

**Formula Areas**

What Are They and What Happens  
When Areas Are Shared by Tribes?

---

---

---

---

---

---

---

---

In the Formula, Needs Count if they  
are in a Tribe's Formula Area.

---

---

---

---

---

---

---

---

Formula Areas are mostly made up  
of geographic areas that carry  
designations detailed in regulation.

---

---

---

---

---

---

---

---

### Formula Area Designations (list of 9)

- " Reservations
- " Trust Lands
- " Dept. of Interior Near-Reservation Service Areas
- " Oklahoma Tribal Statistical Areas (OTSA)
- " Congressionally Mandated Service Areas
- " State Designated American Indian Statistical Areas (SDAISA)
- " Tribal Designated Statistical Areas (TDSA)
- " California Tribal Jurisdictional Areas per Federal Court Judgment
- " Detailed Alaska Provisions: ANV and Balance of Region

---

---

---

---

---

---

---

---

### Other Geographic Areas

- " Can be added based on the request of the tribe if the tribe exercises court jurisdiction or provides substantial housing services.
- " Detailed criteria defining substantial housing settled at last neg reg.
- " Other geographic areas are either balance of counties or small geographies such as tracts or county sub-divisions.

---

---

---

---

---

---

---

---

When geographic areas are assigned, some areas become a part of the Formula Areas of more than one tribe.

---

---

---

---

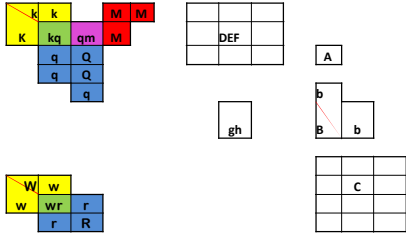
---

---

---

---

### Hypothetical World of 13 Tribes



Note: Capital letters denote Reservation/Trust lands; within a Tribe's Formula Area, small letters denote non-Indian land "balance of county"

---

---

---

---

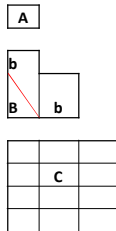
---

---

---

---

### Tribes A,B,C have their own Formula Areas



---

---

---

---

---

---

---

---

The other tribes all share Formula Areas and the Overlaps come in many shapes and sizes

---

---

---

---

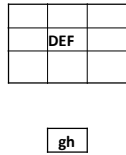
---

---

---

---

### Full Overlap



---

---

---

---

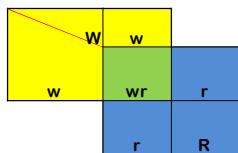
---

---

---

---

### Partial Overlap - Simple



---

---

---

---

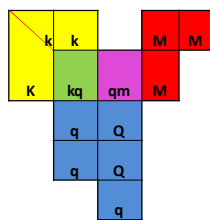
---

---

---

---

### Partial Overlap - Cascading



---

---

---

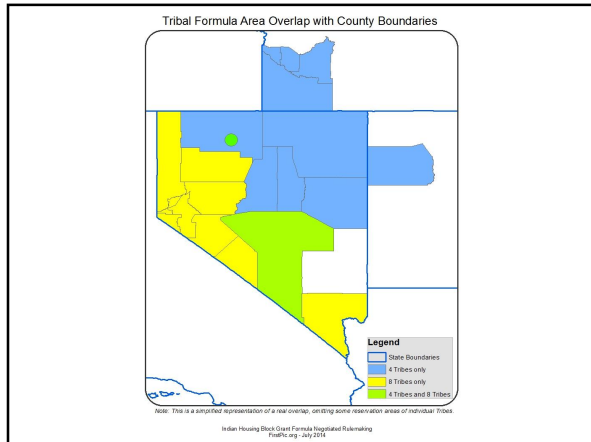
---

---

---

---

---




---

---

---

---

---

---

---

---

---

---

### How Often Do Overlaps Occur?

~ 134 Tribes in 29 Overlaps

~ Of the 29 Overlapped areas:

- . 15 involve just 2 tribes;
- . 8 involve 3 or 4 tribes;
- . 2 involve 5 to 7 tribes;
- . 2 involve 11 or 12 tribes;
- . 2 involve 20 or 21 tribes.

