



STATE OF CALIFORNIA

CDBG-DR

Community Development Block Grant Disaster Recovery - Citizen Participation Plan Addendum

A. Purpose

The State of California, through its Department of Housing and Community Development (HCD), is a recipient of a U.S. Department of Housing and Community Development Block Grant Disaster Recovery dollars. HCD currently administers Community Development Block Grant Disaster Recovery (CDBG-DR), CDBG Mitigation (CDBG-MIT), and CDBG National Disaster Resilience funding. The following provides the Public Law associated with each disaster.

- CDBG-NDR – In accordance with Public Law 113-2 of 2013.
- 2017 CDBG-DR and CDBG-MIT – In accordance to Public Law 115-123.
- 2018 CDBG-DR – In accordance to Public Law 116-20.

The purpose of this Citizen Participation Plan is to inform California citizens of the participation process related to HCD's planning, implementation, and response to recovery efforts using CDBG-DR funds in California. This plan sets forth the methods through which the public can learn about the grant and activity status of CDBG-DR funds, the comments and complaint mechanisms, and the process the State of California will use to amend Action Plans related to CDBG-DR activities.

Unlike the Citizen Participation Plan for the Consolidated Plan and typical CDBG process, there is no requirement for a public hearing relative to CDBG-DR Action Plans. The Federal Register published on August 14, 2018 contains a list of waivers which permits changes to the State of California's Consolidated Plan Citizen Participation Plan process. While the requirement that the CDBG-DR be consistent with the Consolidated Plan was waived, the State will update its Action Plan in accordance with the Federal Register instructions, as applicable, while providing reasonable opportunity for the public to comment and review and access the information related to the grant funds on an ongoing basis. In addition, the State will ensure that the publication of the Action Plan, opportunity for public comment, and substantial amendment criteria adhere to fair housing, equal access, and civil rights requirements, such as the effective communication requirements under the Americans with Disabilities Act.

Contact Information

Citizens may make comments or request information by mail, telephone, or email to:

California Department of Housing and Community Development

CDBG – Disaster Recovery Housing Assistance

2020 West El Camino Avenue, Suite 200

Sacramento, CA 95833

(916) 263-6461

disasterrecovery@hcd.ca.gov

HCD will respond to written comments as appropriate and outlined in this Plan.

B. Citizen Participation Plan

For the complete HCD Citizen Participation Plan refer to the [Citizen Participation Requirements for the State's Annually Appropriated Federal Programs, Plans, and Reports](#).

To permit a more streamlined citizen participation process, and ensure disaster recovery grants are awarded in a timely manner, provisions of 42 U.S.C. 5304(a)(2) and (3), 42 U.S.C. 12707, 24 CFR 570.486, 24 CFR 1003.604, and (c), and 91.115(b) and (c), with respect to citizen participation requirements, are waived for CDBG-DR and replaced by the requirements below. For the 2017 CDBG-DR programs, HUD requires that HCD provide a reasonable opportunity – at least 30 days – for citizen comment and ongoing citizen access to information about the use of CDBG-DR Grant Funds.

1. Publication of the Action Plan, Access to Information, and Substantial Amendments:

Before adopting the Action Plan or any substantial amendments to the Action Plan, HCD will publish the proposed plan or amendment on HCD's website. Citizens, affected local governments, and other interested parties will be provided at least 30 days to examine the content of the plan or amendments. HCD will take reasonable measures to notify affected citizens through electronic mailings, press releases, statements by public officials, media advertisements, public service announcements, and/or contacts with local organizations of the publication of the Action Plan or amendments and opportunities to comment. At a minimum, public comments are accepted by email and standard mail. For all comments, HCD provides a written response within 15 days, when practicable. A summary of public comments shall be attached to the final Action Plan or substantial amendment.

For substantial amendments to its Action Plan and future initial Action Plans, HCD may also opt to conduct at least one optional public hearing to receive citizen comments on the use of the grant funds. While going over and above regulatory requirements for CDBG-DR funds, the optional public hearings will depend on the urgency required to meet the needs of residents after a qualifying disaster and as established in the appropriate disaster declarations and federal notices.

