

Appendix A1: Conveyance of Formula Current Assisted Stock (FCAS) Units

Conveyance Regulation:

According to 24 CFR 1000.318, "Mutual Help and Turnkey III units shall no longer be considered Formula Current Assisted Stock (FCAS) when the housing entity no longer has the legal right to own, operate, or maintain the units, whether such right is lost by conveyances, demolition, or otherwise."

According to NAHASDA Guidance Number 98-19, "The tribe/TDHE shall not include units that have been paid-off but not conveyed unless the tribe/TDHE can demonstrate that reasons beyond the tribe/TDHE or IHA's control have not made conveyance practical. The tribe/TDHE or IHA must demonstrate that the tribe/TDHE or IHA has actively enforced strict compliance by the homebuyers with the terms and conditions of the MHOA, including the requirements for full and timely payment. Because promissory notes can be issued, Tenant Account Receivables alone are not adequate for non-conveyance."

Report*:

- ❖ All units that have been conveyed.
- ❖ All units that are paid-off but not conveyed. If applicable, provide reasons that conveyance was beyond the tribe's control and steps the Tribe has taken to resolve the problem. For further information see NAHASDA Guidance 98-19. Reasons may include:
 - ◆ Probate (provide the date of death and the status of the unit)
 - ◆ Disagreement among heirs (the Tribe should show that it has made efforts to contact the heirs and reach agreement);
 - ◆ BIA delays (the Tribe is asked to provide documentation of its efforts to resolve any delays including a record of initial contact with the BIA and follow up correspondence).

To maintain fairness to all tribes, if tribes receive funding for ineligible units, repayment will be required.

Project Number:	Unit Number:	Paid-off date	Conveyance date	Explanation for conveyance delays greater than two (2) years

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Appendix A2: Date of Full Availability (DOFA) of Formula Current Assisted Stock (FCAS) Units

DOFA Regulation:

According to 24 CFR 1000.312 and 1000.314, "Formula Current Assisted Stock (FCAS) consists of housing units owned or operated pursuant to an ACC. This includes all Low Rent, Mutual Help, and Turnkey III units under management as of September 30, 1997, and all 1937 Act units in the development pipeline when they become owned or operated by recipients and are under management as indicated in the Formula Response Form."

Report*:

- ❖ 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))

Do Not Report:

- ❖ 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.

Please provide the information below for each new reported project DOFA. Please provide a copy of the ACC for each reported project indicating the number and type of units allowed.

In accordance with 24 CFR 1000.319(c), a recipient will not be provided back-funding for any units that the recipient failed to report on the **Formula Response Form** in a timely manner.

Project Number	Number of Units	Type of Units	DOFA

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Appendix A3: Conversion of Formula Current Assisted Stock (FCAS) Units

Conversion Regulation:

According to NAHASDA Guidance No. 98-12, "If FCAS units were converted prior to Oct.1, 1997, as evidenced by an amended Annual Contribution Contract (ACC), then those units will be counted as the type of unit to which they were converted [for formula purposes]. If units were converted on or after October 1, 1997, then those units will be counted as the type of unit specified in the original ACC [for formula purposes]."

Report*:

- ❖ Units converted prior to Oct 1, 1997, as the type of unit converted to.

Do Not Report:

- ❖ Units converted on or after Oct 1, 1997, per NAHASDA Guidance No. 98-12.

Please provide the information below for each project converted prior to October 1, 1997. Please provide a copy of the Amended ACC for each project.

Project Number	Number of Units listed on Formula Response Form			Number of Units after Conversion			Date of Conversion
	Low Rent	Mutual Help	Turnkey III	Low Rent	Mutual Help	Turnkey III	

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Appendix A4: All Other Corrections to Formula Current Assisted Stock (FCAS)

FCAS Correction Regulation:

According to 24 CFR 1000.312 and 1000.314, "Formula Current Assisted Stock (FCAS) consists of housing units owned or operated pursuant to an ACC. This includes all Low Rent, Mutual Help, and Turnkey III units under management as of September 30, 1997, and all 1937 Act units in the development pipeline when they become owned or operated by recipients and are under management as indicated in the Formula Response Form."

