

**Amherst-Cheektowaga-Tonawanda**

**HOME Consortium**

# **CITIZEN PARTICIPATION PLAN**

for

**Community Development Block Grant (CDBG) Program**

**HOME Investment Partnership Grant (HOME) Program**

**Emergency Solutions Grant (ESG) Program**

**5-Year Consolidated Plan**

**Annual Action Plan**

**This Citizen Participation Plan** sets forth the procedures and policies the Towns of Amherst, Cheektowaga and Tonawanda will use to encourage citizen participation in the development, operation and reporting of their Community Development Block Grants (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) (Town of Tonawanda only) programs. The Citizen Participation Plan covers the Analysis of Impediments to Fair Housing Choice/Assessment of Fair Housing (AI/AFH), revisions to the AI/AFH, the five-year Consolidated Plan, each subsequent Annual Action Plan, any Substantial Amendments to the Consolidated Plan or its five Annual Action Plans, and each year's Consolidated Annual Performance and Evaluation Report.

Citizens, local and regional institutions, Continuums of Care, and other organizations (including businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations) are encouraged to participate in the development of the AI/AFH, any revisions to the AI/AFH, the five-year Consolidated Plan, each subsequent Annual Action Plan, any substantial amendments to the Consolidated Plan or its five Annual Action Plans, and each year's Consolidated Annual Performance and Evaluation Report. The participation by low- and moderate-income persons, particularly those living in declining areas and in areas where Community Development Block Grant funds are proposed to be used, and by residents of predominantly low- and moderate-income neighborhoods, (as defined by the Federal guidelines) is particularly encouraged as is the participation of all residents, including minorities and persons with disabilities.

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, and emergency management agencies are encouraged to participate in the development of the five-year Consolidated Plan.

Each town also invites residents of the public and assisted housing developments to participate in the process of developing and implementing the AI/AFH, revisions to the AI/AFH, the five-year Consolidated Plan, each subsequent Annual Action Plan, any Substantial Amendments to the Consolidated Plan or its five Annual Action Plans, and each year's Consolidated Annual Performance and Evaluation Report.

The Towns will make copies of this Citizen Participation Plan available upon request.

### **Anti-Displacement Plan**

The Towns of Amherst, Cheektowaga, and Tonawanda do not expect to undertake any activities that would result in the displacement of tenants or homeowners during the time frame of the current Consolidated Plan. Current Consortium policy gives priority to projects that will not entail such displacement. However, provisions have been made to minimize any relocation that may be required should any of the Towns undertake such a project.

- (a) When possible, substantial rehabilitation of dwelling units will concentrate on vacant units first, allowing tenants to remain during and after rehabilitation.
- (b) when necessary, suitable, alternative housing will be provided in the same area, if possible.

If relocation is necessary, the Community Development staff from the appropriate town will:

- (a) suggest at least three alternative replacement dwelling units to tenants and homeowners.
- (b) provide rental assistance according to Federal guidelines required by the Uniform Relocation Act.
- (c) provide for reimbursement of any reasonable moving expenses, credit checks, security deposits and costs incurred through change of utilities due to displacement.
- (d) provide relocation and housing counseling if needed.

Persons affected by such activity will be notified in writing by the Community Development staff of the appropriate town of their eligibility for assistance and alternatives available at least 90 days prior to the start of the project.

### **Analysis of Impediments to Fair Housing/ Assessment of Fair Housing.**

The Amherst-Cheektowaga-Tonawanda (A-C-T) HOME Consortium must ensure an AI/AFH is informed by meaningful community participation in the process of analyzing data; identifying fair housing issues and factors contributing to fair housing issues and developing fair housing goals within the Analysis of Impediment (AI)/Assessment of Fair Housing (AFH). In conducting the community participation process, the A-C-T HOME Consortium must conduct outreach to those populations who have historically experienced exclusion, including racial and ethnic minorities, limited English proficient (LEP) persons, and persons with disabilities. The A-C-T HOME Consortium may do joint meetings for the AI/AFH and the Consolidated Plan for more opportunities to comment on both documents.

Further, the A-C-T HOME Consortium must follow the policies and procedures described in 24 CFR part 91 (see 24 CFR §§ 91.100, and 91.401), in the process of developing the AI/AFH, obtaining community feedback, and addressing complaints.

