



Citizen Participation Plan

Community
Development Program

City of Duluth

April 2020

Proposed changes highlighted in yellow

CONTENTS
COMMUNITY DEVELOPMENT PROGRAM
CITIZEN PARTICIPATION PLAN

A.	Introduction and Background Information	1
B.	Policy to Minimize Displacement.....	2
C.	Relationship to the Housing & Redevelopment Authority of Duluth (HRA).....	2
D.	Consolidated Annual Performance Evaluation Report (CAPER)	3
E.	Access to Records by the Public and Agencies	3
F.	Staff Technical Assistance	3
G.	Standard Procedures for Meetings and Public Hearings.....	4
H.	Consolidated Plan - General Procedures.....	4
I	Citizen Participation Committees and Their Function.....	7
1.	Community Development Target Areas:.....	8
2.	Community Development Committee (CD Committee):	8
3.	Community Planning Division:	9
J.	Annual Community Development Program Calendar.....	9
K.	Substantial Amendments	10
L.	Emergency Amendments.....	11
M.	Complaints.....	11
N.	Procedures and Processes During Infectious Disease Reponse	12

**CITY OF DULUTH
CITIZEN PARTICIPATION PLAN
For HUD-Funded Community Development
Program and Consolidated Plan**

A. Introduction and Background Information

1. This document provides the guidelines and procedures to address citizen participation requirements under the Consolidated Plan, and under the Community Development Block Grant (CDBG), HOME Investment Partnerships Program, and Emergency Shelter Grant (ESG) Programs as funded by the U.S. Department of Housing & Urban Development (HUD). Participation by low-moderate income persons, residents of predominately low-income neighborhoods, persons of color, non-English speaking persons, and persons with disabilities is especially encouraged.

2. Section 103(a)(3) of the Housing and Community Development Act of 1974, as amended (the law that established the CDBG Program) sets forth certain requirements for citizen participation activities. 24 CFR 91.105 are the federal regulations that outline the “citizen participation” requirements, as well as certain other requirements for HUD-funded activities, as a part of the Consolidated Planning process. This document has been established in order for the City of Duluth to be in conformance with requirements of the above law/regulations. In 24 CFR 91.105 there are numerous references to the “citizen participation plan” requirements as well as “consolidated plan” requirements.

3. The Citizen Participation Plan shall have a 30-day review and comment period after the date that it is available via newspaper advertisement and news release, also on the City’s website. Copies will be made available at no cost at the offices of the Planning and Development Division, Room 160 City Hall, 411 W 1st St Duluth, Minnesota 55802. Materials can be made available in different formats upon request by calling (218) 730-5580 or emailing duluthcommdev@duluthmn.gov. Upon completion of the 30-day comment period, the City Council will review the plan and any comments received prior to sending the plan on to the Mayor for approval. In the event there is a need for an amendment to the Citizen Participation Plan, a similar procedure as described above will be followed.

Once the Citizen Participation Plan is adopted by the Council and

approved by the Mayor, this document will then supersede former Citizen Participation Plans.

B. Policy to Minimize Displacement

It shall be the policy of the City of Duluth that, in general, HUD funds will not be used to fund activities that result in the displacement of individuals and/or businesses. In the event that a project that would result in acquisition and/or relocation is funded with HUD funds, the City shall follow federal and state laws/regulations that set forth minimum benefits to be provided to those individuals and/or businesses that are displaced. In addition, the City shall continue to provide supplemental benefits over and above those minimums required by federal and state laws/regulations to those homeowners displaced as a result of a City funded (to include HUD funds) acquisition activity. To ensure compliance with program regulations, the Duluth HUD-funded programs shall follow the City of Duluth, October, 1996 edition of the *Antidisplacement, Relocation, Acquisition and Replacement Housing Plan*, as adopted by City Council Resolution 97-0021, which was passed on February 10, 1997, and shall remain in effect until modified and/or replaced by action of the Mayor and the City Council. Copies of the plan and the resolution are available in the City Clerk's and Community Planning Division offices. New projects are only implemented by City Council Resolution and Contract action. These projects shall include a project contract to explain where acquisition and/or relocation activities will occur, and shall contain contract provisions requiring that benefits due owners, tenants, and businesses shall be provided as described above. In the event the City uses another body and/or agency to carry out an activity, the contract shall contain similar provisions. The contract will also require that all persons' due benefits shall be notified to explain their rights under this policy and the law.

