

## **CITIZEN PARTICIPATION, PUBLIC HEARINGS AND PUBLIC RECORD REQUIREMENTS**

**Purpose** To inform citizens of the applicant's opportunity to apply for federal funding, and to obtain citizen input on what Neighborhood Stabilization Program (NSP) activities should be included in the funding proposal to the Department.

**Action needed** Public notices, public hearings sign-up sheet(s) and minutes are required with the application.

### **A. CITIZEN PARTICIPATION**

The applicant should provide an opportunity to all persons who may be affected by the proposed activities, especially low-, moderate- and middle- income (LMMI) persons to participate and comment.

### **B. PUBLIC HEARINGS**

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.

The only public hearing that must be held before the local governing body is the hearing prior to submitting an application for funding to the Department and/or whenever a board resolution must be generated. All other public hearings may be conducted by any designated employee or agent of the city or county who is knowledgeable about the program.

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.

There are two (2) public hearings required for an NSP grant:

#### **1. Program Design Phase**

At least one public hearing must be held during the time when the applicant is deciding for which local NSP project(s) or activity(ies) to apply. The public hearing must be held no later than 12 months prior to the release of the Notice of Funding Availability (NOFA). The hearing should be held at least 15 days prior to the submittal of the application to allow adequate time for meaningful public comment. The public hearing notice should be published at least 7 to 10 days prior to the meeting. All residents, especially in the areas where funds will be used, should be encouraged to participate. At this hearing, the following information must be offered:

- an explanation of the NSP program,
- an opportunity for attendees to ask questions and suggest possible uses of funds,
- information about the amount of funding available, the range of all possible activities that may be undertaken with NSP funds, and the opportunities for citizen involvement as the program progresses,
- discussion of the National Objective of low-, moderate- and middle-income (LMMI),
- information about plans to minimize displacement that may occur as a result of grant funding,
- information that any assessments resulting from an NSP-funded LMMI project will not be paid by members of the lowest LMMI and whether LMMI households who benefit from the project must pay any assessments,
- an invitation for written comments and how to submit such comments,
- information about the availability of technical assistance to groups representing LMMI persons that request such assistance in developing proposals, and
- information about the city/county affirmatively furthering Fair Housing.

## 2. Application Submittal Phase

After the application has been prepared, and before it is submitted to the Department, the applicant must hold a second hearing in front of the governing body. At this time, the same information listed above should be covered. It is recommended that a second public hearing must be noticed at least 7 to 10 days prior to the meeting. In addition, the applicant should perform the following:

- fully describe all proposed activity(ies) in the application;
- provide information on the total amount of funding that is being requested;
- describe where each activity will be carried out and how it will meet the National Objective of benefit to LMMI persons;
- provide information on the estimated time schedule to accomplish the activity;
- provide opportunity for attendees to comment on the program, subject to the applicant's normal rules governing public hearings; and
- provide information about the city/county affirmatively furthering Fair Housing.

## 3. Noticing Requirements

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 proficient 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. The hearing must be noticed at least 7 to 10 days prior to the hearing being conducted (unless local policies have different requirements). The program design and public hearings should be held at least 15 days apart.

Public notices must always contain the following information:

- the time and place of the hearing,
- the availability of a public information file about the NSP program,
- an invitation to submit written comments and guidance on where to send such comments, and
- information about the city/county affirmatively furthering Fair Housing.

In addition to the information above, specific public hearings require specific information in the public notice as described below.

- a. At the **program design phase**, the Public Notice must contain information about:
  - the amount of NSP funds available and
  - the kinds of activities that are eligible for funding.
- b. At the **application submittal phase**, the Public Notice must contain information about:
  - the amount of funds for which the applicant is applying,
  - the activities to be performed,
  - a relocation plan, if residents will be relocated as a result of the proposed activity, and
  - citizen comments.
- c. When any changes are made or actions are taken **during the term of the grant** that have not already been disclosed to the public, the notice must include information about the action being taken.

#### 4. Additional Public Hearings

The grantee will be required to conduct additional public hearings during the grant to commit Program Income (PI) and/or additional PI to a grant activity approved in the NSP Program Income's Reuse Plan.

## **C. PUBLIC RECORD REQUIREMENTS**

### 1. Recordkeeping

The applicant/grantee should keep a record of all public hearings. The record should contain copies of the Public Notices, minutes that document the topics announced in the Notice were discussed at the hearing, and a list of attendees. 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.

Upon award, grantees will be required to maintain an NSP Public Information file.

### 2. Public Records Act

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.

### 3. Application Submittal Phase Comments

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 must receive a written response within 15 days where practicable.

