

## Attachment B.5

**Significant Amendment or Modification.** Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.

In accordance with 24 CFR §903.7(r)(2) which requires public housing authorities to identify the basic criteria the agency will use to determine a substantial deviation from its 5-Year Plan and significant amendments or modification to the 5-Year Plan and Annual Plan, the following definitions are used:

**Substantial Deviation:** A substantial change in the goals identified in the Five-Year Plan. For example, making a formal decision not to pursue a listed goal; or substituting an entirely different set of activities to achieve the goal.

**Significant Amendment/Modification:** Adding or eliminating major strategies to address housing needs and to major policies (e.g., policies governing eligibility, selection or admissions and rent determination) or programs (e.g., demolition or disposition, designation, homeownership programs or conversion activities); or modifying a strategy such that a substantial transfer of resources away from others is necessary in order to carry it out. Under this PHA Annual Plan, the HACCC is clarifying that any change required to comply with state or federal rule, law, or regulation, where the HACCC is not able to adopt discretionary policy, would not be considered a significant amendment. However, the HACCC would continue to work with the Resident Advisory Board and staff for comments.

For Capital Fund Program projects that deviate from the Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual State/Performance and Evaluation Reports, only projects that meet the following criteria shall require 5-Year and Annual Plan Amendment: the amount of funds being required exceeds \$10 Million and/or the number of units being worked on comprises more than 15% of a developments ACC unit count. Adding or eliminating major strategies to address housing needs and to major policies (e.g., policies governing eligibility, selection or admissions and rent determination) or programs (e.g., demolition or disposition, designation, homeownership programs or conversion activities); or modifying a strategy such that a substantial transfer of resources away from others is necessary in order to carry it out. Under this PHA Five Year Plan, the HACCC is clarifying that any change required to comply with state or federal rule, law, or regulation, where the HACCC is not able to adopt discretionary policy, would not be considered a significant amendment or modification. However, the HACCC would continue to work with the Resident Advisory Board and staff for comments.

For Capital Fund Program projects that deviate from the Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual State/Performance and Evaluation Reports, only projects that meet the following criteria shall require 5-Year and Annual Plan Amendment: the amount of funds being required exceeds \$10 Million; number of units being worked on comprises more than 15% of a developments ACC unit counts. Where work is not specifically budgeted, monetary placeholders will be provided in lieu of specific development language.

As part of the Rental Assistance Demonstration (RAD) Program, the definition of a substantial deviation from the agency's annual plan will exclude the following RAD-specific items, provided that the adjustments to the RAD plans are authorized by HACCC's Board of Directors in the normal course of business:

- (1) Changes to the Capital Fund Budget produced as a result of each approved RAD conversion, regardless of whether the proposed conversion will include use of additional Capital Funds;
- (2) Changes to the construction and rehabilitation plan for each approved RAD conversion;
- (3) Changes to the financing structure for each approved RAD conversion;
- (4) The date the significant amendment is submitted to the PHA Plan website;
- (5) Decisions to dedicate a portion of the agency's existing capital funds budget and/or public housing reserves as a source of funds for purposes of a RAD conversion and recapitalization transaction.