

Citizen Participation Requirements for the State's Annually Appropriated Federal Programs, Plans, and Reports

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I. Background

The information in this guide is derived from Title 24 Code of Federal Regulations (CFR) Part 91, Consolidated Submissions for Community Planning and Development Programs. This guide applies to both the California Department of Housing and Community Development (HCD or the Department) and to jurisdictions who intend to apply for and administer federal funds from the United States Department of Housing and Urban Development (HUD). This document is intended to guide citizen participation for all of the Community Planning and Development (CPD) programs: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Solutions Grants (ESG), National Housing Trust Fund (NHTF), and Housing Opportunities for Persons With AIDS (HOPWA). It is also applicable for other HUD funding, including special congressional appropriations, special allocations, and one-time grant awards, when the Federal Register notice or Notice of Funding Opportunity (NOFO) for that funding identifies either 24 CFR 91 or any of the previously listed CPD programs as the governing citizen participation standard.

This Plan pertains to the Department's annual federal programs only. For Citizen Participation Plan (CPP) information for Disaster Recovery (DR) programs, please refer to the [Disaster Recovery Citizen Participation Plan](#) on HCD's [Disaster Recovery & Mitigation website](#) (<https://www.hcd.ca.gov/grants-and-funding/disaster-recovery-and-mitigation>) which includes links to each individual disaster recovery and mitigation grant.

This guide is organized into four sections:

- I. Background
- II. State Citizen Participation Requirements
- III. Analysis of Impediments to Fair Housing Requirements
- IV. Citizen Participation Requirements for Local Governments Receiving CDBG Funds

II. State Citizen Participation Requirements (24 CFR 91.115)

Any amendments to the State Citizen Participation Requirements guide must follow the same amendment procedures identified for Citizen Participation Plans at 24 CFR 91.115(a)(3), in addition to the identified requirements listed in this document for the Consolidated Plan (Con Plan) substantial amendment process.

A. Consolidated Plan, Annual Action Plan, and Other Action Plans

1. Information Required in Proposed Plans (24 CFR 91.115(b)(1)):

Prior to adoption of the Con Plan, Annual Action Plan (AAP), or Other Action Plans for Special Appropriations, Special Allocations, and One-Time Grant Awards, the Department will make information available to residents of the state, public agencies, and other interested parties detailing the amount of assistance the Department expects to receive and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low- and moderate-income and the plans to minimize displacement of persons and to assist any persons displaced.

2. Notice and Availability of Plans (24 CFR 91.115(b)(2)):

The Department will publish a notice of the public comment period and a summary of the proposed (draft) Con Plan and AAP in at least one newspaper of general circulation and will distribute this summary to interested parties via electronic mailing. Copies of the draft Con Plan and AAP will be available on the Plans and Reports page of the Department's website [Plans & Reports | California Department of Housing and Community Development](https://www.hcd.ca.gov/policy-and-research/plans-and-reports) (<https://www.hcd.ca.gov/policy-and-research/plans-and-reports>) and upon request. The summary will describe the contents and purposes of the Con Plan and AAP and will describe how copies of the entire documents can be reviewed.

3. Public Hearing on Plans (24 CFR 91.115(b)(3)):

The Department will hold at least one publicly noticed public hearing to solicit comments on housing and community development needs prior to publishing the Con Plan and AAP.

4. Public Hearing Notice (24 CFR 91.115(b)(3)(i)):

The Department will provide notification of the public hearing to solicit comments on housing and community development needs at least 14 days in advance of the public hearing. Notification of this hearing will be provided through a notice in at least one newspaper of general circulation. Additionally, it will be posted on the [Department's website](http://www.hcd.ca.gov) (www.hcd.ca.gov) and distributed to interested parties by electronic mailings.

5. Location of Public Hearing (24 CFR 91.115(b)(3)(ii)):

The public hearing will be designed to facilitate attendance by potential and actual beneficiaries and ensure adequate accommodation for persons with disabilities. The Department will consider requests from interested parties in determining the location of the hearing to ensure adequate opportunities for interested parties to participate. Location requests and requests for accommodation may be submitted to the Department via mail, email, or by telephone through the contact information provided on the federal program webpages on the Department's website or by reaching out to the contact information provided in the public notice.