---

---

---

---

---

---

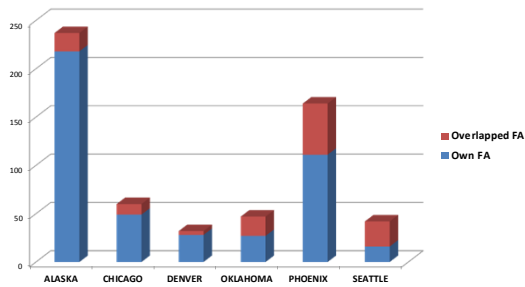
---

---

---

---

### Overlaps are More Common in Some Areas than Others




---

---

---

---

---

---

---

---

---

---

**§ 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 other Indian tribes, the funds allocated to that Indian tribe for the geographic area in which the formula areas overlap will be divided 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.

---

---

---

---

---

---

---

---

---

---

**How are Needs Shared when Formula Areas Overlap -- Simplified**

- ~ Tribes can reach an agreement on how to share;
- ~ HUD decides if tribes do not agree on data
  - ~ Population in combined area are pooled
  - ~ Tribes' share of BIA Total Resident Service Area Indian Population (TRSAIP) is used to apportion pooled population data

---

---

---

---

---

---

---

---

---

---

**HUD's Method for Sharing Needs**



Geography	Tribe	Need	TRSAIP Share	Alloc. Need
W res.pt. Smith Cnty	W	50		
Bal. Smith County	w	100	600	75%
Jones county	w	50		
Brown County	w	600		
Brown County	r			
Wilson County	r	100	200	25%
R Res-all Blue Cnty	R	100		
TOTAL		1000	800	

---

---

---

---

---

---

---

---

---

---

**Issues**

- " Tribes haven't reached agreements.
- " Volatility in Grant Amounts
- " Interaction with Population Caps
- " No more TRSAIP

---

---

---

---

---

---

---

---

**In most overlaps, shares have been determined by HUD**

- " **§ 1000.326** starts with Tribes reaching agreement on sharing;
- " In reality, coming to agreement is not easy.
  - . Only 3 overlaps have agreements, 2 are year to year.
- " So the default provision has come into play.

---

---

---

---

---

---

---

---

**Volatility in Grant Amounts with little time to adjust when:**

- " Tribes add or drop specific geographies, thereby creating new overlaps, or changing the composition of overlapping geographies;
- " New TRSAIP data are introduced, altering tribes' shares of overlapping data.

---

---

---

---

---

---

---

---

**The interaction of sharing procedures and population cap provisions can have adverse impacts on local regions.**

---

---

---

---

---

---

---

---

What can happen if tribes are subject to population cap?

Geography	Tribe	Need	TRSAIP	Share	Alloc. Need	Enrollment	Need after PopCap
W res.pt. Smith Cnty	w	50					
Bal. Smith County	w	100	600	75%	750	300	600
Jones county	w	50					
Brown County	w	600					
Brown County	r						
Wilson County	r	100	200	25%	250	200	250
R Res-all Blue Cnty	R	100					
TOTAL		1000	800		1000		850

---

---

---

---

---

---

---

---

**Final NEW issue: BIA is no longer updating TRSAIP**

- “ Data currently in use is from the 2005 Labor Force Report (last published).
- “ New report shifts fully to use of ACS data and reporting of service populations is by area, not tribe.

---

---

---

---

---

---

---

---



### Options for the Future

- “ What data should be used to share the needs in overlaps? Freeze existing shares? Use enrollment? Use other new data?
- “ Should **all** parts of the overlap be combined prior to sharing or should tribes get the full needs in their unique geographies and limit sharing only to specific areas that are overlapped?