For non-substantial amendments, public hearing or public comment period will not be conducted. HCD must notify HUD five (5) days before implementing non-substantial changes or amendments. A non-substantial amendment is differentiated from a substantial amendment as a substantial amendment is required under the following situations:

- Change in program benefit or eligibility criteria;
- Allocation or re-allocation of more than \$1M;
- Addition or deletion of an activity; or
- Any other criteria as established by the HCD in its Action Plan.

C. Comments

As previously noted, HCD will provide a minimum period of 30 calendar days for comments on Action Plans and substantial amendments. HCD will consider written comments and

comments received orally at the optional public hearing(s). A summary of these comments, and a summary of any comments not accepted and the reasons therefore, will be attached to the final plans or amendments. Directions for submitting comments will be included in the publication of the Action Plans or amendments. Comments may be submitted to HCD via mail, email, in person at the optional public hearing, or by telephone through the contact information provided on the federal program webpages on HCD's website, or by reaching out to the contact information provided in the published Action Plan or amendment.

D. Language Access Plan

HCD follows the Safe Harbor rule, contained in 72 FR 2732¹, to determine when to provide translation of vital documents. The Safe Harbor rule for written translation of vital documents is based on the number and percentages of the market area-eligible population or current beneficiaries and applicants that are Limited English Proficiency (LEP).

Per the Safe Harbor Rule, HUD would expect translation of vital documents to be provided when the eligible LEP population in the market area, or current beneficiaries exceeds 1,000 persons, or if it exceeds 5 percent of the eligible population, or beneficiaries along with more than 50 people. In cases where more than 5 percent of the eligible population speaks a specific language but fewer than 50 persons are affected, there should be a translated written notice of the person's right to an oral interpretation.

There are four factors that affect the implementation of a Language Access Plan on a program by program basis:

1. The number or proportion of LEP persons served or encountered in the eligible service population ("served or encountered" includes those persons who would be served or encountered by the recipient if the persons received adequate education and outreach and the recipient provided sufficient language services).
2. The frequency with which LEP persons come into contact with the program.
3. The nature and importance of the program, activity, or service provided by the program.
4. The resources available and costs to the recipient.

While the Safe Harbor Plan does not mandate specific actions for oral communications, the following oral communication measures are in place:

- Free language assistance to LEP individuals for important critical junctures, such as assistance with the application, the application interview, recertification, health and safety related issues, fair housing related matters (including any discussions regarding the need for reasonable accommodation), conflict resolution between residents, lease violation notification and related meetings, relocation and displacement issues, and during optional public meetings, as requested.
- Official meetings will automatically provide an interpreter for any LEP population that requires a translation of vital documents, in accordance with the Safe Harbor Rule for written documents. Requests for translation services may also be referred to California's Relay Service by dialing 7-1-1.
- Announcement of major languages in any public notice of meeting that anyone in need of language interpretation may contact HCD before the meeting to request an interpreter. Interpretation services shall be provided free of charge.

¹ Department of Housing and Urban Development, Accessed August 2020, <https://portal.hud.gov/hudportal/documents/huddoc?id=finallep2007.pdf>

E. Reasonable Accommodation

HCD will take all appropriate steps to ensure effective communications with persons with disabilities pursuant to 24 CFR 8.6 and other fair housing and civil rights requirements, such as the effective communication requirements under the Americans with Disabilities Act. Moreover, HCD will solicit in the publication of its Action Plans or amendments requests for reasonable accommodation from residents with disabilities to ensure equal opportunity to access and participate in the review process. Copies of the Action Plans or amendments are available on the HCD website (www.hcd.ca.gov) for review. Copies may also be viewed on site or requested from the Department at:

California Department of Housing and Community Development

CDBG – Disaster Recovery Housing Assistance

2020 West El Camino Avenue, Suite 200

Sacramento, CA 95833

(916) 263-6461

disasterrecovery@hcd.ca.gov

F. Website Management

Below is an outline for the maintenance of HCD's webpage, including CDBG-DR requirements. The website is located at: <http://www.hcd.ca.gov/community-development/disaster-recovery-programs/cdbg-dr.shtml>

