

MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: Planning and Urban Development Department
Housing and Community Development Division

DATE: March 12, 2014

DISTRIBUTION: (City Manager, Mayor, Corporation Counsel, Sonia Bean, Nancy English)

SUBJECT: Order Adopting Housing & Community Development Citizen Participation Plan

SPONSOR: City Manager

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading March 17 Final Action April 7

Can action be taken at a later date: _____ Yes X No (If no why not?)

HUD is requiring that this revised plan be adopted during the approval process for the HUD Annual Action Plan.

PRESENTATION: Mary Davis, Housing and Community Development Division Director will be present to answer any questions.

I. SUMMARY OF ISSUE (Agenda Description)

As a HUD entitlement community, the City is required to have a Citizen Participation Plan. The City Council adopted Portland's Citizen Participation Plan as part of the five year Consolidated Plan for 2010-2015 and adopted the plan it as a stand-alone plan on July 15, 2013. Upon submitting the plan to HUD we were notified that modifications to the plan would be required.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

HUD requires that the Citizen Participation Plan be adopted by the governing body of the entitlement community. In order to recognize the City's Citizen Participation Plan, a public comment period and public hearing process must be observed.

III. INTENDED RESULT

If adopted by the Council, the Citizen Participation Plan would be the guiding document which outlines community involvement in the allocation of HUD funded programs such as the Community Development Block Grant Program, the HOME Program and the ESG Program.

IV. COUNCIL GOAL ADDRESSED

HUD Program funds are an important resource utilized by the City to meet several of the Council Goals including:

Provide increased availability in all segments of the housing market while insuring that there is a suitable balance of housing opportunities among those sectors.

Develop a transportation system that advances healthy living, minimizes environmental impacts and promotes the local economy by advancing opportunities for mass transit, bicycle use and walking.

Promote Economic Development in the City in a manner that provides for increased property values, diversification across industry sectors, and high paying jobs.

Prevent and end homelessness in the City of Portland by continuing to implement the recommendations of the homelessness task force

V. FINANCIAL IMPACT

The City of Portland would not be eligible to receive HUD funding without an approved Citizen Participation Plan.

VI. STAFF ANALYSIS

The Citizen Participation Plan describes the processes and procedures the City follows in order to ensure that there is an open and effective public process for the allocation of Community Development Block Grant and other HUD program funds. The plan encourages input to the process, and accessibility of information for all Portland residents, regardless of physical ability or English proficiency. It also prioritizes encouraging participation from low and moderate income residents of Portland.

This newest version of the plan does not significantly alter any processes and procedures currently followed, but instead more accurately articulates and clarifies current practices, and refines others to better adhere to HUD regulations, such as timing of public comment periods.

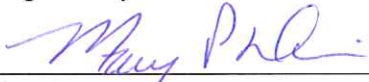
VII. RECOMMENDATION

Staff requests that the attached Citizen Participation Plan, be approved and adopted by the Council at its April 7 meeting so that it can be submitted to HUD with our FY 2014-2015 Annual Action Plan.

VIII. LIST ATTACHMENTS

Proposed Citizen Participation Plan

Prepared by:

A handwritten signature in blue ink, appearing to read "Mary Davis", written over a horizontal line.

Signature

Mary Davis, Division Director
Housing and Community Development

March 12, 2014

Date

City of Portland, Maine Citizen Participation Plan



Adopted as Part of the 2014-2015 Consolidated Annual Action Plan
May, 2014
Updated

Prepared by
Housing & Community Development Division
City of Portland, Maine
389 Congress Street Room 312
Portland, ME 04101



CITY OF PORTLAND, MAINE Citizen Participation Plan

The Citizen Participation Plan describes the processes and procedures the City follows in order to ensure that there is an effective public process for the allocation of Community Development Block Grant and other U.S. Department of Housing and Urban Development (HUD) Program funds. These programs are meant to benefit the community, particularly low to moderate income Portland residents. Thus, the Plan encourages input and participation from all citizens, non-profit organizations, other interested parties, especially low-income persons and public housing residents, and organizations representing these groups. This plan is in accordance with federal regulations at 24 CFR Part 91.105.

The Plan also details how residents can access meetings, information and public hearings on the Consolidated Housing and Community Development Plan, the Annual Action Plan, the Consolidated Annual Performance and Evaluation Reports (CAPER), and the Analysis of Impediments to Fair Housing. Housing and Community Development Division staff, who administer the programs, is available to provide technical assistance and facilitate other accommodation requests, such as translation for limited English speakers, or access and accommodation for disabled persons.