Report*:

- ❖ Units used for non-dwelling purposes.
- ❖ Units that have been demolished.
- ❖ Differences between FCAS reported on the Formula Response Form and your Tribe's records that are not due to conveyances, DOFA and/or conversion.

Please provide the information below for each project requiring a correction that is not a conveyance, DOFA, or conversion. To add units or projects to your FCAS, an ACC must be provided. To remove units or projects, the date and reason for removal must be reported.

Project Number	Formula Response Form Units & Type	Correct Number of Units	Date Unit Changed	Reason for Change

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Appendix B1: Request to Add Other Geographies to Formula Area

Formula Area Regulation:

According to 24 CFR 1000.302 Formula Area, (1) Formula areas are: (i) Reservations for federally recognized Indian tribes, as defined by the U.S. Census; (ii) Trust lands; (iii) Department of the Interior Near-Reservation Service Areas; (iv) Former Indian Reservation Areas in Oklahoma Indian Areas, as defined by the U.S. Census as Oklahoma Tribal Statistical Areas (OTSAs); (v) Congressionally Mandated Service Areas; (vi) State Tribal Areas as defined by the U.S. Census as State Designated American Indian Statistical Areas (SDAISAs); (vii) Tribal Designated Statistical Areas (TDSAs); (viii) California Tribal Jurisdictional Areas established or reestablished by Federal court judgment; and (ix) Alaska formula areas described in paragraph (4) of this definition.

Please provide a map** and a copy of legal documents (e.g., Federal Register Notice, publication of designation of Near-Reservation Service Area, Public Law documents legislating Congressionally Mandated Service Areas) for each geographic area you want to add to your Tribe's Formula Area.

To request additional areas beyond those identified in the above list of nine, see Appendix B2.

**Maps are available from the US Census Bureau. <http://ftp2.census.gov/geo/maps/blk2000/>

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Appendix B2: Request to Add Other Geographies to Formula Area

According to 24 CFR 1000.302 Formula Area: (2)(i) For a geographic area not identified in paragraph (1) of this definition, and for expansion or re-definition of a geographic area from the prior year, including those identified in paragraph (1) of this definition, the Indian tribe must submit, on a form agreed to by HUD, information about the geographic area it wishes to include in its Formula Area, including proof that the Indian tribe, where applicable, has agreed to provide housing services pursuant to a Memorandum of Agreement (MOA) with the tribal and public governing entity or entities of the area, or has attempted to establish such an MOA; and either:

- (A) Could exercise court jurisdiction, or
- (B) Is providing substantial housing services and will continue to expend or obligate funds for substantial housing services as reflected in the form agreed to by HUD for this purpose.

According to §1000.302, Substantial Housing Services: (1) Affordable housing activities funded from any source provided to AIAN households with incomes 80 percent of the median income as defined in NAHASDA (25 U.S.C. 4103 (14)) or lower, equivalent to 100 percent or more of the increase in the IHBG formula allocation that the Indian tribe would receive as a result of adding the proposed geography; or (2) Affordable housing activities funded with IHBG funds provided to AIAN households with incomes 80 percent of the median income as defined in NAHASDA (25 U.S.C. 4104(14)) or lower, equivalent to 51 percent or more of the Indian tribe's current total IHBG grant; and either: (i) 51 percent or more of the Indian tribe's official enrollment resides within the geographic area; or (ii) The Indian tribe's official enrollment constitutes 51 percent or more of the total AIAN persons within the geography. (3) HUD shall require that the Indian tribe annually provide written verification...that the affordable housing activities it is providing meet the definition of substantial housing services.

If you wish to request additional areas based on the above regulations, please provide a map, an MOA or documentation of the Tribe's efforts to secure one, and fill in the two tables below for each area that you want to add to your Tribe's Formula Area. In addition, please provide a brief narrative describing each program.** Use a separate table for each geographic area requested.

