

RESOLUTION 2020-042
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE CITIZEN PARTICIPATION PLAN
PURSUANT TO THE U.S. DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT WAIVER MEMORANDUM
RELATING TO COVID-19 RESPONSE FUNDS

WHEREAS, the National Affordable Housing Act requires that local governments have certain plans in place, approved by the U.S. Department of Housing and Urban Development (“HUD”) to remain eligible for certain federal grant programs, including the Community Development Block Grant program (“CDBG”) and the Home Investment Partnerships program (“HOME”); and

WHEREAS, in 2015, City Council approved a Citizen Participation Plan (“CPP”) as part of its adoption of the 2015-2019 Five-Year Consolidated Plan, which identifies community needs and service gaps, and defines a course of action and priorities for the City’s expenditures of anticipated federal funding; and

WHEREAS, the CPP is required by HUD and outlines how the City will receive citizen and stakeholder input on community needs and the City’s use of HUD-funded activities; and

WHEREAS, the City’s CPP conforms to federal requirements regarding the amount of time that must be allowed to the public to review and comment on City use of HUD funds; and

WHEREAS, on March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) was signed into law, making available \$5 billion in CDBG-Coronavirus (“CDBG-CV”) funds; and

WHEREAS, on April 2, 2020, HUD notified the City that HUD allocated \$649,203 in CDBG-CV funds to the City; and

WHEREAS, on March 30, 2020, HUD issued a memorandum regarding the availability of waivers of requirements contained in its Community Planning and Development Grant Program and Consolidated Plan Requirements, as part of an effort to expedite the distribution of funds to communities to prevent the spread of COVID-19 and mitigate its economic impacts; and

WHEREAS, the memorandum includes waivers of regulatory requirements for 30-day public comment periods on amendments to the City’s Consolidated Plan and its Annual Action Plan (“AAP”), which establishes the use of CDBG funds on an annual basis; and

WHEREAS, the memorandum also allows for flexibility in the method of receiving public input, including allowing remote public meetings; and

WHEREAS, the City must amend its CPP and submit the same to HUD along with a waiver request, prior to amending its 2019 AAP, which is necessary to spend the CDBG-CV funds; and

WHEREAS, the amendments to the CPP will allow for a five day public comment period and will permit remote public meetings and hearings as part of the process for submitting CDBG-CV funding recommendations to City Council; and

WHEREAS, a copy of the proposed amended CPP is attached hereto and incorporated herein by reference as Exhibit "A;" and

WHEREAS, the City Council has determined that adoption of the amended CPP is in the best interests of the City and promotes the health, safety and general welfare of City residents by expediting the use of CDBG-CV funds to respond to the COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That in light of the foregoing, the City Council hereby adopts the amended Citizen Participation Plan, attached as Exhibit "A".

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 5th day of May, A.D. 2020.

DocuSigned by:
Wade Troxell
F972F432DED1484...

Mayor

ATTEST:

DocuSigned by:
Silvia Calderon
DA94896740DA4BA...

City Clerk



CITIZEN PARTICIPATION PLAN
(for HUD's* five federal planning and reporting activities)

May 5, 2020

City of Fort Collins Colorado
Social Sustainability Department
P. O. Box 580
Fort Collins CO 80522-0580
fcgov.com/socialsustainability

*** U.S. Department of Housing and Urban Development**

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Introduction

The City of Fort Collins’ mission is to provide “exceptional service for an exceptional community.” In support of its overall Strategic Plan—and to the greatest extent possible—the City recognizes the importance of involving all community members in the planning and decision-making process of government. The goal of this Citizen Participation Plan is to fully integrate citizen input into the **five planning and reporting activities required** to successfully manage the City’s current community development, housing, and other future U.S. Department of Housing and Urban Development (HUD) programs.

The five planning and reporting activities are:

- **Five-Year Strategic (Consolidated) Plan;**
- **Annual Action Plans (AAP);**
- **Consolidated Annual Performance and Evaluation Reports (CAPER);**
- **Substantial Amendments** to the Consolidated Plan or Annual Action Plans;
- **Amendments** to this **Citizen Participation Plan.**

Currently, the City of Fort Collins is the recipient of federal Community Development Block Grant (CDBG) funds and HOME Investment Partnership Program (HOME) funds. The Social Sustainability Department has primary responsibility for managing the citizen participation process and the development, implementation and reporting of annual accomplishments referenced in this Citizen Participation Plan. This plan also fulfills the requirements of federal regulation, 24 CFR Part 91.105.