The City of Portland Housing and Community Development Division can be reached at:

Portland City Hall
389 Congress Street
Room 312
Portland, ME 04101
(207) 756-8246
TTY: (207) 874-8936

Department and program information can also be found at: <http://www.portlandmaine.gov>

1. Public Reports and Comment Period

The City of Portland prepares the following plans and reports about its HUD programs.

Document	Description	Length of Public Comment Period
Five Year Consolidated Plan	Five year plan that identifies City goals, priorities, and needs, and strategies to address them.	30 days
Annual Action Plan	Describes activities the City will fund and undertake in the coming year in order to benefit low to moderate income residents, in accordance with the Consolidated Plan.	30 days
Consolidated Annual Performance and Evaluation Report (CAPER)	Describes activities undertaken in the previous year and reviews program performance.	15 days
Analysis of Impediments to Fair Housing	Outlines actions to overcome barriers, impediments, or discrimination that Portland residents face in accessing and maintaining housing.	30 days

Prior to adoption of the Five Year Consolidated Plan, Annual Action Plans, and Consolidated Annual Performance Evaluation Reports (CAPER), the City will make available to citizens and public agencies, such as the Cumberland County Community Development office, the Consortium of Care, Portland Housing Authority, etc., as well as other interested parties, a summary of the plan or report published in a local newspaper and on the City web site. A reasonable number of free hard copies will also be made available for review at City Hall in the Housing and Community Development Office, Room 312, at the Portland Public Library, 5 Monument Square, and the Cumberland County Community Development office at 142 Federal Street. The report or summary will contain information regarding the purpose and process for developing the Plan, the anticipated funding to be received, the estimated amount of funding that will benefit persons of low and moderate income, and the range of activities that are eligible and planned to be undertaken, or have been undertaken and the locations where copies of the plan or report are available. These publications will commence a 30 day comment period for the Five Year Plan and the Annual Action Plan, and a 15 day comment period for the Consolidated Annual Performance Evaluation Reports (CAPER).

2. Public Hearings and Meetings

The City holds a number of public hearings each year to obtain citizen input and comments on the Consolidated Plan, the Annual Action Plan and the Consolidated Annual Performance Evaluation Report (CAPER). All such meetings and hearings are held in handicapped-accessible, public locations, primarily City Hall and other community centers.

A) City Council Meetings - Two public hearings are held in March or April, prior to the City Council's adoption of the Consolidated Plan and the Annual Action Plan. A third

hearing to review program performance is typically held in September or October prior to the adoption of the CAPER. The City notifies the general public of the time and dates of the hearing by placing a legal advertisement in the local daily paper two weeks prior to the date of the hearing. The notice contains at a minimum the amount of assistance the City expects to receive (including grant funds and program income); the range of activities that may be undertaken; the estimated amount of funding that will benefit persons of low- and moderate-income; the City's plans to minimize displacement of persons and to assist any persons displaced; and when and how the City will make this information available. The City also notifies public agencies, organizations and other stakeholders through email or mail at least 15 days prior to the hearing. Information is also always posted on the City of Portland's website.

B) Neighborhood Meetings – CDBG Neighborhood meetings are held annually, in September or October, in the City's low to moderate income eligible neighborhoods (neighborhoods where at least 51% of persons or families earn below 80% of the Area Median Income). The meetings are held at convenient times, in handicap accessible locations such as community centers, city hall or public school buildings and feature presentations describing the CDBG program, Citizen Participation Plan, eligible activities and funded projects that have been completed in these neighborhoods. A discussion follows focusing on potential projects or project types for each neighborhood. Advertisement and outreach for these meetings are provided by press releases, mailings to all residents in income-eligible areas, ads in local newspapers, email list-serves of neighborhood organizations and interested parties, and postings at public housing properties.

C) Housing & Community Development Committee Meetings – This committee meets twice a month and regularly addresses HUD program topics. Meetings are noticed and open to the public.

