

State of Idaho
Public Participation Plan
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A supplement to the
Five-Year Strategic Plan for
Housing and Community
Development

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State of Idaho Public Participation Plan

For Housing and Community Development Funding

Introduction

Idaho receives approximately \$14 million annually in housing and community development funds from the U.S. Department of Housing and Urban Development, or HUD. This plan clarifies the requirements and incentives for public involvement in the process of identifying needs and priorities and allocating HUD funds within the State of Idaho. It documents how, when and under what circumstances public notification will occur, as well as the degree of public involvement required for specific levels of planning.

Covered Programs

This plan covers the following HUD-funded programs: Community Development Block Grant (CDBG) Program, Emergency Shelter Grant (ESG), HOME, and Housing Opportunities for Persons With Aids (HOPWA). The above programs aim to address the livability of Idaho communities by providing support for three main goals: 1. decent housing; 2. a suitable living environment; and 3. Expanded economic opportunities. Although each HUD program has unique requirements, each program year begins April 1 and runs through March 31 of the following calendar year.

There are essentially three main application, planning and reporting activities associated with the above programs: The *Five-Year Strategic Plan for Housing and Community Development* (aka the Consolidated Plan or *Five-Year Plan*), the *Annual Performance Report*, and the *Annual Action Plan*.

The *Five-Year Plan* occurs every five years and includes a review of Idaho's housing and community development needs as well as a forecast of its anticipated needs and the strategies and actions to address those needs. It also serves as the application for HUD funding for the period covered by the plan. Each *Five-Year Plan* contains an *Annual Action Plan* for the program year immediately following submission. The most recent *Five-Year Plan* was submitted to HUD on February 15, 2005, and the next submission is due February 15, 2010.

The *Annual Performance Report* is submitted to HUD on June 30 each year, and contains a summary report and accounting of HUD-funded program accomplishments for the most recent program year. The *Annual Action Plan* is due February 15 of each year and represents an incremental application for continued funding initially requested by the *Five-Year Plan*. This annual planning and reporting activity is essential to ensure that funds are allocated appropriately and to allow for minor course corrections over the period covered by the *Five-Year Plan*.

Supplemental Appropriations

This plan assumes that public review and comment requirements for supplemental appropriations will be described and defined as part of any such specific appropriation.

Citizen Participation for *Five-Year Plan*

Importance of citizen participation

Citizen participation is critical to the agencies creating and implementing federally funded programs. These resources represent federal revenue generated by the taxpayers of Idaho; it is through this process that taxpayers express themselves and the needs of their communities to those administering the funds. It is particularly important that administrators hear from low-income Idahoans or those who live in low-income neighborhoods.

Reasonable Accommodation

Citizen participation in the five-year planning process will be encouraged through regional public hearings held in fully accessible locations at accessible hours of the day and open to all Idahoans. Grantees will make reasonable and consistent efforts to publicize local events, and will provide reasonable accommodation in response to requests received prior to each event.

For example, in locations where hearing-impaired individuals or a significant number of non English-speaking residents are planning to attend, appropriate interpreters will be made available subject to at least five working days' advance request.

Encouraging Public Involvement

At least one formal public hearing will be held prior to the **plan being published for comment and at least one formal public hearing will be held for comment during the comment period of the draft published plan.** ~~adoption of each five-year plan.~~ These hearing shall provide information regarding the federal assistance anticipated for the jurisdiction and the range of activities to be undertaken in support of the given programs. Grantees will discuss programs and procedures along with related resources and requirements. This will include the amount that will benefit persons of low- and moderate-income and the plans to minimize displacement of persons and to assist any persons displaced.

Hearing notification will be provided to citizens through legal notices, news releases, direct mailing to interested parties and other available and reasonable means.

Additional opportunities for public participation in the direction of the Five-Year Plan will take place during existing stakeholder events involving state and local housing, community and economic development and consumer representatives.

Draft Document Review

In addition to pre-adoption discussions that are open and fully accessible to the public, IHFA (IHFA), as the lead Agency assembling the *Five-Year Plan*, will make the draft document available for comment prior to submission to HUD. A thirty-day comment period will begin upon release of this document. The draft will describe the purpose of the *Five-Year Plan* and will be available upon request, or for public inspection at regional public libraries, IHFA branch offices, the Idaho Department of Commerce and **via the Internet**. Public comment period notification will be provided through legal notices, news releases and direct mailing to interested parties and consumer advocates. Comments will be accepted in both a written and oral format and may be submitted by mail, fax or e-mail.

Upon finalization and approval of the *Five-Year Plan* and the inclusion of public comments relevant to its contents, the final Plan will be made available to the public by request through IHFA, Idaho Department of Commerce and/or through the State of Idaho library system. Notification will be provided to citizens through news releases and direct mailings to interested parties.