C. Relationship to the City of Duluth Housing & Redevelopment Authority (HRA)

Since before 1969 and continuing today, the City of Duluth and its Housing and Redevelopment Authority have continued to partner on HUD-funded projects in the City. The HRA will continue to be included on the Community Development Committee mailing list. This allows for information to be current so that the HRA can have input into activities and also allows for the HRA to provide information to their tenants about activities in the community. It also addresses the requirements to make information available for the HRA annual public hearing under the HRA's Comprehensive Grant Program.

D. Consolidated Annual Performance and Evaluation Report (CAPER)

In addition to the Community Development Committee “CAPER Public Hearing” described elsewhere in this document, the City is required by HUD to prepare an annual report to address progress with respect to HUD-funded activities within 90 days of the new program year start date. As part of preparation of the annual report, a newspaper ad and news release will advise citizens of the 15-day comment period for the report and/or program. Copies of the Draft Report and the Final Report will be available at no cost by the Community Planning Division Offices in City Hall and, on request, will be mailed at no cost to persons with low-moderate incomes. The CAPER will also be published on the City’s website. Any comments received at the public hearing and during the public comment period will be summarized and/or attached to the final report that is submitted to HUD for review and approval.

E. Access to Records by the Public and Agencies

Documents such as the Consolidated Plan, Annual Action Plan, Annual Performance and Evaluation Report, Assessment of Fair Housing, other annual reports, program regulations and individual project records will be made available to the public subject to any restrictions set forth in federal and state “data privacy act” laws and regulations. The documents will be available during business hours 8:00 a.m. to 4:30 p.m. at the Community Planning offices in Room 160 of City Hall, which is an ADA-accessible building. Documents will also be made available on the City’s website, www.duluthmn.gov. Records will be kept immediately available for a minimum of five years prior to being placed in file storage for closed projects or closed program years.

F. Staff Technical Assistance

Staff of the Planning and Development Division provides technical assistance to its sub-recipients to support program objectives and compliance with HUD rules and regulations. It provides technical assistance to potential applicants for funding, including assistance groups that are representative of low-moderate-income persons which might request assistance in developing proposals for funding as part of the annual Community Development program. This assistance will not include the provision of funds to the groups. Mandatory training for sub-recipients may periodically be held on important topics related to the City’s HUD-funded programs; failure by current sub-recipients to participate in a mandatory training may impact future funding eligibility.

G. Standard Procedures for Meetings and Public Hearings

All meetings and hearings of the Planning and Development Division and the Community Development Committee (CD Committee) are open and public meetings, covered under the provisions of the state “open meeting law.” Meetings of the CD Committee will be held during evening hours at public locations within the City that are accessible to persons with disabilities. Though most CD Committee meetings are held at City Hall, the CD Committee will annually consider alternative public locations for its meetings, and publicize notice of meetings at alternative locations through additional outreach. Copies of meeting notices shall be forwarded to the Office of the City Clerk, where they are kept on public display and file. Public Hearings shall be advertised in the City’s Official Newspaper ten days prior to the hearing. In addition to the newspaper, an advertisement will be placed on the City’s website, and participating agencies will be asked to post a notice at their offices and facilities. The City may occasionally use online surveys or forums to collect community input. Notices shall contain meeting time and location and the purpose of the hearing. In the event a Public Hearing is expected to be attended by a significant number of non-English speaking individuals, or individuals with different communication requirements, a translator or other appropriate professional will be provided for said Public Hearing.

H. Consolidated Plan - General Procedures

The following are general process steps for preparing a five-year Consolidated Plan. Later in this document is the Annual Community Development Program calendar, which outlines the process for determining funding investments, which is the Annual Action Plan, an important subset of the overall Consolidated Plan.

