Table of Contents

Background .......................................................................................................................1
I. State Citizen Participation Requirements (24 CFR 91.115) .........................................1
   Consolidated Plan and Annual Action Plan.................................................................1
   Amendments to the Consolidated Plan and Annual Action Plans .............................4
   Consolidated Annual Performance Evaluation Reports (CAPER)............................5
II. Analysis of Impediments to Fair Housing .................................................................6
   Document Consideration ..........................................................................................6
   Document Review and Comment: ..............................................................................6
   Public Hearing: ........................................................................................................7
   Public Hearing Notice: ............................................................................................7
   Location of Public Hearings: .....................................................................................7
   Non-English-Speaking Needs: ..................................................................................8
   Records Access: .......................................................................................................8
   Written Comments and Complaints: .......................................................................8
III. Citizen Participation Requirements for Local Governments Receiving CDBG Funds...9
IV. Additional Requirements (24 CFR 91.115(f)-(h)) .....................................................12
Background

The information in this guide is derived from Title 24 Code of Federal Regulations (CFR) Part 91, Consolidated Submissions for Community Planning and Development Programs. This guide applies to both the California’s Department of Housing and Community Development (Department) and to jurisdictions who intend to apply for and administer federal funds from the United States Department of Housing and Urban Development (HUD). This document is intended to guide citizen participation for all of the Community Planning and Development (CPD) programs; including Community Development Block Grant (CDBG), Home Investment Partnership Program (HOME), Emergency Solutions Grant (ESG), the National Housing Trust Fund (NHTF), and Housing Opportunities for Persons with AIDS (HOPWA) funding. It is also applicable for other HUD funding, such as disaster recovery and neighborhood stabilization, when the Federal Register notice for that funding identifies either 24 CFR 91 as the governing citizen participation standard or identified any of the previously listed CPD programs as the standard for public participation.

This guide is organized into three sections:

I. Department Citizen Participation Requirements

II. Local Jurisdiction Citizen Participation Requirements

III. Analysis of Impediments to Fair Housing Choice Citizen Participation Requirements

I. **State Citizen Participation Requirements** *(24 CFR 91.115)*

Any amendments to this Citizen Participation Requirements guide must follow the same amendment procedures identified for Citizen Participation Plans at 24 CFR 91.115, and are identified below for the Consolidated Plan (ConPlan) substantial amendment process.

A. Consolidated Plan and Annual Action Plan Information Required in Proposed Plans *(24 CFR 91.115(b)(1))*:
Prior to adoption of the ConPlan and Annual Action Plan (AP), the Department will make available to citizens, public agencies, and other interested parties information about the amount of assistance the Department expects to receive and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low- and moderate-income and the plans to minimize displacement of persons and to assist any persons displaced.

**Notice and Availability of Plans (24 CFR 91.115 (b)(2)):**

The Department will publish a notice of public comment period and a summary of the proposed (draft) ConPlan and AP in at least one newspaper of general circulation and will distribute this summary to interested parties via electronic mailing. Copies of the draft ConPlan and AP will be available on the Department’s website ([https://www.hcd.ca.gov/policy-research/plans-reports/index.shtml](https://www.hcd.ca.gov/policy-research/plans-reports/index.shtml)) and upon request. The summary will describe the contents and purposes of the ConPlan and AP and will describe how copies of the entire documents can be reviewed. The Department will provide a minimum period of 30 calendar days for comments on the ConPlan and AP.

**Public Hearing on Plans (24 CFR 91.115 (b)(3)):**

The Department will hold at least one publicly noticed public hearing to solicit comments on housing and community development needs prior to publishing the ConPlan and AP.

**Public Hearing Notice (24 CFR 91.115(b)(3)(i)):**

The Department will provide notification of the public hearing to solicit comments on housing and community development needs at least 14 days prior to the hearing. Notification of this hearing will be provided through a notice in at least one newspaper of general circulation. Additionally, it will be posted on the Department’s website (www.hcd.ca.gov) and distributed to interested parties by electronic mailings.

