

1 U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
2 INDIAN HOUSING BLOCK GRANT FORMULA
3 NEGOTIATED RULEMAKING COMMITTEE
4

5 Thursday, August 28, 2014

6 8:41 a.m.

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19 DoubleTree Scottsdale

20 Coronado Room

21 5401 North Scottsdale Road

22 Scottsdale, Arizona 85250

1 MS. BRYAN: It was -- yes.

2 MR. HAUGEN: Okay. And I guess my next question,
3 and this is for the record. I know that the item got
4 voted down. But I guess this is something that affects
5 my region, and I guess this question is directed to HUD
6 because they were two of the dissenting votes. I guess
7 I want to know how HUD can support a regulation, in my
8 opinion, that is in violation of the statute.

9 MS. BRYAN: We had a question for HUD.

10 MR. ATALLAH: Jad Atallah with HUD. Just
11 addressing the issue involving the statute and whether
12 the current regulations look at households is
13 consistent with the statute or not. I mean, I think
14 our position is that whether you look at households or
15 whether you look at families, both are consistent with
16 the statute. There's no requirement in the statute
17 from our perspective that the formula has to only
18 reflect families.

19 The provision in the statute that governs the
20 formula is Section 302 of the statute. And Section 302
21 is intentionally written very broadly to allow HUD and
22 Indian tribes to negotiate a rulemaking process to

1 establish the formula. And there are many factors that
2 we're supposed to be considering and looking at, and
3 those factors are supposed to reflect the need of
4 Indian tribes in Indian areas.

5 So of those factors, those are -- some of those
6 factors include FCAS. Some of those factors include
7 things like the number of Indian families within the
8 Indian area of the tribe without necessarily specifying
9 income levels, which is why we count AIAN of any income
10 in certain formula areas. And then also other
11 objectively measurable conditions as the Secretary and
12 Indian tribes may specify through this process.

13 So strictly speaking from a legal standpoint, our
14 position is the regulations now are consistent with the
15 statute, and there's a lot of flexibility to change
16 them to also keep them consistent with the statute. We
17 don't think either approach is a violation of the
18 statute. It's just how this committee decides to
19 measure need.

20 MS. BRYAN: Thank you. So we have some
21 housekeeping things on the agenda, and a follow-up for
22 the Needs Work Group that needs to be voted on. Are