

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development At

BOARD AGENDA # 9:05 a.m.

Urgent ☐

Routine ☒

AGENDA DATE September 9, 2014

CEO Concur with Recommendation YES ☐ NO ☒  
(Information Attached)

4/5 Vote Required YES ☐ NO ☒

SUBJECT:

Approval to Close the 30-day Public Comment Period and Conduct a Public Hearing to Consider Approval of a Citizen Participation Plan for the U.S. Department of Housing and Urban Development (HUD) Grants

STAFF RECOMMENDATIONS:

1. Close the 30-day public comment period and conduct a public hearing to consider the approval of the Citizen Participation Plan for the U.S Department of Housing and Urban Development (HUD) Grants.
2. Authorize staff to incorporate any comments received prior to the close of the public comment period and during the public hearing in the final Citizen Participation Plan.
3. Adopt the Citizen Participation Plan and authorize staff to submit to the Department of Housing and Urban Development (HUD).

FISCAL IMPACT:

The Planning and Community Development Department receives an annual allocation of approximately \$280,000 in HUD grant funds for the administration of Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and HOME Investment Partnership (HOME) funds.

BOARD ACTION AS FOLLOWS:

No. 2014-471

On motion of Supervisor Withrow, Seconded by Supervisor Monteith  
and approved by the following vote.

Ayes: Supervisors: Withrow, Monteith, and Chairman De Martini

Noes: Supervisors: O'Brien

Excused or Absent: Supervisors: Chiesa

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:

ATTEST:

  
CHRISTINE FERRARO TALLMAN, Clerk

File No.

## **DISCUSSION:**

Federal regulations require a 30 day public comment period prior to local approval of a Citizen Participation Plan (CPP). To comply with this requirement, the Stanislaus County Board of Supervisors authorized the release of a draft Stanislaus County Citizen Participation Plan for public review, and also set a public hearing and the closing of the public comment period for September 9, 2014.

As a condition of the allocation and use of federal grants, the U. S. Department of Housing and Urban Development (HUD) requires jurisdictions to conduct a consolidated planning process that involves the submittal of a Consolidated Plan every five years, an Annual Action Plan, and a Consolidated Annual Performance Evaluation Report. The consolidated planning process serves as the framework for a community-wide dialogue to identify housing and community development priorities that align and focus funding from programs such as HUD's Community Planning and Development formula block grant programs: the Community Development Block Grant (CDBG), the HOME Investment Partnership (HOME), and the Emergency Solutions Grant (ESG) Program.

To achieve a community-wide dialogue, Federal regulations further condition the use of federal grant funds by requiring that citizens have opportunities to review and comment on the local jurisdiction's Consolidated Plan to allocate these funds. To ensure a good faith effort to solicit public participation in the development of the Consolidated Plan and related documents, Stanislaus County, as the "lead" agency of the Stanislaus Urban County, is required to adopt a Citizen Participation Plan that sets forth the jurisdiction's policies and procedures for citizen participation.

HUD requires that the Citizen Participation Plan provides for and encourages citizen participation and emphasizes participation by persons of low- or moderate-income, particularly residents of predominantly low- and moderate-income neighborhoods and areas in which the grantee proposes to use CDBG, HOME, or any other United States Department of Housing and Urban Development funds.

Specifically, the plan must:

- provide citizens with reasonable and timely access to local meetings, information, and records related to the grantee's proposed and actual use of funds;
- outline how and when citizens will be informed of amount of assistance expected to be received, range of activities to be undertaken, and plans to minimize displacement;
- provide for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance;

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- outline how citizens will be given the opportunity to examine consolidated planning documents;
- provide for consultation with public and private agencies, particularly those who serve low and moderate income residents;
- consider written or oral comments during the development process; and
- provide opportunities for participation to residents with Limited English Proficiency.

Traditionally, Stanislaus County's Citizen Participation process has existed within its Consolidated Plan and has always been accepted by HUD. However, during a technical assistance visit earlier this year, it was recommended that Stanislaus County draw from its current Consolidated Plan's citizen participation process and create a stand-alone policy document as required by HUD to be in full compliance.

The provisions of the proposed Citizen Participation Plan reflect federal requirements and local practice. Section II – Consolidated Plan and Annual Action Plan Amendment – defines the criteria for a “substantial change,” which would trigger a substantial amendment process. The definition of a substantial change is up to the local jurisdiction and, if triggered, requires a public hearing in accordance with federal regulations.

The proposed Citizen Participation Plan identifies both substantial changes, and those changes which are not considered substantial, and may be addressed administratively. While administrative changes do not require a public hearing, public outreach and Board of Supervisors approval will still be conducted as required by county practice (and the practice of the Urban County's member jurisdictions). To allow for flexibility in the County's operation of the CDBG/ESG programs as well as to permit efficiency, by not having to repeatedly conduct public hearings to amend the Annual Action Plans, the following criteria has been proposed in the Citizen Participation Plan as changes to be handled administratively not subject to the substantial amendment process:

- Proportional adjustment to CDBG Public Service and ESG award amounts to accommodate actual HUD allocations amounts (provided new grantees are not awarded funds);
- Shifts of funds, during the fiscal year, not exceeding an amount of \$150,000, between approved activities; and
- Shift of fund balance, during the fiscal year, in any amount, from a completed activity to another approved activity.

