

ARTICLE XIII. - COMMUNITY DEVELOPMENT BLOCK GRANT PLANNING

Footnotes:

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Editor's note— *Ord. of August 15, 2016(2), amended Art. XIII in its entirety to read as herein set out. Former Art. XIII, §§ 2-416—2-420, pertained to similar material. See also the Code Comparative Table.*

Sec. 2-416. - Purpose and applicability of article.

- (a) This article sets forth planning and decision making procedures for the community development block grant (CDBG) and HOME Investment Partnerships (HOME) programs, funded under the federal Housing and Community Development Act of 1974, and the federal HOME Investment Partnerships Act of 1991, as amended.
- (b) CDBG funds should be used primarily to benefit low and moderate income persons and to meet the national objectives, as defined by the United States Department of Housing and Urban Development (HUD). The funds may be spent for any activities permitted by the Housing and Community Development Act of 1974, as amended, and applicable federal regulations. HOME funds should be used to strengthen public-private partnerships to provide more affordable housing, as defined by HUD. The funds may be spent for any activities permitted by the HOME Investment Partnerships Act of 1991, as amended, and applicable federal regulations.
- (c) The process established by this article shall apply only to funds specifically allocated for CDBG programs under the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnerships Act of 1991, as amended, or other funds specifically allocated for such purposes by city council.
- (d) This process shall not apply to the allocation of any funds remaining from urban renewal activities in the Garrett Street or Vinegar Hill urban renewal projects.

(Ord. of 8-15-16(2))

Sec. 2-417. - Community development block grant and HOME task force.

- (a) The community development block grant/HOME task force is hereby established to make recommendations to the planning commission and city council for funding housing, community development, economic development, and public service needs based on the consolidated plan and the CDBG priorities as established by city council annually. The CDBG/HOME task force will work with city administration to evaluate CDBG and HOME programs to ensure consistency with the consolidated plan goals. Such recommendations and evaluations shall be forwarded in accordance with the procedures set forth in this article.
- (b) The CDBG/HOME task force shall be composed of nine (9) members appointed by the city council. The members shall include:
 - (1) Five (5) members from HUD's identified income eligible areas of the city who are residents of city

- council designated priority neighborhoods;
- (2) One (1) member of the planning commission;
- (3) One (1) member representing public service programs as defined at 24 CFR 570.201;
- (4) One (1) member of the city school board;
- (5) One (1) additional citizen.

The term for the one (1) member of the CDBG task force from the planning commission and the one (1) member of the school board shall be coextensive with the term of office to which such member has been elected or appointed, unless the city council, at the first regular meeting each year, appoints others to serve as their representatives. The remaining members of the task force first appointed shall serve respectively for terms of one (1) year, two (2) years, and three (3) years, divided equally or as nearly equal as possible between the membership. Subsequent appointments shall be for terms of three (3) years each. Vacancies shall be filled by appointment for the unexpired term only. Members may serve up to two (2) consecutive full terms.

(Ord. of 8-15-16(2))

Sec. 2-418. - Community development block grant (CDBG)/HOME task force subcommittees.

- (a) *Priority neighborhood subcommittee.* When the city council determines that a portion of available CDBG funds will be used to assist an income eligible area, the council may appoint a priority neighborhood subcommittee, including but not limited to representatives of the CDBG task force, the planning commission and residents, business people and property owners from the priority neighborhood. The term of each priority neighborhood subcommittee shall be three (3) years, unless otherwise specified by the council, and each priority neighborhood subcommittee shall operate under such guidelines and perform such advisory functions as the council may direct at the time of appointment. Priority neighborhood subcommittee shall make recommendations to the CDBG/HOME task force for funding housing and community development needs based on the consolidated plan and work with the city to evaluate feasibility and to ensure consistency with programmatic regulations. The city council will designate an income eligible area for three (3) years with the authority to postpone or extend funding in the event of a compelling project or need.
- (b) *Economic development subcommittee.* When the city council provides for a CDBG economic development set aside, the city staff who participate on the strategic action team (SAT) will serve as the economic development subcommittee. The SAT is an interdisciplinary team of city staff who examine the city's workforce development efforts and assist with policy development focused on self-sufficiency for city residents. When the city council determines that a separate economic development subcommittee is needed, the city council shall appoint members with economic development expertise, including but not limited to local business owners, chamber of commerce, office of economic development and other major stakeholders. The subcommittee shall make recommendations to the CDBG/HOME task force for funding economic development projects based on the consolidated plan and work with city staff to evaluate feasibility and ensure consistency with programmatic regulations.

(Ord. of 8-15-16(2))

Sec. 2-419. - Annual process.

The following steps shall comprise the annual process for planning and programming the expenditure of CDBG and HOME funds.

- (1) City staff assigned to CDBG task force will review CDBG/HOME consolidated plan goals and applicable regulations to formulate recommendations for annual funding priorities.
- (2) The city council shall conduct a public hearing to solicit the views of citizens on city wide community development and housing needs. The purpose of this public hearing shall be for council to receive citizens' comments on recommended priorities and program performance. The notice of the public hearing shall include an estimate of the amount of funds available for CDBG and HOME activities and the range of activities that may be undertaken, as well as how the public can access a copy of the most recent consolidated annual performance evaluation report (CAPER). Public comments may be presented in writing or in person.
- (3) After receiving all comments, council shall establish priorities for the grant year, including such percentage allocations of funds to categories and to particular income eligible areas as it deems appropriate.
- (4) After council establishes priorities for the grant year, city staff with the CDBG/HOME task force will develop a request for proposals, within the funding priorities established by council, to be advertised and distributed to interested parties and prior recipients of funds.
- (5) Responses to the city's request for proposals will be evaluated by the CDBG/HOME task force.
- (6) The CDBG/HOME task force shall provide funding recommendations to the planning commission and city council to ensure that proposed projects are consistent with the CDBG program requirements and national objectives and/or HOME program requirements, as applicable. Review will also include a determination of consistency with the city's comprehensive plan and affordable housing goal(s).
- (7) The city council and planning commission shall conduct a joint public hearing to receive public comments on the proposed annual action plan of the consolidated plan and CDBG/HOME performance, as appropriate. Notwithstanding the foregoing, the CDBG/Home performance plan may be presented at a separate public hearing as required by the Code of Federal Regulations.
- (8) Following the public hearing and any additional meetings or hearings deemed by the city council to be necessary, the council shall make a final decision on the programs, projects and expenditures to be funded from the year's CDBG/HOME programs.
- (9) The city shall provide the task force and planning commission with the Consolidated Annual Performance Evaluation Report (CAPER) in conjunction with the city's submission to HUD. The CAPER and evaluation of program specific successes and challenges will be used in future CDBG/HOME recommendations to city council for projects and programs.
- (10) Once council has approved and funded a program, any reprogramming and budgetary changes will be done consistent with the citizen participation plan adopted by council.

(Ord. of 8-15-16(2))

Sec. 2-420. - Procedures for public hearings, meetings and records.

- (a) Plans or amendments, as required under this article shall be advertised in the manner provided by Code of Virginia, § 15.2-2204, and in accordance with the adopted citizen participation plan.
- (b) All meetings conducted pursuant to this article and all records of the CDBG and HOME programs shall be subject to the provisions of the Virginia Freedom of Information Act.

(Ord. of 8-15-16(2))

Sec. 2-421. - Reserved.

Editor's note— Ord. of Dec. 15, 2003, repealed § 2-421, which pertained to expiration of article. See also the Code Comparative Table.