

City of Downey



Draft Citizen Participation Plan

*U.S. Department of Housing and Urban Development (HUD)
Community Planning and Development Grant Programs*

September 2024



City of Downey
City Manager's Office – Economic Development Division
11111 Brookshire Avenue Downey, CA 90241
(562) 904-7284

City of Downey

Citizen participation Plan

Table of Contents

A.	Encouraging Citizen Participation.....	2
B.	Citizen Participation Plan	3
1.	Plan Development	3
2.	Citizen Participation Plan Amendments	4
C.	Five-Year Consolidated Plan.....	5
1.	Plan Development	5
2.	Consolidated Plan Amendments	7
D.	Action Plan	8
1.	Plan Development	8
2.	Action Plan Amendments	9
E.	Consolidated Annual Performance and Evaluation Report (CAPER).....	10
1.	Report Development	10
F.	Analysis of Impediments or Assessment of Fair Housing (AI or AFH).....	12
1.	Plan Development	12
2.	AI or AFH Amendments	14
G.	Public Hearings, Notification and Access	15
1.	Public Hearings/Meetings	15
2.	Documents for Public Review	16
3.	Access to Meetings and Hearings	17
4.	Access to Consolidated Plan Documents and Records	18
H.	Technical Assistance.....	18
I.	Comments and Complaints	18
J.	Appeals	19
K.	CDBG Disaster Recovery (CDBG-DR).....	19
L.	Anti-Displacement and Relocation	19
1.	Persons Not Eligible for Assistance.....	21
2.	Anti-Displacement Policy	21
3.	Displacement Assistance	22
4.	One-For-One Replacement Dwelling Units	23
5.	Decent, Safe and Sanitary Dwelling.....	24
M.	Real Property Policies.....	24
1.	Use of Real Property	24

2.	Real Property Acquisition	25
3.	Eligible Activities	25
4.	Environmental Review Process (24 CFR Part 58)	25

Citizen Participation Plan City of Downey, California

As required by the U.S. Department of Housing and Urban Development (HUD) regulations found at 24 CFR 91.105, this Citizen Participation Plan sets forth the City of Downey's (City) policies and procedures for providing citizens and other interested parties with opportunities to participate in an advisory role in the planning, implementation, and evaluation of the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) programs. The purpose of the CDBG program is the provision of decent housing, a suitable living environment, and expanded economic opportunities for low- and moderate-income residents earning less than 80 percent of the Area Median income (AMI), or in predominately low- and moderate-income neighborhoods where at least 51 percent of the households are low and moderate-income households. The purpose of the HOME program is to produce new and preserve existing affordable housing opportunities.

As a recipient of CDBG and HOME funds, the City is required to produce the following Consolidated Plan Documents:

- Citizen Participation Plan (CPP) – the City's policies and procedures for community participation in the planning, implementation, and evaluation of the CDBG and HOME programs.
- Analysis of Impediments to Fair Housing Choice or Assessment of Fair Housing (AI or AFH) – a five-year plan completed by the City individually or as part of a local consortium of other HUD grantees pursuant to HUD guidance for the evaluation of local housing conditions, economics, policies and practices and the extent to which these factors impact the range of housing choices and opportunities available to all residents in an environment free from discrimination.
- Consolidated Plan – a five-year plan that documents the City's housing and community development needs, outlines strategies to address those needs and identifies proposed program accomplishments.
- Action Plan – an annual plan that describes specific CDBG and HOME projects and activities that will be undertaken over the course of the program year, which runs from July 1 to June 30.
- Consolidated Annual Performance and Evaluation Report (CAPER) – an annual report that evaluates the City's accomplishments and use of CDBG funds.

The HUD requirements for citizen participation do not restrict the responsibility or authority of the City for the development and execution of the Consolidated Plan documents or the CDBG and HOME programs, but rather facilitate citizen access to, and engagement with the CDBG and HOME programs.

In accordance with the regulations, the minimum annual number of public hearings before the City Council at which citizens may express their views concerning the Consolidated Plan Documents shall be two (2) public hearings. These public hearings shall occur at two different points during the program year, as directed by the Director of Economic Development. Additional public hearings and comment periods may be

held in the development of the AFH or AI and the Consolidated Plan and in the event of a substantial amendment to the CPP, Consolidated Plan, or Action Plan becomes necessary as described later in this document. The City, at its discretion, may conduct additional outreach, public meetings or public hearings as necessary to foster citizen access and engagement.

A. Encouraging Citizen Participation

The City encourages citizens to participate in the development of the CPP, Consolidated Plan, AFH or AI, Action Plan, and CAPER. The City encourages participation by low- and moderate-income persons, particularly those living in slum and blighted areas (if any such areas are formally designated) and in areas where CDBG and HOME funds are proposed to be used, and by residents of predominantly low- and moderate-income neighborhoods. Low- and moderate-income neighborhoods are defined as those in which 51 percent of the residents have incomes at or below 80 percent of area median income. The City shall also take appropriate actions to encourage the participation of all its citizens, including minorities and non-English speaking persons, as well as persons with disabilities.

The City shall make a concerted effort to notify and encourage the participation of citizens, local and regional institutions, the local Continuum of Care organization addressing homelessness, and public and private organizations including businesses, developers, nonprofit organizations, philanthropic organizations, community-based and faith-based organizations, broadband 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, emergency management agencies, state and local health service providers, social service providers, fair housing organizations, state and local governments, public housing agencies, affordable housing developers, businesses, community and faith based organizations, and other stakeholders in the amendment of the CPP or the development of the AI or AFH, Consolidated Plan, or Action Plans through mailings (including electronic mailings), online postings and public notices in the newspaper.

