

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

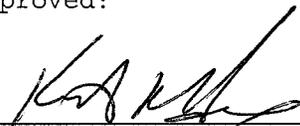
14-0028R

RESOLUTION AUTHORIZING ADOPTION OF THE AMENDED COMMUNITY DEVELOPMENT PROGRAM CITIZENS PARTICIPATION PLAN.

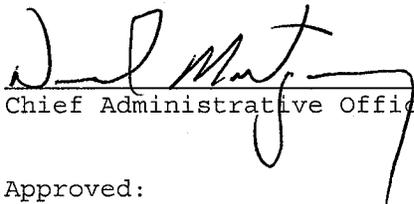
CITY PROPOSAL:

RESOLVED, that the city council of the city of Duluth hereby adopts the amended community development program citizens participation plan dated January 2014, a copy of which is on file in the office of the city clerk as Public Document No. \_\_\_\_\_.

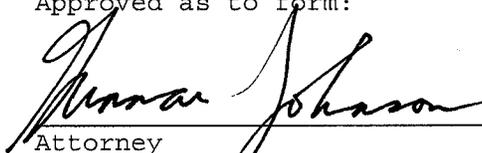
Approved:

  
\_\_\_\_\_  
Department Director

Approved for presentation to council:

  
\_\_\_\_\_  
Chief Administrative Officer

Approved as to form:

  
\_\_\_\_\_  
Attorney

Approved:

  
\_\_\_\_\_  
Auditor

CD KH:cs 1/2/2014

STATEMENT OF PURPOSE: This resolution will implement recommended changes in the city of Duluth's citizens participation plan. The citizens participation plan ensures that Duluth is in compliance with housing and urban development (HUD) Regulation 24 CFR 91.105 that states the city will ensure citizen participation in the development of the consolidated plan and the funding for community development.

The community development committee (CD Committee) held a public hearing on the proposed changes to the plan and voted on December 10, 2013 to recommend the amended citizens participation plan to the city council. Prior to that hearing a 30-day public comment period was advertised, during which no comments were received.

Changes to the citizens participation plan dated January 2014 include:

1. Changing the membership from 11 to nine members.

2. Changing from neighborhood forums back to the community development and housing needs public hearing.

These changes update the procedures which the CD Committee has been implementing in the previous funding cycles.



# Citizen Participation Plan

Community  
Development Program

City of Duluth

Draft

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**CITY OF DULUTH  
CITIZEN PARTICIPATION PLAN  
For HUD-Funded Community Development  
Program and Consolidated Plan**

**A. Introduction and Background Information**

1. This document shall serve as the plan that serves as the guidelines and procedures to address citizen participation requirements under the Consolidated Plan, and under the Community Development Block Grant (CDBG), HOME Investment Partnerships Program and Emergency Shelter Grant (ESG) Programs as funded by the U.S. Department of Housing & Urban Development (HUD). Participation by low-moderate income persons, residents of predominately low-income neighborhoods, persons of color, non-English speaking persons, and persons with disabilities is especially encouraged.
2. Section 103(a)(3) of the Housing and Community Development Act of 1974, as amended (the law that established the CDBG Program) sets forth certain requirements for citizen participation activities. 24 CFR 91.105 are the federal regulations that outline the "citizen participation" requirements, as well as certain other requirements for HUD-funded activities, as a part of the Consolidated Planning process. This document has been established in order for the City of Duluth to be in conformance with requirements of the above law/regulations. In 24 CFR 91.105 there are numerous references to the "citizen participation plan" requirements as well as "consolidated plan" requirements.
3. The Citizen Participation Plan shall have a 30-day review and comment period after the date that it is available via newspaper advertisement and news release, also on the City's website. Copies will be made available at no cost at the offices of the Community Development Division, Room 407 City Hall, Duluth, Minnesota 55802. Handicapped individuals will be mailed a copy of the plan at no cost if they call (218) 730-5480 and request same. Upon completion of the 30-day comment period, the City Council will review the plan and any comments received prior to sending the plan on to the Mayor for approval. In the event there is a need for an amendment to the Citizen Participation Plan, a similar procedure as described above will be followed.

Once the Citizen Participation Plan is adopted by the Council and approved by the Mayor, this document will then supersede former Citizen Participation Plans.