Plan Overview and Emphasis

At the highest level, the City of Fort Collins has an overarching goal of being a sustainable community: environmentally, socially, and economically. Therefore, the City intends that its programs and policies have the greatest community impact possible. Effective and meaningful civic engagement is a strategy towards that goal. Specific to this arena, Fort Collins will encourage those persons who are intended to directly benefit from federal funds to participate in the formulation and implementation of projects to be funded with those dollars. These community members may include: minority residents or other persons in a legally protected class; those who do not speak English (Limited English Proficiency or LEP); persons with disabilities; female heads of households; and residents who identify themselves as low- and moderate-income.

Of particular emphasis—in addition to the organizations and agencies that serve low- and moderate-income clients—is the participation of low- and moderate-income persons and residents of Public Housing and assisted housing. Moreover, special efforts will be made to include persons who are within one or more legally protected class categories, or who have English language barriers, or who are language isolated.

Additionally, the City is committed to the meaningful public engagement of community members who may be part of a special population (such as at-risk youth), or who are considered to be in a federal Presumed Benefit category (such as persons experiencing homelessness or those with HIV/AIDs).

The City will enlist nonprofit and community organizations, including faith-based groups, resident associations, housing and human service agencies and other groups—as well as businesses and developers—to assist the City with fully engaging residents in the planning and implementation of its federal programs. In addition, the City will use developing communications strategies and media to further this goal. Those avenues to increase citizen input may include newsletters, news releases, web bulletins, social media, email, or other print or electronic materials. Finally, the City will use communications strategies which specifically address and connect with the unique needs of sub-populations within our community (e.g., persons experiencing homelessness, Spanish-speaking-only female heads of households).

This Citizen Participation Plan will be incorporated (by attachment or reference) into every Five-Year Strategic (Consolidated) Plan, Annual Action Plans, and Consolidated Annual Performance Reports.

General Guidelines and Standards for Public Participation

The **Citizen Participation Table**, which organizes important process information in matrix form, is located in **Attachment A**. This Table is a quick reference tool, outlining all requirements for each planning and reporting activity. **Definitions** are provided in **Attachment B**.

Standards for Distribution and Access*

Public review and comments are welcome at any point in the process for the five reporting and planning activities. The City will encourage citizen input by:

- Posting ADA- and Title VI-compliant notices in *The Coloradoan*, Fort Collins' general circulation newspaper, in English and in Spanish;
- Posting notices through partner agencies serving persons in legally protected classes, special populations, or Presumed Benefit categories (as determined by HUD). The City's Communications and Public Involvement Office's (CPIO) Multicultural/Diversity Contact database will be used as a reference. The notices will be posted and shared by those community partners determined to be most appropriate and effective, according to the Social Sustainability Department and CPIO, or by request;
- Providing opportunities for interviews, surveys or focus groups, when appropriate;

- Posting an electronic copy of the document on the City’s website (which is compatible with web readers for the visually impaired and connected to Google Translate); and
- Providing paper copies of documents at accessible locations, such as City offices and public libraries and community centers (except in the event that a declared emergency or disaster makes such action infeasible).
- Whenever possible, using specialized communications strategies to address the needs of unique sub-populations (e.g., persons experiencing homelessness, Spanish-speaking-only, female heads of households, etc.).

Reasonable and Special Accommodations*

- To the maximum extent feasible, copies of the five reporting and planning activities documents will be made available in fully accessible locations.
- Public input will be solicited in fully accessible locations.
- Public meetings and public hearings will occur in fully accessible locations.
- Upon request, the City will provide materials in Braille, large print, in Spanish or other languages as needed, or in a voice recording, at no cost to the requestor.
- The City’s TDD/TYY number is: 970-221-3490.
- Interpretation services will be made available where it is reasonably anticipated there will be a significant number of non-English speaking residents in attendance.
- City Council proceedings are available with Closed Captioning on the local government cable channel (Channel 14).
- The City will also deliver a copy of any Plan, Amendment or Report to a homebound person upon request.
- Reasonable notice for requests is usually considered to be 48 hours.
- Any content on the City of Fort Collins website may be immediately translated into any one of 81 languages. The Google Translate feature is located in the upper right section of the City’s Home page at: fcgov.com.
- Regulation 24 CFR Part 91.105 (b) (1) also requires that any HUD-funded project or program that may displace residents describe how the City will assist those displaced. The City’s current Anti-Displacement Policy is an attachment to this document (**Attachment C**).

