

Fort Smith Citizen Participation Plan

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Introduction

In 1994, the U.S. Department of Housing and Urban Development (HUD) issued new rules consolidating the planning, application, reporting and citizen participation processes of four formula grant programs: Community Development Block Grants (CDBG), Home Investment Partnerships (HOME), Emergency Shelter Grants (ESG) and Housing Opportunities for Persons with AIDS (HOPWA). The new single-planning process was intended to more comprehensively fulfill three basic goals: to provide decent housing, to provide a suitable living environment and to expand economic opportunities.

Provision of decent housing may involve assisting homeless persons in obtaining appropriate housing, retaining the affordable housing stock, increasing the availability of permanent affordable housing for

low-income households without discrimination, and / or increasing supportive housing to assist persons with special needs. Providing a suitable living environment might entail improving the safety and livability of neighborhoods, including the provision of adequate public facilities; deconcentrating housing opportunities and revitalizing neighborhoods; restoring and preserving natural and physical features with historic, architectural, and aesthetic value; and conserving energy resources. Expanding economic opportunities can involve creation of accessible jobs, providing access resources for community development, and assisting low-income persons to achieve self-sufficiency.

The Consolidated Plan is actually a three-part planning process required by HUD. It comprises developing a five-year strategic plan, preparing annual action plans and submitting annually performance reports. These three parts are intended to furnish the framework whereby the City of Fort Smith can identify its housing, homeless, community, and economic development needs, identify resources that will be tapped and actions to be taken that will address the needs, as well as look back and evaluate the City's progress toward achieving its strategic goals; completing these documents on time and in a manner that is acceptable to HUD ensures program funding.

The precursor to the Consolidated Plan is the Citizen Participation Plan (CPP). The objectives of the CPP are to ensure that the citizens of Fort Smith, particularly persons of low-and moderate-income, persons living in slum and blight areas, units of local government, housing agencies and other interested parties, are provided with the opportunity to participate in the planning and preparation of the Consolidated Plan, including amendments to the Consolidated Plan and the Annual Performance Report. In doing so, the CPP sets forth general policies and procedures for implementing and carrying out the Consolidated Planning process, such as how the Consolidated Plan will be developed, dates and milestones along which the process will proceed, and methods for citizens to offer the City of Fort Smith assistance and guidance in the formulation of the Consolidated Plan. Furthermore, the provisions of the CPP fulfill statutory and regulatory requirements for citizen participation specified in the U.S. Department of

Housing and Urban Development's rules for the Consolidated Plan, the HOME Investment Partnerships

(HOME) Program, the Community Development Block Grant (CDBG) Program, the Emergency Shelter Grants (ESG) Program and the Housing Opportunities for Persons with AIDS (HOPWA) Program. In the City of Fort Smith, the Community Development Department administers CDBG and HOME Investment Partnership Act funds. The Community Development Department is the lead agency for developing the Consolidated Plan.

In order to ensure maximum participation in the Consolidated Planning process among all populations and needs groups, and in order to ensure that their issues and concerns are adequately addressed, the Director of Community Development will follow the standards set forth in its adopted CPP during development of its Consolidated Plan, Action Plan and Annual Performance Report.

Encouraging Citizen Participation

The Consolidated Plan is designed to enumerate the City of Fort Smith's overall strategy for coordinating federal and other housing and community development resources to provide decent housing, establish and maintain a suitable living environment, and expand economic opportunities, particularly for low-and moderate-income persons.

Interested groups and individuals are encouraged to provide input into all aspects of Fort Smith's Consolidated Planning activities, from assessing needs to setting priorities through performance evaluation. By following the CPP, numerous opportunities for citizens to contribute information, ideas and opinions about ways to improve our neighborhoods, promote housing affordability and enhance the delivery of public services to local residents will occur.