With regard to the shift of funds, the proposed \$150,000 threshold was derived from staff's experience in working with the CDBG program, in particular infrastructure related activities, where in the past, there has been a need to shift funds during the fiscal year between approved activities due to implementation delays outside of staff's control. Shifts in funds will only occur when consistent with approved Annual Action Plans and will be reported as part of the annual performance evaluation reports. An example where the shift of funds would occur is an infrastructure project to which funds were allocated under a previous

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Annual Action Plan, however the project is delayed due to utility relocation needs, and the jurisdiction wishes to proceed with a project identified in a later Annual Action Plan that was to be phased due to limited funds.

The proposed Citizen Participation Plan has been reviewed by the technical assistance consultants as well as Stanislaus County's HUD field representative, and staff has incorporated into the plan any suggestions received from them. In order to approve the proposed Citizen Participation Plan, the Board of Supervisors must hold a public hearing to solicit public comment. If approved by the Board of Supervisors, the Citizen Participation Plan will be submitted to HUD for approval.

**POLICY ISSUES:**

Approval of the proposed Citizen Participation Plan supports the Board's priorities of A Safe Community, A Healthy Community, Effective Partnerships, A Well Planned Infrastructure System, and Efficient Delivery of Public Services by providing the community access and an opportunity to participate in the development process of documents that address these priorities and community development objectives.

**STAFFING IMPACT:**

The Stanislaus County Planning and Community Development Department is ultimately responsible for the administration of all HUD related program activities on behalf of the Stanislaus Urban County. Existing staff will maintain and enforce the requirements outlined in the Citizen Participation Plan.

**CONTACT PERSON:**

Angela Freitas, Director of Planning & Community Development  
Telephone: 209-525-6330

**ATTACHMENTS:**

1. Citizen Participation Plan

# **Stanislaus Urban County Citizen Participation Plan**

For HUD Programs



Stanislaus County  
Planning and Community Development Department  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354  
[www.stancounty.com](http://www.stancounty.com)

# Citizen Participation Plan

## Stanislaus Urban County

### INTRODUCTION

As required by the U.S. Department of Housing and Urban Development (HUD) regulations found at 24 CFR 91.105 "Citizen Participation Plan," this Citizen Participation Plan sets forth the Stanislaus Urban County's policies and procedures for citizen participation with respect to Community Development Block Grant (CDBG) and Emergency Solutions Grant (ESG) programs and the following Consolidated Plan Documents:

- Citizen Participation Plan
- Consolidated Plan
- Annual Action Plan
- Consolidated Annual Performance and Evaluation Report (CAPER)
- Analysis of Impediments to Fair Housing Choice (AI)

The Stanislaus Urban County formed in 2002 to receive entitlement CDBG and ESG funds. The Urban County includes the unincorporated areas of Stanislaus County and the Cities of Ceres, Hughson, Newman, Oakdale, Patterson and Waterford.

Stanislaus County is also a member jurisdiction in the City of Turlock/Stanislaus County HOME consortium. Established in 1991, to obtain a direct allocation of funds under the Cranston-Gonzalez National Affordable Housing Act of 1990, the Consortium includes the City of Turlock, the Stanislaus Urban County unincorporated areas, and Urban County participating cities of Ceres, Hughson, Newman, Oakdale, Patterson and Waterford.

The requirements for citizen participation do not restrict the responsibility or authority of the jurisdiction for the development and execution of the above-mentioned programs and documents, but rather facilitate citizen access to, and engagement with, the HUD Community Planning and Development funding sources.

Subsequent to Board of Supervisors approval of this Citizen Participation Plan the plan will be effective until it is amended or otherwise replaced.

# CITIZEN PARTICIPATION PLAN

As the Lead Entity of the Stanislaus Urban County for the respective HUD entitlement programs, Stanislaus County is responsible for the implementation of this Citizen Participation Plan on behalf of the Urban County membership. As such, any reference to "Stanislaus County," throughout this document, may capture actions taken by either Stanislaus County solely or the Stanislaus Urban County as a whole.

The following outlines Stanislaus Urban County's Citizen Participation Plan process when developing or amending the named Consolidated Plan documents:

## I. CONSOLIDATED PLAN AND ANNUAL ACTION PLAN DEVELOPMENT

Stanislaus County provides for and encourages the participation of residents and stakeholders in the development of all the documents covered by this Citizen Participation Plan. Stanislaus County further encourages participation by low- and moderate-income persons, particularly those living in blighted areas and in areas where HUD funds are proposed to be used and by residents of predominantly low- and moderate-income neighborhoods<sup>1</sup>.

