



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 2/15/2022

2/15/2022
[Signature]

**= Mandatory, information must be provided*

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

***Title:**

HUD Citizen Participation Plan (CPP) Amendment

***Introduction/Background:**

The HUD Citizen Participation Plan (CPP) describes how the consortium members provide opportunities for and encourage citizens to participate in an advisory role in the development of and revision or substantial amendment to documents required by the US Department of Housing and Urban Development (HUD) Office of Community Planning and Development. The City of Tucson and Pima County HOME Consortium adopted the most recent Citizen Participation Plan (CPP) as part of the 2020-2024 Consolidated Plan in April 2020.

***Discussion:**

The CPP amendment will allow for an abbreviated public comment period of no fewer than 15 days for HOME-ARP funding, revises substantial amendment criteria, updates the consortium's Anti-Displacement Plan in compliance with federal regulations, updates outreach to broadband services in the Citizen Participation Process for the 5-year HUD Consolidation Plan, identifies the date for which the public comment period ends for the Consolidated Annual Performance Report (CAPER) as no later than September 28, and updates provisions related to the accommodations for non-English speaking persons and/or persons with disabilities.

***Conclusion:**

In order for the the City of Tucson/Pima County Consortium HOME Investment Partnership Program (HOME) to receive HOME-ARP funding, a CPP amendment must be completed.

***Recommendation:**

Staff recommends Board approval of the HUD Citizen Participation Plan amendment.

***Fiscal Impact:**

There is no fiscal impact, amending Citizen Participation Plan.

***Board of Supervisor District:**

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ All

Department: CWD

Telephone: 724-2462

Contact: Marcos Ysmael

Telephone: 724-2462

Department Director Signature: *[Signature]*

Date: 1-29-20

Deputy County Administrator Signature: *[Signature]*

Date: 2/27/2022

County Administrator Signature: *[Signature]*

Date: 2/27/2022

2022-02-15 15:00:00
[Signature]

CITY OF TUCSON-PIMA COUNTY CONSORTIUM CITIZEN PARTICIPATION PLAN

This plan describes how citizens can participate in an advisory role in the planning, implementation, and performance evaluation of the City of Tucson-Pima County Consortium HUD 5-year Consolidated Plan, Annual Action Plans, and Consolidated Annual Performance Reports

November 2021
PUBLIC COMMENT
DRAFT

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INTRODUCTION

This Citizen Participation Plan describes how the City of Tucson-Pima County consortium (consortium) and the City of Tucson and Pima County (consortium members) provide opportunities for and encourage citizens to participate in an advisory role in the development of and any revision or substantial amendment to the following documents required by the US Department of Housing and Urban Development Office of Community Planning and Development (HUD CPD):

1. The City of Tucson-Pima County Consortium 5-year HUD Consolidated Plan;
2. City of Tucson and Pima County HUD Annual Action Plans; and
3. City of Tucson and Pima County HUD Consolidated Annual Performance Reports (CAPER).

The City of Tucson and Pima County are committed to encouraging citizen participation in the planning, implementation, and performance evaluation of housing and community development programs funded by HUD CPD through the Consolidated Plan. HUD CPD housing and community development programs include the HOME Investment Partnerships Program (HOME), Community Development Block Grant Program (CDBG), Emergency Solutions Grant Program (ESG), and Housing Opportunities for Persons with AIDS Program (HOPWA).

Citizen Participation Plan Adoption and Amendments

This Citizen Participation Plan (CPP) is adopted by the Tucson City Council and Pima County Board of Supervisors and may be amended as needed at any time during the Consolidated Plan period. If an amendment is necessary, the consortium will provide a public comment period and hold a public hearing. A public notice will be published in a newspaper of general circulation and posted on the consortium members' websites. The draft CPP will be available for public review and comment and adopted as described in the notice.

If you require an oral interpretation of this document in a language other than English or would like to request this plan in a format accessible to persons with disabilities, please call 520-791-4171.

Si require una interpretacion oral en un idioma que no sea ingles, por favor llame al 520-791-4171.

ENCOURAGING CITIZEN PARTICIPATION

The Citizen Participation Plan (CPP) is designed to offer opportunities for citizen participation through public meetings and hearings, public notices, and review of draft documents. In particular, the CPP seeks to encourage the involvement of:

- Low- and moderate-income persons, particularly those living in areas designated as a target area, revitalization area, or CDBG slum/blighted area, and in areas where federal funds are proposed to be used;
- Residents of predominantly low- and moderate-income areas where at least 51% of the residents have income below 80% of the area median income;
- Minorities;
- People with Limited English Proficiency;
- People with disabilities;
- People who are experiencing or at risk of homelessness; and
- Residents of public and other assisted housing developments, including any resident advisory boards, resident councils, and resident management corporations.