Public hearings will be based on the needs of citizens and may be conducted virtually or in person. Virtual public hearings may be conducted using formats such as webinars, webcasts, telecasts, radio or audio broadcasts, or other appropriate virtual communication tools. Virtual hearings will ensure, at minimum, an opportunity for members of the public to ask questions publicly, with responses from presenters or public officials also made publicly. All questions and responses will be documented, either in written or recorded format. The Department will actively encourage the participation of all residents, including the elderly, individuals with limited English proficiency, and persons with disabilities, during the public notice process. Translation services and auxiliary aids and services will be made available upon request to ensure non-English speaking residents and residents with disabilities have equal access and participation in such hearings.

It is the intent of the Department to comply with the Americans with Disabilities Act and Title VI of the Civil Rights Act of 1964 and related statutes in all respects. If an attendee or participant at a public hearing and/or meeting needs special assistance beyond what is normally provided, the Department will attempt to accommodate these people in every reasonable manner.

6. Non-English-Speaking Needs (24 CFR 91.115(b)(3)(iii)):

The Department will make every effort to accommodate the needs of non-English-speaking residents at all public hearings. A translator for Spanish-speaking residents can be available at all hearings upon prior request. The Department will solicit information about the need for translators for public hearings in the notification of the hearing. Translation services may be arranged via mail, email, or by telephone through the contact information provided on the federal program webpages on the Department's website, or by reaching out to the contact information provided in the public notice. The Department maintains a list of staff that can provide translating services in American Sign Language.

7. Comments on the Plans (24 CFR 91.115(b)(4)-(5)):

The Department will provide a minimum period of 30 calendar days for comments on the Con Plan and AAP. The Department will consider written comments and comments received orally at the public hearing(s) in preparing the final versions of the plans. A summary of these comments, and a summary of any comments not accepted and the reasons therefore, will be attached to the final plans. Directions for submitting comments will be included in the public hearing notice. Comments may be submitted to the Department via mail, email, in person or virtually at the noticed public hearing, by telephone through the contact information provided on the federal program webpages on the Department's website, or by reaching out to the contact information provided in the public notice.

8. Applicability to Action Plans for Special Congressional Appropriations, Special Allocations, and One-Time Grant Awards:

The requirements in this section apply to Action Plans for special congressional appropriations, special allocations, and one-time grant awards unless the applicable Federal Register notice or NOFO provides a waiver or exception to this requirement.

B. Amendments to the Consolidated Plan, Annual Action Plan and Other Action Plans

1. Criteria for Amendment to the Plans (24 CFR 91.115(c)(1), and 24 CFR 91.505(a)):

The Department will require a substantial amendment to the Con Plan, AAP and Other Plans under the following circumstances:

- a) To add an additional allocation goal or to eliminate an existing allocation goal;
- b) To change the method of distribution of funds not already discussed in the Con Plan;
- c) To conduct an activity with program funds or income not previously described in the AAP; or
- d) To change the purpose, scope, location, or beneficiaries of an activity.

2. Notice and Availability of Amendments to the Plans (24 CFR 91.115(c)(2)):

The Department will publish a summary of the proposed (draft) amendment in at least one newspaper of general circulation and will distribute this summary to interested parties via electronic mailing. Copies of the draft amendment will be available on the Department's website and upon request. The summary will describe the contents and purposes of the amendment and will describe how copies of the entire amendment can be reviewed. The Department will provide a minimum period of 30 days for comments on the amendment. Directions for submitting comments will be included in the public hearing notice. Comments may be submitted to the Department via mail, email, in person at the public hearing, or by telephone through the contact information provided on the federal program webpages on the Department's website, or by reaching out to the contact information provided in the public notice.

3. Comments on the Amendments (24 CFR 91.115(c)(3)):

The Department will consider all comments in preparing the final versions of the plans. A summary of these comments, and a summary of any comments not accepted and the reasons therefore, will be attached to the final plans.

