



# STATE OF CALIFORNIA

## CDBG-DR

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## 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 Urban Development (HUD) 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 with Public Law 115-123;
- 2018 CDBG-DR and CDBG-MIT, in accordance with Public Law 116-20; and
- 2020 CDBG-DR, in accordance with Public Law 117-43

The purpose of this Citizen Participation Plan (“Plan”) is to inform citizen residents of California (hereinafter, “citizens”) of the participation process related to HCD’s planning, implementation, and response to recovery efforts, using CDBG-DR funds, and HCD’s mitigation planning and resilience, using CDBG-MIT funds, in California. This Plan sets forth the methods through which the public can learn about the grant and activity status of CDBG-DR and CDBG-MIT funds, the comments and complaint mechanisms, and the process the State of California will use to amend action plans related to CDBG-DR and CDBG-MIT activities.

While the requirement that the CDBG-DR be consistent with the Consolidated Plan was temporarily waived to provide the State additional time to update the Consolidated Plan to reflect disaster-related needs, the State will update its respective CDBG-DR and CDBG-MIT 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 each 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 Section

2020 West El Camino Avenue

Sacramento, CA 95833

(916) 263-6461

[disasterrecovery@hcd.ca.gov](mailto:disasterrecovery@hcd.ca.gov)

HCD will respond to written comments, as appropriate and as 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 CDBG-DR and CDBG-MIT 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, 24 CFR 91.105(b) and (c), and 91.115(b) through (d), with respect to citizen participation requirements, are waived for CDBG-DR and CDBG-MIT and replaced by the requirements below.

### CDBG-DR Action Plan

#### **2017 and 2018 CDBG-DR Action Plans**

There is no requirement for a public hearing relative to the 2017 and 2018 CDBG-DR action plans. The Federal Register notice, published on August 14, 2018, contains a list of waivers which permit changes to the State of California's Consolidated Plan Citizen Participation Plan process.

For the 2017 and 2018 CDBG-DR programs, HUD requires that HCD provide a reasonable opportunity – at least 30 days – for public comment and ongoing public access to information about the use of CDBG-DR grant funds.

#### **2020 CDBG-DR Action Plan and subsequent Action Plans**

The Consolidated Notice published February 3, 2022, 87 FR 6364, applicable to the Allocation Announcement Notice (AAN) for the 2020 CDBG-DR allocation and subsequent allocations, requires the State of California to engage in consultation during plan preparation. To comply with this requirement for consultation, HCD will develop and implement a strategic outreach and engagement plan to ensure consultation with the following partners and stakeholders in disaster impacted areas:

- Indian tribes, local governments,
- Federal partners, nongovernmental organizations,
- the private sector, and other stakeholders and affected parties in the surrounding geographic area, including organizations that advocate on behalf of populations impacted by the disaster to include members of:
  - protected classes,
  - vulnerable populations,
  - and underserved communities

Consultation with these partners and stakeholders ensures consistency of the action plan with applicable regional redevelopment plans. Additionally, HCD consults with other relevant government agencies, including state and local emergency management agencies that are delegated to administer FEMA funds, if applicable.

For purposes of the Consolidated Notice, HUD defines vulnerable populations and underserved communities:<sup>1</sup>

- Vulnerable Populations – a group or community who circumstances present barriers to obtaining or understanding information or accessing resources.

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<sup>1</sup> Consolidated Notice, [2022-02209.pdf \(govinfo.gov\)](#)

- Underserved Communities – this term refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life.

The Consolidated Notices requires the State to comply with the following guidelines for public hearing to be held during the public comment period:

- No less than one public hearing for allocations under \$500 million.
- No less than two public hearings for allocations over \$500 million.

HCD will hold at least one public hearing during the public comment period for the 2020 CDBG-DR Action Plan. The FRN, 87 FR 6384, allows HCD to convene public hearings virtually, following the virtual hearing requirements as outlined below.

In-person public hearings shall be held in HUD-identified MID areas. In the event of multiple hearings, HCD shall hold each hearing in a different location within the MID area.

HCD provides a reasonable opportunity – at least 30 days – for public comment and ongoing public access to information about the use of CDBG-DR grant funds for the initial action plan and substantial amendments.

### **2017/2018 CDBG-MIT Action Plan**

The Federal Register notice published August 30, 2019, 84 FR 45838, allocating the 2017 CDBG-MIT funds requires the State of California to hold two public hearings in different locations. The first, during Action Plan development, and the second during the public comment period. The substantial amendment adding the 2018 CDBG-MIT allocation to the 2017 CDBG-MIT Action Plan follows these same public hearing requirements.

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

### **2017/2018 CDBG-DR Action Plan**

Before adopting the respective CDBG-DR 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 are provided at least 30 days to examine the content of the plan or amendments.

### **2020 CDBG-DR Action Plan and Subsequent Action Plans**

A consultation process for action plan development is required, prior to publishing for the 30-day public comment period. HCD will hold a public hearing(s) in accordance with public hearing requirements applicable to the Consolidated Notice, and any specific requirements in the corresponding AAN.