Overall Citizen Participation Standards

Review Periods

Thirty-day (30-day) Public Review Periods are federally required and specifically set aside for public comments and input:

- For funding (federal and local) allocation recommendations prior to any final City Council funding allocation decision;
- Prior to the submission of a Five-Year Strategic (Consolidated) Plan to City Council for approval;
- Prior to the submission of an Annual Action Plan to HUD; and
- Prior to the submission of any Substantial Amendment for the Consolidated Plan, an Annual Action Plan, and this Citizen Participation Plan.

A fifteen-day (15-day) Public Review Period is federally required and specifically set aside for public comments and input:

- Prior to the submission of a Consolidated Annual Performance and Evaluation Report (CAPER) to HUD.

Waiver of federally required public comment periods:

- When, due to designated disasters or emergencies, HUD issues federal waiver guidance on the required minimum public review period, City staff will submit the prepared waiver request and documentation in order to deploy funding as expeditiously as possible.

For FY19 AAP amendments and actions required to respond to COVID-19, the minimum public review period has been waived to allow for no less than 5 days for public comment.

Public Hearings

A minimum of two (2) federally required public hearings are held each Program Year to solicit citizen viewpoints and input. These public hearings are designed to ensure the City follows its purposes and proposed goals, and fully integrates citizen input into the corresponding documents in order to meet community needs. One public hearing will be held for the purpose of soliciting viewpoints on community needs and the proposed use of funds. The second public hearing will be held to assess how funds were spent during the prior Program Year. To comply with regulations, the public hearings are held at times and locations convenient to potential and or actual beneficiaries.

In addition, City Council holds a public hearing before making a final decision at the end of each funding allocation process. City Council also holds public hearings before adopting the Five-Year Strategic Plan or its Substantial Amendments, and Substantial Amendments to the most recently adopted or amended Citizen Participation Plan. Public hearings for each Annual Action Plan, or its Amendments, are held by the Social Sustainability Department. Because the Consolidated Annual Performance and Evaluation Report (CAPER) is a summary and report on the previous federal Program Year’s performance, it does not include a public hearing as part of its process. Citizens

still have varied opportunities throughout the Public Review Period to express their thoughts on the accuracy and content of that document.

All public hearing venues are in an accessible location. Interpretation services are made available where it is reasonably anticipated that there will be a significant number of non-English speaking residents in attendance.

When public health crises or other disaster response prohibits the City's ability to hold public meetings, City Council and/or Social Sustainability staff may elect to hold public hearings via an online platform, with appropriate notice and opportunity for reasonable accommodations and public comment.

Notices for Meetings, Public Hearings and Review Periods

At a minimum, notices for meetings, public hearings, and public review periods will be posted according to General Guidelines and Standards for Citizen Participation.

Meetings

Notices of pending meetings are posted at the Fort Collins City Clerk's office in accordance with the Colorado Open Meetings Act. Additionally, they are also posted on the City's website. The notices include a summary of the content included in the notice. Notices of pending meetings are posted at least 24 hours prior to a meeting, both physically at City Hall, and on the City's website. Notices of a meeting cancellation or a special meeting are posted at least 24 hours in advance of the change, both physically at City Hall, and on the City's website.

Public Hearings

Whenever possible, notice of a public hearing will be published at least fifteen (15) days* prior to the hearing, and never less than seven (7) days before a hearing. Additionally, General Guidelines and Standards for Public Participation will be followed. Those Guidelines and Standards in this document are intended to facilitate maximum citizen awareness, and participation in the Hearing.

Public Review Periods

All notices for a public review period will be published at least one (1) day prior to the commencement of the review period. Additionally, General Guidelines and Standards for Public Participation will be followed.

Content in notices for public review periods will include the anticipated Community Development Block Grant and HOME Investment Partnership Program funding, any other HUD or City funding the City reasonably expects to

receive, how the funds are proposed to be allocated, and where further information is available.

