

# Amendments to the Consolidated Plan / Annual Action Plan and EDI / Section 108 Grant Application

From time-to-time, it may be necessary for the City to process a “Substantial Amendment” to the Five Year Consolidated Plan or the One Year Action Plans to allow for new CDBG, ESG, HOPWA, HOME, or EDI funded activities; modification of existing activities; or other CPD program administrative actions.

Any proposed amendment that is considered a “Substantial Amendment” is subject to the Citizen Participation process, requires formal action by the City Council, and approval by HUD. A thirty (30) day public notice is published to provide the opportunity for the public to review and comment on the proposed substantial amendments. The City will consider all comments or views received from the public concerning proposed substantial amendments in accordance with 24 CFR 91.105 (c) (3). A summary of these comments and views, including comments or views not accepted (and the reason why) shall be attached to the substantial amendment.

It should be noted that the process for amending the EDI / Section 108 Grant Application (EDI) differs substantially from that used for the Consolidated Plan/ Annual Action Plan and other Section 108 programs. First, in accordance with Item 8 of the executed Grant Agreement between the City of Houston and HUD, the EDI can only be amended with prior written permission of HUD. In the case of the Consolidated Plan / Annual Action Plan or other Section 108 programs, HUD is notified of the amendment following City Council approval. Second, federal regulations require that a public hearing be held when amending the EDI Grant Application. However, no such requirement is attached to the amendment process for the Consolidated Plan / Annual Action Plan or other Section 108 programs. For any program amended, verbal and written citizen comments will be summarized and submitted to HUD along with HCDD’s response to each. EDI is subject to all CPP requirements applicable to the Consolidated Plan / Annual Action Plan where they are the same as specifically required under 24 CFR §570.704.

For the purpose of this Citizen Participation Plan, amendments to the Consolidated Plan are divided into four categories: Substantial Amendments, Minor Amendments, One-Percent Amendments, and Emergency Amendments.

The City of Houston is required by HUD [24 CFR 91.505 (b)] to identify the criteria to be used in determining if a proposed action will be considered a “Substantial Amendment”. The following criteria will be used by the City:

## **Substantial Amendments**

1. Addition of a new activity or project not previously described in its Consolidated or Action Plan
2. Deletion of an activity or project previously described in its Consolidated or Action Plan
3. Change in the purpose, scope, location or beneficiaries of an activity or project previously described in its Consolidated or Action Plan
4. Change in the use of CDBG funds from one eligible activity or project to another previously described in its Consolidated or Action Plan
5. Change in an activity or project (previously described in its Consolidated or Action Plan)

6. **Total dollar amount** allocated or budgeted by more than 25 percent

### **Minor Amendments**

Minor amendments represents any changes to the Consolidated Plan or Action Plan that do not qualify as “substantial amendments”, and are more than 1 percent change in funding including correction of errors in the original plan. Minor amendments require the signature of the City of Houston, Housing and Community Development Department director or designated representative, but do not require public notice of 30 days or City Council approval.

### **One-Percent Amendments**

A one-percent amendment represents any change in the funded amount of a project that is one-percent or less change. These amendments require the signature of the City of Houston, Housing and Community Development Department director or designated representative, but do not require public notice of 30 days or City Council approval.

### **Emergency Amendments**

From time-to-time a natural disaster (such as, hurricane) or other catastrophic occurrence within the City of Houston may necessitate a Consolidated Plan amendment which could meet the definition of a Substantial Amendment. The City of Houston may request and obtain from HUD a complete waiver or reduction in days of the required 30 days public notice period for Substantial Amendments. These amendments require the signature of the City of Houston, Housing and Community Development Department director or designated representative, adherence to state and local laws regarding contracts and procurement, and HUD waiver and/or approval, but do not require public notice of 30 days.