



# CITIZEN PARTICIPATION PLAN



CITY OF MCALLEN  
Grant Administration Department  
Community Development Division

## INTRODUCTION

The City of McAllen is required by law to develop a detailed Citizen Participation Plan (CPP) which contains the City's policies and procedures for public involvement in the Consolidated Plan process, specifically for the use of U.S. Department of Housing and Urban Development (HUD) formula programs including Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grant (ESG) and Housing Opportunities for Persons with Aids (HOPWA) Programs, as well as when preparing an Assessment of Fair Housing (AFH) or Analysis of Impediments (AI), as appropriate. This Citizen Participation Plan meets the requirements noted at 24 CFR Part 91.05 and shall be made available to the public.

### APPLICABILITY AND ADOPTION OF THE CITIZEN PARTICIATION PLAN

#### §91.105 (a)(1)

The City of McAllen is required to adopt a citizen participation plan that set forth the City's policies and procedures for citizen participation. This draft of the City of McAllen's Citizen Participation Plan is scheduled for comment from Friday, May 15, 2020 through Thursday, May 21, 2020 in accordance with waivers approved by HUD. It is scheduled to be considered for approval at the May 26, 2020 City Commission meeting. The City is amending the previous CPP which was adopted on February 27, 2017.

### ENCOURAGEMENT OF CITIZEN PARTICIPATION

#### §91.105 (a)(2)

The law requires that McAllen's Citizen Participation Plan provide for and encourage public participation in the development of the Assessment of Fair Housing (AFH), any revisions to the AFH/AI, the consolidated plan, any substantial amendments to the consolidated plan or one-year action plan and the annual performance report.

(i) The City highly encourages low and moderate income persons, particularly those persons living in areas designated as a revitalization area or in a slum and blighted area where CDBG funds are proposed to be used and by residents of predominately low- and moderate-income neighborhoods to participate in the development of the aforementioned documents. The City may hold public hearings, neighborhood meetings and/or consult with members or representatives from the above- noted areas in an effort to increase participation by members of affected areas.

The City will take appropriate actions to encourage the participation of all of its citizens, including minorities, non-English speaking persons, and persons with disabilities. When appropriate and/or requested, staff members will be available to verbally translate documents and/or other information into Spanish. With at least three days' notice, translation services will be sought for non-English speaking persons. In addition, public notices may appear in Spanish or in Spanish-written newspapers.

(ii) The City further encourages the participation of local and regional institutions, Continuums of Care, and other organizations (including businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations) in the process of developing and implementing the AFH/AI and the Consolidated Plan.

The City has created a Community Development Advisory Board (CDAB) in the spirit of the law, which calls for increased accountability to the public, as well as the encouragement of active participation by low- and moderate-income people. The CDAB is a fourteen (14) member body

that contributes to public participation by helping to identify housing and community development needs, establish priorities, propose activities and projects to address high-priority needs, and, recommend the amount of federal, state, and local monies to be allocated to those activities. The Mayor and the City Commission each appoint two members to the CDAB. Participation of the members appointed to the CDAB is one method in which the City intends to meet this requirement. Further, notices will also be published to engage public participation at large and by representatives of the afore-mentioned institutions and organizations.

Public and Private organizations are also encouraged to participate. Commencing with consolidated plans submitted after January 1, 2018, broadband and internet service providers, organizations engaged in narrowing the digital divide, agencies whose primary responsibilities include the management of flood prone areas, public land or water resources, and emergency management agencies shall be consulted in the process of developing the consolidated plan.

(iii) In addition, the City encourages, in conjunction with consultation of the public housing agencies, the participation of residents of public and assisted housing developments (including any resident advisory boards, resident councils, and resident management corporations) in the process of developing and implementing the AFH/AI and the consolidated plan. The City shall make an effort to provide information to the Public Housing Authority regarding the AFH/AI and its strategies, as well as the consolidated plan activities related to its developments so that the PHA can make this information available at the annual public hearing(s) required for the PHA Plan.

(iv) Time and resources permitting, the City will attempt to explore alternative public involvement techniques and quantitative ways to measure efforts that encourage citizen participation in a shared vision for change in communities and neighborhoods, and the review of program performance.

