

Public reporting burden for the collection of information is estimated to average 30 minutes. This includes the time for collecting, reviewing, and reporting the data. The information will be used for to allocate funds under the IHBG program. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Indian Housing Block Grant Formula Data for the Tribe

This document provides notice to tribes/TDHEs of the data to be used in calculating their Indian Housing Block Grant (IHBG) Program allocation for Fiscal Year (FY) 2005. It also provides an estimate of their FY 2005 allocation. Please carefully review your Tribe’s data then report discrepancies, including updated information, to the IHBG Formula Customer Service Center as described below.

All tribes/TDHEs are responsible for reporting discrepancies in the following sections along with appropriate documentation to the IHBG Formula Customer Service Center:

- ❖ Formula Current Assisted Stock.
- ❖ Formula Area.
- ❖ Overlapping Formula Areas.
- ❖ Formula Area Population Cap.

The submission must be postmarked or faxed by **September 15, 2004**, for consideration in the FY 2005 allocation. For questions regarding appropriate documentation, please contact the Formula Customer Service Center at the address listed below.

Tribes/TDHEs wishing to challenge their Census data should review the **Needs section** of this form. In April 2004, tribes/TDHEs were notified of their FY 2004 allocation and formula data. They were also reminded of the June 15, 2004, deadline for FY 2005 Census challenges. The Needs data in this document should include any successful Census Challenges approved to date. You should check the Needs section and verify that successful challenges have been incorporated.

In Winter 2005 (subject to availability of funds), tribes/TDHEs will be notified of their FY 2005 Allocation and Formula Data. Also at that time, we will remind tribes/TDHEs of the **June 15, 2005**, deadline for FY 2006 Census challenges. Should you wish to challenge your Needs data, please consult the guide titled, “*Challenging U.S. Decennial Census Data: Guidelines for the Indian Housing Block Grant Formula.*” The guide outlines procedures for conducting a Census challenge and can be obtained from the IHBG Formula Customer Service Center. Page 10 of the document contains a discussion on the documentation required for a Census challenge submission. HUD may also correct or challenge any formula data. In accordance with 24 CFR 1000.336, tribes will receive proper notification if HUD proposes such a challenge.

The IHBG Formula Customer Service Center can be contacted at:

1112 16th Street NW
Suite 240
Washington, DC 20036

E-mail:	IHBGformula@swinter.com
Phone:	1 (800) 410-8808
TTY:	1 (800) 505-5908
Fax:	1 (202) 393-5043

Formula Current Assisted Stock Homeownership and Rental

HUD records show your Tribe/TDHE having the following Formula Current Assisted Stock (FCAS) funded by 1937 Housing Act programs. Please compare the project numbers, number of units, type of units, and Date of Full Availability (DOFA) with your records. Then postmark or fax any discrepancies, including updated information, to the IHBG Formula Customer Service Center by **September 15, 2004**, for inclusion in the FY 2005 allocation.

Count

- ❖ Low Rent, Mutual Help and Turnkey III units funded under 1937 Housing Act (i.e., units that were subject to an Annual Contributions Contract (ACC)).
- ❖ Units converted prior to October 1, 1997, as the type of unit to which it was converted.
- ❖ Units converted after October 1, 1997, as the type of unit funded on the latest ACC.

Do Not Count

- ❖ Units built with NAHASDA, HOME or ICDBG funds.
- ❖ Units built with BIA, State or tribal funds.
- ❖ Units built over number specified in original ACC for Projects that DOFA after October 1, 1997.
- ❖ Units used for non-dwelling purposes.
- ❖ Units that have been conveyed.
- ❖ Units that are paid-off but not conveyed unless the conveyance was beyond the entity's control (see NAHASDA Guidance 98-19).

Please complete and submit appropriate forms.

- ❖ Use **Appendix A1** to report changes due to units being paid-off or conveyed.
- ❖ Use **Appendix A2** to report changes due to DOFAs.
- ❖ Use **Appendix A3** to report changes due to conversions.
- ❖ Use **Appendix A4** to report all other FCAS changes.

Please note that to maintain fairness to all tribes, back-funding is not provided for previously unreported units. However, since it is each tribe's responsibility to report all discrepancies, over-funding for ineligible units will be recovered.

