

# City of Merced Housing Division Citizen Participation Plan



For Submission to the U.S. Department of Housing and Urban Development

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Draft Amendments for City Council Review  
May 18, 2020

**City of Merced  
Citizen Participation Plan**

**Contents**

<b>Section</b>	<b>Page</b>
<b>A. Introduction .....</b>	<b>3</b>
<b>B. Background .....</b>	<b>4</b>
<b>C. Overview .....</b>	<b>5</b>
<b>1. Objective A: Public Input .....</b>	<b>5</b>
<b>2. Objective B: Public Information .....</b>	<b>7</b>
<b>3. Objective C: Public Notice .....</b>	<b>7</b>
<b>4. Objective D: Technical Assistance .....</b>	<b>7</b>
<b>5. Objective E: Comment Inclusion .....</b>	<b>8</b>
<b>D. Public Participation.....</b>	<b>8</b>
<b>1. Citizen Participation Plan and Amendments .....</b>	<b>8</b>
<b>2. Consolidated Plan and the Annual Action Plan .....</b>	<b>9</b>
<b>3. Substantial Amendments to the Consolidated Plan and the Annual Action Plan .....</b>	<b>10</b>
<b>4. Consolidated Annual Performance Evaluation Report (CAPER) .....</b>	<b>11</b>
<b>E. Funding of Public Services .....</b>	<b>12</b>
<b>F. Citizen Participation Summary .....</b>	<b>12</b>
<b>G. Glossary .....</b>	<b>13</b>

## A. INTRODUCTION

The U.S. Department of Housing and Urban Development (HUD) requires entitlement communities (jurisdictions with populations above 50,000) to develop a Citizen Participation Plan\*. This Citizen Participation Plan describes how the City of Merced (hereafter “the City”) will involve residents in the planning, implementation and assessment of how Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funds will be used. It defines the City’s policies and procedures for public participation in the Consolidated Plan (ConPlan) and Action Plan process.

The ConPlan is a five-year strategy required by HUD that outlines how the City intends to meet identified local Housing and Community Development (HCD) needs over a five-year period. Annually an Action Plan is created that describes how federal, state and local resources will be used to address the identified needs and objectives during each respective fiscal year of the five-year ConPlan.

Main components of the ConPlan include a:

1. Housing and Community Development Needs Assessment
2. Housing Market Analysis
3. Analysis of Impediments to Fair Housing Choice
4. Strategy that Reflects General Goals With Performance Outcome Measurements

These assessments assist the City of Merced Housing Division determine annual allocation of HUD funds to address identified needs.

The City’s ConPlan identifies unmet priorities in the community that generally deal with a suitable living environment, affordable housing, economic opportunities and homelessness. Annually the Action Plan is created to address these unmet priorities. HUD funds cannot be used for standard City services or programs that do not meet the National Goals and Objectives or that are not identified in the five-year ConPlan. The Housing Division oversees HUD funding and designs and carries out programs identified in the ConPlan and Annual Action Plan. Once HUD allocations are released, local non-profit or public agencies may submit grant requests for funding of programs identified in the ConPlan. If funding is available, the City can use no more than 15% of its total CDBG annual allocation and previous year’s program income for Public Service Programs.

The planning and approval process for the ConPlan and Action Plan can be broken down into the following stages:

1. Needs Assessment
2. Plan Development
3. Approval Process
4. Amendments
5. Performance Review

The Citizen Participation Process generally includes a series of well-publicized annual public hearings and community/neighborhood meetings to review and give input for the ConPlan, the Annual Action Plan and Consolidated Annual Performance and Evaluation Report (CAPER). All meetings and hearings are

publicized in accordance with applicable HUD, state and local regulations. Public notices for environmental procedures and project-related policies are also part of the citizen participation process. Public notices are printed in English, Hmong, and Spanish in area newspapers. Stakeholders receive individual notice of public meetings via the US Postal Service or email.

