



# CITY OF PHOENIX CITIZEN PARTICIPATION PLAN

Amended May 2020

# ASSESSMENT OF FAIR HOUSING AND THE CONSOLIDATED PLAN

## CITIZEN PARTICIPATION PLAN

The Assessment of Fair Housing (AFH) and the Consolidated Plan (CP) are guiding documents for the use of the federal formula U.S. Department of Housing and Urban Development (HUD) grants and other HUD resources specified in this document and in subsequent performance reports. The AFH and CP are dependent on the involvement of citizens participation in the development and implementation of the plans and any plan revisions required to address the community's needs.

The City of Phoenix encourages and promotes the involvement of its citizens in the development and implementation of its AFH and CP. The City's various citizens' commission, residents of public and assisted housing, neighborhood-based groups nonprofit organizations, developers, low- and moderate-income residents of targeted revitalization areas, faith-based organizations, philanthropic organizations and others are integral partners in the planning and implementation processes.

### ENCOURAGEMENT OF CITIZEN PARTICIPATION

The City shall provide for and encourage citizen participation in the development of the AFH, revisions to the AFH, the consolidated plan, any substantial amendment to the consolidated plan, and the performance report.

It is particularly important that low- and moderate-income persons living in areas designated by the City as special targeted areas or revitalization areas where CDBG funds are proposed to be used, and by residents of predominately low- and moderate-income neighborhoods as defined by the City through the CP and annual action plan be encouraged to participate.

Accommodations will be made to remove barriers and encourage participation by all citizens, English and non-English speaking. Special efforts will be made to reach out to communities protected by Fair Housing Act, specifically minority, immigrant, and disability communities.

The City shall elicit the participation of the residents of public and assisted housing in consolidated plan developments and review. This includes any resident advisory boards, resident councils, and resident management corporations. The City shall provide information to the Public Housing Authority (PHA) about the CP related activities such as the AFH, Affirmatively Furthering Fair Housing (AFFH), so that the PHA can make this information available at the annual public hearing(s) required for the PHA Plan.

The City shall encourage participation of local and regional institutions, Continuums of Care, and other organizations including businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations. During the development of the AFH, the City shall also consult with broadband internet service providers, organizations engaged in narrowing the digital divide, agency(ies) whose primary responsibilities include the

management of flood prone areas, public land, or water resources, and emergency management agencies in the development process. Information from these partners will be included in the AFH and utilized when appropriate in the development of the CP.

The City will explore and implement alternative public involvement techniques and quantitative ways to measure efforts that encourage citizen participation, including but not limited to the use of focus groups and the Internet.

The City shall provide citizens with a reasonable opportunity to comment on the original citizen participation plan and on substantial amendments to the citizen participation plan and shall make the citizen participation plan public. The City shall make reasonable accommodations to make the format to persons with disabilities, upon request. The City shall make reasonable accommodations to provide language assistance to ensure meaningful access and encourage participation by non-English speaking residents of the community.

#### DEVELOPMENT OF THE AFH AND THE CONSOLIDATED PLAN

Citizens, public agencies, and other interested parties will be made aware of the following information through the publishing of the draft Consolidated Plan:

At the commencement of the public participation process, the City will make the HUD-provided planning data and other supplemental information regarding the City's plan to incorporate the AFH and CP available to the residents, stakeholders, public agencies, and other interested parties. The information may include cross-references with the HUD website.

The City will post the plans, AFH and consolidated plan, along with the performance reports on the City of Phoenix website.

The amount of Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), HOME Investment Partnerships (HOME), Housing Opportunities for Persons with AIDS (HOPWA) and HUD resources anticipated to be made available within the City on a fiscal basis, as well as the amount benefitting low- and moderate-income persons, and the eligible range of activities that may be undertaken concerning such federal programs.

The City discourages the displacement of person assisted through the use of CDBG, HOME, ESG, HOPWA or other HUD resources. The policies to be followed are described in the City's Residential Anti-Displacement and Relocation Assistance Plan.