4. Applicability to Action Plans for Special Congressional Appropriations, Special Allocations, and One-Time Grant Awards:

The requirements in this section apply to Action Plans for special congressional appropriations, special allocations, and one-time grant awards unless the applicable Federal Register notice or NOFO provides a waiver or exception to this requirement.

C. Consolidated Annual Performance Evaluation Report (CAPER)

1. Notice and Availability of the CAPER (24 CFR 91.115(d)(1)):

The Department will publish a notice of a public comment period and summary of the proposed (draft) CAPER in at least one newspaper of general circulation and will distribute this summary to interested parties via electronic mailing. Copies of the draft CAPER will be available on the Department's website on the [Plans and Reports](#) website and upon request. The summary will describe the contents and purposes of the CAPER and will describe how copies of the entire CAPER can be reviewed. The Department will provide a minimum period of 15 calendar days for comments on the CAPER.

2. Comments on the CAPER (24 CFR 91.115(d)(2)):

The Department will consider all comments in preparing the final version of the CAPER. A summary of these comments will be attached to the final version of the CAPER.

3. CAPER Public Hearings:

The Department will hold a publicly noticed public hearing according to the above sections under II. State Citizen Participation Requirements: *Public Hearing on Plans, Public Hearing Notice, Location of Public Hearing, and Virtual Public Hearings – General* to hold a publicly noticed public hearing to complete the public participation for the CAPER.

4. Applicability to Action Plans for Special Congressional Appropriations, Special Allocations, and One-Time Grant Awards:

The requirements in this section apply to Action Plans for special congressional appropriations, special allocations, and one-time grant awards unless the applicable Federal Register notice or NOFO provides a waiver or exception to this requirement.

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

The following expedited procedures apply to any consolidated planning submissions (Con Plan and AAP and amendments to these plans) describing the use of fiscal year 2019 or 2020 annual formula funds for CPD programs, and for CDBG-CV and ESG-CV funds provided under the CARES Act.

1. Expedited Public Comment Period:

The Department will provide notice and a minimum of five calendar days for comments on the Con Plan, AAP and amendments to these plans.

E. Availability to the Public (24 CFR 91.115(f)):

The Con Plan, AAP, any amendments, the CAPER, and Other Action Plans for special congressional appropriations, special allocations, or one-time grant awards and any amendments that are subject to 24 CFR 91, are available upon request to the public and any interested party. These materials can be provided in a form accessible to persons with disabilities upon request. Copies are available on the [Department's website](http://www.hcd.ca.gov) (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
Federal Programs Branch
651 Bannon Street, Suite 700
Sacramento, CA 95811
consolidatedplan@hcd.ca.gov

F. Records Access (24 CFR 91.115(g)):

The Department will maintain complete and accurate records relating to the Con Plan and the Department's use of assistance under the programs covered by the plan for the preceding five years. The Department will provide timely access to this information and records to any citizen, public agency, or interested party upon request. Requests may be made via email or in writing and should be noticed to:

California Department of Housing and Community Development
Federal Programs Branch
651 Bannon Street, Suite 700
Sacramento, CA 95811
prarequest@hcd.ca.gov

G. Complaints (24 CFR 91.115(h)):

The Department will provide a written response via electronic mail within 15 working days, when practical, to every written citizen complaint regarding the Con Plan, AAP, amendments, and performance reports. Complaints may be made via

email or in writing and sent to:

California Department of Housing and Community Development
Federal Programs Branch
651 Bannon Street, Suite 700
Sacramento, CA 95811
consolidatedplan@hcd.ca.gov

III. Analysis of Impediments to Fair Housing Requirements

A. Document Considerations:

During the development of the Analysis of Impediments to Fair Housing Choice (AI), the Department will consult the following groups/agencies to solicit their input on statewide fair housing issues: housing agencies administering public housing, Public Housing Authorities, local governments, housing providers, banks and other financial institutions, the general public, state-based and regionally based organizations that represent protected class members and organizations that enforce fair housing laws, including agencies that participate in HUD's Fair Housing Initiatives Program and HUD's Fair Housing Assistance Program. A variety of methods may be utilized to solicit input from these groups/agencies; these include telephone or personal interviews, surveys, and consultation workshops.