3. CDBG Priority Task Force

The CDBG Priority Task Force is a Council appointed Task Force which convenes every few years to develop priorities and provide advice to the City Manager and City Council on the Housing and Community Development needs of the City, including social, economic, housing, and neighborhood revitalization needs. This group should consist of 9-16 Portland residents representing diverse and relevant populations and expertise that could include but is not limited to: a) residents of eligible neighborhoods; b) low and moderate income Portland residents; c) renters and d) landlords; individuals who are knowledgeable about e) planning and f) economic development; g) public service representatives from various areas of expertise; h) Portland housing authority (resident or worker); i) senior citizens; j) young persons (under 30); k) immigrant and refugees; and an individual with a l) disability. All meetings of the Task Force are noticed and open to the public. A new Task Force is appointed every three to five years. Task Force membership lasts the duration of the priority setting process for that year, approximately six months to one year.

4. CDBG Annual Allocation Committee

The CDBG Annual Allocation Committee is a Council appointed volunteer Committee responsible for reviewing and scoring Community Development applications and making funding recommendations to the City Manager and the City Council each year. All Committee meetings are open to the public. Dates, agendas, backup materials, and minutes are posted to the City of Portland's website and updated regularly during the

months the Committee meets, typically December through February. The CDBG Allocation Committee is a standing Committee where members serve three year terms. This group should consist of 7-10 Portland residents, who will serve staggered three year terms. Conflict of interest should be minimized; no staff, board members, contractors or anyone receiving financial gain from an applicant's proposal can participate on this committee. The City advertises one to two times per year (in the local newspaper and the web site, etc.) for persons interested in being on this Committee.

5. Technical Assistance and Outreach

The City's Housing and Community Development Division provides technical assistance to any organization, agency or individual serving or interested in serving low income neighborhoods and persons for the purpose of developing proposals to request funding under Housing and Community Development programs and activities. Technical assistance is available upon request from the Department at City Hall, Room 312, 389 Congress Street, or by calling (207) 874-8731.

The City of Portland's Island and Neighborhood Services Administrator is another resource that residents and neighborhood organizations can contact regarding information about CDBG or other City needs. This position operates as a conduit between residents or neighborhood organizations and the appropriate City Department. Information is also shared with the City Councilors so they are aware of the concerns of their constituents. The transmission of information occurs through phone calls, emails, and during monthly meetings with neighborhood organizations throughout the City and especially in the eligible neighborhoods, where neighborhood organizations are very active and engaged in City processes. This position also serves as the program's fair hearing officer. The Island and Neighborhood Services Administrator can be reached at (207) 756-8288 or TTY: (207) 874-8936.

6. Access to Records and Information

Residents, public agencies and other interested parties will also have access to records relating to the City's Consolidated Plan, proposed activities and the use of funding over the previous five years. Records are available at the Housing and Community Development office, Room 312 City Hall, 389 Congress Street.

Translation and interpretation services for non-English speaking persons will be made available for materials or meetings upon request. In addition, all reports and meeting notices will include a statement and contact information in appropriate languages indicating that document translation and interpretation is available. It is the City's policy to provide any and all reasonable accommodations for its disabled or non-English speaking citizens to access any materials, presentations, or locations relative to City programs, including providing oral, Braille, electronic, or large print copies of materials for the visually impaired; and delivering copies of materials to the homebound. Such requests can be made by contacting the Housing and Community Development division at City Hall, Room 312, 389 Congress Street, or by calling (207) 874-8731, TTY: (207) 874-8936.

7. Comments and Complaints

The City considers all comments, whether received in writing or orally, during the development of the Consolidated Housing and Community Development Plan and related Annual Action Plans and Consolidated Annual Performance and Evaluation Reports

(CAPER). Comments or Complaints can be submitted orally at public meetings or in written form at any time. A summary of the comments received in the preparation of the Plan, will be attached to the final Consolidated Plan, Annual Action Plan, amendment to the Plan or Consolidated Annual Performance Report.

The City responds to all substantive complaints regarding the Consolidated Plan, or activities implemented under the Plan, in writing within 15 working days of receiving said complaints where feasible. If a complainant remains unsatisfied, staff brings the complaint to the City Manager for review and resolution. If warranted, the City Manager may refer the complaint to the City Council for review and resolution. All comments and complaints should be directed either in writing or orally to the City's Housing and Community Development Program Manager (207) 874-8731, City Hall, Room 312, 389 Congress Street, Portland, ME 04101 or the Director of Housing and Community Development (207) 874-8711, City Hall, Room 312, 389 Congress Street, Portland, ME 04101.