The City may also 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 as directed by the Director of Economic Development. All communication regarding the CPP and the Consolidated Plan documents should be directed to:

City of Downey
City Manager's Office - Economic Development Division
11111 Brookshire Avenue, Downey, CA 90241
(562) 904-7284

B. CPP

The following describes the process and procedures related to the development of the CPP.

1. Plan Development

The City's CPP development procedures are outlined below.

a. Plan Considerations

As a part of the CPP process, and prior to the adoption of the Consolidated Plan, the City shall make available the information required by HUD. This information shall be made available to citizens, public agencies, and other interested parties.

b. Plan Review and Comment

The draft CPP shall be made available for public review for a 30-day period. The CPP shall be provided in a format accessible to persons with disabilities upon request. Such formats may include, but are not limited to those providing oral, Braille, electronic or large print versions of the plan to those visually impaired and delivering copies to those who are homebound.

The CPP shall encourage comment and participation by minorities and non-English speakers, in accordance with the approved Language Access Plan (LAP). Publication of the availability of the draft plan shall be in accordance with the City's adopted Title VI Program: Language Access Plan adopted May 2018.

Written comments shall be accepted by the Economic Development Division during the public review period. A summary of all written comments and those received during the public hearing as well as the City's responses shall be attached to the CPP prior to submission to HUD.

c. Public Hearing

The City shall conduct a public hearing or meeting to accept public comments on the draft CPP. The City Council may approve or reject the CPP, or approve the plan with modifications

d. Submittal to HUD

The CPP shall be approved as a stand-alone document. The City shall provide HUD with copies of the approved document, a summary of all written comments and those received during the public hearing as well as the City's responses and proof of compliance with the minimum 30-day public review and comment period requirement. A summary of any comments or views not accepted and the reasons therefore shall be included.

2. CPP Amendments

To amend the CPP the City shall, as necessary, do the following:

a. Amendment Considerations

The City shall amend the CPP, as necessary, to ensure adequate engagement and involvement of the public in making decisions related to the programs and documents governed by 24 CFR Part 91. Formal amendment of the CPP may be required should a provision of the CPP be found by the City to conflict with HUD regulations.

b. Public Review and Comment

Amendments to the CPP shall be made available for public review for a 30-day period. A public hearing shall be conducted so that citizens may express their views. Written comments shall be accepted by the Economic Development Division during the public review period. A summary of all written comments and those received during the public hearing as well as the City's responses shall be attached to the amended CPP prior to submission to HUD.

Minor edits to the plan, such as updating contact information, will not constitute a "Substantial Amendment", and therefore, will not be released for public review and comment. Copies shall be made available following the process described in Section G of this document.

c. Public Hearing

The City shall conduct a public hearing to review and accept public comments on the draft amendment to the CPP.

d. Submittal to HUD

A copy of the Amended CPP, including a summary of all written comments and those received during the public hearing as well as the City's responses and proof of compliance with the minimum 30-day public review and comment period requirement shall be submitted to HUD for their records. A summary of any comments or views not accepted and the reasons therefore shall be supplied to HUD as applicable.

C. Five-Year Consolidated Plan

The following paragraphs describe the policies and procedures for the development of the Five-Year Consolidated Plan. To comply with 24 CFR Part 91.105(b), the information supplied in the draft Consolidated Plan for public review shall include:

- The amount of assistance the City expects to receive (grant funds and program income);
- The range of activities that may be undertaken; and
- The estimated amount of funding that will benefit low- and moderate-income persons.

The City shall also provide an assessment of community development and housing needs, identify short term and long-term community development objectives directed toward the provision of decent housing and the expansion of economic opportunities primarily for persons of low- and moderate-income.

Additionally, the City shall attest to its compliance with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24, as effectuated by the City's adopted Residential Anti-Displacement and Relocation Assistance Plan, as required under Section 104(d) of the Housing and Community Development Act of 1974, as amended. Persons displaced as a result of HUD-assisted activities, whether implemented by the City or by others, shall receive relocation benefits as required under Federal Law.

The City shall make this information available in the Consolidated Plan published for public review and comment.

1. Plan Development

The City encourages the participation of residents and stakeholders in the development of the Consolidated Plan. The City shall implement the following procedures in the development and adoption of the Consolidated Plan:

a. Plan Considerations

The City will make a concerted effort to notify and encourage the participation of citizens, local and regional institutions, the local Continuum of Care organization addressing homelessness, and public and private organizations including businesses, developers, nonprofit organizations, philanthropic organizations, community-based and faith-based organizations, broadband 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, emergency management agencies, state and local health service providers, social service providers, fair housing organizations, state and local governments, public housing agencies, affordable housing developers, businesses, community and faith based organizations, and other stakeholders in

the development of the Consolidated Plan through mailings (including electronic mailings), online postings and public notices in the newspaper.

As soon as feasible after the start of the public participation process for the Consolidated Plan, the City will make the HUD-provided data and any other supplemental information available to residents, public agencies and other interested parties by posting the data on the City's website.

The City shall employ, at its discretion, a variety of methods to solicit input from these persons/service providers/agencies. These methods include, but are not limited to telephone or personal interviews, focus groups, surveys, internet-based feedback and consultation workshops.

b. Plan Review and Comment

The substantially complete, draft Consolidated Plan shall be made available for public review for a 30-day period. The draft Consolidated Plan shall be provided in a format accessible to persons with disabilities upon request. Such formats may include, but are not limited to providing oral, Braille, electronic or large print versions of the plan to those visually impaired and delivering copies to those who are homebound.