In addition to hosting community meetings and public hearings for the ConPlan, the City hosts stakeholder focus group meetings and distributes a community needs assessment survey using the City's Utility Billing System. All plans, notices, and supporting documentation are provided to the public on the Housing Division website. Translations in Spanish and Hmong are available upon request.

## **B. BACKGROUND**

HUD and its Office of Community Planning and Development (CPD) division require entitlement communities to implement strategies that further promote residents to participate in community building through the five-year ConPlan planning process. The CPD's underlying principles include the following:

1. Community building begins with job creation, employment and the creation of safe, decent and affordable housing.
2. The planning and execution of community development initiatives must be bottom up and community-driven.
3. Complex problems require coordinated, comprehensive and sustainable solutions.
4. Government must be streamlined to be more efficient and effective.
5. Citizen participation in federal, state and local government can be increased through communication and better access to information.

This Citizen Participation Plan is in compliance with these federal principles.

## C. OVERVIEW

**GOAL:** To generate significant public participation in the consolidated planning process including any amendments to the ConPlan, Annual Action Plan or the CAPER, input will be sought particularly from low and moderate-income persons and groups residing within various areas of the City where program funds will be used.

**Objective A:** All persons shall have the opportunity to take part in the consolidated planning process and any amendments to the ConPlan, Annual Action Plan or the CAPER.

### **POLICIES:**

#### **ConPlan**

1. A minimum of two community meetings will be held during development of the ConPlan to gather public input. At those meetings members of the public will be asked to identify community needs and priorities. The list of public priorities that align with National Objectives will be taken under consideration during preparation of the ConPlan.
2. During the ConPlan development, residents living in neighborhoods identified as eligible for CDBG assistance will be invited to become part of focus groups. These groups will help develop community development priorities for the ConPlan.
3. Two additional public input meetings will be conducted once the draft ConPlan is completed. The ConPlan will be presented and public comments regarding the document will be recorded.
4. Upon completion of the draft ConPlan, the document will be available for public review and comment for 30 days. Copies of said plan shall be made available to the public at the City of Merced Civic Center, 678 W. 18<sup>th</sup> Street, and/or Merced Senior Center, Merced County Administration Building and the City's website.
5. A Public Hearing will be held before the Merced City Council where the public can provide additional input regarding the ConPlan prior to approval of the plan by the Council.
6. Any amendments to the ConPlan shall be made available for public review and comment for 30 days. Copies of said report shall be made available at the City of Merced Civic Center, 678 W. 18<sup>th</sup> Street, and or the Merced Senior Center, Merced County Administration Building, and City website.

#### **Action Plan**

1. A minimum of two community meetings will be held during development of the Annual Action Plan to gather public input. At those meetings the public will be asked to identify community needs and

priorities. Programs and activities that align with the ConPlan and National Objectives will be taken under consideration during preparation of the Action Plan.

2. Upon completion of the draft Annual Action Plan, the document shall be made available for public review and comment for 30 days. Copies of said plan shall be made available to the public at the City of Merced Civic Center, 678 W. 18<sup>th</sup> Street, and or the Merced Senior Center, , Merced County Administration Building and City website.
3. Any amendments to the Annual Action Plan shall be made available for public review and comment for 15 days. Copies of said report shall be made available at the City of Merced Civic Center, 678 W. 18<sup>th</sup> Street, and or the Merced Senior Center, Merced County Administration Building, and City website.

### **CAPER**

1. Prior to drafting the CAPER, a public meeting will be held to gain input on activities carried out as part of the previous Annual Action Plan. Meetings will be held in the summer to allow adequate time for drafting of the CAPER.
2. Upon completion of the CAPER, the report will be available for public review and comment for 15 days. Copies of said report shall be made available at the City of Merced Civic Center, 678 W. 18<sup>th</sup> Street, and or the Merced Senior Center, Merced County Administration Building, and City website.

