



APPENDIX C

1

Appendix C: CDBG Public Participation Requirements

The following Public Participation Requirements are Excerpted from the “Citizen Participation Requirements for Federal Programs, Plan, and Reports, updated September 8, 2020

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.

The Citizen Participation Requirements were amended in September 2020, pursuant to Federal Register Notice FR-6218-N-01, to add expedited procedures for consolidated planning submissions describing the use of fiscal year 2019 or 2020 annual formula funds for CPD programs, and for CDBG-CV and ESG-CV funds. These procedures include guidance on virtual public hearings and shorten the public comment period to 5 days for these submissions.

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.



APPENDIX C

2

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 hearing notices must include at a minimum:

- The amount of CDBG-CV funds expected to be made available, including program income.
- The range of activities that may be undertaken with the CDBG-CV funds.
- The estimated amount of the CDBG-CV funds proposed to be used for activities that will meet a national objective.
- The proposed CDBG-CV activities likely to result in anti-displacement and the unit of general local government's antidisplacement and relocation plans required.

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.



APPENDIX C

3

Virtual Public Hearings- General:

In the event of an unforeseen and unpreventable event that renders in-person public gatherings impossible or inadvisable, such as a natural disaster or pandemic, public hearings may be held as a virtual hearing. Hearing formats may include webinars, webcasts, telecasts, radio or audio broadcasts, or other virtual communication tools as appropriate for the meeting format. Virtual hearings must provide, at a minimum, an opportunity for members of 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 in written form, such as meeting minutes or chat scripts, or recorded, or as appropriate for the meeting format. Virtual hearings 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 a way that shows the information was provided to the public.



APPENDIX C

4

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, the Department resolution template must be used 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



APPENDIX C

5

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.

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.

Expedited Procedures authorized by the CARES Act and FR-6218-N-01

The following expedited procedures apply to the citizen participation requirements for units of general local government receiving fiscal year 2019 or 2020 CDBG annual funds, or CDBG-CV funds, allocated by the State through a method of distribution.

- Virtual Public Hearings:
For as long as national or health authorities recommend social distancing and limiting public gatherings for public health reasons, the local government will hold virtual hearings in lieu of in-person public hearings. Virtual public hearings will provide access for residents, timely responses from the local government to all resident questions and issues, and public access to all questions and responses, as described above in “Virtual Public Hearings – General”.



APPENDIX C

6

Recordkeeping

The applicant shall keep a record of all public hearings and meetings. The record should contain copies of the public notices, minutes of the hearings documenting that the contents of the notice were discussed at the hearing, a list of attendees and a summary of comments. If no comments were received, that should be noted in the record. We recommend reading the contents of the Notice into the minutes to ensure that all items are discussed. 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-in or if no one attended, the file should so indicate.

Decisions Regarding Application Content/Grievances and Complaints

The local governing body has the sole discretion of deciding the contents of an application for funding. 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 and grievances must receive a written response within 15 days where practicable.

Sample Notices

Sample public notices for use at the application design stage and the application submittal stage are given below. Copies of the affidavits of publication (or if posted, copies must be certified by city/county clerk) must be included in the application.



Limited English Proficiency (LEP) Requirements

Both Title VI of the Civil Rights Act of 1964 and Executive Order 31166 require that persons with limited English proficiency (LEP) have access to programs and operations assisted through federal funding, including public participation and outreach efforts. The below is to provide additional information about LEP requirements. Applicants must show that they are addressing LEP needs.

[Final Notice on LEP and Frequently Asked Questions from HUD's FHEO Headquarters](#)

The Fair Housing and Employment Office (FHEO) have already been making Title VI findings of non-compliance for many years if:

- A. Program shows under-representation of protected class/es likely to include LEP persons;
- B. Recipient cannot show effective outreach and marketing to LEP persons; and/or,
- C. Recipient cannot demonstrate policies to accommodate LEP persons.

