



RESOLUTION NO. 6925

A RESOLUTION AMENDING ALBANY'S CITIZEN PARTICIPATION PLAN AS ADOPTED BY RESOLUTION NO. 6879

WHEREAS, as a recipient of Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD), the City of Albany is required to adopt and follow a citizen participation plan; and

WHEREAS, the citizen participation plan adopted by Resolution No. 6879 on April 22, 2020, specifies the public participation requirements the City will take in the development of Albany's CDBG plans and programs; and

WHEREAS, the citizen participation plan includes waivers of flexibility to reduce the notice and comment period and alternative requirements to the citizen participation process due to the novel coronavirus (COVID-19) and to allow for virtual public hearings to comply with health authority recommendations and Oregon Governor Brown's executive orders; and

WHEREAS, the City is amending its citizen participation plan to include any waivers of flexibilities in the citizen participation process issued by HUD in response to other national or state emergencies or disasters; and

WHEREAS, the city council held a public hearing regarding the amended citizen participation plan on September 23, 2020, and all comments were accepted.

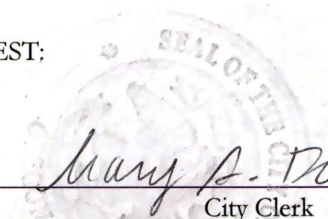
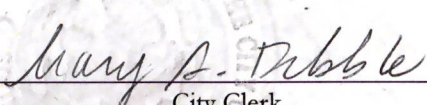
NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby amends the citizen participation plan adopted by Resolution No. 6879 as described and attached hereto as "Exhibit A."

DATED AND EFFECTIVE THIS 23RD DAY OF SEPTEMBER 2020.



Mayor

ATTEST:

City Clerk



**City of Albany, Oregon
Community Development Block Grant Program
Citizen Participation Plan**

Adopted April 22, 2020 by Resolution 6879

**Proposed additional COVID-19/Disaster Related
Amendments**

In April of this year, the City amended the Citizen Participation Plan to incorporate waivers and flexibilities authorized by the Department of Housing and Urban Development to allow reduced public notice and comment period in order to quickly respond to the novel-coronavirus. The flexibilities also include allowing virtual hearings. The City proposes a few additional amendments to clarify these allowances in order to efficiently respond to COVID-19 needs or other national emergencies or disasters.

The proposed amendments are shown using red underline and ~~strikeout~~ formatting. Text in red underline font indicates new text.

I. Introduction

The City of Albany receives Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD). These funds are used to administer housing and community development programs within the City through the Community Development Department. The Citizen Participation Plan has been developed to comply with the regulations and requirements of the CDBG program as specified by both HUD's Consolidated Plan rule and by the rules that direct HUD's Community Development Block Grant Program.

The Citizen Participation Plan outlines the steps that will be taken by the City of Albany to provide residents and other community members opportunities to contribute ideas and information on housing, community, and economic development needs to the City's Consolidated Planning process. The Citizen Participation Plan encourages citizens to participate in the planning, development, implementation, and evaluation of the City's CDBG annual plans and programs. However, final responsibility and authority for the development and implementation of CDBG program(s) will lie with the City of Albany.

The goals of the Citizen Participation process are to:

1. Encourage citizen participation by all of the following in the process of developing and implementing the consolidated plan and annual plans: local and regional institutions, the Continuum of Care, the local housing authority, other organizations (including nonprofit organizations, philanthropic organizations, community-based organizations, faith-based organizations, businesses and developers), and Albany residents, emphasizing the involvement of low- and moderate-income residents, people living in CDBG target neighborhoods, people with disabilities, minorities, and residents of publicly assisted housing;
2. Inform citizens and the public housing authority of the Albany Consolidated Plan, Annual Action Plans and eligible activities under these programs, and development of the Assessment of Fair Housing;

3. Give all citizens an opportunity to identify and respond to priority needs, proposed projects, and the use of funds; and
4. Give all citizens an opportunity to review and comment on program performance.

II. Community Engagement

The City of Albany will keep interested citizens, community members, and service, housing and economic development organizations informed about opportunities for involvement in each phase of the consolidated planning development process and development of fair housing assessments.

