



1. INTRODUCTION

The City of Santa Clara receives entitlement funding from two federal programs administered by the United States Department of Housing and Urban Development (HUD): Community Development Block Grant (CDBG) and Home Investment Partnerships Act (HOME). The purpose of these two programs is to benefit persons of low and moderate incomes by providing decent, affordable housing, public services, and community development. As an entitlement jurisdiction under both programs, the City is required to adopt a local Citizen Participation Plan to comply with provisions of 24 CFR Section 91.105.

The Citizen Participation Plan must provide for, and encourage citizens to participate in, the development of the Consolidated Plan, including the Annual Action Plans (AAP) that are part of the five-year Consolidated Plan (CP) for the expenditure of federal funds, development of the Assessment of Fair Housing (AFH), any revisions of the AFH, any substantial amendments to the CP, and the Consolidated Annual Performance and Evaluation Report (CAPER). The City is expected to take whatever actions are appropriate to encourage the participation of all its citizens in the development of plans and amendments, particularly those living in a slum or blighted areas and areas where federal funds are proposed to be used, and including minority and non-English speaking persons and persons with disabilities.

The federal Fair Housing Act (FHA) prohibits discrimination in the rental, sale, or financing of housing on the basis of race, color, national origin, religion, sex, family status, and/or disability. In 2015, the Obama administration reinvigorated and clarified fair housing obligations by requiring HUD grantees to conduct an Assessment of Fair Housing (AFH), which involves a planning process with community input. In response, the City has joined a regional collaborative for the development of the AFH, which will identify fair housing issues pertaining to patterns of integration and segregation; racially and ethnically concentrated areas of poverty; disparities in access to opportunity; and disproportionate housing needs, as well as the contributing factors for those issues and goals to promote a wider range of housing choices.

2. OBJECTIVES OF THE CITIZEN PARTICIPATION PLAN

- A. To provide for and encourage citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of areas of slums or blight, residents of low and moderate income neighborhoods, and residents of areas in which federal entitlement funds are to be used.
- B. To make proposed plans for the use of federal entitlements funds available to persons, public agencies, and other interested parties. Information to be provided will include the amount of entitlements the City expects to receive (including program income), the range and nature of activities to be undertaken, the estimated benefit of those activities to low and moderate income persons, and the performance of those activities in providing such benefits.
- C. To conduct public hearings to obtain citizen views and comments during the development of the CP, AAP, and AFH.

- D. To prepare and publish the proposed CP, AAP, and AFH in a manner that allows citizens a reasonable opportunity to examine its contents and submit comments and to consider those comments before submitting the final CP, AAP, and AFH to HUD.
- E. To consider any comments received by citizens, in writing or orally at the public hearings, in preparing the final CP and AAP, and summarizing those comments in the submission to HUD.
- F. To provide citizens with reasonable notice and an opportunity to comment on substantial amendments to the CP and AAP, and to consider those comments prior to the submission to HUD.
- G. To provide citizens with reasonable notice and an opportunity to comment on the CAPER and to consider the comments prior to the submission of the report to HUD.
- H. To provide technical assistance to those individuals and groups who request assistance in developing proposals for funding assistance.
- I. To provide timely, written responses to written complaints and grievances related to the entitlement programs, applications, activities and/or reports. Responses will be provided within fifteen (15) working days where practical.
- J. To provide reasonable opportunity for persons with disabilities and persons with limited English proficiency to present their views and comments on the CP and AAP and its performance.
- K. To encourage the participation of local and regional institutions, the Continuum of Care, and other organizations (including businesses, developers, nonprofit organizations, philanthropic organizations, community-based and faith-based organizations, broadband internet service providers, organizations engaged in narrowing the digital divide, agencies whose primary responsibilities include the management of flood prone areas, public land or water resources, emergency management agencies, public housing agencies, the participation of residents of public and assisted housing developments) in the process of developing and implementing the CP, AAP, and AFH.