Stanislaus County will implement the following procedures in the development and approval of the Consolidated Plan and each Annual Action Plan (hereafter referred to as "the Plans"):

### A. Plan Considerations – HUD requirements

In the development of the Plans, Stanislaus County will consult other public and private agencies and public organizations including but not limited to those providing:

- Assisted housing;
- Health services;
- Social services and fair housing services (including those focusing on services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, homeless persons, economic development, neighborhood development and other housing and community development services); and
- Municipal Advisory Councils (MACS).

When preparing the section of the Plans describing Stanislaus County's homeless strategy and the resources available to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) and persons at risk of homelessness, Stanislaus County will consult with:

- The Continuum of Care;
- Public and private agencies that address housing, health, social service, victim services, employment, or education needs of low-income individuals and families<sup>2</sup>; homeless individuals and families, including homeless veterans; youth; and/or other persons with special needs;
- Publicly funded institutions and systems of care that may discharge persons into homelessness (such as health-care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and

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<sup>1</sup> Predominately low- and moderate-income neighborhoods are defined as those in which 51% of the residents have incomes at or below 80% of area median income.

<sup>2</sup> Low-income individuals/families are defined as those with incomes of, or less than 80% of the Stanislaus County Area Median Income (AMI), as established by HUD.

- Business and civic leaders.

When preparing the portion concerning lead-based paint hazards, Stanislaus County will consult with State or local health and child welfare agencies and examine existing data related to lead-based paint hazards and poisonings, including health department data on the addresses of housing units in which children have been identified as lead poisoned.

When preparing the description of priority non-housing community development needs, Stanislaus County will notify adjacent units of general local government, to the extent practical. A non-housing community development plan will be submitted to the state of California Housing and Community Development Department.

Stanislaus County also will consult with adjacent units of general local government, including local government agencies with metropolitan-wide planning responsibilities, particularly for problems and solutions that go beyond Stanislaus County's jurisdiction.

Stanislaus County will consult with the Housing Authority of the County of Stanislaus (HACS), the local public housing agency (PHA) concerning consideration of public housing needs and planned programs and activities.

As a recipient of ESG funds, Stanislaus County will consult with the Continuum of Care in determining how to allocate its ESG funds toward eligible activities; in developing the performance standards for, and evaluating the outcomes of, projects and activities assisted by ESG funds; and in developing funding, policies, and procedures for the operation and administration of the Homeless Management Information System (HMIS).

In addition, in accordance to the ESG Final Rule requirements, Stanislaus County will consult with the following entities in the planning for ESG related activities:

- Public and private agencies that address housing, health, social service, victim services, employment, or education needs of low-income individuals and families;
- homeless individuals and families, including homeless veterans; youth; and/or other persons with special needs;
- Publicly funded institutions and systems of care that may discharge persons into homelessness (such as health-care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and
- Business and civic leaders.

A variety of mechanisms may be utilized to solicit input from these persons/service providers/agencies. These include posting or mailing notices of public meetings and hearings, telephone or personal interviews, mail surveys, internet-based feedback and consultation workshops.

#### B. Public Review and Comment

Drafts of the Plans will be made available for public review for a 30-day period prior to Board of Supervisors consideration at a scheduled public hearing. Written comments will be accepted by the County's Director of Planning and Community Development or designee during the public review period. A summary of all comments, written and verbal, received during the public comment period will be attached to the Plans prior to submission to HUD. Copies will be made available following the process described in Section V of this document.



### C. Public Hearing

The Board of Supervisors will conduct a public hearing to accept public comment on the draft Plans prior to approval and submittal to HUD. Urban County participating cities are not required to hold a public hearing, but at a minimum must present the draft Plans to their respective City Councils thereby obtaining approval of their individual planned activities and informing the public of Stanislaus County's public comment period. Prior to consideration of the Plans by Stanislaus County, cities shall submit a resolution of concurrence and acceptance to Stanislaus County. Section V describes the process for publishing notice for and conducting public hearings.

### D. Submittal to HUD

The approved Plans will be submitted to HUD with a summary of all comments, written and verbal, received during the public comment period, including those received at public meetings and hearings, and proof of compliance with the minimum 30-day public review and comment period requirement. The Plans will be submitted to HUD a minimum of 45 days before the program year, or as otherwise required, pursuant to regulations.

### E. Plan Access and Comments

Approved Plans will be kept on file by Stanislaus County at 1010 10<sup>th</sup> Street, Suite 3400, Modesto, CA 95354 and online at <http://www.stancounty.com/planning/cdbg/cdbg.shtm> and can be made available to those requesting the Plans.