A. Albany Community Development Commission (CDC) Meetings.

The City and CDC will seek input primarily through direct interaction with the public in the form of community-based meetings and may also seek input and direction through other means including surveys, interviews, and/or an interactive website. CDC monthly meetings are open to the public. The CDC meeting agenda and materials are posted approximately one week prior to the meeting on the City's website and are provided at the two Albany public libraries. Minutes of CDC meetings are posted on the City's website once approved.

Albany Community Development Department staff will provide direction and support to the CDC during the process of drafting the Consolidated Plan and in receiving public input and citizen participation on plan needs and activities.

B. Community Engagement.

The City will provide the public with reasonable opportunities for involvement in the development of annual action plans, consolidated plans and assessments of fair housing plans. The City will employ a variety of communication means and formats designed to reach the broadest audiences, such as press releases, social media, City web site postings, email distribution lists. The City will engage directly with area agencies, organizations and governments that provide social services, health services, affordable housing services, and fair housing assistance that represent low- and moderate-income residents, protected classes, the homeless and vulnerable populations. The City will work through existing networks and community leaders to gather input and build relationships.

C. Technical Assistance.

City of Albany staff will provide technical assistance to individual citizens, citizen groups, and agencies in order to further meaningful citizen participation in the community development decision making process and to foster public understanding of CDBG program requirements. Technical assistance will also be provided to groups and agencies representing low- and moderate-income persons requesting assistance in developing project/funding proposals. City staff will pay particular attention to those groups' representative of persons of low- or moderate-income, as may be required to adequately provide for citizen participation in the planning, implementation and assessment of CDBG programs.

Technical assistance may be obtained by contacting the Community Development Department at 541-917-7550, or through the City of Albany website at www.cityofalbany.net/cdbg.

III. Public Hearings and Comment Periods

Each year citizens and interested agencies will be notified of the funding level of assistance expected in the upcoming year when that information is received from HUD. Initial information may be based on local estimates. Citizens and interested entities will also be informed of the amount of funding expected to benefit low- and moderate-income persons in each Consolidated Plan and Annual Action Plan.

A. Public Comment Periods.

Each year, the public will be notified of opportunities to review and comment on the draft Consolidated Plan, Annual Action Plan, and substantial amendments to these plans. The City will also provide the opportunity to review and comment on the City's performance in administering the CDBG programs through a comment period and public hearing.

- *Draft Consolidated Plan, Annual Action Plans and Substantial Amendments.* The City will provide a copy of the draft Consolidated Plan and/or Action Plans at least 30 days prior to submitting the plan to HUD so that interested citizens, community members, public agencies, and other groups have an opportunity to review and provide public comments and suggestions for improvement; except that the 2020 Action Plan and substantial amendments to adopted plans related to responding to the novel coronavirus (COVID-19) emergency or any other national or state emergency or disaster shall have a public notice and comment period of at least 5 days. A summary of all comments received either in writing, or orally through a public hearing, will be included in the plan submitted to HUD.
- *Consolidated Annual Performance and Evaluation Report (CAPER).* The City will provide a copy of the CAPER at least 15 days prior to submitting the report to HUD for citizens and other community members and other interested parties to review and comment on the annual performance report. A summary of comments received either in writing, or orally through a public hearing, will be included with the City's annual performance report submission.
- *Draft Analysis of Impediments to Fair Housing Choice or Assessment of Fair Housing.* The City will provide a copy of draft assessments of fair housing at least 30 days prior to submitting the plan to HUD so that interested citizens, community members, public agencies, and other groups have an opportunity to review and provide public comments and suggestions for improvement. A summary of comments received either in writing, or orally through a public hearing, will be included in the plan submitted to HUD.

B. Public Hearings

At least two public hearings will be held every year to obtain citizen and community views and input on housing, economic, and community development needs to respond to the different stages of the CDBG planning process and programs administered by the Community Development Department. Specifically, the hearings will solicit input on the following:

1. Assessment and identification of housing and community development needs (two hearings a year);
2. The draft five-year Consolidated Plan or Annual Action Plans and any substantial amendments (one hearing);

3. The City's performance in meeting annual plan objectives as provided in the Consolidated Annual Performance and Evaluation Report (one hearing); and
4. Assessment of impediments to fair housing choice (one hearing as needed).

