

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 18, 2022
Action Required:	Consider modification to the Community Development Block Grant and HOME Taskforce (1 reading, public hearing required)
Presenter:	Erin Atak, Grants Coordinator
Staff Contacts:	Erin Atak, Grants Coordinator Alex Ikefuna, Interim Director Office of Community Solutions
Title:	CDBG and HOME Citizen Participation Plan Amendment

Background:

As an “Entitlement Community, the City receives the Community Development Block Grant (CDBG) and the HOME Investment Partnership funds each year to benefit low-moderate-income persons. The City is required to meet national objectives as defined by the United States Department of Housing and Urban Development (HUD). Funds may be spent for any activities permitted by the Housing and Community Development Act of 1974, as amended, and applicable federal regulations.

The CDBG/HOME Taskforce was established to make funding 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 the City Council annually. The CDBG/HOME Taskforce and its subcommittees evaluate CDBG and HOME programs to ensure consistence with the Consolidated Plan goals and to ensure that funding recommendations and evaluations are forwarded to City Council in accordance with the procedures set forth in code section 2-416, 2-417, 2-418, 2-419, and 2-420.

Discussion:

On January 14, 2021, the City of Charlottesville was issued a second timeliness infraction by HUD. The City of Charlottesville and its CDBG/HOME programs were found to be non-compliant and unable to carry out contractual obligations within HUD expenditure requirements set forth in 24 CFR 570.902. The City had several minor and substantial action plan amendments made within the FY2020-2021 to account for timeliness along with several contract obligations that did not meet CDBG/HOME requirements.

Many of these funded CDBG and HOME contracts and projects that faced reprogramming or recapture did not meet the initial HUD contractual obligations or staff recommendations when being reviewed by the CDBG/HOME Taskforce and subcommittees. Staff provided the Taskforce with background summary on all organizations with audit history, balances on open accounts, and concerns with timeliness for each applicant, however those considerations were not included during the review process which led to recapture and reprogramming of funds. Currently, staff is not able to provide input on the planning process of the CDBG and HOME budget within the City of Charlottesville to help prevent timeliness violation. Moving forward, it is recommended that the role of the CDBG/HOME Taskforce change to advisory of the CDBG/HOME funds and allow for City staff to have input in the funding recommendation process.

Community Engagement:

Members of the public were given the opportunity to voice their opinions during the 30-day public comment period held March 8, 2022, through April 8, 2022. A virtual public hearing was held during City Council meeting on April 18, 2022.

Alignment with City Council’s Vision and Strategic Plan:

Approval of this agenda item aligns directly with Council’s vision for Charlottesville to have **Economic Sustainability, Quality Housing Opportunities for All, and A Connected Community**. It contributes to variety of Strategic Plan Goals and Objectives including: Goal 1: Inclusive, Self-sufficient Community; Goal 3: Beautiful Environment; Goal 4: Strong, Diversified Economy; and Goal 5: Responsive Organization.

Budgetary Impact: None

Alternatives: Council may elect not to approve the recommendations.

Recommendation:

Staff recommends approval of the proposed Ordinance and the Proposed Amendment to the Citizen Participation Plan.

Attachments:

- Proposed Ordinance
Suggested motion: “I move the ORDINANCE to amend and re-enact Sections 2-417, 2-418 and 2-419 of the Code of the City of Charlottesville to establish a new CDBG and HOME Taskforce”
- Proposed Amendments to the Citizen Participation Plan
Suggested motion: “I move to approve the proposed amendments to the 2016 Citizen Participation Plan for the City’s CDBG and HOME Investment Partnership Act programs, as recommended by staff”.

AN ORDINANCE

To amend and reenact Sections 2-417, 2-418 and 2-419 of the Code of the City of Charlottesville, to establish a new CDBG and HOME Taskforce

Be it Ordained by the Council for the City of Charlottesville, Virginia that Section 2-417, 2-418, and 2-419 of Article XIII, Chapter 2 (XXXX) of the Charlottesville City Code, 2016, as amended, is hereby amended and reordained as follows:

Chapter 2: Administration

Article XIII: Community Development Block Grant Planning

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~~ City administration 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 of the programs, and for annual funding requests, shall be forwarded to the City administration 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~~ Thomas Jefferson Planning District Commission;
- (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.

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. The Priority neighborhood subcommittee shall make recommendations to the CDBG/HOME task force the City administration. The City administration shall submit final recommendations to the City Council for final approval for funding housing and community development needs, based on the consolidated plan and giving weight to the recommendations of the priority neighborhood subcommittee, and the City administration will work with the city priority neighborhood subcommittee 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 who will then formulate final recommendations the for consideration and 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.

