

**Code of Federal Regulations**  
**Title 24 - Housing and Urban Development**  
Subpart D—Allocation Formula

**§ 1000.330 What are the data sources for the need variables?**

(a) The sources of data for the need variables shall be data available that is collected in a uniform manner that can be confirmed and verified for all AIAN households and persons living in an identified area. For Fiscal Year 2016 and 2017, the data used are 2000 U.S. Decennial Census data and any HUD-accepted Census challenges.

(b) Beginning Fiscal Year 2018, the data source shall be:

(1) A new data source adopted by consensus by the Native American Housing Assistance & Self-Determination Formula Negotiated Rulemaking Committee, 2013; or

(2) If no consensus is reached under paragraph (b)(1), the sources of data for the Need variables shall be data collected in a uniform manner that can be confirmed and verified for all AIAN households and persons living in an identified area. Initially, the data used are the most recent available data that is available for all tribes from the US Census Bureau.

(c) For fiscal year 2016 and 2017, the data for the need variables shall be adjusted annually beginning the year after the need data is collected, using Indian Health Service projections based upon birth and death rate data as provided by the National Center for Health Statistics.

(d) Indian tribes may challenge the data described in this section pursuant to § 1000.336.

**§ 1000.331 How will the impacts from adoption of a new data source be minimized as the new data source is implemented?**

(a) To minimize the impact of funding changes based on the introduction of a new data source under Section 1000.330, in fiscal year 2018 and each year thereafter, if, solely as a direct result of the introduction of a new data source, an Indian tribe's allocation under the Needs component of the formula is less than 90 percent of the amount it received under the Needs component in the immediate previous fiscal year, the Indian tribe's Needs allocation shall be adjusted up to an amount equal to 90 percent of the previous year's Needs allocation.

(b) Nothing in this section shall impact other adjustments under this part, including minimum funding, census challenges, formula area changes, or an increase in the total amount of funds available under the Needs component.

(c) In the event of a decrease in the total amount of funds available under the Needs component, an Indian tribe's adjusted allocation under paragraph (a) shall be reduced by an amount proportionate to the reduced amount available for distribution under the Needs component of the formula.

(d) Adjustments under paragraphs (b) or (c) of this section shall be made to a tribe's Needs allocation after adjusting that allocation under paragraph (a) of this section.

**APPENDIX A TO PART 1000 – INDIAN HOUSING BLOCK GRANT FORMULA  
MECHANICS**

In Appendix A, insert a new paragraph 8 and renumber existing paragraph 8 as paragraph 9 to read as follows:

8. After allocation adjustments are made under §1000.331 for a fiscal year, the Needs allocation of an Indian tribe whose Needs allocation increased as a result of the introduction of a new data source under §1000.331 shall be adjusted downward proportionate to its share of the total increase in funding resulting from the introduction of a new data source to keep the overall Needs allocation within available appropriations.