

2015-2019 Citizen Participation Plan

Introduction

In compliance with **24 CFR 91.105**, the City of Kent is required to adopt a Citizen Participation Plan (hereinafter referred to as *Community Participation Plan* to also be inclusive of non-citizen residents). This Plan encourages resident engagement in the planning and evaluation of the Community Development Block Grant (CDBG) Program and outlines the process for public participation in annual CDBG planning; all are encouraged to participate.¹ The public is also invited to assist with implementation and monitoring of the program.

The City of Kent Parks Department, Housing and Human Services Division, conducts the planning and administration for the CDBG entitlement program. This Citizen Participation Plan sets forth the City's policies and procedures for citizen participation with respect to the following Consolidated Plan documents:

Five-Year Consolidated Plan
Annual Action Plan
Consolidated Annual Performance and Evaluation Report (CAPER)
Assessment of Fair Housing (AFH)

Development of the Consolidated Plan and Plan Amendments

The City welcomes public participation in the development of the Consolidated Plan and amendment to the Plan. Prior to the adoption of the plan, the public will be advised of the amount of financial assistance that Kent expects to receive from HUD, the range of activities that may be undertaken, and the amount of funding expected to benefit low/moderate-income persons.

Amendments and Revisions

Consolidated Plan & Annual Action Plan

In accordance with 24 CFR 91.505, the City is required to amend its Consolidated Plan or Annual Action Plan when it:

- (1) Makes a change in its allocation priorities or a change in the method of distribution of funds;
- (2) Carries out an activity, using funds from any program covered by the Consolidated Plan (including program income, reimbursements, repayment, recaptures, or reallocations from HUD), not previously described in the action plan; or
- (3) Changes the purpose, scope, location, or beneficiaries of an activity.

Substantial Amendment-Citizen Participation Required

A substantial amendment is defined as:

- (a) A change in which the total grant award for a sub-recipient (the organization awarded funds) increases or decreases by more than 15% during the year;
- (b) Any proposed change in the use of CDBG funds that exceeds 30% of the total annual entitlement;
- (c) Carrying out an activity that was not previously identified/approved in the Consolidated Plan or deleting a previously identified/approved activity; or
- (d) Any change in the purpose, a major change in the scope of an activity (whether the funded organization has been designated or fund have been set aside for an activity), a major change in the location, or a change in the beneficiaries.

Assessment of Fair Housing Revision

The City shall revise its Assessment of Fair Housing (AFH) and submit it to HUD for review (within 12 months) under the following circumstances:

- (1) A material change occurs—a material change is a change in circumstances in the City that affects information on which the AFH is based to the extent that the analysis, the fair housing contributing factors, or the priorities and goals of the AFH no longer reflect actual circumstances; or
- (2) If HUD notifies the City that a material change requires revision.

Public Hearings

Notice

The City of Kent will provide reasonable notice for all public hearings. The hearing will be held at locations accessible to people with disabilities. Information and records relating to the CDBG Program activities shall be made available to the public for review and comment according to the requirements of Federal, State, and local laws.

Notices of all public hearings shall be posted and communicated between seven (7) to 15 calendar days before the public hearing. Notices will be posted in the following places:

- The City of Kent website: <http://www.kentwa.gov/government/public-notices>
- The City of Kent Clerk's Office (Kent City Hall, 1st Floor, 220 Fourth Avenue South, Kent, WA 98032)
- The Kent Human Services Division (Kent City Hall, 3rd Floor, 220 Fourth Avenue South, Kent WA, 98032)
- An electronic notice may also be sent to stakeholders

Two Hearings Held Annually

Two public hearings will be held per year to obtain residents' views and to respond to proposals and questions. The hearings will address housing and community development needs, development of proposed activities, proposed strategies and actions for affirmatively furthering fair housing consistent with the AFH, and a review of program performance.

- One hearing will be held before the Consolidated Plan, Action Plan, Substantial Amendments, and AFH are published for comment (usually May or June)
- A second hearing will be held after the Consolidated Plan, Action Plan, Substantial Amendments, and AFH are published for comment (usually October)

Public Hearing Notice

Public hearing will be advertised, and there will be a 30-day public comment period. The notice will include the date, time, and location of the hearing, a brief description of the purpose of the hearing, and information about how to obtain a draft document if one is released. The notice will state how persons with disabilities can make arrangements to participate. A summary of citizens’ comments provided orally or in writing will be summarized in the final document that is submitted to HUD. Final documents, including a summary of public comments, will also be posted on the City’s website.

The Application Process

If sufficient funding is available to open up the application process, workshops are held every other spring to generate funding proposals and to inform non-profit and public organizations that they may submit funding proposals to the City. City staff offers technical assistance workshops to help organizations in the development of their applications.

