

ATTACHMENT 3

CITIZEN PARTICIPATION PLAN
Federal Programs

City of Burbank, California

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Table of Contents

FEDERAL GUIDELINES CONCERNING CITIZEN PARTICIPATION.....	3
Purpose.....	3
Consultation.....	3
Definitions.....	4
CITIZEN PARTICIPATION PLAN	5
Participation Emphasis	5
Community Development Goals Committee.....	5
Citizen Participation Standards.....	6
Adequate Information	7
PREDISASTER OR EMERGENCY DECLARATION PLANNING	8
Public Hearings for Consolidated Plan and One-Year Plans	8
Submitted Comments and Complaints.....	10
ASSESSMENT OF FAIR HOUSING (AFH).....	11
Community Meetings	11
PERFORMANCE REPORTS	12
ADOPTION AND USE OF THE CITIZEN ACCESS TO RECORDS	12
TECHNICAL ASSISTANCE.....	13

FEDERAL GUIDELINES CONCERNING CITIZEN PARTICIPATION

Purpose

The City of Burbank must develop and follow a Citizen Participation Plan to ensure full citizen participation to receive federal funds for the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Programs.

The Citizen Participation Plan sets forth the City of Burbank's policies and procedures for citizen participation. The Citizen Participation Plan complies with 24 CFR 91.05 Citizen Participation Plan, local governments. The Citizen Participation Plan applies to the Consolidated Plan, including the Strategic Plan and each Annual Action Plan; Assessment of Fair Housing (AFH); Consolidated Plan Annual Performance and Evaluation Report (CAPER) and Substantial Amendments.

This Citizen Participation Plan emphasizes the need to provide citizens with adequate information to allow them the opportunity to give meaningful input in the Consolidated Planning and Annual Action Plan process. It encourages participation among our potential program beneficiaries and community organizations that serve extremely low, low, and moderate-income residents or areas that are blighted or of urgent need. In addition, it outlines the procedures for community approval of the Consolidated Plan/Annual Action Plan, for addressing concerns and complaints, and for making amendments to the plan after approval.

The Citizen Participation plan shall be applicable to any existing or future program requiring a citizen participation plan as a prerequisite for federal funding consideration. This Citizen Participation Plan further incorporates all applicable requirements as stipulated in 24 CFR Part 91 (91.105), public hearings, and shall be amended as required for any subsequent federal program as needed. Public hearing refers to both public hearings, including virtual hearings, and community meeting requirements for public hearings under the CDBG regulations [Title 24 of the Code of Federal Regulations, Part 91.105(e),(1)].

Consultation

When required by HUD to assess needs and compile data in the formulation of strategies and plans, the City will consult with all required entities including public and private agencies that provide assisted housing, health services, and social services. This process will include agencies focusing on services to children, elderly persons, persons with disabilities and HIV/AIDS, and the homeless. To assess and plan for hazards such as lead-based paint, the City will consult with applicable State or local health and welfare agencies and examine any relevant data that pertains to the City. In assessing and planning for priority non-housing community development needs, the City will notify adjacent units of general local government as needed to identify shared needs and solutions to inter-jurisdictional problems. The City will further consult with the Burbank Housing Authority concerning participatory programs, services and local/public housing needs as required.

Definitions

The following definitions are presented to help the public understand some of the terminology frequently used in the discussion of housing and community development issues. Some of these terms include language taken from HUD regulations governing the Consolidated Plan preparation process and may be found under 24 CFR 91.5. The following list is not inclusive, but highlights important terms, which will aid in the understanding of HUD issues. An extensive glossary of HUD terms is presented in the City of Palm Springs Consolidated Plan.

Consolidated Plan - The Consolidated Plan is designed to help states and local jurisdictions to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions.

Annual Action Plan (AAP) - A component of the Consolidated Plan Document, which highlights the activities to be conducted during a single Program Year in support of the priorities identified in the Consolidated Plan.

Consolidated Annual Performance and Evaluation Report (CAPER) - An annual performance report of all HUD-funded Community Planning and Development Programs (CDBG and HOME).

Assessment of Fair Housing (AFH) – The AFH is an required assessment of fair housing (AFH) that identifies four fair housing issues that program participants will assess:

- Patterns of inequality;
- Racially or ethnically concentrated areas of poverty;
- Disparities in access to opportunity; and
- Disproportionate housing needs.