Accommodations for non-English Speaking Persons and/or Persons with Disabilities

The City of Tucson Housing and Community Development Department Limited English Proficiency (LEP) Language Assistance Plan (LAP) guides the provision of accommodations for non-English speaking persons. The LAP is available at <https://www.tucsonaz.gov/hcd/plans>. Pima County Community & Workforce Development staff LAP is available at [CWD Limited English Plan.pdf \(pima.gov\)](#). At a minimum, a bilingual Spanish/English staff person will be present at public meetings and hearings to meet the needs of Spanish speaking persons, where applicable.

Public hearings will be held at and documents will be made available at a location accessible to people with disabilities. Additional provisions will be made for people with disabilities when requests are made at least three (3) working days prior to a hearing. Specific determinations on accommodations to encourage participation by persons with disabilities will be made by consortium staff on a case-by-case basis.

CITIZEN PARTICIPATION PROCESS

City of Tucson-Pima County Consortium 5-Year HUD Consolidated Plan

The 5-year Consolidated Plan provides a framework for identifying priorities regarding affordable housing, people with special needs or experiencing or at risk of homelessness, and community development. The 5-year Consolidated Plan guides the long-term investment of HUD CPD resources. The 5-year Consolidated Plan is jointly prepared by the consortium members and generally available by May of a given year.

To encourage citizen participation in the 5-year Consolidated Plan, the consortium will:

- Utilize alternative public involvement techniques, such as the Internet, focus groups, and virtual meetings or hearings, when appropriate.
- Solicit input through online surveys publicized on the consortium members' websites and social media, and supplemented by mass emails to City and County stakeholders and Neighborhood Associations registered with the City of Tucson.
- Encourage program partners to market citizen participation opportunities to their clients.
- Consult with residents of public and assisted housing, including any resident advisory boards, resident councils, and resident management corporations, and with low-income residents of targeted revitalization areas in which public and assisted housing is located.
- Provide information to local public housing agencies about activities related to public housing developments and surrounding communities so the PHAs can make this information available at the annual public hearing(s) required for the Public Housing Agency Plan(s).
- Reach out to and consult with local and regional organizations, including the Tucson-Pima Collaboration to End Homelessness, incorporated jurisdictions in Pima County, and other organizations necessary to fulfill HUD consultation requirements, including businesses, developers, nonprofit organizations, philanthropic organizations, and community-, neighborhood-, and faith-based organizations.
- Reach out to and encourage the participation of broadband internet service providers, organizations engaged in narrowing the digital divide, and agencies whose primary responsibilities include the management of flood prone areas, public land or water resources, and emergency management agencies.
- Provide a limited number of free printed copies for those who request it.

Consolidated Plan Public Meetings and Hearings

The consortium will hold at least one public meeting and one public hearing for the 5-year Consolidated Plan. The public meeting will be held during Consolidated Plan preparation. A Mayor and Council public hearing and County Board of Supervisors public hearing will be held once the draft Consolidated Plan has been completed. The public meeting(s)/hearings will address:

- The amount of HUD funds covered by the Consolidated Plan anticipated to be made available on a fiscal year basis, and the amount of funds anticipated to benefit low- and moderate-income persons.
- The range of activities that may be undertaken.
- Affordable housing, homeless, special needs, and community development priorities.
- Plans to minimize the displacement of persons as a result of HUD CPD fund investments.
- Other aspects of the 5-year Consolidated Plan, as applicable.

Public meetings/ hearings will be held at accessible locations and times determined by the consortium with consideration made for public convenience.

Consolidated Plan Public Comment Period

The 5-year Consolidated Plan will be made available for review and comment for not less than thirty (30) days.

Annual Action Plans

Annual Action Plans are prepared separately by the consortium members each year and describe the planned investment of HUD CPD resources for the coming year (July 1 – June 30). Annual Action Plans are typically completed by April of each year, unless there is a delay in HUD allocation announcements, in which case the consortium members will follow the guidance provided by HUD for that year. The City of Tucson is the lead agency for the HOME program, and their Annual Action Plan includes HOME funds for all consortium members.