The City of Fort Smith is committed to keeping all interested groups and individuals informed of each phase of the Consolidated Planning process and of activities being proposed or undertaken under HUD formula grant programs. Opportunities to comment on or participate in planning community development and affordable housing activities and projects will be publicized and disseminated throughout the City of Fort Smith.

Public Hearings and Meetings

The City will conduct at least two (2) public hearings to obtain citizens' views and to respond to proposals and questions. The hearings will take place at different stages of the Consolidated Planning process. At least one will occur prior to development of the Draft Plan and will be intended to solicit public input regarding distinct issues, thereby aiding policy formation. At least one more will occur after the Draft Plan has been released for public review, allowing interested parties an opportunity to review the strategies and how they were developed, designed and presented.

Information about the time, location and subject of each hearing will be provided to citizens at least seven (7) calendar days in advance through adopted public notice and outreach procedures. This notification will be disseminated to local governments and other interested parties. Public notification of the hearings will be published in the local newspaper. Community Development Department staff may also attend other meetings and conventions in the City of Fort Smith throughout the year, thereby providing an opportunity for additional public information on the Consolidated Plan.

Every effort will be made to ensure the public hearings are inclusive. Hearings will be held at convenient times and locations and in places where people most affected by proposed activities can attend. The Director of Community Development will utilize hearing facilities that are accessible to persons with mobility impairments. If written notice is given at least seven (7) days before a hearing date, the City of Fort Smith will provide appropriate materials, equipment and interpreting services to facilitate the participation of non-English speaking persons and persons with visual and / or hearing impairments. Interpreters will be provided at public hearings where a significant number of non-English speaking residents can be reasonably expected to participate. All public hearings and public meetings associated with the Consolidated Planning process will conform to applicable Arkansas open meeting laws.

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.

However, the Director of Community Development may, at its discretion, actively solicit input on housing and community development issues in during the course of the year with other forums, town hall meetings and other venues, as they may present themselves.

For CDBG-CV funding under PY 2019 and, and the Coronavirus Aid, Relief, and Economic Security Act or CARES Act, and/or any additional funding granted in response to COVID-19 health crisis, the city may provide a 5-day notice/comment period of a substantial amendment beginning May 9, 2020 as allowed under a HUD waiver. This includes any new activities proposed. A public hearing is not required but documentation relative to substantial amendment activity planning applies.

Publication of Consolidated Plan Documents

The Director of Community Development will publish the Draft Consolidated Plan for public review in a manner that affords citizens, public agencies and other interested parties a reasonable opportunity to examine its contents and submit comments. The Draft Plan will be a complete document and shall include:

- The amount of assistance the City of Fort Smith expects to receive; and,
- The range of activities that may be undertaken, including the estimated amount that will benefit persons of low-and moderate-income.

A succinct summary of the Draft Plan will be published in a newspaper of general circulation at the beginning of the public comment period. The summary will describe the contents and purpose of the Consolidated Plan (including a summary of specific objectives) and include a list of the locations where copies of the entire proposed Consolidated Plan may be obtained or examined. The following are among the locations where copies of the public comment Draft Plan will be made available will be provided in each notice. Once the COVID-19 pandemic has been declared over, copies may be inspected at:

- Community Development Department located at 623 Garrison Ave.; Room 331 OR

The entire proposed Draft Plan and Adopted Plan will be online at:

- City of Fort Smith's website at www.fortsmithar.gov

Citizens and groups may obtain a reasonable number of free copies of the proposed Consolidated Plan by contacting the Director of Community Development at (479) 784-2209 or the document may be downloaded from the City's website at www.fortsmithar.gov

Public Comments on the Draft Consolidated Plan and Annual Action Plans

The City of Fort Smith's Community Development Department, as lead agency, will receive comments from citizens on its Draft Plan for a period not less than thirty (30) days prior to submission of the Consolidated Plan or Annual Action Plans to HUD. The Draft Annual Action Plan will be scheduled for release in March of each year.