## **B. Policy to Minimize Displacement**

It shall be the policy of the City of Duluth that, in general, HUD funds will not be used to fund activities that result in the displacement of individuals and/or businesses. In the event that a project that would result in acquisition and/or relocation is funded with HUD monies, the City shall follow federal and state laws/regulations that set forth minimum benefits to be provided to those individuals and/or businesses that are displaced. In addition, the City shall continue to provide supplemental benefits over and above those minimums required by federal and state laws/regulations to those homeowners displaced as a result of a City funded (to include HUD funds) acquisition activity. To ensure compliance with program regulations, the Duluth HUD-funded programs shall follow the City of Duluth, October, 1996 edition of the *Antidisplacement, Relocation, Acquisition and Replacement Housing Plan*, as adopted by City Council Resolution 97-0021, which was passed on February 10, 1997, and shall remain in effect until modified and/or replaced by action of the Mayor and the City Council. Copies of the plan and the resolution are available in the City Clerk's and Community Development Division offices. Inasmuch as projects can only be implemented by City Council Resolution and Contract action, a project contract where acquisition and/or relocation activities will occur shall contain contract provisions requiring that benefits due owners, tenants, and businesses shall be provided as described above. In the event the City uses another body and/or agency to carry out an activity, the contract shall contain similar provisions. The contract will also require that all those due benefits shall be so notified to explain their rights under this policy and the law.

## **C. Relationship to the Housing & Redevelopment Authority of Duluth (HRA)**

Since before 1969, the City of Duluth and the HRA (City's Public Housing Authority) have maintained a close working relationship in implementing HUD-funded projects in the City of Duluth. The HRA has been and will continue to be included on the Community Development Committee mailing list. This allows for information to be current so that the HRA can have input into activities and also allows for the HRA to provide information to their tenants about activities in the community and also addresses the requirements to make information available for the HRA annual public hearing under the HRA's Comprehensive Grant Program.

**D. Consolidated Annual Performance and Evaluation Report (CAPER)**

In addition to the Community Development Committee "CAPER Public Hearing" described elsewhere in this document, the City is required by HUD to prepare an annual report to address progress with respect to HUD-funded activities within 90 days of the new program year start date. As part of preparation of the annual report, a newspaper ad and news release will advise citizens that they have 15 days to comment on the report and/or program. Copies of the Draft Report and the Final Report will be available at no cost by the Community Development (CD) Division Offices in City Hall and, on request, will be mailed at no cost to persons with low-moderate incomes. Any comments received at the aforementioned public hearing and during the public comment period will be summarized and/or attached to the final report that is submitted to HUD for review and approval.

**E. Access to Records by the Public and Agencies**

Documents such as the Consolidated Plan, annual reports, program regulations and individual project records will be made available to the public subject to any restrictions set forth in federal and state "data privacy act" laws and regulations. The documents will be available during business hours 8:00 a.m. to 4:30 p.m. at the CD Division offices in Room 407 of City Hall - an accessible building. Records will be kept available for a minimum of five years prior to their being placed in file storage for closed projects or closed program years.

**F. Staff Technical Assistance**

Staff of the CD Division shall provide technical assistance to groups representative of low-moderate-income persons that request such assistance in developing proposals for funding as part of the Community Development program. This assistance will not include the provision of funds to the groups.

**G. Standard Procedures for Meetings and Public Hearings**

All meetings and hearings of the Community Development Division and the Community Development Committee (CD Committee) are covered under the provisions of the state "open meeting law." Meetings of these groups will be held during evening hours at public (city) locations that are accessible to persons with disabilities. Copies of each meeting notice shall be forwarded to the Office

of the City Clerk, where they are kept on public display and file. Public Hearings shall be advertised in the City's Official Newspaper ten days prior to the hearing. In addition to the newspaper, an advertisement will be placed on PACT TV, the City's website and participating agencies will be asked to post a notice at their offices and facilities. Also, the City may use online forums to collect community input. The notice shall contain meeting time and location and the purpose of the hearing. In the event a Public Hearing is expected to be attended by a significant number of non-English speaking individuals, a translator will be provided for said Public Hearing.

## **H. Consolidated Plan - General Procedures**

The following are general process steps for preparing a five-year Consolidated Plan. Later in this document is the Annual Community Development Program calendar, which outlines the process for determining funding investments, which is the Annual Action Plan, an important subset of the overall Consolidated Plan.

1. The process will start with an analysis of the housing market to determine the affordable housing gaps and a community needs assessment. Then the Community Development Division will hold a series of "General Community Development and Housing Needs Public Hearings" at the neighborhood level, which will state the process to develop the Consolidated Plan or the annual updating of the One Year Action Plan portion of the Consolidated Plan and address the general needs of the community that could be addressed with HUD program funds. The purpose of this hearing will be to review housing market data to determine housing needs and to analyze other survey data to define community development needs.