The City shall encourage comment and participation by minorities and non-English speakers. Publication of the availability of the draft Consolidated Plan shall be in accordance with the City's adopted Title VI Program.

The City shall encourage comment and participation by low- and moderate-income residents, especially those living in low- and moderate-income neighborhoods, in areas where CDBG funds are proposed to be used and residents of public and assisted housing. Activities to encourage participation may include, but are not limited to, advertising publication of the Consolidated Plan in target areas, hosting community meetings in target areas, and making copies of the Consolidated Plan available in these neighborhoods. Copies shall be made available following the process described in Section G of this document.

Written comments shall be accepted by the Economic Development Division during the public review period. A summary of all written comments and those received during the public hearing as well as the City's responses shall be attached to the Consolidated Plan prior to submission to HUD.

c. Public Hearing

The City shall conduct a public hearing to accept public comments on the draft Consolidated Plan. Section G describes the process for publishing notice for and conducting public hearings.

d. Submittal to HUD

The Consolidated Plan shall be submitted to HUD with a summary of all written comments and those received during the public hearing as well as the City's responses and proof of compliance with the minimum 30-day public review and comment period requirement. A summary of any comments or views not accepted and the reasons therefore shall be supplied to HUD as applicable. The Consolidated Plan shall be submitted to HUD 45-days before the program year pursuant to regulations, or at such later date as prescribed by HUD. The Consolidated Plan shall be submitted to HUD through HUD's e-Con Planning Suite in the Integrated Disbursement and Information System (IDIS).

2. Consolidated Plan Amendments

The City shall follow the following procedure to complete substantial or minor amendments to the Consolidated Plan, as necessary:

a. Amendment Considerations

The City shall substantially amend the Consolidated Plan if a "substantial change" is proposed by City staff or the City Council. For the purpose of the Consolidated Plan, a "substantial change" is defined as: addition or deletion of a Consolidated Plan – Strategic Plan goal.

The City may make minor changes to the Consolidated Plan, as needed, so long as the changes do not constitute a substantial amendment as described above. Changes to numeric accomplishment goals within an existing Strategic Plan goal shall not constitute a substantial amendment. Such minor changes to the Consolidated Plan do not require a public review and comment period or a public hearing.

b. Public Review and Comment

The City encourages residents and stakeholders to participate in the development of substantial amendments. Substantial Amendments to the Consolidated Plan shall be made available for public review for a 30-day period. Written comments shall be accepted by the Economic Development Division or designee during public review period. A summary of the comments and the City's responses to the comments shall be attached to the Consolidated Plan Substantial Amendment.

The City shall encourage participation from all residents, especially low- and moderate-income residents, minorities, non-English speakers in accordance with the approved LAP, and those with disabilities. Copies shall be made available in accordance with the process described in Section G of this document.

c. Public Hearing

The City shall conduct a public hearing to accept public comments on the draft Substantial Amendment to the Consolidated Plan. Section G describes the process for publishing notice of and conducting public hearings.

d. Submittal to HUD

A copy of the Consolidated Plan Substantial Amendment, including a summary of all written comments and those received during the public hearing as well as the City's responses and proof of compliance with the minimum 30-day public review and comment period requirement shall be submitted to HUD for their records. A summary of any comments or views not accepted and the reasons therefore shall be supplied to HUD. A copy of any minor amendments shall be submitted to HUD when required. The Consolidated Plan Substantial Amendment shall be submitted to HUD through HUD's e-Con Planning Suite in the Integrated Disbursement and Information System (IDIS).

D. Action Plan

The following describes the process and procedures related to the development of the Action Plan each year:

1. Plan Development

Each year, the City prepares an Action Plan listing the activities to be undertaken with Community Planning and Development (CPD) funds. The City shall implement the following procedures in the development and adoption of the Action Plan:

e. Plan Review and Comment

The draft Action Plan incorporating the City's proposed uses of CDBG and HOME funds shall be made available for public review for a 30-day period.

In a manner similar to that set forth for the Consolidated Plan, the City shall encourage participation from all residents, especially low- and moderate-income residents, minorities, non-English speakers in accordance with the approved LAP, and those with disabilities. The City shall make the plan accessible to all such groups. Copies shall be made available following the process described in Section G of this document.

Written comments shall be accepted during the public review period by the Economic Development Division. A summary of the comments and the City's responses to the comments shall be attached to the draft Action Plan.

f. Public Hearing

The City shall conduct two (2) public hearings during the program year:

- The first public hearing will be held before the Downey City Council to accept public comments on funding priorities for the upcoming year; and
- The second public hearing will be held before the Downey City Council to accept public comments on the draft Annual Action Plan.

The City Council shall approve, approve with modifications, or reject the Action Plan. Section G describes the process for publishing notice of and conducting public hearings.

g. Submittal to HUD

Upon adoption of the Annual Action Plan by the City Council, staff shall submit the Action Plan to HUD. Documents related to the public participation process, including copies of public notices and a summary of all public comments received, shall be attached to the Action Plan. The Action Plan shall be submitted to HUD at least 45 days before the program year pursuant to regulations, or as otherwise allowed or required by HUD. The Action Plan shall be submitted to HUD through HUD's e-Con Planning Suite in the Integrated Disbursement and Information System (IDIS).

