

July 15, 2003

NEEDS WORKGROUP – Formula Area Sub-Group

Proposed Re-Write of Formula Area Definition

Sec. 1000.302 What are re the definitions applicable for the IHBG formula?

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Formula area. (1) Formula areas are:

- (i) Reservations, as defined by the Census;
- (ii) Trust Lands, with the exception of Alaska;
- (iii) Department of the Interior Near Reservation Service Areas;
- (iv) Former Indian Reservation Areas in Oklahoma Indian Areas, as defined by the Census as Oklahoma Tribal Statistical Areas (OTSAs);
- (v) Congressionally Mandated Service Areas;
- (vi) State Tribal Areas, as defined by the Census as State Designated American Indian Statistical Areas (SDAISAs);
- (vii) Tribal Designated Statistical Areas (TDSAs);
- (viii) California Tribal Jurisdictional Areas established or reestablished by court judgment; and
- (ix) Notwithstanding paragraphs (1)(i) through (viii) of this definition, all Alaska data on population and housing not on a reservation shall be credited as set forth in sec. 1000.327 to the Alaska Native Village, the regional Indian tribe, or to the regional corporation established pursuant to the Alaska Native Claims Settlement Act. For purposes of sec. 1000.327 and this definition:

(A) The geographic area of the Alaska Native Village is delineated by its associated Alaska Native Village Statistical Area (ANVSA) or Tribal Designated Statistical Area (TDSA), except to the extent the area sought to be included within the statistical designation exceeds or is inconsistent with the Census definition of that designation, regardless of whether the Census has in fact accepted the designation for a particular area; and

(B) The geographic area of the regional corporation shall be the area established for the corporation by the Alaska Native Claims Settlement Act

(2)(i) For additional geographic area definitions not identified in paragraph (1) of this definition, and for expansion or re-definition of a geographic area from the prior year, the Indian tribe/TDHE must submit on the Formula Response Form the geographic area it wishes to include in its Formula Area, including proof of:

(A) Where applicable, the Indian Tribe or TDHE has agreed to provide housing services pursuant to a Memorandum of Agreement (MOA) with the governing entity or entities (including Indian tribes) of the area; and

(B) An Indian tribe could exercise court jurisdiction; or

(C) Is providing, or will provide, substantial housing services.

(ii) HUD shall notify all tribes/TDHEs within the proposed Formula Area that are potentially affected by the request and give them the opportunity to submit information and comments that the tribes/TDHEs deem relevant to the determination. HUD shall provide written notice of its basis for the determination and its effect on each tribe/TDHE to all tribes/TDHEs within the Formula Area.

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