suggested that it should be deleted. On the other hand, two low-income advocates expressed support for the regulatory section providing that the jurisdiction should consult with adjacent local governments.

One local government believed the provision on consultation should be deleted because it is burdensome, particularly for large local governments which have dozens of adjacent local governments. The needs of its own residents are overwhelming and will use all available resources. Consultation with adjacent local governments would unreasonably raise expectations for services and assistance.

Another local government wanted clarification regarding whether consultation with local governments is required or optional and the subject of the consultation. Another local government said the language regarding notification and consultation is vague and the purpose to be served by "notifying" another jurisdiction is unclear.

The consultation provision with respect to adjacent local governments is statutorily required. The CDBG statute (section 104(m)(2)(A)) of the HCDA (42 U.S.C. 5304(m)) states, that in preparing the community development plan ("CD plan") describing the jurisdiction's priority nonhousing community development needs, the jurisdiction must, "to the extent practicable, notify adjacent units of general local government and solicit the views of citizens on [these] needs." The following paragraph of the statute requires submission of the CD plan to the State or any other unit of general local government within which the jurisdiction is located, as well as to HUD.

From the statutory context, the Department presumes that the views of adjacent jurisdictions are to be welcomed on the validity of the needs identified by these governments, just as the comments of the citizens are to be considered. Consultation with adjacent jurisdictions is not to be assumed to entail taking financial responsibility for satisfying the needs of the adjacent jurisdictions, but only reflects the perspective that adjacent jurisdictions may have occasion to know of needs of their neighbors.

With respect to the burden of notifying a multitude of adjacent jurisdictions, the rule does not require personal meetings with each one. The burden of mailing a document that has been prepared by the jurisdiction to a number of adjacent jurisdictions should be minimal.

An urban county asked for clarification on how this provision applies to an urban county. If there is no adjacent unit of general local government, the intergovernmental consultation requirement requires only submission of the CD plan to the State. (The language concerning submission of the CD plan to the State was not included in the proposed rule but has been added to the section in this final rule.)

Two local governments recommended that all jurisdictions in areas that receive funding under the HOPWA program should assist the jurisdiction responsible for submitting the HOPWA allocation in the preparation of its consolidated plan. This is the type of issue that was intended to be covered by the rule's provision concerning consultation for problems that go beyond a single jurisdiction, found in the penultimate sentence of § 91.100(a).

The Department has determined that the provision concerning consultation for problems and solutions that go beyond a single jurisdiction should have one more element added: consultation with "agencies with metropolitan-wide planning responsibilities where they exist."

## b. Public and Private Service Providers

One county commented that the regulation should recommend, rather than require, consultation with public and private agencies because the current CDBG citizen participation process is sufficient to ensure an open process for citizen participation. On the other side of the issue, several nonprofit disability advocates commented that the regulation should mandate, rather than encourage, consultation with public and private agencies. They suggest that the consultation should be undertaken at least 30 days before the jurisdiction develops its proposed consolidated plan.

The CHAS statute (section 105(b)(17), 42 U.S.C. 12705(b)(17)) requires a jurisdiction to consult with public and private agencies concerning programs and services to be provided in accordance with the housing strategy. Consequently, the proposed rule required such consultation. Section 91.100(a) provides: "When preparing the plan, the jurisdiction shall consult with other public and private agencies that provide assisted housing, health services, and social services (including those focusing on services to children, elderly persons, persons with disabilities-including HIV/AIDS, homeless persons) during preparation of the plan." However, the Department does not want to prescribe the precise

timetable for these consultations. Presumably, the consultation will take place well in advance of the jurisdiction's submission of its proposed consolidated plan.

Homeless and low-income advocates recommended that the regulation specifically mention consultation with specific entities. Most of the suggested groups are already included in the categories stated in the proposed rule. In addition, as residents, any persons not contacted as part of the consultation process will receive notice of and have the opportunity to participate in the development of the consolidated plan as part of the citizen participation process, described in § 91.105. In fact, residents in public and assisted housing developments are specifically mentioned in paragraph (a)(3) of that section. The Department believes it is unnecessary to lengthen the list of entities consulted.

A homeless advocate suggested adding a new paragraph to this section dealing with consultation on homeless needs. The advocate wanted the regulation to require the jurisdiction to convene a local board whose members are appointed by the jurisdiction and a majority of whom are currently or formerly homeless or nonprofit providers serving the homeless. The local board would be responsible for completing the homeless portions of the consolidated plan, which would be submitted to the jurisdiction for inclusion in the overall plan. The board would be responsible for considering comments on the homeless portion of the plan. This proposal may be authorized by legislative change; however, there is no statutory basis for it now. Elsewhere, the Department is encouraging communities to establish coordinating boards to carry out a homeless plan, but it is inappropriate to require it now in this rule.

## c. Public Housing Agency

Paragraph (c) of this section of the proposed rule requires the jurisdiction 'to consult with the local public housing agency participating in an approved Comprehensive Grant program concerning consideration of public housing needs and planned Comprehensive Grant program activities." One large housing authority commented that there should be a mutual exchange of information between the jurisdiction and the housing authority needed for the housing authority's Comprehensive Grant Program plan and for the jurisdiction's consolidated plan.

One local government interest group commented that HUD should be