## **D. SAMPLE NOTICES**

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

## SAMPLE NOTICE OF PUBLIC HEARING FOR DESIGN PHASE

### **Notice of Public Hearing to Receive Public Comments on Opportunities for Neighborhood Stabilization Program (NSP) Funding**

The City/County<sup>1</sup> of \_\_\_\_\_ will conduct a public hearing by the \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_, 200\_\_, at \_\_\_ p.m. at the \_\_\_\_\_ Room, \_\_\_\_\_ Street, \_\_\_\_\_, CA to review opportunities for NSP funding from the State of California. The State of California has received \$145 million in NSP funding to address abandoned and foreclosed homes. The State has announced that the City/County of \_\_\_\_\_ is eligible to receive up to \$\_\_\_\_\_ in NSP funding that may be used for the following activities:

1. Establish financing mechanisms for the purchase and redevelopment of foreclosed homes and residential properties, including such mechanisms as soft-second, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers;
2. Purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties;
3. Establish land banks for homes that have been foreclosed upon;
4. Demolish blighted structures; and
5. Redevelop demolished or vacant properties.

Housing Activities: receiving NSP funding must provide and improve permanent residential structures that will be occupied by a household whose income is at or below 120% of area median income (LMMH).

Area Benefit Activities: receiving NSP funding must benefit all the residents of a primarily residential area in which at least 51% of the residents have incomes at or below 120% of area median income (LMMA).

Limited Clientele Activities: receiving NSP funding must serve a limited clientele whose incomes are at or below 120% of area median income (LMMC).

In addition to the funding noted above, the State has set aside 25% of the \$145 million in NSP funds for targeted, over-the-counter subgrants to eligible applicants who will specifically target households at 50% or less of AMI as beneficiaries of these funds.

If you are unable to attend the public hearing, you may direct written comments prior to the date of the hearing to: City/County of \_\_\_\_\_, Community Development/Housing Department, \_\_\_\_\_ Street, \_\_\_\_\_, CA \_\_\_\_\_ by \_\_\_\_\_, \_\_\_\_\_, 200\_\_. Information may be obtained or a public file on NSP activities may be reviewed, at the above address between the hours of 8:00 a.m. and 5:00 p.m. on weekdays. The \_\_\_\_\_ can be contacted at \_\_\_\_\_ or by email at \_\_\_\_\_.

If you plan on attending the public hearing and need a special accommodation because of a sensory or mobility impairment/disability, or have a need for an interpreter, please contact \_\_\_\_\_ at \_\_\_\_\_ to arrange for those accommodations to be made. Notification \_\_\_ hours prior to the meeting will enable the City/County to make reasonable accommodations to assure accessibility at the meeting.

The City/County of \_\_\_\_\_ promotes fair housing and makes all programs available to low- and moderate-income families regardless of age, race, color, religion, sex, national origin, sexual preference, marital status, or disability.

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<sup>1</sup> For joint applications, identify all participating jurisdictions and all NSP dollar amounts for each participating jurisdiction.

**SAMPLE NOTICE OF PUBLIC HEARING FOR APPLICATION SUBMITTAL PHASE**

**Notice of Public Hearing to Apply for Neighborhood Stabilization Program (NSP) Funding**

The City/County<sup>2</sup> of \_\_\_\_\_ will conduct a public hearing by the \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_, 200\_\_, at \_\_\_ p.m. at the \_\_\_\_\_ Room, \_\_\_\_\_ Street, \_\_\_\_\_, CA to discuss the opportunities for NSP funding from the State of California.

The City/County of \_\_\_\_\_ is applying for a grant amount of up to \$ \_\_\_\_\_ under the NSP Allocation to (identify all activities in the application) to be performed within the (identify target areas).

If additional monies become available, the City/County of \_\_\_\_\_ will apply for the maximum available under the NSP Allocation to (identify all activities that the additional monies will be used for) to be performed within the (identify target areas).

If you are unable to attend the public hearing, you may direct written comments prior to the date of the hearing to: City/County of \_\_\_\_\_, Community Development/Housing Department, \_\_\_\_\_ Street, \_\_\_\_\_, CA \_\_\_\_\_ by \_\_\_\_\_, \_\_\_\_\_, 200\_\_. Information may be obtained, or a public file on NSP activities may be reviewed, at the above address between the hours of 8:00 a.m. and 5:00 p.m. on weekdays. The \_\_\_\_\_ can be contacted at \_\_\_\_\_ or by email at \_\_\_\_\_.

If you plan on attending the public hearing and need a special accommodation because of a sensory or mobility impairment/disability, or have a need for an interpreter, please contact \_\_\_\_\_ at \_\_\_\_\_ to arrange for those accommodations to be made. Notification \_\_\_ hours prior to the meeting will enable the City/County to make reasonable accommodations to assure accessibility at the meeting.

The City/County of \_\_\_\_\_ promotes fair housing and makes all programs available to low- and moderate-income families regardless of age, race, color, religion, sex, national origin, sexual preference, marital status, or disability.

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<sup>2</sup> For joint applications, identify lead agency and all other participating jurisdictions, all activities and target areas for each participating jurisdiction, and all NSP dollar amounts for each participating jurisdiction.