

# FY <<next FY>> Formula Response Form

U.S. Department of Housing  
and Urban Development  
Office of Native American Programs

OMB Approval No. 2577-0218  
(exp. 03/31/2016)

Indian Housing Block Grant Formula Data

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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 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.

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## Indian Housing Block Grant Formula Data for the «Tribe\_Name»

This document provides notice to the tribe and/or tribally designated housing entity (TDHE) of the data to be used in calculating its Indian Housing Block Grant (IHBG) program allocation for Fiscal Year (FY) <<next FY>>. It also provides an estimate of the tribe's current FY allocation.

Please carefully review your Tribe's data and report any changes and corrections to the IHBG Formula Customer Service Center as described below. All tribes/TDHEs are responsible for reporting data changes and corrections. According to 24 CFR 1000.315(b), the Formula Response Form (FRF) is the only mechanism that a recipient shall use to report changes to the number of FCAS. In addition, tribes/TDHEs should use the FRF to report changes and corrections to the following:

- Formula Area.
- Overlapping Formula Areas.
- Tribal Enrollment and Formula Area Population Cap.

### Submission Deadlines

The submission must be postmarked or faxed by **August 1, <<current FY>>**, for consideration in that FY allocation. Please postmark or fax changes and corrections with appropriate supporting documentation to the IHBG Formula Customer Service Center by **August 1, <<current FY>>**, for inclusion in that FY allocation. Please note that while HUD requires requests for formula changes to be submitted by August 1<sup>st</sup>, HUD may consider subsequent requests from tribes that have been directly affected by changes resulting from other tribes' requests submitted prior to the August 1 deadline. Subsequent requests received in prior FYs may be carried into future FYs if processing of such requests is not finalized in the current FY. For questions regarding appropriate documentation, please contact the IHBG Formula Customer Service Center at the address listed below.

The results of any successful changes to Fair Market Rent (FMR), Total Development Cost (TDC), and the Indian Health Service (IHS) data should also be submitted by August 1, <<current FY>>. Details on the procedures to be followed if you wish to challenge these data elements are contained in the Appendices to the document "*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 below.

The FRF also includes other data elements used to calculate the Needs component of the Formula. Tribes/TDHEs wishing to challenge these data elements should review the **Needs section** of this form. Each year, tribes/TDHEs are reminded that March 30 is the deadline for the next FY's Census challenge. 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. Should you

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wish to initiate a challenge to your Needs data for FY <<next FY>>, please consult the Appendices to 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.

## **Failure to Report**

Please note that pursuant to §1000.315 and §1000.319, recipients are responsible for verifying and reporting changes to their FCAS on the FRF to ensure that data used for the IHBG Formula are accurate. Reporting shall be completed in accordance with requirements in subpart D and the FRF. If a recipient receives an overpayment of funds because it failed to report such changes on the FRF in a timely manner, the recipient shall be required to repay the funds within five fiscal years. HUD shall subsequently distribute the funds to all Indian tribes in accordance with the next IHBG Formula allocation. A recipient will not be provided back funding for any units that the recipient failed to report on the FRF in a timely manner. HUD shall have three years from the date a FRF is sent out to take action against any recipient that fails to correct or make appropriate changes on that FRF. Review of FCAS will be accomplished by HUD as a component of audits in compliance with 2 CFR part 200, subpart F, routine monitoring, FCAS target monitoring or other reviews.

The deadline for responding with changes to the data on the FRF is August 1. Any changes reported after the August 1 deadline are not timely under 1000.315 and 1000.319. Accordingly, no back funding is authorized based on changes reported after August 1; nor will untimely reported units be included in the FY <<next FY>> allocation.

## **Appeals Process**

Tribes/TDHEs may appeal HUD decisions regarding data used in the IHBG formula and HUD formula determinations in accordance with §1000.336(d).

## **Technical Assistance**

Should you have questions, please contact the IHBG Formula Customer Service Center at:

1025 Connecticut Avenue, NW, Suite 214  
Washington, DC 20036  
Phone: 800-410-8808  
Fax: 202-393-6411  
E-Mail: [IHBGformula@firstpic.org](mailto:IHBGformula@firstpic.org)

**«Tribe\_Name»  
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 changes and corrections, including updated information, to the IHBG Formula Customer Service Center by **August 1, <<current FY>>**, for inclusion in the FY <<next FY>> allocation.

The unit counts reported below include:

- 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 on or after October 1, 1997, as the type of unit funded on the latest ACC.
- Units previously reported as conveyance eligible (paid-off but not conveyed) for which the tribe/TDHE has provided acceptable documentation that conveyance was beyond its control (see NAHASDA Guidance 98-19).

