

**U.S. Department of Housing and Urban Development (HUD)
Indian Housing Block Grant Formula Negotiated Rulemaking Committee**

**Session 3
April 24, 2014**

The meeting started with an opening prayer.

Welcome and Overview of Day 2

Assistant Secretary Henriquez commented on the United Native American Housing Association (UNAHA) Resolution 2014-6, which was passed on March 31, 2014. She is concerned about the vote to categorically reject the use of the American Community Survey (ACS) data set. A group of tribes wants HUD to fund tribes to collect their own data and create a national tribal data set. Assistant Secretary Henriquez is concerned that this group is locked into one approach rather than being open to other options, and that their resolution violates “good faith.”

Ms. Henriquez emphasized that the census was chosen because it is equitable, accessible and objective. She believes that if the Census Bureau is evolving from the biennial census to the ACS model, that HUD should switch to using ACS unless someone can propose a third party, accessible and equitable alternative to ACS data.

Ms. Henriquez asked the committee to think about the pros and cons of ACS and to identify how the negatives can be addressed and mitigated. She stated that if the Negotiated Rulemaking Committee cannot reach consensus on a data set, then consistent with past practice, HUD will implement ACS data for 2015. Her preference is that the Negotiated Rulemaking Committee come to consensus about an approach.

Ms. Henriquez asserted that HUD is willing to price out undertaking a survey that would meet the committee’s view of the “right” questions and the data they need. The money would come from the Indian Housing Block Grant (IHBG) funding for tribes.

The tribal co-chair read a letter of appreciation from the Negotiated Rulemaking Committee for the record to honor Assistant Secretary Sandra Henriquez. The letter is signed by the whole committee. Ms. Henriquez thanked everyone on the committee and her staff.

The committee broke out into work groups for most of the remainder of the day.

Work Group Reports

Needs Work Group

The Needs work group brainstormed six data options and created a matrix with pros, cons and mitigation to cons:

- #1 – status quo – intended to be a blend of baseline and ACS simulation – tribes would get the “better” option
- #2 – ACS – AIAN count would use decennial 2010 census data and the other six variables would come from ACS
- #3 – ACS – AIAN count would use tribal enrollment and the other six variables would come from ACS
- #4 – work with HUD to develop a new survey
- #5 – work with census to clarify questions and see if ACS can address their concerns
- #6 – clarify with ACS the use of self-reported tribal affiliation

Tomorrow the Needs work group plans to come up with their top data source priorities. They expect to have a majority and minority opinion.

FCAS Work Group

The FCAS work group discussed the President’s budget request language, which inaptly referred to “phasing out” of formula home ownership units developed under 1937 Housing Act. HUD staff explained their position on the issue, and that they were seeking a legislative fix to clarify the issue. The work group is still working on this.

The work group came up with a proposal about when a unit can be rebuilt under the demolition language. They passed the proposal on to the drafting committee.

The FCAS work group discussed removing units after DOFA + 25 and “reasonable efforts” to convey. The work group is still working on these two issues.

The FCAS work group solicited volunteers for the drafting committee to turn concepts into regulatory language. The language would be approved by the work group, and if there is unanimous consent, it would be brought to the full Negotiated Rulemaking Committee.

Public Comment

There was no public comment.

Summary of Day 2 and Plan for Day 3

A committee member commented on the Needs work group. He/she would like some direction from the Negotiated Rulemaking Committee members about how to proceed, because without direction regarding a data source, the group cannot address other issues. The Needs work group co-chair asked for direction, and stated that the group can go in a different direction than the six options identified by the work group (listed above). It was decided that committee members will look at these ideas tonight and get back to the committee tomorrow morning.

The meeting ended with a closing prayer.