All comments or views of citizens received in writing during the thirty (30) day comment period will be considered in preparing the final Consolidated 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.

The Director of Community Development will inform those on its mailing list of the availability of the final Plan document and of any HUD comments on the Consolidated Plan.

For CDBG-CV funding under PY 2019 and, and the Coronavirus Aid, Relief, and Economic Security Act or CARES Act, and/or any additional funding granted in response to COVID-19 health crisis, the city may provide a 5-day notice/comment period of a substantial amendment beginning May 9, 2020 as allowed under a HUD waiver. This includes any new activities proposed. A public hearing is not required but documentation relative to substantial amendment activity planning applies.

Public Notice and Outreach

An informed citizenry is critical to effective and responsive housing and community development programs. Efforts to educate residents and empower their participation are an ongoing element of the Consolidated Planning process.

As the fundamental means of notifying interested citizens about the Consolidated Plan and related activities, such as the Annual Action Plan or the Consolidated Annual Performance and Evaluation Report, the Director of Community Development will utilize advertisement notices in newspapers of general circulation. Such notices will be published at least seven (7) calendar days prior to public hearings. All notices will be written in plain, simple language and direct efforts will be undertaken to publish and / or post information at locations that will elicit maximum low-and moderate-income and minority participation.

Public education and outreach will be facilitated through the use of Public Advertisements that describe the Consolidated Planning process, opportunities for citizen participation and available funding through the CDBG and HOME program; The City's Consolidated Plan mailing list will likely include social service organizations, local jurisdictions, low-income housing consumers, neighborhood groups, previous participants and commentators, and others expected to desire input on the Plan. This list is updated periodically and is available for inspection at the Community Development Department.

For CDBG-CV funding under PY 2019 and, and the Coronavirus Aid, Relief, and Economic Security Act or CARES Act, and/or any additional funding granted in response to COVID-19 health crisis, the city may provide a 5-day notice/comment period of a substantial amendment beginning May 9, 2020 as allowed under a HUD waiver. This includes any new activities proposed. A public hearing is not required but documentation relative to substantial amendment activity planning applies.

Technical Assistance

Groups or individuals interested in obtaining technical assistance to develop project proposals or applying for funding assistance through HUD formula grant programs covered by the Consolidated Plan may contact the Director of Community Development. Such assistance may be of particular use to community development organizations, non-profit service providers, and for-profit and non-profit housing development groups that serve or represent persons of low-and moderate-income. Pre-application workshops offer basic program information and materials to potential project sponsors, and the Director of Community Development will provide in-depth guidance and assistance to applicants and program participants on an on-going basis. Emphasis is placed on capacity development of community-based organizations.

Amendments to the Consolidated Plan

Pursuant to HUD regulations, an amendment to the Consolidated Plan is required whenever the Jurisdiction determines to:

- Substantially change the allocation priorities or its method of distributing HUD formula grant funds;
- Utilize formula grant funds (including program income) to carry out activities not previously described in the Action Plan; and,
- Change the purpose, scope, location or beneficiaries of an activity.

Such changes, prior to their implementation, are reviewed under various federal or local requirements, particularly rules on procurement and / or policies on the allocation of public resources. Substantial amendments to the Consolidated Plan are, in addition, subject to a formal citizen participation process. Notice and the opportunity to comment will be given to citizens through public notices in local newspapers and other appropriate means, such as direct mail or public meetings. A public comment period not less than thirty (30) days will be provided prior to implementing any substantial amendment to the Consolidated Plan. The Director of Community Development will prepare a summary of all comments received in writing and, in cases where any citizens' views are not accepted, provide reasons for the decision. This documentation will be attached to the substantial amendment, which will be available to the public and submitted to HUD.

