



CITY OF BETHLEHEM

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Memo

To: City Council

From: Tina Roseberry, Housing & Community Development Administrator

CC: Mayor Robert Donchez
Alicia Miller Karner

Date: October 23, 2020

Re: CDBG/HOME Citizen Participation Program Amendments

The Department of Community and Economic Development is recommending amending its Citizen Participation Plan (CPP). The City's entitlement status to receive CDBG and HOME funds requires a CPP be locally adopted. It is our intent to request several modifications of current CPP approved in December 1995. Generally, such modifications include:

- Page 5. Housing and Community Development Planning. This section should include both Consolidated Plans and Annual Action Plans.
- Page 5. Housing and Community Development Planning. Require all future notifications to be posted on the City's website instead of local newspaper of general circulation.
- Page 5. Technical Assistance. Change reference from low, very low and poverty income groups to HUD standard language of "low- and moderate- income groups or persons.
- Page 6. Public Hearings. Promotion of any hearings shall be no less than 10 days prior to any hearing. Such promotion can be through electronic communications i.e. social media, email blasts and City website postings.
- Page 6. Public Hearings. Hearings can be in-person or virtual.
- Page 7-9. Criteria for Amendments to Programs.
 - Substantial Amendments:
 - A change in the use of CDBG funds from one activity to another to another, in excess of \$100,000.00
 - An increase in CDBG funds in any one activity, in excess of \$100,000.00.
 - Activities proposed to be added or deleted from the plan.
 - A change in the purpose, scope, location, or type of beneficiaries of an activity.
 - A change in priorities for allocating funds.
 - CPP Amendments
 - A change in the definition of a Substantial Amendment for the Consolidated Plan or AAP; or

- A change in the required public notification periods or public hearings; or
 - A change to the City's policies or procedures regarding citizen participation, to such an extent it can no longer reasonably be construed as meeting the original intent approved by City Council and HUD per 24 CFR Part 91.105.
- Minor CPP Amendments
 - updates to contact and access information;
 - the modes and means of outreach utilized;
 - amended City policies referenced in this Plan;
 - clarifications of terms used in the document; and
 - amended CFR's referenced in the Plan that do not substantially change the information included in the Plan.
 - Declared Emergency Amendments

To comply with the national objective of meeting community development needs having a particular urgency, and project will alleviate existing conditions which:

 - pose a serious and immediate threat to the health and welfare of the community;
 - are of recent origin or recently became urgent (approximately 18 months);
 - are unable to be finance by the City on its own; and
 - other funding resources are not available to completely carry out the activity.
 - Page 10. Use of Plan. This section has been modified to be specific to only CDBG and HOME HUD funding programs.

In accordance with CDBG program regulations, the City is allowed to make amendments to its CPP, as needed particularly as HUD requirements and or local determinations are made for public engagement.

The CPP document has been made available to the public, starting on October 26th through November 4th, 2020. Council will meet on November 4th 2020 to review the CPP amendments, hear public comment, and to consider approval of the amendments.

RESOLUTION NO. 2020-

WHEREAS, Federal regulations allow the City of Bethlehem, Pennsylvania, as a HUD entitlement community, to prepare an Amendment to its Citizen Participation Plan (CPP) as required by Department of Housing and Urban Development (HUD) in accordance with the Community Development Program Section 24 CFR §91.105.

WHEREAS, the City has amended its CPP to conform to current HUD procedures as well as relevant public engagement and outreach methods; and

WHEREAS, the City has made the amended CPP available to the public and has provided citizens an opportunity to comment on its contents.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BETHLEHEM:

1. That the CPP for the City of Bethlehem dated December, 1995, is hereby approved.
2. That a copy of the CPP be filed with this Resolution and the CPP, as amended, can be viewed on the City's website.

Sponsored by: _____

Adopted by Council this day of , 2020.