Consolidated Program Year (see also Program Year) - The twelve-month period for implementing the CDBG and HOME programs. The Program Year shall run for a twelve-month period and begin on the first calendar day of a month.

Substantial Amendment- For the purpose of the Consolidated Plan, a "substantial amendment is defined as a change in the City's planned or actual activities which the Citizen Participation Plan requires a public review. This is further detailed within the Citizen Participation Plan.

Standard Amendment - Changes to the Consolidated Plan or Action Plan that do not meet the criteria for technical or substantial amendments and do not require citizen participation are defined as administrative updates. Examples of administrative updates include grammatical or structural edits that do *not* substantially change the scope or meaning of an activity; and changes in the coding or eligibility determination of a project that do not substantially change the scope or location.

CITIZEN PARTICIPATION PLAN

Participation Emphasis

In compliance with the federal statutes mentioned above, the City of Burbank will promote and ensure community-wide citizen participation on the development of local priority needs and objectives relevant to housing and community development. In order to satisfy the specific provisions of applicable regulations and to impart a structure to the process, a Citizen Participation Plan designed to address the needs of all socio-economic segments of the City has been developed and made public.

Community Development Goals Committee

The City Council of the City of Burbank has appointed the Community Development Goals Committee (hereinafter referred to as "the Committee") to be a focal point for the citizen participation process and to serve in an advisory capacity to the City Council. It will provide the structure to enhance and encourage maximum citizen participation and input throughout all stages of applicable program processing.

Profile: The Committee consists of nine (9) individuals appointed by the City Council for terms prescribed. Representation on the Committee is community-wide, and every effort shall be made to have representation by very low and low-income residents, minorities, or individuals who reside in low-income neighborhoods or assist low-income residents as a function of their work environment.

Organization: The Committee shall meet and conduct work as a committee of the whole unless the nature of the meetings is such that subcommittees would be more advantageous. The large size of the Committee allows for efficient restructuring into subcommittees when necessary. These smaller groups can separate portions of the community development plan, hold public meetings on specific areas of concern, and present a report on these matters to the full committee. This organizational procedure is left up to the discretion of the Community Development Department. However, all meetings and decisions pertaining to the development of the final community development plan recommendations to the City Council will be conducted as committee of the whole.

Committee Members: A chairperson shall be selected by the Committee to serve until such time as the Committee may deem appropriate. The duties of the chairperson shall be to preside at all meetings of the Committee; to call special meetings if necessary, and will include any other duties as the Committee sees fit. A vice-chairperson shall be elected from the Committee to perform all the duties of the chairperson in his/her absence or disability. The City of Burbank shall insure that a staff member is present at all Committee meetings to keep full and complete records of the proceedings.

Vacancies: Should a vacancy occur either through resignation or for other reasons, the City Council shall appoint a replacement.

Staff Liaison: The City of Burbank will provide a staff liaison to the Committee, which includes, but is not limited to, technical, clerical and professional assistance.

Committee Scope/Purpose: The Committee shall act in an advisory capacity to the City Council on how to utilize federal funds. The primary responsibility of the Committee is program planning, recommending

program activities and funding, and considering program modifications for submittal to the City Council for final action. The duties of the Committee shall include the following:

- To recommend to the City Council programs, projects and activities to be undertaken with the specific entitlement programs in which the City participates;**
- To investigate, research, study and assess the problems and needs of the City;
- To develop specific objectives and long-range goals for the City based on the needs and problems identified;
- To hold public meetings as required;
- To act in an advisory capacity on program implementation and progress; and
- To monitor and assess program performance.