Annual Action Plan Public Hearings

The consortium members will each hold at least two public hearings for input on the Annual Action Plan. The first hearing will be held during Annual Action Plan preparation. A Mayor and Council public hearing and County Board of Supervisors public hearing will be held once the draft Plans have been completed. All Annual Action Plan public hearings will address:

City of Tucson-Pima County Consortium HUD Citizen Participation Plan

1. The amount of CDBG resources anticipated to be made available during the program year, and the range of eligible activities that may be undertaken.
2. The amount of CDBG resources anticipated to benefit income qualified persons during the program year.
3. Plans to minimize the displacement of persons as a result of HUD CPD fund investments.
4. Other aspects of the Annual Action Plan, including review of program performance as applicable.

In preparing the Annual Action Plan, the City of Tucson will:

- Provide opportunities for consultation from local and regional organizations including: the Tucson-Pima Collaboration to End Homelessness; agencies that address housing, health, social services, employment or education needs; publicly-funded institutions of care that may discharge a person into homelessness; organizations engaged in narrowing the digital divide including broadband internet service providers; agencies whose primary responsibilities include the management of flood prone areas, public land or water resources, and emergency management agencies; and others as necessary to fulfill consultation requirements.
- Provide a limited number of free printed copies for those who request it.

In preparing the Annual Action Plan, Pima County will:

- Hold public hearings, meetings and/or workshops to solicit public input on the past year's project performance and recommendations for new project allocations for the upcoming program year.
- Hold meetings in identified CDBG target areas to discuss target area needs and eligible uses of CDBG funds relative to identified needs.
- Provide a limited number of free printed copies for those who request it.
- Require CDBG municipal subrecipients hold public meetings and/or hearings in their respective jurisdictions.

Public hearings will be held at accessible locations and times determined by the consortium members or subrecipients with consideration made for public convenience.

Annual Action Plan Public Comment Period

The Annual Action Plans will be made available for review and comment for not less than thirty (30) days.

Consolidated Annual Performance Report (CAPER)

The Consolidated Annual Performance Report (CAPER) is separately prepared by the consortium members by September of each year and describes the actual investment of HUD CPD resources during the prior year. The City of Tucson CAPER includes HOME funds activity for all consortium members.

CAPER Public Comment Period

On or around September 1 of any given year, the consortium members will make available the draft Comprehensive Annual Performance Evaluation Reports (CAPER) for a 15-day public comment period **that will end no later than September 28.**

PUBLIC NOTICES

Public notices of each public meeting, hearing and/or public comment period will be provided not less than 7 (seven) days prior to the public meeting/hearing or beginning of the public comment period, whichever comes first. Combined notices may be provided for public meeting(s)/hearing(s) and public comment periods, or for multiple documents when the public comment periods are the same.

Public notices will be published in a local newspaper of general circulation, posted on the consortium members' websites, and provided to program partners. Pima County may mail notices directly to county residents when feasible.

Notices that include a public meeting/hearing will indicate the date, time and location of the scheduled meeting(s) and reference the topics that will be considered. Public notices regarding draft documents available for public comment will include a summary of the applicable document, the physical location and website where citizens may review copies of draft plans, and a mailing address, email address, and fax number for submittal of comments.

Exceptions to Public Comment Periods and Public Notices

In the event of a local, state, or federally declared disaster or emergency, the consortium members may follow expedited procedures approved by HUD.

- In accordance with HUD guidance issued on April 9, 2020 regarding CARES Act funding, the consortium may follow expedited procedures to draft, propose or amend the Citizen Participation Plan, Consolidated Plan and/or Annual Action Plan to provide for not less than five (5) days public notice and opportunity to comment. In-person public hearings will not be required.

- In accordance with HUD guidance issued on September 13, 2021 regarding HOME-ARP funding, the consortium may follow expedited procedures to draft, propose or amend the Consolidated Plan and/or Annual Action Plan to provide for not less than fifteen (15) days public notice and opportunity to comment.

PUBLIC ACCESS TO INFORMATION

The consortium members will provide citizens, public agencies and other interested parties with reasonable and timely access to public records relating to their past use of HUD funds and related assistance for the previous five years. The 5-year Consolidated Plan, Annual Action Plan and CAPER will be posted on the consortium member websites.