President of Council

ATTEST:

City Clerk

CITY OF BETHLEHEM

CITIZEN PARTICIPATION PLAN

Bethlehem Department of Community and Economic Development

In accordance with U.S. Department of Housing and Urban Development
24 CFR § 91.105 - Citizen Participation Plan
and the Pennsylvania Department of Community and Economic Development

December 1995
Revised: November 2020

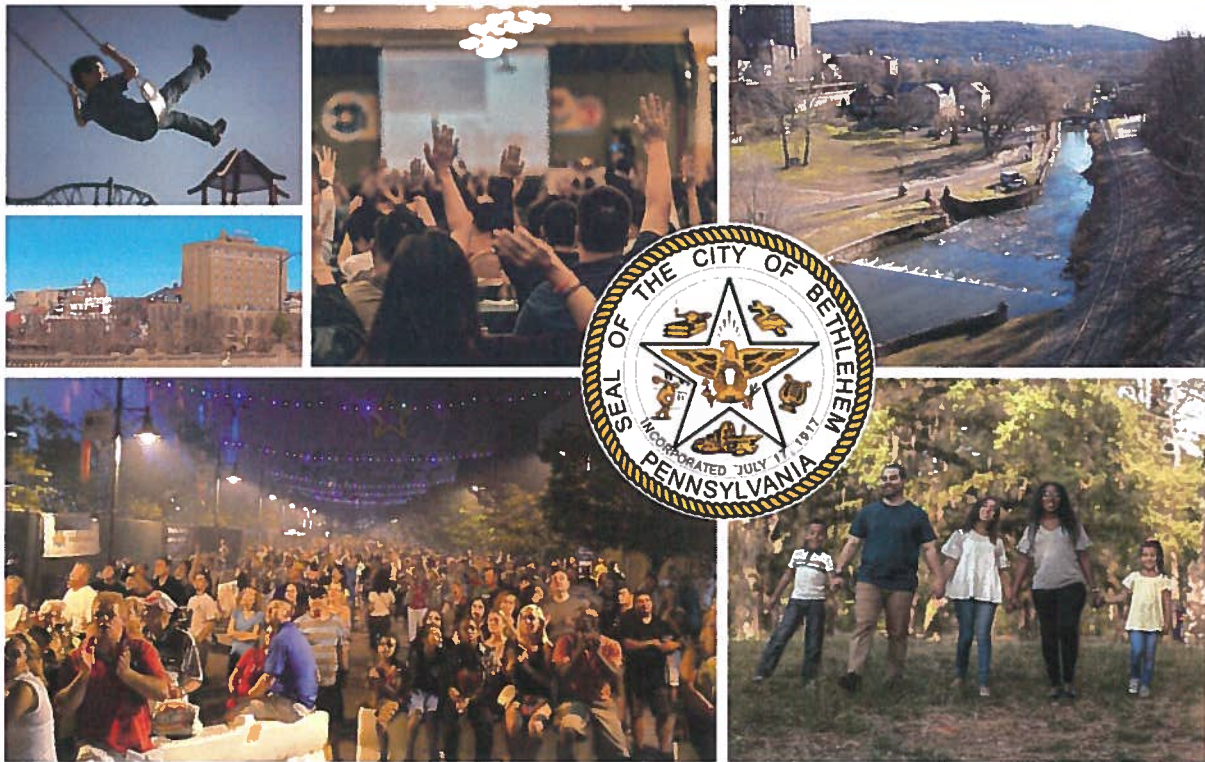


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Introduction

The City of Bethlehem, through the Department of Community and Economic Development, utilizes the programs of various Federal and State agencies including the U.S Department of Housing and Urban Development, the Pennsylvania Department of Community and Economic Development, etc. to implement housing and community development related activities.

The Department of Community and Economic Development recognizes the obligation to provide adequate information to citizens regarding those programs through which it may seek funding. Therefore, the department will insure that adequate information is provided to local citizens to evaluate various proposals. The City will also provide the proper forum to obtain citizen views on housing and community development related issues.

The City receives annual grants from the U.S Department of Housing and Urban Development resulting from its classification as an "entitlement" community. Title I of the Housing and Community Development Act of 1974 as amended provides a program for Federal financial assistance in the form of annual community development block grants. These funds are to be used in connection with the carrying out of the City's Five-Year Consolidated Plan. The program includes the activities to be undertaken to meet the City's Community Development needs and objectives identified in its Consolidated Plan, together with the estimated costs and the location of such activities; it includes resources other than Federal block grants which are expected to be made available toward meeting its identified needs and objectives and takes into account appropriate environmental factors. The City is also eligible to apply for supplemental funds under the section 108 Loan Guarantee Program. The City may exercise its option to apply for section 108 Loan Guarantee funding and in so doing will follow the procedures outlined in this Citizen Participation Plan.