****For off-cycle activity planning and substantial amendments, City staff will ensure that the public is given a 30-day notice of a proposed off-cycle change (an activity that is new or cancelled or has a change in use (revised) from its previously identified eligible project), as well as an opportunity to public comments on the proposed changes without the consultation of the Committee for recommended program activities, funding, and program modifications for submittal to the City Council. For CDBG funding under FY 2019-2020, FY 2020-2021, and the Coronavirus Aid, Relief, and Economic Security Act or CARES Act, participating cities may provide a 5-day notice/comment period of a proposed off-cycle change beginning April 8, 2020 as allowed under a HUD waiver. This includes any new activities proposed. A public hearing is not required but documentation relative to off-cycle activity planning applies.**

Citizen Participation Standards

The City shall provide a process of citizen participation at the community-wide level with regard to the overall application and implementation of all federal programs. Citizens will be encouraged to participate in the development of the Consolidated Plan, Annual Action Plans, amendments to the Plan, required performance reports, and any subsequent strategies, that may be required by HUD.

- 1) All aspects of citizen participation shall be conducted in an open manner, with freedom of access for all interested persons;
- 2) There shall be involvement of low- and moderate-income persons with special emphasis on very low income households (at or below 50% of area median income) and low income households (at or below 80% of area median income) living in blighted areas or areas requiring revitalization. There shall be efforts to include representation of minority/ethnic groups in all income categories. Participation by the elderly, disabled, non-English speaking persons, residents of assisted housing, residents of areas where a significant amount of programs or activities is either proposed or ongoing, and civic groups who are concerned about programs, the homeless, or persons with HIV/AIDS will be encouraged as much as possible;
- 3) The City shall make reasonable efforts to ensure continuity of involvement of citizens or citizen organizations throughout all stages of federal program implementation; and

ATTACHMENT 3

- 4) Citizens shall be provided adequate and timely information to enable them to be meaningfully involved in important decisions at all stages of federal program processing.

Adequate Information

Citizens and, as appropriate, units of general local government shall be provided complete information about the City and its facilities, programs, fund sources/amounts, eligible activities, overall services, and proposed and final statements of community development objectives and projected use of funds at appropriate times. Such information shall include but not be limited to the following:

1. The City will make available to citizens, public agencies, and other interested parties information that includes the amount of assistance the City expects to receive and the range of activities that may be undertaken, including the amount that will benefit persons of very low and low income and the plans to minimize displacement of persons and to assist any persons displaced. [The City has a separate Anti-displacement and Relocation Assistance Plan in place, which conforms with Section 104(d) of the Housing and Community Development Act of 1974, as amended]. In the event that any residential displacement and relocation will result from program activity, the City will ensure that, prior to carrying out the program activity, the City will develop an Anti-displacement and Relocation Plan in connection with the program activity.

In the event that any acquisition and relocation must take place in order to carry out a program activity, the City will also comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act, as amended, and implementing regulations at 49 CFR Part 24.

2. The City will publish all required documents, including but not limited to, the proposed and final consolidated plan and any other plans, strategies, objectives, and uses of funds for comment. This requirement will be met by publishing in at least one newspaper of general circulation, and making copies available, as needed, at libraries, government offices, or other public places. Documents may be published as a legal notice or display advertisement contingent on the content.
3. The City will notify citizens, or units of general local government, as appropriate, of the availability of all required documents under specific federal programs including but not limited to, the consolidated plan as adopted, any amendments, and its performance report, as these documents are developed, to afford citizens a reasonable opportunity to examine their contents.
4. The City will allow appropriate periods of time to receive comments from citizens, or units of general local government, on any published document, including but not limited to, the consolidated plan, any amendment or performance report. Contingent on the document published, time periods allowed for public comment will generally be 5, 15, or 30 calendar days, which will include the date of publication. The time allowed for comment will be clearly stated within the text of the document published. [Documents requiring 30 days for review include, but are not limited to, the Consolidated Plan, Annual Plan, and substantial amendments].

Pre-Disaster or Emergency Declaration Planning

This section allows the City of Burbank to easily access its grant funding following a disaster or emergency health crisis by proactively managing compliance with CDBG low and moderate income benefit requirement and citizen participation. Under 24 CFR 91.505, HUD requires grantees to amend their approved plan whenever grantees make one of the following decisions:

- To make a change in allocation priorities or a change in the method of distribution of funds;
- to carry out an activity, using funds from any program covered by the consolidated plan, not previously described in the action plan; or
- to change the purpose, scope, location, or beneficiaries of an activity.

