



Community Development Department

DATE: June 21, 2022
FROM: Ben Ehreth, AICP, Community Development Director
ITEM: Updated CDBG Citizen Participation Plan

REQUEST:

Consider approval of the updated Citizen Participation Plan for the City’s CDBG program.

Please place this item on the June 28, 2022 City Commission meeting agenda.

BACKGROUND INFORMATION:

The City of Bismarck is an entitlement community for the CDBG program administered by HUD. As such, we are required to have a Citizen Participation Plan that sets forth the policies and procedures by which the City will encourage citizens to participate in the development of the CDBG strategic plans and the use of grant funding. This Citizen Participation Plan was last updated in April 2020. Recently the document has been modified to include the following to more closely align with federal requirements and to make it more user friendly to staff and the public:

- The plan now outlines the three documents the City is required to prepare (the Consolidated Plan, the Annual Action Plan and the Consolidated Annual Performance and Evaluation Report) as a recipient of CDBG and the respective participation timeframes
- The document now explicitly addresses that public hearings will be held to obtain views on CDBG related needs prior to preparation of the Consolidated Plan and the Annual Action Plan
- The plan details how the public can find information regarding the CDBG program
- The plan now generally describes the Community Advisory Committee associated with CDBG project level application recommendations

- The document now states that emergency procedures may be utilized that could be different than the Citizen Participation Plan and HUD guidelines during emergency events.

A copy of the updated Citizen Participation Plan is attached.

RECOMMENDED CITY COMMISSION ACTION:

Approve the updated Citizen Participation Plan for the City's CDBG program.

STAFF CONTACT INFORMATION:

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Citizen Participation Plan

The Community Development Block Grant (CDBG) is a federal grant through the U.S. Department of Housing and Urban Development (HUD). The primary objective of CDBG is the development of viable communities by the provision of decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. In order to define what is needed to develop a suitable living environment, HUD and the City of Bismarck request the input of the public during the process to determine priorities for the CDBG program and to select projects to be funded by CDBG.

Purpose of the Citizen Participation Plan

The purpose of the Citizen Participation Plan is to set forth the policies and procedures by which the City will encourage citizens to participate in the development of the CDBG strategic plans and the use of the grant funding. The City of Bismarck will follow its Citizen Participation Plan, as long as the requirements for citizen participation do not restrict the responsibility or authority of the City to develop and execute its Consolidated Plan.

The CDBG process merges planning, application, and reporting requirements (24 CFR Part 91), and public participation is an integral element in this process. Accordingly, the City of Bismarck adopts a Citizen Participation Plan that describes how the City of Bismarck will promote and encourage public involvement throughout the CDBG process and encourage participation of LMI households living in potential project areas. This is a collaborative effort that emphasizes public involvement throughout all stages of the CDBG process and the development of the Consolidated Plan, Annual Action Plan and Consolidated Annual Performance Evaluation Report (CAPER). Public Participation helps Bismarck's Community Development Department gain a better understanding from the stakeholders and also get a diverse perspective on issues that matter most to the community.

Background

The City of Bismarck became an entitlement jurisdiction in 1990 for the CDBG program. As an entitlement jurisdiction, the City receives CDBG funding directly from HUD and administers the grant, including ensuring the funds are used according to the Code of Federal Regulations (CFR) and the associated plans, reports and certifications are completed on time and accurately. CDBG funding can be used for (1) activities that benefit low-and moderate-income households (2) eliminate conditions of slum and blight (3) meet an urgent community development need. As a recipient of CDBG funds, the City is required to provide the following

1. Consolidated Plan at least once every five years (24 CFR § 91.15). The Consolidated Plan is a strategic plan that examines the housing and community development needs of a jurisdiction, sets priorities for HUD grant monies and establishes an action plan for meeting current and future needs. Each Consolidated Plan is also required to have a strategy for citizen participation in the Consolidated Planning process (24 CFR Part 91.105). The City of Bismarck's last Consolidated Plan covered the program years 2015- 2019.
2. Annual Action Plan each year to receive the CDBG funding (24 CFR § 91.15). The Annual Action Plan serves as the City's application to HUD for the following year's CDBG funding and includes the projects that the entitlement jurisdiction desires to fund. The Plan also outlines the tasks and objectives that will be accomplished during the program year and includes sections that describe

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the public participation process, how other resources will be leveraged, and how the City plans to address barriers to affordable housing, fair housing and homelessness. The City's CDBG program year begins June 1 and ends May 31.