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) The City administration staff assigned to and CDBG task force will together review

CDBG/HOME consolidated plan goals and applicable regulations to prepare 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, virtually when applicable, 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 administration staff with the CDBG/HOME task force will develop a request for proposals, consistent with 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, or designated subcommittee(s) as may be applicable.

(6) The CDBG/HOME task force shall provide funding recommendations to ~~the planning commission and~~ the City administration. ~~The task force's recommendations shall 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. Following receipt of the task force's recommendations, the City administration will review and score applications in with accordance with federal regulations set forth at 24 CFR 570.902(a) and make a final report and recommendation to City Council for approval. The City administration's final report and recommendation to City Council will include information regarding the task force's recommendations, and Review will also include a determination of consistency of proposed projects with the city's Consolidated Plan, comprehensive plan and affordable housing goal(s).

(7) The city council ~~and planning commission shall~~ will conduct a ~~joint~~ public hearing in accordance with federal regulations, 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.

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

[No changes proposed to this section]



City of Charlottesville Citizen Participation Plan

Draft for Public Comment
Adopted: July 18, 2016

CITY OF CHARLOTTESVILLE
CITIZEN PARTICIPATION PLAN (CPP)
COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME PROGRAMS

TABLE OF CONTENTS

	<u>PAGE NO.</u>
Section 1. INTRODUCTION	3
Section 2. SCOPE OF PARTICIPATION AND PARTICIPANT RESPONSIBILITIES	3
Section 3. CITIZEN PARTICIPATION CONTACT PERSON	4
Section 4. TECHNICAL ASSISTANCE	5
Section 5. PUBLIC HEARINGS	5
Section 6. PROGRAM INFORMATION/RECORDS ACCESS	8
Section 7. PROCEDURES FOR COMMENTS, OBJECTIONS AND CONCERNS	8
Section 8. AMENDMENTS	9
Section 9. AUTHORITY	11

SECTION 1. INTRODUCTION

Citizen involvement and participation are critical to all aspects of local government and governance. Accordingly, the City of Charlottesville has incorporated this into the City Council vision statement, as follows:

Smart, Citizen-Focused Government - The delivery of quality services is at the heart of Charlottesville's social compact with its citizens. Charlottesville's approach to customer service ensures that we have safe neighborhoods, strong schools, and a clean environment. We continually work to employ the optimal means of delivering services, and our decisions are informed at every stage by effective communication and **active citizen involvement**. Citizens feel listened to and are easily able to find an appropriate forum to respectfully express their concerns.

As required by the U.S. Department of Housing and Urban Development (HUD), the City of Charlottesville (City) must formalize a process for citizen involvement and participation by designating a Citizen Participation Plan (CPP) to provide for and encourage citizen participation in the Community Development Block Grant (CDBG) and HOME Investment Partnership Act (HOME) programs. This plan is an essential element of the City's present and future community development process and has been developed to comply with the regulations and requirements of the CDBG/HOME programs as regulated by the HUD.

The primary goal of this CPP is to provide citizens¹ of the community with adequate opportunity to participate in an advisory role in the planning (to include the Consolidated Plan, Annual Action Plan, and Assessment of Impediments to Fair Housing - AFH²), implementation, and assessment of the City's CDBG/HOME programs (to include the Consolidated Annual Performance and Evaluation Report – CAPER and AFH). The CPP sets forth policies and procedures for citizen participation, which are designed to maximize the opportunity for citizen participation in the community development process. Special emphasis will be placed on encouraging participation of persons that are often marginalized. This includes persons of low and moderate incomes, minorities, non-English speaking persons, and persons with disabilities.

Citizens are encouraged to participate in all phases of the CDBG/HOME programs and will be provided access to program information to the extent feasible and as allowed by law. The City will encourage the participation of local and regional institutions, the Continuum of Care

¹ Citizens include **all interested parties**, as well as residents, CDBG/HOME Task Force, and designated subcommittees (i.e., Priority Neighborhood and/or Economic Development subcommittees), in accordance with Section 2-417 and 2-418 of Article XIII of Chapter 2 of the Charlottesville City Code, 1990, as amended. Interested parties also refer to organizations that represent City neighborhoods as well as persons that would qualify for CDBG/HOME assistance.