The unit counts reported below do not include:

- Units built with NAHASDA, HOME, or ICDBG funds.
- Units built with BIA, State, or tribal funds.
- Units built over the number specified in the original ACC for Projects with DOFA after October 1, 1997.
- Units not used as housing dwelling units, including units used for non-dwelling purposes and unoccupied units not being made available for occupancy.
- Units previously reported as having been conveyed, conveyance eligible (paid-off but not conveyed), or demolished.

Please note changes and corrections to the unit counts on the table below and complete and submit appropriate forms as follows:

- 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.

**NOTE:** In accordance with Section 302(b)(1) of the *Native American Housing Assistance and Self-Determination Act (NAHASDA)*, 25 U.S.C. § 4152(b)(1), Mutual Help and Turnkey III units developed under the United States Housing Act of 1937 that are conveyed or eligible to be conveyed prior to October 1 of the calendar year immediately preceding the FY for which funds are provided cease to be eligible as FCAS beginning that FY unless the tribe can demonstrate that the unit has not been conveyed for reasons beyond its control. By the terms of their Mutual Help and Occupancy Agreements (MHOA),

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such units are eligible for conveyance no later than 25 years from the inception of those agreements, which generally corresponds to the Date of Full Availability (DOFA). Accordingly, all units in any project that reached its DOFA in or prior to FY <<FY of DOFA>>, are presumptively no longer considered FCAS and HUD is removing them from its FCAS data for the tribe in the table below as indicated with a (\*).

1. If the unit was converted to and is currently managed as a Low Rent (LR) unit, provide the information required on Appendix A3.
2. If there is a subsequent homebuyer, or the unit is still within the term of its lease-to-own agreement, please provide the information required on Appendix A4, including the date that the current agreement was signed and the termination date of the agreement.
3. If the unit has not conveyed for reasons beyond the Tribe's control, please provide an explanation for delayed conveyance on Appendix A1. Your explanation should provide all steps taken by the Tribe to convey each unit in a timely manner, and if applicable, information explaining reasons beyond the control of the Tribe for delay.

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<b>Project Number</b>	<b>Low Rent</b>	<b>Mutua l Help</b>	<b>Turnkey III</b>	<b>In Development</b>	<b>DOFA</b>
«CAS1»«CAS2»«CAS3»«CAS4»«CAS5»«CAS6»					

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**«Tribe\_Name»  
Formula Current Assisted Stock  
Section 8**

Under the IHBG Formula, your Tribe's FCAS count includes the following Section 8 units:

**Number of units: «Section 8 Units»**

By regulation, Section 8 units are counted under the IHBG formula after their contracts expire only if the tribe/TDHE continues to manage the assistance in a manner similar to the Section 8 program.

If you no longer provide or operate an equivalent number of Section 8, please make corrections to the total above and on the table below.

<b>Contract Number</b>	<b>Number of Section 8 Units</b>	<b>Contract Expiration Date</b>
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**«Section\_8\_Table»**

**«Tribe\_Name»**

## **Adjustment Factors**

### **Inflation Rate Factor**

Inflation rate is adjusted annually and is a national figure used to adjust the amount of subsidy for FCAS.

**«Inflation\_Factor» %**

### **Local Area Cost Adjustments**

Allowable Expense Level (AEL), Fair Market Rent (FMR), and Total Development Cost (TDC) are used to adjust the amount of subsidy for FCAS to reflect local conditions. TDC is also used to adjust the Needs component to reflect local costs.

Annual Expense Level (AEL):

**«Allowable\_Expense\_Level  
»**

Fair Market Rent (FMR):

**«Fair\_Market\_Rent»**

Total Development Cost (TDC):

**«Total\_Development\_Cost  
»**

In accordance with §1000.336(a)(7)(b), AEL cannot be challenged. However, instructions for challenging the FMR and TDC are provided in the document “*Challenging U.S. Decennial Census Data: Guidelines for the Indian Housing Block Grant Formula*” available through the IHBG Formula Customer Service Center. Tribes successfully challenging FMR and TDC data elements must submit the revised figures to the IHBG Formula Customer Service Center by August 1, <<current FY>>. Please note that while HUD requires requests for formula changes to be submitted by August 1<sup>st</sup>, HUD may consider subsequent requests from tribes that have been directly affected by changes resulting from other tribes’ requests submitted prior to the August 1 deadline. Subsequent requests received in prior FYs may be carried into future FYs if processing of such requests is not finalized in the current FY.

**«Tribe\_Name»  
Formula Area**

In accordance with §1000.302 Formula Area (1)...”Formula Areas are:”

1. Reservations for federally recognized Indian tribes, as defined by the U.S. Census;
2. Trust lands;
3. Department of the Interior Near-Reservation Service Areas;
4. Former Indian Reservation Areas in Oklahoma Indian Areas, as defined by the U.S. Census as Oklahoma Tribal Statistical Areas (OTSAs);
5. Congressionally Mandated Service Areas;
6. State Tribal Areas as defined by the U.S. Census as State Designated American Indian Statistical Areas (SDAISAs);
7. Tribal Designated Statistical Areas (TDSAs);
8. California Tribal Jurisdictional Areas established or reestablished by Federal court judgment; and
9. Alaska formula areas described in §1000.302 Formula area (4).