3. Consolidated Annual Performance and Evaluation Report (CAPER), which reviews the progress the City has made in carrying out the priorities in the Consolidated Plan. The report includes a description of the resources made available, the investment of the resources, the distribution and location of investments, per 24 CFR § 91.520. This report must be submitted to HUD within 90 days of the end of the program year.

Contact

The Community Development Department - Planning Division is the designated lead agency in the development of Bismarck's Consolidated Plan, Annual Action Plan, CAPER and Citizen Participation Plan for CDBG. This division resides within the City of Bismarck. Any comments or questions regarding the Consolidated Plan, Annual Action Plan, CAPER or the CDBG program can be sent to:

City of Bismarck
Community Development Department
PO Box 5503
Bismarck, ND 55806-5503
planning@bismarcknd.gov

Information can also be found at <https://www.bismarcknd.gov/1041/HUD-Grant-Programs>

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Basic Procedures

Public Participation

The City of Bismarck strives to involve citizens, public agencies, and other impacted parties in the process of setting priorities for the use of CDBG funds and identifying community needs. Since the national objectives of the grant are to benefit low- and moderate-income persons, prevent or eliminate slums or blight, or meet an urgent community need, emphasis is placed on involving low- and moderate-income people, particularly those living in areas where CDBG funds are proposed to be used. The City encourages participation from organizations that provide services to residents, especially those focused on the needs of the homeless, people with disabilities, veterans, the elderly, and youth. The Department of Community Development will make every effort to involve citizens in all phases of the development programs including, but not limited to, the following phases:

- a. Identification and assessment of public infrastructure, housing and community development needs, determination of CDBG project(s) and documentation.
- b. Changes and/or amendments to approved CDBG projects
- c. Assessment of CDBG performance

All phases of the community development process will be conducted by Bismarck's Community Development Department in an open manner. Everyone is encouraged to participate at all levels and will be given access to program information during each phase of any CDBG program outlined herein

Community Meetings

Community meetings may be held, as necessary, to communicate information regarding a CDBG project or projects or to obtain feedback from low- and moderate-income residents or those that serve these populations in Bismarck. Community meetings will be held in locations that are American with Disabilities Act (ADA) compliant, when available. If residents require special assistance for community meetings for physical, visual, or language impairments, as well as for alternative format/language assistance, they should contact the Community Development Department – Planning Division at 701-355-1840 during operating hours, Monday through Friday, 8:00 a.m. to 5:00 p.m. at least eight hours in advance of the scheduled meeting.

Public Comment Period

- a. The City will hold a 30-day public comment period for the Consolidated Plan, Annual Action Plan and any substantial amendment(s) to these plans.
- b. For the CAPER, the City will hold a public comment period of not less than 15 days to receive comments from citizens on this report.
- c. The City will consider any comments or views of citizens received in writing or orally during the public comment period in the preparation of the Plans, reports and substantial amendments.

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Public Hearings

All public hearing meetings will be open to the public and held in buildings that are accessible to persons with disabilities. Meetings will have adequate notice and be held at reasonable convenient times. Upon request and/or when relevant, special provisions will be made to accommodate persons due to disability or language barrier. The Community Development Department will publish notice of public hearings in the official newspaper of the City of Bismarck, Bismarck Tribune, at least fifteen days in advance.

Bismarck will hold a minimum of two public hearings during each funding year, per 24 CFR § 91.105. The hearings will be held at two different stages of the program year and together, the hearings will address housing and community development needs, development of proposed activities, and review of program performance. The City will hold one public hearing to obtain the views of citizens on community needs prior to the preparation of the Consolidated Plan or Annual Action Plan (24 CFR § 91.105).. The second public hearing could be held for a substantial amendment or for the CAPER. Other public hearings may be held, as necessary. There will be a public comment period before each of these public hearings.

The City of Bismarck may also use virtual public hearings, when necessary for public health reasons. If virtual public hearings are used, real time responses and accommodations for persons with disabilities will be made to the farthest extent possible. During times of declared disasters or emergencies by local, state or federal government, the public comment period for substantial amendments to both the Annual Action Plan and Con-Plan is reduced to 5 days.

A summary of the comments received during the public comment period and at public hearings will be summarized and attached to the strategic plans and reports. The comments could influence the City to adjust the priorities or projects in the current or future Consolidated Plan or Annual Action Plan. Any adjustments would be approved by the City Commission.