In preparing the Consolidated Plan and any amendments and reallocations of funds, citizen participation is required by Section 91.105 of the Federal Regulations governing Community Development Block Grant, 24 CFR 01.

The Department of Community and Economic Development recognizes that persons affected by public action should have a voice in policy formulation. Although the various housing and community development related activities are designed to have a long term beneficial effect on the community, these activities may also have an adverse impact on some individuals. Therefore, it is important that citizens know what is being planned and be given an opportunity to present their views.

The City recognizes the need to consult and coordinate with appropriate public and private agencies, such as the State and other local jurisdictions, local public housing agencies and participating in an approved Comprehensive Grant Program, and among its own departments, to assure that its programs and plans are comprehensive and address any statutory purposes. It will also confer with social service agencies regarding the housing needs of children, elderly persons, persons with disabilities, homeless persons, and other categories of residence. The City will

consult with State and local health and child welfare agencies, and examine existing data on the address of housing units in which children have been identified as lead poisoned.

In order to comply with the spirit of the program requirements relative to citizen participation, the City has developed this Citizen Participation Plan. Generally, the plan is designed to ensure the involvement of affected persons and other concerned citizens, the openness and freedom of access to information, the adequate and timely presentation of pertinent data, the submission of views and proposals, and the continuity of citizen participation through each stage of resulting activities. In accordance with 570 CFR 411(m), the City of Bethlehem certifies that "citizens likely to be affected by the project regardless of race, color, creed, sex, national origin, familial status, or handicapped, particularly low and moderate income persons" will be provided an opportunity to comment on its Consolidated Plans, amendments and performance reports.

Access to Records

The City shall provide for full public access to citizens, public agencies, and other interested parties, including those most affected, to information pertaining to any program under which funding is sought or concerning the use of funds from any program used for housing and community development activities and administered by the Department of Community and Economic Development. Affirmative efforts will be made to make adequate information available to citizens, especially those of low, very low and poverty income and those residing in slum and blighted areas and in areas where funds from federal or state programs are proposed to be used. At the time the City initiates the process to seek specific funding, the following program information shall be provided:

- A. The total amount of funds expected to be available to the City for housing and community development activities under program(s) being assessed.
- B. The range of activities that may be undertaken with these funds;
- C. The estimated amount of funds proposed to be used for activities that will benefit low, very low, and poverty income persons;
- D. The possibility of residential and/or commercial displacement resulting from program implementation and the plans for minimizing such displacement, and;
- E. The types and levels of assistance to be made available to persons displaced by contemplated activities.

Upon completion of an application for funding by the Department of Community and Economic Development and submission of the application to the appropriate agency, the City shall post such a submission on the City's website if Agency program regulations so require. The notice shall indicate that the necessary documentation has been submitted and is available to interested parties upon request. The City shall make copies of the appropriate documentation available in

the Department of Community and Economic Development, 10 East Church Street, Bethlehem, PA 18018 and any other designated location.

Housing and Community Development Planning

The U.S Department of Housing and Urban Development (HUD) requires the submission of a Consolidated Plan (CP) or Annual Action Plan (AAP) including all aspects of the Community Development Block Grant (CDBG) Program, Emergency Shelter Grants (ESG) Program, Home Investment Partnerships (HOME) Program, and the Housing Opportunities for persons with AIDS (HOPWA) Program. The City of Bethlehem is a direct entitlement community under the CDBG program and the HOME Investment Partnerships Program with a program year of January 1 to December 31 of each year. The revised reporting requirements replaced the general performance reports on each program with one report; the Consolidated Annual Performance and Evaluation Report (CAPER) which is submitted to HUD 90 days after the end of the City's program year.

The CP serves the following functions: (1) a planning document for communities, which builds on a participatory process at the lowest levels; (2) an application for federal funds under HUD's formula grant programs; and (3) a strategy to be followed in administering HUD programs.

Upon completion of the proposed CP and subsequent APPs, the City shall publish a summary of the plan and provide access to the complete draft Plan for 30 days to give sufficient time to permit citizens to comment on the Plan prior to its approval and adoption by the City Council. Such notification will be posted on the City's website at least seven (7) calendar days prior to availability of the Plan and will indicate the locations at which the Plan will be made available for public review. Such comment period may be reduced as a result of a declared emergency.