1. The process will start with an analysis of the housing market and current employment and economic conditions to evaluate gaps in affordable housing availability and general community needs. This will include a community needs assessment, which may include a survey or other direct outreach. The Community Development Committee will hold a community development and housing needs public hearing, which will state the process to develop the Consolidated Plan or the annual updating of the One Year Action Plan portion of the Consolidated Plan and address the general needs of the community that could be addressed with HUD program funds. The purpose of this hearing will be to review housing market data to determine housing and employment needs and to analyze other survey data to define community development needs.

Following the public hearing, the Planning and Development Division will meet with various concerned groups and agencies with missions focus on addressing community needs, after which a draft Consolidated Plan priorities and strategies document will be developed. This will be followed by a summary advertisement in the local newspaper, publication on the city's website, and a news release to notify the public that copies are available for inspection at the local library, as well as the offices of the Planning and Development Division in City Hall.

Any interested parties or organizations may obtain copies, at no cost, of the draft Consolidated Plan during the 30-day public comment period. A summary of any comments, written or oral, received during the 30-day comment period, along with the City response to the same, will be attached to and become part of the final Consolidated Plan. An additional Public Hearing will be held by the CD Committee or the City Council after the 30-day comment period and prior to the City Council formally approving the Consolidated Plan and forwarding it to HUD for review and approval.

In addition to the formal, online submittal of the Consolidated Plan document into the electronic system, which produces output that may be printed for community review, the Planning and Development Division will produce an executive summary document and cover sheet to help the community understand the Consolidated Plan using plain, understandable language and terminology. This document shall be publicized in the same manner as the formal, HUD-developed output plan document.

2. In the event there are major changes in the socio-economic conditions in the City or in legislation that impacts the Consolidated Plan, a substantial amendment to the Consolidated Plan may become a necessity. In this event, similar procedures with respect to Public Hearing, 30-day comment period, accepting and responding to comments, and publication/ distribution/availability of the amendment will be followed as described above for the basic Consolidated Plan prior to City Council approval and authorization for submittal to HUD for review and approval. Those conditions that would trigger a substantial amendment with respect to project activities funded by the program are described in detail later in this document.

3. Continuum of Care Planning Process for McKinney/Vento and ESGP funds

The City of Duluth collaborates with St. Louis County (SLC) in the

Continuum of Care (CoC) process to end homelessness. The goal of the CoC is to help homeless people achieve self-sufficiency and stability in permanent housing. Through the CoC, SLC annually coordinates data gathering and analysis, as well as applications to secure funding through HUD's SuperNOFA for Homeless Assistance under the McKinney-Vento Act. The City of Duluth annually receives Emergency Shelter Grant (ESG) funds, through the McKinney-Vento Act, for housing and services for homeless people in Duluth. As a part of the SuperNOFA process, the City will work with the County to review applications submitted by service providers, transitional and permanent housing providers, and homeless shelter providers. The City will also work with the CoC to make funding recommendations to HUD for the SuperNOFA process. In an effort to coordinate services and resources, this committee may also make recommendations to the CD Committee and City Council for Duluth's ESG funding. The City will continue to collaborate with the CoC on the Homelessness Management Information System (HMIS) and Coordinated Entry process, and will occasionally report to the CoC governance board regarding City programs.

4. Affirmatively Furthering Fair Housing

Affirmatively Furthering Fair Housing (AFFH) is a legal requirement that HUD grantees further the purposes of the Fair Housing Act. This obligation to affirmatively further fair housing has been in the Fair Housing Act since 1968 (for further information see Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3608 and Executive Order 12892). The City of Duluth Community Planning Division conducts an Analysis of Impediments to Fair Housing Choice (AI) prior to the development of the Five Year Consolidated Plan. The City will continue to conduct the AI, until HUD requires that a complete Assessment of Fair Housing (AFH) be submitted prior to the development of the Consolidated Plan.