As directed by HUD through written guidelines and deemed necessary due to the risk of the safety, health or economy of the city.** Expedited procedures will be implemented by the City of Burbank which include notice and reasonable opportunity to comment of no less than 5 days instead of a 30-day public comment period. The 5-day period can run concurrently for comments on the action plan amendment, citizen participation plans, and Consolidated Plan. ****For CDBG funding under FY 2019-2020, FY 2020-2021, and the Coronavirus Aid, Relief, and Economic Security Act or CARES Act, participating cities may provide a 5-day notice/comment period of a proposed off-cycle change beginning April 8, 2020 as allowed under a HUD waiver. This includes any new activities proposed. A public hearing is not required but documentation relative to off-cycle activity planning applies.**

The City will have the option to meet public hearing requirements with virtual public hearings if: 1) national/local health authorities recommend social distancing or limiting public gatherings for public health or safety reasons; and 2) virtual hearings provide reasonable notification and access for citizens in accordance with the City's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.

With respect to a declared disaster or health crisis, the City of Burbank may elect to use CDBG and HOME funds to address needs not provided for by the Federal Emergency Management Agency (FEMA) and the Small Business Administration (SBA), or other disaster relief efforts. Funding for disaster relief may not duplicate other efforts undertaken by federal or local sources unless allowed by the federal government.

Public Hearings for Consolidated Plan and One Year Plans

The City will conduct a minimum of two public hearings on the Consolidated Plan and the one-year Action Plans. One public hearing will be conducted during the development of the proposed Consolidated Plan and/or one-year Action Plan. The purpose of this public hearing will be to provide a forum for citizens and interested organizations to express their views on the City's housing and community development needs, priorities, proposed activities, and program performance.

The second public hearing will be conducted to consider the proposed Consolidated Plan and/or one-year Action Plan, written comments on the Plan(s), and oral comments on the Plan(s). This public hearing also has the purpose of authorizing City staff to transmit the Consolidated Plan and/or one-year Action Plan to the U.S. Department of Housing and Urban Development.** **For CDBG funding under FY 2019-2020, FY**

ATTACHMENT 3

2020-2021, and the Coronavirus Aid, Relief, and Economic Security Act or CARES Act, participating cities may provide a 5-day notice/comment period of a proposed off-cycle change beginning April 8, 2020 as allowed under a HUD waiver. This includes any new activities proposed. A public hearing is not required but documentation relative to off-cycle activity planning applies.

Annual Activity Planning

Burbank will allow its constituency to provide input on housing and community development needs by holding at least one (1) or more community meetings or conducting one (1) public hearing. The notification period for the public meeting must be a minimum of 72 hours. Community meetings will be held at separate times, will be conducted by the Committee to obtain citizen input and to respond to citizen recommendations, proposals and questions about federal programs in which the City participates.

Amendments and Administrative Updates

As specified in CDBG regulations [Title 24 of the Code of Federal Regulations, Part 91.505(a)], the City of Burbank shall amend the Consolidated Plan when it:

- Changes allocation priorities or funds distribution method;
- Revises policies, data, or goals; or
- Modifies the purpose, scope, location, beneficiaries, or funding of an activity.

Standard Amendments

Amendments that are not considered substantial shall be referred to as standard amendments. Standard amendments do not require citizen participation.

Substantial Amendments

In compliance with 24 CFR 91.100, 91.105, 91.505, 570.305, or any other applicable section pertaining to federal housing and community development programs, the City of Burbank has established criteria for what constitutes a substantial change to approved and appropriated federal programs.

Federal regulations require that appropriate amendments be filed with HUD whenever the City decides not to carry out an activity described in the final statement, to carry out an activity not previously described in the final statement, or to substantially change the purpose, scope, location or beneficiaries of an activity.

Substantial changes will be defined as those modifications involving amounts greater than 10 percent of the current federal allocation (Entitlement + program income) or any change in use, purpose, scope, location or beneficiaries of an activity. This policy will be effective for all federal programs in which the City participates. Changes of less than 10 percent will not require the substantial change/amendment process and will be within the authority of the City Manager.

Prior to amending the City's final statement of community development objectives and projected use of funds or other federal program or activity, the City will provide citizens with

30 calendar days to make comments on a substantial amendment before it is implemented. Staff will summarize the written comments and prepare responses for consideration by the City Council at the public hearing(s). Written comments should be addressed to:

City of Burbank
Attn: Community Development Department
150 N. Third Street
Burbank, CA 91502

Verbal comments received at public hearings will be considered by the City Council. All written and verbal comments and responses will be summarized and included as an attachment to the Consolidated Plan/Action Plan(s).