## II. **CONSOLIDATED PLAN AND ANNUAL ACTION PLAN AMENDMENT**

Stanislaus County will follow the procedures outlined in section C-F below, in order to complete substantial amendments to the Consolidated Plan and Annual Action Plan (hereafter referred to by their specific name or "the Plans"), as needed:

### A. Consolidated Plan Amendment Considerations

Stanislaus County will substantially amend the Consolidated Plan if a "substantial change", as defined below, is proposed. For the purpose of the Consolidated Plan, a "substantial change" is defined as:

- The addition or deletion of Consolidated Plan priorities or goals.

All other changes may be handled administratively and are not subject to the public hearing requirements of this Citizen Participation Plan; however, public outreach and Board of Supervisors approval will be conducted as required by County practice.

### B. Annual Action Plan Amendment Considerations

Stanislaus County will substantially amend an Annual Action Plan if a "substantial change", as defined below, is proposed. For the purpose of the Annual Action Plan, a "substantial change" is defined as:

- i. Addition of a new activity not previously identified in the Annual Action Plan;
- ii. Deletion or cancelation of an activity identified in the Annual Action Plan which has NOT been deemed ineligible or determined to be infeasible (provided any allocated funds are

- transferred to another approved activity as part of a subsequent Annual Action Plan approval); and
- iii. The addition of new CDBG Public Service or ESG award grantees.

All other changes may be handled administratively and are not subject to the public hearing requirements of this Citizen Participation Plan; however, public outreach and Board of Supervisors approval will be conducted as required by County practice. The following changes are considered administrative:

- Proportional adjustment to CDBG Public Service and ESG award amounts to accommodate actual HUD allocations amounts (provided new grantees are not awarded funds);
- Shifts of funds, not exceeding an amount of \$150,000, between approved activities; and
- Shift of fund balance, in any amount, from a completed activity to another approved activity.

In any case where the shifting of funds occur, the shifting will be reported accordingly in the CAPER.

C. Public Review and Comment

Drafts of Substantial Amendments to the Plans will be made available for public review for a 30-day period prior to Board of Supervisors consideration at a scheduled public hearing. Written comments will be accepted by the County's Director of Planning and Community Development or designee during public review period. A summary of the comments received, written and verbal, will be attached to the Substantial Amendment prior to submission to HUD. Copies will be made available following the process described in Section V of this document.

D. Public Hearing

The Board of Supervisors will conduct a public hearing to accept public comments on the draft Substantial Amendment of the Plans prior to approval and submittal to HUD. Section V describes the process for publishing notice for and conducting public hearings. Urban County participating cities who are implementing Consolidated Plan and/or Annual Action Plan changes that would trigger a substantial amendment specific to their activities must present the draft Substantial Amendment to their respective City Councils at a public hearing, following the citizen participation plan process, and submit a resolution of approval to Stanislaus County. Stanislaus County may require a resolution of concurrence from all Urban County participating cities for any amendment that may affect city activities.

E. Submittal to HUD

The approved Substantial Amendment will be submitted to HUD with a summary of all comments, written and verbal, received during the public comment period, including those received at public meetings and hearings, and proof of compliance with the minimum 30-day public review and comment period requirement will be submitted to HUD for their records.

F. Plan Access and Comments

Approved Substantial Amendments will be kept on file by Stanislaus County at 1010 10<sup>th</sup> Street, Suite 3400, Modesto, CA 95354 and online at <http://www.stancounty.com/planning/cdbg/cdbg.shtm> and can be made available to those requesting the plan.

### **III. CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)**

Stanislaus County will follow the following procedure in the drafting and adoption of Consolidated Annual Performance and Evaluation Report (CAPER):

#### **A. Plan Considerations**

Staff will evaluate and report the accomplishments of the previous program year for CDBG and ESG, and will summarize expenditures that took place during the previous program year.

#### **B. Plan Review and Comment**

The draft CAPER will be made available for public review for a 15-day period prior to Board of Supervisors consideration at a scheduled public hearing. Written comments will be accepted by the County's Director of Planning and Community Development or designee during public review period. A summary of the comments received, written and verbal, will be attached to the CAPER prior to submission to HUD. Copies will be made available following the process described in Section V of this document.

#### **C. Public Hearing**

The Board of Supervisors will conduct a public hearing to accept public comments on the draft CAPER prior to approval and submittal to HUD. Urban County participating cities are not required to hold a public hearing, but must present the draft CAPER to their respective City Councils thereby obtaining approval of their accomplishments reported in the CAPER and informing the public of Stanislaus County's public comment period. Section V describes the process for publishing notice for and conducting public hearings.

#### **D. Submittal to HUD**

The approved CAPER will be submitted to HUD with a summary of all comments, written and verbal, received during the public comment period, including those received at public meetings and hearings, and proof of compliance with the minimum 15-day public review and comment period will be submitted to HUD for their records. The CAPER will be submitted to HUD within 90 days following the end of the program year pursuant to regulations.