2. Action Plan Amendments

The City shall follow the following procedure to complete substantial and minor amendments to the Action Plan, as needed:

a. Amendment Considerations

The City shall substantially amend the Action Plan if a "substantial change" is proposed by City staff or the City Council. For the purpose of the Action Plan, a "substantial change" is defined as:

- Addition of a new activity not previously identified in the Action Plan, without regard to funding source;
- Cancellation of an existing activity identified in the Action Plan, without regard to funding source;
- A change in the purpose, scope, location or beneficiaries of an activity; or
- Changes in the use of CDBG funds from one eligible activity to another eligible activity meeting the following thresholds:
 - a. Net increase greater than or equal to 100 percent of the original allocation of CDBG or HOME funds to the project, or
 - b. Net increase or decrease greater than or equal to \$400,000.

The City may make minor changes to the Action Plan, including any change not included in the definition of a “substantial change” above, as needed, so long as the changes do not constitute a substantial amendment as described above. Such minor changes to the Action Plan do not require a public review and comment period or a public hearing. However, City Council approval of activity funding changes may be required based on the amount and City policy.

b. Public Review and Comment

The City encourages citizen participation in the development of substantial amendments. Substantial Amendments to the Action Plan shall be made available for public review for a 30-day period. Written comments shall be accepted during the public review period. Comments should be directed to the Economic Development Division. A summary of the comments and the City's responses to the comments shall be attached to the Action Plan Substantial Amendment.

The City shall encourage participation from all residents, especially low- and moderate-income residents, minorities, non-English speakers and those with disabilities. The City shall make the plan accessible to all such groups. Copies shall be made available following the process described in Section G of this document.

c. Public Hearing

The City shall conduct a public hearing to review and consider the Substantial Amendment to the Action Plan. The City shall accept public comments on the Substantial Amendment to the Action Plan at the public hearing. After public comments are heard and considered, the City Council shall approve, approve with modifications, or deny the request for a substantial amendment to the Action Plan. Section G describes the process for publishing notice for and conducting public hearings.

d. Submittal to HUD

A copy of the Substantial Amendment to the Action Plan along with copies documenting the public participation process (i.e. public notices and public comments) shall be submitted for their records. Similarly, minor amendments shall be submitted to HUD. The Action Plan Substantial Amendment shall be submitted to HUD through HUD's e-Con Planning Suite in the Integrated Disbursement and Information System (IDIS).

E. Consolidated Annual Performance and Evaluation Report (CAPER)

The City shall implement the following procedures in the development of the Consolidated Annual Performance and Evaluation Report (CAPER):

1. Report Development

The City shall develop, approve and submit a CAPER within 90-days of the conclusion of each program year.

a. Report Considerations

Staff shall evaluate and report the accomplishments of the previous program year for all CDBG and HOME activities and shall provide information on program expenditures and other metrics as required by HUD.

b. Review and Comment

The City encourages citizen participation in the development of the CAPER. The draft CAPER shall be made available for public review for a 15-day period. Written comments will be accepted during the public review period by the Economic Development Division.

A summary of any written comments received, or oral comments provided during the public hearing and the City's responses to those comments shall be attached to the CAPER submission to HUD. Copies of the draft CAPER shall be made available following the process described in Section G of this document.

c. Submittal to HUD

Upon completion of the public review period, City staff shall submit the CAPER to HUD. Documents related to the public participation process, including copies of public notices and a summary of all public comments received, shall be attached to the CAPER. The CAPER shall be submitted to HUD within 90 days following the end of the program year pursuant to regulations. The CAPER shall be submitted to HUD through HUD's e-Con Planning Suite in the Integrated Disbursement and Information System (IDIS).

F. Analysis of Impediments or Assessment of Fair Housing (AI or AFH)

The Analysis of Impediments to Fair Housing Choice (AI) or Assessment of Fair Housing (AFH) is a five-year plan completed by the City individually or as part of a local consortium of other HUD grantees pursuant to HUD guidance for the evaluation of local housing conditions, economics, policies and practices and the extent to which these factors impact the range of housing choices and opportunities available to all residents in an environment free from discrimination. As of April 2019, HUD has suspended the AFH planning framework. HUD currently requires the submission of an AI for grantees submitting Consolidated Plans for FY2019. The following describes the process and procedures related to the development of the AI or AFH.

1. Plan Development

The City shall implement the following procedure in the preparation and adoption of the AI or AFH:

a. Considerations

As soon as feasible after the start of the public participation process for the AI or AFH, the City will make the HUD-provided data and any other supplemental information available to residents, public agencies and other interested parties by posting the data on the City's website and referencing this information in public notices.

The City will make a concerted effort to notify and encourage the participation of citizens, local and regional institutions, the local Continuum of Care organization addressing homelessness, and public and private organizations including businesses, developers, nonprofit organizations, philanthropic organizations, community-based and faith-based organizations, broadband 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, emergency management agencies, state and local health service providers, social service providers, fair housing organizations, state and local governments, public housing agencies, affordable housing developers, businesses, community and faith based organizations, and other stakeholders in the development of the AI or AFH through mailings (including electronic mailings), online postings and public notices in the newspaper, as well as telephone or personal interviews, mail surveys, internet-based feedback and consultation workshops.

b. Review and Comment

The draft AI or AFH shall be made available for public review for a 30-day period. Written comments shall be accepted during the public review period by the Economic Development Division. A summary of the comments and the City's responses to the comments shall be attached to the AI or AFH. Copies shall be made available following the process described in Section G of this document.

c. Public Hearing

The City Council shall conduct a public hearing to accept public comments on the draft AI or AFH. After public comments are heard and considered by the City Council, the City Council shall approve or reject the AI or AFH. Section G describes the process for publishing notice of and conducting public hearings.

d. Submittal to HUD

Upon adoption of an AI, the City shall retain the AI in its records and annually report on the status and disposition of the Fair Housing Plan recommendations. Upon adoption of an AFH, the City shall submit the AFH to HUD for review and acceptance or rejection. The goals of the AFH shall be incorporated into the Consolidated Plan prior to submission of the Consolidated Plan to HUD.