### **CITIZEN COMMENTS ON THE CITIZEN PARTICIPATION PLAN AND AMENDMENTS**

#### **§91.105 (a)(3)**

The City is hereby providing this draft to allow citizens with a reasonable opportunity to comment on the proposed citizen participation plan. The public was first notified of changes to the citizen participation plan on May 15, 2020. The City ended the comment period at the close of the business day on May 21, 2020. The shortened comment period is necessary due to exigent circumstances.

Once approved, the City will make the CPP public. The CPP will be made available in a format accessible to persons with disabilities upon request.

### **PROCEDURES FOR ASSESSING LANGUAGE NEEDS**

#### **§91.105 (a)(4)**

The City, in an effort to ensure meaningful access to participation by non-English speaking residents, shall take reasonable steps to provide language assistance. When appropriate and requested, staff members will be available to verbally translate information into Spanish. With at least three days' notice, translation services will be sought for non-English speaking persons. Persons requiring materials in a language other than English should contact the Grant Administration Department – Community Development Division at (956) 681-1030, or City Hall, 2<sup>nd</sup> Floor, 1300 Houston Ave., McAllen, TX 78501.

## **DEVELOPMENT OF THE AFH AND THE CONSOLIDATED PLAN §91.105 (b)**

The City's citizen participation plan must include the following minimum requirements for the development of the AFH/AI and the consolidated plan:

(1) (i) At or as soon as feasible after the start of the public participation process, the City will make the HUD-provided data and any other supplemental information the City plans to incorporate into its AFH available to its residents, public agencies, and other interested parties.

(ii) Before the City adopts a consolidated plan, the City will make available to residents, public agencies, and other interested parties information that includes the amount of assistance the jurisdiction expects to receive (including grant funds and program income) and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low- and moderate-income. The City will publish the required information in one or more public notices in newspaper(s) of general circulation and/or will post a notice on the City's website as a means of meeting this requirement.

Although the City expects no displacement to occur, in order to minimize displacement of persons and to assist any persons displaced, the Residential Anti-Displacement and Relocation Plan is as follows:

The City, through its subgrantees, subrecipients, or Community Based Development Organizations (CBDOs)/Community Housing Development Organizations (CHDOs) will offer relocation assistance for low income persons who, in connection with a HUD-Formula funded project, must move permanently or must move personal property from real property as a direct result of the demolition of any dwelling or the conversion of a lower-income unit in accordance with §42.350.

A displaced person who is not low income will be offered relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970, as amended.

Rental replacement payments will be made in at least three installments except that lump sum payments may be made to cover (1) moving expenses, (2) down payment on the purchase of placement housing or incidental expenses related to (1) or (2).

To minimize displacement of persons, the City will

- Require that subgrantees, subrecipients, or CBDOs/CHDOs plan activities such that empty units or building are rehabilitated first
- Give priority to rehabilitation versus demolition activities, when feasible
- All occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than as lower-income dwelling units in connection with an assisted activity will be replaced with comparable lower-income dwelling units in accordance with §42.375.
- To the greatest extent feasible, limit activities in which non-voluntary relocation is necessary

(iii) The City may opt to make the HUD-provided data available to the public by cross-referencing the data on HUD's Web site or by announcing the availability of the information in a public notice. HUD-provided data will be posted and/or published no later than 45-days before the submission of the Assessment of Fair Housing is due at HUD. Further, the City will publish the information required in §91.105 (b)(ii) in one or more public notices and/or will post a notice on the City's website as a means of meeting the requirement.

(2) The City will publish at least one notice advising the public of the availability of the proposed AFH and the proposed consolidated plan. Notices will be placed in English and Spanish or Spanish-written newspapers in an effort to afford residents, public agencies, and other interested parties a reasonable opportunity to examine its content and to submit comments. The City's publication will include a summary of each document in one or more newspapers of general circulation, and will make copies of each document available on the Internet and on the City official government Web site. The summary will describe the content and purpose of the AFH or the consolidated plan (as applicable), and must include a list of the locations where copies of the entire proposed document may be examined. The City will provide a reasonable number of copies of the plan or the AFH (as applicable) to residents and groups that request it.

(3) The City of McAllen will hold at least one public hearing during the development of the AFH or the consolidated plan.

(4) The City of McAllen will allow for a period, not less than 30 calendar days, to receive comments from residents of the community on the consolidated plan or the AFH (as applicable).

(5) The City of McAllen will consider any comments or views of residents of the community received in writing, or orally at the public hearings, in preparing the final AFH or the final consolidated plan (as applicable). A summary of these comments or views, and a summary of any comments or views not accepted and the reasons why, shall be attached to the final AFH or the final consolidated plan (as applicable).

