

PROPOSED DRAFT
8/19/2003
Needs workgroup
Formula Area subgroup

1000.326 What if a formula area is served by more than one Indian Tribe?

- (a) If an Indian tribe's formula area overlaps with the formula area of one or more Indian tribes, the funds allocated to the affected tribe(s) for the overlapping area(s) will be divided based on formal agreement between the affected tribe(s).
- (b) In the absence of (a), HUD shall divide formula funds for the overlapping area among affected tribe(s) based on:
 - 1. Percentage of substantial housing activities in the overlapping area since 1996; *[and/or]*
 - 2. Proportional share of the AIAN persons in the overlapping area; *[and/or]*
 - 3. Substantial planned commitment to the overlapping area; *[and/or]*
 - 4. Tribal membership in the geographic area (not to include dually enrolled tribal members) which will be based on data that all Indian tribes involved agree to use. Suggested data sources include tribal enrollment lists, Indian Health Service User Data, and Bureau of Indian Affairs data.
- (c) In the absence of resolution per (a) and (b) above, HUD shall equally distribute the overlapping formula area funds to all affected tribes in the overlapping geography; except that federally recognized tribes shall receive the allocation for the overlapping area where a state recognized tribe's formula area overlaps with the trust area of a federally recognized Indian tribe.