Formula areas may include additional geographic units if the Tribe demonstrates that it is providing substantial housing services in accord with §1000.302 Formula area (2) & (3) and §1000.302 substantial housing services.

The geographic areas currently contained in your Formula Area are listed below.

**«Formula\_Areas\_Table»**

A "+" next to a geographic area listed below indicates that the area overlaps with other tribe(s). For overlapping areas, be sure to review the information in the next section "Overlapping Formula Areas." Balance of county refers to any land in a county outside reservations or trust lands.

If any of these areas do not meet the above criteria or are not covered under §1000.302 Formula area (2), please make changes and corrections in Appendix B.

If you wish to request other geographic areas beyond those identified above to be added to your Tribe’s Formula Area, please complete the Formula Area table in **Appendix B**. HUD will review this submission based on §1000.302 Formula area (2) & (3) and §1000.302 substantial housing services 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. Please note that if Formula Area expansions are approved based on substantial housing services, tribes must continue to provide investment levels consistent with the definition of substantial housing services in accordance with §1000.302 substantial housing services (2).



**«Tribe\_Name»  
Overlapping Formula Areas**

**Only for tribes with a "+" next to a geographic area  
(see previous section on Formula Area)**

In cases where tribes are overlapped, Needs data (population and household) for the entire Formula Area of all tribes involved in the overlap are shared. If your Formula Area is overlapped, you are likely receiving a share of the Needs data for areas beyond those listed as being part of your Tribe's Formula Area.

Currently, your Tribe is sharing Needs data as a result of overlapping Formula Areas with the following tribes:

**«Overlapping\_Tribes»**

HUD uses Bureau of Indian Affairs (BIA) estimates for Total Resident Service Area Indian Population (TRSAIP) to proportionately allocate Needs data to the affected tribes.

**The TRSAIP being used for your Tribe is:       «TRSAIP»**

If you wish to correct your Tribe's TRSAIP, please contact your BIA Area Office. HUD will only accept written correspondence from the BIA to correct TRSAIP figures (see Appendix E to the document "*Challenging U.S. Decennial Census Data: Guidelines for the Indian Housing Block Grant Formula*" available through the IHBG Formula Customer Service Center).

HUD recognizes that tribes may be able to provide better data for overlapping areas. Therefore, HUD is requesting that each tribe provide its Tribal Enrollment within each of the geographic areas described in the preceding section as overlapping.

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 TRSAIP 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.

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**«Tribe\_Name»  
Tribal Enrollment & Formula Area Population Cap**

In accordance with §1000.302 (5), Tribal Enrollment is used to cap AIAN persons in calculating Needs data. A cap is placed at twice Tribal Enrollment. If there is a "\*" next to "AIAN persons" in the Needs section, your Tribe's data have been "capped."

**The enrollment being used for your Tribe (or Alaska Village or Corporation) is:**

**«BIA\_Enrollment»**

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 a cap has been applied to your Tribe and you are providing housing services to more than twice as many AIAN members of other tribes as members of your own Tribe, please follow the instructions in Appendix D for correcting your Tribe's Population Cap.

Please note that 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 August 1 this year.

**«Tribe\_Name»  
Needs Data**

**(Please note: Census challenges must be postmarked or faxed by March 30 for upcoming FY)**

Listed below are the data currently being used to calculate the Needs component of 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 used are from a special tabulation. This tabulation:

- Counts individuals if reported as American Indian and Alaska Native (AIAN). The FY <<FY>> estimate is calculated with the Needs component based on single race (AIAN alone) Census data and multi-race (AIAN alone and in combination with other race(s)) Census data. The amount of the allocation for each Indian tribe was determined to be the greater of the two resulting allocation amounts.
- Defines as an AIAN Household, any household in which the head of household and/or spouse is AIAN as defined above.
- Uses the Census definition of household as a person or group of persons living in a housing unit. For example, three families residing in one house count as one household, not three households.
- Groups households in income categories defined by the Formula.

The Census tabulation is further adjusted to reflect population change over time based on Indian Health Service (IHS) population projections based on AIAN births and deaths. The adjustment factor (annualized) for your Formula Area is listed next to each Formula Area in the table listing your Tribe's Formula Area<sup>2</sup>.

