

# **Citizen Participation Plan for the City of Berkeley**

## **1. Encouragement of Citizen Participation**

Since the City of Berkeley began receiving the Community Development Block Grant (CDBG, in the mid-1970s), Emergency Solutions Grant (ESG, in the late 1980s), and HOME Partnership for Investment (HOME, in 1990) Programs, the City has incorporated full opportunities for citizens to participate in planning, development, and review of proposals for funding from these entitlement programs. As required by federal regulations from the U.S. Department of Housing and Urban Development (HUD)<sup>1</sup>, citizens must be provided with a reasonable opportunity to participate in an advisory role in planning, implementing and assessing those programs and proposals.

This Citizen Participation Plan (CPP) sets forth policies and procedures to provide for and encourage participation by the residents of Berkeley in the development of the City's Consolidated Plan for Housing and Community Development (Consolidated Plan) and subsequent Annual Action Plans. The CPP also applies to any substantial amendments to the Consolidated Plan and to the preparation of the Consolidated Annual Performance and Evaluation Report (CAPER), which evaluates progress toward the Consolidated Plan objectives. The City of Berkeley submits a Consolidated Plan to HUD every 5 years and an Annual Action Plan to HUD every year. These documents are due to HUD by May 15. The CAPER is submitted to HUD by September 30 each year.

Interested groups and individuals are encouraged to provide input into all aspects of the City's consolidated planning activities – from assessing needs and setting priorities through performance evaluation. This CPP offers numerous opportunities for citizens to contribute information, ideas, and opinions about ways to provide decent housing, establishing and maintaining a suitable living environment, and expanding economic opportunities, particularly for low- and moderate-income persons.

In developing its Consolidated Plan, Annual Action Plans, Substantial Amendments, CAPER, Analysis of Impediments to Fair Housing Choice and Section 108 applications to HUD, the City will take appropriate actions to encourage the participation of all of its citizens including:

- Low- and moderate-income persons, particularly those living in areas where federal funds are proposed to be used;
- Residents of predominantly low- and moderate-income neighborhoods;

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<sup>1</sup> The specific citizen participation plan requirement is stated in 24 CFR Part 91.105. HUD Consolidated Planning regulations may be viewed online at <http://www.hud.gov/offices/cpd/about/ConsolidatedPlan/index.cfm>.

- Minorities;
- People with Limited English Proficiency;
- People with Disabilities; Residents of public and other assisted housing developments; and
- Local and regional institutions, the regional Continuum of Care (known as Everyone Home) and other organizations (including businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations).

The City of Berkeley is committed to keeping all interested groups and individuals informed of each phase of the consolidated planning process, and of activities being proposed or undertaken under HUD entitlement programs. Opportunities to comment on or participate in planning community development and affordable housing activities and projects will be publicized and disseminated as widely as possible in Berkeley.

## **2. Public Hearings**

The City of Berkeley will conduct at least two public hearings each year to obtain citizens' views and to respond to proposals and questions. The hearings are usually held before the Housing Advisory Commission which meets in South Berkeley in the City's Neighborhood Strategy Area and/or before City Council. Hearings will take place at different stages of the consolidated planning process and together address:

- housing and community development needs;
- the proposed use of program funds, and
- program performance during the past year.

At least one hearing will be held in the fall (usually in October before the Housing Advisory Commission), to solicit feedback on the City's housing and community development needs and to review program performance during the past year. In addition, at least one hearing will be held in the spring (usually in March, before the Housing Advisory Commission, and/or April, before City Council) to solicit comments on the draft Consolidated Plan and/or Annual Action plans, which include the proposed use of CDBG, ESG and HOME funds. The information provided to the public on or before the public hearing will include:

- The amount of assistance the local government expects to receive (including grant funds and program income);
- The range of activities that may be undertaken;
- The estimated amount of funding that will benefit persons of low- and moderate-incomes; and
- The City's plan to minimize displacement of persons and to assist any person displaced<sup>2</sup>, specifying the types and levels of assistance the City will make

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<sup>2</sup> In making anti-displacement and relocation information available to affected persons, the City shall follow the procedures identified for the federal Uniform Relocation Act (42 U.S.C. 4601 *et seq.*, 42 U.S.C. 4621 *et seq.*, and 42 U.S.C. 4651 *et seq.*), and the City's Relocation for Repairs Ordinance (Berkeley Municipal Code Chapter 13.84.). The City of Berkeley will continue to make available on its web site anti-displacement and relocation information. This online resource may be viewed at

available (or require others to make available) to persons displaced, even if no displacement is expected to occur.