At a minimum, the A-C-T HOME Consortium will meet these requirements by:

- (1) Before the Towns submit the AI/AFH to HUD, they will each make the HUD-provided data and any other supplemental information they plan to incorporate into the AI/AFH available to their residents, public agencies, and other interested parties. Each Town may make the HUD-provided data available to the public by cross-referencing to the data on HUD's Web site.
- (2) Consulting with agencies and organizations identified in consultation requirements at 24 CFR part 91 (see 24 CFR §§ 91.100).
- (3) Allowing the public to review and comment on the draft AI/AFH, including:
  - In order to afford citizens, public agencies, and other interested parties a reasonable opportunity to examine its contents and to submit comments, the

Towns will publish a summary of the draft AI/AFH and a notice of availability of the document for public review in the Amherst Bee, the Cheektowaga Bee, and the Ken-Ton Bee as a display advertisement at least 30 days prior to its submission to the Department of Housing and Urban Development. Complete copies of the draft AI/AFH will be available at each municipality's website, all Town libraries, the Amherst Planning Department, the Cheektowaga and Tonawanda Community Development Offices, the Village Clerks' offices in Depew, Sloan, Kenmore and Williamsville and the Town Clerks' offices. If Town offices or libraries are closed, please access the draft AI/AFH online at each municipality's website. The summary will describe the contents and purpose of the draft AI/AFH, and will include a list of the locations where copies of the entire draft AI/AFH may be examined. In addition, the Towns will provide a copy of the plan to citizen groups that request it.

- Notice of a public hearing to be held during the development of the draft AI/AFH to invite public comments and inquiries will be placed as a display ad in the Amherst Bee, the Cheektowaga Bee, and the Ken-Ton Bee, and each municipalities website at least 14 days prior to the date of the hearing.
- (4) Further, pursuant to 24 CFR § 5.154, the A-C-T HOME Consortium will report on their community participation processes and outcomes by providing the following in the Final AI/AFH:
- A concise summary of the community participation process, public comments, and efforts made to broaden community participation in the development of the AI/AFH;
  - A summary of the comments, views, and recommendations received in writing, or orally at public/virtual hearings, during the community participation process; and
  - A summary of any comments, views, and recommendations not accepted by the program participant and the reasons for non-acceptance.
- (5) The A-C-T HOME Consortium will provide information to the Public Housing Agency (PHA) about the AI/AFH, Affirmatively Furthering Fair Housing (AFFH) strategy, and consolidated plan activities related to its developments and surrounding communities so that the PHA can make this information available at the annual public hearing(s) required for the PHA Plan.

### **AI/AFH REVISIONS AND ADMINISTRATIVE UPDATES.**

The A-C-T HOME Consortium shall provide community residents with reasonable notice and an opportunity to comment on revisions to the AI/AFH, as specified under 24 CFR 5.164.

#### *Significant Revisions*

The A-C-T HOME Consortium has determined that an AI/AFH revision is necessary when:

- The material change in circumstances affects the information on which the AI/AFH is based;

- The analysis, fair housing contributing factors, or the priorities and goals of the AI/AFH no longer reflect actual circumstances.

The A-C-T HOME Consortium will provide affected citizens a period of not less than 30 calendar days to make comments on a significant AI/AFH revision before it is implemented. Acceptable methods of meeting the citizen participation requirements include:

- Publication of the availability of the substantial change(s) in a local newspaper or online at each municipality’s website. The publication will provide detailed information on the significant revision(s) and how to provide comments;
- Publication of any proposed change shall appear in a local newspaper whose primary circulation is within the area serving the community of affected citizens;
- Advertisement of the availability of the proposed change on each municipality’s website;
- Posting notices in public buildings within the jurisdiction of the administering agency, which include, but are not limited to, public libraries; or
- Holding meetings with citizens’ advisory groups within the area affected by the significant revision.

Notification to the public shall advise citizens of how and where to submit comments on the proposed changes. A summary of these comments, and a summary of comments not accepted and the reasons, therefore, shall be attached to the significant revision that is submitted to HUD.

**Development of the Consolidated Plan and each Subsequent Annual Action Plan.**

- (1) Before the Towns adopt the Consolidated Plan and each subsequent Annual Action Plan, they will each make available to citizens, public agencies, and other interested parties information that includes the amount of assistance they expect to receive (including both new 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.
- (2) In order to afford citizens, public agencies, and other interested parties a reasonable opportunity to examine its contents and to submit comments, the Towns will publish a summary of the proposed Consolidated Plan and each subsequent Annual Action Plan and a notice of availability of the document for public review in the Amherst Bee, the Cheektowaga Bee, and the Ken-Ton Bee as a display advertisement at least 30 days prior to its submission to the Department of Housing and Urban Development. Complete copies of the proposed Consolidated Plan and each subsequent Annual Action Plan will be available at each municipality’s website, all Town libraries, the Amherst Planning Department, the Cheektowaga and Tonawanda Community Development Offices, the Village Clerks’ offices in Depew, Sloan, Kenmore and Williamsville and the Town Clerks’ offices. If Town offices or libraries are closed, please access the proposed Consolidated Plan and each subsequent Annual Action Plan online at each municipality’s website. The summary will describe the contents and purpose of the Consolidated Plan and each subsequent Annual Action Plan, and will include a list of the locations where copies of the entire proposed Consolidated Plan and each subsequent Annual Action Plan may be examined. In addition, the Towns will provide a copy of the plan to citizen groups that request it.