B. Document Review and Comment:

The draft AI will be available for public review for a 30-day period. Written comments will be accepted by the Department's Director or designee during the public review period. A summary of the comments received during the public comment period, written and verbal, will be attached to the AI as part of the final publication of the document. Copies will also be made available. Written comments are strongly encouraged and can be emailed to AIFairHousingReport@hcd.ca.gov or mailed to:

California Department of Housing and Community Development
Attn: Director
651 Bannon Street, Suite 1000 Sacramento, CA 95811
(916) 263-3383 (Fax)

The Department will consider written comments, including those received via facsimile or email and those provided at the public hearing on the AI. The Department will also solicit and consider comments received in a manner convenient to the public. If a material amendment to the AI is needed, reasonable

notice will be given, and comments will be received for no less than 30 calendar days after notice is given. A public hearing will be held within the public comment period.

C. Public Hearing:

The Department will hold at least one publicly noticed public hearing to solicit comments on the draft AI, prior to publishing the final AI.

D. Public Hearing Notice:

The Department will provide notification of the public hearing concerning the draft AI at least 14 calendar days prior to the public hearing. The notification will be provided by posting on the [Department's website](http://www.hcd.ca.gov) (www.hcd.ca.gov), electronic mailings to interested parties, and through a notice in at least one newspaper of general circulation. The Department will consult with the interested public, fair housing advocates, and private agencies to encourage wide distribution of notices of the public hearings. Copies of notices will be provided to public and private agencies upon request for distribution to their members.

E. Location of Public Hearings:

The public hearing will be designed to facilitate attendance by potential and actual beneficiaries and ensure adequate accommodation for persons with disabilities. The Department will consider requests from interested parties in determining the location of the hearing to ensure adequate opportunities for interested parties to participate. Location requests and requests for accommodation may be submitted to the Department via mail, email, or by telephone through the contact information provided on the federal program webpages on the Department's website or by reaching out to the contact information provided in the public notice.

Public hearings will be based on the needs of citizens and may be conducted virtually or in person. Virtual public hearings may be conducted using formats such as webinars, webcasts, telecasts, radio or audio broadcasts, or other appropriate virtual communication tools. Virtual hearings will ensure, at minimum, an opportunity for members of the public to ask questions publicly, with responses from presenters or public officials also made publicly. All questions and responses will be documented, either in written or recorded format. The Department will actively encourage the participation of all residents, including the elderly, individuals with limited English proficiency, and persons with disabilities, during the public notice process. Translation services and auxiliary aids and services will be made available upon request to ensure non-English speaking residents and residents with disabilities have equal access and participation in such hearings.

It is the intent of the Department to comply with the Americans with Disabilities Act and Title VI of the Civil Rights Act of 1964 and related statutes in all respects. If an attendee or participant at a public hearing and/or meeting needs special assistance beyond what is normally provided, the Department will attempt to accommodate these people in every reasonable manner.

F. Written Comments and Complaints:

A complaint regarding the AI covered by this Citizen Participation Plan must be submitted in writing to the Department's Director. The Department will accept written complaints provided they include the description of the objection, supporting facts and data, the name, address, telephone number, and a date of complaint.

The Department will appropriately respond to all complaints regarding the AI. Specifically, the Department will provide a written response within 15 working days, when practical, to every written citizen complaint regarding the AI. Comments received during the public hearing and comment period described above will be addressed as described in the AFFH Rule Guidebook, Version 1, Section 3.4.3, published by the U.S. Department of Housing and Urban Development. The Department will respond to all complaints in a timely manner and in a form most appropriate for the circumstances. Records of all complaints received, and their responses, will be maintained by the Department for a period of five years. In addition to the processes described above, the Department encourages public participation through the establishment of stakeholder committees, technical assistance workshops, and ongoing technical assistance efforts.