The City shall provide a narrative on the housing and non-housing community development needs as outlined from the citizen participation, community based data sources, and HUD related information.

The City will conduct at least two public hearings concerning the AFH and consolidated plan. The first hearing will be held at a time to be determined by the City during the formulation and preparation of the AFH or consolidated plan as applicable. The second hearing will be held once a draft document of the plan has been completed.

The City will make available its draft AFH or consolidated plan at selected libraries and City offices for a 30-day public comment period. The City shall make the documents available on the City's website. The City shall provide a reasonable number of copies to individuals and groups free of charge upon request. The public shall be noticed of this fact in a newspaper(s) with general circulation, through social media outlets, and be apprised of the locations where citizens may review copies of the draft Consolidated Plan.

The CARES Act, Public Law 116-136, enacted on March 27, 2020, includes a waiver allowing the following in an effort to prevent, prepare for and respond to the COVID-19 national pandemic:

- reduction of the 30-day public comment period and the implementation of a public comment period of no less than 5 days in an effort to expedite the consolidated plan substantial amendment process and allow the City to respond as quickly as possible to the immediate needs in the community.
- the elimination of the in-person public hearing requirement for consolidated plan amendments and allows for the implementation of at least one virtual public hearing when 1) national and or 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, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.

Additionally, social distancing requirements enacted through the COVID-19 state of emergency do not allow access to public libraries. As a result, any consolidated plan amendments needed during the COVID-19 state of emergency, will be posted to the City of Phoenix website and will not be available at selected public libraries.

Comments received on the draft AFH or consolidated plan in writing, or orally at the public hearing, will be considered in preparing the final AFH, consolidated plan, or substantial amendment. A summary of these comments, and a summary of comments not accepted and the reasons there, will be attached to the final AFH, consolidated plan, or substantial amendment.

#### **CRITERIA AND PROCESS FOR AMENDMENTS TO THE AFH AND CONSOLIDATED PLAN**

Revisions and amendments may be deemed necessary throughout the term of the AFH and CP to maintain relevant documents that address the community's changing needs. Amendments or revisions to the AFH and the CP will include the following: a minimum of one public hearing, noticed a minimum of two weeks prior in a newspaper(s) of general circulation, to the community and the community partners, documents will be posted to the City of Phoenix website, a comment period of not less than 30 calendar days, and a summary explaining how the amendments or revision to the either document will impact the related document.

The CARES Act, Public Law 116-136, enacted on March 27, 2020, includes a waiver allowing the reduction of the 30-day public comment period and the

implementation of a public comment period of no less than 5 days in an effort to expedite the consolidated plan substantial amendment process and allow the City to respond as quickly as possible to the immediate needs in the community.

The City shall incorporate comments or views of citizens received, in writing or orally at a public hearing, in a document summarizing the comments or views and any comments or views not accepted and the reasons why and will attach the summary to the related document(s).

#### AMENDMENTS RELATING TO THE CONSOLIDATED PLAN

The U.S. Department of Housing and Urban Development describes two levels of changes that require amendments to the consolidated plan. There are lesser level changes that will require “amendments” and greater level proposed changes that will require “substantial amendments.”

For the purposes of discussion below regarding amendments to the consolidated plan, “activities” shall mean those projects/programs proposed to be funded through CDBG, HOME, HOPWA, ESG, Neighborhood Stabilization Program (NSP1), Neighborhood Stabilization Program II (NSP2), Housing Opportunities for People Everywhere (HOPE VI), Homelessness Prevention and Rapid Re-housing and other program as described in table in the annual action plan submitted to the U.S. Department of Housing and Urban Development.

Where proposed changes, revisions, and amendments will change projects and programs funded through federal formula HUD grants and related HUD special grants, outlined in the CP or AFH, the proposal will include a description of how the proposed changes, revisions, and amendments will affect the AFH, CP, and the community.

- I. **Amendment** – Should any of the following items occur, it would be considered an amendment to the consolidated plan:
  - a) Making a change in the allocation priorities or methods of distribution of funds delineated in the Consolidated Plan.
  - b) Carrying out an activity, using funds from a program covered by the consolidated plan (including program income), not previously described in the action plan.
  - c) Changing the purpose, scope, location, or beneficiaries of an activity.