---

---

---

---

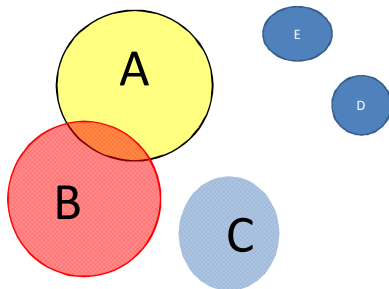
---

---

---

---

### Formula Areas May Overlap



---

---

---

---

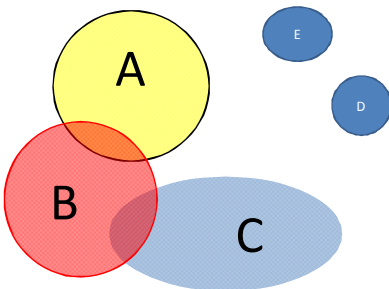
---

---

---

---

### Overlaps can become extensive



---

---

---

---

---

---

---

---

### Needs Data in total overlap must be apportioned among tribes

- ~ Tribes have 1<sup>st</sup> choice to decide how to share
- ~ HUD decides if tribes do not agree
- ~ Tribes' share of BIA Total Resident Service Area Indian Population (TRSAIP) is used to apportion pooled data
- ~ Exception
  - Federally recognized tribes receive if share with state tribes
  - If Alaska tribes seeking to expand areas not on list of 9 and, less than 50% of AIAN in area is enrolled by tribe, then Alaska tribe only gets demographics based on its own tribal membership

---

---

---

---

---

---

---

---

### Other Geographic Areas

- ~ Includes Areas not on List & Expansions/ Redefinitions of Areas on List including Alaska Tribes
- ~ Must have MOA or evidence of attempt and
  - . Substantial Housing Services
- ~ Public Notification and Comment
- ~ Must use Smallest Census Units
- ~ Areas Added before FY 2003
  - . Subject to challenge by tribes with OTSAs
  - . Follow Substantial Housing Services as guideline not requirement

---

---

---

---

---

---

---

---

### Substantial Housing Services Option1: Investment Driven

- ~ Funded by Any Source
- ~ Provided to AIAN households =< 80% of Median Income
- ~ Valued at Least 100% of Increase in IHBG Funding
- ~ Annual Verification Required

---

---

---

---

---

---

---

---

### Substantial Housing Services Option 2: Enrollment Driven

- ~ Funded by IHBG
- ~ Provided to AIAN Households=<80% of Median Income
- ~ Valued at least 51% of Current IHBG Allocation and
  - ~ At least 51% of enrollment residing in area
  - ~ Or, at least 51% of AIAN in area is enrolled by tribe
- ~ Annual Verification Require

---

---

---

---

---

---

---

---

---

---

### Alaska Provisions

- ~ Hierarchy of Data Assignment
  - . ANV, Regional Tribe, Regional Corporation
- ~ Alaska Native Villages
  - . TDSA established by 1990 Census or Current Alaska Native Village Statistical Areas (ANVSA)
  - . Must not substantially exceed area of village
  - . Challenge process exists to use Census geography that most closely approximates area of village
- ~ Regional Corporations
  - . Alaska Native Corporations Statistical Area
- ~ In Alaska, All Needs are in a Formula Area

---

---

---

---

---

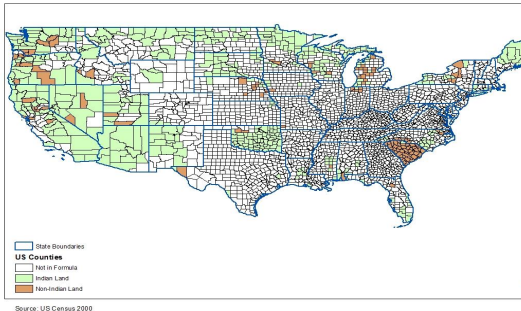
---

---

---

---

---



All of Alaska is included as Formula Area. Counties are shown as Indian Land if there is any Reservation or Trust Land Within the County.

---

---

---

---

---

---

---

---

---

---

To Expand Formula Area based on Substantial Housing Services

- Must have MOA or evidence of attempt;
- Must provide evidence of substantial housing services consistent with one of two options;
- Use Small Census Units;
- Public Notification and Comment;
- Commit to ongoing provision of housing Services.
- Areas Added before FY 2003
 . Subject to challenge by tribes with OTSAs
 . Follow Substantial Housing Services as guideline not requirement

Horizontal lines for notes or comments.

Substantial Housing Services Option1: Investment Driven

- Housing Services Funded by Any Source
- Provided to AIAN households =< 80% of Median Income
- Valued at Least 100% of Increase in IHBG Funding
- Annual Verification Required

Horizontal lines for notes or comments.

Substantial Housing Services Option 2: Enrollment Driven

- Affordable housing activities funded by IHBG
- Provided to AIAN Households=<80% of Median Income
- Valued at 51% or more of Current IHBG Allocation and
 . At least 51% of enrollment residing in area
 . or
 . at least 51% of AIAN in area is enrolled by tribe
- Annual Verification Require

Horizontal lines for notes or comments.