COMMENT AND COMPLAINT PROCEDURES

Comments

Any citizen, organization, or group desiring to make a comment regarding the 5-year Consolidated Plan, the Annual Action Plan, or the Comprehensive Annual Performance Evaluation Report (CAPER), may do so in writing, or by email to the consortium member(s) during the public comment period, or in writing or verbally during the public meeting(s)/ hearing(s).

The consortium member(s) will respond to written and email comments within 15 working days of receiving the comment where practicable. Responses will be provided in the same manner in which they were submitted. Comments received during the public comment period will be made a part of the public record and provided to Mayor and Council and/or the County Board of Supervisors. A summary of comments received and responses to each will be attached to the final 5-Year Consolidated Plan, Annual Action Plan, or CAPER submitted to HUD. Citizens may also submit comments directly to HUD; however, comments submitted directly to HUD cannot be made a part of the public record unless also submitted to the consortium member(s).

Complaints

Throughout the year, the consortium member(s) will provide a substantive response to every written citizen complaint related to the 5-year Consolidated Plan, amendments, Annual Action Plan, or CAPER within 15 working days of receiving the complaint where practicable.

CRITERIA AND PROCESS FOR SUBSTANTIAL AMENDMENTS TO THE 5-YEAR CONSOLIDATED PLAN OR ANNUAL ACTION PLAN

Substantial Amendment Criteria

1. Changes made to funding priorities in the Consolidated Plan when not undertaken through submission of an Annual Action Plan.
2. Changes made to allocation priorities or methods of distribution described in an Annual Action Plan.
3. Changes in the use of program funding from one eligible activity or project to another in an amount greater than twenty percent (20%) of the annual program allocation, including deleting a project and reprogramming funds from one activity or project to another.
4. The addition of a project or activity not originally described in an Annual Action Plan.
5. Addition of new HUD programs that must be included in the Consolidated Plan.

A change in the HUD annual allocation of funds received after submission of an Annual Action Plan will not be considered a substantial amendment.

Substantial Amendment Process

When a substantial amendment is made, a 30 (thirty) day public comment period will be provided and a public hearing will be held.

1. Public notice of the proposed amendment will be published in a local newspaper of general circulation and posted on the City of Tucson and/or Pima County website not less than seven (7) days prior to the public comment period or public hearing, whichever comes first. Amendments to the Pima County Annual Action Plan or CAPER will include notification of local governments. The notice will include a summary of the proposed amendment, a request for public comments, the start and end dates of a 30-day public comment period, the physical location and website where citizens may review copies of draft plans, and a mailing address and email address to submit comments.
2. The amendment(s), public comments received, and the response(s) of the consortium member(s) will be provided to the Mayor and City Council and/or Board of Supervisors for review and approval at a public hearing.
3. The consortium member(s) will notify HUD of any amendments executed, public comments received, and the response(s) of the consortium member(s).

Minor Amendment Criteria and Process

All changes to the Consolidated Plan or Annual Action Plan that do not meet the substantial amendment criteria defined above will be considered minor amendments and not subject to notification, public hearing and public comment period requirements. Minor amendments will be incorporated into the CAPER for review during the public comment period and submitted to HUD annually.

TECHNICAL ASSISTANCE

The consortium members will provide technical assistance to any persons or groups interested in commenting on the Consolidated Plan, Annual Action Plans, or CAPERs. The consortium members will also provide technical assistance to very-low and low-income persons and groups representative of very-low and low-income persons in developing proposals for funding under the programs covered by the Consolidated Plan.

ANTI-DISPLACEMENT PLAN

The consortium will take all reasonable steps to minimize the displacement of persons assisted through the use of HUD CPD funds. The consortium members will:

- Avoid or minimize permanent displacement whenever possible and only take such action when no other viable alternative exists.
- Consider the impact on people and properties when funding activities and projects.

When displacement is unavoidable, the consortium will follow the Guide form Residential Anti-displacement and Relocation Assistance Plan under Section 104(d) of the Housing and Community Development Act of 1974, as amended.

One-for-one Unit Replacement

The consortium members will replace all low- and moderate-income housing units, whether occupied or vacant, that will be demolished or converted to a use other than as low- and moderate-income housing using HUD CPD funds. All replacement housing will be provided within three years of the commencement of the demolition or conversion. This includes any property obtained through a public undertaking. Before obligating or expending funds that will directly result in demolition or conversion, the consortium member(s) will make public and submit to the HUD Field Office the following information in writing.