#### **E. Plan Access and Comments**

The approved CAPER will be kept on file by Stanislaus County at 1010 10<sup>th</sup> Street, Suite 3400, Modesto, CA 95354 and online at: <http://www.stancounty.com/planning/cdbg/cdbg.shtm> and can be made available to those requesting the plan.

### **IV. FIVE-YEAR ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE**

Stanislaus County will follow the following procedure in the drafting and adoption of the Analysis of Impediments to Fair Housing Choice (AI):

#### **A. Plan Considerations**

During the development of the Five-Year AI, Stanislaus County will consult the following groups/agencies to solicit their input on fair housing issues in Stanislaus County:

- i. Fair Housing Organizations;
- ii. Other local governments;
- iii. Advocacy groups for special needs households;
- iv. Affordable housing providers;
- v. Banks and other financial institutions; and
- vi. Educational institutions.

A variety of mechanisms may be utilized to solicit input from these groups/agencies. These include telephone or personal interviews, mail surveys, and consultation workshops.

**B. Plan Review and Comment**

The draft AI will be made available for public review for a 30-day period prior to Board of Supervisors consideration at a scheduled public hearing. Written comments will be accepted by the County's Director of Planning and Community Development or designee during public review period. A summary of the comments received, written and verbal, will be attached to the AI prior to submission to HUD. Copies will be made available following the process described in Section V of this document.

**C. Public Hearing**

The Board of Supervisors will conduct a public hearing to accept public comments on the draft AI as prior to approval and submittal to HUD. Urban County participating cities are not be required to hold a public hearing, but at a minimum must present the AI to their respective City Councils and informing the public of Stanislaus County's public comment period. Section V describes the process for publishing notice for and conducting public hearings.

**D. Submittal to HUD**

Upon approval the AI will be incorporated into the Consolidated Plan and submitted along with the Consolidated Plan to HUD for approval.

**E. Plan Access and Comments**

The approved Analysis of Impediments will be kept on file by Stanislaus County at 1010 10<sup>th</sup> Street, Suite 3400, Modesto, CA 95354 and online at: <http://www.stancounty.com/planning/cdbg/cdbg.shtm> and can be made available to those requesting the plan.

**V. PUBLIC HEARINGS, NOTIFICATION AND ACCESS**

Stanislaus County will follow the following procedure in conducting public hearings and providing notification and access to all Consolidated Plan documents discussed in this Citizen Participation Plan:

**A. Public Hearing Process**

Stanislaus County will conduct at least two public hearings per year to obtain citizens' views and comments on planning documents during the public review and comment period for the Annual Action Plan and CAPER. These meetings will be conducted at different times of the program year and together will cover the following topics:

- Housing and Community Development Needs
- Development of Proposed Activities
- Review of Program Performance

During a program year when Stanislaus County develops a Consolidated Plan, at least one public hearing will be conducted prior to Board of Supervisors consideration of the Consolidated Plan. This public hearing may be conducted jointly with the hearing to consider the Annual Action Plan. Stanislaus County, at its discretion, may conduct additional outreach, public meetings or public hearings as necessary to foster citizen access and engagement.

#### B. Public Hearing Notification

Notices will be printed/posted at least 14 days prior to the meeting date. Noticing may include:

- Printing a public notice in newspaper(s) of general circulation in Stanislaus County;
- Display ads and/or press releases; or
- Posting notices at County Administrative Office.

Notices will include information on the subject and topic of the meeting including summaries when possible and appropriate to properly inform the public of the meeting. Notices may be published in additional languages as appropriate and will be accessible to those with disabilities. Meeting location and access is described below.

#### C. Public Review/Comment Period

Public notices will be printed / posted prior to the commencement of any public review/comment period alerting citizens of the documents for review. The minimum public comment/review period for each Consolidated Plan document is listed below:

Document	Public Comment Period
Consolidated Plan	30 days
Action Plan	30 days
Substantial Amendments	30 days
CAPER	15 days
Analysis of Impediments	30 days
Citizen Participation Plan	30 days

Copies of all documents and notices will be available for public review at the following location:

**Stanislaus County Planning & Community Development Department**  
1010 10th Street, Suite 3400  
Modesto, CA 95354

A copy of each document will also be made available for public review at County libraries and at the Planning Departments of each Urban County member city.

Documents and notices will also be posted to the Stanislaus County website at:  
<http://www.stancounty.com/planning/cdbg/cdbg.shtm>

#### D. Access to Meetings

Unless otherwise noted, Public Hearings requiring Board of Supervisors action will be conducted at the Board of Supervisors Chambers (1010 10<sup>th</sup> Street, Suite 3400, Modesto, CA 95354). For public meetings not requiring Board of Supervisors participation, Stanislaus County will make every effort to conduct such meetings at a location within the low- and moderate-income target areas and at times accessible and convenient to potential and actual beneficiaries. The County will work with neighborhood groups and other stakeholders for guidance in selecting meeting locations and times.