8. City of Portland Website and Social Networking Sites

The City of Portland's website provides up-to-date information on the Community Development Block Grant, HOME Program, and Emergency Solutions Grant. The CDBG application, process, dates and additional information is listed and updated regularly on the website. The current Citizen Participation Plan, Consolidated Plan, Consolidated Annual Performance and Evaluation Reports (CAPER), and Annual Action Plans are available on the web site all year. The website can be accessed at: <http://www.portlandmaine.gov> . The City will also ensure that electronic materials are accessible via screen reader technology for the visually impaired and that translation of website content is available. The Planning & Urban Development Department also shares program information and announcements via Twitter under the handle @PortlandPlan.

9. Amendments to the Consolidated Housing and Community Development Plan

Due to changes in local needs during the program year, amendments and revisions to the Consolidated Plan may be necessary. Some of them may be substantial amendments that significantly alter the priorities of the 5-year strategy and the activities within the Annual Plan. Most will be minor in nature, requiring only insignificant shifting of funds from one account to another in order to complete an approved activity. This may include the reprogramming of contingency or surplus funds. The following criteria will govern how the City implements substantial amendments and funding revisions.

A) Minor amendments. Unless a change qualifies as a substantial amendment (see below) the City Manager or his/her designee will amend the City's approved plan whenever one of the following decisions is made:

- (1) To make a change in its allocation priorities or a change in the method of distribution of funds;
- (2) To carry out an activity, using funds from any program covered by the consolidated plan (including program income), not previously described in the action plan; or
- (3) To change the purpose, scope, location, or beneficiaries of an activity.

Each amendment must be authorized by the City Manager or his designee, and submitted to HUD. All amendments will also be made public by posting on the City

of Portland's website, and made available during business hours in the Department of Planning and Urban Development (Division of Housing and Community Development) City Hall, Room 312. Additionally, members of the public may request a copy of any proposed substantial amendment via email request to the City's CDBG Program Manager. The amendment may be implemented immediately after submitting it to HUD and making it public.

- B) Substantial amendment.** A substantial amendment to the Consolidated Plan or Annual Action Plan is defined by the City as a transfer of funds between two or more approved Plan activities that is greater than 50% of that year's annual allocation of ESG program funds, 10% of that year's annual allocation of HOME program funds, and 5% of that year's annual allocation of the CDBG program funds.

Substantial amendments to the Plan will be presented to the Portland City Council for review and approval. This meeting will be advertised as a City Council action; open to the public; provide opportunity for public comment in writing or orally on the proposed substantial amendment. The public will be notified of all substantial amendments by an advertisement of the proposed amendment in a local newspaper, and posting on the City's web site. The advertising of the substantial amendment will begin a thirty (30) day citizen review and comment period. The City will consider any comments or views of citizens received in writing or orally during the comment period. The City Manager will submit to HUD a letter authorizing the amendment after the thirty-day comment period and City Council approval, and will implement the amendment at that time.

- C) Funding revisions.** Funding revisions are defined as minor programmatic or budgeting changes necessary to fund new activities or secure adequate funding to complete approved activities. For this purpose, a "new activity" is defined as a project or projects not originally submitted for funding during that year's CDBG program application process. Funding revisions will be addressed in the following ways.

(1) Any new activities proposed to be funded in an amount less than the substantial amendment thresholds stated above, with either reprogrammed contingency, unallocated funds, additional funds allocated by HUD, or with monies from another account will require approval from the City Manager.

(2) Any fund transfer from one approved activity to another in an amount less than the substantial amendment thresholds stated above, but in an amount that increases the underfunded activity *in excess of* 25% of the original allocation shall be approved by the Director of Planning and Urban Development.

(3) Any fund transfer from one approved activity to another in an amount less than the substantial amendment thresholds stated above, but in an amount that increases the underfunded activity *less than* 25% of the original allocation shall be approved by the Department's Housing and Community Development Director.

10. Displacement

In accordance with CDBG and HOME Program regulations, the City of Portland shall discourage displacement of families and individuals from their homes as a result of HOME or CDBG-assisted activities. Furthermore, the City will take all reasonable steps, consistent with the overall goals of the program, to minimize displacement. These steps include:

- 1) Requiring the replacement of all occupied and vacant low or moderate income dwelling units that are demolished or converted to a use other than low or moderate income housing in connection with an activity assisted by CDBG or HOME funds, with comparable low or moderate income dwelling units; or through payment into the housing replacement fund.
- 2) Requiring the provision of relocation assistance through either the URA, as described in 49 CFR Part 24, or through Section 104(d) of the Housing & Community Development Act.