Project Number	Low Rent	Mutual Help	Turnkey III	Development	DOFA

Formula Current Assisted Stock Section 8

As of September 30, 1997, HUD records show your Tribe/TDHE having the following Section 8 contracts with respective contract expiration dates. By regulation, Section 8 units are counted under the IHBG formula only:

- ❖ After the original Section 8 contract has expired.
- ❖ When the tribe/TDHE continues to operate these units as low-income rental units.

Please indicate any changes to the number of Section 8 units your tribe manages or to their contract expiration dates. When a voucher or certificate expires, credit will be prorated based on the remaining part of the Fiscal Year. For example, if the voucher or certificate expires in the middle of the Fiscal Year, a tribe will receive funding for half a year.

Please note that Section 1003(k) of Public Law 106-568 amends Section 502(a) of NAHASDA by adding the following language at the end of 502(a), "Any housing that is the subject of a contract for tenant-based assistance between the Secretary and an Indian housing authority that is terminated under this section shall, for the following fiscal year and each fiscal year thereafter, be considered to be a dwelling unit under section 302(b)(1)." The Department believes that a regulatory change is needed to implement this provision. However, the proposed regulatory change resulting from Negotiated Rulemaking has not been finalized. Therefore, these changes have not yet been incorporated.

Contract Number	Number of Section 8 Units	Contract Expiration Date

Needs Data

(Please note: Census challenges must be postmarked or faxed by June 15 for upcoming fiscal year)

Listed below are the data currently being used for your Tribe's allocation based on 2000 U.S. Census data available for your Tribe's "Formula Area" (see Formula Area section of this document). The Census data are from a special tabulation of 2000 Sample Census Data that separated the American Indian and Alaskan Native (AIAN) population of each county into counts for reservation lands and for the balance of the county.

Please note that the definition for Native American Household for this special tabulation is a household where the head of household and/or spouse is Native American either alone or in combination with other races. This is a broader definition than what standard Census tabulations report. In addition, HUD uses the U.S. Census Bureau's definition of a household. A household by this definition is a person or group of persons who live in a housing unit. Therefore, a house with 3 families residing in that house would be counted as one household, not 3 households. This is important to note when submitting a Census challenge.

If you disagree with the data below, **first check to see if the Formula Area, as listed on the following page, is correct for your Tribe.** If the Formula Area is not correct, submit that correction. If the Formula Area for your tribe is correct, or if you believe that the Formula Area correction will not resolve the data discrepancies, you may wish to challenge these data. If so, please review the guidelines in "*Challenging U.S. Decennial Census Data: Guidelines for the Indian Housing Block Grant Formula.*" This document can be obtained from the IHBG Formula Customer Service Center at the address listed on the first page of this form.

AIAN persons:

AIAN households with annual income less than 30% of median income:

AIAN households with annual income between 30% and 50% of median income:

AIAN households with annual income between 50% and 80% of median income:

AIAN households which are overcrowded or without kitchen or plumbing:

AIAN households with housing cost burden greater than 50% of annual income:

Housing Shortage (number of low-income AIAN households less total number of NAHASDA and Current Assisted Stock):

If there is a "*" next to "AIAN persons" above, the tribe's data have been "capped." This occurs when the Native American population in the tribe's service area is greater than 200% of its total tribal enrollment.

Formula Area

Formula Area is the geographic area over which an Indian tribe could exercise court jurisdiction or is providing substantial housing services and, where applicable, the Indian tribe or TDHE has agreed to provide housing services pursuant to a Memorandum of Agreement with the governing entity or entities (including Indian tribes) of an area, including but not limited to:

- (1) A Reservation;
- (2) Trust Land;
- (3) Alaska Native Village Statistical Area;
- (4) Alaska Native Claims Settlement Act Corporation Service Area;
- (5) Department of the Interior Near-Reservation Service Area;
- (6) Former Indian Reservation Areas in Oklahoma as defined by the Census as Tribal Jurisdictional Statistical Area;
- (7) Congressionally Mandated Service Area; and
- (8) State legislatively defined Tribal Areas as defined by the Census as Tribal Designated Statistical Areas.

The geographic areas currently contained in your Formula Area are listed below. If any of these areas do not meet the above criteria, please indicate so below.

A "+" next to a geographic area listed below indicates that the area overlaps with another tribe. For overlapping areas, be sure to include the information in the next section "Overlapping Formula Areas." If a tribe's Formula Area extends beyond Reservation or Trust Land boundaries into a county, the geographic area for that county is listed as "Balance," implying the balance of the county less any reservations or trust lands within that county.