After adjustments based on IHS population projections, the sharing of Needs data among tribes in cases of overlapping Formula Areas and application of the Population Cap (see note below), your Tribe's Needs component is based on «Mulit\_Single\_Race». The Needs data are:

AIAN persons«Capped»:

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\_Persons»

«AIAN\_Households\_30»

«AIAN\_Households\_3050»

«AIAN\_Households\_5080»

<sup>21</sup> The Indian Health Service provides a ten year projection of population for each county. An annualized rate of change is calculated for each county area based on that projection. That rate of change is then applied to the Needs data for each component of the formula area by county and multiplied by the number of years that has elapsed since the date of the data. The date for most Needs data is 2000 (the Census), but could vary depending on whether a tribe had a successful Census challenge. The final adjustment for a tribe is a weighted average for each of the components of its formula area. In accordance with §1000.336 (a)(7), a tribe/TDHE may challenge birth and death rate data provided by the National Center for Health Statistics (NCHS) to the IHS for population growth projections. Please see the document "[Challenging U.S. Decennial Census Data: Appendix B](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_8615.pdf)" at [http://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_8615.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_8615.pdf) for further information.

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AIAN households which are overcrowded or without kitchen or plumbing:	«AIAN_Households_Overcrowded»
AIAN households with housing cost burden greater than 50% of annual income:	«AIAN_Households_Burden50»
Housing Shortage (number of low-income AIAN households less total number of NAHASDA and Current Assisted Stock):	«AIAN_Households_Shortage»

Note: If there is a "\*" next to "AIAN persons" above, the Tribe's data have been "capped." This occurs when the AIAN population in the Tribe's service area is greater than twice its total Tribal Enrollment.

If you think these data do not reflect your Needs:

- 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.
- Check to see if the Formula Area for your Tribe overlaps that of another tribe. If it does, you may wish to contact the IHBG Formula Customer Service Center to obtain detailed information on how the Needs data are being shared.
- If you still disagree, you may wish to submit a Census challenge. 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 second page of this form.

**«Tribe\_Name»  
Preliminary Grant Amount**

*(Based on an estimated <<\$Appropriation Amount>>appropriation)*

This is only a preliminary estimate to be used for planning purposes based on an estimated \$<<APPROPRIATION AMOUNT>> appropriation for the IHBG program. It will change based on corrections to the data used for all tribes (any change in one tribe's data affects the allocation for all tribes) and/or actual FY <<FY>> appropriations.

**FCAS Component:**<sup>2</sup> «Mod\_Gain» «Under\_250»

**«FCAS\_Component»**

**Needs Component:**<sup>3</sup>

**«Needs\_Component»**

**Adjustments to achieve FY 1996 Base Year Amount:**<sup>4</sup>

**«FY96Adj»**

**FY <<FY>> Estimated Grant:**

**«FY\_09\_Estimated\_Grant  
»**

**Repayments and Other Adjustments:**<sup>5</sup>

**«Repayments»**

**FY <<FY>> Grant with Repayments & Adjustments:**

**«FY\_09\_Adjusted\_Grant»**

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<sup>2</sup>If an “M” appears following the FCAS component, it means that the modernization subsidy on which FCAS was based was calculated using the alternative definition in §1000.316(b)(2), which states that “for Indian tribes with an Indian Housing Authority (IHA) that owned or operated fewer than 250 public housing units on October 1, 1997, the modernization allocation equals the amount of funds received under the assistance program authorized by Section 14 of the 1937 Act (not including funds provided as emergency assistance) for FYs 1992 through 1997.” If an “A” appears, it means that your tribe had an IHA that owned or operated fewer than 250 public housing units on October 1, 1997, but was entitled to a larger modernization amount using the original method of calculation (§1000.316(b)(1) ) and your grant was adjusted to take this into account, as called for in §1000.340 (a). If no “M” or “A” appears, the modernization subsidy was calculated using the original method described in §1000.316(b)(1).

<sup>3</sup>The Needs component includes adjustments needed to achieve minimum funding as called for in §1000.328. The minimum allocation in any fiscal year to an Indian tribe under the Needs component of the IHBG Formula shall equal 0.007826% of the available appropriations for that FY after set asides. In this allocation, the minimum Needs grant is \$<<min needs>>. To be eligible for the minimum allocation, an Indian tribe must receive less than \$200,000 under the FCAS component of the IHBG Formula for the fiscal year, and must demonstrate the presence of any households at or below 80 percent of median income

<sup>4</sup>According to §1000.340, if a tribe is allocated less funding under the formula than an IHA received on its behalf in FY 1996 for operating subsidy and modernization, its grant is increased to the amount received in FY 1996 for operating subsidy and modernization.

<sup>5</sup>Repayments and Adjustments refer to corrections made to prior year formula allocations. Most are repayment agreements with HUD, usually for over-funding received by the tribe in prior years due to late reporting of paid-off and conveyed FCAS. 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.

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