2. AI or AFH Amendments

The City shall follow the following procedure to complete substantial amendments to AI or AFH, as needed.

a. Amendment Considerations

The City shall substantially amend the AI if a “substantial change” is proposed by City staff or the City Council. For the purpose of the AI, a “substantial change” is defined as the addition or deletion of Fair Housing Plan recommendations.

The City shall substantially amend the AFH if a “substantial change” is proposed by City staff or the City Council or as otherwise required by HUD. An AFH that was previously accepted by HUD must be revised and submitted to HUD for review if a material change occurs. A material change is a change in circumstances in the jurisdiction of a program participant that 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; or, upon HUD's written notification specifying a material change that requires the revision. A revision to the AFH consists of preparing and submitting amended analyses, assessments, priorities, and goals that take into account the material change, including any new fair housing issues and contributing factors that may arise as a result of the material change.

b. Public Review and Comment

The City encourages residents and stakeholders to participate in the development of substantial amendments. Substantial Amendments to the AI or AFH shall be made available for public review for a 30-day period. Written comments will be accepted by the Economic Development Division during the public review period. A summary of the comments and the City's responses to the comments will be attached to the Consolidated Plan Substantial Amendment.

The City will encourage participation from all residents, especially low- and moderate-income residents, minorities, Spanish speakers and those with disabilities. The City will take efforts to make the plan accessible to all such groups. Copies will be made available following the process described in Section G of this document.

c. Public Hearing

The City shall conduct a public hearing to accept public comments on the draft amendment to the AI or AFH. The City Council may approve or reject the amendment to the AI or AFH. A revised AFH must be submitted within 12 months of the onset of a material change that triggers a "Substantial Amendment," or at such later date as HUD may specify. Section G describes the process for publishing notice of and conducting public hearings.

G. Public Hearings, Notification and Access

The following policies and procedures outlining the public hearing process and public hearing notification apply to the development and substantial amendment of the CPP, Five Year Consolidated Plan, Action Plan, CAPER, and AI or AFH.

1. Public Hearings/Meetings

a. Public Hearing Process

The City shall conduct a minimum of two (2) public hearings per year to obtain citizens' views and comments. These meetings shall be conducted at different times of the program year and together will cover the following topics:

- Housing and Community Development Needs
- Development of Proposed Activities
- Review of Program Performance

During a program year when the City develops an AI or AFH and Consolidated Plan, at least one public hearing shall be conducted prior to the draft AI or AFH and Consolidated Plan being published for comment.

b. Public Hearing Notification

Staff shall ensure adequate advance notice of all public meetings and hearings. Notices shall be printed/posted at least 14-days prior to the meeting date. Adequate noticing shall include:

- Publishing a public notice in a newspaper of general circulation; and
- Posting copies of notices on the City website.

Notices shall include information on the topic of the meeting, including summaries when appropriate, to properly inform the public. Notices shall be published in accordance with the Title VI Program and shall be accessible to those with disabilities. Meeting location and access is described below.

2. Documents for Public Review

Staff shall ensure adequate advance notice of all public review/comment periods. Notices shall be printed / posted prior to the commencement of the public review period alerting residents of the documents for review and providing a summary of the contents of the documents to include information on the content and purpose of the document and the list of locations where copies of the entire draft document(s) may be reviewed. The public comment period for each Consolidated Plan Document and substantial amendment to each document subject to public review is listed below:

Document	Public Comment Period
CPP	30 days
Consolidated Plan	30 days
Action Plan	30 days
CAPER	15 days
AI or AFH	30 days

The City shall ensure that documents are available for disabled, minority and non-English speaking residents (Spanish and Korean in accordance with City's Title VI Program). In addition, individuals needing a City form, notice or agenda to be translated to another language, should contact the City Clerk at (562) 904-7284.

The City's Language Access Plan (LAP) determines how the city will meet federal requirements to make reasonable efforts to provide language assistance to ensure meaningful access for LEP persons to the City's programs and activities. Meaningful access is understood as language assistance that results in accurate, timely, and effective communication and is available at no cost to the LEP individual. To determine city residents' language needs, the city conducts a "Four Factor Analysis" in accordance with U.S. Department of Justice LEP Guidance; evaluating: 1) the number or proportion of LEP persons in the population to be served, 2) the frequency with which LEP persons come into contact with the program activity or service, 3) the importance of the service, information, program, and/or activity, and 4) the resources, financial and human, available to the City. The analysis was conducted in the context of "safe harbor" thresholds provided by the U.S. Department of Housing and Urban Development (HUD). Based on the results of the assessment the translation of public notices and other vital documents will be determined.

Adequate noticing shall include:

- Publishing a public notice in a newspaper of general circulation;
- Posting copies of notices on the City website; and
- Posting notices at City Hall.

