



# City of Salinas

## Citizen Participation Plan

Amended: ~~December 13, 2022~~ May 16, 2023

### 1. Encouragement of Citizen Participation

Since the City of Salinas (City) began receiving the Community Development Block Grant (CDBG) Program in 1975, HOME Investment Partnerships Program (HOME) in 1992, and Emergency Solutions Grants (ESG) Program in 1994, the City has incorporated full opportunities for citizens to participate in planning, development, and review of proposals for funding from these entitlement programs. As required by federal regulations from the United States Department of Housing and Urban Development (HUD), citizens must be provided with a reasonable opportunity to participate in an advisory role in planning, implementing and assessing those programs and proposals.

The City recognizes the importance of public participation in both defining and understanding current housing, community development, economic development, and fair housing needs, and prioritizing resources to address those needs. The City's Citizen Participation Plan (CPP) is designed to provide residents of all ages, genders, economic levels, races, ethnicities, and special needs equal access to become involved in the Plan each year. This CPP was written in accordance with 24 CFR, Section 91.105 of HUD's Consolidated Plan regulations.

This <sup>1</sup> ~~Citizen Participation Plan (CPP)~~ sets forth policies and procedures to provide for and encourage participation by the residents of the City in the development of the City's Consolidated Plan (Con Plan), Annual Action Plan (AAP), Consolidated Annual Performance and Evaluation Report (CAPER), Neighborhood Revitalization Strategy Area (NRSA), Section 108, Analysis of Impediments to Fair Housing Choice (AI)/Assessment of Fair Housing (AFH). The CPP also applies to any Substantial Amendments (Amendment) to the Con Plan, AAP and CAPER, which evaluates progress toward the Con Plan objectives. The City submits a Con Plan to HUD every five (5) years and an AAP to HUD annually. These documents are due to HUD 45 days prior to the beginning of a new program year. The CAPER is submitted to HUD and due within 90 days after the close of the program year (June 30). The City typically updates the AI/AFH and NRSA every five years concurrently with the Con Plan. From time to time the City submits Amendments and Section 108 applications to HUD.

Interested groups and individuals are encouraged to provide input into all aspects of the City's Con Plan, AAP, Amendment, CAPER, Section 108, NRSA and AI/AFH activities from assessing needs and setting priorities through performance evaluation. This CPP offers numerous opportunities for citizens to contribute information, ideas, and opinions about ways to provide decent housing, establishing and maintaining a suitable living environment, and

<sup>1</sup> CPP regulations may be viewed online at: [24 CFR Part 91.105 Citizen participation plan; local governments.](https://www.federalregister.gov/publications/2019/01/24/citizen-participation-plan-local-governments)

expanding economic opportunities, particularly for low-and moderate-income persons.

In developing its Con Plan, AAP, Amendment, CAPER, Section 108 application, NRSA, and AI/[AFH](#) to HUD, the City will take appropriate actions to encourage the participation of all of its citizens including:

- low-and moderate-income persons, particularly those living in areas where federal funds are proposed to be used;
- residents of predominantly low-and moderate-income neighborhoods;
- residents of racially and ethnically concentrated areas of poverty (R/ECAP);
- minorities;
- people with Limited English Proficiency (LEP);
- people with disabilities;
- residents of public and other assisted housing developments; and
- local and regional institutions, the regional Continuum of Care (CoC) coalition (known as “Coalition of Homeless Services Providers”) and other organizations (including businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations).

The City is committed to keeping all interested groups and individuals informed of activities being proposed or undertaken under HUD entitlement programs. Opportunities to comment on or participate in planning community development and affordable housing activities and projects will be publicized and disseminated as widely as possible in Salinas.