Upon approval of the CP and/or Annual Action Plan, the City shall post a copy of the plan on the city's website. The CP will be available on the City's website during the 5-year duration of the plan. Subsequent Annual Action Plans will remain on the City's website throughout the applicable funding year.

Technical Assistance

Technical assistance in the form of the Department of Community and Economic Development, or other City agencies or third party contractors to the City or its agencies will provide technical assistance to citizen participants of low- and moderate-income groups or persons to enable them to understand the requirements associated with various programs such as Fair Housing, Davis-Bacon Fair Labor Standards, environmental policies, equal opportunity requirements, relocation provisions, etc. Technical assistance will also be provided to groups representative of persons of low, very low, and poverty income that request assistance in developing proposals. Such assistance will be made available upon request by interested citizens or organizations to the Director of Community and Economic Development. In addition, the City, through public hearings or through informational sessions, will review such program requirements and will have available

for interested parties handout material dealing with technical program requirements so as to assure understanding.

Public Hearings

The City will conduct a public hearing or hearings on specific application proposals in accordance with Federal or State requirements for the subject program under consideration. Consolidated Plans and Annual Action Plans require two public meetings.

An initial hearing will be held to obtain the views of interested citizens and organizations regarding overall community development and housing needs, development of proposal activities, and a review of program performance. The second hearing will be held to obtain the views of interested citizens and organizations on the particular funding application.

Generally, hearings shall be held in City Hall or held virtually. At least ten (10) calendar days prior to any hearing, the City shall promote the hearing through electronic communications including approved social media venues, website postings and direct email communication with interested parties. All public hearings will be held in facilities that afford accessibility for persons with disabilities. The hearing notification will include the date, time, place and topics to be considered at the hearing. If the City determines the hearing will be held virtually, instruction for participation will be listed on the City's website.

Hearing notifications will also be sent to social service agencies and other public and semi-public groups which may have particular interest or be affected by the proposed program. The City will work through these agencies and groups to encourage participation in the hearing process on the part of low- and moderate-income persons who reside in areas where funds will be spent. The City will also work with these agencies and groups to involve persons who reside in low, very low, and poverty income neighborhoods. In the case of CP or AAP, where a second hearing is required, the required notification will contain a detailed description of project activities in an effort to alert the residents of such proposals and to encourage their participation in the hearing process.

If any organization or group representing affected residents is to be involved in the citizen participation process, the City shall place such group on the list of representative groups and organizations. The Department of Community and Economic Development shall be responsible for maintaining a list of representative groups and organizations. This list shall be updated at the beginning of each program year. Additions to the list must be made formally by written or oral request to the City stating the nature of the organization omitted and why it should be included.

The Mayor shall have the responsibility for calling meetings and hearings with citizens likely to be affected by activities undertaken by the Department of Community and Economic Development. The Mayor may delegate assignments to the Director of Community and Economic Development. The Department of Community and Economic Development shall develop procedures for meetings and hearings and for moderating such meetings either directly or through the director.

Written Response

The City will consider and respond in writing to all comments, views or proposals submitted either verbally or in writing prior to or at public hearings or meetings. The response to a request for activities or projects shall be made in a timely fashion, but in any case prior to the meeting of the City Council at which approval of the application will be considered.

The City will respond in writing to citizen complaints and/or grievances related to community development and housing programs as soon as possible. Citizen complaints and/or grievances will be responded to in writing within fifteen (15) working days from receipt of such complaint in the Department of Community and Economic Development.

Criteria for Amendment to Programs

Substantial Amendments

Occasionally, it may be necessary for the City to process a Substantial Amendment to the Consolidated Plan or an Annual Action Plan to allow for new activities, modification of existing activities, or other program changes. A Substantial Amendment shall be required if any one of the following criteria applies:

1. A change in the use of CDBG funds from one activity to another to another, in excess of \$100,000.00
2. An increase in CDBG funds in any one activity, in excess of \$100,000.00.
3. Activities proposed to be added or deleted from the plan.
4. A change in the purpose, scope, location, or type of beneficiaries of an activity.
5. A change in priorities for allocating funds.

In such instance, the City shall provide citizens with reasonable notice of, and opportunity to comment on, such proposed changes in its use of funds. In accordance with 24 CFR §91.105 (a)(2), requirements related to public notice and the public comment period may be altered, suspended for a limited for a defined period of time at the discretion of the Mayor.

