



# CITY OF SAN BENITO

## CITIZEN PARTICIPATION PLAN

### **INTRODUCTION**

The City of San Benito is required by law to have a detailed Citizen Participation Plan that contains the City's policies and procedures for public involvement in the Consolidated Plan process and the use of CDBG, HOME, ESG and HOPWA money. This Citizen Participation Plan must be available to the public.

#### ***Encouraging Public Participation***

The law requires that our Citizen Participation Plan both provide for and encourage public participation, emphasizing involvement by low and moderate income people – especially those living in low and moderate income neighborhoods. Also, the U. S. Department of Housing and Urban Development (HUD) expects San Benito to take whatever actions are appropriate to encourage participation of minorities, people who do not speak English, and people with disabilities.

#### ***The Role of Low Income People***

The law declares that the primary purpose of the programs covered by this Citizen Participation Plan is to improve communities by providing: decent housing, a suitable living environment, and growing economic opportunities – all principally for low and moderate income people.

The amount of federal CDBG money San Benito receives each year is mostly based upon the severity of both poverty and substandard housing conditions in San Benito, therefore, it is necessary that public participation genuinely involve low income residents who experience these conditions. Genuine involvement by low income people must take place at all stages of the process, including:

- ↗ Setting priorities among these needs, deciding how much money should be allocated to each high-priority need, and suggesting the types of programs to meet high-priority needs;
- ↗ Overseeing the way in which programs are carried out.

#### ***The Various Stages of the Consolidated Plan Process***

The policies and procedures in this Citizen Participation Plan relate to several stages of action mentioned in law or regulation. In general, these stages or events include:

1. Identification of housing and community development needs;
2. Preparation of a draft use of funds for the upcoming year called the proposed Annual Year Action Plan currently known as the Annual Action Plan. Sometimes there might also be the development of a proposed new Five-Year Strategic Plan;
3. Formal approval by elected officials of a final Annual Action Plan or Five-Year Strategic Plan;
4. On occasion during the year, it might be necessary to change the use of the money already budgeted in an Annual Action Plan, or to change the priorities established in the Five-Year Strategic Plan. In that case, a formal Substantial Amendment will be proposed, considered, and acted upon;
5. After a “program year” is complete, an Annual Performance Report must be drafted for public review and comment and then submitted to HUD.

### ***The Program Year***

The “program year” chosen by the City of San Benito is October 1 through September 30.

## **PUBLIC NOTICE**

### ***Items Covered by the Public Notice Requirement***

There shall be advance public notice once a federally required document is available, such as the Proposed Annual Action Plan or Five-Year Consolidated Plan, any proposed Substantial Amendment to the Annual Action Plan or Consolidated Plan, and the Annual Performance Report (currently the Consolidated Annual Performance and Evaluation Report [ANNUAL PERFORMANCE REPORT]).

In addition, there shall be advanced public notice of all public meetings relating to the funds or planning process covered by this Citizen Participation Plan.

### ***“Adequate” Public Notice***

Adequate advance notice is “timely”; it is given with enough lead time for the public to take informed action. The amount of lead time can vary, depending on the event. Specific amounts of time are given for different events later in this Citizen Participation Plan. The content of notices will give residents a clear understating of the event being announced.

### ***Forms of Public Notice***

1. Public notices will be published in the San Benito News in the non-legal section of the newspaper.
2. Notices will be sent to any person or organization requesting to be on a mailing list.
3. Public notices may be posted throughout the community in places that are readily accessible to the general public.

## **PUBLIC ACCESS TO INFORMATION**

As required by law, San Benito will provide the public with reasonable and timely access to information and records relating to the date or content of the Consolidated Plan, as well as, the proposed, actual, and past use of funds covered by this Citizen Participation Plan. Regarding the past use of funds, the law requires reasonable public access to records about any uses of these funds during the previous five years.

Also as required by law, San Benito will provide the public with reasonable and timely access to local meetings relating to the proposed or actual use of funds (such as City Commission meetings, etc.).

### ***Standard Documents***

Standard documents include:

- ↗ The proposed and final Annual Action Plan;
- ↗ The proposed and final Five-Year Strategic (the “Consolidated Plan”);
- ↗ The proposed and final Substantial Amendments to either an Annual Action Plan or the Five-Year Strategic Plan;
- ↗ Annual Performance Reports;
- ↗ The Citizens Participation Plan.

### ***Availability of Standard Documents***

In the spirit of encouraging public participation, copies of standard documents will be provided to the public at a minimum cost.

These materials will be available in a form accessible to persons with disabilities, when requested.

### ***Places where Standard Documents Are Available***

Standard documents will be available at the office where the CDBG program is administered and the office of the City Secretary.

## **PUBLIC HEARINGS**

Public hearings are required by law in order to obtain the public's views and to provide the public with the City's responses to public questions and proposals.

The law requires public hearings at all stages of the process, including at least a hearing about community needs, a public hearing to review proposed uses of funds, and a public hearing to assess how funds were spent during the previous year. (More about these specific hearings is in the section of the Citizen Participation Plan relating to each of the "stages").