This information will be presented at the public hearing and is contained in the text of the Consolidated Plans and Annual Action Plans under review.

### Public Hearings During a Local, Regional or National Disaster or Emergency

In the event of an unforeseen and unpreventable event that renders in-person public gathering impossible or inadvisable, such as but not limited to a disaster or pandemic, public hearings may be held as a virtual meeting.

The City will ensure a public hearing is structured in a manner that will still allow for reasonable access and participation in the meeting. Meeting formats may include webinars, webcasts, telecasts, radio or audio broadcasts, or other virtual communication tools as appropriate for the meeting format. Virtual meetings shall provide, at a minimum, an opportunity for the public to publicly ask questions and for the presenter or public officials to make public response. All questions and responses shall be documented, either via text, such as meeting minutes or chat scripts, or recorded, or as appropriate for the meeting format. Virtual meetings shall be publicly noticed, and in the event traditional noticing tools are unavailable or will not effectively reach the public, alternative public noticing efforts must be made and documented.

### **3. Public Hearing Notices and Outreach**

Information about the time, location, and subject of each hearing will be provided to citizens at least two weeks in advance by publication in a local newspaper, via email distribution lists, and via publication on the City's website, [www.cityofberkeley.info](http://www.cityofberkeley.info). Targeted outreach developed specifically for informing low- and moderate-income persons, particularly those residing in the NSA, minorities, residents of public and other affordable housing, and persons with disabilities will take place via distribution of notices to providers of services to these populations, including the Berkeley Housing Authority and non-profit affordable housing developers in Berkeley. Published notices will include instructions in Spanish and Chinese directing speakers of Spanish and Chinese to contact staff for translation or interpreting services. Outreach to Everyone Home, local businesses, Berkeley-based developers, nonprofit organizations, philanthropic organizations, and other community-based and faith-based organizations, will take place via notices sent to these organizations via email and/or regular mail.

Every effort will be made to ensure that public hearings are inclusive. Hearings will be held at convenient times and locations, preferably in the evening and in places where people most affected by proposed activities can attend. The City will utilize facilities, such as the City's Senior Centers, which are accessible to persons with mobility impairments. If notice is given at least seven days before a hearing date, the City will

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<https://www.cityofberkeley.info/ContentDisplay.aspx?id=4956#:~:text=Permanent%20or%20temporary%20relocation%20often%20creates%20hardships%20for%20tenants.&text=The%20City%20Relocation%20Ordinance%20requires,associated%20with%20being%20temporarily%20displaced> .

provide appropriate materials, equipment, and interpreting services to facilitate the participation of non-English speaking people and people with visual and/or hearing impairments. Interpreters will be provided at public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

Public Hearing notices and citizen participation outreach related to the City's Housing Trust Fund (HTF) allocation process will follow the policies and procedures outlined in the HTF Guidelines, which can be found here:

<http://www.cityofberkeley.info/ContentDisplay.aspx?id=6532>

#### Noticing and Outreach During a Local, Regional or National Disaster or Emergency

In certain circumstances, HUD has permitted grantees to determine what constitutes reasonable notice and opportunity to comment given unique circumstances.

In the event of an unforeseen and unpreventable event that renders in-person public noticing, outreach and/or gatherings impossible or inadvisable, such as but not limited to a disaster or pandemic, public noticing and outreach will follow all reasonable above-mentioned electronic noticing. To the extent possible this will include publication in a local newspaper, email distribution lists, and publication on the City's website.