Following the 30-day review and comment period on a proposed Consolidated Plan, Action Plan, Substantial Amendment, or fair housing assessment - or a 5-day comment period for the 2020 Action Plan and Substantial Amendments to Plans to respond to COVID-19 or any other national or state emergency or disaster, the City Council shall hold at least one public hearing to consider any comments or views of citizens received in writing or orally at the public hearing and the Council will take action on the proposed Plan or Substantial Amendment. A summary of comments received either in writing, or orally through a public hearing and a summary of any comments or views not accepted, will be incorporated into the applicable Plan.

All public hearings shall be held at times and locations convenient to potential and actual beneficiaries and with accommodation for persons with disabilities; except that when national, state or local health authorities recommend social distancing and limit public gatherings for public health reasons, in-person public hearings will be replaced with virtual hearings. Local officials will undertake all reasonable actions necessary to allow persons with limited English proficiency to participate in public hearings when notified in advance of such needs.

A sign language interpreter will be provided whenever the City is notified in advance that one or more deaf persons will be in attendance, according to the instructions provided in the public hearing notice. The City shall provide a qualified reader whenever the City is notified in advance that one or more visually impaired persons will be in attendance. Additionally, the City shall provide reasonable accommodations whenever the City is notified in advance that one or more persons with mobility or developmental disabilities will be in attendance.

C. Public Notices

Public notice of the 30-day comment period and any public hearing regarding the Consolidated Plan, Annual Action Plans, and Assessment of Fair Housing will be published in one or more newspapers of general circulation at least 30 days prior to the plan being submitted to HUD and will include a summary of the plan. In the event of a national or state emergency or disaster that closes city facilities to the public; plans and reports will be made available online only.

Public notice of the 15-day comment period, and any public hearing regarding the CAPER will be published in one or more newspapers of general circulation at least 15 days prior to the plan being submitted to HUD and will include a summary of the report.

Notice of public hearings will include publishing in the local newspaper of general circulation, notice on the City's web site to advise citizens of the plans, comment periods, hearings, and deliberations scheduled. Information of the date, time, and place of these hearing will be made available through these advertisements and publications. Efforts will be made to provide notice in media that serves non-English speaking households in the City. The notices will provide information about the locations where complete copies of the plan may be reviewed. (See IV - Access to Documents and Records)

Public meetings or hearing notices will be posted according to City of Albany policy for public meeting procedures.

Staff Comments: The following language is proposed to allow deviation from the specified notices and practices related to citizen participation, notice and comment periods when permitted through

HUD waivers. In addition, the proposed amendments would allow reallocation of disaster funds up to specified threshold as a minor Plan amendment.

D. HUD Waivers and Disaster Recovery

All of the requirements outlined the Citizen Participation Plan are subject to change when guidance or waivers are issued by HUD in order to respond to a national disaster, emergency or pandemic. If HUD issues guidance or waivers that affect citizen participation in the planning process, the City will attempt to provide as much notice as possible while still complying with the allowed waivers and flexibilities permitted by HUD.

On June 1 2017, HUD issued CPD Notice 17-06, title Using CPD funds for Disaster Response and Recovery. This notice directs entitlement communities to be prepared to respond quickly to a disaster by ensuring any funds allocated to address the disaster are quickly incorporated into the Consolidated Plan and the Annual Action Plan.

In the event of a presidentially declared disaster, any CDBG funds reallocated to address the disaster will be considered non-substantial amendments up to the threshold of \$100,000.

IV. Access to Documents and Records

Citizens and other community members will have reasonable and timely access to all documents related to the Consolidated Plan, annual plans, and annual performance reports. Copies of any proposed plan, Substantial Plan Amendment, or CAPER will be provided during the applicable comment period at the Albany Main Library located at 2450 14th Avenue SE, the Albany Carnegie Library located at 302 Ferry Street SW, and the Community Development Department in Albany City Hall located at 333 Broadalbin Street SW, Albany, Oregon; unless these facilities are closed due for public health reasons.

In addition, copies of the Consolidated Plan, Annual Action Plans, Consolidated Annual Performance and Evaluation Reports (CAPER), and the Assessment of Fair Housing will be available for download in an electronic format, at no cost, from the City's CDBG web site, www.cityofalbany.net/cdbg.