### **CONSOLIDATED PLAN AMENDMENTS AND AFH REVISIONS §91.105 (c)**

(1)(i) The City of McAllen's will use the following criteria to determine whether changes in the City's planned or actual activities constitute a substantial amendment to the consolidated plan:

- Deletion or creation of a proposed activity
- Changes in the use of funds from one activity to another activity(ies) in excess of \$50,000
- Reduction of more than 25% of the proposed beneficiaries, when the proposed number of beneficiaries is greater than 10
- Significant change in scope, purpose or location
- Change in one or more of the "Priorities" enumerated in the document

(ii) The City of McAllen's will use the following criteria to determine when revisions to the AFH/AI will be required:

- A material change occurs in which the circumstances affects the 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.

Examples include Presidentially declared disasters, under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), in the program participant's area that are of such a nature as to significantly impact the steps a program participant may need to take to affirmatively further fair housing; significant demographic changes; new significant contributing factors in the participant's jurisdiction; and civil rights findings, determinations, settlements (including Voluntary Compliance Agreements), or court orders

- Upon HUD's written notification specifying a material change that requires the revision.

Should a revision be necessary, the timeframe and methods of the revision shall comply with the requirements found at §5.164. Further, in the event a revision is necessary for the AFH document in which the City is a participant/collaborator but the criteria for which the revision is necessary does not affect the City's circumstances or City's information on which the AFH is based, the City may opt to not adopt the revised AFH.

(2) The City shall provide reasonable notice in English and Spanish or Spanish-written newspapers and an opportunity to comment on substantial amendments to the consolidated plan and revisions to the AFH. The City will provide a period of not less than 30 calendar days to receive comments on the consolidated plan substantial amendment or any revision to the AFH before the consolidated plan substantial amendment is implemented or the revised AFH is submitted to HUD for review. During exigent or urgent circumstances, defined by the City, as events for which national, state and/or a city Declaration of Emergency or Declaration of Disaster has been issued, reasonable notice will be construed as a 5-day timeframe.

(3) The City will consider any comments or views of residents of the community received in writing, or orally at public hearings, if any, in preparing the substantial amendment of the consolidated plan or significant revision to the AFH (as applicable). A summary of these comments or views, and a summary of any comments or views not accepted and the reasons why, shall be attached to the substantial amendment of the consolidated plan or revision to the AFH (as applicable).

### **PERFORMANCE REPORTS** **§91.105 (d)**

(1) The City shall provide citizens with reasonable notice in English and Spanish or Spanish-written newspapers and an opportunity to comment on performance reports. The City will publish a notice and provide for a period of not less than 15 days to receive comments on the performance report that is to be submitted to HUD before its submission.

(2) The City shall consider any comments or views of citizens received in writing, or orally at public hearings in preparing the performance report. A summary of these comments or views shall be attached to the performance report.

### **PUBLIC HEARINGS** **§91.105 (e)**

(1)(i) The City shall provide for a minimum of two public hearings per year to obtain residents' views and to respond to proposals and questions, to be conducted at a minimum of two different stages of the program year. Together, 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.

(ii) The City will hold at least one of the two hearings before the proposed consolidated plan is published for comment in order to obtain the views of residents of the community on housing and community development needs, including priority nonhousing community development needs and affirmatively furthering fair housing.

(iii) The City will hold at least one of the two hearings before the proposed AFH is published for comment in order to obtain the views of the community on AFH-related data and affirmatively furthering fair housing in the jurisdiction's housing and community development programs. In the preparation of subsequent documents, the City will adhere to any requirements mandated by the conversion of the AFH into the AI.

(2) Although HUD did not specify the length of notice required, the regulations stated HUD considers two weeks adequate. As such, the City will publish notices in English and Spanish or Spanish-written newspapers at least two weeks before said hearings. Along with date, time and location, this notice will include sufficient information about the subject of the hearing to permit informed comment. Reduction to five-day notification will be applicable during urgent or exigent circumstances.

(3) The City will hold hearings be held at times and locations convenient to potential and actual beneficiaries, and with accommodation for persons with disabilities. Throughout the consolidated plan and AFH process, public hearings will be held during regular working hours and after hours in handicapped accessible facilities.