The City shall place an adequate supply of draft copies of each document and substantial amendments to each document subject to public review at the following locations:

Economic Development Division

11111 Brookshire Avenue
Downey, CA 90241

Downey Public Library

11211 Brookshire Avenue
Downey, CA 90241

Barbara J. Riley Community Center

7810 Quill Dr., Downey, CA 90242
Downey, CA 90242

All printed reports and materials shall be made available in a form accessible to persons with disabilities, upon request.

3. Access to Meetings and Hearings

Meetings for items that require City Council action shall be conducted in front of the Downey City Council at 6:30 P.M. at the Downey City Hall Council Chambers (11111 Brookshire Avenue, Downey, California 90241). For public meetings or hearings not requiring City Council action, the City shall make every effort to conduct such meetings in the low- and moderate-income target areas and at times accessible and convenient to potential and actual beneficiaries.

It is the objective of the City to comply with Section 504 of the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act (ADA) of 1990 and the ADA Amendment Act of 2008, the Fair Housing Act, the Architectural Barriers Act, and the City's adopted Title VII Plan in all respects.

Individuals with disabilities who need special assistance to participate in City Council meetings can complete the City's Title II ADA Reasonable Accommodation Form located on the City's website ([Form Link](#)) and at City Hall - City Clerk's Department, 11111 Brookshire Avenue, Monday – Friday, 7:30 a.m. – 5:30 p.m. Individuals must submit the request to the City Clerk's office or or contact them at (562) 904-7280 or, the California Relay Service at 7-1-1. Notification at least 48 hours prior to the meeting will enable the City to make arrangements to assure accessibility.

The City of Downey will provide appropriate auxiliary aids and services whenever necessary for those individuals who have hearing, sight or speech impairments, unless to do so would result in a fundamental alteration of its programs or an undue administrative or financial burden. No surcharge will be placed on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing these auxiliary aids/services or reasonable accommodations.

For information regarding the Americans with Disabilities Act, accommodations for other City services, events and programming, and/or contact the City's ADA/Section 504 Coordinator at (562) 299-6619 or ADACoordinator@downeyca.org.

4. Access to Consolidated Plan Documents and Records

Approved Consolidated Plan Documents and any approved amendments thereto, shall be kept on file in the Economic Development Division (11111 Brookshire Avenue, Downey, CA 90241) and online at: www.downeyca.org.

Reasonable efforts shall be made to accommodate requests for documents in other languages in accordance with the City's Title VI Program.

Reasonable efforts shall be made to accommodate requests for documents in an accessible format for those with disabilities. Such formats may include, but are not limited to providing oral, Braille, electronic or large print versions of the plan to those visually impaired and delivering copies to those who are homebound.

Requests for information and records shall be made to the City in writing. Staff shall respond to such requests within 15 working days or as soon as possible thereafter.

H. Technical Assistance

Technical assistance to applicants for CDBG and HOME funds is available from the Economic Development Division:

- If published, any Notice of Funding Availability (NOFA) shall provide self-explanatory application form(s) to facilitate access to CPD funds.
- Staff shall answer, in writing, all written questions and answer verbally all verbal inquiries received from citizens or representative groups pertaining to the NOFA and application(s).
- Staff shall conduct a project eligibility analysis to determine the eligibility of each project. In cases where only minor adjustments are needed to make proposals eligible or otherwise practical, staff shall advise the applicants on the options available and desired changes to the proposals.
- Staff shall arrange for translation on as-needed basis.

To request technical assistance, contact the Economic Development Division at (562) 904-7284.

I. Comments and Complaints

Citizens or the City government, as well as agencies providing services to the community, are encouraged to state or submit their comments in the development of the Consolidated Plan Documents and any amendments to the Consolidated Plan. Written and verbal comments received at public hearings or during the comment period, shall be considered and summarized, and included as an attachment to the City's final

Consolidated Plan. Written comments should be addressed to: Economic Development Division, 11111 Brookshire Avenue, Downey, CA 90241.

A written response shall be sent in response to written comments within 15 working days.

A complaint regarding the Consolidated Planning process and Consolidated Plan amendments must be submitted in writing to the Economic Development Division. A written response shall be made to written complaints within 15 working days, acknowledging the complaint. Written complaints should be addressed to: Economic Development Division, 11111 Brookshire Avenue, Downey, CA 90241. The City shall accept written complaints provided that the complaint specifies:

- The description of the objection, and supporting facts and data; and
- Provide name, address, telephone number, and the date of complaint.

J. Appeals

Appeals concerning the Consolidated Plan Documents, statements, or recommendations of City Staff should be made to the following persons in the order presented:

- Director of Economic Development
- Director of Community Development
- City Manager
- City Council
- Los Angeles Area Office of HUD (if concerns are not answered)

K. Exceptions and Waivers

During periods of national, regional, or local emergency, the City will utilize expedited procedures and waivers to reduce the time periods for the provision of reasonable notice and comment periods outlined above. In such cases, the City shall provide citizens with 5-day notice, or less per HUD direction, of public hearings or meetings of the City Council and shall provide a 5-day opportunity, or less per HUD direction, for public comment. Further, if a person public hearings will not be required when social distancing and limitation of public gatherings are recommended. All virtual hearings utilized by the City will provide reasonable notice and real-time access for citizens for questions, comments, and responses.