1. HCD Website

HCD's website is designed to have a clean and uniform appearance while maintaining efficient navigation and maintenance. A uniform look from page to page enhances the overall understanding for the user. The website must conform to style and navigation standards set forth by the Governor's Office of E-Government. All documents posted to HCD's website must following the requirements below:

- Section 508 of the U.S. Rehabilitation Act - Requires federal agencies' information and communications technology to be accessible to individuals with disabilities - E205.4 Accessibility Standard: **WCAG 2.0**.
- CA Government Code Section 7405 & 11135 –
 - 7405: State governmental entities shall comply with the accessibility requirements of **Section 508**.
 - 11135: No person shall be unlawfully denied full and equal access or subjected to discrimination.
- California Code 11546.7 (AB 434) - Before July 1, 2019 (biennially thereafter), the HCD's director and chief information officer shall post a signed certification that their website is in compliance with **Sections 7405** and **11135**, and **WCAG 2.0**, or a subsequent version.

In order to comply with CDBG-DR requirements the HCD website contains information that affords equal access to all citizens – which includes maintaining documents online in both English and Spanish – and affords citizens ongoing access to information

regarding the handling of grant funds and activities. Necessary content for the website includes the following compliance and reporting information:

- The current approved DRGR Action Plan, and activity/program information for activities described in the action plan;
- All Action Plans and Action Plan Amendments,
- Procurement policies and procedures,
- A description of services and goods currently being procured by the HCD
- A copy of contracts the HCD has procured directly;
- A summary of all procured contracts, including those procured by HCD or subrecipients (e.g., a summary list of procurements, the phase of the procurement, requirements for proposals, and any liquidation of damages associated with a contractor's failure or inability to implement the contract, etc.)
- Performance reports (i.e. Quarterly Performance Reports (QPRs));
- Citizen participation requirements; and
- Any other information necessary to account for the use of the funds.

HCD also maintains www.ReCover.hcd.ca.gov as the program portal for OOR program participants. It is primarily be used for:

- Program outreach
- Program materials (i.e. policies and guidelines, eligibility requirements, program contacts)
- Application information
- Case management information
- Citizen input on programs (i.e. webform or email submission options for comments or concerns)

ReCover.hcd.ca.gov is available through HCD's CDBG-DR website, but can be found through its own address, recover.hcd.ca.gov. The ReCover.hcd.ca.gov website allows HCD to provide information to homeowners seeking program funding, and for HCD to track interest and stay informed on homeowner needs. HCD's CDBG-DR website is also linked on ReCover.hcd.ca.gov as another path for citizens to access the CDBG-DR grant information.

G. Complaints

HCD will provide a written response via electronic mail within 15 working days, when practical, to every written citizen complaint regarding its Action Plans and amendments related to CDBG-DR funds. Complaints may be made via email or in writing and sent to:

California Department of Housing and Community Development
Disaster Recovery Branch/ Division of Financial Assistance
2020 West El Camino Avenue, Ste. 200
Sacramento, CA 95833
(916) 263-6461
disasterrecovery@hcd.ca.gov

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

To submit fair housing complaint, contact one of the following:

- U.S. Department of Fair Housing and Equal Opportunity (FHEO)
 - Phone:
 - (415) 489-6524
 - (800) 347-3739
 - (415) 436-6594 TTY
 - Email: ComplaintsOffice09@hud.gov
- California Department of Fair Employment and Housing (DFEH)
 - Phone:
 - 800-884-1684
 - 800-700-2320 TTY
 - California's Relay Service at 711
 - Email: contact.center@dfeh.ca.gov

H. Citizen Participation Requirements for Local Governments Receiving CDBG-DR Funds

HCD will ensure that units of general local government receiving CDBG-DR funds meet the requirements for citizen participation described in the applicable Federal Register Notices and this Plan. Local governments that fail to meet the set requirements will be deemed ineligible for CDBG-DR funding.

I. Final HUD-Approved Action Plan

Following HUD approval of the Action Plan or amendments, the final documents will be posted on the HCD's website. Copies of the Final Action Plan or amendments will also be made available upon request.