





TO: DONELLA CLARKE, GRANTS ADMINISTRATION MANAGER, COMMUNITY & ECONOMIC DEV, GRANTS  
DIVISION

FROM: CAMILLE WALLACE, ESQ., SENIOR ASSISTANT CITY ATTORNEY 

THROUGH: SARA HEDGES, CITY ATTORNEY 

RE: RLS 25-255 CDBG 2025-2026 ANNUAL ACTION PLAN RESOLUTION

CAO RLS#: 25-314

DATE: OCTOBER 16, 2025

---

I have reviewed the above Request for Legal Services (RLS) related to the city's CDBG 2025 Consolidated Plan / Annual Action Plan (CP/AAP) submitted to HUD and the Resolution. In response to the submitted CP/APP, the city received the Notification of Disapproval of the 2025 Consolidated Plan/Annual Action Plan to formally notify the city that HUD disapproved the CP/AAP as substantially incomplete for the following two deficiencies. Compliance with both and additional comments are noted below:

1. **Deficiency 1: Public Comment Requirement Was Not Met:** HUD regulations at 24 CFR § 91.105 and 91.115 require that a jurisdiction provide a minimum 30-day public comment period for citizen participation on the draft Consolidated Plan/ Annual Action Plan.  
**Corrective Action:** According to the most recent Public Notice, the city will accept public comments to the draft CP/AAP during the 30-day public comment period which commenced on 10/1/25 and will end on 10/31/25. The city will continue to receive public comments, thereafter, up through and until the Public Hearing scheduled for November 3, 2025. **Compliance will be achieved when the comment period ends.**
2. **Deficiency 2: SF-424 Was Not Dated with Approving Signature:** The SF-424 must be executed by both the signature of the authorized official and the date the funding application was signed.  
**Corrective Action:** On the SF-424, SF-424B, and Non-state Certification, the Mayor should be the authorized official to execute and date the certifications. Note that the Mayor, as the authorized official, will certify that the city is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR § 91.105. **Compliance will be achieved when the SF-424, SF-424B, and the Non-State Certification forms are presented to the Mayor for execution.**
3. **Additional Comments:**
  - a. **Public Notice for 30-Day Comment Period and Public Hearing –**

- i. 30 Day Comment Period - The Public Notice was reportedly published in three places - local Treasure Coast Newspapers, posted in City Hall on the 1<sup>st</sup> and 2<sup>nd</sup> Floor, and posted at the FPUA in compliance with 24 CFR § 91.105 and the city's participation plan.
    - ii. Public Hearing – As required by 24 CFR § 91.105 and the city's participation plan, the city must provide advance notice of each public hearing to encourage public participation on the CP/AAP. HUD will consider advance notice of each public hearing adequate when publication occurs at minimum two weeks before a public hearing. The Public Notice also notifies city residents of the Public Hearing scheduled for November 3, 2025, at 5:05pm and was reportedly published *again* in three places- local Treasure Coast Newspapers, posted in City Hall on the 1<sup>st</sup> and 2<sup>nd</sup> Floor, and posted at the FPUA. The notice requirement should be met so long as the Public Notice was published at minimum more than two weeks ago.
  - b. AAP Review – One of the main comments focus on the dates for the 30-day comment period. The CP/AAP states, in multiple sections, that the 30-Day Comment Period is from October 1 through November 2, 2025, which directly contradicts the Public Notice. I recommend revising the dates in the CP/AAP to match the dates in the Public Notice to remain consistent.
  - c. Resolution – A redlined version reflecting edits has been uploaded along with a clean version for use as a template for future agenda items. Based on the rejection from HUD that the certifications must be signed by the authorized official, language has been added to the Resolution authorizing the Mayor to execute SF-424, SF-424B, and the Non-State Certification. Please remember to attach these documents as Exhibit B to the Resolution. Additionally, as a reminder, the Department must ensure the accuracy of the CP/AAP prior to presenting this item to support the Commission's approval and the Mayor's certification.
4. Reminder: Per the HUD Notification of Disapproval and 24 CFR 91.500(d), the city must resubmit the CP/AAP within 45 days after first notification of the Plan disapproval or no later than November 9, 2025.
  5. Proper RLS Submissions: Per the Request for Legal Services Policy and Procedures, which has been provided to the Grants Division multiple times, this RLS could have been returned without review because the RLS was not properly rerouted. However, due to the deadline from HUD, the RLS was reviewed. In the future, please follow the Request for Legal Services Policy and Procedures to avoid the return of an RLS without review.
  6. Based on the comments noted above, ***the CP/AAP and Resolution are approved as to form and correctness.***

If you have any questions, please do not hesitate to contact this Office via phone or e-mail. Thank you.