Geographic Area					
Number of Tribal Members Living in Area	Affordable Housing Program	Program Purpose	Source of Funds	Year(s)	Total Dollar Amount of Program Investment by Year

Total dollar amount of program investment by year must appear in the Indian Housing Plan (IHP) and actual accomplishments must appear in the Annual Performance Report (APR) separately for each area requested. HUD will monitor Formula Area additions to ensure that the tribe continues investment at levels that are consistent with the definition of Substantial Housing Services.

**Maps are available from the US Census Bureau. <http://ftp2.census.gov/geo/maps/blk2000/>

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Appendix C: Enrollment in Overlapping Areas

Overlapping Area Regulation:

According to 24 CFR 1000.326, “(a) If an Indian tribe’s formula area overlaps with the formula area of one or more other Indian tribes, the funds allocated to that Indian tribe for the geographic area in which the formula areas overlap will be based on: (1) The Indian tribe’s proportional share of the population in the overlapping geographic area; and (2) The Indian tribe’s commitment to serve that proportional share of the population in such geographic area. (3) In cases where a State recognized Indian tribe’s formula area overlaps with a Federally recognized Indian tribe, the Federally recognized Indian tribe receives the allocation for the overlapping area. (b) Tribal membership in the geographic area (not to include dually enrolled tribal members) will be based on data that all Indian tribes involved agree to use. Suggested data sources include tribal enrollment lists, the U.S. Census, Indian Health Service User Data, and Bureau of Indian Affairs data. (c) If the Indian tribes involved cannot agree on what data source to use, HUD will make the decision on what data will be used to divide the funds between the Indian tribes by August 1.”

Please provide the information below for each overlapping geographic area of your Tribe’s Formula Area as listed in the Formula Response Form. **This information will only be used if ALL tribes in the overlapping area submit data.***

Geographic Area Name	Tribal Enrollment

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Appendix D: Tribal Enrollment & Population Cap

Population Cap Regulation:

According to 24 CFR 1000.302, “(5) In some cases the population data for an Indian tribe within its Formula Area is greater than its tribal enrollment. In general, to maintain fairness for all Indian tribes, the tribe’s population data will not be allowed to exceed twice an Indian tribe’s enrolled population. However, an Indian tribe subject to this cap may receive an allocation based on more than twice its total enrollment if it can show that it is providing housing assistance to substantially more non-member Indians and Alaska Natives who are members of another federally recognized Indian tribe than it is to members. For state-recognized Indian tribes, the population data and formula allocation shall be limited to their Tribal Enrollment figures as determined under enrollment criteria in effect in 1996. (6) In cases where an Indian tribe is seeking to receive an allocation more than twice its total enrollment, the tribal enrollment multiplier will be determined by the total number of Indians and Alaska Natives the Indian tribe is providing housing assistance (on July 30 of the year before funding is sought) divided by the number of members the Indian tribe is providing housing assistance. For example, an Indian tribe which provides housing to 300 Indians and Alaska Natives, of whom 100 are members, would then be able to receive an allocation for up to three times its tribal enrollment if the Indian and Alaska Native population in the area is three or more times the tribal enrollment.”

According to NAHASDA Guidance 98-12, “A tribe must demonstrate that it is serving substantially more non-member Indians and Alaska Natives who are members of another federally recognized tribe than members. For Population Cap purposes, Housing Assistance refers to grants or subsidies provided within the year before funding is sought to make housing more affordable for low-income Indians and Alaska Natives who are member of Federally recognized Indian tribes including but not limited to: HOME programs; energy assistance; home improvement assistance; mortgage or downpayment assistance; homeless or emergency shelter assistance; and, programs similar to the programs formerly known as Mutual Help, Low Rent, Turnkey 3, and Section 8.”

If you wish to correct your Tribe’s enrollment, you must submit a letter stating your Tribe’s enrollment that is dated and certified by your Tribe’s Enrollment Officer*

If you wish to adjust your Tribe’s population cap to a level greater than twice your Tribe’s enrollment, please provide the information below and a brief narrative describing the programs.*

A Tribal Enrollment	B Total Number of AIAN Persons Served	C Total Number of Tribal Members Served	D Total Number of Members of Other Federally Recognized Tribes Served	Factor (C+D)/C

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