sensitive to the difficulties involved in the requirement of consultation and interagency coordination, particularly with public housing authorities over which the jurisdiction has no control. They recommended that HUD pursue public housing regulation which require public housing agencies (PHAs) to work with the department of the jurisdiction that has responsibility for the consolidated plan. One city commented that the Comprehensive Grant program regulations already provide for local government cooperation in providing resident program and services to lowincome public housing residents. The proposed rule contained a change in that regulation (§ 968.320) designed to have exactly the effect suggested by the first commenter.

d. Lead-Based Paint Consultation

The consultation requirement for the portion of the consolidated plan concerning lead-based paint hazards is to consult with State or local health or child welfare agencies and "examine health department data on the addresses of housing units in which children have been identified as lead poisoned." One city stated that the information it receives from its health department is related to areas or blocks in which lead-poisoning cases have been identified, not specific "addresses," due to Privacy Act concerns about making information available to the public.

The CHAS statute (section 105(e)(2), 42 U.S.C. 12705(e)(2)) is stated in terms of requiring the jurisdiction to consult with the agencies and to "examine existing data related to lead-based paint hazards and poisonings, including health department data on the addresses of housing units in which children have been identified as lead poisoned." The statute does not pre-empt the Privacy Act, and the approach taken in this particular jurisdiction is reasonable. In addition, neither the statute nor the regulation requires the jurisdiction to provide data regarding the addresses to the public. The consolidated plan section for lead-based paint hazards under the housing needs assessment requires the plan to estimate the number of housing units that are occupied by low- and moderate-income families and that contain lead-based paint hazards.

Several low-income advocates point out that the regulation fails to restate the statutory language concerning consultation for lead-based paint hazards to examine "existing data related to lead-based paint hazards and poisonings," although the regulation does include the statutory language to examine data on the addresses of housing units in which children have

been identified as lead poisoned. The rule has been revised to include the missing statutory language.

e. Description of the Consultation Process

Disability community and lowincome community advocates recommend that the consolidated plan require a description of the consultation process and an identification of those who participated in the process. Such a description is required under the CHAS regulations (§ 91.15, as published on September 1, 1992). The rule has been revised to include such a provision.

Section 91.105 Citizen Participation ("CP") Plan

a. General

An urban county recommends that a section be added for urban county programs, enabling urban counties to complete a consortium-wide citizen participation plan, instead of a separate plan for each municipality. No change is needed. An urban county is the jurisdiction, and the regulation requires only one citizen participation plan for the jurisdiction.

One State commented that the regulation is not clear regarding what is applicable or required for State governments. The regulation seems to impose additional requirements for the planning process over and above CDBG requirements. The State believes that in the CDBG program, the State passes citizen participation requirements to local governments, which actually propose and carry out activities. It comments that the requirements imposed by the proposed rule are excessive and impractical at the State level.

Two States and two State interest groups commented that the guidelines indicate that States do not have to provide a detailed citizen participation plan for citizens, but must have such a plan for units of general local government. The regulations detail a laundry list of requirements and do not mention the fact that States are exempt from this requirement. Clarification is needed.

One State agency commented that it would be difficult to implement the regulatory provision that encourages the participation of all citizens, including minorities, non-English speaking persons, and persons with disabilities. The State action plan does not require the State to identify the geographic areas within the state that will receive funds or the specific activities to be funded. Therefore, such participation would be required by every potentially involved

geographic area of the state and every potentially affected population. The agency suggested that the rule permit States to develop citizen participation plans that include participation of citizens and groups representative of potentially affected geographic areas (i.e., rural, urban and/or suburban) or potentially affected populations.

Two State agencies commented on the provision requiring the jurisdiction to provide information to the public housing agency about housing and community development plan activities related to its development and surrounding communities, so the housing agency can make this information available at the public hearing required under the Comprehensive Grant program. One State said that the provision does not make sense for States and should not apply to States. Another State explained that it does not currently have ties with every public housing authority throughout the State, although it is developing these relationships.

A citizen participation process is statutorily required for the CDBG program and the CHAS. Under the CDBG program, citizen participation requirements are imposed by the statute for both the State and the local governments. The rule has been revised to have a separate section on the citizen participation plan for States, which takes into account the unique situation of States, eliminating the requirement that information be furnished to the public housing agency for its use in developing its Comprehensive Grant program.

One local government thought that this section was extremely confusing; it is not clear whether hearings and comments pertain to the citizen participation plan, the consolidated plan, or both. The Department agrees that the language needs to be more precise. This section has been reorganized and clarified.

Low-income advocates commented that HUD should give clear and precise minimum standards to jurisdictions in terms of time periods for each step in the process and the type of notice, in order to avoid confusion as to whether or not the jurisdiction is complying with HUD's purpose and to ensure meaningful citizen participation. Expressing a different point of view, one local government commented that the requirement for more citizen and agency participation may complicate an already lengthy consultative process. This local government already has a nine month process to include citizens and agencies in determining the elements of the CDBG application; adding components