### **All Plans**

1. All public hearings and meetings shall be conducted in the evening hours, shall be held at convenient locations that accommodate persons with disabilities, and shall be easily accessible by public transit.
2. The City shall provide interpreters for non-English-speaking persons and/or the hearing impaired when such requests are made at least five working days prior to the hearing.
3. Notices will be written in English, Spanish and Hmong. Upon request translators will be made available to assist with reading of the ConPlan, Annual Action Plan, and CAPER.
4. A public meeting will be held every fall to give an overall report of the previous year's CAPER and update on the current year's Annual Action Plan. The community will be asked for input, direction, and given a question and answer period regarding HUD programming and funding.

<b>Objective B:</b> Adequate information shall be provided to all interested persons and groups upon request.
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**POLICIES:**

1. Prior to adoption of the ConPlan or Action Plan, the City shall make available to all interested persons and groups the anticipated amount of funding the City expects to receive from the CDBG formula program, including the amount that will benefit persons with very low and low incomes. In addition, the City shall identify the range of activities that must be undertaken with these funds, plans to minimize the displacement of persons, and plans to assist displaced persons.
2. The City shall provide all interested persons and groups with reasonable and timely access to all information relating to the City's proposed ConPlan or Action Plan and the City's use of assistance under the relevant programs activity years.
3. A translator or staff member will be made available upon request to assist interested persons with understanding information provided.

<b>Objective C:</b> The City shall provide adequate advance public notice of all associated meetings and hearings.
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**POLICIES:**

1. The City shall provide adequate advance notice of all public hearings and meetings to all interested persons and groups. Sufficient information shall be published about the subject of the hearing or meeting to permit public input. Such notice might take the form of content in the *Merced Sun-Star* and the *Merced County Times* newspapers, individual letters, notices or flyers mailed to interested persons and groups, list serves, existing newsletters and bulletins distributed in targeted areas, or radio announcements.

<b>Objective D:</b> The City shall furnish technical assistance to all interested persons and groups requesting such assistance.
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**Policies:**

1. The City shall provide technical assistance, particularly to groups or individuals representing persons with very low or low incomes. Said assistance shall be used to develop funding proposals for assistance under any of the formula programs covered by the ConPlan. The City shall determine the necessary level and degree of assistance. Such technical assistance might include the following:
  - 1) Assisting with forms/applications
  - 2) Explaining the process for submitting proposals

- 3) Explaining federal and local requirements
- 4) Providing comments and advice on the telephone or in meetings
- 5) Reviewing and commenting on draft proposals

<b>Objective E:</b> All comments and complaints submitted by interested persons or groups shall be adequately considered and addressed.
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**Policies:**

1. The City shall consider any comments or complaints from interested persons or groups received at public hearings or meetings in preparing the ConPlan, any amendments to the plan, the Annual Action Plan or the CAPER.
2. In preparing the final ConPlan and/or Annual Action Plan, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period. The final documents will have a section that includes all comments, plus explanations as to why any comments were not accepted.
3. The City shall provide a substantive written response to every comment or complaint received within 15 working days when possible.

<b>Objective F:</b> The City shall use flexibility provided by HUD during any federal-declared disaster or other unforeseen event to allow the City to best address immediate needs of the community.
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**Policies:**

1. The City shall follow all requirements accompanying any special allocation of funds with respect to amended procedures for public notice, public review and comment, and citizen participation to enable the City to redirect resources to the most immediate community needs.
2. The City will request any waivers necessary to use flexibility provided by HUD during times of federal-declared disasters or unforeseen circumstances.

## **D. PUBLIC PARTICIPATION**

### **1. Citizen Participation Plan and Amendments**



The Citizen Participation Plan is designed to facilitate and encourage residents to participate in the entire ConPlan process. In particular, the Citizen Participation Plan seeks to encourage the involvement of low- and moderate-income persons.

The City will use the following process to adopt and make any subsequent changes to its Citizen Participation Plan:

The City will place public notice in the *Merced Sun-Star* and *Merced County Times* newspapers, on the City's Web site, [www.cityofmerced.org](http://www.cityofmerced.org), and at the City of Merced Civic Center, 678 W. 18<sup>th</sup> Street, and or the Merced Senior Center, or Merced County Administration Building.