It is the intent of Stanislaus County to comply with the Americans with Disabilities Act (ADA) and Title VI of the Civil Rights Act of 1965 and related statuses in all respects. If an attendee or participant at a public hearing and/or meeting needs special assistance beyond what is normally provided, Stanislaus County will attempt to accommodate these people in every reasonable manner.

#### E. Access to Records

Approved Consolidated Plan documents will be kept on file by Stanislaus County at Stanislaus County Planning and Community Development Department (1010 10<sup>th</sup> Street, Suite 3400, Modesto, CA 95354) and online at: <http://www.stancounty.com/planning/cdbg/cdbg.shtm> and can be made available to those requesting the plans.

Stanislaus County will ensure timely and reasonable access to information and records related to the development of the Consolidated Plan documents, and the use of HUD funds from the preceding five years.

Requests for information and records must be made to Stanislaus County in writing. Staff will respond to such requests within fifteen (15) working days or as soon as possible thereafter.

#### F. Technical Assistance

Stanislaus County will provide technical assistance, particularly to groups or individuals representing persons with very low or low incomes. Said assistance shall be used to develop funding proposals for assistance under any of the formula programs covered by the Consolidated Plan. County staff shall determine the necessary level and degree of assistance. Such technical assistance might include, but is not limited to, the following:

- Assisting with forms/applications;
- Explaining the process for submitting proposals;
- Explaining federal and local requirements;
- Providing comments and advice on the telephone or in meetings; or
- Reviewing and commenting on draft proposals.

#### G. Comments and Complaints

Written and verbal comments received at public hearings, public meetings, or during the comment period will be summarized and considered in the development of the Consolidated Plan documents subject to this Citizen Participation Plan, and included as an attachment to final Consolidated Plan documents submitted to HUD. Written comments are strongly encouraged and should be addressed to:

**Stanislaus County**  
**Planning and Community Development Department**  
**Attn: Director**  
1010 10th Street, Suite 3400  
Modesto, CA 95354

A complaint regarding any the Consolidated Plan documents covered by this Citizen Participation Plan must be submitted in writing to the County's Director of Planning and Community Development.

Stanislaus County will accept written complaints provided they specify:

- The description of the objection, and supporting facts and data; and
- Provide name, address, telephone number, and a date of complaint.

Pursuant to the Code of Federal Regulations (Section 24, CFR 91.105 (j)), a written response will be made to all written complaints within fifteen (15) working days, acknowledging the letter and identifying a plan of action, if necessary.

**H. Individuals with Limited English Proficiency**

In compliance with Title VI of the Civil Rights Act of 1964, Stanislaus County will take responsible steps to ensure meaningful access to benefits, services, information, and other important aspects of the programs covered by the Consolidated Plan documents for individuals with Limited English Proficiency (LEP). If an individual or participant with limited English proficiency needs assistance beyond what is normally provided, Stanislaus County will attempt to accommodate their request in every reasonable manner.

If anyone needs any information related to the Consolidated Plan documents in an alternate format, please contact the Stanislaus County ADA Title II/Civil Rights Title VI Coordinator at (209) 525-4494.

**VI. ANTI-DISPLACEMENT AND RELOCATION POLICY AND PLAN**

**A. Anti-Displacement Policy**

Stanislaus County seeks to minimize, to the greatest extent feasible, the involuntary displacement, whether permanently or temporarily, of persons (families, individuals, businesses, nonprofit organizations, or farms) from projects funded with CDBG, ESG, or HOME involving single or multi-family rehabilitation, acquisition, commercial rehabilitation, demolition, economic development, or capital improvement activities.

Projects that Stanislaus County deems beneficial but that may cause displacement may be recommended and approved for funding only if Stanislaus County or its sub-grantee demonstrates that such displacement is necessary and vital to the project and that they take efforts to reduce the number of persons displaced. Further, it must be clearly demonstrated that the goals and anticipated accomplishments of a project outweigh the adverse effects of displacement imposed on persons who must relocate.

Stanislaus County's Anti-displacement and Relocation Plan describes how it will assist persons who will be temporarily relocated or permanently displaced due to the use of HUD funds. This plan takes

effect whenever Stanislaus County sponsors projects using CDBG, ESG, or HOME funds that involve the following:

- Property acquisition; or
- The demolition or conversion of low- and moderate-income dwelling units.

B. Background

Two acts apply whenever any of the above issues are present: the Uniform Relocation Assistance and Real Property Policies Act of 1970 (URA) and Section 104(d) of the Housing and Community Development Act of 1974. Each of these acts places different obligations on Stanislaus County.

The URA governs the processes and procedures which Stanislaus County must follow to minimize the burden placed on low- and moderate-income tenants, property owners, and business owners who must move (either temporarily or permanently) as the result of a project funded in whole or in part by the CDBG, ESG, or HOME programs. The URA applies to:

- Displacement that results from acquisition, demolition, or rehabilitation for HUD-assisted projects carried out by public agencies, nonprofit organizations, private developers, or others;
- Real property acquisition for HUD-assisted projects (whether publicly or privately undertaken);
- Creation of a permanent easement or right of way for HUD-assisted projects (whether publicly or privately undertaken); and
- Work on private property during the construction of a HUD-assisted project even if the activity is temporary.

