



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D.C. 20410-7000

ASSISTANT SECRETARY FOR

COMMUNITY PLANNING AND DEVELOPMENT

SEP 21, 2005

MEMORANDUM FOR: All CPD Field Office Division Directors

This document has been
signed by
Pamela H. Patenaude

FROM: Pamela H. Patenaude, Assistant Secretary, D

SUBJECT: Waiver of 24 CFR 91.115(c)(2) to Reduce Public Comment
Period Associated with Amendments to State Consolidated
Plans

Due to the impact of Hurricane Katrina, inhabitants along the Gulf Coast in Alabama, Mississippi and Louisiana have been forced to abandon their homes and seek shelter in other communities and in other states. Several states have proposed the use of State Community Development Block Grant (CDBG) funds and other funds to pay costs associated with the expense of housing and serving this population. Given the unexpected nature of this situation, the grantees' consolidated plans do not include activities designed to address these needs and expenses. In addition, states affected by the disaster may wish to revise their State CDBG Method of Distribution, such as to shift significant amounts of money from one funding category to another, create a new disaster recovery-oriented funding category, or revise application submission and review processes. In order to quickly address these costs or revise their program design, states are seeking to waive the thirty (30) day public comment period standard in order to amend approved consolidated plans.

Section 104(a)(2) of the Housing and Community Development Act of 1974, as amended (the Act), requires that CDBG grantees implement a citizen participation process as a prelude to the allocation and expenditure of CDBG funds. Section 107 of the Cranston Gonzalez National Affordable Housing Act also specifies that grantees must provide citizens with an opportunity to comment on the grantee's housing strategy and any amendments thereto. A grantee's proposed allocation of funds to eligible activities and citizen participation plan are components of its consolidated plan required pursuant to 24 CFR 91. The specific statutory requirement is implemented through 24 CFR 91.115, which describes the standards for citizen participation plans applicable to the State CDBG program and other formula grant programs administered by the Office of Community Planning and Development (CPD).

CDBG grantees may amend their approved consolidated plans pursuant to 24 CFR 91.505. The originally approved consolidated plan specifies criteria for determining whether proposed changes constitute a substantial amendment of that plan and thereby

trigger the applicability of certain citizen participation requirements. Of immediate concern is the provision of 24 CFR 91.115(c)(2) requiring that states provide a period of not less than 30 days during which affected citizens and units of general local government may review and comment on the substantial amendment prior to its implementation.

The Department cannot waive the statutory requirement for a public comment period but can provide significant relief from the 30 day standard established through 24 CFR 91.115. HUD has determined that a minimum three (3) calendar day public comment period would be acceptable given the circumstances. Given the immediate need to address the expenses associated with this influx of individuals and to otherwise respond to revised funding priorities, I find that there is good cause pursuant to 24 CFR 91.600 to waive the 30 day public comment standard of 24 CFR 91.115(c)(2) and institute a minimum three (3) day comment period. The relief granted by this waiver will be available through November 30, 2005 to states solely for activities related to Hurricane Katrina assistance efforts.

States exercising this waiver should so indicate in writing to HUD as soon as it is convenient.

Questions regarding this waiver should be directed to Steve Johnson, Director, State and Small Cities Division, at (202) 708-1322, extension 4548, or at Steve.Johnson@hud.gov.