- 1) Residents will have 30 days to review the Citizen Participation Plan from the date of the notice.

During the 30-day public review and comment period, the document will be available for review at the City of Merced Civic Center, 678 W. 18<sup>th</sup> Street, and or the Merced Senior Center, Merced County Administration Building and City website.

- 2) During the 30-day period from the date of notice, residents may file comments in writing at the City Housing Division, 678 W. 18<sup>th</sup> Street, Merced Civic Center.

- 3) The City Council will adopt the Citizen Participation Plan.

Any change in the public participation process as outlined in this document will require an amendment to the Citizen Participation Plan.

## **2. Consolidated Plan and the Annual Action Plan**

The steps outlined below provide opportunities for public involvement in the ConPlan and the Annual Action Plan:

To identify the needs of low- and moderate-income persons in different areas of the City, priorities will be established based on Housing and Community Development (HCD) needs. To solicit community input, which is essential to determining these needs and priorities, the following actions will occur:

- The City will consult with local public agencies that assist low- and moderate-income persons and areas, including City staff, state and federal agencies, neighboring local governments and regional agencies.
- The City will consult with private agencies, including local nonprofit service providers and advocates such as the local public housing agency, health agencies, homeless service providers, nonprofit housing developers and social service agencies (including

those focusing on services to children, the elderly, persons with disabilities, persons with HIV/AIDS, persons with substance abuse problems, etc.).

- The City will place public notices in the Merced Sun-Star and Merced County Times newspapers, on the City's Web site ([www.cityofmerced.org](http://www.cityofmerced.org)) and at City of Merced Civic Center, 678 W. 18th Street, and or the Merced Senior Center, or Merced County Administration Building.
- Residents have 30 days to review the draft ConPlan and/or the draft Annual Action Plan from the date of the notice.
- Residents may file comments at the City offices, 678 W. 18th Street, Housing Division, during a 30-day period from the date of the notice.
- A public hearing will be held before the City Council to receive comments, solicit input on needs and priorities, and to approve the ConPlan and the Annual Action Plan.
- The City Council will adopt the ConPlan and/or the Annual Action Plan.
- In preparing the final ConPlan and/or Annual Action Plan, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period. The final documents will have a section that includes all comments, plus explanations as to why any comments were not accepted.

### **3. Substantial Amendments to the Consolidated Plan and the Annual Action Plan**

Amendments to the ConPlan or the Annual Action Plan will be necessary whenever one of the following is proposed:

- To make a substantial change in the allocation priorities or a substantial change in the method of distribution of funds. (Substantial change is defined as a change that affects more than 75% of the allocation of funding in any project and/or total distribution.);
- To carry out an activity using funds from any program not covered by the ConPlan (including program income) not previously described in the ConPlan; or
- To substantially change the purpose, scope, location or beneficiaries of an activity.

The following procedures apply to amendments:

The City will place public notices in the *Merced Sun-Star* and *Merced County Times* newspapers, on the City's Web site ([www.cityofmerced.org](http://www.cityofmerced.org)) and at City of Merced Civic Center, 678 W. 18th Street, and or the Merced Senior Center, or Merced County Administration Building.

- Residents have 30 days to review the proposed amendment from the date of the notice.
- During the 30-day public review and comment period, the document will be available for review at the City's Housing office and the City website. Copies of the document will be available to the public free of charge.
- Residents may file comments at the City offices, 678 W. 18th Street, Housing Division, during the 30-day period from the date of the notice.
- The City Council will adopt the amendment.
- In preparing a final amendment, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period. The final amendment will have a section that includes all comments, plus explanations as to why any comments were not accepted.

