

# Interpretation of Regulations Concerning Rehabilitation

June 22, 1987

MEMORANDUM FOR: St. George I. B. Crosse, Manager  
Baltimore Office, 3.IS

FROM: Jack R. Stokvis, General Deputy Assistant for Community Planning and Development,

**SUBJECT: Request for Clarification of Regulation Requiring Publication of Proposed CDBG Statement**

A number of communities including Baltimore, on behalf of whom your May 22, 1986, memorandum was written, have raised the issue of the meaning of "publish community-wide." The comments all have suggested in one way or another the publication of "a notice of availability," rather than publishing the actual statement. The primary reason cited for this position is the high cost of publishing the statement.

Section 104(a)(2)(B) of the Act specifically requires publication of the proposed statement in such a manner so as to afford affected citizens an opportunity to examine and comment on the contents. The regulations expand on that somewhat by requiring at 24 CFR 570.301(a)(b)(3) that the statement be published "community-wide." It has been our decision that the publication of the proposed statement in a newspaper of general circulation is sufficient for this purpose. On the other hand, we have determined that simply publishing a notice of availability of the statement, coupled with placing copies of the statement in all public libraries could not be considered to constitute "community-wide publication." This is because it relies not only upon the affected citizen seeing the notice but also taking the initiative of going to the library in order to find out what the grantee is proposing to do with the CDBG funds.

In the case of Baltimore, however, they are using a more elaborate approach to supplement the published notice of availability. In determining whether their system should be considered to constitute community-wide publication, the following factors should be considered:

- whether the 500 community organizations receiving copies of the proposed statement represent all of the areas of the city containing a significant concentration of lower income persons and any other areas in which the city proposes to carry out CDBG assisted activities, and
- the extent to which these organizations make known the proposed activities to residents of the area they represent.

If your office can conclude that, based on the above factors, a broad cross-section of the city's affected citizens are being made aware of the proposed activities and given the opportunity to make their views known to the city, then we believe this should be considered acceptable.

As a final point, it should be made clear that a grantee's final statement may contain a greater or lesser level of detail than the proposed statement, as long as it contains all of the information required in the regulations.