Upon request, reasonable accommodations and special assistance will be made available during public hearings. Auxiliary aids and services are available upon request to individuals with disabilities or limited English proficiency using TTY/TTD equipment via TDD/TTY via 711/TDD, the ND Relay Service at 1-800-366-6888/TTY or 1-800-435-8590/Spanish.

Notice of Public Hearings and Community Meetings

It is the policy of the City of Bismarck to give residents reasonable and timely notice of meetings and access to materials related to the City's use of CDBG funds.

- a. Notice of all public comment periods will be published as advertisements in the official newspaper of the City of Bismarck, beginning on or prior to the first day of the public comment period. The public hearing date, time and location will be listed in the newspaper notice with the public comment period. The public hearing will also be posted on the City's website (<https://www.bismarcknd.gov/>).
- b. Whenever reasonable, every attempt will be made to give fifteen days' notice will prior to a public hearing.

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c. Information that may be reviewed at community meetings and public hearings includes, but is not limited to:

- i. Amount of grant funding and program income anticipated in the coming year.
- ii. Range of activities that may be undertaken.
- iii. Estimated amount of grant funding and program income proposed to be used for activities that will benefit low- and moderate-income persons.
- iv. Any proposed activities likely to result in displacement and the City of Bismarck's plan for minimizing displacement.

Public Access to Information

As required by law, the City of Bismarck will provide the public with reasonable public access to information and records relating to the data or content of the Consolidated Plan. Documents relevant to the Program shall be made available at the City's Community Development Office during normal working hours for citizen review upon request. "Standard Documents" include the following:

- a. Annual Action Plan
- b. Consolidated Plan (Con-Plan)
- c. Substantial amendments to either an Annual Action Plan or Five-Year Strategic plan (Con-Plan)
- d. Annual Performance Reports
- e. The Citizen Participation Plan

The City shall also provide for full and timely disclosure of its program records and information consistent with applicable State and local laws regarding freedom of information, personal privacy, and obligations of confidentiality. These documents include all key documents such as prior applications for funding, all prior Statements of Objectives and Projected Use of Funds documents, letters of approval, grant agreements, other reports required by HUD; all mailings and promotional material; records of hearings; documents regarding other important program requirements, such as contracting procedures, environmental policies, fair housing and other equal opportunity requirements, and relocation provisions; copies of the regulations and issuances governing the program.

Written concerns or complaints

All written concerns and complaints will be given a written response within 15 working days whenever feasible. Often, issues involve federal regulations and may be resolved through informal discussion followed by a letter or email. Oral complaints will be handled on a case-by-case basis.

Application Process for CDBG-Eligible Organizations

- a. The City will accept applications annually from CDBG-eligible organizations, including housing service providers, nonprofit organizations, and City departments. Information on the process will be available at <https://www.bismarcknd.gov/>. The timeframe for intake of applications will be emailed to eligible agencies that have requested the information and posted on the City's website and/or in the official newspaper of the City of Bismarck. The City also has the option

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to solicit additional applications in the event that more funding becomes available or it is determined that additional projects are necessary to meet the community needs.

- b. Applications or a summary of projects may be placed on the City's website during the public comment period.
- c. City staff may conduct an application workshop and/or provide technical assistance to allow applicants to ask specific questions about the grant or potential projects.
- d. Applicants may request one-on-one technical assistance session with City CDBG staff. The City will make a good faith effort to see that reasonable requests for technical assistance are responded to in a timely manner. Reasonable requests are those made more than a week in advance of the application deadline and are requests referring to assistance with completing the application.

Community Advisory Committee (CAC)

CAC is a focus group made up with up to 13 local community members who represent various economic, ethnic and social service interests within the City of Bismarck. The CAC focus group is a cross-section representation of the people in Bismarck they serve as a voice for the community and act in an advisory capacity on the current needs of community. The committee does not have independent duties or authority to take actions that will bind the Community Development Department. The group is led by a staff member from Bismarck Community Development Department.

- a. Makes recommendations on applications requests for CDBG funding
- b. Encourages community involvement in the development and review of the Con Plan and Annual Action plan

Substantial Amendment to the Consolidated or Annual Action Plans

A "Substantial Change" to the Consolidated or Annual Action Plans is defined by the City of Bismarck to be:

- a. A change in the allocation priorities or goals identified in the Consolidated Plan; or
- b. A change in the method of distributing funds (i.e. application process, selection criteria for projects, etc.); or
- c. A proposed new project for the program year; or
- d. A change in the purpose, scope, location, or type of beneficiaries of a project to such an extent that it can no longer reasonably be construed as the activity reviewed by the public and approved by the City Commission.