All other records regarding the Consolidated Plan process will be maintained, as required by statute, at the City of Albany Community Development Department for at least five years. Advance notice of access to such records is required by contacting Anne Catlin (541-917-7560, anne.catlin@cityofalbany.net).

V. Amendments to a Consolidated Plan or Annual Action Plan

A. Substantial Amendment

The City shall amend its approved Consolidated plan or Annual Action Plan through a substantial amendment process whenever the following occurs:

1. To make a change in Plan allocation priorities or activities, which includes the removal of an activity or project not previously described in a consolidated plan or annual action plan; a change in the use of CDBG funds from one eligible activity to another; and/or a change in the approved CDBG budget of 25 percent or more for an activity.
2. A new activity is funded for the first time from any program covered by the consolidated or annual plan (including program income), not previously described or funded in the action plan.

3. To change the purpose, scope, location, or beneficiaries of an activity.

Substantial amendments require a public hearing and city council approval. The CDC and City staff shall first review substantial amendments and provide recommendations to the city council. Written notices of city council consideration of substantial amendment shall follow the process outlined above for initial adoption of the applicable Plan.

B. Minor Amendments

The following types of amendments to an adopted Consolidated Plan or Annual Action Plan are minor amendments:

1. Amendments that change the text of the Consolidated Plan or Annual Action Plan to correct errors, or changes to text, which will not modify the intent of the plan by changing adopted priority needs, implementation strategies, or location policies; or
2. Any amendment that does not qualify as a substantial amendment as defined above.

The Community Development Department Director or designee is granted authority to decide minor amendments to the Consolidated Plan and Action Plan as described in B.1. above. The CDC will decide all other minor amendments unless acted upon by the Albany City Council. Minor Amendments shall be incorporated into the applicable plan or report through publishing in the next Action Plan and/or CAPER

C. Submission to HUD

Upon completion of a plan amendment, the jurisdiction must make the amendment public and must notify HUD that an amendment has been made. The jurisdiction may submit a copy of each amendment to HUD as it occurs, or at the end of the program year. Letters transmitting copies of amendments must be signed by the official representative of the jurisdiction authorized to take such action.

VI. Procedure for Comments, Objections, and Complaints

The scheduled public hearings described in this Citizen Participation Plan are designed to facilitate public participation in all phases of the community development process. Citizens are encouraged to submit their views on all aspects of programs during review and comment periods and public hearings. However, to ensure that citizens are given the opportunity to assess and comment on all aspects of the community development program on a continuous basis, citizens may, at any time, submit written comments or complaints to the City.

Citizens or citizen's groups desiring to comment or object to any phase of the planning, development, approval, or implementation of CDBG activities should submit such comments or objections in writing to the City through a progressive level of review. Comments, objections, complaints, and grievances should be sent to the Community Development Department, 333 Broadalbin St. SW, Albany, Oregon 97321 or by email to anne.catlin@cityofalbany.net.

Local officials shall make every effort to provide written responses to citizen proposals or complaints within fifteen (15) working days of the receipt of such comments or complaints where practicable. If, after a reasonable period, a party believes the comment or complaint has not been properly addressed or considered, then the aggrieved may appeal his/her case to the city manager, and finally, after a reasonable period, to the city council.

Should the city council be unable to sufficiently resolve an objection or complaint, it may be forwarded by the aggrieved party to HUD.

Citizens may, at any time, contact HUD directly to register comments, objections, or complaints concerning the City's CDBG application(s) and/or program(s). Citizens are encouraged, however, to attempt to resolve any complaints at the local level as outlined above prior to contacting HUD.

All comments or complaints submitted to HUD should be addressed in writing to:

HUD Office of Community Planning and Development
U.S. Department of Housing and Urban Development
1220 SW 3rd Avenue, Suite 400
Portland, OR 97204-2825

VII. Policy to Minimize Displacement

The City will make every reasonable effort to avoid displacement or, where that is not possible, to minimize the number of persons displaced by activities funded through the federal resources described in its Consolidated Plan and Action Plans. If a person is displaced in undertaking an activity, assistance will be offered in accordance with the *City of Albany, Oregon Residential Anti-Displacement and Relocation Assistance Plan*.