Administrative Updates

Changes to the Consolidated Plan that do not meet the criteria for standard or substantial amendments and do not require citizen participation are defined as administrative updates. Examples of administrative updates include grammatical or structural edits that do not substantially change the scope or meaning of activity; and changes in the coding or eligibility determination of a project that does not change the scope, location, or beneficiaries.

Notice of all public hearings shall be published at least fourteen (14) calendar days prior to the time of the hearing/meeting and shall include times, dates, locations and the topics to be discussed. In the event that a significant number of non-English speaking residents can reasonably be expected to attend and participate in the public hearing/meeting, the City will exercise best efforts to provide translation services to those residents through City staff or private sources.

Publication of Materials

The manner in which notices of upcoming public hearings or meetings and the dissemination of information concerning federal programs will be made public may include, but not be limited to:

- public notices in the legal section of a community-wide newspaper;
- newspaper advertisements in the non-legal section (display ads);
- press releases;
- postings or posters displayed throughout the City; and
- flyers distributed at public places.

Submitted Comments and Complaints

Citizens are encouraged to submit written views, comments and complaints concerning federal programs or any required federal submission at any time to the Community Development Department or orally to the Committee at formal public hearings. The City will provide substantive written responses to all written submitted views, comments and complaints within 15 working days of their receipt, where practicable. If this is not possible due to lack of final determination concerning the issue, the City will provide a progress report and estimate of when final determination can be expected. A summary of citizen views or comments, and a summary of any views or comments not accepted as part of any City strategy or plan and the reasons why, shall be attached to any HUD submission or report as applicable.

ATTACHMENT 3

Persons wishing to object to HUD about approval of the City's federal programs may make such objections known to the HUD Area Office in Los Angeles. The City will publish communitywide all required information so as to afford affected citizens an opportunity to examine the contents and to provide relevant comments. The HUD Area Office will consider objections to approval of the City's participation in federal programs only if:

- the City's description of needs and objectives are plainly inconsistent with available facts and data;
- the activities to be undertaken are plainly inappropriate for meeting the needs and objectives identified;
- the application does not comply with applicable laws and regulations of the specific program; -the activity is ineligible.

Assessment of Fair Housing (AFH)

On July 16, 2015, the HUD published a final rule on Affirmatively Furthering Fair Housing (AFFH rule).¹ The AFFH rule establishes a process that certain recipients of HUD funding (referred to in the rule as “program participants”) will use to help them meet their long-standing obligations to affirmatively further fair housing. The AFFH rule creates a standardized process for fair housing planning – referred to in the AFFH rule as an Assessment of Fair Housing (AFH). As a HUD grantee, the City of Burbank must prepare an AFH in order to keep their obligation to ‘affirmatively further fair housing’ (AFFH).

The AFH will be a comprehensive planning tool used to address any housing discrimination, the operation of housing markets, investment choices by holders of capital, the history and geography of regions, and patterns of development and the built environment in Burbank. The AFH also provides recommendations used to formulate some of the goals, programs, and services of the Consolidated Plan.

The Assessment of Fair housing must be submitted to HUD every five (5) years prior to the preparation of the Consolidated Plan. The due date for an AFH is based on the City’s CDBG Consolidated Plan cycle. The City’s AFH will be due 270 days prior to the program year that begins on or after July 1st. This means the City must submit the AFH on or before October 4th of the year it is due.

Prior to the adoption of an Assessment of Fair Housing, the City of Burbank will make available to the community, public agencies, housing authorities, and additional interested parties a draft of the assessment. This assessment will allow the City to consider any fair housing issues when developing the Five-Year Consolidated Plan.

Community Meetings**

The City will host a minimum of three (3) community meetings during the development of the Assessment of Fair Housing. Two (2) meetings must be held at two opposite locations of the City to allow residents and interested parties of the community to participate and provide valuable input in the development of this assessment. In addition, the City will also host one (1) focus group meeting for community agencies and interested residents to participate and provide feedback in the development of the Assessment of Fair Housing.