The City will post a notification of the proposed program change and give interested or affected citizens at least thirty (30) calendar days, to submit comment on the amendment. Such comment period may be reduced as a result of a declared emergency. The City shall consider any such comments and, if the City deems appropriate, modify the amendment. The Department of Community and Economic Development will notify the appropriate funding agency of the proposal and provide a description of any changes in a letter signed by the Mayor, or designee, the Department of Community and Economic Development.

Citizen Participation Plan Amendments

The Citizen Participation Plan may be modified from time to time by the City provided such revisions are consistent with Federal and State law, regulations and administrative requirements covering citizen participation. Prior to any modification of the Citizen Participation Plan, the

Department of Community and Economic Development will publish a notice of modification of the plan in sufficient time to permit citizens to comment prior to approval by the City Council.

The notice posted on the City's website and other electronic communications at least ten (10) calendar days prior to the adoption of the modification by the City Council.

Any questions or comments on this plan or request for information should be directed to: City of Bethlehem Department of Community and Economic Development, 10 East Church Street, Bethlehem, PA 18018. Telephone Number (610) 865-7085. The City's TDD number is (610)865-7171. A "Substantial Amendment" to the Citizen Participation Plan is defined by the City to be:

1. A change in the definition of a Substantial Amendment for the Consolidated Plan or AAP; or
2. A change in the required public notification periods or public hearings; or
3. A change to the City's policies or procedures regarding citizen participation, to such an extent it can no longer reasonably be construed as meeting the original intent approved by City Council and HUD per 24 CFR Part 91.105.

All other changes to the Citizen Participation Plan will be considered "Minor Administrative Amendments" and will be noted in the program files.

Examples of Administrative Amendments may include, but are not limited to:

1. updates to contact and access information;
2. the modes and means of outreach utilized;
3. amended City policies referenced in this Plan;
4. clarifications of terms used in the document; and
5. amended CFR's referenced in the Plan that do not substantially change the information included in the Plan.

Declared Emergency Amendments

In the event of a declared emergency, it may be necessary to reprogram funds to meet urgent community needs. These amendments may include funding new activities and/or the reprogramming of funds to meet the urgent needs.

To comply with the national objective of meeting community development needs having a particular urgency, and project will alleviate existing conditions which:

1. pose a serious and immediate threat to the health and welfare of the community;
2. are of recent origin or recently became urgent (approximately 18 months);
3. are unable to be finance by the City on its own; and
4. other funding resources are not available to completely carry out the activity.

In these situations, requirements related to public notice and the public comment period may be suspended for a limited and defined period of time at the discretion of the Mayor.

During periods of disaster response, the City may implement any waivers issued by HUD regarding requirements on public participation and the Action Plan and Consolidated Plan amendment process.

Coronavirus Aid, Relief and Economic Security Act (CARES)

In accordance with the 2020 Coronavirus Aid, Relief and Economic Security Act (CARES Act) and in similar emergency circumstances where social distancing is necessary, in-person public hearings are not required. The City will make a good faith effort to provide an opportunity for the public to participate using whatever means are available, including electronic communications and virtual meetings. The City may meet public hearing requirements with 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. In addition, the City may reduce the comment period for any Consolidated Plan, Action Plan or Substantial Amendment to five (5) days.

Non-English Speaking and Non-Speaking Residents

The City will take such measures as are appropriate to accommodate the need of non-English speaking residents in the case of public hearings where a majority of the participants at the hearing are expected to be non-English speaking residents. Upon request, handout material prepared for such hearings will be bilingual to accommodate the needs of attendees. Upon written request the City will engage the services of a bilingual person to assist in the presenting relevant information at the hearing.

Furthermore, the City will provide interpretation services for any non-speaking person who may require such assistance in understanding a particular program being planned or administered by the Department of Community and Economic Development.

Notice of Annual Performance Report

The City is required to file a performance report to a grantor agency. The Department of Community and Economic Development will publish a notice of completion of the report in sufficient time to permit citizens to comment on the report prior to its submission to the appropriate agency. The notice will appear in a paper of general circulation at least fifteen (15) calendar days prior to the submission of the report and will indicate the locations at which the plan will be available for review.

Use of Plan

The City shall follow the Citizen Participation Plan for all CDBG and HOME funding applications and amendments to the approved applications.