Waivers for Disaster Recover and Emergency Response

In the instance of disaster recovery or emergency response, the City will implement HUD waiver guidance pertaining to public notices, public review periods and public hearings in order to expeditiously deploy critical response funds.

*** According to 2014 HUD CPD technical assistance received by the City, the 15-day advance notice for hearings is set out as a best practice by HUD, but is not required by regulation. The intent is to solicit maximum citizen awareness and participation, as outlined in the remainder of the paragraph.**

Additional Guidelines and Information for HUD's Five Planning and Reporting Activities

At a minimum, the City will follow standards outlined under General Guidelines and Standards for Public Participation.

Five-Year Strategic (Consolidated) Plan

In order to receive an annual allocation of federal funds from the Department of Housing and Urban Development (HUD), the City must submit a Five-Year Strategic (Consolidated) Plan, which serves as the City's strategic plan for five years, outlining goals to be achieved with its federal funds.

To develop its Five-Year Strategic (Consolidated) Plan, the City may use a combination of the services of a consultant, along with consultations with other agencies, public hearings, and the solicitation of written comments, surveys, focus groups, and other methods of public engagement. The City will also coordinate its Plan with the Fort Collins Housing Authority for its Public Housing requirements.

Annual Action Plan

To implement the City's five-year goals, an Annual Action Plan is also submitted to HUD each year listing the location, cost, proposed outcome, and ancillary information related to each project or program. Federal regulations require these funds be targeted to where they provide the greatest benefit to residents designated to receive HUD assistance, primarily the City's low- and moderate-income residents.

Amendments

An amendment to the approved Five-Year Strategic (Consolidated) Plan will occur in the following instances: when the City adds a new priority, project or program not previously considered; decides not to carry out a project (activity) described in the Plan; decides to carry out a project not previously described; or to substantially change the purpose, scope, and/or location of beneficiaries of a project.

Amendment Guidelines

Substantial Amendments to Five-Year Strategic Plans (including AAPs)

Substantial changes may include, but are not limited to:

- Major project changes in: service area; significant change to a new location; purpose; program beneficiaries; or national objective compliance;

- Changing the use of CDBG funds from one eligible activity to another;
- Changes from one activity to another, such as project cancellation and a new project approval;
- Establishment of a new Neighborhood Revitalization Strategy Area (NRSA); and
- Funding changes (+/-) greater than \$25,000.

Minor Amendments to Five-Year Strategic Plans (including AAPs)

Amendments not considered substantial are small increases or decreases in the amount of funds allocated to an approved project or activity in order to achieve the original purpose of the project or activity. These minor changes may be carried out at the discretion of the department and are not subject to the criteria that apply to Substantial Amendments. Accordingly, there is no specific citizen participation process outlined for this activity.

Because of potential impact to citizens being served by funding, Substantial Amendments will be subject to the same Guidelines and Standards for Public Participation as the other planning and reporting activities. With the exception of amendments due to receipt of disaster recovery or emergency response funds, Substantial Amendments will require: adequate notice of a 30-day public review period, the public review period, and a public hearing. Approval by City Council and a City Council public hearing will also be required for Substantial Amendments to the Five-Year Strategic (Consolidated) Plan (see **Attachment A**, Citizen Participation Table, Substantial Amendments).

Amendment Category Determination for Citizen Participation Plan Amendments

Due to a variety of circumstances and timelines under which such an amendment might occur, should there be a need for an amendment to the Citizen Participation Plan, departmental staff will determine the appropriate public participation process.

Substantial Amendments to the Citizen Participation Plan

Substantial changes may include, but are not limited to:

- Substantial amendments include major changes in the methods used for public participation for any Plan approved by City Council, including public hearings, public review periods, and public notices.
- Minor amendments will include any updates required by HUD for receipt of funds, including but not limited to, disaster recovery or emergency response funds.

Citizen Participation Plan updates for the purposes of addressing housekeeping or administrative items such as contact name changes, will be considered as minor updates, and not an amendment.

Consolidated Annual Performance and Evaluation Report

An integral part of measuring the success of the City's HUD-funded activities is the publication of a Consolidated Annual Performance and Evaluation Report (CAPER), which provides an objective assessment of the City's progress toward meeting the stated goals outlined in the Five-Year Strategic (Consolidated) Plan, as well as the corresponding Annual Action Plan being reported on.