3. IMPLEMENTATION OF THE OBJECTIVES--CITY COUNCIL

- A. The City Council of the City of Santa Clara sets policies and priorities, and approves the activities undertaken with the City's federal entitlement program funds.
- B. 24 CFR §91.105(e) states that a local jurisdiction's citizen participation plan must provide for at least two public hearings per year to be conducted at a minimum of two different stages of the program year, to obtain residents' views and to respond to proposals and questions. Together, the public hearings must address housing and community development needs, development of proposed activities, proposed strategies and actions for affirmatively furthering fair housing consistent with the AFH, and a review of program performance.
- C. Consistent with federal requirements, the City Council will:

- 1) Conduct one public hearing during the development of the CP, AAP, or the AFH. The purpose of this public hearing will be to review activity proposals and to obtain the views of citizens and other organizations on those proposals. Notice of this hearing will be published in a newspaper of general circulation, and posted on the City's website. Notice of the scheduled time and place of this public hearing will precede the hearing by not less than thirty (30) calendar days.
- 2) Conduct one public hearing prior to the annual submission of the CAPER to HUD. The purpose of this public hearing will be to provide citizens with reasonable notice and an opportunity to comment on performance reports. Notice of this hearing will be published in one or more newspapers of general circulation and posted on the City's website. Notice of the scheduled time and place of this public hearing and the availability of the draft must precede the hearing by not less than fifteen (15) calendar days.
- 3) The City will conduct public hearings at locations and at times that are convenient to the public. It will provide reasonable accommodations and modifications in policies, procedures and/or practices, as necessary, to provide access for all individuals with a disability or with limited English proficiency.

D. As required, City Council shall appoint members to and set the operating rules for the Neighborhood Conservation & Improvement Program (NCIP) Rehabilitation Loan Committee. The NCIP Loan Committee approves procedures, loans and terms for home improvement/rehabilitation loans for qualified low-income homeowners.

4. **IMPLEMENTATION OF THE OBJECTIVES--CITY STAFF**

A. The Housing and Community Services Division, under the supervision of the Community Development Department, has primary responsibility for the administration and coordination of the Citizen Participation Plan and the City's federal entitlement activities. The Director of Community Development is responsible for the daily administration of that responsibility.

B. The Director of Community Development will maintain all records of the administration of the City's federal entitlement programs and the Citizen Participation Plan including: the Citizen Participation Plan, the Consolidated Plan, consolidated plan substantial amendments, HUD-accepted AFH, revisions to the AFH and the CAPER. All promotional materials, records of hearings, citizen comments, activity applications, funding agreements, performance reports, evaluation reports, and other documents required by HUD shall be maintained for five (5) years after completion of the CAPER, or such longer period as required by city, state or federal statutes and/or regulations. Copies of regulations and issuances governing the programs, contracting procedures, environmental standards, labor standards, fair housing and equal opportunity standards, relocation provisions, and all other documents shall be maintained and available to the public at the Housing and Community Services Division office during normal working hours.

C. The Director of Community Development will provide to interested parties technical assistance such as:

- 1) Information relating to the City's policies and procedures affecting the entitlement programs.
 - 2) Interpretation of HUD rules and regulations governing the entitlement programs.
 - 3) Development of specific project activities requested by citizens, non-profit organizations, or other organizations.
 - 4) Provision of relevant demographic or socio-economic data.
 - 5) Information regarding alternative funding sources for proposed activities ineligible for the entitlement programs.
 - 6) Information regarding the City's plans to minimize displacement of persons and to assist any persons displaced, as set forth in subsection K.
- D. The Director of Community Development shall receive and investigate all written complaints regarding the federal programs and the Citizen Participation Plan and prepare a written response, within fifteen (15) working days where practicable.
- E. The Director of Community Development will schedule all required public hearings and arrange for publication of required notices.
- F. As directed by City Council, the Director of Community Development will prepare the draft CP, AAP, and proposed AFH, respond to all written and public hearing citizen comments received, and submit the final CP, AAP, and AFH to HUD.
- G. The Director of Community Development will publish a summary of the draft CP in a newspaper of general circulation and on the City's website, and distribute copies of the draft CP to the Central Park Library at 2635 Homestead Road in Santa Clara, the City Clerk's office, and other appropriate public places to ensure a wide dissemination of the information for public review. The City will also provide free copies of the draft CP, AAP, and proposed AFH upon request. The draft CP, AAP, and proposed AFH will be available for public review for at least 30 days prior to adoption. All comments received will be considered and summarized in the final document prior to its submission to HUD.
- H. The Director of Community Development will prepare the draft Consolidated Annual Performance and Evaluation Report (CAPER), and publish its availability for a 15 day public review and comment period in a newspaper of general circulation and on the City's website. The notice will include a list of locations at which the draft CAPER can be reviewed. All comments received will be considered and summarized in the final report prior to its submission to HUD.
- I. The Director of Community Development will arrange for reasonable modifications in policies, procedures and/or practices, as necessary, to provide access for all individuals with a disability or with limited English proficiency. All public hearing locations are fully accessible by wheelchair and public transportation. People with impaired speech or hearing may call (408) 615-2490 through 711, the nationwide Telecommunications Relay Service. Sign language interpretation, translation into languages other than English, and

