

STUDY / SUBGROUP:      FORMULA CAS

1

***TOPIC:***

CAS portion of formula

***CONSENSUS:***

Keep as is.

***ACTIONS NEEDED:***

Address 4 sub issues

***STILL TO DO:***

***RATIONALE:***

Current CAS portion of the formula works well enough; no proposals to substantially change it.

***OTHER AFFECTED PARTS:***

***OTHER:***

STUDY / SUBGROUP:      FORMULA CAS

1A

**TOPIC:**

National AEL average minimum [ref: request 26 revised]

**CONSENSUS:**

No

**ACTIONS NEEDED:**

Bring specific proposal on minimum national average AEL to Full Committee. A proposal was submitted by UNAHA to the full committee on 08/18/03.

**STILL TO DO:**

**RATIONALE:**

**Proponents:** To correct inaccuracies and inequities of AEL

**Opponents:** It won't adjust costs to local area.

**OTHER AFFECTED PARTS:**

**OTHER:**

Expecting 15-year impact data run [Request 32]. Requested additional data [revised 32].

**TOPIC:**

Develop a challenge process for individual tribal AEL

**CONSENSUS:**

Yes

- Formula retain AEL
- Provide for individual tribal challenge
- Make HUD response more consistent across regions
- Any funding for AEL study should come from non-NAHASDA sources

**ACTIONS NEEDED:**

Develop process/review/modify existing HUD process.

**STILL TO DO:**

- Assign responsibility
- Draft
- Karin, Steve, Marion will work on proposed language

**RATIONALE:**

Tribe can challenge FMR; need ability to challenge AEL, as well.  
Some members believe there are inaccuracies and inequities in AEL

**OTHER AFFECTED PARTS:**

**OTHER:**

STUDY / SUBGROUP:      FORMULA CAS

1C

**TOPIC:**

Amendment to Section 1000.340, and Appendices A & B.

**CONSENSUS:**

Yes, create regulatory language to comply with statute.

**ACTIONS NEEDED:**

Amend Section 1000.340 and Appendices A & B regarding averaging 1992 – 1997 CIAP grant. Must conform to section 302(d)(1)(B).

**STILL TO DO:**

- Send to drafting committee.

**RATIONALE:**

Legally required.

**OTHER AFFECTED PARTS:**

**OTHER:**

Attach appropriate document, both existing and proposed.

STUDY / SUBGROUP:      FORMULA CAS

1D

***TOPIC:***

Inflation terminology regarding 1996 – 2003.

***CONSENSUS:***

Yes.

***ACTIONS NEEDED:***

Create appropriate language reflecting concerns about the 1996 reference being dated.

***STILL TO DO:***

- Send to drafting committee.

***RATIONALE:***

Correct appearance that we are relying on older data.

***OTHER AFFECTED PARTS:***

***OTHER:***

Cite reference to Section 316 and definition.

STUDY / SUBGROUP:      CAS & NAS

2

**TOPIC:**

NAS

**CONSENSUS:**

Conditional move to Needs workgroup. CAS group reserves the right to revisit.

**ACTIONS NEEDED:**

New subcommittee meeting 07/16/03 with representatives from both CAS and Needs to consider issues and proposals, including a \$ per unit off the top of Needs allocation. [Blue proposal moved to Needs group 081803.]

**STILL TO DO:**

Bring back to CAS/Needs workgroup.

**RATIONALE:**

**OTHER AFFECTED PARTS:**

**OTHER:**

Notes to Needs group:

1. Definition needed for NAHASDA unit
2. Decision needed on \$ per unit

**TOPIC:**

Over/under reporting. The proposal was to establish 24 CFR 1000.342 to read:

“If HUD determines that a tribe fails to accurately report FCAS and HUD seeks repayment, any undercount for that FY shall be credited against any over count, accordingly reducing any repayment otherwise owed by the tribe. This does not limit HUD’s consideration of other relevant factors regarding the tribe’s total allocation for that FY.

**CONSENSUS:**

None.

**ACTIONS NEEDED:**

[Has been reintroduced as a proposal 081803.]

**STILL TO DO:**

**RATIONALE:**

**Proponents:** Inequity of HUD’s current practice to ignore undercount and other factors.

**Opponents:** HUD believes that the current policy under §1000.336(b) is sufficient to provide tribes an opportunity to disagree HUD on FCAS unit counts.

**OTHER AFFECTED PARTS:**

**OTHER:**

How should this be:

1. Framed for report-out to committee
2. Presented for consideration to committee when reintroduced with 3B (Hearing/Appeals Procedures).

**TOPIC:**

Make available to the tribes a hearing process whenever

1. HUD proposes to require repayment of grant amount, or
2. To resolve allegations that HUD has underfunded in the formula allocation process.

**CONSENSUS:**

No decision or recommendation to move to full committee. HUD acknowledges idea as reasonable and with merit.

**ACTIONS NEEDED:**

Combined CAS / Needs subgroup will work on a proposal to present directly to the full committee

**STILL TO DO:**

Study and discussion within committee and within HUD.

- HUD indicated that this will be a major initiative and will take time. Requires appropriate legal/regulatory framework.
- Should coordinate this with Needs group working on appeals.
- Set up subgroup and ask HUD to consider as formal request from the workgroup to reopen
- Karen, Steve, Jim, and Marion will report out.

**RATIONALE:**

To establish review and administrative procedures.

**OTHER AFFECTED PARTS:**

Needs group activity.

**OTHER:**

- Any procedure/process should take into account 2-way nature of mistakes
- Address what substantial v. non-substantial non-compliance means and under what conditions repayment can be requested
- Develop appropriate guidance/regulations for tribes on what accurate counting should look like.