## **2. Public Hearings**

The City will conduct the following public hearings:

- A minimum of one (1) public hearing for a Con Plan;
- A minimum of one (1) public hearing for an AAP;
- A minimum of one (1) public hearing for a CAPER;
- A minimum of one (1) public hearing for an NRSA;
- A minimum of one (1) public hearing for an AI/[AFH](#);
- A minimum of one (1) public hearing for a CPP;
- A minimum of one (1) public hearing on an as needed basis for an Amendment; and
- A minimum of one (1) public hearing on an as needed basis for Section 108.

The City will obtain the citizens’ views and respond to proposals and questions. The public hearings are usually held by the City Council and at times may include the Housing and Land Use Committee. The public hearings will address:

- housing and community development needs;
- the proposed use of program funds, and
- program performance during the past year.

The public hearings will be held in order to solicit comments on the draft Con Plan, AAP, CAPER, NRSA, AI/[AFH](#), CPP, Amendments, and Section 108 application, which include the proposed use of HUD entitlement funds. The information provided to the public on or before the public

hearing will include:

- the amount of assistance the local government expects to receive (including grant funds and program income);
- the description of activities that may be undertaken;
- the estimated amount of funding that will benefit persons of low- and moderate-incomes; and
- the City's plan to minimize displacement of persons and to assist any person displaced, specifying the types and levels of assistance the City will make available (or require others to make available) to persons displaced, even if no displacement is expected to occur.

This information will be presented at the public hearing and is contained in the text of the Con Plan, AAP, CAPER, NRSA, AI/[AFH](#), CPP or Section 108 application under review.

### 3. Public Hearing Notices and Outreach

Information about the date, time, location, and subject of each public hearing will be provided to citizens at least one week in advance, [in English and Spanish \(if available\)](#), or as required by HUD, by the following methods:

- publication of a notice in [at least one](#) ~~two~~ local newspapers ~~(in English in The Californian and in Spanish in El Sol)~~;
- [electronic notice email](#) ~~email~~ distribution lists;
- posting on the City's website, <http://www.cityofsalinas.org/>;
- [social media outlets](#)
- [City's public facilities](#)

The City also subscribes to the California Relay Service to accommodate TDD (telecommunication devices for the deaf) users; published public notices provide a TDD number. The City also provides notice to Central Coast Center for Independent Living, Deaf & Hard of Hearing Service Center, and Blind and Visually Impaired Center. These local agencies serve groups that may need notice in a different format.

Targeted outreach developed specifically for informing low and moderate-income persons, particularly those residing in the Alisal Neighborhood Revitalization Strategy Area (ANRSA), minorities, residents of public and other affordable housing, and persons with disabilities will take place via distribution of notices to providers of services to these populations, including the Housing Authority of the County of Monterey and non-profit affordable housing developers in Salinas. Outreach to Continuum of Care partners, local businesses, Salinas-based developers, nonprofit organizations, philanthropic organizations, and other community-based and faith-based organizations, will take place via notices sent to these organizations via email and/or regular mail.

Every effort will be made to ensure that public hearings are inclusive. Hearings will be held at convenient times and locations, preferably in the late afternoon/early evening and in places where people most affected by proposed activities can attend. The City will utilize facilities, which are accessible to persons with mobility impairments. Published notices will include information that:

*"Disability-related modification or accommodation, including auxiliary aids or services, may be requested by any person with a disability who requires a*

*modification or accommodation in order to participate in the meeting. Requests should be referred to the City Clerk's office at 200 Lincoln Avenue, Salinas, (831) 758-7381, as soon as possible but no later than 5 p.m. of the last business day prior to the meeting. Hearing impaired or TTY/TDD text telephone users may contact the City by dialing 711 for the California Relay Service (CRS) or by telephoning any other service providers' CRS telephone number."*

Spanish translation is provided at all public meetings and hearings concerning HUD programs.