#### **4. Consolidated Annual Performance Evaluation Report (CAPER)**

Every year, the City must submit to HUD a Consolidated Annual Performance Evaluation Report (CAPER). In general, the CAPER must describe how funds were actually used and the extent to which these funds were used for activities that benefited low- and moderate-income people. The following steps outline the opportunities for public involvement in the CAPER:

The City will place public notices in the *Merced Sun-Star* and *Merced County Times* newspapers, on the City's Web site ([www.cityofmerced.org](http://www.cityofmerced.org)) and at City of Merced Civic Center, 678 W. 18<sup>th</sup> Street, and or the Merced Senior Center, or Merced County Administration Building.

1. Residents have 15 days to review the CAPER and/or Action Plan from the date of the notice.
2. During the 15-day public review and comment period, the document will be available for review at the City's Housing Division office. Copies of the document will be available to the public free of charge.

3. Residents may file comments at the City offices, 678 W. 18<sup>th</sup> Street, Housing Division, during the 15-day period from the date of the notice.
4. The City Council will adopt the CAPER or Action Plan.
5. In preparing the CAPER and Action Plan, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period. The final report will have a section that includes all comments, plus explanations as to why any comments were not accepted.

## **5. Response to Disasters and Unforeseen Events**

In the event HUD provides opportunity for waiver of the requirements within this plan during a federally-declared disaster or upon any other unforeseen circumstance, the City will follow applicable amended procedures for public notice, public review and comment, and citizen participation to enable the City to redirect resources to the most immediate community needs. The City will comply with all requirements accompanying the allocation of federal funds in these circumstances, including the requirements of statutes, regulations, or HUD administrative guidance with respect to citizen participation and the amendment or adoption of the Consolidated Plan, Annual Action Plan, or CAPER. If needed, the City will request appropriate waivers from HUD to take advantage of any flexibility offered by HUD.

The City may modify its procedures as follows, notwithstanding HUD guidance to the contrary.

- Any 30-day public review and comment period contemplated within this Plan may be shortened to five (5) days.
- In-person public hearings may be replaced by virtual public hearings if:
  - 1) national/local health authorities recommend social distancing and limiting public gatherings for public health reasons; and
  - 2) virtual hearings provide reasonable notification and access for citizens in accordance with the grantee's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.
- Further, the City may vary from its Citizen Participation Plan and will attempt to follow the below reasonable notice and public comment procedures if City offices are physically closed to public access:
  - Public notices will be published in the "Public Notices" sections of the Merced County Times and the Merced Sun-Star newspaper publications approximately 15 days before a scheduled meeting to decide on any required actions related to the City's HUD Plans.
  - The Public notices will note the specific comment period and the meeting date on which the item(s) will be reviewed and action taken.

- Proposed amendments to Plans will be made available for viewing from our website: [www.cityofmerced.org](http://www.cityofmerced.org), or can be emailed upon request by emailing:
- [housing@cityofmerced.org](mailto:housing@cityofmerced.org) on any day prior to 2:00 p.m. on the last day of the posted comment period.
- The City will make an effort to post any small (1 to 10 pages) documents in a locked, see-through case that is located outside the Merced Civic Center, 678 W. 18th Street, Merced, California, during the entire comment period. Documents may not otherwise be viewable in person.
- Members of the public may submit comments during the five-day comment period specified in the section above via: 1) by email of 500 words or less to [housing@cityofmerced.org](mailto:housing@cityofmerced.org), or, 2) by leaving a voicemail no longer than three minutes in length to at a phone number to be provided.
- Comments received may be read or received at the scheduled City Council meeting. Technology permitting, members of the public who have submitted comments may be called during the scheduled teleconferenced City Council meeting to provide additional comments during the meeting in real time.
- The teleconferenced City Council meetings will be broadcast on Comcast Public Access Channel 96, through website livestream, and via a live social media feeds.