Citizen Participation: Other Guidelines and Information

Interdepartmental Coordination and Cooperation

The Social Sustainability Department will work with the Communications and Public Involvement (CPIO), any communications employees assigned to the Social Sustainability Department, and employees of the Finance Department who are responsible for overall grants compliance administration and Title VI compliance.

Document Retention

All Plans, Amendments, Reports, and activity files are public documents and are available both in paper copy and electronically from the City of Fort Collins. All documents are retained for a minimum of five years and are available for review with sufficient notice (usually 48 hours). To maintain confidentiality, the City will take all necessary measures to ensure any sensitive beneficiary information contained within the department's files is compliant with federal, state, and local privacy requirements.

Technical Assistance

Upon request, Social Sustainability Department staff will provide technical assistance to any group representative of persons of low- and moderate-income interested in developing proposals for funding assistance under any of the programs covered by the Consolidated Plan. The department may determine, at its discretion, the level and type of assistance following consultation with those requesting technical assistance.

Complaint Procedures

Response Standards for Citizen Complaints

Substance and Timeliness

Should a citizen have concerns/complaints related to the Plans, Amendments and/or Reports or any other federal program document or procedure, the concerns may be submitted in writing. The City will provide a timely, substantive written response to every citizen complaint within 15 business days, as required by federal regulation.

Inclusion in Documents/Plans

Complaints received during any of the five reporting and planning activity processes, and the outcome of their consideration by the City, will be included in the corresponding, adopted Five-Year Strategic (Consolidated) Plan or Annual Action Plans submitted to HUD.

Excluded Comments

City staff shall notate citizen comments excluded from any document, the general nature of the comment, and the reason for exclusion.

Complaint and Response Process

Level One:

1) The response to the complaint will be handled by the Project Manager assigned to the plan or activity, or by a Social Sustainability employee designated by the Department Director.

2) When a Project Manager or other contact information is not expressly provided, written complaints may be submitted to:

Address: Director of Social Sustainability
City of Fort Collins
P. O. Box 580
Fort Collins CO 80522-0580
Phone: 970-221-6734

Level Two:

If not resolved by the Department, formal complaints should be addressed to the **Fort Collins City Manager** and filed in writing at: **City Manager's Office**, City Hall, 300 Laporte Ave, Fort Collins, CO 80521. The City Manager will refer the complaint to appropriate City staff for a written response regarding the complaint within 15 business days upon receipt of the complaint.

Level Three:

If the complainant is not satisfied with the City Manager's response, further appeals should be addressed to the **Fort Collins City Council**, c/o the Mayor (City Hall, 300 W. Laporte Ave., Fort Collins, CO 80521). The Council has 30 days in which to take further action as deemed necessary to address the complainant's concerns.

Level Four:

If the complainant has not been satisfied with the response of City Council, a formal complaint may then be addressed directly to the regional Department of Housing and Urban Development (HUD) at: **Department of Housing & Urban Development**, 1670 Broadway, Denver, CO 80202-4801.

Funding Application Complaints

Formal complaints regarding HUD's approval of the City of Fort Collins' application for CDBG and/or HOME funding should be submitted in writing to the HUD Area Office within 30 days of the publication of the application notice. In order to ensure submitted objections are considered during the review process, HUD will not approve an application until at least 45 days after receipt of an application. In the interest of time, therefore, if the complainant is not satisfied with the response from the City staff and wants her/his comments to be considered during the HUD review process of the City's CDBG/HOME funding application, she/he should then contact HUD directly within the designated time frame.

Discrimination Complaints

When the complainant's concern is of a discrimination-related nature (e.g., discrimination on the basis of physical or mental disability; race; creed; color; sex; marital status; familial status; religion; national origin; and/or ancestry; or other legally protected classes), the complainant should immediately contact one of the following resources:

- 1) City Manager's Office: Civil Rights/ADA Officer
300 W. Laporte Ave., Fort Collins, CO 80521
Phone: 970-416-2253
- 2) City of Fort Collins: Title VI Coordinator
Phone: 970-221-6526
- 3) The Colorado Civil Rights Commission/Division

Phone: 303-894-2997, Toll Free: (800) CO-CIVIL (282-4845).

The Colorado Civil Rights Division website, www.dora.state.co.us/civil-rights, provides information about the Division, the Civil Rights Commission, and the process for filing a complaint.