Technical Assistance

The citizen participation process will provide information to eligible groups (representing low- and very low-income persons) on technical assistance available to develop and submit proposals under any of the programs covered by the *Five-Year Plan*.

Public hearings conducted during the five-year planning process will provide information regarding the federal (HUD) assistance expected to be made available in the jurisdiction and the range of activities associated with the given programs. Discussions will outline the benefits to be made available to persons of low and very low income and the plans to minimize displacement of persons and the assistance of persons to be displaced. Notification will be provided to citizens through news releases and direct mailing to interested parties.

Public Comments

All comments received during the citizen participation process will be considered within the context of the *Five-Year Plan*. All comments will be included within a Plan appendix and, as applicable, comments will appear in the amended Plan. Written comments will be reproduced in their entirety. Oral comments will be recorded and transcribed for inclusion.

All comments will be addressed by the lead *Five-Year Plan* development Agency, IHFA, in conjunction with the Idaho State Department of Commerce. Responses to comments and complaints (on request) will be addressed in a timely manner to the extent possible – generally within 15 days of receipt.

Action Plan

In addition to the extensive public process required during drafting and adoption of each *Five-Year Plan*, citizen participation shall be encouraged annually for each *Annual Action Plan* and as needed to address “substantial amendments.” Each *Annual Action Plan* and any and all substantial amendments to the *Five-Year Plan* within the annual cycle will be announced and opened for a 30-day public comment period. A substantial amendment would involve significant alteration to the focus or priorities of actions and strategies adopted by the public and approved by HUD within the most current *Five-Year Plan*. * “Substantial amendment” is defined as:

- ❑ **A change in allocation priorities or a change in the method of distribution of funds; or**
- ❑ an activity not proposed in the most current *Five-Year Plan*; or
- ❑ a variance in relative funding allocation that exceeds 25% of the annual average for a specific program area since the most recently approved *Five-Year Plan*; or
- ❑ a change in the purpose, scope, location or intended beneficiaries of a specified program; or

Note: A minor location change is not a substantial amendment, so long as the purpose, scope and intended beneficiaries remain essentially the same. Capital funds applied to a different portion of a project (i.e., rehabilitation in place of acquisition) do not constitute a substantial amendment.

IHFA an IDC will consider any comments or views of citizens and units of general local government received in writing, or orally at public hearings, if any, in preparing a substantial amendment to the consolidated plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons why will be attached to the substantial amendment.

***As mentioned on p. 1 of this document, supplemental appropriations outside the normal scope of activities may supersede this plan and/or be accompanied by requirements specific to the appropriation.**

Annual Performance Report

Each year, IHFA and the Department of Commerce submit a combined Annual Performance Report (APR) to summarize program expenditures and accomplishments for the most recent complete program year ending March 31. A draft of the APR will be made available each year prior to June 15 for a minimum 15-day public comment period. Copies of the draft will be made available through the state’s regional library system, IHFA’s regional branch offices, IHFA’s Web site and by request from IHFA or the Department of Commerce. The final draft of the APR, including public comment, will be submitted to HUD for review and postmarked prior to June 30.

Use of Citizen Participation Plan

This citizen participation plan is hereby made a part of the State of Idaho *Five-Year Plan* and is subject to all citizen comments. This citizen participation plan may be amended to reflect comment received during the *Five-Year Plan* hearing process. IDC and IHFA will follow this Citizen Participation Plan.

The above citizen participation plan governs the consolidated plan participation process. The participation processes unique to individual programs covered by the Plan are specifically listed in the narratives below. These include descriptions of the citizen participation requirements for units of general local government receiving CDBG funds from the State; and procedures for handling citizen complaints related to the consolidated plan, amendments, and performance reports.

Access to Records

IHFA and IDC will provide citizens, public agencies, and other interested parties with reasonable and timely access to information and records relating to the consolidated plan and the use of assistance under the CDBG, HOME, and ESG programs during the preceding five years.

State Program, Idaho Department of Commerce, Community Development Block Grant Program (ICDBG)

The State of Idaho, by and through the Governor of the State of Idaho, hereby certifies that the State, with respect to units of general local government in the nonentitlement areas.

Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas in which funds are proposed to be used in conjunction with this process.

The Department will provide citizens with reasonable and timely access to local meetings, information, and records relating to the state's proposed method of distribution, as required by regulations of the Secretary, and relating to the actual use of funds under Title I of the Housing and Community Development Act of 1974, as amended with respect to the distribution methodology.

Grantee Requirements

ICDBG applicants shall be required to formally adopt a citizen participation plan and conduct a public participation process.

