

38. Section 570.429 is amended as follows:

a. By removing from paragraph (b) the word "through" and by adding, in its place, the word "and"; and

b. By revising paragraphs (f) and (g) to read as follows:

§ 570.429 Hawaii general and grant requirements.

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(f) *Required submissions.* In order to receive its formula grant under this subpart, the applicant must submit a consolidated plan in accordance with 24 CFR part 91. That part includes requirements for the content of the consolidated plan, for the process of developing the plan, including citizen participation provisions, for the submission date, for HUD approval, and for the amendment process.

(g) *Application approval.* HUD will follow the requirements of 24 CFR 91.500.

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§ 570.430 [Amended]

39. Section 570.430 is amended by removing paragraph (f).

§ 570.431 [Amended]

40. Section 570.431 is amended by removing paragraph (f).

41. In § 570.485, paragraphs (b), (c), and (e) are removed; paragraph (d) is redesignated as paragraph (b); and paragraph (a) is revised to read as follows:

§ 570.485 State submissions and state citizen participation requirements.

(a) *Required submissions.* In order to receive its annual CDBG grant under this subpart, a State must submit a consolidated plan in accordance with 24 CFR part 91. That part includes requirements for the content of the consolidated plan, for the process of developing the plan, including citizen participation provisions, for the submission date, for HUD approval, and for the amendment process.

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42. Section 570.487 is amended by revising paragraph (b) to read as follows:

§ 570.487 Other applicable laws and related program requirements.

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(b) *Affirmatively furthering fair housing.* The Act requires the state to certify to the satisfaction of HUD that it will affirmatively further fair housing. The act also requires each unit of general local government to certify that it will affirmatively further fair housing. The certification that the State will affirmatively further fair housing shall specifically require the State to assume

the responsibility of fair housing planning by:

(1) Conducting an analysis to identify impediments to fair housing choice within the State;

(2) Taking appropriate actions to overcome the effects of any impediments identified through that analysis;

(3) Maintaining records reflecting the analysis and actions in this regard; and

(4) Assuring that units of local government funded by the State comply with their certifications to affirmatively further fair housing.

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43. Section 570.491 is revised to read as follows:

§ 570.491 Performance and evaluation report.

The annual performance and evaluation report shall be submitted in accordance with 24 CFR part 91.

(Approved by the Office of Management and Budget under control number 2506-0117).

44. In § 570.502, paragraph (a)(16) is revised to read as follows:

§ 570.502 Applicability of uniform administrative requirements.

(a) * * *

(16) Section 85.42, "Retention and access requirements for records," except that the period shall be four years;

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45. In § 570.506, paragraphs (e) and (g)(1) are revised to read as follows:

§ 570.506 Records to be maintained.

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(e) Records that demonstrate compliance with the citizen participation requirements prescribed in 24 CFR part 91, subpart B, for entitlement recipients, or in 24 CFR part 91, subpart C, for HUD-administered small cities recipients.

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(g) * * *

(1) Documentation of the analysis of impediments and the actions the recipient has carried out with its housing and community development and other resources to remedy or ameliorate any impediments to fair housing choice in the recipient's community.

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46. In § 570.507, paragraph (a) is revised to read as follows:

§ 570.507 Reports.

(a) *Performance and evaluation report*—(1) *Entitlement grant recipients and HUD-administered small cities recipients in Hawaii.* The annual performance and evaluation report shall

be submitted in accordance with 24 CFR part 91.

(2) *HUD-administered small cities recipients in New York.* (i) *Content.* Each performance and evaluation report must contain completed copies of all forms and narratives prescribed by HUD, including a summary of the citizen comments received on the report.

(ii) *Timing.* The performance and evaluation report on each grant shall be submitted:

(A) No later than October 31 for all grants executed before April 1 of the same calendar year. The first report should cover the period from the execution of the grant until September 30. Reports on grants made after March 31 of a calendar year will be due October 31 of the following calendar year, and the reports will cover the period of time from the execution of the grant until September 30 of the calendar year following grant execution. After the initial submission, the performance and evaluation report will be submitted annually on October 31 until completion of the activities funded under the grant;

(B) Hawaii grantees will submit their small cities performance and evaluation report for each pre-FY 1995 grant no later than 90 days after the completion of their most recent program year. After the initial submission, the performance and evaluation report will be submitted annually until completion of the activities funded under the grant; and

(C) No later than 90 days after the criteria for grant closeout, as described in § 570.509(a), have been met.

(iii) *Citizen comments on the report.* Each recipient shall make copies of the performance and evaluation report available to its citizens in sufficient time to permit the citizens to comment on the report before its submission to HUD. Each recipient may determine the specific manner and times the report will be made available to citizens consistent with the preceding sentence.

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§ 570.509 [Amended]

47. Section 570.509 is amended by removing from paragraph (b)(1) the word, "§ 570.507" and adding in its place the words, "24 CFR part 91"; and by removing from paragraph (d) the phrases, "*comprehensive housing affordability strategy*", "*Comprehensive Housing Affordability Strategy (CHAS)*", and "*fiscal year*", and adding, in their place, the phrases, "*consolidated plan*", "*Consolidated Plan*", and "*program year*", respectively.