A Notice of Availability will be published in one or more newspapers of general circulation that serve the City of Burbank. This Notice of Availability is intended to inform the public that the proposed AFH is available for review and comment for a period not less than 30-days.

Concurrently, a summary of the Proposed AFH will be published in one or more newspapers of general circulation that service the City of Burbank. The Notice of Availability and Summary may be published in the same legal and display advertisement.

The summary will describe the contents and purpose of the AFH, the Plan's priorities, the expected amount of CDBG funds, the proposed activities and funding amounts, and a list of the locations where the AFH can be examined. A summary of the Proposed AFH also will be posted on the City's website.

Please see "Implementation" and "Adequate Information" sections of this Citizen Participation Plan for exceptions to this section.

****For CDBG funding under FY 2019-2020, FY 2020-2021, and the Coronavirus Aid, Relief, and Economic Security Act or CARES Act, participating cities may provide a 5-day notice/comment period of a proposed off-cycle change beginning April 8, 2020 as allowed under a HUD waiver. This includes any new activities proposed. A public hearing is not required but documentation relative to off-cycle activity planning applies.**

Performance Reports

The City of Burbank will annually review and report, in a form prescribed by HUD, on the progress it has made in carrying out its AFH, Strategic Plan and Action Plan. The Consolidated Annual Performance and Evaluation Report (CAPER) includes a description of the resources made available, the investment of available resources, the geographic distribution and location of investments, the families and persons assisted (including the racial and ethnic status of persons assisted, actions taken to affirmatively further fair housing, and other actions indicated in the AFH, Strategic Plan and Action Plan(s))

To encourage citizen participation, the City will carry out the following policies and procedures:

- A Notice of Availability will be published in one or more newspapers of general circulation that serve the City of Burbank. This Notice of Availability is intended to inform the public that the draft Consolidated Annual Performance and Evaluation Report (CAPER) is available for review and comment for a period not less than 15-days. The Notice of Availability will identify the locations where copies of the proposed CAPER may be obtained for review and comment,
- Concurrently, the City will publish a summary of the draft CAPER as a display advertisement in a newspaper of general circulation. The Notice of Availability and Summary may be published in the same legal and display advertisement.

The published summary will describe the following items:

ATTACHMENT 3

As noted, the draft CAPER will be available for public review for a minimum of 15 days. In addition, a reasonable number of free copies of the CAPER will be made available to citizens and groups upon request. The City will consider any comments or views of citizens received in writing during the 15-day review and comment period.

A summary of these comments or views shall be attached to the final CAPER. The City will submit the final CAPER to HUD pursuant to HUD regulations. The final CAPER shall be submitted to HUD following the 15-day review and comment period and the time needed to respond to citizen comments.

Adoption and Use of the Citizen Access to Records

Citizens, public agencies, and other interested parties will be provided reasonable and timely access to federal program meeting notices, information, documents and records, as appropriate, subject to privacy laws and confidentiality. Such information and records will include, but not be limited to, the consolidated plan and the City's use of assistance under programs covered by the plan during the previous five years.

Documents and records relevant to federal programs are available for citizen review at City Hall during normal working hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, in the Community Development Department, 150 N. Third Street, Burbank, California, 91502, upon request (either written or oral). Certain requests may be required in writing and involve the approval of the City Attorney. Special accommodations for persons with disabilities may be arranged if sufficient advanced notice is provided. Documents and records available for review include the following:

- all mailings and promotional material;
- records of hearings;
- key documents, including prior applications, statements of objectives and uses, program descriptions, letters of approval, grant agreements, the citizen participation plan, performance reports, evaluation reports, and other reports required by HUD;
- ● copies of the regulations governing federal programs;
- other pertinent documents such as environmental policies, contract procedures, and fair housing and equal opportunity requirements

Technical Assistance

The City will provide technical assistance to any individual, group, or organization requesting such assistance, including groups representative of persons of very low and low income. The level and type of technical assistance rendered will be determined by the City and may be contingent on the extent to which the assistance requested supports City strategies and plans. The City will generally provide interested citizens and groups with information concerning specific federal programs and assist interested parties in submitting oral or written views or in developing funding proposals and requests.