C. What is Displacement?

Displacement occurs when a person moves as a direct result of federally assisted acquisition, demolition, conversion, or rehabilitation activities\*, because he or she is:

- Required to move; or
- Not offered a decent, safe, sanitary and affordable unit in the project;
- Treated “unreasonably” as part of a permanent or temporary move.

A person may also be considered displaced if the necessary notices are not given or provided in a timely manner and the person moves for any reason.

\*Persons who voluntarily participate in a CDBG, ESG, or HOME funded rehabilitation activity may only qualify for relocation assistance when no other housing options are available to them.

D. What is a Displaced Person?

The term *displaced person* means any person that moves from real property or moves his or her personal property from real property permanently as a direct result of one or more of the following activities:

- Acquisition of real property, in whole or in part, for a project;
- Rehabilitation or demolition of real property for a project;



Stanislaus County may offer advisory and financial assistance to eligible tenants (or homeowners) who meet the above definition.

E. Persons Not Eligible for Assistance

A person is not eligible for relocation assistance under the provisions of the URA if any of the following occurs:

- The person was evicted for serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable Federal, State, or local law, or other good cause. However, if the person was evicted only to avoid the application of URA, then that person is considered displaced and is eligible for assistance;
- The person has no legal right to occupy the property under State or local law;
- Stanislaus County determines that the person occupied the property to obtain relocation assistance and the HUD Field Office concurs in that determination;
- The person is a tenant-occupant that moved into the property after a certain date, specified in the applicable program regulation, and, before leasing and occupying the property, Stanislaus County or its sub-grantee provided the tenant-occupant written notice of the application for assistance, the project's impact on the person, and the fact that he or she would not qualify as a "displaced person" because of the project;
- The person is a tenant-occupant of a substandard dwelling that is acquired or a tenant-occupant of a dwelling unit to which emergency repairs are undertaken and the HUD field office concurs that:
  - Such repairs or acquisition will benefit the tenant;
  - Bringing the unit up to a safe, decent, and sanitary condition is not feasible;
  - The tenant's new rent and average estimated monthly utility costs will not exceed the greater of: the old rent/utility costs or 30 percent of gross household income; and
  - The project will not impose any unreasonable change in the character or use of the property.
- The person is an owner-occupant of the property who moves because of an arm's length acquisition;
- Stanislaus County or its sub-grantee notifies the person that they will not displace him or her for the project;
- The person retains the right of use and occupancy of the real property following the acquisition; or
- Stanislaus County determines that the person is not displaced as a direct result of the acquisition, rehabilitation, or demolition for the project and the HUD field office concurs in the determination.

F. Minimizing Displacement

Stanislaus County will take reasonable steps to minimize displacement occurring as a result of its CDBG, ESG, and HOME activities. This means that Stanislaus County will:

- Consider if displacement will occur as part of funding decisions and project feasibility determinations;
- Assure, whenever possible that occupants of buildings to be rehabilitated are offered an opportunity to return;
- Plan substantial rehabilitation projects in "stages" to minimize displacement; and

- Meet all HUD notification requirements so that affected persons do not move because they have not been informed about project plans and their rights.

#### G. Displacement Assistance

Consistent with the goals and objectives of the CDBG, ESG, and HOME programs, Stanislaus County will take all reasonable steps necessary to minimize displacement of persons, even temporarily. If displacement occurs, Stanislaus County will provide relocation assistance to all persons directly, involuntarily, and permanently displaced according to HUD regulations.

If Stanislaus County temporarily displaces a low- or moderate-income household, that household becomes eligible for certain relocation payments. The assistance applies to those persons residing in the residence at the time the application is processed and is based on the following procedures:

- If the structure and its occupants are determined eligible for temporary relocation assistance, the owner-occupants and tenants are eligible for the actual reasonable cost (based on fair market rent) of temporary lodging facilities until the structure is determined habitable by a housing or building inspector authorized by Stanislaus County to make the determination;
- Stanislaus County must approve housing and the Lessor and Lessee must sign a rent agreement before move-in. Housing must be comparable functionally to the displacement dwelling and decent, safe, and sanitary. This does not mean that the housing must be in comparable size. The term “functionally equivalent” means that it performs the same function, has the same principal features present, and can contribute to a comparable style of living. Approved lodging accommodations include apartments and houses. Stanislaus County does not reimburse “rental expenses” for living with a friend or family member;
- Stanislaus County may facilitate moving and storage of furniture with a moving company;
- Damage deposits, utility hookups, telephone hookups and insurance costs are not eligible for reimbursement; and
- Stanislaus County may pay the cost of relocation assistance from available Federal funds.