² Affirmatively Furthering Fair Housing into 24 CFR 91.10 Consolidated Program Year, 24 CFR 91.105 Citizen Participation for Local Governments and 24 CFR 91.115 Citizen Participation for States.”

and other organizations³ in the process of developing and implementing the Consolidated Plan. The City will also encourage, in consultation with the Charlottesville Redevelopment and Housing Authority (CRHA), participation by residents of public and assisted housing developments.

SECTION 2. SCOPE OF PARTICIPATION AND PARTICIPANT RESPONSIBILITIES

The City will make reasonable efforts to provide for citizen participation during the community development process and throughout the planning, implementation and assessment of all CDBG/HOME programs undertaken by the City. The City will look to consider and include:

- a. Views of citizens regarding city-wide community development and housing needs, staff recommended priorities, proposed program/project⁴ changes or amendments and program performance as detailed within the CAPER and other relevant information;
- b. Participation of citizens in the development, review and ~~evaluation~~ recommendations to City administration of request for proposal(s) and associated responses by means of a CDBG/HOME Task Force and designated subcommittees (in accordance with Section 2-417 and 2-418 of Article XIII of Chapter 2 of the Charlottesville City Code, 1990, as amended);
- c. Discussion and input from citizens regarding funding recommendations as discussed with and evaluated by the ~~Planning Commission~~ City Council;
- d. Views of citizens on the proposed Annual Action Plan of the Consolidated Plan and the Consolidated Plan; and
- e. Views of citizens on the CPP and AFH including views on the analysis of Fair Housing data, assessment of Fair Housing issues and contributing factors, and identification of Fair Housing priorities and goals.⁵

All phases of the community development process will be conducted by local officials in an open manner. Citizens are encouraged to participate throughout the process and will be given access to program information during each phase of any CDBG/HOME program, as outlined herein.

The CDBG/HOME Task Force and designated subcommittees will hold various meetings in execution of their responsibilities, which will be noticed in advance as required by City policy. Such meetings will be held at City Hall, unless otherwise stated.

³ Other organizations are included, but not limited to: businesses, developers, non-profit organizations, philanthropic organizations and community and faith-based organizations including resident advisory boards, resident councils, resident management corporations, and other low-income residents in targeted revitalization areas.
⁴ Program, as used herein, refers to either the CDBG or HOME programs and is distinguished from projects and/or activities that are funded within a specific program.

⁵ The AFH is due in October 2017, prior to the City's next Consolidated Plan submission in 2018.

~~While the Planning Commission will review the recommendations of the CDBG/HOME Taskforce and designated subcommittees, the suggesting modifications or amendments as deemed necessary, The~~ final responsibility and authority for the development, implementation and performance review of the CDBG/HOME programs will reside with City Council.

SECTION 3. CITIZEN PARTICIPATION CONTACT PERSON

The City of Charlottesville Grants Coordinator will serve as the contact person for all matters concerning citizen participation activities. This person shall be responsible for overseeing citizen participation throughout the community development process and the implementation of all citizen participation activities and functions, except those which may be specifically delegated to other parties by this Plan.

The specific duties and responsibilities of the Grants Coordinator shall include, but not necessarily be limited to: disseminating program/project information; facilitating the citizen participation process; serving as a point of contact for program/project related inquiries; monitoring the citizen participation process; and proposing such amendments to the CPP as may be necessary.

The Grants Coordinator may be contacted at, Charlottesville City Hall - P.O. Box 911, 610 E. Market Street, Charlottesville, Virginia 22902, (434) 970-3182 during regular business hours (8:00am – 5:00pm), except for weekends and holidays. All questions concerning citizen participation in the community development process should be addressed to the Grants Coordinator.

SECTION 4. TECHNICAL ASSISTANCE

City administration shall provide technical assistance to citizens and other interested parties, especially those representative of low or moderate income persons, as may be requested and/or required to adequately provide for citizen participation in the planning, implementation and assessment of CDBG/HOME program(s).

Such technical assistance is intended to increase citizen participation in the community development decision making process and to ensure that such participation is meaningful. Technical assistance shall also be utilized to foster public understanding of CDBG/HOME program requirements and associated HUD regulations.

Technical assistance shall be provided upon request or during technical assistance workshops (e.g., CDBG/HOME application workshop). Technical assistance is meant to provide potential applicants, interested citizens, elected officials and others with general information regarding the CDBG/HOME programs and its rules, regulations, procedures and/or

requirements.

Technical assistance may be obtained at any time by contacting the Grants Coordinator.