- (3) Notice of a public hearing to be held during the development of the Consolidated Plan and each subsequent Annual Action Plan to invite public comments and inquiries will be placed as a display ad in the Amherst Bee, the Cheektowaga Bee, and the Ken-Ton Bee, and each municipalities website at least 14 days prior to the date of the hearing.
- (4) The Towns will consider any comments or views of citizens received in writing including email, or orally at the public/virtual hearings, during the preparation of the final Consolidated Plan and each subsequent Annual Action Plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefore, shall be attached to the final Consolidated Plan and each subsequent Annual Action Plan.

### **Substantial Amendments.**

- (1) Criteria for amendments to the Consolidated Plan and each subsequent Annual Action Plan.

In accordance with federal regulations in 24 CFR, Section 91.505, the following are the Consortium's criteria for what constitutes a definition of substantial change, that is, a change in the purpose, scope, location or beneficiaries of a project considered to be of a substantial nature requiring an amendment to the Consolidated Plan and/or subsequent Annual Action Plans:

- (a) the Purpose or goals of a project are altered or revised so as to be significantly and notably different than those originally intended; or,
- (b) the Scope of a project is changed in such a way that the elements or components that constitute and characterize a project or the range of activities of a project are increased or expanded significantly in proportion to the project's original intent and design so as to meaningfully expand the project's original intent or outcome; or,
- (c) the project is physically Relocated from the census tract, neighborhood or target area for which it was originally intended; or,
- (d) the Beneficiaries are of a different category than those originally identified; or,
- (e) adding a project that is more than 20% of the fiscal year's entitlement allocation to the list of planned activities funded by CDBG, HOME, or ESG funds; or,
- (f) deleting a project that is more than 20% of the fiscal year's entitlement allocation from the proposed list funded by CDBG, HOME, or ESG funds.

Any amendment will also include reasons for these changes.

- (2) In order to provide citizens with reasonable notice and an opportunity to comment on substantial amendments, the appropriate Town will place a display ad in its official newspaper, (the Amherst Bee, the Cheektowaga Bee, and the Ken-Ton Bee, and the municipality's website) at least 30 days prior\*\* to implementation of any substantial amendment.
- (3) The appropriate Town will consider any comments or views of citizens received in writing including email, or orally via in-person or phone conversations, in preparing the

substantial amendment of the Consolidated Plan and/or subsequent Annual Action Plans. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefore shall be attached to the substantial amendment of the Consolidated Plan and/or subsequent Annual Action Plans.

- (4) Minor amendments will be approved by the appropriate Town Board and will not require public notification or comment period.

\*\* For CDBG and ESG funding under FY 2020 and earlier, each Town may provide a 5-day notice/comment period of a proposed substantial amendment beginning May 29, 2020 and expiring March 31, 2021 as allowed under a HUD waiver dated March 31, 2020. This includes any new activities proposed. A public/virtual hearing is not required but documentation relative to the substantial amendment planning applies.

\*\* For CDBG-CV (Coronavirus Aid, Relief, and Economic Security Act – CARES Act) funding, each Town may provide a 5-day notice/comment period of a proposed substantial amendment (without date restrictions) as allowed under the CARES Act. This includes any new activities proposed. A public/virtual hearing is not required but documentation relative to the substantial amendment planning applies.

\*\* For ESG-CV (CARES Act) funding, consultation and citizen participation are not required as allowed under the CARES Act. However, the Town must publish how its allocation has and will be used, on the municipality's website. A public/virtual hearing is not required but documentation relative to the substantial amendment planning applies.

\*\* For HOME funding under FY 2020 and earlier, each Town may provide a 5-day notice/comment period of a proposed substantial amendment beginning May 29, 2020 (with no expiration date) as allowed under a separate HUD waiver dated April 10, 2020. This includes any new activities proposed. A public/virtual hearing is not required but documentation relative to the substantial amendment planning applies.

### **Consolidated Annual Performance and Evaluation Report.**

- (1) Reasonable notice and an opportunity to comment on the Consolidated Annual Performance and Evaluation Report will be provided by each Town through display ads published in the Amherst Bee, the Cheektowaga Bee, and the Ken-Ton Bee at least 15 days prior to its submission to the Department of Housing and Urban Development. Copies of the Consolidated Annual Performance and Evaluation Report will be available for review through each municipality's website, at local libraries, the Amherst Planning Department in the Amherst Town Hall, the Cheektowaga and Tonawanda Community Development offices, the Town Clerks' offices and the Village Clerks' offices and will be made available by each Town to citizen groups that request it. If Town offices or libraries are closed, please access the Consolidated Annual Performance and Evaluation Report online at each municipality's website.
- (2) Each town will consider any comments or views of citizens received in writing including email, or orally via in-person or phone conversations in preparing the Consolidated

Annual Performance and Evaluation Report. A summary of these comments or views will be attached to the Consolidated Annual Performance and Evaluation Report.