## **E. FUNDING OF PUBLIC SERVICES**

In the event there is a demonstrated need to fund public services, the following will occur:

The City will issue a Notice of Funding Availability (NOFA) for the community meeting for the Annual Action Plan, beginning with the respective program year. The notice will identify the amount of CDBG funds available to public service agencies with CDBG-eligible activities. The agencies may apply to the City at the following address:

City of Merced Housing Division  
678 W. 18<sup>th</sup> Street  
Merced, CA 95340

All applications must include the following information in order to be eligible to receive CDBG funds:

- Completed City Housing Division CDBG Application & Documentation
- Alignment to National Objectives – 24 CFR 570.209(a)
- Alignment to CDBG Eligible Activities – 24 CFR 570.201
- Proof of organization's eligibility status and ability to oversee and carry out a federally funded program and reporting requirements

City staff will review applications to determine the eligibility of submissions. City staff will evaluate projects based on alignment to the City's ConPlan, Annual Action Plan, National Objectives, CDBG Eligible Activities, benefits to low- and moderate-income residents, and on the projects' feasibility. The selected

projects will be recommended to the City Council for approval. Applicants will be notified by mail within 10 days of the City Council's decision.

#### F. CITIZEN PARTICIPATION SUMMARY

DOCUMENT	PUBLIC PARTICIPATION	REQUIRED TIME FOR PUBLIC REVIEW	REQUIRED APPROVAL	DEADLINE
<b>Citizen Participation Plan</b>	Available for Public Review 10-Day Notice  Exception During Disasters/HUD-approved Circumstances: 5-Day Notice	30-Day Public Review  Exception During Disasters/HUD-approved Circumstances: 5-Day Public Review	City Council	N/A
<b>ConPlan and/or Annual Action Plan</b>	Public Hearing 10-Day Notice 2-4 Community Input Meetings Area Specific Forums (CP only)  Exception During Disasters/HUD-approved Circumstances: virtual public hearing allowed; 5-Day Notice	30-Day Public Review No later than March  Exception During Disasters/HUD-approved Circumstances: 5-Day Public Review	City Council	Submit to HUD Prior to May 15
<b>Substantial Amendments</b>	No Public Hearing	30-Day Public Review  Exception During Disasters/HUD-approved Circumstances: 5-Day Public Review	City Council	Submit to HUD
<b>CAPER</b>	One Public Meeting	15-Day Public Review	City Council	Submit to HUD Prior to Sept. 30

## G. GLOSSARY

**Annual Action Plan:** An annual plan relative to the use of CDBG and HOME funds as aligned with CDBG Eligible Activities and National Objectives.

**Citizen Participation Plan:** A plan to involve residents in the planning, implementation and assessment of how the CDBG, HOME and ESG funds will be used.

**Community Development Block Grant (CDBG):** A HUD program that provides communities with financial resources to address community development needs identified by HUD to include a suitable living environment, affordable housing, economic opportunities, and homelessness.

**Consolidated Annual Performance Evaluation Report (CAPER):** An annual assessment relative to the CDBG, HOME and ESG funds received.

**Consolidated Plan (ConPlan):** A five-year strategic plan required by HUD that outlines a unified vision for addressing housing, homelessness, special populations and community economic development needs.

**ESG:** Emergency Shelter Grant

**HOME Investment Partnership (HOME):** A federal block grant designed exclusively to create affordable housing for low- and moderate-income households.

**Low- and Moderate-Income Households:** Households earning less than 80% of the area median family income. They are broken down into the following income designations:

- **Very Low Income:** Households with incomes less than 30% of the area median family income, adjusted for household size.
- **Low Income:** Households with incomes between 31% and 50% of the area median family income, adjusted for household size.
- **Moderate Income:** Households with incomes between 51% and 80% of the area median family income, adjusted for household size.

**Low- and Moderate-Income Neighborhood:** Generally, a census tract/s or block group/s where a minimum of 51% of the residents are low- or moderate-income households.

**Median Family Income (MFI):** An index of median family income by household size determined annually by HUD surveys of major metropolitan areas.

**Program Year:** An annual period from July 1 through June 30 for which the accounting of the CDBG, HOME and ESG funds occurs.

**U.S. Department of Housing and Urban Development (HUD):** A cabinet-level federal agency with a mission to increase homeownership, support community development and increase access to affordable housing free from discrimination.