489,811           |
| Mississippi    | 3             | \$521,522              | -          | -                   | 1            | \$261,628            | 4             | \$783,151              |
| Missouri       | 16            | \$2,222,222            | -          | -                   | -            | -                    | 16            | \$2,222,222            |
| Montana        | 348           | \$51,774,622           | 157        | \$22,039,018        | 157          | \$18,225,353         | 662           | \$92,039,307           |
| Nebraska       | 98            | \$10,585,746           | 1          | \$71,104            | 11           | \$978,319            | 110           | \$11,635,181           |
| Nevada         | 131           | \$27,064,538           | -          | -                   | 21           | \$2,148,819          | 152           | \$29,213,378           |
| New Mexico     | 678           | \$118,347,510          | 3          | \$351,030           | 259          | \$33,748,667         | 940           | \$152,447,469          |
| New York       | 46            | \$6,929,656            | -          | -                   | 1            | \$182,507            | 47            | \$7,112,164            |
| North Carolina | 348           | \$47,038,355           | 2          | \$383,921           | 68           | \$6,762,220          | 418           | \$54,184,566           |
| North Dakota   | 188           | \$24,309,450           | 27         | \$2,408,695         | 43           | \$4,134,598          | 258           | \$30,852,813           |
| Oklahoma       | 13,063        | \$1,780,004,142        | 25         | \$2,953,640         | 7            | \$518,510            | 13,095        | \$1,783,476,324        |
| Oregon         | 476           | \$100,262,359          | 29         | \$3,716,400         | 80           | \$5,620,722          | 585           | \$109,599,590          |
| Rhode Island   | 3             | \$411,137              | -          | -                   | -            | -                    | 3             | \$411,137              |
| South Carolina | 20            | \$3,372,122            | -          | -                   | 3            | \$184,947            | 23            | \$3,557,072            |
| South Dakota   | 268           | \$27,345,263           | 47         | \$4,850,574         | 191          | \$16,975,846         | 506           | \$49,171,921           |
| Texas          | 4             | \$712,821              | 1          | \$124,482           | 4            | \$665,331            | 9             | \$1,502,639            |
| Utah           | 57            | \$11,361,965           | 3          | \$356,493           | 15           | \$1,535,612          | 75            | \$13,254,088           |
| Washington     | 949           | \$211,287,670          | 134        | \$21,054,366        | 189          | \$22,846,406         | 1,272         | \$255,188,765          |
| Wisconsin      | 716           | \$90,577,724           | 51         | \$4,539,629         | 579          | \$49,894,969         | 1,346         | \$145,012,952          |
| Wyoming        | 13            | \$1,587,041            | 11         | \$1,285,453         | 6            | \$644,702            | 30            | \$3,517,213            |
| <b>Total</b>   | <b>25,390</b> | <b>\$4,317,054,162</b> | <b>605</b> | <b>\$85,600,754</b> | <b>2,960</b> | <b>\$351,224,282</b> | <b>28,955</b> | <b>\$4,753,882,763</b> |

Source: United States Department of Housing and Urban Development, Office of Native American Programs (ONAP)  
 Note: The totals in this chart differ slightly from the totals in the other Section 184 charts (e.g., Exhibit 2) because of minor difference in the timing of the data received

### Requested Amendments to Duty to Serve

When thinking of Duty to Serve in relation to AIAN communities, given the years of asset stripping that has occurred in Native communities, it could easily be said that all tribal citizens have been historically and are currently underserved. Thus, Duty to Serve should be statutorily amended to include serving all underserved high-needs tribal citizens regardless of where they reside in the country (on tribal lands, in rural communities not on designated tribal lands, in suburbs, in urban areas). If we are serious about scaling and addressing lack of affordable housing in Indian Country (which includes the entire U.S. as tribal citizens reside in all states), then Duty to Serve is missing the boat when we have over 70% of the AIAN population residing in urban areas who are still experiencing housing shortages. It is incumbent upon FHFA and the Enterprises to serve all Native people and to help those of us on the ground to be able to do so.



Duty to Serve is not meeting the needs of AIAN given important changes to what are considered tribal lands during the past, at least, four years. Duty to Serve needs to also include Native urban families residing on urban reservations to address all Native realities (as post *McGirt v. Oklahoma*, at least nine reservations were re-recognized and 43% of the state of Oklahoma is again understood to be Native American country. Much of Tulsa is now recognized as a reservation and we now have an urban reservation where there are approximately 30,000 Native Americans who are residing, in a state with the highest rate (14.2%) of AI alone population in the country). Duty to Serve plans need to include urban Native families (given that over 70% of the Native population in the country resides in urban areas), as well as those living in suburbs, on urban and rural reservations, and on trust lands. With the *McGirt v. Oklahoma* case, 1.8 million Oklahomans found themselves, overnight, living on an urban reservation. Given these realities, we suggest that Duty to Serve address these complexities and be expanded beyond rural and trust lands to allow Freddie Mac and Fannie Mae to design Native loan products that serve all tribal citizens regardless of where they purchase a home. We are not in favor of having rural vs. urban tribal citizens, and the entities serving them, pitted against each other in the name of serving one or the other. There is need everywhere and we need loan products and DPA that serves all tribal citizens.

ONAC would like there to be a regulation change so that Duty to Serve reaches Native populations that are not rural. We are serving numerous urban Indians who have no access to tribal down payment assistance (if their tribe even offers such DPA), as they are out of their tribal jurisdiction. These same tribal citizens are not accessing other DPA in cities they reside, as it is a misnomer that DPA is otherwise readily available in urban areas.

It is our understanding that there would need to be some test of the concentration of Native people in a Census tract. This is complicated, but must be addressed, as for example, we have 30,000 Native Americans residing in the City of Tulsa. If we are serious about scaling Native homeownership, these Native peoples, now living on an urban reservation (post *McGirt v. Oklahoma*), need access to the resources available to their sisters and brothers also living on tribal lands in more rural areas. These 30,000 Native Americans in Tulsa, to our knowledge, are not covered by Duty to Serve and many are living in high need counties. Thus, the regulation should be changed to reach this underserved market. The intent of Duty to Serve was to reach markets that are not currently being reached.

**As part of Duty to Serve, if definitions are formed about what is considered a Native entity:** If the FHFA or the Enterprises, as part of Duty to Serve partnerships or funding opportunities, defines what is a Native nonprofit, we ask you to consider the following. In Indian Country, it is not working to define a Native organization as only being a federally recognized Native American Tribes, Tribal Designated Housing Entities, Alaskan Native Villages or the government entity for Native Hawaiian Home Lands. ONAC and other Native-led nonprofits that are a 501(c)(3) with at least 51% of the board of directors and leadership team identifying as American Indian, Alaska Native, or Native Hawaiian and which serve tribal citizens are Native nonprofits and should be allowed to receive funding to administer revolving loan funds, down payment assistance programs, etc. Given the mandate that FHFA and Enterprises should be serving underserved Native peoples, and Native nonprofits are serving this exact population, the definition of a Native-led nonprofit should include Native nonprofits that are not associated with only one tribal government and that are operating not as a Tribal Designated Housing Entity. If helpful, all of ONAC's



other funders (federal, foundation, private, etc.) understand that ONAC is a Native-led nonprofit that is serving tribal citizens across the U.S.

Thank you for your consideration of these comments.

**Contact:** For further information, contact the ONAC Executive Director, Christy Finsel, Ph.D., (Osage Nation), at [cfinsel@oknativeassets.org](mailto:cfinsel@oknativeassets.org) or (405) 720-0770, [www.oknativeassets.org](http://www.oknativeassets.org).