#### **4. Publication of the Proposed Consolidated Plan (Con Plan) and Annual Action Plan (AAP)**

The City will publish the proposed Con Plan and AAP in a manner that affords citizens, public agencies, and other interested parties a reasonable opportunity to examine its contents and submit comments. The proposed Con Plan (or "public comment draft") shall include:

- the amount of assistance the City expects to receive (including grant funds and program income);
- the range of activities that may be undertaken, including the estimated amount that will
- benefit persons of low-and moderate-incomes, and
- summary of the proposed Con Plan and/or AAP will be published in one or more newspapers of general circulation at the beginning of the required public comment period. The summary will describe the contents and purpose of the plan (including a summary of specific objectives) and include a list of locations where copies of the proposed Con Plan and/or AAP may be obtained or examined.

The following are among the locations where copies of the public comment draft will be made available for inspection:

- John Steinbeck Library, 350 Lincoln Avenue, Salinas;
- Cesar Chavez Library, 615 Williams Road, Salinas;
- El Gabilan Library, 1400 North Main Street, Salinas;
- Community Development Department, Housing & Community Development Division, 65 W. Alisal Street, Salinas;
- City Clerk's Office, City Hall, 200 Lincoln Avenue, Salinas; and
- On-line at the City of Salinas website: <http://www.cityofsalinas.org/>.

Copies of the proposed Con Plan and/or AAP will be located online at the City of Salinas website: <http://www.cityofsalinas.org/>. Copies can also be obtained by contacting the Housing Division of the Community Development Department at (831) 758-7334 or [housingwebmail@ci.salinas.ca.us](mailto:housingwebmail@ci.salinas.ca.us).

#### **5. Limited English Proficiency (LEP) Residents**

Residents who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write or understand English may be entitled to language assistance related to the planning, programming and implementation of federal CDBG, HOME and/or ESG funding by the City. In providing such language assistance, the City will be taking affirmative steps in complying with Title VI of the Civil Rights Act of 1964, which is the federal law

which protects individuals from discrimination.

The two primary goals of this policy are to provide specific services to eligible individuals in need of language assistance and to increase participation of residents from all races and national origins comparable to their representation within this community. The threshold for eligibility and access to language services shall be 5% of the population as determined in the most current federal Census. For Salinas, since the 2020 Census identified 79.2% of the resident population as either Hispanic or Latino, special considerations will be directed to this group in the implementation of the CPP. Spanish translation of documents will be made available upon request.

The provision of the language assistance shall be implemented by the Community Development Department.

#### **6. Public Comments on the Proposed Consolidated Plan (Con Plan) and/or Annual Action Plan (AAP)**

The City will receive comments from citizens on its proposed Con Plan and/or AAP for a period not less than thirty (30) days prior to submission of the Plan(s) to HUD. All comments or views of citizens received in writing or orally at public hearings will be considered in preparing the final Plan(s). The comments, or a summary of these comments, therefore, shall be attached to the final Plan(s). Oral comments outside of the public hearing will not be considered, unless they are also provided directly to staff via email, letter, or other legible written form at the address provided in Section 4, above. The final version of the Con Plan and/or AAP as submitted to HUD will be posted on the City's webpage. Should HUD provide alternate public comment period, the City will default to the allowable timeline.

#### **7. Substantial Amendments and Section 108**

HUD regulations at 24 CFR Part 91.505 guide Amendments to the Con Plan and/or AAP. City Council will select alternate activities which can be implemented if projects approved by the City Council are rejected by HUD or if approved activities subsequently are determined to be ineligible, illegal, or for other reasons cannot be implemented. In the past, the City has also utilized Section 108 as a tool to further invest federal dollars in the community.

When a substantial change is proposed for a project, City staff will prepare the Amendment. Also, if the City plans on utilizing Section 108 funding, the City will submit an application to HUD for review and approval. Prior to City Council action on an Amendment to the Con Plan and/or AAP or Section 108 application, a notice will be published in a newspaper of general circulation, social media outlets, City's public facilities, housing division distribution list and the City's website 30 days prior to implementation, unless alternate public comment period provided by HUD.

