

## **APPENDIX D**

# **CITIZEN PARTICIPATION, PUBLIC HEARINGS AND PUBLIC INFORMATION FILE REQUIREMENTS**

## **CITIZEN PARTICIPATION**

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Jurisdictions must provide for and encourage citizen participation, particularly by low- and moderate-income persons and those that may be affected by the proposed CDBG-funded activities. *24 CFR 570.486(a)*

### **Purpose:**

- *To inform citizens of the jurisdiction's opportunity to apply for federal funding.*
- *To obtain citizen input on which activities should be included in funding proposals and applications to the Department.*
- *To provide a public review of program performance.*

### **Actions:**

- *Public Notices*
- *Public Hearings*
- *Submittal of documentation of Notices and Hearings*

## **PUBLIC HEARINGS**

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A public hearing is a public meeting that has been publicly noticed in a local newspaper of general circulation, or noticed in a fashion that otherwise follows local procedures for formal noticing of public hearings.

All hearings should be noticed as widely as possible and held at a time and place convenient to the public, with accommodations made for persons with disabilities. Where a significant number (25 percent or more of local population) of non-English speaking persons can reasonably be expected to participate, the notice must be in the appropriate language(s) and provision should be made for interpreters at the hearing.

All hearings must be noticed at least 10 days prior to being conducted (unless local policies have different requirement). The design phase hearing and application submittal public hearings (as further described below) should be at least 30 days apart. The two public hearings related to the submittal of an application for CDBG funding should be within 12 months of the application submittal date.

Public Notices should always contain the following information:

1. The time and place of the hearing; and,

2. The availability of a Public Information File about the CDBG program.
3. An invitation to submit written comments and guidance on where to send such comments.

In addition, specific public hearings require specific information in the Public Notice, as noted in the following sections.

## **1. *Application Hearings***

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It is important to fully disclose the following information to the public at the public hearings held prior to submitting the application to the Department. Sample Notices are provided in this appendix, and proof of publication of the actual Notices must be included with the grant application.

**Two (2) Public Hearings are required at the following stages of the application process:**

**A. At Application Design Phase:** At least one public hearing must be held during the time when the applicant is deciding which local project(s) or activity(s) to apply for funding. All residents, especially in the areas where funds will be used, should be encouraged to participate. The Public Notice for this hearing must include the following information:

- The amount of CDBG funds available; and,
- The kinds of activities that are available for funding.

Furthermore, at this hearing, the following information must be offered:

- An explanation of the CDBG program;
- An opportunity for attendees to ask questions and suggest possible uses of funds;
- Discussion of the National Objectives of the CDBG Program;
- Information about the amount of funding available, the range of possible activities that may be undertaken with CDBG funds, and the opportunities for citizen involvement as the program progresses; and,
- An invitation for written comments and how to submit such comments.

**B. Prior to Submitting an Application for Funding:** After the application has been prepared, and before it is submitted to the Department, the jurisdiction must hold a second hearing. This hearing must be before the local governing body and must result in a Resolution to submit the application. The Public Notice for this hearing must include the following information:

- The application's dollar amount;
- The activities being proposed; and,
- A relocation plan, if residents will be relocated as a result of the proposed activity.

Furthermore, in this Application Submittal Hearing, the same items as in the Design Phase Hearing, listed above, should be covered. In addition, the jurisdiction should:

- Fully describe the proposed activity(s) in the application;
- Provide information about the amount of funding that is being requested for the entire application and the breakdown for each activity to be applied for;
- Describe where each activity will be carried out and how it will meet the National Objectives;
- If a proposed activity is likely to result in displacement, include the jurisdictions anti-displacement and relocation plans;
- Provide information on the estimated time schedule to accomplish the activity;
- For Planning and Technical Assistance (PTA) activities, state the amount of cash match required and the source of the cash match; and,
- Provide opportunity for attendees to comment on the program.