#### H. One-For-One Replacement Dwelling Units

Stanislaus County will generally avoid awarding funds for activities resulting in displacement. However, should Stanislaus County fund an activity, specific documentation is required to show the replacement of all occupied and vacant dwelling units demolished or converted to another use. The following exception applies to the demolition of units:

Vacant blighted dwelling units that have been determined by Stanislaus County to be unsafe for human occupancy and subsequently demolished using federal funds shall not require replacement.

Should Stanislaus County fund an activity resulting in displacement, Stanislaus County will assure that relocation assistance is provided as described in 24 CFR 570.606(b)(2).

Consistent with the goals and objectives of the CDBG, ESG, and HOME programs, Stanislaus County will take all reasonable steps necessary to minimize displacement of persons from their homes. Stanislaus County will avoid funding projects that cause displacement of persons or

businesses and will avoid funding any project that involves the conversion of low- and moderate-income housing to non-residential purposes.

# Stanislaus Urban County



## Citizen Participation Plan for HUD Programs

# CITIZEN PARTICIPATION PLAN

As a condition of the use of HUD grants, Stanislaus County is required to conduct a consolidated planning process that involves preparing and submitting a:

- Consolidated Plan (Con Plan)
- Annual Action Plan (AAP)
- Consolidated Annual Performance Evaluation Report (CAPER)
- Analysis of Impediments to Fair Housing Choice (AI)

# CITIZEN PARTICIPATION PLAN

## Consolidated Planning Process:

- ❖ The Con Plan serves as a comprehensive strategy to address the needs of low-income residents via the use of CDBG, HOME, and ESG funds.
- ❖ Federal regulations require that citizens have the opportunity to review and comment on the Consolidated Planning Process
- ❖ As “Lead Agency” of Urban County, Stanislaus County must adopt a Citizen Participation Plan.

# CITIZEN PARTICIPATION PLAN

The Citizen Participation Plan Must:

- ❖ Provide citizens reasonable and timely access to local meetings, information, and records related to proposed and actual use of funds;
- ❖ Outline how and when Citizens will be informed of amount of assistance expected to be received, range of activities to be undertaken, and plans to minimize displacement;

# CITIZEN PARTICIPATION PLAN

- ❖ Provide public hearings to obtain citizen views & respond to questions at all stages of the program;
- ❖ Allow the consultation with public & private agencies serving low & moderate income residents & those with Limited English Proficiency; and
- ❖ Consider written or oral comments during the development process



# CITIZEN PARTICIPATION PLAN

- ❖ Traditionally, Stanislaus County's Citizen Participation process has existed within the Consolidated and Annual Action Plans.
- ❖ HUD Technical Assistance provider recommended that a stand-alone policy document be created to be in full compliance with HUD requirements.
- ❖ Staff has developed the proposed Citizen Participation Plan in accordance with federal regulations.

# CITIZEN PARTICIPATION PLAN

## Substantial Amendments:

- ❖ HUD requires grantees to define the criteria that will constitute a Substantial Amendment to its Consolidated Plan and Annual Action Plans.
- ❖ A Substantial Amendment then triggers Citizen Participation Process.
- ❖ Section II of the Plan defines the criteria for Substantial Amendments to the Consolidated Plan and Annual Action Plans:

# CITIZEN PARTICIPATION PLAN

## Section II:

### Consolidated Plan Substantial Amendment Criteria:

- ❖ The addition or deletion of Consolidated Plan priorities or goals

### Annual Action Plan Substantial Amendment Criteria:

- ❖ Addition of a new activity not previously identified in the Annual Action Plan;
- ❖ Deletion or cancelation of an activity identified in the Annual Action Plan which has NOT been deemed ineligible or determined to be infeasible;
- ❖ The Addition of new CDBG Public Service or ESG award grantees.

# CITIZEN PARTICIPATION PLAN

## Administrative Changes:

- ❖ Proportional adjustment to CDBG Public Service and ESG award amounts to accommodate actual HUD allocation amounts (provided new grantees are not awarded funds)
- ❖ Shift of funds, not exceeding an amount of \$150,000 between approved activities; and
- ❖ Shift of fund balance, in any amount, from a completed activity to another approved activity.

# CITIZEN PARTICIPATION PLAN

## Proposed Public Review/Comment Period

Document	Public Comment Period*
Consolidated Plan	30 days
Action Plan	30 days
Substantial Amendments	30 days
CAPER	15 days
Analysis of Impediments	30 days
Citizen Participation Plan	30 days

\* Minimum comment periods as mandated by HUD

# STAFF RECOMMENDATIONS

Take actions 1 - 3 as outlined in the Board of Supervisors Staff Report which include:

1. Closing the 30 day public comment period and hold a public hearing,
2. Authorize staff to incorporate any comments received during the public comment period and public hearing, and
3. Adopt the Citizen Participation Plan and authorize staff to submit to HUD.