When an Amendment or Section 108 application or activity is proposed, the City Council will allow public comment before acting on Amendment to an approved Con Plan and/or AAP of Section 108 activity or application. This public comment opportunity will take the place of a formal public hearing. A summary of citizen comments and why the comments were accepted or rejected will be included as part of the Amendment or Section 108 process.

An Amendment is defined as:



- For larger projects, over \$200,000, an increase of 25 percent or more in project funding. Changes that are less than \$50,000 are not considered substantial.
- An increase of 25 percent or more in project beneficiaries (i.e. income groups, limited clientele groups, residents of a targeted area) or a change in purpose, scope or location which would change the project beneficiaries by more than 25 percent or
- A determination by the Community Development Director, that the change is substantial even though it falls below the standards in Section 1 and 2 above.
- For ESG components, as long as the maximum 60% threshold for Street Outreach and Emergency Shelter is not exceeded, funding can be moved within the other components to meet expenditure requirements without a substantial amendment.

HOME funded project selection decisions that meet the approved criteria of an established loan or grant program will not be considered substantial amendments. The City, in consultation with the Housing and Land Use Committee will select alternate housing projects during each funding cycle which can be implemented if an approved project does not achieve milestones set at the time of funding, the project is discontinued or postponed, or for whatever other reason an approved project is unable to perform in a timely manner.

## **8. Public Notice of and Public Comment on Substantial Amendment or Section 108**

Once drafted, the City shall make the Amendment or Section 108 public and submit it to the City Council for its review, comment, and recommendation. Notice and opportunity to comment will be given to citizens through public notices in local newspapers and other appropriate means, such as the targeted distribution lists described above in Section 3. A public comment period of not less than thirty (30) days will be provided prior to implementing any Amendment to the Con Plan and/or AAP of Section 108 activity or application. Comments received, or a summary of comments, therefore shall be attached to the Amendment or Section 108, which will be available to the public and submitted to HUD.

## **9. Preparation of the Consolidated Annual Performance and Evaluation Report (CAPER)**

Performance reports on programs covered by the Con Plan and/or AAP are to be prepared by the City for annual submission to HUD by September 28<sup>th</sup> of each year. The City shall provide a preliminary draft of the CAPER and publish a notice announcing that the public shall have no less than fifteen (15) days to review and comment on the document.

The following are among the locations where copies of the public comment draft will be made available for inspection:

- John Steinbeck Library, 350 Lincoln Avenue, Salinas;
- Cesar Chavez Library, 615 Williams Road, Salinas;
- El Gabilan Library, 1400 North Main Street, Salinas;
- Community Development Department, Housing & Community Development Division, 65 W. Alisal Street, Salinas;
- City Clerk's Office, City Hall, 200 Lincoln Avenue, Salinas; and
- City of Salinas website: <http://www.cityofsalinas.org/>.

All public comments received either orally or in writing regarding the CAPER will be considered and the comments, or a summary of these comments, shall be attached to the final document. The City shall encourage members of the public to review the performance detailed in the CAPER during the public comment period.

#### **10. Preparation of the Analysis of Impediments (AI)/Assessment of Fair Housing (AFH) to Fair Housing Choice and Neighborhood Revitalization Strategy Area (NRSA)**

Federal programs such as CDBG, HOME and ESG have regulatory requirements to affirmatively further fair housing based upon HUD's obligation under Section 808 of the Fair Housing Act. Fair housing planning process helps communities analyze challenges to fair housing choice and establish goals and priorities to address the fair housing barriers in the community. The AI/AFH helps jurisdictions identify and assess four fair housing issues: patterns of integration and segregation; racially or ethnically concentrated areas of poverty; disparities in access to opportunity; and disproportionate housing needs.

The City typically updates its NRSA as part of the Con Plan update. The NRSA provides the City with a tool to deliver greater flexibility to utilize federal funds such as CDBG within the targeted NRSA.