- A copy of the Citizen Participation Plan must be submitted with the application.
- A public hearing shall be required to permit public examination and appraisal of the application.
- Public hearings are required to be scheduled in ways and at a time that facilitates full participation of citizens. **A public hearing shall be held at times and locations which are reasonable and accessible to citizens.**
- Proper notification is required by public advertisement in a local newspaper no less than seven (7) days prior to the public hearing date. For those localities where there is no local newspaper, public notification must be through some other acceptable method where there is wide distribution to all citizens within the community. This method must be approved by the Department.
- The information included in the public notice and public hearing minutes shall be specified in the ICDBG rules and must be included in ICDBG applications.
- Public notice and public hearing minutes shall be evaluated and part of the ICDBG application rating form.
- **Citizens shall be given adequate opportunity to comment either at the public hearing or in writing. Adequate time shall be provided for citizens to submit written comment.**

Technical Assistance

The Department provides technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals, with the level and type of assistance to be determined by the grantee:

- Groups representative of persons of low and moderate income shall be notified of the ICDBG application process and schedule. Localities shall be encouraged to investigate the program.
- Regional workshops may be conducted to acquaint local communities with the application process.

- The Department shall develop and make available an ICDBG Application Handbook to local communities.
- Communities shall be notified of the availability of state staff to provide ongoing technical assistance.
- Idaho Department of Commerce staff shall be available to provide technical assistance when needed. Additional technical assistance materials shall be developed and provided when determined practicable.
- The Department provides public **participation** to obtain views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and the review of program performance.
- **Public participation hearings or meetings** shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries and with accommodations for the handicapped. Hearings and meeting should only be held in buildings which are accessible to handicapped persons.
- The Department shall follow the Idaho Administrative Procedures Act for its ICDBG Rule Adoption process. This process includes appropriate notices, public hearings and comment period schedules. Both written and verbal comments shall be solicited in order to give potential and actual beneficiaries an opportunity to respond.
- The grantee must describe any plans for the project regarding citizen participation, i.e. the formation of a citizen's advisory committee, public hearings, etc.

Comments and Complaints

- The Department will respond in a timely manner to written complaints and grievances, within 15 days where practicable:
- As a part of the state and local Citizen Participation **Plan** local citizens shall be informed of the complaint procedure and what constitutes a legitimate complaint.
- A written complaint or grievance is formal notification of a concern, allegation or protest to a proper authority. A formal complaint will be considered filed at the time it is delivered to the appropriate authority's office. Citizens should provide enough information to permit an investigation. The complaint should be clear and concise and include the following information:
 1. Identification of the project and project location;
 2. The reason for the complaint (hearsay and innuendo will not be considered valid).
 3. Sufficient data to substantiate any claims or charges. If possible, supporting documentation should be included.
 4. If desired, citizens may propose a solution or resolution to the problem.

Complaints and grievances shall be first filed with an appropriate elected official if the complaint or grievance is related to local activities or project implementation. If this is the case, grantees shall be required to notify the Department of the complaint. A copy of the response shall also be submitted to the Department. Grantees should attempt to respond within fifteen (15) days where practicable.

If the complainant feels the response from the local jurisdiction is unsatisfactory, he or she may appeal to the Department to review the complaint for resolution. Additional information may be requested at that time. Every effort will be made to provide a full response within thirty (30) days.

If valid and sufficient data has been provided to substantiate the complaint, an investigation will be conducted. The extent of an investigation depends on the scope and depth of the issues involved. Some investigations may include examining a set of circumstances; others may involve examining local policies and practices.

If the complaint is more appropriately directed toward a state program issue, the same procedure will be followed except all communications are between the state and the complainant.

Needs of non English-Speaking Persons

The Department identifies how the needs of non-English speaking residents will be met in the case of public **participation** hearings **or meetings** where a significant number of non-English speaking residents can be reasonably expected to participate.

- A Community Profile utilizing census data shall be referenced to determine those communities where there is a significant number of non-English speaking residents in the community.
- As part of their adopted Citizen Participation Plans, ICDBG recipients shall be required to certify the needs of non-English speaking residents in the community are being met.
- ICDBG recipients shall provide evidence public hearings were scheduled at times and places which were available to non-English speaking residents.

Emergency Shelter Grant Program, Administered by the Idaho Housing and Finance Association

Citizen participation in the Emergency Shelter Grant process will be encouraged through the application requirement of local government support and acceptance of the proposed project.

Participation is further encouraged through quarterly regional housing stakeholder meetings. These include the Homeless Coordination Network, the Regional Housing Coordination and Policy Forum and the Idaho Campaign for Housing Justice.

Notification on application periods will be provided to citizens through news releases and direct mailing to interested parties.

Technical Assistance

IHFA provides technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by IHFA.

