

the past 20 years. The rule has been revised to require provision of the materials in accessible form, upon request.

f. Comment Period

Comments were received about the appropriateness of the 30-day comment period on the consolidated plan, as well as on the 30-day comment period for plan amendments and for performance reports. Several local governments believe that the 30-day comment period for the consolidated plan is reasonable. Several low-income advocates want the minimum period for the jurisdiction to receive comment from citizens on the consolidated plan to be increased from 30 days to 60 days to give residents more adequate opportunity to research, discuss, and comment on the proposed consolidated plan.

The opportunity to comment on the consolidated plan derives from the CHAS statute, section 107(a), which requires that a jurisdiction provide a reasonable opportunity to examine the content of the proposed housing strategy and to submit comments on the proposed housing strategy and from the CDBG statute, section 104(a)(2)(B), which requires CDBG grantees to provide a reasonable opportunity to examine the content of the proposed statement of CDBG activities and to submit comments on the proposed statement. The Department believes the 30-day period specified in the rule for this process is appropriate, especially given the comments from both sides of the issue.

Thirty days was stated to be too long and burdensome a comment period for amendments by several local governments. The commenters suggested a 15-day comment period for amendments to the plan or suggest that the regulation not prescribe the period and instead required a "reasonable period."

One local government stated the 30 day period for receiving comments on reports is a new requirement and is infeasible because the report is due 90 days after the end of the program year and the report will require information on all the formula programs. Two other local governments agreed that the requirement for notification and a 30 day comment period for performance reports is time consuming, redundant, and should be eliminated. Others suggested a 15-day period for the performance report or a "reasonable period."

A public comment period is required for substantial amendments and performance reports in accordance with the CHAS statute, section 107(b).

Section 91.62 of the current CHAS rule contains this same requirement. The requirement, therefore, is not totally new, although jurisdictions may not have been required to submit performance reports concerning formula grant programs for public comment before submitting them to HUD.

We note that not all changes in activities constitute a "substantial amendment" that will trigger this public comment process. See the provision that permits the jurisdiction's citizen participation plan to determine what type of change requires a substantial amendment.

The final rule has been revised to provide that the comment period for performance reports is 15 days, instead of 30 days, and the deadline for submission of the reports is preserved at 90 days after the end of the program year.

Several low-income community advocates also suggested that the regulation specify a period between the end of the comment period and the submission of the plan so that the jurisdiction will be able to make changes in plan based on citizen comments. Different timeframes were suggested: at least 10 working days, 30 days. The final rule has been reorganized so that the provision requiring a minimum 30 day public comment period also requires that the jurisdiction must consider the comments. The jurisdictions need to give themselves adequate time to consider the comments, but the regulation does not prescribe this time period.

g. Technical Assistance

Paragraph (b)(4) of the proposed rule requires that the citizen participation plan "must provide for technical assistance to groups representative of persons of low- and moderate-income that request such assistance in developing proposals for funding assistance under any of the programs covered by the consolidated plan, with the level and type of assistance determined by the jurisdiction."

One State and one State interest group asked for clarification of how this provision would apply to States. They indicated that since some States do not develop proposals for CDBG and HOME programs, but instead receive requests from local governments for funds for what they determine to be their local needs, the States would not be in a position to provide this type of technical assistance. A local government wanted clarification regarding whether this requirement is statutory, and

suggested eliminating it if it is not statutorily required.

This provision comes from the CDBG statute and has applied to the CDBG State and Entitlement programs since 1988, so it cannot be eliminated. However, the CDBG rule has applied the requirement to States via the local governments' citizen participation plans (see § 570.486(a)(4)). The final rule has been revised to treat it the same way in the separate States provision on citizen participation.

Two states commented that the regulation is unclear on the extent of the technical assistance that is to be provided. Government interest groups and a local government expressed support for the regulation language, which requires the jurisdiction to determine the level and type of technical assistance. There is no change to the final rule on this issue, although more guidance is provided on it in the Guidelines.

Two agencies from one State wanted to know the source of funds to provide the technical assistance and requested that the regulation specifically permit federal administrative funds to cover the costs of providing technical assistance. One low-income advocate also asked whether funds will be available to jurisdictions to provide this technical assistance to them. Another State also wanted to know the extent of any tracking of such assistance that might be required. Technical assistance is an eligible administrative expense under the CDBG and HOME programs.

One low-income advocate suggested that technical assistance available to groups representative of very low and low-income people should be advertised via mailings to all such groups in the jurisdiction. Available technical assistance should include written guidance, telephone contact and one-on-one meetings. Low-income and disability community advocates want HUD to provide funding to their organizations to develop materials and training for citizen groups to allow for meaningful participation. The rule does not prescribe the forms of technical assistance, but the implementing guidelines will include suggestions.

h. Public Hearings

Local government interest groups stated that they believe that public hearings are not the most effective way to obtain citizen views. One city and low-income advocate recommended neighborhood meetings as useful in the process. The rule follows the statute in requiring public hearings, but is open to other forms of involving the public.