Fearing that jurisdictions will make this information available the day before a consolidated plan is adopted, lowincome advocates urged that the regulation specify a time period for the jurisdiction to make information available to the public. The commenters suggested various periods of 10 to 30 days before the consolidated plan is prepared, and at least 30 days or 60 days before the consolidated plan is adopted.

This requirement is derived from both the CDBG statute and the CHAS statute. Since the Department is not aware of any controversy concerning the implementation of the CDBG requirement to furnish information, it declines to impose a time limit in this rule, whose purpose is to consolidate requirements—not to impose more strict timeframes on jurisdictions. Again, the jurisdiction's citizen participation plan is the appropriate place for these timeframes.

Local governments and local government interest groups supported the regulation for permitting publication of a summary of the proposed consolidated plan, rather than the entire plan. Low-income and disability community advocates indicated disapproval of this proposal. One local government requested that the regulation should list precise content requirements for the plan summary to avoid lengthy disputes about what content is acceptable. The Department continues to believe that publication of a summary of the consolidated plan is more meaningful to stimulate general interest in the process than publication of the lengthy and complicated document. However, the rule is not being revised to specify its precise

Low-income and disability community advocates indicated that the entire draft consolidated plan, plan amendments, and the performance reports, must be made available to citizens within a period such as two working days free of charge. The Department agrees that the documents needed for public comment must be made available without charge in a timely fashion. This requirement is being added to the rule.

Low-income advocates want the consolidated plan computer software to be made available to community-based organizations. They suggested that one local grassroots organization could be chosen to act as a lead and to share the software with other such organizations. The software should also be made available at no or reduced cost to local libraries. Among the options that HUD is considering at this point are participating in a number of

demonstrations with city-wide low income coalitions where HUD would provide the software and providing reduced cost copies of the software to various groups.

One local government asked when the period begins for access to records and information relating to the jurisdiction's use of program assistance during the preceding five years. The commenter also said that the CDBG program only requires records to be maintained for three years and suggests the regulation be amended to give access to records for the preceding three years. The current CDBG program regulation requires records to be maintained for three years after the date of submission of the performance report in which the specific activity is reported on for the final time. The CHAS statute requires access to records regarding assistance received during the preceding five year period. Blending these provisions to cover all the programs requires use of the five-year period.

Accordingly, the program regulations are being amended in this rule to require records to be retained for a longer period than is currently required. Since performance reports are submitted after the program year, retention of records for four years after the activity is last included in a performance report yields a five-year retention period. For the CDBG program, the retention period has been changed to four years after the CDBG activity is last included in the performance report. Since program closeout would occur no earlier than the end of the program year in which the activity is initiated, retention of records for four years after closeout yields a five-year retention period. For programs other than the CDBG program, the retention period has been changed to four years after closeout.

e. Notice

Some low-income advocates support the requirements in the proposed regulation for the kind of citizen participation required, but virtually all of the advocates believe that the regulation fails to provide sufficient specificity regarding "publish" and "notice" and reasonable opportunity to comment.

Suggestions for specific elements to be included in the rule were the following: how notice is given; what groups and populations must receive notice; time period for advance notice before issuance of the draft plan (45 days); and responses provided in draft plan to all oral and written comments received at or before the first public hearing. The notice should be in the non-legal section of major daily

newspapers, in major non-English newspapers, and in public service announcements on TV and radio. The jurisdiction should maintain a mailing list of interested individuals, nonprofit organizations, low-income neighborhood organizations, and other interested parties and be required to send written notice of the opportunity to comment on the proposed consolidated plan, as well as a copy of the final plan. Copies also should be available at public and private agencies that provide assisted housing, health services, and social services. In addition, a reasonable number of copies are to be provided without charge to citizens and groups that request a copy.

The Department declines to add all of these elements to the rule. However, recognizing that citizen notice of hearings is critical to success of citizen participation, the Department has added language to indicate that publishing small print notices in the newspaper a few days before the hearing does not constitute adequate notice. Also, the examples provided by commenters are excellent examples of how to provide notice, and they will be included in the Guidelines issued to assist jurisdictions in implementing the rule.

The proposed rule contained three provisions related to accessibility of the process to persons with disabilities: the statement about encouraging the participation in the citizen participation process in paragraph (a)(2), discussed above, the statement that accommodations for persons with disabilities must be made at public hearings in paragraph (b)(5), and the statement about accessibility of the citizen participation plan in paragraph (c)

Several disability community advocates commented that section 504 of the Rehabilitation Act (29 U.S.C. 794) requires each jurisdiction to make the content of the proposed plan available to persons with disabilities in a form that is accessible to them. Further, they stated that it is essential that announcements, materials, training sessions, and hearings related to the plan are accessible to persons with disabilities.

Several cities asked whether the format accessible to persons with disabilities had to be available regardless of demand for the format. Two cities suggested that the regulatory provision for the citizen participation plan to be made available in a format accessible to persons with disabilities should be based upon a specific request. One city based this suggestion on the fact that taped or Braille version of information had not been requested in