Programs to which LEP Guidelines Apply

The LEP guideline apply to any program to which federal financial assistance to HUD is applied, including:

- A. Public and Indian Housing (PIH): Low-Income Public Housing, voucher, project-based, homeownership, moving to work, etc.
- B. CPD: CDBG, HOME, ESG, McKinney, etc.
- C. Housing: project-based Section 8, mod, rehab, etc.



What the LEP Guidelines Require of Recipients

The LEP Guidelines require recipients to:

- A. Determine if there are LEP persons in the service area(s);
- B. Devise a plan for oral interpretation & written translations based upon four-factor analysis in:
 - a. Outreach
 - b. Conduct of day-to-day activities
- C. Take necessary and reasonable steps to make sure LEP persons have access to information and resources.

Four-Factor Analysis of Needs

Factor 1: Identify the number / proportion of LEP persons in the service area:

- A. The more LEP persons, the greater the need.
- B. NOT who speaks other languages, but who speaks English less than well or not at all.
- C. Data Source: US Census / American Factfinder² Table QT-P17 or SF 3/DP2 or B16001.

Factor 2: Analyze frequency of contact

- A. The more frequent the contact, the greater the apparent need.
- B. Anticipate that increased outreach may result in increased frequency of contact and higher overall participation by LEP persons.



APPENDIX C

9

Factor 3: Analyze importance of contact

- A. The more important the contact, the greater the need.
- B. Compulsory participation = high importance.
- C. Identification of vital documents (documents that if not translated could result in denial of benefits / exclusion from program even if unintended).

Factor 4: Weighing of cost vs. resources vs. benefits

- A. Consider sharing resources with other recipients.
- B. Consider industry best practices.
- C. Consider that HUD documents are already translated.

Oral Interpretation

- A. Oral interpretation is always a requirement.
- B. Recipient must have a plan for communicating with applicant/participant if he/she is unable to communicate effectively in English.
- C. Language cards to allow identification of language spoken.
- D. Resources such as language line, use of staff.
- E. Never: "If you need a translator, bring your own."



APPENDIX C

10

Written Translations

- A. Guidelines establish “safe harbor of presumptive compliance” if a four-factor analysis of needs establishes:
1. Less than 1,000 persons LEP in one language within service area – translation required.
 2. Less than five percent of population LEP in one language (at least 50) = translation required.
 3. Disclaimer on translated documents: “provided for information only.”

Language Assistance Plan

- A. Identifies groups who need language assistance.
- B. States how agency will provide language services (translation plan).
- C. Train staff on plan.
- D. Public notice of plan.
- E. Self-assessment & monitoring of plan’s effectiveness.



APPENDIX C

11

CITY/COUNTY OF [enter name] **NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the **City Council/Board of Supervisors** of the City of **[enter name]** will conduct a Public Hearing at **[enter time] p.m.**, or soon thereafter, on **[enter date]** in **[enter location and address]** **[include virtual hearing information and how to connect]** to consider the following item:

SUBJECT:

POTENTIAL PROGRAM(S) FOR INCLUSION IN THE STATE COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CDBG-CV) APPLICATION – The **City Council/Board of Supervisors** will consider potential CDBG-CV programs and provide direction for staff to prepare an application in response to the release of the Notice of Funding Availability (NOFA) for CDBG-CV funds for COVID-19 related activities that benefit low- and moderate-income residents.

On March 27, 2020, Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act in response to the impacts of the COVID-19 pandemic. The State Department of Housing and Community Development (HCD) is will be publishing a Notice of Funding Availability (NOFA) for Community Development Block Grant Coronavirus Aid, Relief, and Economic Security (CDBG-CV2 and CV3) funds. Eligible cities and counties may submit applications for CDBG-CV funds under the upcoming NOFA. It is estimated that The **City/County** of **[enter name]** will be eligible to receive funds based on a formula allocation provided by HCD. The State will receive \$113,263,490 in CDBG-CV2 funds and \$ 18,031,478 in CDBG-CV3 funds.



