



Legislation Text

File #: 19-0845, Version: 1

AGENDA REPORT REQUEST FOR CITY COUNCIL ACTION

DATE: October 2, 2019

TO: Honorable Mayor and City Council Members

FROM: Community Development Department

SUBJECT:

Public Hearing for City Council consideration to approve the Draft Citizen Participation Plan in connection with the City's Federal Community Development Block Grant and HOME Programs.

RECOMMENDED ACTION:

That the City Council:

1. Conduct a public hearing to receive oral testimony from members of the public.
2. Approve the draft Citizen Participation Plan.

ANALYSIS:

In 1995, the U.S. Department of Housing and Urban Development ("HUD") created the Consolidated Plan to serve as a planning document and an application for funding under any of the Community Planning and Development formula grant programs that receive annual appropriations from Congress. These programs include the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), HOME Investment Partnerships (HOME), and Housing Opportunities for Persons with AIDS (HOPWA) programs. The City receives CDBG and HOME funds.

HUD requires the City to provide citizens and stakeholders with opportunities to participate in the development of the Consolidated Plan documents, which include the Consolidated Plan, Annual Action Plans, Consolidated Annual Performance and Evaluation Reports (CAPER), and Analysis of Impediments to Fair Housing Choice (AI) or Assessment of Fair Housing (AFH), as applicable. The Citizen Participation Plan specifies the City's policies and procedures for community participation in the development of these plans and reports.

The Consolidated Plan examines housing and community development needs in Corona and outlines the City's priority needs and strategies for the investment of HUD funds over the next five years. The new Consolidated Plan will cover program years 2020 through 2024, a period that begins July 1,

2020 and ends June 30, 2025. The Action Plan describes the amount of funding available for a given program year and how those funds are allocated to specific programs and projects that address the priority needs and strategies of the Consolidated Plan. The CAPER is a year-end report detailing the one-year accomplishments of programs and projects receiving HUD funds in the Action Plan. The AI is a five-year planning document that identifies impediments to fair housing, which are conditions in which individuals of similar income levels in the same housing market may have their housing choice impeded as a result of protected class status or identification. The AFH is a five-year fair housing planning framework developed by HUD subsequent to the City's last AI in 2015. The AFH planning framework was implemented by HUD in 2016-2017 and added to the citizen participation regulations at 24 CFR Part 91. Subsequently, the Secretary of Housing and Urban Development suspended implementation of the AFH and directed grantees to instead update their existing AI documents for the 2020-2024 planning cycle.

The City's policies and procedures for community participation in the development of the Consolidated Plan, Action Plans, CAPERs, and AI or AFH are addressed in the Citizen Participation Plan. The City last adopted a Citizen Participation Plan on November 20, 2013. Since that time, HUD issued revisions to the Citizen Participation regulations found at 24 CFR Part 91 concerning the groups to be consulted in the development of the Consolidated Plan and AI or AFH. HUD also added regulations outlining the requirements for developing the AFH. These regulatory changes clarify existing requirements and impose additional requirements on Cities developing Consolidated Plan and AI or AFH documents.

The Community Development Department is in the process of preparing the 2020-2024 Consolidated Plan covering the next five-year planning period. In order to comply with HUD requirements in the development of the new Consolidated Plan and AI, a new Citizen Participation Plan draft was published for public review and comment.

Key Provisions of the Citizen Participation Plan

The Citizen Participation Plan establishes policies and procedures to address:

- The development of the Consolidated Plan, Annual Action Plan and Performance Report, to include consultation with public, private and non-profit agencies, citizens and other stakeholders as to the housing, homeless, community and economic development needs of the City;
- The development of the AI or AFH (HUD recently suspended the new AFH planning framework and directed the City to update its existing AI instead);
- The availability of draft documents for public review and comment;
- The frequency, timing and location of the two (2) required public hearings each program year;
- The way the City will encourage participation from all residents, especially low- and moderate-income residents, minorities, non-English speakers and those with disabilities;
- The conditions under which changes to the Citizen Participation Plan, Consolidated Plan, and Action Plan constitute "substantial amendments" that must be provided for public review and comment;
- Complaint procedures; and
- Access to records.

Key Changes from the Current Citizen Participation Plan

The Draft Citizen Participation Plan updates or modifies the following aspects of the existing Citizen Participation Plan:

- Public review periods and public hearing dates: The Draft Citizen Participation Plan allows for the public hearing to receive oral comments on a matter, if required, to take place at any point during the advertised public review and comment period. The prior Citizen Participation Plan required public hearings to take place at the end of the public review and comment period. This change provides the City with increased flexibility to accommodate a broader range of dates for public hearings to take place.
- Updated language: Removed redundant sections for “Plan access and comments” under the Citizen Participation Plan, Consolidated Plan, AI or AFH, Action Plan, and Consolidated Annual Performance and Evaluation Report sections.
- Updated the list of agency / group types to be consulted in the development of the Consolidated Plan and AI or AFH.
- Updated the Analysis of Impediments (AI) section to acknowledge the existence of the Assessment of Fair Housing (AFH) planning framework that is a part of the regulations at 24 CFR Part 91, but that is also currently suspended. This provides the City with established procedures for the future should HUD reinstate the AFH planning framework in the future.
- Added a new section to address CDBG-Disaster Recovery allocations so that the City has established procedures for the future should HUD or the State of California provide an allocation of CDBG-DR grants to the City in the event of a federally declared disaster.
- Advertising program notices, brochures, and applications in Spanish as required by Executive Order 13166, “Improving Access to Services for Persons With Limited English Proficiency,” Title VI of the Civil Right Act of 1964, and HUD Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. Spanish language assistance was determined based on the City’s analysis of U.S. Census Data for language spoken at home and the number of people speaking non-English languages who speak or read English “less than very well.”

A copy of the Public Notice and the draft Citizen Participation Plan document has been on file for public review in the Office of the City Clerk, the City Library, and Community Development Department for a period of 30 days.

COMMITTEE ACTION:

Not applicable.

STRATEGIC PLAN:

Not applicable.

FISCAL IMPACT:

Not applicable.

ENVIRONMENTAL ANALYSIS:

The development of required plans and allocation of CDBG and HOME program funds is an administrative activity exempt under 24 CFR Part 58, Section 58.34 of the National Environmental Policy Act of 1969 (“NEPA”), as amended. Additionally, these activities are not considered to be a

“project” under the California Environmental Quality Act (“CEQA”). Individual activities will be assessed under NEPA and CEQA here.

PREPARED BY: CLINT WHITED, CDBG CONSULTANT

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REVIEWED BY: MICHELE NISSEN, ASSISTANT CITY MANAGER

SUBMITTED BY: MITCHELL LANSDELL, INTERIM CITY MANAGER

Attachments:

1. Exhibit 1 - Draft Citizen Participation Plan