



## **DRAFT Citizen Participation Plan**

The Consolidated Plan (Con Plan) is – required by the U.S. Department of Housing and Urban Development (HUD) for jurisdictions to continue to receive federal housing and community development funding. The City of Gilroy (City) receives Community Development Block Grant (CDBG) funding annually as an entitlement community. The Con Plan examines the housing and community development needs of the City, sets priorities for the CDBG funds, establishes an Annual Action Plan (AAP) for meeting current and future needs, and evaluates the City’s performance in meeting its annual goals through the Consolidated Annual Performance Evaluation Report (CAPER).

### **Purpose of the Citizen Participation Plan**

The City recognizes the importance of public participation in both defining and understanding current housing, community development, economic development, and fair housing needs, and prioritizing resources to address those needs. The City’s Citizen Participation Plan (CPP) is designed to provide residents of all ages, sex, economic levels, races, ethnicities, and special needs, equal access to become involved in the Con Plan each year. This CPP was written in accordance with *24 CFR, Section 91.105* of HUD’s Consolidated Plan regulations.

To ensure maximum participation in the federal plans and reports process among all populations and needs groups, and to ensure that their issues and concerns are adequately addressed, the City will follow the standards set forth in its adopted CPP during development of its federal plans and reports. The participation process will be developed and monitored by the City’s Housing and Community Services Division (HCS).

### **Encouragement of Citizen Participation**

The federal plans and reports process offers opportunities for resident participation through public meetings and review of draft documents. The City encourages participation of persons with special needs and/or persons who are often underrepresented in the public process.

#### **The City shall encourage the participation of:**

- **Extremely low-income persons;**
- **Low- and moderate-income persons;**

- **Persons with Spanish as their primary language**
- **Residents of slum and blighted areas and areas where CDBG funds are proposed to be used;**
- **Residents of public and assisted housing developments;**
- **Persons experiencing Homelessness and homeless service providers, including the local Continuum of Care (CoC);**
- **Fair housing organizations and agencies;**
- **Local and regional institutions and other stakeholders involved in housing and community development activities.**

### **Outreach**

The City will conduct outreach as necessary to encourage individuals, groups, and organizations identified above to provide input for any federal plans and reports. Outreach may include:

- Developing informational materials and flyers in multiple languages (at least English and Spanish) to distribute to other agencies.
- Placing notices in local newspapers in English and when practical and possible in Spanish (Gilroy Dispatch, San Jose Mercury News).
- Providing email notices to interested parties.
- Posting notices at City Hall, Gilroy Library, on the City's website, in the Email Express, and social media platforms.
- Outreach efforts will be provided in the Spanish language as much as possible and with good-faith effort at a minimum through the South County Collaborative listserv, Unhoused Service Providers Network, and the South County Youth Task Force.
- Direct outreach to public housing residents and the Housing Authority.
- Coordination with the local CoC, homeless service providers, and other community resource providers.

### **Citizen Comment**

Prior to the adoption of any federal plan, report, or amendments thereto, the City will make available to interested parties the draft documents for a comment period of no less than 30 days, 15 days for the CAPER, or as otherwise directed by HUD. The dates of the public comment periods will be identified in a notice regarding the availability of the documents, which will be published in a newspaper of local circulation as identified above.

### **Draft documents will include a summary of:**

- **The funding allocation the City expects to receive;**
- **The range of activities that may be undertaken;**

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- **The estimated amount that will benefit low- and moderate-income persons;**
- **The City's proposed uses of funds; and**
- **The City's performance under previously funded activities.**

The City will consider any comments by individuals or groups received in writing regarding federal plans or reports and received at the public hearing(s). A summary of the written and oral comments received during the comment period will be included in the applicable federal plan or report.

**Access to Records**

The City will provide residents, public agencies, and other interested parties with reasonable (up to five years after the end of each Program Year (PY)) and timely access (within 10 days of confirmed Public Records Request (PRA)) to information and records relating to the Consolidated Plan, Annual Action Plan, substantial amendments, CAPER, and the City's use of CDBG funds.

**Access will include:**

- **Proposed uses of funds and funding amounts;**
- **Performance reports (including the CAPER);**
- **The Residential Anti-Displacement and Relocation Assistance Plan; and**
- **Records related to past use of funds and program outcomes.**

The City will provide technical assistance to groups representing low- and moderate-income persons that request assistance in developing applications or commenting on plans.

1. In general, the City and subrecipients must retain records on CDBG-funded activities for the longest of the following minimum standards\*:
  - Three years after the expiration or termination of the subrecipient agreement
  - Three years after the City's submission of the CAPER in which a specific activity is reported for the last time (24 CFR 570.502(a)(7)(ii)(A))
2. Retain records for individual activities subject to the reversion of assets provisions at 24 CFR 570.503(b)(7) for as long as this provision continues to apply to the activity (24 CFR 570.502(a)(7)(2)(B)).
3. Retain records for individual activities for which there are outstanding loan balances, other receivables, or contingent liabilities until such receivables or liabilities have been satisfied (24 CFR 570.502(a)(7)(ii)(C))
4. If any litigation, claim audit, negotiation, or other action involving your records has

started before the expiration of the 3-year period, records must be retained until all findings involving the records have been resolved and final action is taken (2 CFR 200.334.(a))

5. For the City's protection, CDBG records must be retained for a minimum of five years after the expiration or termination of the subrecipient agreement.