Following the public hearing, the CD Division will meet with various concerned groups and agencies that deal with community needs, after which a draft Consolidated Plan priorities and strategies will be developed. This is then followed by a summary advertisement in the local newspaper and news release that copies are available for inspection at the local library, as well as the offices of the CD Division in City Hall. All who are interested may obtain copies, at no cost, of the draft Consolidated Plan during the 30-day public comment period. A summary of any comments, written or oral, received during the 30-day comment period, along with the City response to the same, will be attached to and become part of the "final" Consolidated Plan. An additional Public Hearing will be held by the CD Committee or the City Council after the 30-day comment period and prior to the City Council formally approving the Consolidated Plan and forwarding it to HUD for review and approval.

2. In the event there are major changes in the socio-economic conditions in the City or in legislation that impacts the Consolidated Plan, a substantial amendment to the Consolidated Plan may become a necessity. In this event, similar procedures with respect to Public Hearing, 30-day comment period, accepting and responding to comments, and publication/distribution/availability of the amendment will be followed as described above for the basic Consolidated Plan prior to City Council approval and authorization for submittal to HUD for review and approval. Those conditions that would trigger a substantial amendment with respect to project activities funded by the program are described in detail later in this document.
3. Continuum of Care Planning Process for McKinney/Vento and ESGP funds

The City of Duluth collaborates with St. Louis County (SLC) in the Continuum of Care (CoC) process to end homelessness. The goal of the CoC, through a countywide perspective and distribution of funds, is to help homeless people achieve self-sufficiency and stability in permanent housing. Through the CoC process, SLC annually coordinates applications to secure funding through HUD's SuperNOFA for Homeless Assistance under the McKinney-Vento Act. The City of Duluth annually receives Emergency Shelter Grant Program (ESGP) funds, through the McKinney-Vento Act, for housing and services for homeless people in Duluth. As a part of the SuperNOFA process, ~~a Committee to End Homelessness, comprised of countywide representation,~~ the City will work with the County to reviews applications submitted by service providers, transitional and permanent housing providers, and homeless shelter providers and makes funding recommendations to HUD for the SuperNOFA process. In an effort to better coordinate services and resources, this committee will also make recommendations to the CD Committee or City Council for Duluth's ESGP funding.

## **I Citizen Participation Committees and Their Function**

Low-moderate-income individuals and groups are encouraged to attend and participate in all phases of the yearly process with the CD Committee and the Duluth City Council. See attached flow chart at the end of this document that shows the relationship of these committees or groups.

Per the City Charter, membership on the CD Committee is determined through nomination by the Mayor and confirmation by the City Council. Terms of

membership shall be for three years and, in general, limited to two consecutive terms. The CD Committee shall operate in conformance with the program regulations in general, equal opportunity/civil rights requirements in particular, and with a sense of fairness to all groups, individuals, and ideas. The CD Committee shall have a Conflict of Interest Policy that is in conformance with federal regulations on file. The Mayor, in addition to being the appointing authority, shall also have the authority to remove a member from membership for cause. An example of "for cause" can be three unexcused absences by a Committee member.

1. **Community Development Target Areas:** Community Development Target Areas are made up of a combination of Census Tracts or Census Block Groups that are eligible as a "Target Area" under HUD program regulations, based on the percentage of residents (currently in excess of 51%) in that Target Area that meet HUD (low/moderate-income) guidelines, as modified from time to time by HUD action. The City Council shall designate Community Development Target Areas by resolution, that may be amended with updated Census or survey information.

2. **Community Development Committee (CD Committee):** The CD Committee shall consist of ~~eleven~~ nine members: Preference will be given to persons of color or who are low to moderate income. The CD Committee shall annually elect a Chair, First Vice Chair, and Second Vice Chair. Five members or more at a meeting shall constitute a quorum.

The role of the CD Committee will be to review proposals for funding under the Community Development program. The CD Committee will establish criteria to evaluate and rank specific proposals for neighborhood activities and low-moderate clientele activities. The CD Committee will prepare a recommendation with the concurrence of the Community Development Manager to the City Council and the Mayor.

From time to time, the CD Committee may wish to create subcommittees to address specific issues or undertake community or neighborhood studies. These subcommittees may be created by resolution at a CD Committee meeting establishing said subcommittees. The resolution shall state the name of the subcommittee, its purpose, its composition and a time line for completing the task.

3. **Community Development Division:** The Community Development (CD) staff shall be responsible for determining if an activity is eligible for funding in the Community Development program and meets a national objective. CD Staff will provide a technical review of funding proposals to include how the application meets the goals of the Consolidated Plan and past

grantee performance. CD Staff will also provide professional planning services to neighborhoods that want to develop a Neighborhood Revitalization Strategy Area plan for approval by the City Council and HUD. CD Staff shall initiate and complete research on community needs and will work with community partners to develop strategies to meet those needs. Also, the staff will develop and implement a performance measurement system for the Community Development program.