Upon HUD requiring that an AFH be submitted, the city will ensure citizen participation is involved in the assessment process, including;

- a. At the beginning of the public process to develop the AFH the city will make available the data provided by HUD and any additional information the city intends to utilize during the process. The information will be available, on the city's website and in paper format, to all residents, public agencies, and other interested parties.
- b. At least one public hearing will be held prior to the release of the AFH plan for 30-day public comment period. A notice for the public hearing will be published at least 14 days prior to the hearing and will describe the subject and intent to hear from all

interested citizens regarding the AFH process. The hearing(s) will be held at times and locations convenient to potential and actual beneficiaries and provide accommodations to persons with disabilities. Hearing will be held in a building that is fully accessible and the hearing notice will provide information on how to request further accommodations for accessibility and/or interpretation for non-English speaking residents prior to the meeting. If requested, the city will provide interpretation services.

- c. Upon completion of a draft AFH, the public will be allowed time to review and comment. A summary of the AFH will be advertised in the local newspaper and a news release that copies are available for inspection at the local library, as well as the offices of the Community Planning Division in City Hall. All who are interested may obtain copies, at no cost, of the draft AFH plan during the 30-day public comment period. A summary of any comments, written or oral, received during the 30-day comment period, along with the City response to the same, will be attached to and become part of the “final” AFH plan. A Public Hearing will be held by the CD Committee or the City Council before the 30-day comment period and prior to the approval of the AFH plan and forwarding it to HUD for review.
- d. In the event that the AFH plan is in need of significant revision, the city will provide residents 30 days to review and comment on revisions to the AFH plan prior to the submittal to HUD for review and will follow the same noticing process as the development of the AFH plan. Comments received will be included in the AFH plan along with city response to such comments. The revision should be completed within 12 months of the onset of the impetus of the revision. Criteria for revisions include:
 - a. A material change occurs, such as: Presidentially declared disaster, significant demographic change, new significant contributing factors in the participant’s jurisdiction, civil rights findings, determinations, settlements, or court orders.
 - b. Notification from HUD, specifying a material change that requires revision.

I Citizen Participation Committees and Their Function

Low-moderate-income individuals and groups are encouraged to attend and participate in all phases of the yearly process with the CD Committee and the

Duluth City Council. See attached flow chart at the end of this document that shows the relationship of these committees or groups.

Per the City Charter, membership on the CD Committee is determined through nomination by the Mayor and confirmation by the City Council. Terms of membership shall be for three years limited to two consecutive terms. The CD Committee shall operate in conformance with the program regulations in general, equal opportunity/civil rights requirements in particular, and with a sense of fairness to all groups, individuals, and ideas. The CD Committee shall have a Conflict of Interest Policy that is in conformance with federal regulations, which shall annually be reviewed by the Committee during the application review process. The Mayor, in addition to serving as the appointing authority, shall also have the authority to remove a member from membership for cause. An example of “for cause” can be three unexcused absences by a Committee member.

1. Community Development Target Areas: Community Development Target Areas are made up of a combination of Census Tracts or Census Block Groups that are eligible as a “Target Area” under HUD program regulations, based on the percentage of residents (currently in excess of 51%) in that Target Area that meet HUD (low/moderate-income) guidelines, as modified from time to time by HUD action. The City Council shall designate Community Development Target Areas by resolution, that may be amended with updated Census or survey information.

2. Community Development Committee (CD Committee): The CD Committee shall consist of nine members: Preference will be given to persons of color or who are low to moderate income. The CD Committee shall annually elect a Chair, First Vice Chair, and Second Vice Chair. A simple majority of currently appointed members present at a meeting shall constitute a quorum.

The role of the CD Committee will be to review proposals for funding under the Community Development program. The CD Committee will establish criteria to evaluate and rank specific proposals for neighborhood activities and low-moderate clientele activities. The CD Committee will prepare a recommendation with the concurrence of the Division Manager to the City Council and the Mayor.

From time to time, the CD Committee may wish to create subcommittees to address specific issues or undertake community or neighborhood studies. These subcommittees may be created by resolution at a CD Committee meeting establishing said subcommittees. The resolution shall

state the name of the subcommittee, its purpose, its composition and a time line for completing the task.