- A description of the proposed assisted activity;

- The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than for low- and moderate-income dwelling units as a direct result of the assisted activity;
- A time schedule for the commencement and completion of the demolition or conversion;
- The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
- The source of funding and a time schedule for the provision of replacement dwelling units; and
- The basis for concluding that each replacement dwelling unit will remain a low- and moderate-income dwelling unit for at least 10 years from the date of initial occupancy (i.e.: Deed of Trust, Deed Restriction, etc.).

The consortium member(s) will provide relocation assistance to each low- and moderate-income household displaced by the demolition or conversion. Assistance will be provided to relocated and displaced persons according to the calculation of benefits required by the Uniform Property Acquisition and Relocation Act of 1970, as amended.

Temporary Displacement

Some activities may involve temporary displacement, such as substantial rehabilitation of a single-family owner-occupied home or lead based paint abatement. When temporary displacement cannot be avoided, consortium members will provide affected residents with the information required by the URA and will:

- Provide temporary living accommodations while the unit is uninhabitable.
- Move and temporarily store household goods and effects during the time the unit is uninhabitable.
- Reimburse all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including moving costs and any increased rent and utilities.

Permanent Displacement

In the event permanent movement (displacement) is unavoidable, consortium members will require a project plan that will:

- Follow current regulations, notices and policies when preparing information statements and notices.

City of Tucson-Pima County Consortium HUD Citizen Participation Plan

- Provide written notification to eligible property owners or tenants who may be displaced and/or relocated due to an approved project activity.
- Assist those displaced in locating affordable, safe, decent and comparable replacement housing.
- Provide for reasonable benefits to any person permanently displaced as a result of the use of funds.
- Ensure that "just compensation" for acquired property (as determined by appraised fair market value) is paid, when applicable.
- Provide information about equal opportunity and fair housing laws to ensure that the relocation process does not result in different or separate treatment on account of race, color, national origin, religion, sex, disability, familial status or source of income.
- Contingent upon availability, provide other housing assistance to displaced households, such as Section 8 Housing Choice Vouchers, Conventional Public Housing or any other federally funded program for which they might qualify.

Assistance to Aliens

An alien who is not lawfully present in the United States is prohibited from receiving assistance under the Uniform Relocation Act (49 CFR 24.208). When an alien is ineligible and the ineligibility would result in exceptional and extremely unusual hardship to a spouse, parent, or child who is a US Citizen, an exception may be requested from HUD. HUD must make a final determination of eligibility before any assistance is provided.

CONTACT INFORMATION

To comment on this Citizen Participation Plan and any related documents or programs or request additional information, please contact one of the following consortium members.

The City of Tucson

Housing and Community Development Department

Physical Address: 310 N. Commerce Park Loop, Tucson, AZ 85745

Mailing Address: P.O. Box 27210, Tucson, AZ 85726-7210

Email Address: HCDAdmin@tucsonaz.gov

Phone Number: 520-791-4171

Fax Number: 520-791-5407

Website: <https://www.tucsonaz.gov/hcd>

Pima County

Community and Workforce Development

Physical Address: 2797 E Ajo Way, Tucson, AZ 85713

Phone Number: 520-724-3777

Fax Number: 529-724-6796

Website: <https://www.pima.gov/cms/One.aspx?portalId=169&pageId=18389>

CITIZEN PARTICIPATION SUMMARY

In all cases public notices will:

1. Be published not less than 7 (seven) days before each public meeting/hearing or beginning of the public comment period, whichever comes first;
2. Published in a newspaper of general circulation; and
3. Published on consortium member(s) website(s).
4. Include:
 - a. Purpose of the notice (public meeting/hearing, public comment period, or both);
 - b. Date(s), time(s) and location(s) of public meeting(s) or hearing(s), if applicable;
 - c. Where and how to access document(s), if applicable;
 - d. Beginning and ending dates of public comment period, if applicable;
 - e. Summary of document contents in enough detail for public to understand the purpose, if applicable; and
 - f. Equal opportunity statement regarding language and disability accessibility.

Document	Public Meeting (s) & Hearing(s)	Public Comment Period
5-year Consolidated Plan and Annual Action Plans	2 (two) One during plan preparation and one during plan review	30 (thirty) days
Consolidated Annual Performance Report	0 (zero/none) Optional	15 (fifteen) days
Substantial Amendment (Consolidated Plan or Annual Action Plan)	1 (one)	30 (thirty) days
Citizen Participation Plan	1 (one) May be held concurrent with adoption of Consolidated Plan, Annual Action Plan or CAPER	30 (thirty) days