### ***Access to Public Hearings***

Public hearings will be held only after there has been adequate notice as described in the Public Notice part of this Citizen Participation Plan.

Public hearings will be held at a time convenient to most people who might benefit from the use of funds.

Public hearings will be held at places accessible by public transportation and otherwise convenient and not intimidating to most people who might benefit from the use of funds. Locations may include the public library, community building and town hall.

### ***Public Hearings and Populations with Unique Needs***

All public hearings will be held at locations accessible to people with disabilities, and provisions will be made for people with disabilities when requests are made.

Translators will be provided for persons requiring one; provided that a 24-hour notice be given to staff.

### ***The Conduct of Public Hearings***

To ensure that public hearings are meaningful to residents, each resident choosing to speak will be allowed five minutes to make a verbal presentation.

## **THE STAGES IN THE PROCESS**

### **A. Identifying Needs**

Housing and community development needs of low and moderate income people are so great and so diverse, therefore, priorities must be set in order to decide which needs should get more attention and more resources than other needs. This is the basic reason the Consolidated Plan exists.

The laws and regulations require a public hearing each year to obtain resident's opinions about needs, and what priority those needs have. If time permits, public hearings will be held in different neighborhoods to determine the specific needs and priorities identified by low and

moderate income people. At a minimum, two (2) public hearings will be held in order to allow citizens to actively participate in the community development process.

Public hearings regarding needs may be completed 30 days (unless a federal waiver has been issued establishing an alternate period) before a draft Annual Action Plan is published for comment, so that the needs identified can be considered by the City and addressed in the draft Annual Action Plan.

## **B. The “Proposed” Annual Action Plan (and/or Five-Year Strategy)**

The law calls for improved accountability of jurisdictions to the public. In that spirit and in compliance with the terms of the law, San Benito will use the following procedures.

### ***General Information***

At the beginning of this stage, San Benito will provide the public with an estimate of the amount of CDBG, HOME, ESG, and HOPWA funds it expects to receive in the upcoming year, along with a description of the range of types of activities that can be funded with these resources. Also, the public will be given an estimate of the amount of these funds that will be used in ways that will benefit low and moderate income people.

San Benito takes all necessary measures to ensure that residents will not be displaced as a result of a funded activity. In the event displacement may occur, San Benito will minimize the extent to which low and moderate income people will have to leave their homes as a result of the use of these federal dollars and a plan will be available at that time. This “anti-displacement plan” will also describe how San Benito will compensate people who are actually displaced as a result of the use of these funds, specifying the type and amount of compensation.

### ***Technical Assistance***

City staff will work with organizations and individual’s representative of low and moderate income people who are interested in submitting an application to obtain funding for an activity. All potential applicants for funding are encouraged to contact City staff for technical assistance before completing an application.

### ***Availability of a Proposed Annual Action Plan***

After City Commission approval of the Proposed Annual Action Plan, City will notify the public that a Proposed Annual Action Plan is available for comment and review for a period of 30 days (unless a federal waiver has been issued establishing an alternate period).

Copies of the proposed annual Action Plan will be made available to the public for free and without delay. In addition, copies will be available at the locations specified above in the section, “Public Access to Information.”

So that low and moderate income people can determine the degree to which they might be

affected, they will be provided complete copies of the Proposed Annual Action Plan, containing: all HUD-required sections, the HUD-required Priorities Table, and a written

description of all proposed uses of CDBG, HOME, ESG, and HOPWA funds. At a minimum this description shall include the type of activity, its location and the amount of federal money to be allocated to it.

### ***Public Hearing and Further Action***

The Mayor and City Commission will conduct a public hearing about the Proposed Annual Action Plan before the Plan becomes final allowing for further public comments. A public hearing by the CDBG Staff shall be held during the required 30-day comment period (unless a federal waiver has been issued establishing an alternate period).

In preparing a Final Annual Action Plan, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period. The Final Annual Action Plan will have a section that presents all comments and explains why any comments were not accepted.

### **C. The “Final” Annual Action Plan (and/or Five-Year Strategic)**

Copies of the Final Annual Action Plan and summary of it will be made available to the public for free and within two days of a request. In addition, copies will be available at the locations specified above in the section, “Public Access to Information.”

### **D. “Amendments” to the Annual Action Plan (and/or Five-Year Strategic)**

The Final Annual Action Plan will be amended any time there is:

- ↗ A change in one of the Priorities presented on the HUD-required Priority Table;
- ↗ A change in the use of money to an activity not mentioned in the Final Annual Action Plan;
- ↗ A change in the purpose, location, scope, or beneficiaries of an activity (described more fully later).

The public will be notified whenever there is an amendment.

### ***“Substantial” Amendments***

The following will be considered “substantial” amendments:

1. A change in the use of CDBG money from one activity to another exceeding \$50,000;
2. The addition of an activity not originally described in the Annual Action Plan;

3. The elimination of an activity originally included in the Annual Action Plan;
4. A significant change in the location of an activity; and
5. A decrease of 20% or more in the number of low and moderate income beneficiaries.