## **J. Annual Community Development Program Calendar**

The Consolidated Plan serves as a “planning” document, as well as a vehicle for the establishment of project funding priorities for the overall five-year program. This section will deal with how funding priorities and projects are established for each fiscal year of the Community Development Program for the development of the Annual Action Plan. In general terms, the following procedures will be used:

The Community Development Program year shall begin on April 1<sup>st</sup> and end on March 31<sup>st</sup>. The Community Development Division shall submit the CAPER report to HUD on June 30<sup>th</sup>. The Annual Action Plan shall be submitted to HUD 45 days prior to the beginning of the next Program year, or by February 15<sup>th</sup>.

The CD Committee and the staff will provide a public notification with information on the community’s funding priorities for that year and make known the deadlines for the submission of the proposals. The Community Development staff will hold one or more technical assistance sessions.

Some time between June 15<sup>th</sup> – June 29<sup>th</sup>, the CD Committee will hold the CAPER Public Hearing to review the past performance of activities which received Community Development fund investment.

After the Housing Market and community needs analysis, the Community Development Committee will ~~sponsor a series of~~ hold a community development and housing needs public hearings at the neighborhood level to seek input on investment strategies and the needs of residents in the Community Development Target Areas.

The CD Committee will review and evaluate proposals by measuring them with the goals of the Consolidated Plan and their evaluation criteria. The CD Committee will require applicants to provide written responses to any questions about their funding proposals. The CD Committee will prepare a funding recommendation with the concurrence of the Community Development Division Manager; that recommendation will then be published for a 30-day public comment period, as required under the Consolidated Plan regulations, to make known their recommendations for funding. After the public comment period, the

CD Committee will hold a public hearing to review written comments and hear public testimony on the funding recommendation. The CD Committee will then submit their recommendations to the City Council and Mayor for their approval and submission to HUD.

## **K. Substantial Amendments**

A Substantial Amendment(s) to the Consolidated Plan will be announced via newspaper ad and news release, to be followed by a 30-day review and comment period prior to the CD Committee holding a public hearing and developing a recommendation with the concurrence of the Community Development Manager for consideration by the Duluth City Council and Mayor. As described above, copies of the proposed amendment will be available at no charge at the Duluth CD Division Offices and handicapped individuals will be mailed a copy at no cost upon calling the number listed above.

Those changes that would require a substantial amendment would be as follows:

1. It is decided to change a priority in the Consolidated Plan, either one of the priorities from "Priority Needs Summary Table, Table 2" of the Consolidated Plan or one of the City's goal or key priority strategies.
2. It is decided to abandon (or not carry out) a project or an activity described in a CD Program year application for funding (Consolidated Plan - One Year Action Plan).
3. It is decided to add a new project or activity not previously described in the Consolidated Plan or Annual Action Plan.
4. It is decided to "substantially change" the purpose, scope, location or beneficiaries of an existing project or activity. Examples of "substantial change" would be changing a senior-citizen-oriented project to a youth-oriented project, changing the location of a proposed community center from one CD Target Area to another CD Target Area.
5. With respect to fiscal changes, a change at one time that involves financial changes of funding allocations in a sum greater than twenty percent (20%) of those funds in any particular CD program year total program grant amount.

Minor amendments to the Consolidated Plan will be recommended by the Community Development Manager to the City Council for action by resolution and approved by the Mayor. Meetings of the City Council are open to the public and people may sign up to speak on any Council resolutions.

## **L. Emergency Amendments**

It may be necessary to amend the Annual Action Plan and budget in response to emergencies. Notice of proposed emergency changes will be published in the City's Official Newspaper at least seven days prior to a City Council meeting at which the emergency change will be considered. All comments on the proposed change will be considered by the Council prior to taking action. The City Council may make the proposed change, reject the change, or modify the change.

## **M. Complaints**

Prior sections of this document dealt with how "comments" would be processed. This section of the document shall deal with the subject of "complaints." The CD Committee shall adopt the lead role in dealing with complaints with the understanding that any complainant shall also have the right to bring the complaint to the City Council or Mayor for their consideration. Complaints may be related to the Consolidated Plan and amendments to the same, the annual performance report, general program activities, or individual project activities. Complaints must be in writing and addressed to the CD Committee. City staff will make every reasonable effort to provide a written response to a complaint within fifteen (15) working days. The CD Committee will then review a complaint and staff response and develop a decision as they deem appropriate. A copy of the complaint, staff response, and CD Committee decision will be mailed to the complainant. Complainants shall also have the right to file complaints with the U.S. Department of Housing & Urban Development.