**Location of Public Hearing (24 CFR 91.115(b)(3)(ii)):**

The public hearing will be designed to facilitate attendance by potential and actual beneficiaries and ensure adequate accommodation for persons with disabilities. The Department will consider requests from interested parties in determining the location of the hearing to ensure adequate opportunities for interested parties to participate.
Location requests and requests for accommodation may be submitted to the Department via mail, email, or by telephone through the contact information provided on the federal program webpages on the Department’s website or by reaching out to the contact information provided in the public notice.

Public Hearings During Disaster

In the event of an unforeseen and unpreventable event that renders in-person public gathering impossible or inadvisable, such as a natural disaster or pandemic, public hearings may be held as a virtual meeting. Meeting formats may include webinars, webcasts, telecasts, radio or audio broadcasts, or other virtual communication tools as appropriate for the meeting format. Virtual meetings must provide, at a minimum, an opportunity for the public to publicly ask questions and for the presenter or public officials to make public response. All questions and responses must be documented, either via text, such as meeting minutes or chat scripts, or recorded, or as appropriate for the meeting format. Virtual meetings must be publicly noticed, and in the event traditional noticing tools are unavailable or will not effectively reach the public, alternative public noticing efforts must be made and documented.

Non-English-Speaking Needs (24 CFR 91.115(b)(3)(iii)):

The Department will make every effort to accommodate the needs of non-English-speaking residents at all public hearings. A translator for Spanish-speaking residents can be available at all hearings upon prior request. The Department will solicit information about the need for translators for public hearings in the notification of the hearing. Translation services may be arranged via mail, email, or by telephone through the contact information provided on the federal program webpages on the Department’s website, or by reaching out to the contact information provided in the public notice. The Department maintains a list of staff that can provide translating services in American Sign Language.

Comments on the Plans (24 CFR 91.115(b)(4)-(5)):

The Department will provide a minimum period of 30 calendar days for comments on the ConPlan and AP. The Department will consider written comments and comments received orally at the public hearing(s), in preparing the final versions of the plans. A
summary of these comments, and a summary of any comments not accepted and the reasons, therefore, will be attached to the final plans. Directions for submitting comments will be included in the public hearing notice. Comments may be submitted to the Department via mail, email, in person at the noticed public hearing, or by telephone through the contact information provided on the federal program webpages on the Department’s website, or by reaching out to the contact information provided in the public notice.

B. Amendments to the Consolidated Plan and Annual Action Plans

Criteria for Amendment to the Plans (24 CFR 91.115(c)(1), and 24 CFR 91.505 (a)):

The Department will require a substantial amendment to the ConPlan under the following circumstances:

To add an additional allocation goal or to eliminate an existing allocation goal;

a) To change the method of distribution of funds by creating an additional program or eliminating an existing program from the method of distribution;

b) To conduct an activity with program funds or income not specifically described in the AP; or

c) To change the purpose, scope, location, or beneficiaries of an activity.

Notice and Availability of Amendments to the Plans (24 CFR 91.115 (c)(2)):

The Department will publish a summary of the proposed (draft) amendment in at least one newspaper of general circulation and will distribute this summary to interested parties via electronic mailing. Copies of the draft amendment will be available on the Department’s website and upon request. The summary will describe the contents and purposes of the amendment and will describe how copies of the entire amendment can be reviewed. The Department will provide a minimum period of 30 days for comments on the amendment. Directions for submitting comments will be included in the public hearing notice. Comments may be submitted to the Department via mail, email, in- person at the public hearing, or by telephone through the contact information provided on the federal program webpages on the Department’s website, or by reaching out to the contact information provided in the public notice.
1. Comments on the Amendments (24 CFR 91.115(c)(3)):

The Department will consider all comments in preparing the final versions of the plans. A summary of these comments, and a summary of any comments not accepted and the reasons, therefore, will be attached to the final plans.