L. Anti-Displacement and Relocation

The City's Anti-displacement and Relocation Plan describes how Downey will assist persons who must be temporarily relocated or permanently displaced due to the use of HUD funds. This plan takes effect whenever the City funds projects that involve the following:

- Property acquisition;

-
- Potential displacement of people from their homes and the need to relocate people (either permanently or temporarily); and
 - The demolition or conversion of low- and moderate-income dwelling units.

Two acts apply whenever any of the above issues are present: The Uniform Relocation Assistance and Real Property Policies Act of 1970 (URA) and Section 104(d) of the Housing and Community Development Act of 1974. Each of these acts place different obligations on the City.

The URA governs the processes and procedures which the City must follow to minimize the burden placed on low- and moderate-income tenants, property owners, and business owners who must move (either temporarily or permanently) as the result of a project funded in whole or in part by the CDBG program. The URA applies to:

- Displacement that results from acquisition, demolition, or rehabilitation for HUD-assisted projects carried out by public agencies, nonprofit organizations, private developers, or others;
- Real property acquisition for HUD-assisted projects (whether publicly or privately undertaken);
- Creation of a permanent easement or right of way for HUD-assisted projects (whether publicly or privately undertaken); and
- Work on private property during the construction of a HUD-assisted project even if the activity is temporary.

Displacement occurs when a person moves as a direct result of federally assisted acquisition, demolition, conversion, or rehabilitation activities, because they are:

- Required to move; or
- Not offered a decent, safe, sanitary and affordable unit in the project; or
- Treated “unreasonably” as part of a permanent or temporary move.

A person may also be considered displaced if the necessary notices are not given or provided in a timely manner and the person moves for any reason.

The term displaced person means any person that moves from real property or moves their personal property from real property permanently as a direct result of one or more of the following activities:

- Acquisition of, written notice of intent to acquire, or initiation of negotiations to acquire such real property, in whole or in part, for a project;
- Rehabilitation or demolition of such real property for a project; and
- Rehabilitation, demolition, or acquisition (or written notice of intent) of all or a part of other real property on which the person conducts a business or farm operation, for a project.

The City shall cause advisory and financial assistance to be available to eligible tenants (or homeowners) who meet the above definition.

1. Persons Not Eligible for Assistance

A person is not eligible for relocation assistance under the provisions of the URA if any of the following occurs:

- The person was evicted for serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable Federal, State, or local law, or other good cause. However, if the person was evicted only to avoid the application of URA, then that person is considered displaced and is eligible for assistance;
- The person has no legal right to occupy the property under State or local law;
- The City determines that the person occupied the property to obtain relocation assistance and the HUD Field Office concurs in that determination;
- The person is a tenant-occupant that moved into the property after a certain date, specified in the applicable program regulation, and, before leasing and occupying the property, the City or its subrecipient provided the tenant-occupant written notice of the application for assistance, the project's impact on the person, and the fact that he or she would not qualify as a "displaced person" because of the project;
- The person is a tenant-occupant of a substandard dwelling that is acquired or a tenant-occupant of a dwelling unit to which emergency repairs are undertaken and the HUD field office concurs that:
 - Such repairs or acquisition will benefit the tenant;
 - Bringing the unit up to a safe, decent, and sanitary condition is not feasible;
 - The tenant's new rent and average estimated monthly utility costs will not exceed the greater of: the old rent/utility costs or 30 percent of gross household income; and
 - The project will not impose any unreasonable change in the character or use of the property.
- The person is an owner-occupant of the property who moves because of an arm's length acquisition;
- The City or its subrecipient notifies the person that they will not displace him or her for the project; and
- The person retains the right of use and occupancy of the real property for life following the acquisition.

The City determines that the person is not displaced as a direct result of the acquisition, rehabilitation, or demolition for the project and the HUD field office concurs in the determination.

2. Anti-Displacement Policy

The City will take reasonable steps to minimize displacement occurring as a result of its CDBG activities. This means that the City will:

- Consider if displacement will occur as part of funding decisions and project feasibility determinations;
- Assure, whenever possible that occupants of buildings to be rehabilitated are offered an opportunity to return;
- Plan substantial rehabilitation projects in “stages” to minimize displacement; and
- Meet all HUD notification requirements so that affected persons do not move because they have not been informed about project plans and their rights.

The City seeks to minimize, to the greatest extent feasible, the displacement, whether permanently or temporarily, of persons (families, individuals, businesses, nonprofit organizations, or farms) from projects funded with CDBG involving single- or multi-family rehabilitation, acquisition, commercial rehabilitation, demolition, economic development, or capital improvement activities.

Projects that the City deems beneficial but that may cause displacement may be recommended and approved for funding only if the City or its subrecipient demonstrates that such displacement is necessary and vital to the project and that they take efforts to reduce the number of persons displaced. Further, they must clearly demonstrate that the goals and anticipated accomplishments of a project outweigh the adverse effects of displacement imposed on persons who must relocate.

3. Displacement Assistance

Consistent with the goals and objectives of the CDBG program, the City will take all reasonable steps necessary to minimize displacement of persons, even temporarily. If displacement occurs, the City will provide relocation assistance to all persons directly, involuntarily, and permanently displaced according to HUD regulations.