- 4) The HUD Fair Housing Hotline (discrimination and housing-related issues)
Phone: 800-669-9777

Conclusion

The City of Fort Collins has a commitment to fostering public participation within the broadest spectrum of community members. This Plan is intended to reflect not only adherence to federal requirements, but also standards for meaningful communications excellence. As future strategies for community engagement emerge, develop, and are proven effective, they will be incorporated into Amendments to this Plan.

Attachment A

Citizen Participation Table

Document	Public Participation: <u>Minimum Standards</u>	Required Time for Public Review	Required Approval	Deadline
Citizen Participation Plan and Substantial Amendments	<ol style="list-style-type: none"> 1) 1-day prior notice of Public Review Period. 2) 15-day notice of Public Hearing. 3) Public Hearing: City Council. 	<p>30-day Public Review Period</p> <p>DR-funds: 5-day Public Review period</p>	City Council Approval	<ol style="list-style-type: none"> 1) Amended as needed. 2) Most current update included with Five-Year Strategic (Consolidated) Plan
Five-Year Strategic (Consolidated) Plan and/or Annual Action Plans	<ol style="list-style-type: none"> 1) 1-day prior notice of Public Review Period. 2) 15-day prior notice of Public Hearing. 3) Consolidated Plan Public Hearing: City Council. 4) Annual Action Plan Public Hearing: Social Sustainability Department. 	30-day Public Review period	<ol style="list-style-type: none"> 1) Consolidated Plan: City Council Approval 2) Annual Action Plan: n/a* 	Submit to HUD August 15 (45 days prior to start of new Program/Fiscal Year)
Five-Year Strategic (Consolidated) Plan Substantial Amendments	<ol style="list-style-type: none"> 1) 1-day prior notice of Public Review Period. 2) 15-day prior notice of Public Hearing. 3) Public Hearing: City Council 4) Exception: 24 hours in advance for DR funds 	<p>30-day Public Review period</p> <p>DR-funds: 5-day Public Review period</p>	City Council Approval	Submit to HUD after City Council approval
Annual Action Plans Substantial Amendments	<ol style="list-style-type: none"> 1) 1-day prior notice of Public Review Period. 2) 15-day prior notice of Public Hearing. 3) Public Hearing: Social Sustainability Department 4) Exception: 24 hours in advance for DR funds 	<p>30-day Public Review period</p> <p>DR-funds: 5-day Public Review period</p>	Annual Action Plan: n/a*	Submit prior to start of next Program/Fiscal Year
Consolidated Annual Performance and Evaluation Report (CAPER)	1-day prior notice of Public Review Period.	15-day Public Review period	n/a	Submit to HUD December 31
Public Hearing Notices	Posting standards and implementation reflect a goal of maximizing citizen awareness and participation in Hearing.**	n/a	n/a	Goal of 15 days, not less than 7 days before Hearing,
Additional	Two (2) general Public Hearings are required annually:			

Public Hearings	1) One Public Hearing is to solicit citizen viewpoints and comments on how funds for affordable housing, community development programs and projects, and other funding-eligible activities should be spent. 2) One Public Hearing is to solicit citizen viewpoints and comments, and to also report to the community on how funds were spent during the City's previous Program Year.
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* Funding recommendations are subject to the 30-day Public Review period prior to final City Council approval, but the document content is not approved by Council prior to submission to HUD. As indicated, the Annual Action Plan document is also subject to a 30-day public review period, which may run concurrent with the Public Review period for funding recommendations.

** According to 2014 HUD CPD technical assistance, there is no regulatory time frame for notice postings prior to a Public Hearing. However, HUD's suggested guideline is 15 days prior to any Hearing.

Attachment B

Definitions

Annual Action Plan (AAP). The Annual Action Plan, required annually by HUD, details the expenditure of yearly CDBG and HOME grants and ensures funds are directed towards activities addressed in the Consolidated Plan. HUD requires the City to maintain a significant correlation between the goals identified in the Consolidated Plan and use of federal funds. Currently, the CDBG Commission evaluates and recommends activities to City Council. However, the City Council has the right to approve activities outside the recommendations of the Commission. The Annual Plan is due to HUD on August 15, forty-five (45) days before the start of the City's new federal fiscal year on October 1.