2. Public Hearings and Adopting Amendments:

The Department will hold a publicly noticed public hearing according to the above sections regarding Public Hearings on Plans and Public Hearing Notice to adopt any substantial amendments to the ConPlan and/or AP.

C. Consolidated Annual Performance Evaluation Reports (CAPER)

Notice and Availability of the CAPER (24 CFR 91.115 (d)(2)):

The Department will publish a notice of public comment period and summary of the proposed (draft) CAPER in at least one newspaper of general circulation and will distribute this summary to interested parties via electronic mailing. Copies of the draft CAPER will be available on the Department’s website (https://www.hcd.ca.gov/policy-research/plans-reports/index.shtml) and upon request. The summary will describe the contents and purposes of the CAPER and will describe how copies of the entire CAPER can be reviewed. The Department will provide a minimum period of 15 calendar days for comments on the CAPER.

Comments on the CAPER (24 CFR 91.115(d)(2)):

The Department will consider all comments in preparing the final versions of the plans. A summary of these comments will be attached to the final plans.

CAPER Public Hearings (24 CFR 91.115 (d)(2)):

The Department will hold a publicly noticed public hearing according to the above sections Public Hearing on Plans and Public Hearing Notice to hold a publicly noticed public hearing to complete the public participation for the CAPER.
II. Analysis of Impediments to Fair Housing Document Considerations (24 CFR 91.115 (b)):

Document Consideration

During the development of the Analysis of Impediments to Fair Housing Choice (AI), the Department will consult the following groups/agencies to solicit their input on statewide fair housing issues: housing agencies administering public housing, Public Housing Authorities, local governments, housing providers, banks and other financial institutions, the general public, state-based and regionally based organizations that represent protected class members and organizations that enforce fair housing laws, including agencies that participate in HUD’s Fair Housing Initiatives Program and HUD’s Fair Housing Assistance Program. A variety of methods may be utilized to solicit input from these groups/agencies; these include telephone or personal interviews, surveys, and consultation workshops.

Document Review and Comment:

The draft AI will be available for public review for a 30-day period. Written comments will be accepted by the Department’s Director or designee during the public review period. A summary of the comments received during the public comment period, written and verbal, will be attached to the AI as part of the final publication of the document. Copies will also be made available. Written comments are strongly encouraged and can be emailed to AiFairHousingReport@hcd.ca.gov or mailed to:

California Department of Housing and Community Development
Attn: Director
2020 West El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-3383 (Fax)

The Department will consider written comments, including those received via facsimile or e-mail and those provided at the public hearing on the AI. The Department will also
solicit and consider comments received in a manner convenient to the public. If a material amendment to the AI is needed as described in 24 CFR 5.164, reasonable notice will be given, and comments will be received for no less than 30 calendar days after notice is given. A public hearing will be held within the public comment period.

Public Hearing:

The Department will hold at least one publicly noticed public hearing to solicit comments on the draft AI, prior to publishing the final AI.

Public Hearing Notice:

The Department will provide notification of the public hearing concerning the draft AI at least 14 calendar days prior to the public hearing. The notification will be provided by posting on the Department’s website (www.hcd.ca.gov), electronic mailings to interested parties, and through a notice in at least one newspaper of general circulation. The Department will consult with the interested public, fair housing advocates and private agencies to encourage wide distribution of notices of the public hearings. Copies of notices will be provided to public and private agencies upon request, for distribution to their members.

Location of Public Hearings:

A public hearing on the AI will be held in Sacramento and will be designed to facilitate attendance by potential and actual beneficiaries and ensure adequate accommodation for persons with disabilities. The current location of the public hearing reflects requests by members of public and private agencies; the Department will consider requests for additional or alternative locations to ensure adequate opportunities for interested parties to participate. The Department will work with community groups and other stakeholders for guidance in selecting meeting locations and times.