##### **Consultation**

The City will encourage participation by low-income residents, the Continuum of Care, local and regional institutions, and other organizations in developing and implementing the AI/AFH and NRSA. During the development of the AI/AFH and NRSA, at the minimum, the City will consult the following services/agencies to solicit their input on fair housing issues in the City:

- Fair Housing Organizations;
- Housing Authority of the County of Monterey and its Resident Advisory Board;
- Tenant organizations, including resident management corporations, resident councils, assisted housing resident organizations and advocates;
- Advocacy groups and community-based organizations serving special needs households and classes of persons protected under state and federal fair housing laws;
- Affordable housing developers and housing service providers;
- Banks and other financial institutions, and housing professionals (realtors, property management companies);
- Faith-based organizations;
- Public and private agencies that provide social services, including those focusing on services to low-income populations, children, elderly persons, persons with disabilities, and homeless persons;
- Adjacent governments and neighboring jurisdictions regarding priority non-housing community development needs and local government agencies with metropolitan-wide planning responsibilities regarding problems and solutions that go beyond a single jurisdiction (e.g. transportation, employment);
- Organizations relevant to the opportunity analysis, for example local school district leadership or parent groups or environmental justice groups;
- Philanthropic organizations; and
- States and local universities.

### **Public Review of Draft AI and NRSA**

The draft AI and NRSA will be made available for public review for 30 days. Written comments will be accepted during the 30-day comment period. A summary of written comments and the City's responses must be attached to the AI/[AFH](#) and NRSA. A 30-day comment review period will be noticed and the draft AI/[AFH](#) and NRSA made available at locations detailed in Section 4 of this Plan.

### **Public Hearings**

The City will conduct at least one public hearing to allow citizens to review and submit comments on the draft AI/[AFH](#) and ANRSA.

## **11. Access to Records**

All public records, as defined by the State Public Disclosure Act, will be available for review at the City Clerk's office or at the Community Development Department Housing Division during normal business hours. Requests for records will be handled in accordance with the City of Salinas' policy on review of public records. A reasonable fee may be charged for copying records for citizens.

## **12. Technical Assistance**

The City shall make available, upon request, technical assistance to groups representing persons of low-and moderate-income (and other special needs) that request such assistance in developing proposals for funding assistance under any of the programs covered by the Plans. The City shall also hold at least one workshop for community agencies applying for City funding on or near the time of issuance of a Request for Proposals to explain issues related to various funding sources available, eligible activities, the application process itself, and to answer any questions applicants may have.

## **13. Citizen Complaints**

The City of Salinas shall accept written complaints and provide a substantive written response to any written citizen complaint within a reasonable period of time, not to exceed fifteen (15) working days, when the complaint concerns the Con Plan, AAP, CAPER, Amendments, NRSA, Section 108 and AI/[AFH](#).

Complaints, comments and questions should be directed to:

Planning Manager, Housing & Community Development Division  
Community Development Department  
City of Salinas  
65 W. Alisal Street, 2<sup>nd</sup> Floor  
Salinas, CA 93901  
[housingwebmail@ci.salinas.ca.us](mailto:housingwebmail@ci.salinas.ca.us)  
(831)758-7334

## **14. Housing and Land Use Committee**

The Mayor annually appoints Council members to the Housing and Land Use Committee (HLUC).



The HLUC serves in an initial advisory capacity to staff and the City Council in regard to City of Salinas HUD entitlement funding allocations and related plans, reports, amendments and applications.

## **15. Effective Date and Amendments**

This amended CPP will supersede all prior CPPs, and become effective on ~~May 26, 2020~~[May 16, 2023](#), and will remain in effect as long as Con Plan activities are ongoing or until superseded by a new amended CPP. Citizens will be given notice and an opportunity to comment on any amendments to the CPP. This CPP will be made available to the public at the locations detailed in Section 4 of this Plan. Persons with disabilities that need special accommodations to review this Plan may make a request to CED or NCS, and reasonable accommodations will be made to provide the document in a form that is accessible to the person making the request.