(4) In order to address the needs of non-English speaking residents or in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate, staff persons will be available to verbally translate information into Spanish. With at least three days' notice, translation services will be sought for other non-English speaking persons.

#### **MEETINGS §91.105 (f)**

The City will provide residents of the community with reasonable and timely access to local meetings, consistent with accessibility and reasonable accommodation requirements, in accordance with section 504 of the Rehabilitation Act of 1973 and the regulations at 24 CFR part 8; and the Americans with Disabilities Act and the regulations at 28 CFR parts 35 and 36, as applicable. Notices of public meetings will be made at least 72 hours in advance of said meeting. Notice will be posted on the bulletin board outside City Hall which is available for view 24 hours a day. Notices may be subsequently posted on the City's website. Accommodations for persons with special needs and translator services will be provided for people who do not speak English when requests are made at least three (3) working days prior to a meeting. These services shall be provided at no charge to the public.

#### **AVAILABILITY TO THE PUBLIC §91.105 (g)**

Via the City's website, the City will make available to the public the consolidated plan as adopted, consolidated plan substantial amendments, HUD-accepted AFH, revisions to the AFH, and the

performance report. Such materials will be made available in a form accessible to persons with disabilities, upon request. When approval by HUD is necessary, documents will be posted within 30 days of receipt of such approval.

### **ACCESS TO RECORDS §91.105 (h)**

When requested, the City will provide residents of the community, public agencies, and other interested parties with reasonable and timely access to information and records relating to the jurisdiction's AFH, consolidated plan, and use of assistance under the programs covered by this part during the preceding 5 years. The City will adhere to the timeframe and fee schedule developed by the City Secretary's Office under the Open Records Act.

### **TECHNICAL ASSISTANCE §91.105 (i)**

The City will provide technical assistance to groups representative of persons of low- and moderate-income that request such assistance in commenting on the AFH/AI and in developing proposals for funding assistance under any of the programs covered by the consolidated plan. The level and type of assistance shall be determined by the City; however, the City strongly encourages all potential applicants for funding to contact City staff before completing an application/proposal for funding. The provision of funds to the groups remains subject to eligibility, environmental determinations, and City Commission and HUD approval.

### **COMPLAINTS §91.105 (j)**

The City's procedures to handle complaints from its residents related to the consolidated plan, amendments, AFH/AI, revisions, and the performance report includes a substantive written response to every written resident complaint within 15 working days, where practicable.

### **USE OF CITIZEN PARTICIPATION PLAN §91.105 (k)**

The City must adhere to its adopted citizen participation plan.

### **JURISDICTION RESPONSIBILITY §91.105 (l)**

The requirements for citizen participation do not restrict the responsibility or authority of the City for the development and execution of its consolidated plan or AFH/AI.

Notwithstanding the legal requirement and applicability of federal law and statute, the City may curtail the standards within this Plan under (1) notification by HUD of available waivers to do so, (2) under urgent or exigent situations and (3) when projects or programs are being undertaken via "urgent need" designations. In brief, National, State or City Declarations of Emergency or Disaster shall allow the City to implement the use of a shortened comment periods (minimum of 5 days).

Nothing within this document precludes the City's use of flexible methods for the solicitation of comments. Circumstances may limit in-person meetings, seminars or hearings. Alternative venues for community engagement and citizen participation shall allow the use online, teleconference or other virtual platforms. These virtual methods would still facilitate timely receipt and/or dissemination of information related to HUD-funded programs.

On Friday, May 18, 2018 HUD announced the indefinite suspension of the 2015 Affirmatively Furthering Fair Housing (AFFH) rule and removal of Assessment of Fair Housing (AFH) tool for local governments. HUD encouraged the conversion of data into an AI. AI remains the method by which the City, as a program participant, meets the obligation to certify that it will affirmatively further fair housing, take appropriate actions to overcome the effects of any impediments identified, and maintain records reflecting the analysis and actions.

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# APPENDIX A

## GLOSSARY OF ACRONYMS

AP – Action Plan

AFH – Assessment of Fair Housing

AI – Analysis of Impediments

CAPER – Consolidated Annual Performance and Evaluation Report

CPP – Citizen Participation Plan

CDAB – Community Development Advisory Board

CDBG – Community Development Block Grant

ESG – Emergency Solutions Grant

HOME – Home Investment Partnerships Program

HOPWA – Housing Opportunities for Persons with Aids

HUD – U.S. Development of Housing and Urban Development