Definition of “Substantial Deviation” and “Significant Amendment or Modification”

In accordance with HUD regulations in 24 CFR 903.7 (r) and 24 CFR 905.3, HHA has defined below the basic criteria that will be used for determining (1) substantial deviation from its 5 Year Plan; (2) significant amendment or modification to the 5 Year and Annual PHA Plans; and (3) significant amendment or modification to the Capital Fund Program (CFP) 5-Year Action Plan. Prior to implementing changes that meet such criteria, HHA will submit for HUD’s approval, a revised Plan that meet full public process requirements including Resident Advisory Board review and consultation.

HHA’s criteria, as defined below, is applicable to all CFP components including: Capital Fund grants; Replacement Housing Factor (RHF) grants; Disaster Grants; Capital Fund Financing Program (CFFP) allocations; as well as any new or future formula components such as Demolition and Disposition Transitional Funding (DDRF).

1) Criteria for defining “Substantial Deviation” from the 5 Year Plan:
   a) A major change in the direction of HHA pertaining to its mission and goals would constitute a substantial deviation from the Agency’s 5 Year Plan.
   b) Examples include the undertaking of new program activities, development strategies, or financing initiatives that do not otherwise further HHA’s stated mission and goals as articulated in the 5 Year Plan.

2) Criteria for defining “Significant Amendment or Modification” to the 5 Year and Annual PHA Plans:
   a) Substantial changes to demolition, disposition, designated housing, homeownership, or conversion activities identified in the HUD approved Annual or 5 Year Plans.

3) Criteria for defining “Significant Amendment or Modification to the Capital Fund Program (CFP) 5 Year Action Plan:
   a) Proposed demolition, disposition, homeownership, Capital Fund financing, development, or mixed finance proposal are considered significant amendments to the CFP 5 Year Action Plan.
   b) Additions of non-emergency work items not included in the current CFP Annual Statement or CFP 5 Year Action Plan that exceed 20% of the relevant annual budget year.

4) Exceptions:
   a) Changes under the above definitions that are required due to HUD regulations, federal statues, state or local laws/ordinances, or as a result of a declared national or local emergency will not be considered substantial deviation or significant amendment/modification.
   b) Changes under the above definitions which are funded by any source other than federal funds will not require Plan amendment or modification.