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**EXHIBIT A**  
**Citizen Participation Plan Waivers and Alternative Requirements for COVID-19**

For CDBG, ESG, and HOME funding and eligible waivers under the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the City's CPP is amended to include the following:

1. 5-day Public Comment Period
  - a. Expedited procedures to include notice and reasonable opportunity to comment of no less than 5 days. The 5-day period can run concurrently for comments on the action plan amendment and amended citizen participation plan.
2. Definition of Reasonable Noticing
  - a. A public notice will be issued regarding the date, time, location (if virtual meeting, instructions to view and comment will be provided), and subject (e.g. substantial amendment) of City Council public hearing and will provide citizens with a reasonable opportunity to comment of no less than 5 days in advance of the scheduled meeting;
  - b. The public notice will provide citizens with a reasonable opportunity to comment of no less than 5 days;
  - c. The public notice will include instructions on how citizens can submit their comments to the City (e.g. mail, electronically, City Council meeting);
  - d. Public notices in English and Spanish will be issued and posted at the City Clerk's Office, City Hall (200 Lincoln Avenue), City Permit Center (65 W. Alisal Street – 1<sup>st</sup> Floor), City Community Development Department Housing Division Office (65 W. Alisal St. – 2<sup>nd</sup> Floor), John Steinbeck Library (350 Lincoln Avenue), Cesar Chavez Library (615 Williams Road), El Gabilan Library (1400 North Main Street), City Notice of Funding Availability (NOFA)/Request for Proposals (RFP) e-mail distribution list and on the City website at: (<https://www.cityofsalinas.org/our-city-services/community-development/housing-and-community-development-division/rfps-public-notices>).
3. Hold Virtual Public Hearings
  - a. Virtual public hearings shall provide reasonable notification and access for citizens in accordance with the grantee's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.
  - b. That, for as long as national or local health authorities recommend social distancing and limiting public gatherings for public health reasons, the City may create virtual public hearings to fulfill applicable public hearing requirements for all grants from funds made available under this heading in the CARES Act.
4. Housing and Land Use Committee
  - a. To provide for timely response to the COVID-19 pandemic, all decisions relating to the uses of CDBG, ESG, and HOME funds for COVID-19 response may bypass review by the Housing and Land Use Committee and proceed directly to City Council review.

The CPP is amended to include the following HUD waivers and alternative requirements:

ESG Program (ESG FY 19 and FY20; ESG-CV):

- ☒ HMIS Lead Activities
- ☒ Re-evaluations for Homelessness Prevention Assistance
- ☒ Housing Stability Case Management
- ☒ Restriction of Rental Assistance to Units with Rent at or Below FMR

### CDBG FY19 and FY20

- ☒ Public Service Activities
- ☒ Citizen Participation and Public Hearings for Consolidated Plans (including Action Plans)
- ☒ Deadline to Submit Consolidated Plans (including Annual Action Plans)
- ☒ Waiver and Alternative Requirement Authority

### CDBG-CV

- ☒ Public Service Activities
- ☒ Reimbursement of Costs
- ☒ Citizen Participation and Public Hearings for Consolidated Plans (including Action Plans)
- ☒ Deadline to Submit Consolidated Plans (including Annual Action Plans)
- ☒ Waiver and Alternative Requirement Authority

### HOME, CDBG, HTF, ESG, and HOPWA Program Consolidated Planning Requirements:

- ☒ Citizen Participation Public Comment Period for Consolidated Plan Amendment
- ☒ Citizen Participation Reasonable Notice and Opportunity to Comment

### HOME

#### For Major Disaster Areas:

- ☒ 10% Administration and Planning Cap
- ☒ CHDO Set-aside Requirement
- ☒ Limits and Conditions on CHDO Operating Expense Assistance
- ☒ Matching Contribution Requirements

#### For All Participating Jurisdictions:

- ☒ Citizen Participation Reasonable Notice and Opportunity to Comment
- ☒ Income Documentation
- ☒ On-Site Inspections of HOME-assisted Rental Housing
- ☒ Four-Year Project Completion Requirement

### **Citizen Participation and Public Hearings for Consolidated Plans (including Action Plans)**

Provides that grantees may amend CPP's to establish expedited procedures to draft, propose, or amend consolidated plans. Expedited procedures must include notice and reasonable opportunity to comment of no less than 5 days. The 5-day period can run concurrently for comments on the action plan amendment and amended citizen participation plans.