SECTION 5. PUBLIC HEARINGS

Citizen participation in the community development process will be conducted on a community-wide basis and will actively involve the comments of all citizens, especially low and moderate income persons and/or groups representing such persons.

Public hearings will be held during all phases of the community development process, as outlined herein, to allow citizens to provide comments concerning the development and performance of CDBG/HOME programs/projects. The Grants Coordinator will respond to questions from citizens at each public hearing. Any questions that citizens may have concerning the CDBG/HOME programs/projects will be answered and their comments/suggestions will be received and documented as appropriate.

The City of Charlottesville will hold virtual public hearings in the event of a local state of declared emergency. Virtual meetings may be held online if a local or state emergency prevents staff or citizens from gathering in person or to provide additional opportunities for citizen participation during times of normal operation. Virtual meetings will be conducted using software that is free for participants and provides the ability for participants to ask questions in real time and for answers to be provided to all attendees. The software will allow accessibility for persons with disabilities and those with limited English proficiency. Meetings will be recorded and posted online on the City of Charlottesville's website.

5.1 Public Hearing Time and Location

All public hearings will be held in conjunction with City Council meetings (1st and 3rd Monday's every month at 7:00pm, unless otherwise noted/advertised) at City Hall which is accessible to all citizens, especially persons of low and moderate incomes⁶. This building is also accessible to persons with disabilities. Hearings may be held at an alternate location to be specified in the public hearing notice(s).

5.2 Priority Setting and Program Performance Public Hearing

At least one public hearing shall be held prior to the development of a request for proposal(s). The primary purpose of this public hearing shall be to solicit the views of citizens on city-wide community development and housing needs, staff recommended priorities, and program performance.

⁶City Hall is located on the east end of the downtown pedestrian mall, directly across from the downtown transit center which serves as the hub for the Charlottesville Area Transit (CAT) buses and free trolley service. Convenient bicycle racks and adequate parking are readily available, with the City providing a stamp for free parking at its Market Street Parking Deck during City Council meetings.

The objective of citizen participation at this stage is to provide meaningful, community-wide citizen input into the decision-making process during the assessment of community needs and the consideration of priorities.

Citizens will be provided with information concerning the CDBG/HOME programs at this public hearing. Such information shall include, but not necessarily be limited to: the goals and objectives of the CDBG/HOME programs; staff recommended priorities, the proposed CDBG/HOME budget for the upcoming fiscal year; and program performance. This public hearing will be publicly advertised at least 15 days in advance to allow time for public comment.

5.3 CDBG/HOME Project/Activity Amendment Public Hearings

To ensure adequate opportunity for citizen participation to facilitate potential CDBG/HOME project/activity changes, the City shall hold a public hearing on all substantial amendments which require Council approval. The primary purpose of this public hearing shall be to solicit the views of citizens on substantial changes to CDBG/HOME projects/activities (as defined in “Section 8 – Amendments”). Proposed amendments will be publicly advertised at least 30 days in advance to allow time for public comment.

For “minor” amendments (as defined in “Section 8 - Amendments”) and changes for which Council approval is not required, no additional citizen participation will be required.

5.4 Consolidated Plan, Annual Action Plan, and AFH Public Hearing

- (a) Development of Consolidated, Annual Action Plan, and AFH: Citizens of the City will be provided with the opportunity to comment on the Consolidated Plan and Annual Action Plan. The City shall hold at least one public hearing during the development of the Consolidated Plan and Annual Action Plan and will publicly advertise the hearing at least 30 days prior.
- (b) Amendment of Consolidated, Annual Action Plan, and AFH: Substantial amendments to the Consolidated and Annual Action Plan will be publicly advertised at least 30 days prior to the consideration of the amendments by the City Council to allow time for public comment. The 30 day public comment period also applies to any revision to the AFH before the revised AFH is submitted to HUD for review. All comments received will be handled pursuant to this CPP.

5.5 Citizen Participation Plan Public Hearing

Proposed changes to the CPP will be publicly advertised at least 15 days prior to the adoption or amendment of the CPP by the City Council to allow time for public comment. The proposed revisions will become effective immediately upon City Council’s approval.

5.6 Non-English Speaking and Limited English Proficiency Residents

The City will undertake all reasonable actions necessary to allow such persons to participate in the community development process. Such actions may include the provision of an interpreter and/or the provision of vital materials and notices in the appropriate language or format for persons with Limited English Proficiency, as required by the City's Limited English Proficiency Four Factor Analysis.