### ***Public Notice and Public Hearing for Substantial Amendments***

There must be reasonable notice of a proposed Substantial Amendment so that residents will have an opportunity to review and comment on it. Notice will be made according to the procedures described earlier in the Citizen Participation Plan, with the addition of the following procedures specifically for substantial Amendments:

1. A detailed written description of the proposed Substantial Amendment will be made available to the public at no cost within two working days of a request for same. The public has 30 days (unless a federal waiver has been issued establishing an alternate period) to review the proposed Substantial Amendment. Also, copies will be available at the locations indicated earlier in this Citizen Participation Plan under “Public Access to Information.”
2. There will be a public hearing regarding the proposed Substantial Amendment conducted by the department followed by the Mayor and City Commission.
3. The final public hearing will be held no sooner than two weeks prior to the submission to HUD.
4. In preparing a Final Substantial Amendment, care consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period. The Final Substantial Amendment will have a section that presents all comments and explains why any comments were not accepted.

### **E. The Annual Performance Report**

Every year San Benito must forward to HUD an Annual Performance Report which is currently referred to as the Consolidated Annual Performance and Evaluation Report (CAPER) within 90 days of the close of the program year. In general, the Annual Performance Report must describe how funds were actually used and the extent to which these funds were used for activities that benefited low and moderate income people.

### ***Public Notice and Public Hearing for the Annual Performance Report***

There must be reasonable notice (15 days) (unless a federal waiver has been issued establishing an alternate period) that an Annual Performance Report is available so that residents will have an opportunity to review it and comment on it. Notice will be made according to the procedures described earlier in this Citizen Participation Plan, with the addition of the following procedures specifically for the Annual Performance Report:

1. A complete copy of the Annual Performance Report will be made available to the public;
2. There will be a public hearing regarding the Annual Performance Report;
3. In preparing an Annual Performance Report for submission to HUD, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing. The Annual Performance Report sent to HUD will have a section that presents all comments and explains why any comments were not accepted.

### ***Contents of the Annual Performance Report***

The Annual Performance Report presented in the public hearing will have an accounting for each activity in any Annual Action Plan, until an activity is officially “closed out” with HUD by the jurisdiction. For each activity the details presented will include, but not limited, to:

1. Activity Number for the Annual Action Plan;
2. Name of the Activity plus its HUD “Activity Title” with regulation reference;
3. A description of the activity that is in enough detail for the public to have a clear understanding of the nature of the activity;
4. The name of the entity carrying out the activity;
5. The location of the activity;
  - a. Generally this will be a street address or some other information showing specifically where the activity was (or is) being carried out.
  - b. For public facility activities, such as street reconstruction not located at a specific address, the beginning and ending points of the activity will be indicated.
  - c. For activities claiming to meet the “area wide benefit test”, the location will also include the census tracts and/or block groups making up the service area of the activity. Also, the percentage of the low/moderate income persons in the service area will be indicated.
  - d. For multi-family housing activities, the address of each building and the number of units in the building, both before and after assistance, will be given.
6. The description of economic development activities will include the amount of the loan, the interest rate, and the length of the loan. It will also indicate the number of permanent, full-time jobs to be created or retained, with the number of such jobs to be held by or available to low/moderate income people indicated in the parentheses. The same information will be provided for part-time jobs, stating the number of hours per week the part-time job offers;

7. “Float Loan Funded” activities and “Section 108 Loan Guaranteed” activities should be clearly identified as such;
8. The date the activity was initially funded;
9. The “national objective” the activity claims to meet;
10. The status of an activity, such as whether it is completed, underway, or cancelled;
11. The amount of CPD dollars “budgeted” and the amount “spent”. The amount “spent” shall be given for the year, and separately for the life of the activity to date.
12. For public service activities, the amount of money which meets HUD’s definition of “unliquidated obligation” will be reported;
13. If “program income” dollars and/or “revolving loan fund” dollars are being used for an activity, this will be indicated;
14. The Accomplishments for the activity will be a description of what was actually done, including numerical measures when appropriate, such as number of units of housing rehabilitated and number of individuals or households served. For economic development activities, the report will show the total number of jobs created or retained, plus the number of these held by or available to low/moderate income people. For part-time jobs, the report will include the number of hours worked per week, and separately indicate the total number of “full-time equivalent” jobs.
15. For activities that provide a direct benefit to individuals or households, the report will show the number of individuals or households served; the number which were “moderate” income; the number which were “low” income; and the number which were White, Black, Latin, or Asian.

## **COMPLAINT PROCEDURES**

Written complaints from the public will receive a meaningful, written reply within 15 working days.

## **CHANGING THE CITIZEN PARTICIPATION PLAN**

This Citizen Participation Plan can be changed only after the public has been notified of an intent to modify it, and only after the public has had reasonable time to review and comment on proposed substantial changes to it.