Public Hearings on Proposed Projects

After applications are reviewed by the Human Services Commission, projects are selected and the Commission makes funding recommendations to the City Council. An initial draft of funding recommendations is released to the public.

CDBG CALENDAR

March	CDBG & General Fund application workshop
April	Release applications
April	Technical assistance
April	Applications due
May	Public Hearing to receive input on the development of the Annual Action Plan/Consolidated Plan/AFH
June	Commission recommendations
July	Applicants notified that they’ve been recommended for funding
September	Public Notice/Draft Action Plan or Consolidated Plan released ⁱⁱ
September – October	30-Day public comment period & Public Hearing
October	City Council Votes Whether to Approve Plans

Provisions for Non-English Speaking and Hearing Impaired Residents

The City of Kent will make arrangements to provide interpreters at public hearings, upon request. Any

“non-English” speaking resident who wishes to participate may contact the Housing and Human Services Division (253.856.5070) prior to the hearings so that adequate arrangements can be made. Reasonable accommodations at the public hearing such as sign language interpretation or alternate formats for printed material are available for individuals with disabilities with a minimum of seven (7) days advance notice. Please call (253) 856-5070 and speak to someone directly **to avoid leaving a message to someone who could be on leave. If proper notice is not provided, it may be impossible to make timely arrangements.**

Hearing impaired and other disabled persons who wish to participate in Public Hearings should call the City TDD line at 253.856.5499 at least four (3) working days prior to the Public Hearing date.

- For Braille Relay Service call 1.800.833.6385
- For Hearing Impaired Relay Service call 1.800.833-.388

Access to Information and Records

The City will provide up to **two free** copies of released drafts or final documents (Community Participation Plan, Amendments, Consolidated Plan, Annual Action Plan, Annual Performance Report, AFH). Additional copies may be provided at the City’s discretion.

To obtain documents contact:
Housing and Human Services Division
Kent City Hall, 3rd Floor, 220 Fourth Avenue South
Kent WA, 98032
253.856.5070

Public hearing notices and draft documents can be downloaded from the Human Service division website at: <http://www.kentwa.gov/residents/human-social-services>.

Citizen Comments

The City of Kent will consider any comments or views of residents, agencies, or other interested parties received in writing or orally at Public Hearings, in preparation of the final Consolidated Plan, amendments to the Plan, Annual Action Plan, AFH, or CAPER. A summary of these comments will be included in the final documents.

Technical Assistance to Agencies

The City of Kent, division of Housing and Human Services, will provide technical assistance to Kent residents and agencies, particularly to low/moderate-income individuals who request assistance in developing project proposals, or who request other information (compliance requirements, program performance, funding information, etc.) outlined in the Consolidated Plan. Technical assistance workshops

or meetings are usually provided during the biannual human services funding cycle.

Other Information

Displacement

- A. The City shall ensure that Any acquisition of real property for any activity assisted under this Agreement shall comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601, et seq. (hereinafter the “Uniform Act” and the government-wide regulations applicable to all federally-assisted projects, effective April 2, 1989, at 49 CFR §§ 34.1, et seq.
- B. Implementation of any project assisted with CDBG funds will be undertaken so as to minimize involuntary displacement of persons, businesses, nonprofit organizations, or farms to the greatest extent feasible.
- C. Any displacement of persons, businesses, nonprofit organizations, or farms occurring as the result of acquisition of real property assisted with CDBG funds shall be conducted in accordance with the Uniform Act, and the regulations at 49 CFR §§ 24.1, et seq., required by federal CDBG regulations at 24 CFR § 570.606. The City and subrecipients shall comply with the regulations pertaining to costs of relocation and written policies, as specified by the Uniform Act.
- D. The City of Kent and/or its designee shall offer relocation assistance to eligible persons, businesses, and nonprofit organizations that are displaced as a result of acquiring, rehabilitating, or demolishing real property assisted with entitlement funds. The City and/or its designee shall provide relocation advisory services to impacted persons. The City will provide proper notice to impacted persons for vacating property, and provide financial assistance for eligible relocation expenses in accordance with the Uniform Relocation Act and Section 104(d) of the Housing and Community Development Act of 1974.

Capital Project Funding

City of Kent Criteria for Investing in Capital Projects

Background-Investment in Home Repair Program

The City of Kent is a CDBG entitlement jurisdiction and receives an annual CDBG allocation from the Department of Housing and Urban Development (HUD). Because CDBG is a formula grant, the City’s grant varies from year-to-year. Under federal regulations, the City has the discretion to invest up to 20% of its CDBG award to planning and administration activities and 15% to public services. Over the years, the City has chosen to award the full amount allowed by law to these activities. The remainder of the City’s grant (65%) usually is allocated to the City of Kent Home Repair Program (HRP) for minor repairs on houses and mobile homes owned by income-eligible Kent residents. A significant number of these residents have been seniors; however, all age groups that meet eligibility criteria are considered.