If the City temporarily displaces a low- or moderate-income household, that household becomes eligible for certain relocation payments. The assistance applies to those persons residing in the residence at the time the application is processed and is based on the following procedures:

- If the structure and its occupants are determined eligible for temporary relocation assistance, the owner-occupants and tenants are eligible for the actual reasonable cost (based on fair market rent) of temporary lodging facilities until the structure is determined habitable by the City's inspector;
- The City must approve housing and the Lessor and Lessee must sign a rent agreement before move-in. Housing must be comparable functionally to the displacement dwelling and decent, safe, and sanitary. This does not mean that the housing must be in comparable size. The term “functionally equivalent”

means that it performs the same function, has the same principal features present, and can contribute to a comparable style of living. Approved lodging accommodations include apartments and houses. The City does not reimburse “rental expenses” for living with a friend or family member;

- Either the City will provide the owner-occupants and tenants a direct payment for moving expenses (to and from temporary housing) and storage costs, or the City will arrange moving and storage of furniture with a moving company. If the City makes a direct payment, complete documentation and receipts are necessary to process claims when storage costs exceed the amount assumed by the direct payment;
- Damage deposits, utility hookups, telephone hookups and insurance costs are not eligible for reimbursement; and
- The City may pay the cost of relocation assistance from Federal funds or funds available from other sources.

4. One-For-One Replacement Dwelling Units

The City will generally avoid awarding funds for activities resulting in displacement. However, should the City fund an activity, specific documentation is required to show the replacement of all occupied and vacant dwelling units demolished or converted to another use. The City will assure that relocation assistance is provided as described in 24 CFR 570.606(b)(2).

Before obligating or expending funds that will directly result in such demolition or conversion, the City will make public and submit to the HUD field office the following information in writing:

- A description of the proposed assisted activity;
- The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low- and moderate-income units;
- A time schedule for the commencement and completion of the demolition or conversion;
- The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement units;
- The source of funding and a time schedule for the provision of replacement dwelling units; or
- The basis for concluding that each replacement dwelling unit will remain a low- and moderate-income unit for at least ten years from the date of initial occupancy.

In the implementation of HUD programs, the City will take all reasonable steps necessary to minimize displacement of persons from their homes. The City will avoid funding projects that cause displacement of persons or businesses and will avoid

funding any project that involves the conversion of low- and moderate-income housing to non-residential purposes.

5. Decent, Safe and Sanitary Dwelling

The basic definition is found at 49 CFR 24.2(1). The term decent, safe, and sanitary dwelling means a dwelling that meets the following standards and any other housing and occupancy codes that are applicable. It will:

- Be structurally sound, weather tight, and in good repair;
- Contain a safe electrical wiring system adequate for lighting and other devices;
- Contain a safe heating system capable of sustaining a healthful temperature for the displaced person;
- Be adequate to accommodate the displaced person. There will be a separate, well lit, ventilated bathroom that provides privacy to the user and contains a toilet, sink, and a bathtub or shower, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. There should be a kitchen area that contains a fully usable sink, properly connected to hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator;
- Contain unobstructed egress to safe, open space at ground level;
- For a mobility-impaired person, be free of any barriers that would preclude reasonable ingress, egress, or use of the dwelling by such person. This requirement will be satisfied if the displaced person elects to relocate to a dwelling that they select, and the displaced person determines that they have reasonable ingress, egress, and the use of the dwelling; and
- Comply with lead-based paint requirements of 24 CFR Part 35.

M. Real Property Policies

The City and its subrecipients must follow specific guidelines regarding the acquisition and use of real property funded in whole or in part with HUD funds.

1. Use of Real Property

The following standards apply to real property within the recipient's control and acquired or improved, in whole or in part, using HUD funds. These standards will apply from the date funds are first spent for the property until five years after the project is audited and closed.

A recipient may not change the use of any such property (including the beneficiaries of such use) from that for which the acquisition or improvement was made unless the

recipient gives affected citizens reasonable notice of, and opportunity to comment on, any such proposed change, and either:

- The use of such property qualifies as meeting a national objective and is not a building for the general conduct of government;
- The requirements in the paragraph below are met;
- If the recipient determines, after consultation with affected citizens, that it is appropriate to change the use of property to a use that does not qualify under the above paragraph, it may retain or dispose of the property. The City must be reimbursed in the amount of the current fair market value of the property less any portion attributable to expenditures of non-federal funds for the acquisition of and improvements to the property;
- If the change of use occurs within five years of the project being audited and closed, income from the disposition of the real property will be returned to the City's HUD programs; and
- Following the reimbursement of the federal program pursuant to the above paragraph of this section, the property is no longer subject to any federal requirements.

2. Real Property Acquisition

All real property acquisition activities described in this section and funded in whole or in part with CDBG funds and all real property that must be acquired for an activity assisted with Federal funds, regardless of the actual funding source for the acquisition, are subject to the URA (as amended).

Real property acquisition is any acquisition by purchase, lease, donation, or otherwise, including the acquisition of such interests as rights-of-way and permanent easements.

HUD Handbook 1378 and 49 CFR Part 24 currently contains such regulations. These regulations detail a standard procedure for acquiring property and methods of determining a purchase price and outline other documents that must be provided to the City before disbursement of funds. These regulations further require the applicant to provide relocation payments and assistance to any business or residential occupant of the property whom the acquisition will displace.

3. Eligible Activities

The City, or its subrecipient may acquire real property for a project using CDBG funds where the proposed use of the acquired property will be an activity that the City can demonstrate as beneficial to low- and moderate-income persons.

4. Environmental Review Process (24 CFR Part 58)

HUD requires that all real property acquisition projects be reviewed before the commitment of Federal funds to assess the impact of a project on the environment. The City will undertake this review process. The applicant should be aware, however, that this review process may delay the date by which CDBG funds may be available and, in case of serious adverse environmental impacts, may effectively stop a project.