An amendment will be approved by the City Council before it is submitted to HUD.

- II. **Substantial Amendment** – A substantial amendment shall be defined as follows:

For CDBG:

- a) Any single change in the planned actual use of CDBG funds, as stated in the consolidated plan annual action plan, which exceeds 20 percent of the City of Phoenix’s annual entitlement amount, or

- b) Any collective change in the planned or actual use of CDBG Funds that when accumulated for a new use or adding funds to an existing use, exceeds 20 percent of the City of Phoenix's annual entitlement amount

For HOME, HOPWA, and ESG:

- a) Any single change in the planned or actual use of HOME, HOPWA or ESG funds, as stated in the annual action plan, which exceeds 20 percent of the City of Phoenix's annual amount for each entitlement program or
- b) Any collective change in the planned or actual use of HOME, HOPWA or ESG funds that, when accumulated for a new use or adding funds to an existing use, exceeds 20 percent of the City of Phoenix's annual amount for each entitlement program.

For NSP1, NSP2, HOPE VI, and Homelessness Prevention and Rapid Re-housing:

- a) Any single change in the planned or actual use of NSP1, NSP2, HOPE VI, Homelessness Prevention and Rapid Re-housing which exceeds 20 percent of the City Phoenix grant award, or
- b) Any collective changes in the planned or actual use of NSP1, NSP2, or HOPE VI, or Homelessness Prevention and Rapid Re-housing funds that when accumulated for a new use of adding funds to an existing use, exceeds 20 percent of the City of Phoenix grant award for each entitlement program.

Should a substantial amendment be made to any aspect of the consolidated plan after its formal adoption, the City will undertake the following:

- a) Provide reasonable notice of the proposed amendment(s) in a newspaper(s) of general circulation to enable review and comment by the public for least 30 days unless HUD establishes a different time period.
  - The CARES Act, Public Law 116-136, enacted on March 27, 2020, includes a waiver allowing the reduction of the 30-day public comment period and the implementation of a public comment period of no less than 5 days in an effort to expedite the consolidated plan substantial amendment process and allow the City to respond as quickly as possible to the immediate needs in the community.
- b) Submit the amendments to the City Council for approval.
- c) Periodically notify HUD of any amendments executed, citizen comments received and the response(s) by the City to such comment(s).

## CITIZEN COMMENT ON CITIZEN PARTICIPATION PLAN AND AMENDMENTS

Prior to the adoption of the Citizen Participation Plan noted herein, it will have been noticed in a newspaper(s) of general circulation that the consolidated plan Citizen Participation Plan is available for public review and comment and a reasonable amount of time will be made available for such comment. In addition, substantial amendments to the Citizen Participation Plan will also be noticed for public review and comment.

## PERFORMANCE REPORTS

The City will provide reasonable notice of the annual Performance Report in a newspaper(s) of general circulation to enable review and comment by the public for at least 15 days. The notice will state where the Performance Reports may be obtained. The City shall consider any comments made in the preparation of the final Performance Report and attach a summary of such comments to the report.

## PUBLIC HEARINGS

The City shall conduct two public hearings for the citizen participation regarding the consolidated plan. The hearing will be held at time determined by the City. All public hearings will be noticed at least two weeks before the actual meetings are conducted and be noticed in a newspaper(s) with general circulation. All postings will include relevant information to permit informed citizen comment. Together, the hearings will address housing and community development needs, development of proposed activities, proposed strategies and action for affirmatively furthering fair housing consistent with the AFH, and review of program performance. One of the public hearings will be held before the proposed consolidated plan is published for comment.

A bilingual (Spanish/English) staff person will be present at public hearing to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can be reasonably expected to participate. All public hearings to be conducted will be held at a time and location convenient to prospective program beneficiaries, and be conducted with accommodation for person with disabilities (as request in advance by at least three working days).