In the event of an unforeseen and unpreventable event that renders in-person public gathering impossible or inadvisable, such as a natural disaster or pandemic, public hearings may be held as a virtual meeting. Meeting formats may include webinars,
webcasts, telecasts, radio or audio broadcasts, or other virtual communication tools as appropriate for the meeting format. Virtual meetings must provide, at a minimum, an opportunity for the public to publicly ask questions and for the presenter or public officials to make public response. All questions and responses must be documented, either via text, such as meeting minutes or chat scripts, or recorded, or as appropriate for the meeting format. Virtual meetings must be publicly noticed, and in the event traditional noticing tools are unavailable or will not effectively reach the public, alternative public noticing efforts must be made and documented.

It is the intent of the Department to comply with the Americans with Disabilities Act and Title VI of the Civil Rights Act of 1964 and related statutes in all respects. If an attendee or participant at a public hearing and/or meeting needs special assistance beyond what is normally provided, the Department will attempt to accommodate these people in every reasonable manner.

**Non-English-Speaking Needs:**

The Department will make every effort to accommodate the needs of non-English-speaking residents at all public hearings to ensure meaningful access for non-English-speaking persons. A translator for Spanish speaking residents can be available at hearings upon prior request. The Department will solicit information about the need for translators for public hearings in the notification of the hearing. All requests for assistance will be accommodated to the extent possible. The Department maintains a list of staff that can provide translating services in American Sign Language.

**Records Access:**

The Department will maintain complete and accurate records relating to the AI for the preceding five years. The Department will provide timely access to this information and records to any citizen, public agency, or interested party upon request.
Written Comments and Complaints:

A complaint regarding the AI covered by this Citizen Participation Plan must be submitted in writing to the Department’s Director. The Department will accept written complaints provided they include:

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

The Department will appropriately respond to all complaints regarding the AI. Specifically, the Department will provide a written response within 15 working days, where practical, to every written citizen complaint regarding the AI. Comments received during the public hearing and comment period described above will be addressed as described in 24 CFR 91.115(b)(4)-(5). The Department will respond to all complaints in a timely manner and in a form most appropriate for the circumstances. Records of all complaints received, and their responses will be maintained by the Department for a period of five years. In addition to the processes described above, the Department encourages public participation through the establishment of stakeholder committees, technical assistance workshops, and ongoing technical assistance efforts.

III. Citizen Participation Requirements for Local Governments Receiving CDBG Funds (24 CFR 91.115(e))

The Department will ensure that units of general local government receiving CDBG funds meet the requirements for citizen participation described in 24 CFR 570.486. Local governments that fail to meet the requirements outlined below will be deemed ineligible for CDBG funding.

Public Participation Targeting (24 CFR 570.486(a)(1)):

Requires active citizen participation processes that encourage participation by targeted-income persons and by residents of neighborhoods with high concentrations of housing and community development needs. Targeting may include additional public noticing,
coordination with housing authorities, public community service agencies, or non-profit service providers, public notification via bulletin board or other public notice venue, or other targeted approach;

**Reasonable and Timely Access** (24 CFR 570.486(a)(2)):

Requires that residents will be given reasonable and timely access to local meetings. There must be reasonable notice of the hearings and they must be held at times and accessible locations convenient to potential or actual beneficiaries, with accommodations for persons with disabilities. Public hearings will be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate. Public notices, public hearings, and public meeting must identify a means for written comments and complaints to be submitted to the unit of local government.

Residents will also have reasonable and timely access to information and records relating to the unit of local government’s proposed and actual use of CDBG funds. Records should be available through the local government’s website, when appropriate, and should be available for public review on-site, and through a public records request;

**Public Hearings During Disaster**

In the event of an unforeseen and unpreventable event that renders in-person public gathering impossible or inadvisable, such as a natural disaster or pandemic, public hearings may be held as a virtual meeting. Meeting formats may include webinars, webcasts, telecasts, radio or audio broadcasts, or other virtual communication tools as appropriate for the meeting format. Virtual meetings must provide, at a minimum, an opportunity for the public to publicly ask questions and for the presenter or public officials to make public response. All questions and responses must be documented, either via text, such as meeting minutes or chat scripts, or recorded, or as appropriate for the meeting format. Virtual meetings must be publicly noticed, and in the event traditional noticing tools are unavailable or will not effectively reach the public, alternative public noticing efforts must be made and documented.
Public Information Requirements (24 CFR 570.486(a)(3)):