### **CDBG-MIT Action Plan**

The Federal Register notice, published on August 30, 2019, allocates California’s initial CDBG-MIT funding and describes grant requirements and procedures, including waivers and alternative requirements, applicable to CDBG-MIT funds only. Before adopting the CDBG-MIT Action Plan, HCD publishes the proposed plan on HCD’s website. The August 30, 2019, notice, 84 FR 45838, requires that HCD provide a reasonable opportunity – at least 45 days – for citizen comment and ongoing citizen access to information about the use of grant funds.

The Federal Register notice, published on January 6, 2021, 86 FR 561, allocates California's 2018 CDBG-MIT funding and requires HCD to add this allocation to the 2017 CDBG-MIT Action Plan by substantial amendment and follows these same public comment period requirements. HCD will publish proposed amendments to the CDBG-MIT Action Plan on HCD's website. Citizens, affected local governments and other parties will be provided at least 30 days to examine the content of the proposed amendment.

### **Notification for Citizen Participation**

HCD takes reasonable measures to notify affected citizens of the publication of the Action Plan or amendments and opportunities to comment through communication mediums such as electronic mailings, press releases, statements by public officials, media advertisements, public service announcements, and/or contacts with local organizations. 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 is attached to the final action plan or substantial amendment, thereto.

On March 20, 2020, and in response to the COVID-19 pandemic, HUD clarified its public hearing requirements to include virtual public hearings if the virtual hearings allow questions in real time, with answers coming directly from the elected representatives to all "attendees." HUD extends this flexibility to grantees receiving CDBG-MIT funds pursuant to the January 6, 2021, notice, 86 FR 568, which allows HCD to hold a virtual hearing in lieu of an in-person public hearing to fulfill the public hearing requirement.

### **Virtual Hearing Requirements**

In the event HCD holds a virtual hearing, HCD will provide a platform that complies with HUD's requirements for virtual hearings. HCD provides reasonable notification and access for citizens in accordance with this Citizen Participation Plan, timely responses to all citizen questions and issues, and public access to all questions and responses. HCD takes appropriate steps for virtual hearings to ensure effective communication as required by 24 CFR 8.6 and provide meaningful access for individual with limited English proficiency.

### **Substantial Amendments**

For substantial amendments to its existing 2017 and 2018 CDBG-DR action plans and the 2020 CDBG-DR action plan, HCD may opt to conduct at least one optional public hearing to receive citizen comments on the use of the relevant 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 the substantial amendment to add the 2018 CDBG-MIT allocation to the existing CDBG-MIT Action Plan, HCD will conduct at least one public hearing, during the 45-day public comment period, as required by the CDBG-MIT federal register notice(s), 84 FR 45843 and 86 FR 565. For future substantial amendments, HCD may opt to conduct at least one optional public hearing to receive citizen comments on the use of the relevant grant funds.

For non-substantial amendments, a public hearing or public comment period will not be conducted. HCD must and will notify HUD five (5) days before implementing non-substantial amendments.

A non-substantial amendment is differentiated from a substantial amendment in that each appropriating federal register notice and associated action plan defines a substantial amendment as being required only when the following actions under each HUD grant type and year are undertaken:

2017 CDBG-DR (Federal Emergency Management Agency (FEMA) Disasters DR-4344 and DR-4353)

- An addition or deletion of any CDBG-DR funded program
- Any funding change greater than \$3 million of the CDBG-DR allocation, or
- Any change in the designated beneficiaries of the program

2018 CDBG-DR (FEMA Disasters DR-4382 and DR-4407)

- An addition or deletion of any CDBG-DR funded program
- Any funding change greater than \$10 million of the CDBG-DR allocation, or
- Any change in the designated beneficiaries of the program

2017/2018 MIT (FEMA Disasters DR-4344 and DR-4353; DR-4382 and DR-4407)

- An addition or deletion of any CDBG-MIT funded program
- Any funding change greater than \$3 million of the CDBG-MIT allocation, or
- Any change in the designated beneficiaries of the program

2020 CDBG-DR (FEMA Disasters DR-4558 and DR-4569)

- Change in program benefit or eligibility criteria;
- Any funding change greater than \$10 million;
- Addition or deletion of a program activity<sup>2</sup>; or
- Any other criteria as established by the HCD in its Action Plan.
- There are additional circumstances for which HCD is required by the Consolidated Notice, 87 FR 6364, to submit a substantial amendment for the 2020 CDBG-DR Action Plan and subsequent action plans. Information unknown at the time of submission to HUD will require a substantial amendment to include method of distribution descriptions: Eligibility criteria for assistance. This includes description of all exceptions that HCD provides on a case-by-case basis.
- Associated national objectives for each program.
- Description of the maximum amount of assistance (i.e., award cap) available to a beneficiary under each of the disaster recovery programs.
- Projected uses for the CDBG-DR funds, by responsible entity, activity, and geographic area.
- Identify all allocation criteria involved in method of distribution to local governments or Indian tribes. The criteria must be identified in the action plan or substantial amendment and approved by HUD before distributing the funds to a local government or Indian tribe.
- Identify all criteria, and the relative importance of each criterion, and any eligibility requirements, used to select applications for funding. This is applicable to applications solicited for programs carried out directly.
- Description of resale or recapture requirements and for which activity the use is proposed. The resale or recapture and the specific circumstances under which resale or recapture will be used.