Area Median Income (AMI). This household income measurement is used by some federal agencies such as HUD, in contrast to the Federal Poverty Level. This measurement is community-based, and assesses a household's income in the context of other households in a geographic area.

Consolidated Annual Performance and Evaluation Report (CAPER). This report is a self-assessment of the implementation of the Consolidated Plan and the Annual Action Plan. Activity outcomes and outputs are reported showing the effectiveness of the federal funds. This report includes details of the number and demographics of the community served. The CAPER is due to HUD by December 31st, 90 days from the end of the City's federal fiscal year.

Five-Year Strategic (Consolidated) Plan. As an Entitlement Community recipient of Community Development Block Grant (CDBG) funding and a Participating Jurisdiction in the HOME Investment Partnership Program (HOME) funding, the City is required by HUD to develop a Consolidated Plan that evaluates the needs of its low- and moderate-income residents. This includes a review of the City's housing, homeless, and community development needs; provides a housing market analysis; and creates a strategy to address the needs identified. This plan is revised every five (5) years. The current Consolidated Plan cycle is: 2010-2014 (October 1, 2010 through September 30, 2015) and 2015-2019 (October 1, 2015 through September 30, 2020).

Low-Income Neighborhood. A low-income neighborhood is a predominantly low-income neighborhood identified as such by Census Tract, because 50% or more of the residents in that tract have incomes below 60% of the Area Median Income (AMI), an income measurement used by HUD. In Fort Collins, Qualified Census Tracts are located in the Old Town area, near Colorado State University, and on the northern-most border of the City (as of 2010 Census).

Predominantly Low- and Moderate-Income Neighborhood. A predominantly low- and moderate-income neighborhood is identified as such by Census Tract, because 50% or more of the residents in that tract have incomes below 80% of the Area Median Income (AMI), an income measurement used by HUD.

Attachment C

Anti-Displacement Policy

As part of the Citizen Participation Plan, the City must include its plan to minimize displacement of persons and to assist any persons displaced, specifying the types and levels of assistance. The City has in effect and is following the Residential Anti-Displacement and Relocation Assistance Plan as described below which will minimize displacement of any person as a result of a federally-assisted activity.

All occupied and vacant occupiable lower-income dwelling units that are either demolished or converted to a use other than providing low-income dwelling units, in connection with a federally-assisted activity, must be replaced with comparable lower-income dwelling units. Replacement of lower-income dwelling units may be provided by any government agency or private developer and must meet the following requirements:

1. The units must be located within the recipient's jurisdiction.
2. The units must be sufficient in number and size to house no fewer than the number of occupants previously housed in the units that were demolished or converted.
3. The units must be provided in standard condition.
4. The units must initially be made available for occupancy at any time during the period—beginning one year before the action—and remain available for three years following the action.
5. The units must remain lower-income units for 10 years from the date of initial occupancy.

Before work shall commence, the recipient must make public and submit in writing to the HUD field office the following information: a description of the proposed federally-assisted activity, the location on a map and the number of dwelling units by size, the time schedule for the commencement and completion of the demolition or conversion, the location and number of dwelling units by size that will be provided as replacement units, the source of funding and time schedule for the provision of replacement dwelling units, the basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy, and information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the needs assessment contained in its HUD-approved Consolidated Plan.

Replacement is not required if the HUD field office determines there is an adequate supply of vacant lower-income dwelling units in standard condition available on a nondiscriminatory basis within the area.

In addition, the displaced person will be advised of his or her rights under the Fair Housing Act. Each person will be provided moving expenses at the levels described in 49 CFR Part 24. Each person will also receive the cost of a security deposit and credit check required for the replacement unit and any actual out-of-pocket costs including moving expenses, if required to temporarily relocate. Displaced persons are eligible for either rental assistance equal to 60 times the amount necessary to reduce the monthly rent or a payment equal to the capitalized value of 60 times the amount that is obtained by subtracting the "Total Tenant Payment" as determined under part 813 of this title as listed above, from the monthly rent and estimated average monthly cost of utilities at a comparable replacement dwelling unit.

A person who disagrees with the determination concerning whether the person qualifies as a displaced person or with the amount of relocation assistance for which the person is eligible may file a written appeal of that determination. A person who is dissatisfied with the determination on his or her appeal may submit a written request for review of that determination to the HUD field office for the applicable region. If the full relief is not granted, the person shall be advised of his or her right to seek judicial review.