- Groups representative of homeless persons shall be notified of the ESG application process and schedule.
- Six regional workshops may be conducted to acquaint local homeless service providers with the application process.
- IHFA shall develop and make available an ESG Application Handbook to local service providers.
- Service providers shall be publicly notified of the availability of state staff to provide ongoing technical assistance.

IHFA staff shall be available to provide technical assistance when needed. Additional technical assistance materials shall be developed and provided when determined practicable.

Comments and Complaints

All comments received during the citizen participation process will be considered within the context of the *Five-Year Plan*. All comments will be included within a Plan appendix and, as applicable, comments will appear in and will amend Plan text.

IHFA will respond in a timely manner to written complaints and grievances, within 15 days where practicable. In addition, as a part of the requirements of the Emergency Shelter Grant Program, all applicants are required to have an adopted termination and grievance policy. This must be a formal process developed by the applicant to the ESG Program. The process must recognize the rights of the individuals affected and may include a hearing.

Fair Housing

IHFA requires that each project receiving funds comply with any and all aspects of the Fair Housing Act. Program recipients must consider the needs of clients representing any of the seven protected classes

covered under fair housing law and be prepared to make reasonable accommodation as required by law and to the maximum extent practicable.

Needs of non English-Speaking Persons

IHFA requires that the needs of non English-speaking residents be identified and addressed as part of the program application process. ESG Program recipients shall be required to consider the needs of non-English speaking residents in the development of applications and soliciting public input.

State of Idaho HOME Program, Administered by IHFA

The IHFA Citizen Participation Plan provides for and encourages citizen participation, with particular emphasis on participation by persons of low and very low income.

HOME applicants who are Community Development Housing Organizations (CHDOs) shall be required to formally adopt a citizen participation plan and conduct a public participation process.

- Evidence of the Citizen Participation Plan adopted by the CHDO must be submitted with the HOME funding application.
- Public notice and the Citizen Participation Plan shall be documented and included in the HOME application.
- CHDO's shall provide citizens with reasonable and timely access to local meetings and information as they pertain to the HOME proposal.
- Citizens shall be given adequate opportunity to comment on the CHDO proposal.

Technical Assistance

IHFA provides technical assistance to groups representative of persons of low and very low income that request such assistance in developing proposals with the level and type of assistance to be determined by IHFA.

- Groups representative of persons of low and very low income shall be notified of the HOME application process and schedule. Localities shall be encouraged to investigate the program.
- Regional workshops may be conducted to acquaint local communities and organizations with the application process.
- IHFA shall develop and make available a HOME Application Handbook to local communities and organizations.
- Communities shall be publicly notified of the availability of state staff to provide ongoing technical assistance.
- IHFA staff shall be available to provide technical assistance when needed. Additional technical assistance materials shall be developed and provided when determined practicable.

Comments and Complaints

IHFA will respond in a timely manner to written complaints and grievances regarding the HOME Program or HOME Proposals, within 15 days where practicable; and

- A written complaint or grievance is formal notification of a concern, allegation or protest to a proper authority. A formal complaint will be considered filed at the time it is delivered to the appropriate authority's office.

Citizens should provide enough information to permit an investigation. The complaint should be clear and concise and include the following information:

1. Identification of the project and project location;
2. The reason for the complaint (hearsay and innuendo will not be considered valid).

3. Sufficient data to substantiate any claims or charges. If possible, supporting documentation should be included.
4. If desired, citizens may propose a solution or resolution to the problem.

Complaints and grievances shall be first filed with an appropriate elected official or sponsoring organization representative if the complaint or grievance is related to local activities or project implementation. If this is the case, grantees shall be required to notify IHFA of the complaint. A copy of the response shall also be submitted to IHFA. Grantees should attempt to respond within fifteen (15) days where practicable.

If the complainant feels the response from the local jurisdiction or sponsoring organization is unsatisfactory, he or she may appeal to IHFA to review the complaint for resolution. Additional information may be requested at that time. Every effort will be made to provide a full response within thirty (30) days.

If valid and sufficient data has been provided to substantiate the complaint, an investigation will be conducted. The extent of an investigation depends on the scope and depth of the issues involved. Some investigations may include examining a set of circumstances; others may involve examining local policies and practices.

If the complaint is more appropriately directed toward a state program issue, the same procedure will be followed except all communications are between IHFA and the complainant.

Fair Housing

IHFA requires that each project receiving funds comply with any and all aspects of the Fair Housing Act. Program recipients must consider the needs of clients representing any of the seven protected classes covered under fair housing law and be prepared to make reasonable accommodation as required by law and to the maximum extent practicable.

Needs of non English-Speaking Persons

IHFA requires that the needs of non English-speaking residents be identified and addressed as part of the HOME Program application process. HOME Program funding recipients shall be required to consider the needs of non-English speaking residents in the development of applications and soliciting public input.