## ***2. Hearings During a State CDBG Contract***

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The Grantee will be required to conduct additional public hearings during the grant for the following reasons:

- A. For changes to funding, such as:
  - If there is a change in budget greater than 10% of the total contract;
  - Committing Program Income to a grant activity or a Program Income Waiver activity; or,
  - Transferring funds between Revolving Loan Accounts.
- B. For changes to policies or guidelines, such as:
  - Program Income Reuse Plan; or,
  - Revolving Loan Account Guidelines.
- C. To report on program performance, such as:
  - Grantee Performance Reports (GPR).
- D. When any substantial changes are made or actions are taken during the term of the grant that have not already been disclosed to the public or differ from previously disclosed information.

## ***3. At Closeout of a State CDBG Contract***

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Prior to submitting a grant closeout package, a Public Hearing must be held to discuss the grant's accomplishments. The Public Notice must inform the public that the accomplishments under the grant will be disclosed.

The Grantee Performance Report (GPR) needs to be discussed at the hearing, and the GPR report submitted as part of the grant closeout package. A copy of the published notice of the hearing is also part of the closeout package.

If the grant includes a Planning and Technical Assistance (PTA) activity, the Public Hearing must be held prior to submitting the Final Product of the PTA activity and the closeout package.

## **RECORDKEEPING**

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The applicant/Grantee should keep a record of all public hearings. The record should contain copies of the Public Notices, minutes of the hearings documenting that the contents of the Notice were discussed at the hearing, and a list of attendees and a summary of comments. If no comments were received, that should be noted in the record. We recommend reading the contents of the Notice into the minutes to ensure that all items are discussed. Attendees are not required to sign a sign-in sheet, but the file should show that a list was made available for sign-in at the start of the hearing. If attendees were present but did not sign or if no one attended, the file should so indicate.

## **DECISIONS REGARDING APPLICATION CONTENT/GRIEVANCES AND COMPLAINTS**

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The local governing body has the sole discretion of deciding the contents of an application for funding. Any allegations made by any resident of the community that the procedural or legal requirements of the program are being violated should be thoroughly investigated. Any written complaints and grievances must receive a written response within 15 days where practicable.

## **SAMPLE NOTICES**

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Sample Public Notices for use at the application design stage and the application submittal stage are given below. Copies of the affidavits of publication (or if posted, copies must be certified by city/county clerk) must be included in the application.

Use the following link and refer to Chapter 18 of the current State CDBG Grant Management Manual (GMM) for additional information on citizen participation requirements: [CDBG Grant Management Manual](#).

## **PUBLIC INFORMATION FILE REQUIREMENTS**

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CDBG applications and grant agreements are public information and are available for review by the public. Applicants are advised that information submitted to the Department may have to be made available to the public under the State Public Records Act unless an exemption under this Act applies to the information submitted and the applicant establishes a valid claim of confidentiality under such exemption.

## **SAMPLE - NOTICE OF PUBLIC HEARING FOR DESIGN PHASE**

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### **Notice of Public Hearing for Discussion of Possible State CDBG Application**

NOTICE IS HEREBY GIVEN that the *(jurisdiction)* will conduct a public hearing on *(date)* at *(time)*, at *(place)* in order to discuss possible applications for funding under the next fiscal year's (July 1 to June 30) State Community Development Block Grant (CDBG) Program and to solicit citizen input on possible activities to be included in the application.

The Community Development and Economic Development Allocations of the State CDBG program will publish a combined "Notice of Funding Availability" (NOFA) each program year. Eligible cities and counties may submit applications for CDBG funds under the NOFA. It is estimated that up to \$2,000,000 will be available in total. The Economic Development "Over-the-Counter" (OTC) Allocation requires a separate application with a maximum limit of \$3,000,000 per year. The NOFA also includes the Native American and Colonia's Allocations. The Native American Allocation is only for areas with high concentrations of low-income Native American residents, who are not part of a federally recognized Native American Indian tribe or Rancheria. The Colonia's funding is only for designated communities within 150 miles of the Mexican-American border.