Requires that residents will be provided information on the amount of CDBG funds expected to be made available for the current fiscal year (including the grant and anticipated program income); the range of activities that may be undertaken with the CDBG funds; the estimated amount of the CDBG funds proposed to be used for activities that will meet the national objective of benefit to low- and moderate-income persons; and the proposed CDBG activities likely to result in displacement and the local government's anti-displacement and relocation plans required under 24 CFR 570.488.

This information may be made available through a published public notice, a public presentation, the published agenda of a deciding body, written materials available at a public meeting or hearing, or other means as appropriate, and must be documented in way that shows the information was provided to the public;

Technical Assistance for Low- and Moderate-Income Groups (24 CFR 570.486(a)(4)):

Requires technical assistance to groups that are representative of persons of low- and moderate-income that request assistance in developing proposals for CDBG funded activities. This technical assistance may include, for example, maintaining a list of frequently asked questions regarding developing proposals, or hosting workshops about CDBG opportunities and requirements for interested parties;

Public Hearing Requirements (24 CFR 570.486(a)(5)):

Requires that CDBG applicants hold a public hearing covering community development and housing needs, and development of proposed activities, before submission of an application to the Department. The public hearings must adhere to the guidelines identified in 24 CFR 570.486(a)(2).

CDBG applicants must adopt an executed resolution, in a form that complies with Department requirements, that authorizes the CDBG application prior to application submittal.
Requires that CDBG awardees provide for at least two public hearings, each at a different stage of the program, for the purpose of obtaining residents’ views and responding to proposals and questions.

CDBG awardees must hold a second public hearing during or at completion of the CDBG funded activity. The Department recommends the second meeting be held at the completion of the activity and be used as an opportunity to describe accomplishments and close out contracts, if appropriate;

   **Grant Amendments (24 CFR 570.486(a)(6))**: 

Requires CDBG awardees to give residents advance notice of, and opportunity to comment on, activities which are proposed to be added, deleted, or substantially changed from the original application to the Department. Advanced notice will be through public notice, and opportunity to comment may be at a public hearing, or through a publicly noticed public comment period on a published document or plan that details the proposed changes; and

   **Complaints (24 CFR 570.486(a)(7))**: 

Requires CDBG awardees to give residents the address (mailing and e-mail), phone number, and times for submitting complaints, and provide written answers to written complaints.

**IV. Additional Requirements (24 CFR 91.115(f)-(h))**

   **Availability to the Public (24 CFR 91.115(f))**: 

The ConPlan, AP, any amendments, and the CAPER are available upon request to the public and any interested party. These materials are provided in a form accessible to persons with disabilities upon request. Copies are available on the Department’s website ([www.hcd.ca.gov](http://www.hcd.ca.gov)) for review. Copies may be viewed on site or requested from the Department at:
Records Access (24 CFR 91.115(g)):

The Department will maintain complete and accurate records relating to the ConPlan and the Department’s use of assistance under the programs covered by the plan for the preceding five years. The Department will provide timely access to this information and records to any citizen, public agency, or interested party upon request. Requests may be made via email or in writing and should be noticed to:

California Department of Housing and Community Development
Federal Programs Branch
2020 West El Camino Avenue, Suite 200 Sacramento, CA 95833
prarequest@hcd.ca.gov

Complaints (24 CFR 91.115(h)):

The Department will provide a written response via electronic mail within 15 working days, where practical, to every written citizen complaint regarding the ConPlan, amendments, and performance reports.

California Department of Housing and Community Development
Federal Programs Branch
2020 West El Camino Avenue, Ste. 200 Sacramento, CA 95833
(916) 263-2771
consolidatedplan@hcd.ca.gov

Records of all complaints received, and their responses will be maintained by the Department for a period of five years.