Substantial amendments will be available on HCD's Disaster Recovery for 2020 Disasters webpage for public review and comment at least 30 days before finalization and

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<sup>2</sup> Program activity refers to the program designed to carry out disaster recovery as included in HCD's applicable CDBG-DR or CDBG-MIT Action Plan.

incorporation into the comprehensive Action Plan.<sup>3</sup> A summary of all comments received will be included in the final substantial amendment submitted to HUD for approval.

### C. Comments

As previously noted, HCD provides a minimum period of 30 calendar days for comments on action plans and substantial amendments, with the exception of the 45 calendar days required for the initial 2017/2018 CDBG-MIT Action Plan. HCD considers both written comments and comments received, verbally, at the optional public hearing(s). A summary of these comments and any comments not accepted, and the reasons are be attached to the final action plan or amendments, thereto. Directions for submitting comments is included in the notice of publication of the action plans or associated amendment(s). Comments may be submitted to HCD via mail, email, in person at the optional public hearing, if held, by telephone through the contact information provided on the federal program webpages on HCD's website, or by reaching out to the point of contact, using the contact information provided in the published action plan or associated amendment.

### D. Language Access Plan

HCD follows the Safe Harbor rule, contained in 72 FR 2732<sup>4</sup>, 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 and more than 50 people are affected. 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 a verbal interpretation.

HUD's grant recipients are required to take reasonable steps to ensure meaningful access to LEP persons. This "reasonableness" standard is intended to be flexible and fact dependent. It is also intended to balance the need to ensure meaningful access by LEP persons to critical services, while not imposing undue financial burdens on small businesses, local governments, or small nonprofit organizations. There are four factors to consider in the implementation of a Language Access Plan (LAP) on a program-by-program basis<sup>5</sup>:

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.

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<sup>3</sup> [HCD Webpage: Community Development Block Grant Program - Disaster Recovery \(CDBG-DR\)](#)

<sup>4</sup> Department of Housing and Urban Development, accessed August 2020, <https://portal.hud.gov/hudportal/documents/huddoc?id=finallep2007.pdf>

<sup>5</sup> See HUD LEP guidance, generally, at: [LEP Final Guidance - FAQs | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\) \(last visited, December 9, 2021\)](#).

4. The resources available and costs to the recipient.

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

- Free language assistance to LEP individuals for important 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), relocation and displacement issues, and during optional public meetings, as requested.
- HCD will automatically provide an interpreter at public hearings 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.

#### 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](http://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 Section  
2020 West El Camino Avenue, Suite 200  
Sacramento, CA 95833  
(916) 263-6461  
[disasterrecovery@hcd.ca.gov](mailto: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 conforms to style and navigation standards set forth by the Governor's Office of E-Government. All documents posted to HCD's website follow 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 Sections 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, and biennially, thereafter), the HCD's director and chief information officer will post a signed certification that HCD's 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 CDBG-DR and CDBG-MIT action plans;
- 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 [recover.hcd.ca.gov](http://recover.hcd.ca.gov) as the program portal for Owner Occupied Rehabilitation and Reconstruction (OOR) and other single-family housing program participants. It is primarily used for:

- program outreach;
- program materials (i.e., policies and guidelines, eligibility requirements, program contacts);
- application information;
- case management information, including relocation assistance; and
- citizen input on programs (i.e., webform or email submission options for comments or concerns).

ReCoverCA.org is available through HCD's CDBG-DR website and can also be found by navigating to its own, assigned address: [recover.hcd.ca.gov](http://recover.hcd.ca.gov). The ReCoverCA.org

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 ReCoverCA.org as another path for citizens to access the CDBG-DR grant information.

## G. Complaints

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

### **California Department of Housing and Community Development**

Disaster Recovery Section  
2020 West El Camino Avenue, Ste. 200  
Sacramento, CA 95833  
(916) 263-6461  
disasterrecovery@hcd.ca.gov

Records of all complaints received and HCD's responses, thereto, will be maintained by HCD for a period of five years. HCD will review complaints regarding fraud, waste, or abuse of government funds and forward to the HUD Office of Inspector General (OIG), accordingly.

To submit a 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](mailto: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](mailto:contact.center@dfeh.ca.gov)

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

HCD will ensure that units of general local government receiving CDBG-DR and/or CDBG-MIT and/or CDBG-MIT 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 and/or CDBG-MIT and/or CDBG-MIT funding, as applicable, as applicable.

## I. Final HUD-Approved Action Plan

Following HUD approval of the action plan for each relevant grant or each relevant grant or amendments, the final documents will be posted on the HCD's website. Hard copies of each final action plan or amendment(s), thereto, will also be made available upon request.