All other minor changes to the Plan will be considered informal amendments and will be noted in the Effective Date and Amendments section of this document. Examples may include, but are not limited to, updates to contact information, the modes of outreach utilized, City policies referenced in this Plan that are amended, clarifications of terms used in the document and applicable CFR's referenced in the Plan that are amended and do not substantially change the information included in the Plan.

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Citizen Participation during emergency events

In the event of a public health emergency or other emergency event requiring social distancing, the City has established expedited procedures to draft, propose, or amend the Consolidated Plan, the Annual Action Plan or solicit citizen participation.

The City must submit a request for waiver to HUD no less than two (2) days prior to utilization of the requested waiver. Expedited procedures must include notice and reasonable opportunity to comment of no less than five (5) days. The 5-day period can run concurrently for comments on Action Plan amendments, Consolidated Plan amendments, and amended Citizen Participation Plans. In-person public hearings are not required.

The City 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 City's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses. Instructions for participation in the virtual public meeting will be detailed in the public notice for the meeting.

During times of a national disaster or pandemic such as COVID19, advertisements and public notices may* be solely on the City's website. Public comments received during the public comment period and at the virtual public meeting will be documented and held in file with the City of Bismarck's CDBG Grant Administrator. Notice of a public hearing scheduled under these circumstances must be posted on the City's website no less than 72 hours prior to the hearing. Accommodations for disabilities and non-English speaking residents will be made with a 48-hour notice prior to the scheduled meeting.

***Disclaimer:** All these procedures are subject to HUD's guidance during an emergency event and subject to change. The City of Bismarck will follow directives from HUD and refer to their policy and procedures in reference to the actual emergency event. This information shall be made available on the City's website.

Complaints and Grievances

It is the policy of the City of Bismarck to take reasonable steps to address concerns expressed by citizens and to respond to any formal complaints or grievances in a timely manner.

- a. Citizens should bring any concerns they may have regarding the CDBG program, Plans, policies, or projects to the attention of the City of Bismarck, Community Development Department – Planning Division, 701-355-1840, planning@bismarcknd.gov.
- b. Unresolved issues, complaints, or grievances may be formally submitted to the City Administrator. The grievance and/or request must be in writing and legible; typed correspondence is strongly urged.
 - i. The letter/email must be signed, dated, and indicate if the correspondent is representing his/her personal concerns or those of a larger group, in which case, the name and description of the group must be stated.
 - ii. The letter/email must contain contact information including the person or organization's name, address, phone number, email address, and, if the organization has a fax, the fax number.

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- iii. The letter/email must clearly identify the specific complaint or grievance and should state what corrective action is being sought.
 - iv. b. Unresolved issues, complaints, or grievances may be formally submitted to the City Administrator. The grievance and/or request must be in writing and legible; typed correspondence is strongly urged.
- c. It is anticipated that most concerns can be addressed through direct conversation. Should a written response be requested, the City will provide timely written answers to letters/emails that follow the guidelines listed in (b) above. The time required to respond may vary depending upon the nature and complexity of the specific complaint. Where practicable, written answers will be provided within 15 working days of the receipt of the written complaint.

Certifying Officers

For the CDBG program, the City of Bismarck's primary elected official/certifying officer is the Mayor. The Mayor will sign documents and HUD forms that will have a legal or financial impact to the CDBG program or the City of Bismarck, and those that have been approved through a public participation process.

The Mayor can delegate the administrative authority to the department heads in certain matters, to ensure the smooth and timely flow of information and documentation within and between the City, its employees, applicants for employment, contractors, suppliers, and outside service providers. In an effort to ensure the City meets the timing requirements of the CDBG program, the Mayor may direct the City Administrator or the Community Development Director to sign CDBG forms and documents on behalf of Mayor. For example, administrative forms and certification will be signed by the Community Development Director.

Effective Date and Amendments

1. This City of Bismarck Citizen Participation Plan was approved on February 11, 2020, by the Bismarck City Commission. The Plan may be amended as necessary. It is recommended that this Plan is reviewed when creating a new Consolidated Plan.
2. An Administrative Amendment to this Citizen Participation Plan was proposed to be added on April 28, 2020. This amendment clarifies temporary processes and procedures in due to HUD regulatory updates.