Substantial Amendments

Occasionally, public comments warrant an amendment to the Consolidated Plan. The criteria for whether to amend is referred to by HUD as Substantial Amendment Criteria. The following conditions are considered to the "Substantial Amendment Criteria":

1. Any change in the described method of distributing funds to local governments or non-profit organizations to carry out activities; Elements of a "method of distribution" are:
 - A. Application process for non-profits;
 - B. Allocation among funding categories;
 - C. Grant size limits; and,
 - D. Criteria selection.
2. An administrative decision to reallocate all the funds allocated to an activity in the Action Plan to other activities of equal or lesser priority need level, unless the decision is a result of:
 - A. Federal government recall of appropriated funds, or appropriates are so much less than anticipated that the City makes an administrative decision not to fund one or more activities; or
 - B. The governor declares a state of emergency and reallocates federal funds to address the emergency; and,
 - C. A unique economic development opportunity arises where the City administration asks that federal grants be used to take advantage of the opportunity.

Minor Amendments

A minor amendment is no more than 10% of the total annual allocation of any program fund including any un-programmed funds. A minor amendment would allow for:

- Transfer of funds for an organization that is unable to enter into an agreement with the City for the activity,
- An activity cancellation either by city administration or the organization in the approved plan,
- Un-programmed funds can be used for up to 10% of the original activity allocation for cost overruns (except for Public Service activities). Administrative services are subject to federal regulations.
- The city administration will determine when the annual program allocation balance is expended sufficiently, that un-programmed funds are no longer needed and the funds transferred as described below.

Any transfer of funds as described in the above bullets will be placed in the Fort Smith Housing Rehabilitation Assistance Project / Activity. These activities are exempt from the citizen participation processes. All transfers will be reported and available for review in the Consolidated Annual Performance and Evaluation Plan (CAPER).

Citizen Participation in the Event of a Substantial Amendment

In the event of a substantial amendment to the Consolidated Plan, the Director of Community Development, depending on the nature of the amendment, will conduct at least one additional public hearing. This hearing will follow a comment period of no less than thirty (30) days, where the proposed substantially amended Consolidated Plan will be made available to interested parties. Citizens will be informed of the public hearing through newspaper notification prior to the hearing, and the notice will appear in at least one newspaper that is circulated citywide.

For CDBG-CV funding under PY 2019 and, and the Coronavirus Aid, Relief, and Economic Security Act or CARES Act, and/or any additional funding granted in response to COVID-19 health crisis, the city may provide a 5-day notice/comment period of a substantial amendment beginning May 9, 2020 as allowed under a HUD waiver. This includes any new activities proposed. A public hearing is not required but documentation relative to substantial amendment activity planning applies.

Complaints and Grievances

Citizens, administering agencies and other interested parties may submit complaints and grievances regarding the Consolidated Plan. Complaints should be in writing, specific in their subject matter, and include facts to support allegations. The following are considered to constitute complaints to which a response letter is due:

- The administering agency has purportedly violated a provision of this Citizen Participation Plan;
- The administering agency has purportedly violated a provision of federal CDBG or HOME program regulations; and,
- The administering agency, or any of its contractors, has purportedly engaged in questionable practices resulting in waste, fraud or mismanagement of any program funds.

Residents may also present complaints and grievances orally or in writing at the community meetings and / or public hearings. All public comments, including complaints and grievances, made either orally or in

writing with the thirty (30) day public comment period, will be included in the final Consolidated Plan. Such complaints or grievances shall be directed to the Consolidated Plan representative, the City's Director of Community Development.

Timely Response to Complaints or Grievances

Upon receipt of a written complaint, the Director of Community Development shall respond to the complainant within fifteen (15) calendar days and maintain a copy of all related correspondence, which will be subject to Development Services Department review.