APPENDIX C

12

Eligible activities paid for with State CDBG funds must meet one of the three National Objectives listed in CDBG Federal Statutes as follows: benefit to low-income households or persons (also called Low/Mod Benefit), slum and blight (addressing physical problems in specific neighborhoods) or meeting urgent community development need (a need resulting from a state or federal declared disaster or posing unforeseen risks to health and safety). In addition, eligible activities must be used directly to prevent, prepare for or respond to COVID-19 and meet CDBG requirements as provided and directed by HCD in the published NOFA and outlined in their plan as follows:

- Public services to respond to COVID-19 impacts
- Public facility improvements to increase capacity for healthcare facilities and improve public facility safety
- Housing facilities for persons experiencing homelessness, including acquisition and rehabilitation
- Economic development to support needs of local businesses to retain and bring back jobs impacted by COVID-19

The **City/County** of **[enter name]** anticipates submitting an application under this NOFA, when released. The **City/County** **does/does not** **[enter amount of funds if you expect to expend PI]** expect to expend any Program Income dollars in the next program year/contract term.

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



APPENDIX C

13

Where You Come In:

The purpose of this public hearing/meeting is to give community members an opportunity to make their comments known regarding what types of eligible activities the City/County should be applying for under the State CDBG program.

Any member of the public may appear at **[or virtually participate in]** the meeting and be heard on the item described in this notice, or members of the public may submit written comments to the **City Clerk/Clerk of Board** prior to the meeting by personal delivery or by mail to: City Clerk's Office, **[enter address/email here]**.

If you require special accommodations to participate in the public hearing, please contact the Clerk's office at least 48 hours in advance of the meeting by calling **[enter phone]**, TTY English: 1-800-735-2929; Spanish 1-800-855-3000. If you are unable to attend the public hearing, you may direct written comments to the **City/County** of **[enter name]**, attention: **City/County** Clerk's Office, **[enter address/email here]**. Your comments will be read at the meeting.

For More Information:

If you have any questions or would like more information regarding the item described in this notice, please call the **[enter contact information here]** or visit our website to access information at **[enter website for agenda and agenda packet information here]**. The State Action Plan Substantial Amendment for the CARES Act funding may be accessed at: <https://www.hcd.ca.gov/policy-research/plans-reports/index.shtml#aap>. State CDBG NOFA's can be accessed at: <https://www.hcd.ca.gov/grants-funding/active-funding/cdbg.shtml>.



APPENDIX C

14

CIUDAD/CONDADO DE [enter name]

AVISO DE AUDIENCIA PÚBLICA

POR LA PRESENTE SE NOTIFICA que el **Consejo Municipal/Junta de Supervisores** de la Ciudad de **[enter name]** llevará a cabo una Audiencia Pública a las **[enter time] p.m.**, o poco después, el **[enter date]** en **[enter location and address]** **[include virtual hearing information and how to connect]** para plantear el siguiente punto:

ASUNTO:

PROGRAMA(S) POTENCIAL(ES) PARA INCLUSIÓN EN LA SOLICITUD DE SUBVENCIÓN ESTATAL DE BLOQUE PARA EL DESARROLLO COMUNITARIO, LEY DE ASISTENCIA Y SEGURIDAD ECONÓMICA POR EL CORONAVIRUS (CDBG-CV) – El **Consejo Municipal/Junta de Supervisores** planteará potenciales programas del CDBG-CV y proporcionará instrucciones para que el personal prepare una solicitud en respuesta a la publicación del Aviso de Disponibilidad de Financiamiento (NOFA) para el CDGB-CV, fondos para las actividades relacionadas a la COVID-19 que benefician a los residentes de ingresos bajos y medios.

El 27 de marzo de 2020, el Congreso aprobó la Ley de Asistencia y Seguridad Económica por el Coronavirus (CARES) en respuesta a los impactos de la pandemia de COVID-19. El Departamento Estatal de Vivienda y Desarrollo Comunitario (HCD, por sus siglas en inglés) publicará un Aviso de Disponibilidad de Financiamiento (NOFA, por sus siglas en inglés) para los fondos de Asistencia y Seguridad Económica por el Coronavirus (CDBG-CV2 y CV3, por sus siglas en inglés). Las ciudades y condados elegibles pueden presentar solicitudes para fondos del CDBG-CV en el próximo NOFA. Se estima que la **Ciudad/Condado** de **[enter name]** será elegible para recibir fondos, según una fórmula de asignación proporcionada por el HCD. El Estado recibirá \$113,263,490 en fondos del CDBG-CV2 y \$18,031,478 en fondos del CDBG-CV3.