3. ***Planning and Development Division:*** The Planning and Development Division staff shall be responsible for determining if an activity is eligible for funding in the Community Development program and meets a national objective. Staff will provide a technical review of funding proposals to include how the application meets the goals of the Consolidated Plan and past grantee performance. When so directed by the Committee or Mayor, Staff will provide professional planning services to neighborhoods that want to develop a Neighborhood Revitalization Strategy Area plan for approval by the City Council and HUD. Staff shall initiate and complete research on community needs and will work with community partners to develop strategies to meet those needs. Staff will develop and implement a performance measurement system for the Community Development program.

J. Annual Community Development Program Calendar

The Consolidated Plan is a planning document and a vehicle for establishment of project funding priorities for the overall five-year program. This section will deal with how funding priorities and projects are established for each fiscal year of the Community Development Program for the development of the Annual Action Plan. In general terms, the following procedures will be used:

The Community Development Program year shall begin on April 1st and end on March 31st. The Community Planning Division shall submit the CAPER report to HUD on or before June 30th. The Annual Action Plan shall be submitted to HUD 45 days prior to the beginning of the next Program year, or by February 15th. If HUD award amounts are not finalized by this date, the city will submit the Annual Action Plan within 60 days (or as required by HUD) of receipt of the finalized funding amounts.

The CD Committee and the staff will provide a public notification with information on the community's funding priorities for that year and make known the deadlines for the submission of the proposals. The Planning and Development staff will hold one or more technical assistance sessions.

Each June, the CD Committee will hold the CAPER Public Hearing to review the past performance of activities which received Community Development funds.

After the Housing Market and community needs analysis, the Community Development Committee will hold a community development and housing needs public hearing to seek input on investment strategies and the needs of residents

in the Community Development Target Areas.

The CD Committee will review and evaluate proposals by measuring them with the goals of the Consolidated Plan and their evaluation criteria. The CD Committee will require applicants to provide written responses to any questions about their funding proposals. The CD Committee will prepare a funding recommendation and a contingency plan with the concurrence of the Division Manager; that recommendation and contingency plan will then be published for a 30-day public comment period, as required under the Consolidated Plan regulations, to make known their recommendations for funding. After the public comment period, the CD Committee will hold a public hearing to review written comments and hear public testimony on the funding recommendation. The CD Committee will then submit their recommendations to the City Council and Mayor for their approval and submission to HUD.

The CD Committee, with the assistance of Staff, shall adopt a contingency plan if the federal budget is not yet complete when the funding recommendations are finalized. The contingency plan shall provide for modifications to the annual funding plan if the federal grant award deviates from projections.

The contingency plan shall list projects in order of funding priority. The plan shall indicate which projects shall be considered backup projects that shall receive funding only if the actual HUD funding amount exceeds the Division Manager's estimate, and which lower priority projects shall be eliminated or reduced if the actual HUD funding amount is lower than the Division Manager's estimate.

The contingency plan, if implemented based on the federal grant award, shall not constitute a Substantial Amendment, and shall not require a separate, additional public hearing. The modifications to the annual funding plan, if implemented, shall be adopted by an updated City Council resolution.

K. Substantial Amendments

A Substantial Amendment(s) to the Consolidated Plan will be announced via newspaper advertisement, to be followed by a 30-day review and comment period prior to the CD Committee holding a public hearing and developing a recommendation with the concurrence of the Division Manager for consideration by the Duluth City Council and Mayor. As described above, copies of the proposed amendment will be available at no charge at the Planning and Development office. Members of the public will be mailed a copy at no cost upon calling the number or sending an email request to the contacts listed above.

Changes that require a substantial amendment are as follows:

1. It is decided to change goals or strategies in the Consolidated Plan.
2. It is decided to not carry out a project or an activity described in a CD Program year application for funding (Consolidated Plan - One Year Action Plan), unless specifically addressed as part of a contingency plan associated with an Annual Action Plan.
3. It is decided to add a new project or activity not previously described in the Consolidated Plan or Annual Action Plan.
4. It is decided to “substantially change” the purpose, scope, location or beneficiaries of an existing project or activity. Examples of “substantial change” would be changing a senior-citizen-oriented project to a youth-oriented project, changing the location of a proposed community center from one CD Target Area to another CD Target Area.
5. With respect to fiscal changes, a change at one time that involves financial changes of funding allocations in a sum greater than twenty percent (20%) of those funds in any particular CD program year total program grant amount.