Within fifteen (15) calendar days of receiving the complaint, the Director of Community Development shall discuss the matter with the Director of Development Services and respond to the complainant in writing. A copy of the response from the Director of Community Development will be transmitted, concurrently, to the complainant and to the Director of Development Services. If, due to unusual circumstances, the Director of Community Development finds that he / she is unable to meet the prescribed time limit, the limit may be extended by written notice to the complainant. The Director of Community Development's notice must include the reason for the extension and the date on which a response is expected to be generated, which may be based on the nature and complexity of the complaint. Public review materials and performance reports will include data, as appropriate under confidentiality regulations, on any written complaints received and how each was resolved.

Activities Exempt from Substantial Amendment Citizen Participation Requirements

Disaster / Emergency Events

It may be necessary to expedite substantial amendments to the Consolidated Plan in the event of a declared disaster or emergency. There are three types of disasters/emergency events that may necessitate an expedited substantial amendment including (1) Man-Made-disasters, (2) Natural disasters, and (3) Terrorism. Man-made disasters can include chemical spills, mass rioting, power outages, dam failure, plant explosions, etc. Natural disasters can include earthquakes, hurricanes, tornadoes, wild fires, flooding and public health issues such as wide-spread disease such as the recent coronavirus disease 2019 (COVID-19). Terrorism events include bomb threats, biochemical attacks like the spread of anthrax, or cyber-attacks like hacking, phishing, and virus distribution, etc.

These expedited substantial amendments may include funding new activities and/or the reprogramming of funds including canceling activities to meet needs resulting from a declared disaster or emergency. Therefore, the Fort Smith Community Development Department may utilize CDBG, HOME, or ESG funds to meet these needs with a 5-day public comment period instead of a 30-day public comment period, which is otherwise required for substantial amendments. **For CDBG-CV funding under PY 2019 and, and the Coronavirus Aid, Relief, and Economic Security Act or CARES Act, and/or any additional funding granted in response to COVID-19 health crisis, the city may provide a 5-day notice/comment period of a substantial amendment beginning May 9, 2020 as allowed under a HUD waiver. This includes any new activities proposed. A public hearing is not required but documentation relative to substantial amendment activity planning applies; however, the City will publish how the CDBG-CV funding has or will be used on the City of Fort Smith website at www.fortsmithar.gov**

With respect to a declared disaster, the City may elect to use CDBG, HOME, or State of Arkansas funds to address needs not provided for by the Federal Emergency Management Agency (FEMA) and the Small Business Administration (SBA), or other disaster relief efforts. Funding for disaster relief may not duplicate other efforts undertaken by federal, state or local sources unless allowed by the federal government. Potential eligible uses of funds are those that are included in this Citizen Participation Plan, the Consolidated Plan, or any other CDBG, HOME, or State eligible use. HUD may provide new guidance on eligible uses in which the City will comply with and may utilize as well.

All eligible CDBG activities, including those to address declared disasters or emergencies, must meet one of three national objectives which are: (1) Benefit to low- and moderate-income (LMI) persons; (2) Aid in the prevention of slums or blight; and (3) Meet a need having a particular urgency (referred to as urgent need). The City may carry out eligible CDBG activities to meet needs resulting from declared disasters or emergencies under any one of the three national objectives.

Responding to the COVID-19 Pandemic

The City may reprogram up to 50% of PY 2019 and/or PY 2020 and future CDBG, HOME, and State funding to respond to the COVID-19 pandemic.

Funding for activities that have required in-person interaction including, but not limited to, housing rehabilitation assistance, and a variety of community services may be reprogrammed into activities that allow for social distancing such as grab and go or home-delivered meal services, online programming for a variety of clientele including, but not limited to, youth and senior citizens, and various business and microenterprise assistance identified below to respond to or recover from the effects of the COVID-19 pandemic. Please see below for other possible activities that may be funded. Any other possible eligible activity not included below may also be considered. The City will coordinate with an informal committee of subject matter experts before undertaking any activity to respond to the COVID-19 pandemic.