APPENDIX C

15

Las actividades elegibles, pagadas con fondos estatales del CDBG, deben cumplir con uno de los tres Objetivos Nacionales enumerados en los Estatutos Federales del CDBG de la siguiente manera: beneficio para familias o personas de bajos ingresos (también llamado Beneficio para Bajo/Mod), barrios marginales y deteriorados (abordando problemas físicos en vecindarios específicos) o satisfaciendo una necesidad urgente de desarrollo comunitario (una necesidad que fue resultado de la declaración de desastre estatal o federal o que suponga riesgos imprevistos a la salud y seguridad). Además, las actividades elegibles deben usarse directamente para prevenir, prepararse o responder a la COVID-19 y cumplir con los requisitos del CDBG según lo dispuesto e indicado por el HCD en el NOFA, publicado y descrito en su plan de la siguiente manera:

- Servicios públicos para responder a los impactos de la COVID-19
- Mejoras en las instalaciones públicas para aumentar la capacidad de las instalaciones de atención médica y mejorar la seguridad de las instalaciones públicas
- Instalaciones de vivienda para personas sin hogar, incluyendo la adquisición y rehabilitación
- Desarrollo económico para apoyar las necesidades de las empresas locales para conservar y recuperar los empleos afectados por COVID-19

La **Ciudad/Condado** de **[enter name]** prevé enviar una solicitud bajo esta NOFA, cuando sea emitida. La **Ciudad/Condado** **[AFFIRMATIVE IS JUST LEFT BLANK]/no** **[enter amount of funds if you expect to expend PI]** espera gastar dinero de los ingresos del Programa el próximo año del programa/plazo del contrato.

La **Ciudad/Condado** fomenta la vivienda justa y pone todos sus programas a disposición de familias de ingresos bajos y medios, independientemente de su edad, raza, color, religión, sexo, nacionalidad, preferencia sexual, estado civil o discapacidad.



APPENDIX C

16

Dónde Asistir:

El propósito de esta audiencia/reunión pública es darles a los miembros de la comunidad la oportunidad de hacer sus comentarios con respecto a los tipos de actividades elegibles para los que la Ciudad/Condado debe hacer la solicitud del programa estatal CDBG.

Cualquier miembro del público puede presentarse [**o participar virtualmente**] en la reunión y ser escuchado sobre el tema descrito en este aviso, o los miembros del público pueden presentar comentarios por escrito al **Secretario Municipal/Secretario de la Junta** antes de la reunión por entrega personal o por correo a: Oficina del Secretario Municipal, **[enter address/email here]**.

Si necesita adaptaciones especiales para participar en la audiencia pública, comuníquese con la oficina del Secretario al menos 48 horas antes de la reunión llamando al **[enter phone]**, TTY en inglés: 1-800-735-2929; en español 1-800-855-3000. Si no puede asistir a la audiencia pública, puede dirigir comentarios por escrito a la **Ciudad/Condado** de **[enter name]**, atención: Oficina del Secretario de la **Ciudad/Condado**, **[enter address/email here]**. Sus comentarios serán leídos en la reunión.

Para más información:

Si tiene alguna pregunta o desea obtener más información sobre el tema descrito en este aviso, llame al **[enter contact information here]** o visite nuestro sitio web para acceder a la información en **[enter website for agenda and agenda packet information here]**. Se puede acceder a la Enmienda Sustancial del Plan de Acción del Estado para el financiamiento de la Ley CARES en: <https://www.hcd.ca.gov/policy-research/plans-reports/index.shtml#aap>. Se puede acceder a los NOFA estatales del CDBG en: <https://www.hcd.ca.gov/grants-funding/active-funding/cdbg.shtml>.