5.7 Public Hearing Notices

Notice of public hearings will be published in advance in a newspaper of general circulation, subject to the time frame as specified within this Section. Each notice of a hearing shall include the time, date, place, topics and procedures to be discussed. Information and materials related to noticed public hearings will be included with the City Council agendas at posted on-line at <http://www.charlottesville.org/departments-and-services/departments-a-g/city-council/council-agendas>.

5.8 Accessibility to Low and Moderate Income Persons

The public hearing procedures outlined herein are designed to promote participation by low and moderate income citizens. The City may take additional steps to further promote participation by such groups, or to target program information to these persons. Activities to promote additional participation may include targeted outreach efforts, holding public hearings at alternative accessible locations, and other reasonable efforts as may be deemed appropriate by City Council.

5.9 Accessibility to Persons with Disabilities

The locations of all public hearings will be held at locations accessible to persons with disabilities. Additionally, the City shall provide reasonable accommodations whenever the Grants Coordinator is notified in advance (at least seven business days) that one or more persons with a disability will be in attendance

5.10 Minimizing Displacement

The City will seek to minimize displacement as a result of CDGB/HOME implementation. In all instances, the City will follow the Uniform Act and HUD Handbook 1378.

SECTION 6. PROGRAM INFORMATION / RECORDS ACCESS

Citizens, public agencies and other interested parties will be provided full access to

CDBG/HOME program information during all phases.⁷ The City shall make reasonable effort to assure that CDBG/HOME program information is available to all citizens, especially those of low and moderate incomes or Limited English Proficiency, as required.

To facilitate access to CDBG/HOME program information, the Grants Coordinator will keep all documents related to the CDBG/HOME program on file in Offices of Community Solutions, City Hall - 610 E. Market Street, Charlottesville, VA 22902. This information will be made accessible during regular business hours from 8:30am – 4:00pm, except weekends and holidays. CDBG/HOME program information and materials, concerning specific CDBG/HOME projects/activities will be available and distributed to the public at the regularly scheduled public hearings as outlined in this Plan. Materials to be made available shall include all non-proprietary⁸ CDBG/HOME related information. HUD-provided data and other supplemental information that is incorporated into AFH will also be made available at the start of the participation process (or as soon as feasible after).

At a minimum, the draft and final versions of the Consolidated Plan, Annual Action Plan, CAPER, CPP, and AFH will also be available online at www.charlottesville.org. Substantial amendments to Consolidated Plan and Annual Action Plan and any revisions to the AFH will also be available online.

SECTION 7. PROCEDURES FOR COMMENTS, OBJECTIONS AND CONCERNS

The public hearings scheduled, as described herein, are designed to facilitate public participation in all phases of the community development process. Citizens are encouraged to submit their views and proposals on all aspects of community development and housing at these public hearings. However, to ensure that citizens are given the opportunity to assess and comment on all aspects of the community development program on a continuous basis, citizens may, at any time, submit written comments or concerns to the City.

Any citizen or citizen's group desiring to comment or object to any phase of the CDBG/HOME programs/projects should submit such comments or objections in writing to the Grants Coordinator. The City will consider the comments or views of citizens, whether received in writing or orally at the public hearings, in preparation of the final Consolidated Plan or final AFH. A summary of any comments or views and a summary of any comments or views not accepted and the reasons why, will be attached to the final Consolidated Plan or final AFH. Should, after a reasonable period, a party believe that his/her comment or complaint has not been properly addressed or considered by the Grants Coordinator then the aggrieved party may appeal his/her case to the Director of Neighborhood Development Services.

⁷ Access to records associated with the Consolidated Plan and AFH as well as use of assistance under the CDBG/HOME programs will be provided for a minimum of the preceding five years as required by 24 CFR 91.105(h).

⁸ In no case shall the City disclose any information concerning the financial status of any program participant(s) which may be required to document program eligibility or benefit. Furthermore, the City shall not disclose any information which may be deemed of a confidential nature.

The Grants Coordinator shall make every effort to provide written responses to citizen proposals or concerns within fifteen (15) working days of the receipt of such comments or concerns where practicable. Should the City be unable to sufficiently resolve an objection or complaint, it may be forwarded by the aggrieved party to HUD.

Citizens may, at any time, contact the City and/or the HUD directly to register comments, objections or concerns related to the City's CDBG/HOME program(s). Citizens are encouraged, however, to attempt to resolve any complaints at the local level as outlined above prior to contacting HUD.