Potential eligible CDBG Activities that may be undertaken to support the COVID-19 response include, but are not limited to:

- Building and Improvements, including Public Facilities such as constructing testing and diagnosis, or treatment facility; rehabilitation of a community facility to establish an infectious disease treatment clinic; acquisition and rehabilitation, or construction of a group living facility that may be used to centralize patients undergoing treatment; rehabilitation of a commercial building or closed school building to establish an infectious disease treatment clinic, e.g. by replacing the HVAC system; acquisition and rehabilitation of a motel or hotel building to expand the capacity of hospitals to accommodate isolation of patients during recovery; or to make interim improvements to private properties to enable an individual patient to remain quarantined on a temporary basis;
- Assistance to Businesses, including Special Economic Development Activities such as providing grants or loans to support new business expansion to create jobs and manufacture medical supplies necessary to respond to infectious disease; avoid job loss caused by business closures related to social distancing by providing short-term working

capital assistance to small businesses to enable retention of jobs held by low- and moderate-income persons; or to provide technical assistance, grants, loans, and other financial assistance to establish, stabilize, and expand microenterprises that provide medical, food delivery, cleaning, and other services to support home health and quarantine;

- Public Services such as job training to expand the pool of health care workers and technicians that are available to treat a disease within a community; provide testing, diagnosis or other services at a fixed or mobile location; increase the capacity and availability of targeted health services for infectious disease response within existing facilities; provide equipment, supplies, and materials necessary to carry out a public service; deliver meals on wheels to quarantined individuals that need to maintain social distancing due to medical vulnerabilities;
- Planning, Capacity Building, and Technical Assistance such as gathering data and developing non-project specific emergency infectious disease response plans; and
- Any other activity allowed under current CDBG regulations.

Urgent Needs

It may be necessary to amend the Consolidated Plan in the event of an emergency such as a natural disaster. These amendments may include funding new activities and / or the reprogramming of funds including canceling activities to meet community development needs that have a particular urgency. Therefore, the City of Fort Smith, acting through the Community Development Department may utilize its CDBG or HOME funds to meet an urgent need without the normal public comment period, which is otherwise required for substantial amendments.

To comply with the national objective of meeting community development needs having a particular urgency, an activity will alleviate existing conditions that the City of Fort Smith certifies:

- Pose a serious and immediate threat to the health and welfare of the community;
- Are of recent origin or recently became urgent;
- The City and the Community Development Department are unable to finance the activity on its own; and,
- Other resources of funding are not available to carry out the activity.

A condition will generally be considered to be of recent origin if it is developed or became critical within eighteen (18) months preceding the Community Development Department's certification;

If HUD allows, such as through a waiver, activities under the urgent need national objective to be funded without the requirement that the City is unable to finance the activity on its own and other resources of funding are not available to carry out the activity, the Community Development Department will only certify that the activity poses a serious and immediate threat to the health

and welfare of the community and is of recent origin or recently became urgent.

Urgent need activities may include, but not limited to, the following:

- Clearance of debris;
- Provision of extra security patrols;
- Demolition, clearance and/or reconstruction of damaged property posing an immediate threat to public safety;
- Emergency reconstruction of essential water, sewer, electrical, medical, and telephone facilities;
- Emergency repair of streets and sidewalks; and,
- Providing a variety of relief services to individuals.

Availability of the Citizen Participation Plan

Copies of the Citizen Participation Plan may be obtained by contacting the Director of Community Development at (479) 784-2209 or on the City's website at www.fortsmithar.gov

Upon request, the Director of Community Development will make the Citizen Participation Plan available in an alternative format accessible to persons with disabilities.

Administrative Updates

Changes to the Consolidated Plan that do not meet the criteria for minor or substantial amendments and do not require citizen participation are defined as administrative updates. Examples of administrative updates include grammatical or structural edits that do not substantially change the scope or meaning of activity; and changes in the coding or eligibility determination of a project that does not change the scope, location, or beneficiaries.

End of Fort Smith Citizen Participation Plan