ELIGIBLE ACTIVITIES UNDER THE ABOVE ALLOCATIONS IN THE NOFA CONSIST OF: HOMEOWNERSHIP ASSISTANCE AND HOUSING REHABILITATION PROGRAMS; PUBLIC FACILITY AND PUBLIC IMPROVEMENTS PROJECTS (INCLUDING PUBLIC IMPROVEMENTS IN SUPPORT OF NEW HOUSING CONSTRUCTION); PUBLIC SERVICE PROGRAMS, PLANNING STUDIES, ECONOMIC DEVELOPMENT BUSINESS ASSISTANCE AND MICROENTERPRISE ACTIVITIES. ELIGIBLE ACTIVITIES PAID FOR WITH STATE CDBG FUNDS MUST MEET ONE OR MORE OF THE THREE NATIONAL OBJECTIVES LISTED IN CDBG FEDERAL STATUTES AS FOLLOWS: BENEFIT TO LOW INCOME HOUSEHOLDS OR PERSONS; ELIMINATION OF SLUMS AND BLIGHT; OR MEETING URGENT COMMUNITY DEVELOPMENT NEED.

The *(jurisdiction)* anticipates submitting an application under the NOFA published during the next program year.

The purpose of this public hearing is to give citizens an opportunity to make their comments known regarding what types of eligible activities the *(jurisdiction)* should apply for under the State CDBG program. A separate public hearing will be held to discuss and approve the application prior to submittal to the State.

If you require special accommodations to participate in the public hearing, please contact *(contact name and phone number)*.

If you are unable to attend the public hearing, you may direct written comments to the *(jurisdiction)*, at *(mailing address)*, or you may telephone *(contact name and phone number)*. In addition, information is available for review at the above address between the hours of *(hours of availability)* on *(days of availability, e.g. Monday -Friday)*.

The *(jurisdiction)* promotes fair housing and makes all its programs available to low and moderate income families regardless of age, race, color, religion, sex, national origin, sexual preference, marital status or handicap.

## SAMPLE SECOND NOTICE - NOTICE OF PUBLIC HEARING FOR APPLICATION SUBMITTAL

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### **Notice of Public Hearing for Submittal of State CDBG Application**

NOTICE IS HEREBY GIVEN that the *(jurisdiction)* will conduct a public hearing on *(date)* at *(time)*, at *(place)* in order to discuss the submittal of an application in response to the 2012 State Community Development Block Grant (CDBG) Notice of Funding Availability (NOFA), and to solicit citizen input.

The *(department/agency)* on behalf of the *(jurisdiction)* is applying for *(amount)* under the NOFA for the following eligible activities: *(list specific activities and dollar amounts applied for)*

**NOTE:** 1) *If activities are not listed, they will not be eligible for funding;*  
2) *If any of the activities are likely to result in displacement, include the jurisdiction's anti-displacement and relocation plans in the Notice, stating that these plans will be discussed as part of the hearing.*

The purpose of the public hearing is to give citizens an opportunity to make their comments known on the proposed activities/application.

If you require special accommodations to participate in the public hearing, please contact *(contact name and phone number)*.

If you are unable to attend the public hearing, you may direct written comments to the *(jurisdiction)*, at *(mailing address)*, or you may telephone *(contact name and phone number)*. In addition, information is available for review at the above address between the hours of *(hours of availability)* on *(days of availability, e.g. Monday -Friday)*.

The *(jurisdiction)* promotes fair housing and makes all its programs available to low and moderate income families regardless of age, race, color, religion, sex, national origin, sexual preference, marital status or handicap.

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***As a final note to the jurisdiction regarding the Second Notice, please see Note #1 above: If an activity the jurisdiction wishes to apply for is not named in the Public Notice, it will not be eligible for funding!***

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