The tribe's current Formula Area is:

If you wish to request other geographic areas to be included in your Tribe's Formula Area, please complete the Formula Area table in **Appendix B**. HUD will review this submission and determine whether or not to include these areas. HUD will make its judgment using as its guide whether this addition is fair and equitable for all tribes receiving a formula allocation.

Overlapping Formula Areas
Only for tribes with a "+" next to a geographic area
(See previous section on Formula Area)

To provide an allocation of Formula Area Needs Data (population and household) to tribes with overlapping IHBG Formula Areas, HUD is currently using Bureau of Indian Affairs (BIA) and HUD estimates for Total Resident Service Area Indian Population to proportionately allocate U.S. Census data to affected tribes. Although the geography represented by BIA data is not always consistent with the geography of the Census data, HUD finds that the BIA data is a good estimate available at a national level.

The Total Resident Service Area Indian Population being used for your Tribe is:

If you wish to correct your Tribe's Total Resident Service Area Indian Population, please contact your BIA Area Office to correct your Tribe's number. HUD will only accept written correspondence from the BIA to correct Total Resident Indian Service Area Population figures.

However, HUD recognizes that tribes may be able to provide better data. To improve this method, HUD is requesting that each tribe provide their tribal enrollment within each of the geographic areas described in the preceding section as overlapping geographical areas. Tribes also need to provide a letter addressed to HUD verifying the tribe's continued commitment to serve the housing needs of AIAN families in that area. **If all tribes in an overlapping area submit corrected information** to HUD, HUD will then use this information to divide the funds for the affected area. Otherwise, HUD will continue to use the BIA and HUD estimates to make the allocations. On the form in **Appendix C**, list the overlapping geographic area (indicated earlier under the Formula Area section by a "+" next to the geographic area) and your tribe's enrollment in the area.

Tribal Enrollment & Formula Area Population Cap

Tribal enrollment is used to cap AIAN persons data under the Needs section of this form. A cap is placed at twice your tribal enrollment. If there is a "*" next to "AIAN persons" under the Needs section above, your Tribe's data have been "capped."

The tribal enrollment being used for your tribe is:

If your Tribe's enrollment is different than what is listed above, please follow the instructions in **Appendix D** for correcting your Tribe's enrollment.

If the number of AIAN persons exceeds **twice** your tribal enrollment and you are providing housing services to more than twice as many Native Americans who are non-members of your Tribe than members, please follow the instructions in **Appendix D** for correcting your Tribe's Population Cap. Attach supporting documentation demonstrating your Tribe's commitment to providing housing services to substantially more non-member Native Americans who are members of another federally recognized tribe and include a breakdown by tribal affiliation of the Native Americans that you are serving.

Please note that the **Formula Area Population Cap Adjustments must be submitted on an annual basis** to the IHBG Formula Customer Service Center for approval. The requests must be postmarked or faxed by **September 15** this year.

Adjustment Factors & Preliminary Grant Amount
Local Area Cost Adjustments

Annual Expense Level (AEL):

Fair Market Rent (FMR):

Total Development Cost (TDC):

Inflation Rate Factor

Preliminary Grant Amount *(based on an estimated \$611 million appropriation)*

1. Current Assisted Stock:
2. Need:
3. Adjustments to achieve FY 1996 Base Year Amount¹:
4. FY 2005 Estimated Grant²:
5. Repayments and Other Adjustments³:
6. FY 2005 Grant with Repayments & Adjustments³:

¹ FY 1996 base year amount is the amount of funds a tribe received in FY 1996 for operating subsidy and modernization. NAHASDA mandates that the formula cannot allocate less than this amount to a tribe.

² This is only a preliminary estimate to be used for planning purposes based on an estimated \$611 million appropriation for the Indian Housing Block Grant. It will change based on (1) corrections to the data used for all tribes (any change in one tribe's data affects the allocation for all tribes) and/or (2) actual FY 2005 appropriations.

³ Repayments and Adjustments refer to corrections made to prior year formula allocations. Most are repayment agreements with HUD, usually for overfunding received by the tribe in prior years due to late reporting of paid-off and conveyed FCAS. Note that all overpayments are handled as repayments rather than adjustments by FY as in the past. Funds recovered through repayments are reallocated among all tribes in the following FY through the formula. Adjustments are also occasionally made as a result of HUD errors in entering tribes' information or in calculating formula allocations.