Minor amendments to the Consolidated Plan will be recommended by the Division Manager to the City Council for action by resolution and approved by the Mayor. Meetings of the City Council are open to the public and people may sign up to speak on any Council resolutions.

L. Emergency Amendments

It may be necessary to amend the Annual Action Plan and budget in response to emergencies. Notice of proposed emergency changes will be published in the City’s Official Newspaper at least seven days prior to a City Council meeting at which the emergency change will be considered. All comments on the proposed change will be considered by the Council prior to taking action. The City Council may make the proposed change, reject the change, or modify the change.

M. Complaints

Prior sections of this document dealt with how comments would be processed. This section of the document shall deal with the subject of complaints. The CD Committee shall adopt the lead role in dealing with complaints, with the understanding that any complainant shall also have the right to bring the complaint to the City Council or Mayor for their consideration. Complaints may be related to the Consolidated Plan and amendments to the same, the annual performance report, general program activities, or individual project activities.

Complaints should be addressed to the CD Committee in writing, unless an accommodation is requested, in which case city staff, in coordination with the City's Human Rights Officer when necessary, will assist in communicating the complaint to the CD Committee. City staff will make every reasonable effort to provide a written response to a complaint within fifteen (15) working days. The CD Committee will then review a complaint and staff response and develop a decision as they deem appropriate. A copy of the complaint, staff response, and CD Committee decision will be mailed to the complainant. Complainants shall also have the right to file complaints with the U.S. Department of Housing & Urban Development.

N. Procedures and Processes During Infectious Disease Response

When the community is experiencing a need to change operation during an infectious disease outbreak, similar to the COVID-19 pandemic that began in early 2020, the City of Duluth may need to make adjustments to funding and hearing processes in order to ensure the safety of people in the community, comply with state/federal emergency declarations and shelter-in-place orders, and also allow the city to respond quickly to emerging needs.

1. During periods of infectious disease response HUD may issue waivers, revised processes, and flexibility to the management of entitlement funds within the Community Development Program. The city will adjust processes as necessary to ensure that new requirements are being met and will utilize waivers to ensure it is able to continue assisting the community.
2. As allowed by state law and federal regulations related to entitlement funding, the City of Duluth will utilize virtual hearings when it is not safe to meet in person or when city buildings have been ordered to be closed for public safety. Virtual hearings will be made available to the public through electronic communication to ensure participation is encouraged, as available through the City Clerk's Office. The city will work to ensure that the public has proper instruction in how to connect and virtually attend meetings held by the Community Development Committee. Access to virtual meetings will be communicated through the city's website and through other reasonable means. The city will continue to strive to announce public hearings through placing an ad in the newspaper, posting on the city's website, and through other reasonable means. The city will strive to provide a 10-day notice for public hearings, but will meet a minimum 7-day notice for public hearings.
3. During infectious disease response, it may be critical to reduce comment periods in order to efficiently make funding decisions in response to critical

community needs. Official public comment periods will be held for a minimum of 5 days, when a shortened comment period is allowed by HUD.

4. Documents that the city is seeking public comments on may not be available at public buildings if they have been closed for public safety purposes. The city will make documents and information available on the city's website. The city will work to respond to requests for paper copies, as reasonable.
5. When special funding is received from the HUD, like CDBG-CV and ESG-CV in 2020, the city may utilize a new funding process that allows the community to respond to the situation more quickly. This includes utilizing city staff to execute an alternative application and review process (e.g. developing an RFP process). City staff will strive to include the Community Development Committee participation into the process. The City Council shall determine final funding amounts and authorize the contracts with partners. Deleting or adding projects into an annual action plan due to new funding will result in a substantial amendment and require a public hearing and comment period. Changing a project by more than 50% of the original budget will also result in a substantial amendment and require a public hearing and comment period.

During times of infectious disease response, the city will strive to keep open communication with people in the community and ensure ways to hear from low- and moderate-income people about the needs they are experiencing.

Community Development Program Process Overview