IV. 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.

A. 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.

B. 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 public meetings and they must be held at times and accessible locations convenient to potential or actual beneficiaries, with accommodations for persons with disabilities. Public meetings 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 notices and public meetings must identify a means for written comments and complaints to be submitted to the unit of local government.

The Department will actively encourage the participation of all residents, including the elderly, individuals with limited English proficiency, and persons with disabilities, during the public notice process. Translation services and auxiliary aids and services will be made available upon request to ensure non-English speaking residents and residents with disabilities have equal access and participation in such meetings.

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.

C. Public Meetings– General:

The public meeting will be designed to facilitate attendance by potential and actual beneficiaries and ensure adequate accommodation for persons with disabilities. The Department will consider requests from interested parties in determining the location of the meeting to ensure adequate opportunities for interested parties to participate. Location requests and requests for accommodation may be submitted to the Department via mail, email, or by telephone through the contact information provided on the federal program webpages on the Department's website or by reaching out to the contact information provided in the public notice.

Public meetings will be based on the needs of citizens and may be conducted virtually or in person. Virtual public meetings may be conducted using formats such as webinars, webcasts, telecasts, radio or audio broadcasts, or other appropriate virtual communication tools. Virtual meetings will ensure, at minimum, an opportunity for members of the public to ask questions publicly, with responses from presenters or public officials also made publicly. All questions and responses will be documented, either in written or recorded format.

It is the intent of the Department to comply with the Americans with Disabilities Act and Title VI of the Civil Rights Act of 1964 and related statutes in all respects. If an attendee or participant at a public meeting needs special assistance beyond what is normally provided, the Department will attempt to accommodate these people in every reasonable manner.

D. 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 other means as appropriate, and must be documented in a way that shows the information was provided to the public.

E. 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.

F. Public Meeting Requirements (24 CFR 570.486(a)(5)):

Requires that CDBG awardees provide for at least two public meetings at a different stage of the program, for the purpose of obtaining residents' views and responding to proposals and questions. The public meetings must adhere to the guidelines identified in 24 CFR 570.486(a)(2).

CDBG applicants must hold a public meeting covering community development and housing needs, and development of proposed activities, before submission of an application to the Department.

CDBG applicants must adopt an executed resolution, in a form that complies with

Department requirements, that authorizes the CDBG application prior to application submittal.

CDBG awardees must hold a second public meeting 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.

G. 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 changed from the original application to the Department. Advanced notice will be through public notice, and opportunity to comment may be at a public meeting, or through a publicly noticed public comment period on a published document or plan that details the proposed changes.

H. Complaints (24 CFR 570.486(a)(7)):

Requires CDBG awardees to give residents the address (mailing and email), phone number, and times for submitting complaints, and provide written answers to written complaints.

V. Appendix A – Public Comment Matrix Report

Sort Order	Commenter	Jurisdiction/ Agency	Email	Comment Type	Comment Notes	Accept/ Reject	Why Rejected

VI. Appendix B – Form of Notice for All Plans

Form of Notice Requirements				
Document	Public Hearing	Comment Period	HUD Submission	Form of Notice
Consolidated Plan	Yes – Two public hearings are required (one on Community Needs; one on draft Con Plan).	30 Days	No later than 45 days prior to start of next program year.	Newspapers email blast to stakeholders posted to HCD webpage.
Annual Action Plan	Yes – One public hearing is required.	30 Days	No later than 45 days prior to start of next program year.	Newspapers email blast to stakeholders posted to HCD webpage.
CAPER	Yes – One public hearing is required.	15 Days	No later than 90 days following end of program year.	Newspapers email blast to stakeholders posted to HCD webpage.
Amendments – Substantial	Yes – One public hearing is required.	30 Days	At the time of amendment. No specific required due date.	Newspapers email blast to stakeholders posted to HCD webpage.
Analysis of Impediments	Yes – One public hearing is required.	30 Days	No later than 45 days prior to start of next program year.	Newspapers email blast to stakeholders posted to HCD webpage.
Citizen Participation Plan	Yes – One public hearing is required.	30 Days	No later than 45 days prior to start of next program year.	Newspapers email blast to stakeholders posted to HCD webpage.