interpretation for persons with visual impairments are available. Sign language or other interpretation services must be scheduled at least one week in advance of public hearings by calling (408) 615-2490.

- J. The Director of Community Development shall provide staff assistance to and schedule all meetings of the Neighborhood Conservation & Improvement Program (NCIP) Rehabilitation Loan Committee. Meetings are open to the public and agendas are posted on the City's website.
- K. It is the City's policy to avoid displacement and relocation. However, in the event that any residential displacement and relocation occurs in the course of carrying out an entitlement activity, The Director of Community Development will ensure compliance with the requirements of 49 CFR Part 24, the Uniform Relocation Assistance and Real Property Acquisition Policies, as it may be amended, and all other applicable local, State and Federal laws.
- L. The Director of Community Development will ensure that the Citizen Participation Plan is being followed and will amend the adopted Plan whenever a change in the public participation process is proposed. A Citizen Participation Plan Amendment will require a published 30-day public review notice and a public hearing on the amendment. The public review period will be noticed on the City's website and published in a newspaper of general circulation.
- M. The Director of Community Development will explore alternative public involvement techniques and quantitative ways to measure efforts that encourage citizen participation in a shared community vision and in the review of program performance through the use of focus groups and the Internet.

5. IMPLEMENTATION OF THE OBJECTIVES--NCIP REHABILITATION LOAN COMMITTEE

- A. The NCIP Rehabilitation Loan Committee shall consist of four (4) members, three from the community appointed by City Council, and one member from the City Council.
- B. The NCIP Rehabilitation Loan Committee will meet once each quarter to review and approve housing rehabilitation loan applications and determine the scope of work and terms of financial assistance for rehabilitation loan activities.
- C. The NCIP Rehabilitation Loan Committee advises City on NCIP program policy.

6. IMPLEMENTATION OF THE OBJECTIVES--PUBLIC PARTICIPATION

- A. The general public may participate in the various stages of the program by attending the City Council public hearings and the NCIP Rehabilitation Loan Committee meetings. They may also express their views and comments directly to the Director of Community Development. Citizens can access program information kept in the Housing and Community Services Division and City Clerk offices.

- B. Any citizen may make an objection to a submitted application. Persons wishing to object to the approval of an application may make the objection known to the Director of Community Development and/or HUD at the following addresses:

Director of Community Development
Community Development Department
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

U.S. Department of Housing & Urban Development
Office of Community Planning and Development-9AD
One Sansome Street, Suite 1200
San Francisco, CA 94104

- C. HUD will consider objections made only on the following grounds: The City's description of needs and objectives is plainly inconsistent with available facts and data; the activities to be undertaken are plainly inappropriate to meeting the need and objectives identified by the applicant; the applicant does not comply with the requirements of applicable laws or regulations; the application proposes activities which are otherwise ineligible; the approved Citizen Participation Plan process was not followed. Objections should identify the requirements not met and/or the inconsistent facts or data. HUD will consider objections submitted at any time. However, objections to the Consolidated Plan application should be submitted within thirty (30) days of the published date of submittal of the CP to HUD.