HUD may also grant additional noticing waivers for CDBG, ESG, and HOME funds during an event. This includes, but is not limited to, Emergency Solution Grant (ESG) funds that are not subject to the consultation and citizen participation requirements that otherwise apply to the Emergency Solutions Grants. However each recipient must publish how its allocation has and will be used, at a minimum, on the Internet at the appropriate Government web site or through other electronic media.

#### **4. Publication of the Proposed Consolidated Plan and Annual Action Plans**

The City will publish proposed Consolidated Plans and Annual Action Plans in a manner that affords citizens, public agencies, and other interested parties a reasonable opportunity to examine its contents and submit comments. The proposed Consolidated Plan (or "public comment draft") shall include:

- The amount of assistance the City expects to receive (including grant funds and program income); and
- The range of activities that may be undertaken, including the estimated amount that will benefit persons of low- and moderate-incomes.

A summary of the proposed Consolidated Plan and/or Annual Action Plan will be published in one or more newspapers of general circulation at the beginning of the required public comment period. The summary will describe the contents and purpose of the plan (including a summary of specific objectives), and include a list of locations where copies of the entire proposed Consolidated Plan and/or Annual Action Plan may be obtained or examined. The following are among the locations where copies of the

public comment draft will be made available unless these facilities are closed due to local, regional or national disaster or emergency:

- Berkeley Main Library: Reference Desk, on the 2<sup>nd</sup> Floor, 2090 Kittredge Street, Berkeley; and
- Housing & Community Services Department, 2180 Milvia Street, 2<sup>nd</sup> Floor, Berkeley.

Citizens and groups may obtain a reasonable number of free copies of the proposed Consolidated Plan and/or Annual Action Plan by contacting the Housing & Community Services Department at (510) 981-5400 or [HHCS@cityofberkeley.info](mailto:HHCS@cityofberkeley.info).

### **5. Public Comments on the Proposed Consolidated Plan and/or Annual Action Plan**

The City of Berkeley will receive comments from citizens on its proposed Consolidated Plan and/or Annual Action Plan for a period not less than 30 days prior to submission of the Plan(s) to HUD. All comments or views of citizens received in writing or orally at public hearings will be considered in preparing the final Plan(s). A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefore shall be attached to the final Plan(s). Oral comments outside of the public hearing will not be considered, unless they are also provided directly to staff via email, letter, or other legible written form at the address provided in Section 4, above. The final version of the Consolidated Plan and/or Annual Action Plan as submitted to HUD will be posted on the City's webpage.

#### Public Comment During a Local, Regional or National Disaster or Emergency

In the event of an unforeseen and unpreventable event that requires timely action, HUD may provide guidance and waivers to the 30 day public comment period allowing for expedited procedures on public comment if adopted by the grantee in the citizen participation plan. At minimum, the public comment period shall provide citizens with notice and a reasonable opportunity to comment of no less than 5 days.

### **6. Amending the Consolidated Plan and the Annual Action Plan**

HUD regulations at 24 CFR Part 91.505 require amendments to the Consolidated Plan and Annual Action Plans whenever an entitlement jurisdiction:

- Makes a change in its allocation priorities or a change in the method of distributing funds;
- Becomes aware of HUD-imposed regulatory changes guiding planning, reporting, monitoring, and evaluation requirements;
- Carries out an activity, using funds from any program covered by the Consolidated Plan (including program income), not previously described in the Action Plan; or
- Changes the purpose, scope, location, or beneficiaries of an activity.

Some amendments will be considered substantial while others will be considered to be not substantial. All nonsubstantial amendments, including those required by HUD regulations, will be considered narrative changes to be completed by the City Manager in consultation with City staff, and will be published in the plans and online within a reasonable time after they are made. A proposed amendment is considered substantial when:

- A proposed action or change that may create a significant community impact. A significant community impact is defined as either:
  - Any federal grant-funded project or activity that results in a significant environmental impact as that term is defined pursuant to the National Environmental Policy Act (NEPA) (42 U.S.C. 4231 *et seq.*); or
  - Any federal grant-funded project or activity that generates relocation of at least 20 resident households and/or two existing businesses which are subject to the federal Uniform Relocation Act (42 U.S.C. 4601 *et seq.*, 42 U.S.C. 4621 *et seq.*, and 42 U.S.C. 4651 *et seq.*).
- Changes in the use of CDBG funds from one eligible activity category to another (for example, from housing to public services, or to any other broad category within CDBG funding).<sup>3</sup>
- Changes in the use of Emergency Solutions Grant (ESG) funding from one of the following categories to another: 1) Emergency Shelter/Street Outreach, 2) Homeless Prevention/Rapid Re-housing, and 3) Homeless Management Information

The need to prepare a substantial amendment shall trigger use of the public participation requirements described below.

