




U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING

MAR 31 2017

MEMORANDUM FOR: Heidi J. Frechette, Deputy Assistant Secretary for Native American Programs, PN

FROM: Jemine A. Bryon, General Deputy Assistant Secretary for Public and Indian Housing, P 

SUBJECT: Request to Waive the Regulatory Deadline for Submitting a Census Challenge

This is in response to your request for approval to waive the March 30<sup>th</sup> deadline at 24 CFR 1000.336(d) and grant an extension to file a Census challenge to the data used in computing the Fiscal Year (FY) 2018 Indian Housing Block Grant (IHBG) formula allocation for all tribes and Tribally Designated Housing Entities (TDHE).

Under the authority of Section 106 of the HUD Reform Act of 1989 and 24 CFR 1000.8, I find good cause to grant the waiver for the following reasons:

- Section 6 of the Executive Order 13175, “Executive Order on Consultation and Cooperation with Tribal Governments,” of November 6, 2000, requires HUD to consider applications for regulatory waivers with a general view of increasing opportunities for utilizing flexible policy approaches.
- Tribes/TDHEs will not receive the data used to compute their Needs variables prior to the Census challenge deadline for FY 2018.
- The Needs data that will be used to compute a tribe’s FY 2018 allocations will be published on the FY 2018 Formula Response Form, and mailed to all tribes/TDHEs by June 1, 2017. This data will come from the U.S. Decennial Census for the American Indian and Alaska Native (AIAN) person count Need variable and the American Community Survey (ACS) 5-year estimates for the remaining six Needs variables. Tribes typically review this information and decide whether a Census challenge is warranted.
- In accordance with §1000.336(d), tribes must submit Census challenges to HUD by March 30, 2017 for consideration for the FY 2018 allocation. This year, tribes/TDHEs will be notified of their Needs data used to compute their FY 2018 allocations by June 1, 2017, which is after the March 30, 2017 deadline to submit challenges for FY 2018.

Therefore, tribes/TDHEs will not be able to review their Needs data in order to comply with this requirement before the March 30<sup>th</sup> deadline.

In an effort to provide tribes/TDHEs with a similar amount of time as they had in prior FYs to review their data, the deadline is extended to March 30, 2018. The FY 2018 formula allocations will be computed shortly after HUD receives its FY 2018 appropriation. As a result, it is unlikely that HUD will complete the review of a tribe's submission in time to be incorporated into the FY 2018 allocations. In the event that HUD is unable to finish processing a tribe's request prior to the FY 2018 final allocation, then in accordance with §1000.336(e)(4), the tribe will receive a retroactive adjustment in a subsequent year's allocation.

**Waiver of Regulatory Deadline in the  
Indian Housing Block Grant (IHBG) Program**

**A. REGULATORY WAIVER**

**Indian Housing Block Grant (IHBG)**

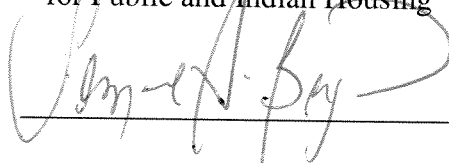
**1. 24 CFR 1000.336(d) Census Challenge Deadline.** The IHBG regulation at §1000.336(d) requires that tribes/tribally designated house entities (TDHE) submit documentation supporting Census challenges by March 30<sup>th</sup> to be considered for the upcoming fiscal year (FY) allocation. The deadline to submit Census challenges to the data used in computing the FY 2018 IHBG formula allocation is March 30, 2017. However, because of the transition to new Census data required by the recent IHBG regulatory changes, the Needs data that will be used to compute a tribe's FY 2018 allocations will not be provided to tribes/TDHEs until the FY 2018 Formula Response Form is mailed by June 1, 2017. Therefore, tribes/TDHEs will not be able to review their Needs data and submit challenges to the data before the March 30, 2017, deadline. A waiver of this deadline and an extension of the deadline to March 30, 2018, are to provide tribes/TDHEs with a similar amount of time as they had in prior FYs to review their Needs data.

**Waiver Granted By:**

Jemine A. Bryon, General Deputy Assistant Secretary  
for Public and Indian Housing

MAR 31 2017

**Signature:**



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**Date Granted:**

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