7. CONSOLIDATED PLAN AMENDMENT PROCESS

- A. The CP and AAP set forth the City's plan for using federal entitlement funds. During the program year, changes to the CP and AAP fall into two categories: 1) Substantial amendments requiring citizen participation, City Council approval, and submission to HUD; and 2) minor amendments requiring City Council approval.
- B. A substantial amendment (24 CFR §91.505) is required when proposed changes would:
- 1) Increase or decrease the funding allocated to an activity within the City's entitlement grant programs by more than 25 percent provided that amount is more than \$25,000.
 - 2) Implement an activity not described in the approved CP and AAP.
 - 3) Change allocation priorities or method of distribution of funds.
 - 4) Change the purpose, scope, location or beneficiaries of an approved activity.
- C. Minor CP and AAP amendments are any changes to the CP and AAP that do not meet the criteria for a substantial amendment noted above. The procedure for making a minor amendment are the same as that for a substantial amendment except that no public hearing or newspaper notice is required, only City Council approval is required, and submittal of a minor amendment to HUD is not necessary.

- D. To accomplish a substantial program amendment, the Director of Community Development will prepare documentation outlining the proposed changes. This document will contain justification for making the proposed changes, revised needs statement, short-term objectives, long-term objectives, activity description, and budget transfer information, as necessary.
- E. The Director of Community Development will ensure that amendments to the plan are consistent with its certification to affirmatively further fair housing and the analysis and strategies of the AFH.
- F. The public will be given a 30-day period to comment on the proposed substantial amendment prior to the public hearing where it will be considered by the City Council. A notice of the 30-day public comment period and public hearing will be published in a newspaper of general circulation and on the City's website. All comments received will be given due consideration.
- G. The Director of Community Development will submit a copy of each substantial CP and AAP amendment to HUD after approval by City Council. The document will include a summary of any comments received from the public.

8. **ASSESSMENT OF FAIR HOUSING REVISION**

- A. An AFH previously accepted by HUD must be revised and submitted to HUD for review under the following circumstances:
 - 1) A material change occurs. A material change is a change in circumstances in the City that affects the information on which the AFH is based to the extent that the analysis, the fair housing contributing factors, or the priorities and goals of the AFH no longer reflect actual circumstances. Examples include Presidentially declared disasters, under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), in the City's program area that are of such a nature as to significantly impact the steps the City may need to take to affirmatively further fair housing; significant demographic changes; new significant contributing factors in the City's jurisdiction; and civil rights findings, determinations, settlements (including Voluntary Compliance Agreements), or court orders; or
 - 2) Upon HUD's written notification specifying a material change that requires a revision.
- B. A revision pursuant to the circumstances noted above will consist of preparing and submitting amended analyses, assessments, priorities, and goals that take into account the material change, including any new fair housing issues and contributing factors that may arise as a result of the material change. The revision will only focus on the material change and appropriate adjustments to the analyses, assessments, priorities, or goals and may not necessarily require the submission of an entirely new AFH.
- C. When a revision is required under section A-1 above, a revision shall be submitted within 12 months of the onset of the material change, or at such later date as HUD may provide. Where the material change is the result of a Presidentially declared disaster, such time shall be automatically extended to the date that is 2 years after the date upon which the

disaster declaration is made, and HUD may extend such deadline, upon request, for good cause shown.

- D. When a revision is required under section A-2 above, HUD will specify a date by which the City must submit the revision of the AFH to HUD, taking into account the material change, the City's capacity, and the need for a valid AFH to guide planning activities. HUD may extend the due date upon written request by the City that describes the reasons it is unable to make the deadline. City may advise HUD in writing of its belief that a revision to the AFH is not required by stating with specificity the reasons for its belief that a revision is not required. HUD will respond on or before 30 calendar days following the date of the receipt of the City's correspondence and will advise the in writing whether HUD agrees or disagrees. If HUD disagrees, the City must proceed with the revision. HUD may establish a new due date that is later than the date specified in its original notification.
- E. Revisions to an AFH are subject to community participation. The City will follow the notice and comment process applicable to the consolidated plan substantial amendments.