Choice Limiting: All activities must undergo environmental review before CDBG funds are obligated. (ER rules are found in 24 CFR Part 58.) The provisions of the National Environmental Policy Act (NEPA) also apply (40 CFR Parts 1500-1508). The Responsible Entity (City of Kent) must ensure that ER information is available before investment decisions are made and action is taken. Funds may not be committed or spent until the ER process is completed or the City receives a release of funds from HUD (if required). This means that the City is restricted from spending public (CDBG) or private funds (non-federal) or sign a legally binding agreement for acquisition, rehabilitation, conversion, repair or construction pertaining to a specific site until the ER process is completed or HUD issues a release of funds. The City must avoid all actions on a property that would have physical impacts or limit alternative choices (i.e., restore, enhance, or protect the human environment) before an ER clearance is granted. Neither the City’s nor other entities/project participant’s funds may be spent on an activity at a specific site before the ER process is finished.

Definitions

Commitment of funds: includes (a) execution of a legally binding agreement (e.g., property purchase or construction contract); (b) expenditure of CDBG funds; (c) use of non-CDBG funds on actions that would have an adverse impact; e.g., demolition, dredging, filling, excavating, etc.; and (d) use of non-CDBG funds on actions that would be *choice limiting*; e.g., acquisition of real property; leasing property; rehabilitation, demolition, construction of buildings or structures; relocating buildings or structures, conversion of land or buildings/structures.

Non-legally binding agreement: A non-legally binding agreement contains stipulations that ensure the grant applicant and all project participants do not have a legal claim to any amount of CDBG funds to be used for the specific project or site until the environmental review process is satisfactorily completed. Grantees may sign non-legally binding agreements prior to completion of the environmental review process.

Investment Priorities

- If the City has an increase in capital funds, the first priority is to invest funds in the HRP.
- If funds are recaptured or unspent, the City will consider investing in projects based on the following priorities:

Priority 1 (High)

- City is not the sole investor
- The organization is requesting fund for soft costs (architectural, engineering)
- The organization requesting funds has experience managing capital projects

Priority 2 (Medium)

- City is not the sole investor
- The organization is requesting assistance with acquisition of real property for the siting of a public facility
- The organization has secured funds to assist with construction

Priority 3 (Low)

- City is not the sole investor
- The organization is requesting assistance with construction
- The organization has experience with previous capital projects
- The organization has a viable plan for completing the project on time

The City **will not** invest in projects that do not leverage a reasonable amount of funding (at least 30% of costs) from at least one other source.

Non- Discrimination Policy/ Complaint Review Process

It is the policy of the City of Kent to provide equal opportunity for services without regard to race, color, sex, age, national origin, religion, political affiliation, presence of handicap or disability, sexual orientation, or familial status.

Persons who feel that they have been discriminated against or who have a complaint pertaining to the City of Kent's Consolidated Plan, Plan amendments, or the Consolidated Annual Performance Evaluation Report, may file a complaint in writing to:

City of Kent
Housing and Human Services
220 Fourth Avenue South
Kent, WA 98032

Attn: Julie Parascondola
Director of Parks, Recreation & Community Services

All complaints must include name and address of the person(s) filing the complaint; a description of the act or acts considered to be in violation; other available pertinent information which will assist in the review and resolution of the complaint.

Such complaints should be filed within 30 days of the alleged discriminatory act. A written response as to the disposition of the complaint will be issued by the Director no later than 15 working days following receipt of the complaint. A person who is dissatisfied with the response to the complaint, or if the response is delayed more than 15 working days, may appeal in writing to:

City of Kent
Mayor's Office
City Hall, 2nd Floor
220 Fourth Ave. South
Kent, WA 98032

A written response on the disposition of the complaint will be issued by the Mayor's Office no later than 30 working days following the receipt of the complaint. If the complainant is dissatisfied with the City's implementation of the CDBG program or the use of CDBG funds, he/she may also contact or submit a written complaint to:

United States Department of Housing and Urban Development
Community Planning and Development
Seattle Regional Office
909 1st Avenue, Suite 200
Seattle, WA 98104-1000
Phone: (206) 220-5101

No person shall intimidate, threaten, coerce, or discriminate against any person because he/she has made a complaint, testified, assisted, or participated in any matter in an investigation, proceeding, or hearing related to a complaint.

ⁱ Those encouraged to participate include People of Color, Limited English Proficient/Non-English Speaking individuals, economically disadvantaged residents, businesses, developers, non-profit organizations, philanthropic organizations, CBOs, faith-based organizations, public housing organizations and residents of public housing, resident councils, resident management corporations, people with disabilities, regional government, Human Service Commissions/Advisory Councils, mortgage lenders, realtors, education institutions, etc.

ⁱⁱ Action Plan is released annually and the Consolidated Plan is released every five years.