In-person public hearings are not required. Grantees may meet public hearing requirements with virtual public hearings if: 1) national/local health authorities recommend social distancing and limiting public gatherings for public health reasons; and 2) virtual hearings provide reasonable notification and access for citizens in accordance with the grantee's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.

### **Deadline to Submit Consolidated Plans (including Annual Action Plans)**

Extends the deadline for grantees to submit the fiscal year 2020-2021 AAP and 2020-2024 Con Plan submissions other updates to August 16, 2021.

## **Citizen Participation Public Comment Period for Consolidated Plan Amendment**

**Requirement:** 30-day Public Comment Period.

**Citations:** 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401

**Explanation:** A CPD grantee may amend an approved consolidated plan in accordance with 24 CFR 91.505. Substantial amendments to the consolidated plan are subject to the citizen participation process in the grantee's citizen participation plan. The citizen participation plan must provide citizens with 30 days to comment on substantial amendments.

**Justification:** Given the need to expedite actions to respond to COVID-19, HUD waives 24 CFR 91.105(c)(2) and (k), 91.115(c)(2) and (i) as specified below, in order to balance the need to respond quickly to the growing spread and effects of COVID-19 with the statutory requirement to provide reasonable notice and opportunity for citizens to comment on substantial amendments concerning the proposed uses of CDBG, HOME, HTF, HOPWA or ESG funds.

**Applicability:** This 30-day minimum for the required public comment period is waived for substantial amendments, provided that no fewer than 5 days are provided for public comments on each substantial amendment. The waiver is available through the end of the recipient's 2020 program year. Any recipient wishing to undertake further amendments to prior year plans following the 2020 program year can do so during the development of its FY 2021 Annual Action Plan.

## **Citizen Participation Reasonable Notice and Opportunity to Comment**

**Requirement:** Reasonable Notice and Opportunity to Comment.

**Citations:** 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401

**Explanation:** As noted above, the regulations at 24 CFR 91.105 (for local governments) and 91.115 (for States) set forth the citizen participation plan requirements for recipients. For substantial amendments to the consolidated plan, the regulations require the recipient to follow its citizen participation plan to provide citizens with reasonable notice and opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be given.

**Justification:** HUD recognizes the efforts to contain COVID-19 require limiting public gatherings, such as those often used to obtain citizen participation, and that there is a need to respond quickly to the growing spread and effects of COVID-19. Therefore, HUD waives 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401 as specified below to allow these grantees to determine what constitutes reasonable notice and opportunity to comment given their circumstances.

**Applicability:** This authority is in effect through the end of the 2020 program year.

## **CARES Act provisions related to citizen participation:**

*Provided further,* That, notwithstanding sections 104(a)(2), (a)(3), and (c) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(a)(2), (a)(3), and (c)) and section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705), a grantee may adopt and utilize expedited procedures to prepare, propose, modify, or amend its statement of activities

for grants from amounts made available under this heading in this Act and under the same heading in Public Law 116-94 and Public Law 116-6: *Provided further*, That under such expedited procedures, the grantee need not hold in-person public hearings, but shall provide citizens with notice and a reasonable opportunity to comment of no less than 5 days: *Provided further*, That, for as long as national or local health authorities recommend social distancing and limiting public gatherings for public health reasons, a grantee may create virtual public hearings to fulfill applicable public hearing requirements for all grants from funds made available under this heading in this Act and under the same heading in Public Law 116-94 and Public Law 116-6: *Provided further*, That any such virtual hearings shall provide reasonable notification and access for citizens in accordance with the grantee's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.

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