\*It is always theoretically possible that a federal entity like the HUD Office of the Inspector General (OIG) or the General Accounting Office (GAO) may show up to perform an audit after the three years have elapsed and request to access such records concerning some questionable costs. Therefore, even after the three years, for protection, you may want to place the records in storage for an additional year or two, rather than discard them (Chapter 5: Recordkeeping and Reporting Requirement, Playing by the Rules: A Handbook for CDBG Subrecipients on Administrative Systems)

## **Amendments**

### **Minor Amendments**

Minor amendments are those that maintain the integrity of the associated plan and do not include any substantial change in policy or in funding priorities while still maintaining flexibility in meeting the goals and objectives. Minor amendments will be made administratively and will be incorporated into the City's CAPER at the end of the program year.

### **Substantial Amendments**

Substantial amendments are those that (a) change the allocation priorities or the method of fund distribution by more than \$100,000; (2) carry out an activity using funds from any program covered in the Con Plan that was not previously described in the AAP; (3) change the purpose, scope, location or beneficiaries of any activity; or (4) change use from one eligible activity to another eligible activity.

Minor adjustments to funding levels for activities described in the Con Plan due to differences in actual versus anticipated program income are not considered substantial.

Any substantial amendment to the Con Plan will be incorporated into the Con Plan after a 30-day public comment period and public hearing, encouraging input on the proposed substantial amendment, unless otherwise permitted by HUD. Notice of the opportunity for public comment will be distributed as outlined in the "Outreach" section of this CPP.

### **Temporary Citizen Participation Plan Amendments**

In response to urgent situations or pandemics, the City will adopt HUD regulatory waivers regarding Citizen Participation timeliness, ensuring rapid access to critical CDBG funds.

### **Public Hearings/Meetings**

In accordance with HUD regulations, the City will hold at least two public hearings a year to obtain

residents' views and to respond to applications for funding and questions. The two hearings will be conducted at a minimum at two different stages of the program year. At least one of the public hearings will be held before the draft Con Plan is published for comment.

**Between the two hearings, staff shall address:**

- **Housing and community development needs, development of proposed activities, and review of program performance;**
- **Include discussion of past performance and use of funds.**

Public hearings will be held at times and in locations (in person or virtual) that are convenient to potential and actual beneficiaries, with accommodations for persons with disabilities.

When non-English speaking members of the public attend a public hearing or meeting in the City Council Chambers, non-English speaking participants can access the City's Wordly AI Translation tool in the language of their choice, by scanning a QR code available in the City Council Chambers; Spanish is the default language captioned on several screens

**Public Hearing Notices**

If any federal plan or report requires a public hearing, the public shall be provided notice of the hearing as follows.

- **Contents of Notice:** The contents of a notice of a public hearing shall include:
  - The date, time, and place (e.g., address, room, etc.) of the hearing.
  - A general description of the program and document that are the subject of the hearing.
  - A statement that any interested person is invited to appear and be heard on the request or proposal.
  - A statement that a copy of the plan/report is available at City Hall and the Gilroy Library, including the addresses.
  - The phone number, email, and street address of staff so an interested person can call, email, or visit to obtain additional information.
  - Any additional information as may be required under applicable state or federal law, including information required under the City's implementation of the Americans with Disabilities Act (ADA).
- **Method of Notice Distribution:** Notice of a public hearing required by this CPP shall be given as follows:
  - **Newspaper Publication:** Notice shall be given at least once by publication in at least one newspaper of general circulation in the City a minimum of 10 days prior to the scheduled public hearing, more particularly in the Gilroy Dispatch and/or San Jose Mercury News (last resort option).

- **Site Posting:** The City shall post notices in at least two public places within the City boundary (City Hall and Library).

**Online Posting:** Notice shall be given at the HCS website <https://www.cityofgilroy.org/cdbg>

### **Availability of Draft and Final Documents to the Public**

All draft and final federal plans and reports will be available on the City's website, at the City's HCS office, and the Gilroy Library.

During the comment period for federal plans and reports, copies will be available for public review in the following locations:

- |                   |                     |
|-------------------|---------------------|
| 1. HCS Division   | 7351 Rosanna Street |
| 2. Gilroy Library | 350 W. Sixth Street |

### **Technical Assistance**

HCS staff will provide technical assistance to subrecipients and any person or group interested in commenting on federal plans or reports or in developing CDBG funding applications. All new applicants or returning applicants with new activities are required to meet with HCS staff to discuss the proposed activity's eligibility prior to the deadline provided in the application packet.

### **Complaints**

Within 15 working days of receipt, HCS will provide a timely, substantive written response to every written citizen complaint related to the applicable federal plan or report. A summary of any written complaints received during the comment period will be included in the applicable federal plan or report.

### **Public Review of the Citizen Participation Plan**

This CPP was made available for public review and comment prior to adoption, in accordance with the public notice, public hearing/meeting, and public comment procedures described herein. Any substantial amendments to this CCP will be made available for public review and comment through the same process prior to adoption. This CPP will be available on the City's HCS website. Copies will also be made available to those that do not have internet access at no charge and will be made available in a format accessible to persons with disabilities, upon request. Interested residents should call or email HCS to request a copy of the CPP.