Public hearings will be held in facilities that meet section 504 of the Rehabilitation Act of 1973 and the regulations at 24 CFR part 8; and the Americans with Disabilities Act and the regulations at 28 CFR parts 35 and 36 as applicable.

The CARES Act, Public Law 116-136, enacted on March 27, 2020, includes a waiver allowing the elimination of the in-person public hearing requirement for consolidated plan amendments and allows for the implementation of at least one virtual hearing public hearing when 1) national and or 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, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.

## ASSESSMENT OF FAIR HOUSING

The City shall conduct one public hearing before the proposed AFH is published for comment.

The public hearing shall be noticed at least two weeks before the actual meeting is conducted and be noticed in a newspaper(s) with general circulation. All postings will include relevant information to permit informed citizen comment. The public hearing time and location shall be convenient to potential and actual beneficiaries and with accommodation for person with disabilities. A bilingual (Spanish/English) staff person will be present at public hearing to meet

the needs of non-English speaking residents where a significant number of non-English speaking resident can be reasonably expected to participate. All public hearings to be conducted will be held at a time and location convenient to prospective program beneficiaries, and be conducted with accommodations for person with disabilities (as requested in advance by at least three working days).

Public hearings will be held in facilities that meet section 504 of the Rehabilitation Act of 1973 and the regulations at 24 CFR part 8; and the Americans with Disabilities Act and the regulations at 28 CFR parts 35 and 36 as applicable.

#### COMMENTS AND COMPLIANTS

Comment on the draft consolidated plan or substantial amendment received in writing, or orally at the public hearing, will be considered in preparing the final consolidated plan or substantial amendment. A summary of these comments, and a summary of comments not accepted and the reasons there, will be attached to the final consolidated plan or substantial amendment.

Any citizen, organization or group desiring to make a complaint regarding the Consolidated Plan may do so in writing to the City's Neighborhood Services Department, 200 West Washington Street, Fourth floor, Phoenix, AZ 85003. The City, where applicable and practical, will respond to written citizen complaints in writing with 15 days from their receipt of such.

#### AVAILABILITY TO THE PUBLIC

The City of Phoenix will make available the consolidated plan, substantial amendments and the performance report to the public; including the availability of materials in a form accessible to person with disabilities, upon request. Materials will be made available through the City of Phoenix website. These materials are available by telephoning the Neighborhood Services Department at 602-534-4444 or TTY 7-1-1.

#### ACCESS TO RECORDS

The City will provide citizens, public agencies and other interested parties with reasonable and timely access to the AFH, consolidated plan, and public records relating to its past use of CDBG, HOME, ESG, HOPWA and other HUD funds and related assistance for the previous five years.

#### TECHNICAL ASSISTANCE

The City will provide assistance to group representatives of low- and moderate-income persons that request help in developing proposal for funding under the CDBG, ESG, HOPWA, HOME and other HUD programs as described in the AFH and consolidated plan.

#### ANTI-DISPLACEMENT PLAN

The City discourages the displacement of person assisted through the use of CDBG, HOME, ESG, HOPWA or other HUD resources. The policies to be followed are described in the City's Residential Anti-Displacement and Relocation Assistance Plan.

## STATES OF EMERGENCY/DISASTER EVENTS

During declared states of emergency, national pandemics, disaster events, and public health issues such as the coronavirus, it may be necessary to expedite substantial amendments to the Consolidate Plan.

These expedited substantial amendments may include funding new activities and/or reprogramming of funds to meet community needs resulting from the state of emergency or disaster event. As a result, the City may utilize CDBG, HOME, ESG, HOPWA or other HUD resources, to meet these needs with a 5-day public comment period instead of a 30-day public comment period which is otherwise required for substantial amendments. Additionally, .during a state of emergency or disaster event, in person public hearings will not be required and virtual hearings will be acceptable. Please be advised that if virtual hearings are used, real-time responses and accommodations for persons with disabilities and/or with limited English proficiency will be made available to the greatest extent possible. During states of emergency or disaster events, advertisements and public notices may be made available solely on the City of Phoenix website.

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