**Public hearings.**

- (1) At least two public hearings per year will be held to obtain citizens' 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 AI/AFH, and review of program performance. To obtain the views and comments of citizens on housing and community development needs, including priority non-housing community development needs and affirmatively furthering fair housing, at least one of these hearings will be held before the proposed Consolidated Plan and each subsequent Annual Action Plan is published. To obtain the views of the community on AI/AFH-related data and affirmatively furthering fair housing in the A-C-T Home Consortium's housing and community development programs, at least one public hearing will be held before the proposed AI/AFH is published for comment. The Consolidate Plan and AI/AFH public hearings may be held concurrently.
- (2) Adequate advance notice will be given to citizens of each hearing, with sufficient information published about the subject of the hearing to permit informed comment. These notices will be in the form of display ads placed in the Amherst Bee, the Cheektowaga Bee, the Ken-Ton Bee, and each municipality's website approximately 14 days prior to the hearings.
- (3) These hearings will be held at times and locations in each town convenient to potential and actual beneficiaries, and with accommodation for persons with disabilities. A signer will be provided, upon request, for the hearing impaired. Consult each municipality's Language Access Plan regarding the specifics surrounding translation services for those with Limited English Proficiency.
- (4) If virtual hearings are used, real-time responses and accommodation for persons with disabilities and/or with limited English proficiency will be made available to the greatest extent possible. Also, the virtual hearing method will only be used in lieu of in-person hearing if national or local health authorities recommend social distancing and limit public gatherings for public health reasons.

**Meetings.**

The Towns will provide citizens with reasonable and timely access to local meetings, notice of which will be placed in the Amherst Bee, the Cheektowaga Bee, the Ken-Ton Bee, and each municipality's website.

In the event that the Town's government/public buildings are closed to the public, virtual meetings and virtual hearings may be used instead. Check each municipality's website for notices of all public meetings including virtual hearings.



**Availability to the public.**

The AI/AFH as adopted, any revisions to the AI/AFH, the five-year Consolidated Plan as adopted, each subsequent Annual Action Plan as adopted, any Substantial Amendments to the Consolidated Plan or its five Annual Action Plans, and each year's Consolidated Annual Performance and Evaluation Report will be available to the public, including the availability of materials in a form accessible to persons with disabilities, upon request. These can be reviewed through each municipality's website, at local libraries throughout the three towns and the Town Clerks' offices or provided to interested citizen groups upon request through the Amherst Planning Department and the Community Development offices of Cheektowaga and Tonawanda.

The A-C-T Home Consortium will make every effort to ensure that Limited English Proficient (LEP) persons have meaningful access to federally funded programs and services through either oral interpretation or written translations of vital documents, as is required under Title VI of the Civil Rights Act of 1964. Consult each municipality concerning their specific Language Access Plan.

**Access to records.**

Each Town will provide citizens, groups, public agencies, and other interested parties with reasonable and timely access to information and records relating to the Consortium's AI/AFH, Consolidated Plan, and its use of assistance under the programs covered by it during the preceding five years as required by the Freedom of Information Act. Copies of records will be provided on or about a date that will be specified by the CD Office. The number of copies that are requested will determine the date they will be provided.

**Technical assistance.**

Technical assistance will be provided to groups representative of persons of low- and moderate-income that request such assistance in commenting on the AI/AFH and in developing proposals for funding assistance under any of the programs covered by the Consolidated Plan, with the level and type of assistance determined by the Towns. (This assistance does not include the provision of funds to the groups.)

**Complaints.**

Appropriate and practicable procedures to handle complaints from citizens related to the AI/AFH, any revisions to the AI/AFH, the five-year Consolidated Plan, each subsequent Annual Action Plan, any substantial amendments to the Consolidated Plan or its five Annual Action Plans, and each year's Consolidated Annual Performance and Evaluation Report will be addressed by each town in a timely and substantive manner. A written response to every written citizen complaint, within an established period of time (within 15 working days, where practicable,) will be provided by the appropriate Town.

**Use of Citizen Participation Plan.**

The Towns must follow the Citizen Participation Plan.

**Town (Jurisdiction) responsibility.**

The requirements for citizen participation do not restrict the responsibility or authority of the Towns for the development and execution of the AI/AFH or Consolidated Plan. (Approved by the Office of Management and Budget under control number 2506-0117).

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