#### **7. Public Notice of and Public Comment on Substantial Amendment.**

Once drafted, the City of Berkeley shall make the substantial amendment public and submit it to the Housing Advisory Commission for its review, comment, and recommendation to the City Council. Notice and opportunity to comment will be given to citizens through public notices in local newspapers and other appropriate means, such as the targeted distribution lists described above in Section 3. A public comment period of not less than 30 days will be provided prior to implementing any substantial amendments to the Consolidated Plan and/or Annual Action Plan. Housing and Community Services Department staff will prepare a summary of all comments received and, in cases where any citizens' views are not accepted, provide reasons for the decision. This documentation will be attached to the substantial amendment, which will be available to the public and submitted to HUD.

#### **Public Comment During a Local, Regional or National Disaster or Emergency**

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<sup>3</sup> A substantial change shall not include budget modifications within an approved budget for a project where there is an increase and/or a decrease of federal funds from one eligible activity budget line item to another eligible activity budget line item, within the same project or contract budget. This does not include the transfer of funds between different contracted projects.

In the event of an unforeseen and unpreventable event that requires timely action, HUD may provide guidance and waivers to the 30-day public comment period allowing for expedited procedures on public comment if adopted by the grantee in the citizen participation plan. At minimum, the public comment period shall provide citizens with notice and a reasonable opportunity to comment of no less than 5 days.

## **8. Preparation of the Consolidated Annual Performance and Evaluation Report (CAPER)**

Performance reports on programs covered by the Consolidated Plan/AAP are to be prepared by the City of Berkeley for annual submission to HUD by September 30. The City of Berkeley shall provide a preliminary draft of the CAPER to the Housing Advisory Commission and publish a notice announcing that the public shall have no less than 15 days to review and comment on the document. The CAPER shall be placed on view at the same public places where the Consolidated Plan/AAP shall be made available, and posted to the City's website.

All public comments received orally at public hearings or submitted in writing regarding the CAPER will be considered and a summary of these comments or views and staff responses shall be attached to the document. The City shall encourage commissioners and members of the public to review the performance detailed in the CAPER during the Fall public hearing.

## **9. Access to Records**

A reasonable number of free copies of the City of Berkeley Consolidated Plan for Housing and Community Development, Annual Action Plan, the Consolidated Annual Performance and Evaluation Report, as well as all amendments to the Consolidated Plan and Annual Action Plan will be available to citizens and groups requesting them. These documents shall be maintained for not less than 5 years on the City's web site. Materials will also be made available in a form accessible to persons with disabilities upon request.

## **10. Technical Assistance**

The City shall make available, upon request, technical assistance to groups representing persons of low- and moderate-income (and other special needs) that request such assistance in developing proposals for funding assistance under any of the programs covered by the Plans. The City shall also hold at least one workshop for community agencies applying for City funding on or near the time of issuance of a Request for Proposals to explain issues related to various funding sources available, eligible activities, the application process itself, and to answer any questions applicants may have.

## **11. Citizen Complaints**

**Citizen Participation Plan for the City of Berkeley**  
**September 15, 2020**

The City of Berkeley shall accept written complaints and provide a substantive written response to any written citizen complaint within a reasonable period of time, not to exceed 15 working days, when the complaint concerns the Consolidated Plan, Annual Action Plans, amendments thereto, and performance reports.

Complaint, comments and questions should be directed to:

CDBG Coordinator  
Housing & Community Services Department  
City of Berkeley  
2180 Milvia Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704  
[HHCS@cityofberkeley.info](mailto:HHCS@cityofberkeley.info)  
(510) 981-5400