All comments or complaints submitted to the City or HUD shall be addressed in writing to:

City of Charlottesville
Neighborhood Development Services
Office of Community Solutions
Attn: Grants Coordinator
610 E. Market Street
P O Box 911
Charlottesville, Virginia 22902
Phone: (434) 970-3182
Fax: (434) 970-3359

Or:

U.S. Department of Housing and Urban Development
Virginia Field Office
600 E. Broad Street, 3rd Floor
Richmond, VA 23219-4920
Phone: (804) 842-2610
Fax: (804) 877-8339

Records of all comments, objections and/or concerns by citizens regarding the City's CDBG/HOME program and subsequent action taken in response to those comments shall be maintained on file at NDS and shall be made available for public review upon request.

SECTION 8. AMENDMENTS

Amendments to the Consolidated Plan and Annual Action Plan

The City shall amend its approved Consolidated Plan whenever it makes one of the following decisions:

- To make a change in its allocation priorities or a change in the method of distribution of funds;
- To carry out a project/activity, using funds from any program covered by the Consolidated Plan (including program income), not previously described in the Annual Action Plan; or
- To change the purpose, scope, location, or beneficiaries of a project/activity.

Amendment, Minor: A change to a previously adopted Five-Year Consolidated Plan or Annual Action Plan that does not meet the thresholds to qualify as a Substantial Amendment. This includes:

- Monetary changes or shifts, regardless of size that are: (1) necessary for substantially preserving all the programs and activities identified in an Action Plan; and (2) when circumstances required development and submission of an Action Plan based on entitlement estimates and actual entitlement amounts differed significantly.
 - Updates to Consolidated Plan data including, but not limited to, census data, income limits, fair market rents, and HOME high/low market rents.
 - Changes in location of an approved project or activity so long as the purpose, scope and intended beneficiaries remain constant.
 - Transfer of entitlement funds amongst program years' budget lines for synonymous projects or activities.
 - Transferring funds to a different subrecipient for the same program or project with equivalent program guidelines and requirements.
 - Updates to Impediments to Fair Housing Choice and recommendations to address such Impediments as provided in the most recent applicable Analysis of Impediments to Fair Housing Choice (AI) or Analysis of Fair Housing (AFH) document.

The City considers the following conditions to be substantial amendment criteria needed to amend the Consolidated Plan and Annual Action Plan and projected use of funds. A minor amendment is a change not listed below:

- A new program or project/activity is proposed for funding that was not previously identified in the Consolidated Plan and/or Action Plans;
- A program/project/activity that was listed in the Consolidated Plan and/or Annual Action Plan is eliminated during the program year; and
- The City increases/decreases funding for a listed project/activity or program category (e.g. economic development, public facilities, public services, administration and planning, etc.) by more than 50 percent.

A change in the federal funding level after the draft Consolidated Plan is published and the resulting effect on the distribution of funds will not be considered a substantial amendment.

Amendments to CDBG/HOME Program and Projects/Activities

The City will assure the opportunity for citizen participation during the implementation of the CDBG/HOME programs when “substantial” amendments/changes to a project/activity are

under consideration by the City. A substantial amendment is defined based on the following:

1. A proposed change in the dollar amount spent on projects/activities of more than 25% of the total CDBG/HOME project costs (capped at \$5,000);
2. A proposed change in direct beneficiaries of the program so as to lower the total number of low and moderate income beneficiaries by more than 15 percent;
3. A proposed change in the scope of a project so as to modify/alter the project description in such a way that substantially changes the purpose, scope, or location of the original project/activities/beneficiaries. Substantial changes will be determined on a case by case basis by the ~~NDS~~ OCS Director.

Amendments to Citizen Participation Plan

The City may modify the provisions outlined herein through amendments. All amendments shall be approved by resolution of the City Council and shall be incorporated into the CPP.

Amendments to AFH

Revisions to the AFH will be required when a material change occurs. A material change is a change in circumstances in the jurisdiction of a program participant 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 the actual circumstances.⁹

SECTION 9. AUTHORITY

No portion of this CPP shall be construed to restrict the responsibility and authority of the elected officials of the City in the development, implementation, performance review and execution of any CDBG/HOME Program.

⁹ Examples of material changes include, but are not limited to 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 program participant's area that are of such a nature as to significantly impact the steps a program participant may need to take to affirmatively further fair housing; significant demographic changes; new significant contributing factors in the participant's jurisdiction; and civil rights findings, determinations, settlements (including Voluntary Compliance Agreements), or court orders.